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Public notice was given to *The Register-Guard* for publication on December 17, 1996.

**LANE TRANSIT DISTRICT
SPECIAL BOARD MEETING**

**December 19, 1996
12:00 p.m.**

**LTD BOARD ROOM
3500 E. 17th Avenue, Eugene
(off Glenwood Blvd.)**

(PUBLIC TESTIMONY WILL NOT BE HEARD AT THIS MEETING.)

A G E N D A

- I. ROLL CALL
Bailey _____ Bennett _____ Hocken _____ Kleger _____
Montgomery _____ Murphy _____ Saydack _____
- II. CALL TO ORDER
- III. DISCUSSION OF TRANSIT ISSUES WITH LOCAL AREA'S STATE SENATORS AND REPRESENTATIVES
- IV. ADJOURNMENT

Alternative formats of printed material (Braille, cassette tapes, or large print) are available upon request. A sign language interpreter will be made available with 48 hours' notice. The facility used for this meeting is wheelchair accessible. For more information, please call 741-6100 (voice) or 687-4265 (TTY, for persons with hearing impairments).

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OREGON TRANSPORTATION INITIATIVE

Preserving our state's quality of life, while ensuring a prosperous economy, requires a healthy, efficient network of well-planned roads, ports, transit, and rail. For the last four years, however, investment in our state's transportation system has failed to keep up with inflation and population growth. As a result, our existing roads and highways have begun to deteriorate and we are losing our ability to meet the demands new residents and our strong economy place on the transportation system.

Oregon Transportation Initiative

To meet these challenges, dozens of Oregonians spent much of this year reviewing the issues and developing possible solutions. The result of their work is the *Oregon Transportation Initiative*.

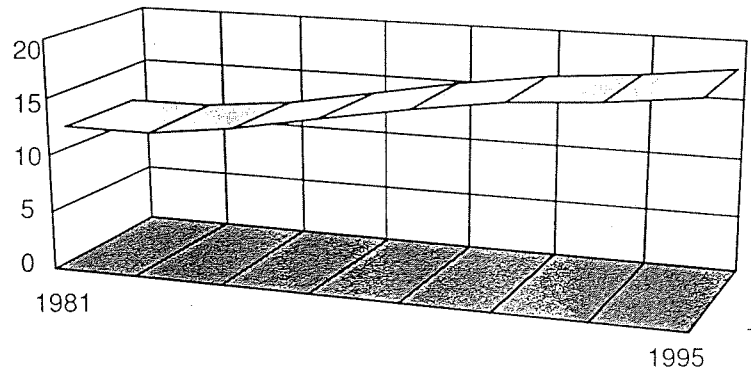
The Oregon Transportation Initiative (OTI) makes recommendations for how to better design, manage, and fund Oregon's transportation system. The OTI recommends:

- New revenues.
- Decentralized decision-making.
- Improved efficiency.
- Dedicated funds for both the preservation and maintenance of the existing system.
- Dedicated funds for expansion and modernization.

By implementing the recommendations of this initiative, Oregon can preserve its existing infrastructure and provide the resources necessary to manage growth and promote economic opportunity.

These proposals were formalized by the five regional committees and one statewide committee which developed the OTI. The OTI identified the need for an additional \$391 million per biennium to operate, maintain and preserve existing roads and highways and to expand capacity to accommodate growth.

While Governor Kitzhaber supports the need for additional revenue to maintain and preserve our existing system and to add capacity to accommodate growth, he believes it is equally important to recognize that simply building new roads and highways will not reduce congestion nor sustain our quality of life.



BILLIONS OF VEHICLE MILES DRIVEN

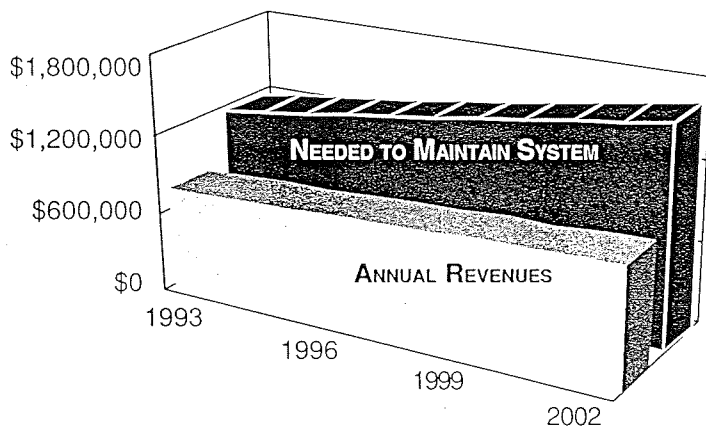
Efficiency First

Governor Kitzhaber believes that before adding new capacity to the transportation system, we must ensure that all land use and transportation management measures have been taken to maximize the efficiency of and recapture capacity on the existing system. The OTI begins to address this issue through the *livability and economic opportunity* criteria which must be met in order to gain access to funds for highway expansion and modernization.

To reduce congestion and maintain our quality of life into the 21st century will also require that we change how and when individual Oregonians use their transportation system. In order to provide incentives for Oregonians to use the transportation system in a more efficient way, Oregon must change the way it funds the system.

Current Transportation System Funding

Currently, gasoline and weight mile taxes are the primary sources of funds for the transportation system. The gasoline tax, however, is not a road use tax but rather a fuel use tax. People pay the same tax whether they drive at peak traffic hours or during off periods, whether they drive alone or with passengers.

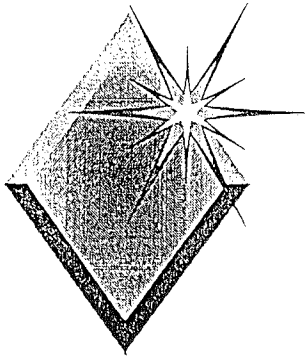


In order to more closely link revenue sources to system use and demand, different methods of funding are needed. Financing the OTI should include a mileage-based user fee which would provide a foundation for future assessments based on facility costs, time of day use, and pollution. Another fee based on transportation access would fund a broader set of alternatives to automobile use.

HIGHWAY NEEDS VS REVENUES

Working To Craft the Specifics

Governor Kitzhaber is dedicated to implementing the recommendations of the OTI — as well as other recommendations — to deal with the immediate funding needed to stem the serious deterioration of our existing road system and to address some critical capacity expansion needs. He will work with legislators and affected parties to craft the specifics of the financing proposal.



