

**SENATE SPECIAL COMMITTEE ON BUDGET – 2005 SESSION
PUBLIC SAFETY SUBCOMMITTEE**

TAPE LOG

**Date: June 23, 2005
Tapes: 10B, 11B**

This tape log summarizes committee proceedings. For complete content and intent, please refer to tapes.

Tape / Counter	Speaker	Comments
Members Present: Senator Gordly, chair; Senator Devlin		
Members Excused: Senator Winters		
TAPE 10B		
003	Chair Gordly	<p>Calls the meeting to order at 1:00 p.m. Opens a Work Session on HB 5125-A – Oregon Youth Authority, (Exhibit #1, House Bill 5125).</p> <p>STANDS AT EASE AT 1:02 P.M. AWAITING THE ARRIVAL OF SENATOR DEVLIN.</p> <p>(Refer to SB 5530 for prior exhibits)</p>
HB 5125-A – OREGON YOUTH AUTHORITY WORK SESSION		
012	Chair Gordly	Reconvenes the meeting at 1:04 p.m.
014	Susie Jordan, Legislative Fiscal Office (LFO)	Refers to (Exhibit #2, Memorandum from Sheila Baker) . Discusses the proposed changes to HB 5125-A which is the House version of the Oregon Youth Authority budget. Explains the differences to the two budgets. Explains the LFO recommendation. Discusses the attachments to Exhibit #2.
046	Chair Gordly	Establishes that they do have the approval of the Senate Budget Chair for the conceptual amendments to HB 5125.
052	Sen. Devlin	MOVES to accept the conceptual amendments to HB 5125-A as conceptually presented by Ms. Baker.
059	Chair Gordly	<p>Vote: 2 – 0 – 1</p> <p>Ayes: Senators Devlin, Chair Gordly</p> <p>Exc.: Senator Winters</p> <p>Hearing no objections, declares the motion CARRIED.</p>
060	Sheila Baker	Reviews the Budget Note found at the bottom of Exhibit #2.
076	Chair Gordly	Clarifies that the first report to the interim Joint Legislative Judiciary Committee is the final report and recommendations of the Youth Safety and Abuse Prevention Youth committee.
080	Chair Gordly	Agrees to accept a motion.
083	Sen. Devlin	MOVES HB 5125-A, as Amended, to the Full Special Senate Committee on Budget with a Do Pass recommendation.
085	Chair Gordly	<p>Vote: 2 – 0 – 1</p> <p>Ayes: Senators Devlin, Chair Gordly</p> <p>Exc.: Senator Winters</p> <p>Hearing no objections, declares the motion CARRIED.</p>
086	Chair Gordly	Closes the Work Session on HB 5125-A.

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Tape / Counter	Speaker	Comments
Opens a Public Hearing on SB 232.		
SB 232 – RELATING TO JUVENILES PUBLIC HEARING		
091	Chair Gordly	STANDS AT EASE
094	Chair Gordly	Reconvenes the meeting.
096	Deborah Manthe, Legislative Fiscal Office	Explains what the measure does. Refers to (Exhibit #3, Staff Measure Summary), (Exhibit #4, Senate Bill 232) .
107	Senator Kate Brown, District 21	Provides some background information to the committee on SB 232. Refers to (Exhibit #5, Juvenile Code Revision) . Introduces two parties with her today.
131	Mary Claire Buckley, Executive Director	Explains that she was the chair of the workgroup. Introduces Kathy Berger who will provide the overview.
145	Kathy Berger	Indicates she is a criminal defense attorney representing juveniles. Explains how the Juvenile Panel of the Psychiatric Security Review Board (PSRB) came about. Explains that their workgroup looked across the United States to see what other states were doing with these types of cases.
225	Kathy Berger	Comments on violating the children's constitution rights.
227	Terry Leggert, Marion County Judge	Indicates that the judges support the bill. Explains that the youth are already in the system and that aren't new youth coming in. Notes that the DAs also support the bill.
267	Chair Gordly	Thanks the Judge for being here and for her service.
270	Terry Leggert	Excuses herself.
272	Mary Claire Buckley	Asks Karen Andall to speak next.
277	Karen Andall, Oregon Youth Authority, Directors Office	Indicates that they also support the bill and they have been involved in the project from the beginning.
302	Chair Gordly	Asks about the difficulty in establishing the number of youth who could benefit. Asks if they have a way of capturing the number of youth who could have benefited if the rule had been in place.
312	Karen Andall	Responds that they believe there could be two youth currently in their system that would potentially fit under the rule.
322	Kathy Berger	Comments about how many youth that would be there. Indicates that they came up with a figure of 10 youth in a biennium.
385	Sen. Kate Brown	Adds that they believe the youth are already in the system either in OYA or in foster homes. Discusses two other bills that came before the Senate. (SB 1059 and HB 2141).
TAPE 11B		
002	Sen. Brown	Believes the bill has an extensive fiscal.
006	Chair Gordly	Asks if it is assumed that Federal funds are available. Wants to know the source and how soon the funds would be available. Refers to (Exhibit #6, Juvenile Psychiatric Security Review Board: SB 232) .
013	Bob Nikkel, Administrator for the State office of Mental	Comments about being able to bill Medicaid. Indicates that they have a daily rate of \$600 per day with a 40/60 match.

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	Health and Addiction Services	
024	Chair Gordly	Questions about the makeup of the PSRB and how the measure changes the makeup.
026	Mary Claire Buckley	Explains that the bill creates a separate board under the bill which has designated board members but would all be related to juveniles.
040	Chair Gordly	Indicates she was trying to understand the relationship.
042	Mary Claire Buckley	Explains that they adapted the current model to fight juvenile needs.
051	Chair Gordly	Asks if there are other people who need to testify as a part of their panel.
053	Mary Buckley	Indicates no.
055	Sen. Devlin	Asks OYA about the two juveniles that they have in their custody that fit the requirements. Questions where they currently are within their custody.
059	Karen Andall	Replies that they only estimated that approximately 2 youth per year come into their custody and then elaborates.
070	Sen. Devlin	Questions that once this is in place, if a juvenile was judged responsible except for insanity they would have to be placed in one of these alternate facilities.
075	Kathy Berger	Responds that he is