TWO TRANSPORTATION FUNDS

Operations, Maintenance, & Preservation

Motor Vehicle Fuel Taxes

Weight Mile Taxes

Vehicle Registration Fee

Studded Tire Fee

Livability & Economic Opportunity

Vehicle Miles Traveled Registration Fee

Transportation System Access Fee

Fee per Household - Charged thru Utility

Tolling

DRAFT

Description of Funding Proposal

1. Create two funds, one for Operations, Maintenance and Preservation (OM&P), and one fund for Livability and Economic Opportunity (LEO) improvements to the system.
2. Keep the existing state gas tax, weight mile and vehicle registration fees in the OM&P fund. Apply existing cost responsibility practices to this fund.
3. For projects that add new capacity, create a new Livability and Economic Opportunity fund, and fund with vehicle registration fee increases measured by a space occupied method of cost responsibility (passenger car equivalent/vehicle miles traveled), and with new sources beyond direct highway users such as system access fees.

NEW SOURCES OF TRANSPORTATION REVENUE

Vehicle Registration Fees Based On Miles Traveled (VMT Registration Fee)

Vehicle registration fees would be determined on the basis of the number of miles each registered vehicle is driven annually. The fee structure would be graduated to create an incentive for vehicle owners to drive fewer miles. Mileage below a yet to be established minimum would be charged a flat rate. The concept is similar the fee structure used by public utilities in setting rates for use of natural gas and electricity.

Transportation System Access Fee

Growth in population and employment place demands on the transportation infrastructure that user fees do not pay for alone. Households and employers would be assessed a monthly fee for transportation needs related to the growth of Oregon's communities.

69th OREGON LEGISLATIVE ASSEMBLY-1997 Regular Session

House / Senate Bill _____

Sponsored by the _____ COMMITTEE (on the request of _____.)

SUMMARY

Amends the mass transit statutes to provide for acquiring land for developing facilities and constructing, acquiring and operating motor vehicles, parking facilities as necessary or desirable for the operation of the mass transit system. Parallels the present power to construct, purchase and operate all facilities necessary or desirable for the mass transit system.

A BILL FOR AN ACT

Relating to mass transit districts; creating new provisions; amending ORS 267.010 and 267.200.

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

SECTION 1. ORS 267.010 shall be amended as follows:

(Generally)

267.010 Definitions for ORS 267.010 to 267.390. As used in ORS 267.010 to 267.390, unless the context requires otherwise:

- (1) "District" means a mass transit district established under ORS 267.010 to 267.390.
- (2) "District board" or "board" means the board of directors of a district.
- (3) "Mass transit system" or "transit system" means the property, equipment and improvements of whatever nature owned, used, constructed, maintained, controlled or operated to provide mass transportation for passengers or to provide for the movement of people, including park-and-ride stations, transfer stations, parking lots, malls, skyways and other public or ancillary commercial facilities that facilitate the operations of the system, provided that nothing contained herein shall limit the power of a city to exercise its general powers over or provide such stations, lots, malls, [ø] skyways, or other facilities.
- (4) "Standard metropolitan statistical area" means an area designated and published by the United States Bureau of the Budget as a standard metropolitan statistical area.

SECTION 2. ORS 267.200 shall be amended as follows:

(Powers)

267.200 Existence, status and general powers of districts. A district shall constitute a municipal corporation of this state, and a public body, corporate and politic, exercising public power. It shall be considered a unit of local government for the purposes of ORS 190.003 to 190.110, a public employer for the purposes of ORS 236.610 to 236.640, and a political subdivision for the purpose of ORS 33305.620. A district and its contractors engaged in operate motor vehicles to provide mass transportation on behalf of the district shall be entitled to tax refunds as allowed under ORS 319.831 to incorporated cities. It shall have full power to carry out the objects of its formation and to that end may:

- (1) Have and use a seal, have perpetual succession, and sue and be sued in its own name.
- (2) Acquire by condemnation, purchase, lease, devise, gift or voluntary grant real and personal property or any interest therein, located inside the boundaries of the district and take, hold, possess and dispose of real and personal property purchased or leased from, or donated by, the United States, or any state, territory, county, city or other public body, nonprofit corporation or person for the purpose of providing or operating a mass transit system in the district, **and developing public or ancillary commercial facilities necessary or desirable for, or that facilitate the operations of, the mass transit system** and aiding in the objects of the district.
- (3) Contract with the United States or with any county, city, state, or public body, or any of their departments or agencies, or a nonprofit corporation, or any person, for the construction,

acquisition, purchase, lease, preservation, improvement, operation or maintenance of any mass transit system.

(4) Build, construct, purchase, lease, improve, operate and maintain, subject to other applicable provisions of law, all improvements, ~~[facilities or]~~ equipment, **or public or ancillary commercial facilities** necessary or desirable for, **or that facilitate the operations of,** the mass transit system of the district.

(5) Enter into contracts and employ agents, engineers, attorneys and other persons and fix their compensation.

(6) Fix and collect charges for the use of the transit system and other district facilities.

(7) Construct, acquire, maintain and operate and lease, rent and dispose of passenger terminal facilities, motor vehicle parking facilities and other facilities for the purpose of encouraging use of the mass transit system, **and develop public or ancillary commercial facilities necessary or desirable for, or that facilitate the operations of,** the mass transit system within the district

(8) Enter into contracts under ORS 190.003 to 190.620 with units of local government of the State of Oregon, whether within or without the district, or with the State of Washington or with public agencies of the State of Washington, to act jointly or in cooperation with them or to provide mass transit services to areas under their jurisdictions, provided that the party contracting to receive the services shall pay to the mass transit district not less than the proportionate share of the cost of the services that the benefits to the contracting party bear to the total benefits from the service.

(9) Conduct programs and events and take other actions for the purpose of improving or maintaining employee relations.

(10) Improve, construct and maintain bridges over navigable streams subject only to ORS 382.125.

(11) Do such other acts or things as may be necessary or convenient for the proper exercise of the powers granted to a district by ORS 26.010 to 267.390.

Capt. Theresa L. Martin
Program Manager
Private Security
License and Certification



Oregon

BOARD ON PUBLIC

SAFETY STANDARDS

AND TRAINING

550 N. Monmouth Ave.
Monmouth, Oregon 97361-1330
(503) 378-2100 Ext. 244
FAX (503) 838-8907
Info. Line 378-3347

REGULATION OF PRIVATE SECURITY SERVICE PROVIDERS

181.870 Definitions. As used in ORS 181.620, 181.870 to 181.889, 181.991 and 203.090:

(1) "Advisory committee" means the private security advisory committee created in ORS 181.889.

(2) "Board" means the Board on Public Safety Standards and Training.

(3) "Certification" means recognition by the board that a private security officer

meets all of the qualifications listed in ORS 181.875.

(4) "Director" means the executive director of the board.

(5) "Employee" means an individual who renders personal services wholly or partly in this state to an employer who pays or agrees to pay the individual at a fixed rate. "Employee" includes an applicant for employment to perform security services.

(6) "Employer" means a proprietary security manager or a security contractor.

(7) "License" means recognition by the board that an employer meets the requirements necessary to provide security services.

(8)(a) "Private security officer" means an individual who:

(A) Performs, as one of the individual's primary responsibilities, security services for consideration as an independent contractor or as an employee, whether armed or unarmed, full time or part time or in uniform or plain clothes; or

(B) Is the immediate supervisor of an individual described in subparagraph (A) of this paragraph.

(b) "Private security officer" does not include an individual while on active duty as a member of the armed services or while performing duties as a law enforcement officer.

(9) "Proprietary security manager" means an individual employed by a person or entity, other than a security contractor, whose responsibilities include implementing security services provided by a private security officer.

(10) "Security contractor" means any person that provides the services of one or more private security officers for consideration.

(11) "Security services" means the performance of at least one of the following:

(a) The observation and reporting of any unlawful activity.

(b) The prevention of theft or misappropriation of any goods, money or other items of value.

(c) The protection of individuals or property, including, but not limited to, proprietary information, from harm or misappropriation.

(d) The control of access to premises being protected.

(e) The secure movement of prisoners.

(f) The maintenance of order and safety at athletic, entertainment or other public activities.

(g) Providing canine services for guarding premises or for the detection of unlawful devices or substances. [1995 c.510 §1a]

Note: 181.870 to 181.889 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 181 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

181.871 Applicability. ORS 181.870 to 181.889, 181.991 and 203.090 do not apply to:

(1)(a) A person certified by the Board on Public Safety Standards and Training as a police officer;

(b) A law enforcement officer of the United States;

(c) An officer or employee of this state or the United States; or

(d) A person appointed or commissioned by the Governor to perform law enforcement or security services.

(2) An attorney admitted to practice law in this state.

(3) An insurance adjuster licensed in this state and performing duties authorized by the license.

(4) A person who monitors fire alarm systems and other alarm systems that are not designed to detect unauthorized intrusions.

(5) A person while protecting the person's property.

(6) A person who repairs and installs intrusion alarms.

(7) A person providing private investigation services, including investigations of persons, crimes or property. [1995 c.510 §2]

Note: See note under 181.870.

181.873 Prohibited acts; temporary assignment of person not certified allowed.

(1) It is unlawful:

(a) For a person to engage in the business of, or perform any service as a private security officer, or to offer services in such capacity unless the person has obtained a certificate under ORS 181.878.

(b) For a person to engage in the business of, or perform any service as a proprietary security manager or security contractor, or to offer services in such capacities unless the person has obtained a license under ORS 181.878.

(c) Except as otherwise provided in subsection (2) of this section, for a proprietary security manager or security contractor to permanently assign a person to perform security services unless the person is certified as a private security officer under ORS 181.878.

(2) A proprietary security manager or security contractor may temporarily assign a person who is not certified as required by

this section to perform security services within this state for a period of time not to exceed 90 days if:

(a) The person is employed in another state;

(b) The person holds a private security officer's certification or license from the other state; and

(c) The certification or licensing standards of the other state meet or exceed the standards of this state. [1995 c.510 §3]

Note: See note under 181.870.

181.875 Qualifications for private security officer. An applicant for certification as a private security officer:

(1) Must be at least 18 years of age;

(2) Must have satisfactorily completed the training requirements as specified in ORS 181.883; and

(3) Must not have been, within the 10-year period prior to applying for certification:

(a) Convicted of a felony in this, or any other, jurisdiction;

(b) Incarcerated, placed on probation or paroled as the result of conviction of a felony in this, or any other, jurisdiction;

(c) Convicted of violating ORS 162.065, 162.075, 162.085, 163.365, 163.375, 163.385, 163.395, 163.405, 163.408, 163.411, 163.415, 163.425, 163.427, 163.435, 163.515, 163.525, 163.670, 163.672 (1993 Edition), 163.673 (1993 Edition), 163.677 (1993 Edition), 163.680 (1993 Edition), 167.007, 167.012, 167.017, 167.062, 167.065, 167.070, 167.075, 167.080 or 167.087 or an equivalent crime in another jurisdiction;

(d) Convicted of a misdemeanor determined by rule of the Board on Public Safety Standards and Training to bear such a relationship to the performance of security services as to constitute a disqualification for certification under ORS 181.878; or

(e) Convicted of any law of this, or another jurisdiction, involving the unlawful use, possession, delivery or manufacture of a controlled substance. [1995 c.510 §4]

Note: See note under 181.870.

181.876 Application procedure. (1) An applicant for certification as a private security officer shall submit an application to the Board on Public Safety Standards and Training. The application must be in writing under oath to the board:

(a) Stating the applicant's:

(A) Name;

(B) Birthdate;

(C) Citizenship;

- (D) Physical description;
- (E) Current residence;
- (F) Residence for the preceding 10 years;
- (G) Current employment; and
- (H) Employment for the preceding 10 years;

(b) Including a statement that the applicant, within the 10-year period ending on the date of the application, has not:

(A) Been convicted of a felony in this, or any other, jurisdiction;

(B) Been incarcerated, placed on probation or paroled as the result of conviction of a felony in this, or any other, jurisdiction;

(C) Been convicted of violating ORS 162.065, 162.075, 162.085, 163.365, 163.375, 163.385, 163.395, 163.405, 163.408, 163.411, 163.415, 163.425, 163.427, 163.435, 163.515, 163.525, 163.670, 163.672 (1993 Edition), 163.673 (1993 Edition), 163.677 (1993 Edition), 163.680 (1993 Edition), 167.007, 167.012, 167.017, 167.062, 167.065, 167.070, 167.075, 167.080 or 167.087 or an equivalent crime in another jurisdiction;

(D) Been convicted of a misdemeanor determined by rule of the board to bear such a relationship to the performance of security services as to constitute a disqualification for certification under ORS 181.878; and

(E) Been convicted of any law of this, or another jurisdiction, involving the unlawful use, possession, delivery or manufacture of a controlled substance;

(c) Including a statement affirming the truth of all information contained in the application; and

(d) Including such other information as required by the board.

(2) The application must be accompanied by:

(a) Written verification from the providers of the training of satisfactory completion of the training required by ORS 181.883; and

(b) Character references from at least three reputable citizens, each of whom has known the applicant for at least five years preceding the application and none of whom are related to the applicant by blood or marriage. [1995 c.510 §5]

Note: See note under 181.870.

181.878 Board on Public Safety Standards and Training to establish standards, procedures and fees; rules. (1) The Board on Public Safety Standards and Training shall:

(a) Establish standards and procedures for issuing, denying, reviewing and revoking licenses for proprietary security managers and security contractors;

(b) Establish procedures for reviewing the security services of proprietary security managers and security contractors in relation to the licensing and certification standards set forth in ORS 181.870 to 181.889, 181.991 and 203.090;

(c) Subject to such terms and conditions as the board imposes, license proprietary security managers and security contractors and revoke such licenses in the manner provided in ORS 181.870 to 181.889, 181.991 and 203.090; and

(d) Establish fees for issuing licenses to proprietary security managers and security contractors. The fees may not exceed the prorated direct costs of administering the licensing program required by this section.

(2) In accordance with any applicable provision of ORS 183.310 to 183.550, to promote consistent standards for private security services by improving the competence of private security officers, the board, in conjunction with the Advisory Committee on Private Security Services, shall:

(a) Establish reasonable minimum standards of physical, emotional, intellectual and moral fitness for private security officers;

(b) Establish procedures for issuing, denying, renewing and revoking a private security officer's certification;

(c) Establish standards for all training courses and testing required by ORS 181.883 and for all instructors providing the training;

(d) Establish procedures for temporary assignment of persons performing security services for a period of no longer than 90 days while an application for certification is being processed;

(e) Subject to such terms and conditions as the board imposes, certify private security officers and revoke such certification in the manner provided in ORS 181.870 to 181.889, 181.991 and 203.090; and

(f) Establish fees for issuing certification to private security officers. The fees may not exceed the prorated direct costs of administering:

(A) The certification program required by this section; and

(B) The training program required by ORS 181.883.

(3) The board shall investigate alleged violations of the provisions of ORS 181.870 to 181.889, 181.991 and 203.090 and of any rules adopted by the board.

(4) The board may adopt rules necessary to carry out the provisions of ORS 181.870 to 181.889, 181.991 and 203.090. [1995 c.510 §6]

Note: See note under 181.870.

181.880 Licenses and certificates; issuance; duration. (1) A license or certificate issued by the Board on Public Safety Standards and Training under ORS 181.878 expires two years following the date of issuance or on the assigned renewal date.

(2) The board shall offer certificates in two categories:

(a) Unarmed private security officer if the applicant has satisfied the requirements in ORS 181.883 (1); and

(b) Armed private security officer if the applicant has also satisfied the requirements of ORS 181.883 (2).

(3) Upon receipt of an application for certification under ORS 181.876, the board shall forward a copy of the application and a complete set of the applicant's fingerprints to the Department of State Police and request that the department conduct a nationwide criminal records check of the applicant.

(4) Upon request of the Board on Public Safety Standards and Training under subsections (1) to (3) of this section, the Department of State Police shall conduct nationwide criminal record checks through the Federal Bureau of Investigation of an applicant for certification as a private security officer, including the applicant's fingerprints, and shall report the results to the board. [1995 c.510 §§7,18]

Note: See note under 181.870.

181.882 Hearing if license or certificate denied, suspended or revoked. (1) If the Board on Public Safety Standards and Training denies a license or certificate or declines to renew a license or certificate or suspends or revokes a license or certificate, opportunity for a hearing shall be afforded as provided in ORS 183.310 to 183.550.

(2) Judicial review of orders issued after a hearing under subsection (1) of this section shall be as provided in ORS 183.310 to 183.550. [1995 c.510 §8]

Note: See note under 181.870.

181.883 Training requirements. (1) The training requirements for certification as an unarmed private security officer are:

(a) Eight hours of basic classroom instruction including, but not limited to:

(A) The legal powers and limitations of a private security officer including, but not limited to, the laws regarding arrest, search and seizure and the appropriate use of force;

(B) Fire detection and reporting and safety issues;

(C) When and how to notify public authorities;

(D) The techniques of observing and reporting incidents and how to prepare an incident report;

(E) The fundamentals of patrolling; and

(F) Deportment and ethics;

(b) Successful completion of a written examination covering the classroom materials; and

(c) Four hours of on-the-job training.

(2) The training requirements for certification as an armed private security officer are:

(a) The requirements in subsection (1) of this section;

(b) Fifteen hours of weapons instruction and successful completion of a written examination covering:

(A) The legal limitations on the use of weapons;

(B) Weapons handling; and

(C) Weapon safety and maintenance; and

(c) A minimum marksmanship qualification score of 70 percent on a firearms qualification course and target designated by the Board on Public Safety Standards and Training.

(3) In addition to the basic requirements set out in subsections (1) and (2) of this section:

(a) Persons certified as unarmed private security officers annually shall complete a four-hour refresher course on the subjects listed in subsection (1)(a) of this section; and

(b) Persons certified as armed private security officers annually shall complete, in addition to the four-hour refresher course required by paragraph (a) of this subsection:

(A) A refresher course in the subjects listed in subsection (2)(b) of this section; and

(B) Requalification in the use of firearms as provided in subsection (2)(c) of this section. [1995 c.510 §9]

Note: See note under 181.870.

181.885 Effect of being charged with crime. (1) If a private security officer is charged with a crime, the officer shall notify the officer's employer, or, if the officer is not employed, the Board on Public Safety Standards and Training, of that fact not later than 48 hours after the charge is filed.

(2) If an employer knows that an employee has been charged with a crime, the employer shall notify the board of that fact not later than 48 hours after the employer acquired the knowledge.

(3) The board may suspend the certificate of a private security officer charged with a

crime pending disposition of the charge. [1995 c.510 §10]

Note: See note under 181.870.

181.886 Persons providing private security services on September 9, 1995. Any person engaged in providing private security services on September 9, 1995, shall file an application for a license or certificate within 180 days after September 9, 1995. Such persons may continue providing private security services without a license or certificate until a license or certificate is issued or denied. [1995 c.510 §11]

Note: See note under 181.870.

181.887 Disposition of funds received by board. All moneys received by the Board on Public Safety Standards and Training under ORS 181.870 to 181.889, 181.991 and 203.090, including penalties recovered under ORS 181.991 (2) and (3), shall be paid into the General Fund in the State Treasury and placed to the credit of the Police Standards and Training Account established in ORS 181.690 and used exclusively by the board to carry out the duties imposed by ORS 181.870 to 181.889, 181.991 and 203.090. [1995 c.510 §12]

Note: See note under 181.870.

181.889 Advisory Committee on Private Security Services. (1)(a) The Advisory Committee on Private Security Services is established. The advisory committee consists of nine members appointed by the Board on Public Safety Standards and Training as follows:

- (A) A representative of unarmed security officers;
- (B) A representative of armed security officers;
- (C) A representative of the health care industry;
- (D) A representative of the manufacturing industry;
- (E) A representative of the retail industry;
- (F) A representative of the hospitality industry;
- (G) A representative of private business or a governmental entity that utilizes private security services; and

(H) Two members of the public at large who are not related within the second degree by affinity or within the second degree by consanguinity to a person who is employed, or doing business, as a private security officer, proprietary security officer or security contractor.

(b) Notwithstanding paragraph (a) of this subsection, no more than four members of the advisory committee may represent pro-

proprietary security managers or security contractors.

(2) The term of office of each member is three years. If, during a member's term of office, the member changes occupations and no longer is employed in the category the member represented, the member shall resign. If there is a vacancy for any cause, the board shall make an appointment to become immediately effective for the unexpired term.

(3) The advisory committee shall meet at such times and places as determined by the advisory committee. A majority of the advisory committee constitutes a quorum to transact business.

(4)(a) The advisory committee shall develop recommendations for the board's consideration prior to any final board action on policies, requirements, procedures, rules and any other matter relating to private security services.

(b) Notwithstanding paragraph (a) of this subsection, the advisory committee is not required to make recommendations prior to the adoption by the board of emergency or temporary rules.

(c) The advisory committee may submit a list of representatives of the private security industry to the Governor for the Governor's consideration in making the appointments required by ORS 181.620 (1)(t). [1995 c.510 §15]

Note: See note under 181.870.

Note: Sections 16 and 20, chapter 510, Oregon Laws 1995, provide:

Sec. 16. Notwithstanding the term of office specified in section 15 of this Act [181.889], of the members first appointed to the advisory committee:

(1) Three shall serve for a term ending January 31, 1997.

(2) Three shall serve for a term ending January 31, 1998.

(3) Three shall serve for a term ending January 31, 1999. [1995 c.510 §16]

Sec. 20. (1) The Governor shall make the appointments to the Board on Public Safety Standards and Training required by ORS 181.620 (1)(t) no later than January 1, 1996.

(2) The certification and licensing programs required by sections 1 to 18 of this Act become operative on January 1, 1997. [1995 c.510 §20]

PENALTIES

181.990 Penalties. Violation of ORS 181.140 is a Class A misdemeanor. [Amended by 1971 c.743 §343]

181.991 Penalties relating to regulation of private security services; criminal and civil. (1) A person commits a Class A misdemeanor if the person knowingly falsifies any information pertinent to an application for a license or certificate under ORS 181.870 to 181.889, 181.991 and 203.090.

(2) In addition to any other liability or penalty provided by law, the Board on Public Safety Standards and Training may impose a civil penalty not to exceed \$1,500 for a violation of any provision of ORS 181.870 to 181.889, 181.991 and 203.090 or any rule adopted by the board pursuant to ORS 181.870 to 181.889, 181.991 and 203.090.

(3) Judicial review of civil penalties imposed under subsections (2) and (3) of this section shall be as provided under ORS 183.480. [1995 c.510 §§13,14]

Note: 181.991 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 181 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

unclaimed for 30 days may be disposed of. For purposes of this paragraph, "personal property" means any item that is reasonably recognizable as belonging to a person and that has apparent utility. Items that have no apparent utility or are in an insanitary condition may be immediately discarded upon removal of the homeless individuals from the camping site. Weapons, drug paraphernalia and items that appear to be either stolen or evidence of a crime shall be given to law enforcement officials.

(e) Following the removal of homeless individuals from a camping site on public property, the law enforcement officials, local agency officials and outreach workers may meet to assess the notice and removal policy, to discuss whether the removals are occurring in a humane and just manner and to determine if any changes are needed in the policy.

(2) The 24-hour notice required under subsection (1) of this section shall not apply:

(a) When there are grounds for law enforcement officials to believe that illegal activities other than camping are occurring.

(b) In the event of an exceptional emergency such as possible site contamination by hazardous materials or when there is immediate danger to human life or safety. [1995 c.121 §2]

203.081 Sites not subject to ORS 203.077 to 203.081. As used in ORS 203.077 to 203.081, "camping site" does not include:

(1) Public property that is a day use recreational area.

(2) Public property that is a designated campground and occupied by an individual under an agreement with a municipality or county. [1995 c.121 §3]

203.085 County election dates; procedures for emergency elections. (1) Except as provided in subsection (2) of this section, no election on a county measure or for a county office shall be held on any date other than:

(a) The second Tuesday in March;

(b) The third Tuesday in May;

(c) The third Tuesday in September; or

(d) The first Tuesday after the first Monday in November.

(2) An emergency election may be held on a date other than those provided in subsection (1) of this section, if the county governing body by resolution finds that an emergency exists that will require an election sooner than the next available election date to avoid extraordinary hardship to the community. A determination under this subsection as to whether an emergency

exists is within the sole discretion of the county governing body.

(3) A county governing body, with adequate notice, shall hold a public hearing, on a date other than a regularly scheduled meeting, for the purpose of making findings substantiating the fact that an emergency exists before scheduling an election on a date other than those specified in subsection (1) of this section.

(4) Notice of a county's intent to hold an emergency election shall be filed with the county election authority no later than 47 days preceding the desired election date. At the time the notice of election is given to the county election authority, the county shall also file with the election authority a certified copy of the ballot title and a copy of the resolution and findings adopted by the county governing body to authorize the emergency election as required under subsection (3) of this section. [1979 c.316 §3; 1981 c.639 §4; 1985 c.808 §69; 1987 c.267 §64; 1989 c.923 §6; 1991 c.71 §2; 1993 c.713 §51; 1995 c.607 §63; 1995 c.712 §113]

203.090 State preemption of local laws relating to private security services and personnel.* The provisions of ORS 181.620, 181.870 to 181.889, 181.991 and 203.090 preempt any laws of the political subdivisions of this state relating to the regulation of private security officers, employers and security services. [1995 c.510 §1]

203.110 [Amended by 1971 c.88 §6; repealed by 1981 c.140 §2 (203.111 enacted in lieu of 203.110)]

COUNTY GOVERNING BODIES

203.111 County governing body; legislative authority; quorum. Unless otherwise provided by county charter, a county court shall be the governing body and shall exercise general legislative authority over all matters of county concern and shall consist of the county judge and two county commissioners and a majority of those persons shall constitute a quorum. [1981 c.140 §3 (enacted in lieu of 203.110)]

203.113 [1981 c.529 §2; 1983 c.827 §46; repealed by 1987 c.793 §2]

203.115 Statutory power to set fees limited to once annually. A county governing body shall not change the amount of a fee it has set pursuant to statute within one year after setting that fee. [1979 c.833 §1]

203.120 [Amended by 1959 c.532 §1; 1963 c.31 §1; 1973 c.494 §1; 1981 c.153 §55; repealed by 1981 c.140 §5]

203.121 [1965 c.419 §2; 1969 c.516 §1; renumbered 203.145]

203.122 [1959 c.139 §1; 1965 c.432 §1; repealed by 1981 c.41 §3]

203.123 [1969 c.511 §3; 1971 c.743 §345; repealed by 1981 c.41 §3]

203.124 [1959 c.649 §§1, 2, 3; repealed by 1981 c.41 §3]

SECTION 4
GENERAL INFORMATION

I. Regulation -- Statute- Private Security Advisory Committee

1. Why is the private security industry regulated?

For several years, private security leaders have sought to have their industry professionalized. Many of them came together and drafted Senate Bill 60. They called upon the Board on Public Safety Standards and Training as the administering agency since their vision was to establish consistent training standards. Together, with numerous public safety disciplines and associations, Senate Bill 60 was carried forward to the 1995 Legislative Session where it became statute. The focus of this legislation is to ensure that all private security professionals have a clean criminal history, and all have consistent training standards.

2. Will "Government" regulate us?

In keeping with the intent of the private security leaders, and the statute, the **Private Security Advisory Committee** was formed. This committee is comprised of nine members. Seven members are representatives from various segments of the industry. There are two citizen members. The Advisory Committee sets direction for the Licensing and Certification Program by making recommendations to the Board. Two sub-committees were formed to ensure industry input and representation.

The **Training Subcommittee** developed the statute-driven curriculum. They identified performance objectives, unit goals, and developed the lesson plans. Much of this curriculum parallels other public safety disciplines. By maintaining continuity of training between all public safety disciplines, there will be more effective interaction between the private sector and public safety, whether it is a telecommunicator, a police officer, or an emergency medical services provider. This working committee will continue to develop new curriculum to meet the needs of the industry. If you would like to be a part of this committee, please contact the Program Manager.

The **Administrative Rules Subcommittee** identified those processes of statute which needed clarification or policy decisions. As collective representation of the industry, they sought to develop these Rules to maintain the intent of the statute while serving the needs of the private sector. This working committee will continue to identify changes or updates to the Administrative Rules to meet the needs of the industry. If you would like to be a part of this committee, please contact the Program Manager.

The **Private Security Advisory Committee** makes recommendations to the Board on Public Safety Standards and Training. This is a 23 member Board comprised of leaders from all public safety disciplines in the State of Oregon. Two members of the 23 member Board are private security leaders.

3. How will I be notified if there are proposed changes of the Administrative Rules?

A Notice will be mailed to all current public safety associations the following associations:

- ⇒ Private Security Advisory Committee
- ⇒ Oregon Private Security Council
- ⇒ National Association of Security & Investigative Regulators, Inc.
- ⇒ American Society for Industrial Security
- ⇒ Northwest Retail and Loss Prevention Association
- ⇒ National Association of School Safety Professionals
- ⇒ Oregon Burglar and Fire Alarm Association

4. Who is regulated by this statute?

Persons who provide security services as one of their primary responsibilities.

Security Services are defined as:

- ⇒ The observation and reporting of any unlawful activity
- ⇒ The prevention of theft or misappropriation of any goods, money or other items of value.
- ⇒ The protection of individuals or property, including, but not limited to, proprietary information, from harm or misappropriation.
- ⇒ The control of access to premises being protected.
- ⇒ The secure movement of prisoners
- ⇒ The maintenance of order and safety at athletic, entertainment or other public activities
- ⇒ Providing canine services for guarding premises or for the detection of unlawful devices or substances.

This statute includes both contract security services, such as security companies which provide security officers and "in-house" or proprietary security staff such as hospitals, banks, community or private colleges, and retail stores that provide security services.

5. Does this statute include reserve police officers, deputized citizens, or retired officers?

If you employ a law enforcement officer who is currently certified, he or she is not regulated by this statute. If however, you employ a retired law enforcement officer, a deputized citizen, a reserve police officer, or other person associated with law enforcement who does not hold a current certification, and who is not currently employed as a certified law enforcement officer, that person would be regulated by this statute.

The intent of the statute is to maintain consistent training and criminal history of all private security professionals. While an individual may have been employed by a law enforcement agency at one time and received formal training, there is no consistent manner to determine if the person has a current working knowledge of criminal and civil law as it pertains to private security.

As a law enforcement officer, the person's criminal history was monitored by the agency for which he or she was employed. Once this person is no longer employed, there is no formal monitoring process. All persons must meet the statutory criteria.

II. Minimum Qualifications for Private Security Professionals

1. What is the minimum standard for a private security professional?

⇒ Age

An applicant for certification as an unarmed private security professional shall be 18 years of age.

An applicant for certification as an armed private security professional shall be 21 years of age.

⇒ Training

An unarmed private security professional must successfully complete an 8-hour classroom course and pass a written examination. They must also successfully complete a 4-hour on-the-job training which is an assessment of their ability to apply the classroom knowledge.

An armed private security professional must successfully complete the above training and in addition to this, he or she must complete a 15-hour training which includes the classroom and demonstrates proficiency on the firearms qualifications course.

⇒ Criminal History

An applicant for certification or license must not have been, within the ten (10) year period prior to application:

- ◇ Convicted of a felony in this or any other jurisdiction
- ◇ Incarcerated, placed on probation or paroled as the result of a conviction of a felony in this or any other jurisdiction
- ◇ Convicted of other crimes as listed on the PS-1 Application
- ◇ Convicted of any law of this, or another jurisdiction, involving the unlawful use, possession, delivery or manufacture of a controlled substance.
- ◇ Convicted of other misdemeanors as described on PS-1 Application

⇒ Armed Private Security Officer Restrictions:

In addition to the above restrictions, an applicant for armed certification must not at any time have been convicted of conduct punishable as a felony in this or any other jurisdiction, and Not been committed to the Mental Health and Development Disabilities Services Division under ORS 426.130 and/or

Been found to be mentally ill or subject to an order under ORS 426.130 that the person is prohibited from carrying a firearm and/or

Is prohibited under the US Code Title 18, Section 922(g)(8) (relating to civil restraining orders including stalking or harassment and/or

Is prohibited under any law of this state or any federal law from purchasing, owning, or possessing a firearm.

III. Training

1. What are my options for training my staff?

You may choose to identify one or more of your staff to become Private Security Instructors. After attending the Instructor Orientation, the instructor will receive all training materials and testing processes. The instructor will be authorized to provide training to your staff at your convenience. In addition to this, the instructor will receive the annual refresher training and testing which is mandated by the statute for continuing education.

Another option is to send your staff to a local community college who is offering the certified course. Also, some larger security companies are opening up their training to non-employees.

2. What is the criteria for a certified instructor?

Unarmed Instructor

Clean criminal history check
2 years experience in law enforcement and/or private security, or
2 years as a trainer or educator. If using this experience, must have taught within past 24 months

Armed Instructor

Same as Unarmed, and
Hold current certification as a firearms instructor through:
⇒ National Rifle Association Law Enforcement Instructor Development School
⇒ Board on Public Safety Standards and Training Firearms Instructor
⇒ Federal Law Enforcement Training Center Firearms Instructor
⇒ Federal Bureau of Investigation Firearms Instructor

2. If I have experienced employees, may they challenge the training?

They may complete PS-13a and/or PS-13b, Training Challenge Request. They may take the written test one time, under the direction of a certified private security instructor. If they pass, the certified instructor who administered the examination will complete PS-6a or PS-6b. These forms will be submitted by the candidate along with his or her application.

3. Will my training be audited?

One of the duties of the Regional Trainer Investigator is to ensure consistent high standards are maintained in the areas of training and testing. The Regional Trainer Investigator may audit your training announced or unannounced. He or she may also wish to see your training records and testing records.

3. As a manager, will I need to obtain a officer's certification to perform security services?

As a manager, you may perform security services as an unarmed officer.

If you wish to be armed, you must demonstrate your proficiency to handle the weapon and this shall be done through the formal armed training process. You will need to hold both the manager license and the armed security officer certification.

IV. Fingerprint Technician

1. **Where can I get fingerprints taken?**

Local law enforcement offices generally are available to take fingerprints. It is recommended that you call to see if an appointment is required.

You may wish to staff a Certified Private Security Fingerprint Technician.

2. **What is the purpose of having a Certified Private Security Fingerprint Technician?**

If your business has a high turn-over, or a large number of staff, once certified, this person could complete the fingerprint packet at your office. This saves time in the application process as well as cost to the applicant.

To obtain the training, application must be made by completing the PS-1. When these applications are received at BPSST, they are held until the next available class. The candidate is called with the next available time and then receives a confirmation letter of invitation to report to Oregon State Police for the training. The training is at no cost to the applicant.

Once certified, BPSST maintains contact the fingerprint technician and notifies them of any rejected fingerprint cards due to inadequate product or procedure. Also the fingerprint technician reorders forms through BPSST.

3. **If I or my staff already had our fingerprints taken for a federal contract, or for a CCW permit, must we resubmit them again?**

As a part of the new regulation, Oregon State Police developed a Private Security Fingerprint File which will be maintained for all private security professionals. Using this method, while your fingerprints will need to be taken initially, there will be no requirement to retake them upon renewal of a certification or license. In addition to this, if a person is arrested for a crime and the fingerprints are in this file, Oregon State Police will notify BPSST of the arrest and suspension or revocation actions may be implemented.

V. Temporary Work Permits

1. How can I put a new employee to work quickly?

Under the new statute, certain criteria must be satisfied to allow a new employee to perform security services.

1. The training must be completed so that this new employee understands his or her role and authority. This will reduce liability to the company. Once the training is completed, PS-6a or PS-6b must be completed by the certified instructor and placed in the tamper-tape sealed envelope.
2. The criminal background check must be initiated. This occurs when the fingerprint packet is completed which includes two fingerprint cards and the applicant's Criminal History Affidavit. These must be placed in the tamper-tape sealed envelope.
3. The application must be completed and notarized.
4. The Private Security Officer Temporary Work Permit, PS-20 must be completed by both the employee and the executive manager.

The new employee may begin to perform security services on the day that the completed application is mailed to BPSST and bears the postmark of that date.

Once at BPSST, a LEDS check (Law Enforcement Data System) is completed. If the new employee has criminal history which would disqualify him or her, we will notify the executive manager listed on the Temporary Work Permit. Further, if a criminal history is discovered either at Oregon State Police or the Federal Bureau of Investigations, we will notify the executive manager that the new employee would be denied certification based on criminal history.

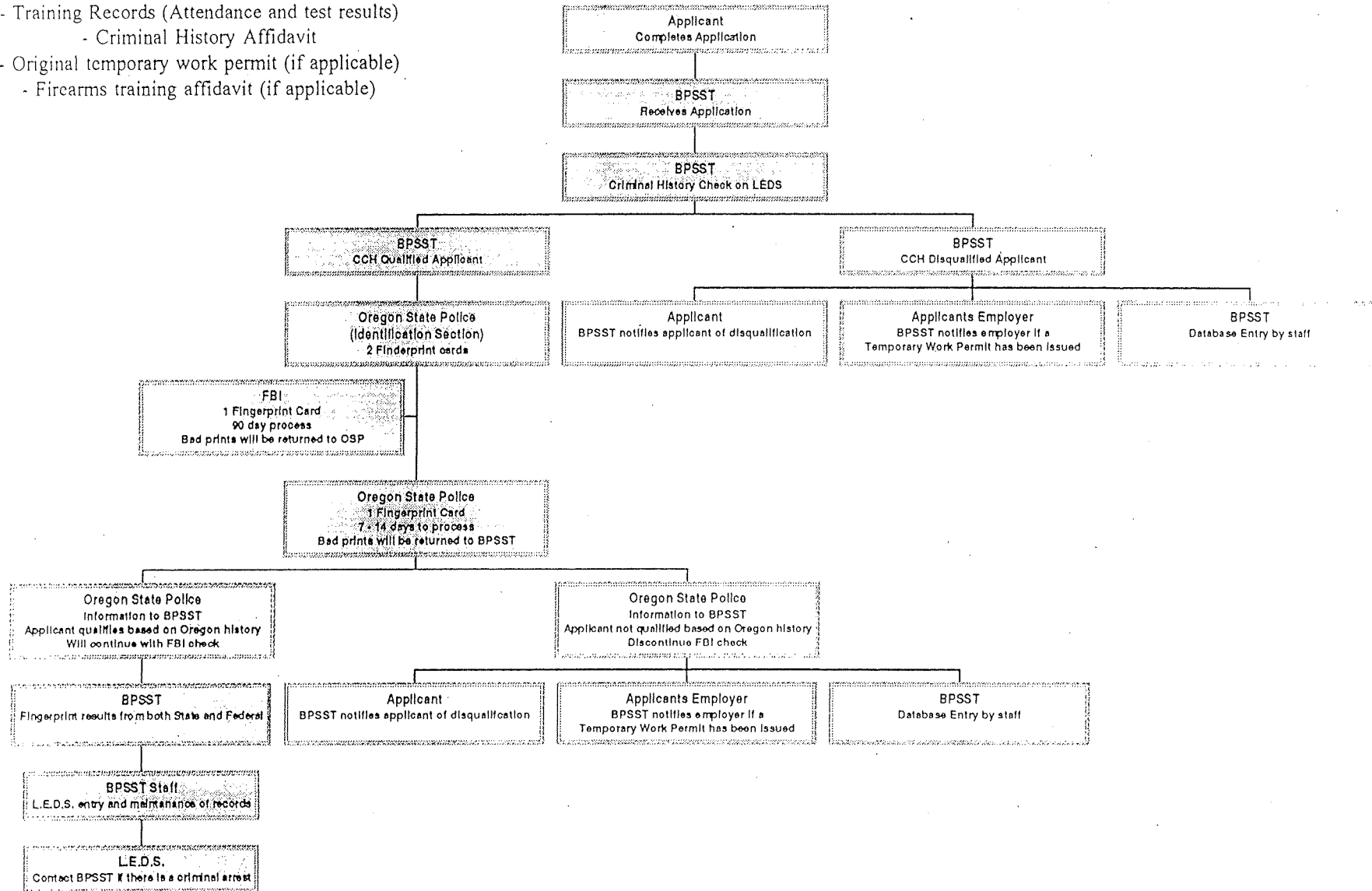
2. What must the new employee carry for identification?

The private security officer must carry their driver's license, or Oregon Identification Card, along with their copy of the Temporary Work Permit. When completed, this is a tri-part form. The original is mailed to BPSST, copy 2 is issued to the officer, and the employer retains copy 3.

Private Security Application Process

Application includes:

- Certification/License & criminal history fee
 - Fingerprint cards
 - Fingerprint technician affidavit
- Training Records (Attendance and test results)
 - Criminal History Affidavit
- Original temporary work permit (if applicable)
 - Firearms training affidavit (if applicable)



VI. Waiver for Reciprocity

1. When should I request a Waiver for Reciprocity?

This accommodation was included in statute to allow a security officer who is employed in another state, which also has regulatory requirements in criminal background and training, to temporarily work in the state of Oregon for up to 90 days. An example of this would be a contract company's client becomes involved in a strike situation. If the contract company also employs private security officers in the state of Washington, which is also regulated, they may allow their Washington officers to work in Oregon under the Waiver for Reciprocity. The statute stipulates that the other state must meet or exceed our requirements.

2. What should the out-of-state officer carry for identification?

This officer must carry their driver's license, or Washington Identification Card, along with their Washington private security license, and the copy of the Waiver for Reciprocity. When completed, this is a tri-part form. The original is mailed to BPSST, copy 2 is issued to the officer, and the employer retains copy 3.

The Waiver for Reciprocity must bear the postmark on or before the date the officer begins to provide security services.

VII. Applications -- Fees

1. If I have already completed an application, must I complete the entire Application if I am upgrading and have it notarized again?

Once you have completed an original application, follow the instructions for completing an upgrade listed on page 3, Section 3. Identify the upgrade you wish, determine if you meet the criteria, include the required documentation, complete name and DOB on page 4, and sign page 8, writing in the notary section, "Original Application Notarized"

3. What if I upgrade in the middle of my 2-year certification?

If the upgrade is from Unarmed to Armed, there is a \$20.00 processing fee to check the criminal history and to issue a new certification card.

If the upgrade is from Officer to Supervisory Manager, there is a \$20.00 processing fee to confirm qualifications and to re-issue a new certification card.

If you become a fingerprint technician, you will pay for that certification in addition to your current certification. These are two separate certifications which require separate types of staff support.

If you become an instructor, you will pay for that certification in addition to your current certification. These are two separate certifications which require separate types of staff support.

If you are an officer upgrading to an Executive Manager, you will only pay the difference in cost. Since you paid \$50 for the officer certification, instead of paying \$250, you will pay \$200.

3. Will my certification or license anniversary date change if I upgrade to an additional certification or license?

Because of the annual refresher and other qualifications, your anniversary date will always remain the same. The database used will alert us to upcoming expiration dates based on your original anniversary date. The only time this would change is if you left the private security industry for a period of time, or if your certification or license was suspended or revoked and you reapplied.

You will need to keep this in mind for planning purposes so that you can use any upgraded certification or license for the longest period of time.

5. As a manager, I may opt to pay for my officer's fees. How can I handle this efficiently?

The BPSST Business Manager is reviewing account options. Currently we are accepting business checks. You may submit a check with a series of applications to cover those applications. At this time, BPSST does not accept checks for large "blanket" amounts without the actual applications to credit.

VIII. BPSST Staff Support

1. How do I order new forms or materials?

By faxing these requests on PS-3, during **off-hours**, the request will be filled in a timely manner. The purpose of faxing the requests during off-hours is to ensure high-priority communication is sent and received via fax for the other public safety disciplines. This is a fee-based program and we have not opted to incur the expense for a separate fax machine. By sending these requests during off-hours, we can take advantage of the existing fax machine and keep the costs to the private security industry lower.

When communicating for other purposes, please feel free to transmit faxes during any business hours.

2. How will I know who to call when I have a question or need information?

The Private Security Licensing and Certification Program currently have a staff of four. Below are some of the areas of responsibilities.

PROGRAM MANAGER Extension 244	REGIONAL TRAINER INVESTIGATOR Extension	ACCOUNT TECHNICIAN Extension	OFFICE SPECIALIST Extension 237
Oversee Program	Training and Testing Audits	Order Forms, Supplies, Receive PS-3 faxes	Process Applications LEDS Check, fingerprint cards to OSP
Communication with Private Security Advisory Committee	Partnership with Private Security and Law Enforcement	Receive and reconcile program funds	Handle Basic Information calls and mailings
1998 Security Conference	Partnership with Private Security and Community Colleges	Monthly program financial reports	Schedule Meetings and notify attendees, record and type minutes
1999 National Association of Security Regulators Conference	Coordinate Fingerprint Technician Training dates and times with Oregon State Police	Monitor program Budget, analyze expenditures	Monthly program statistical Reports
Informational Lectures and Formal Correspondence	Instructor Orientation, coordinate location, date and times	Make lodging arrangements, travel itineraries	Receive criminal history information, confer with Manager for appropriate action
Preliminary Fact-finding for suspension, revocation, or denial processes. Preliminary Hearings	Enforcement		
Communicate with Attorney General's Office for guidance on legal issues	Regional Site visits		

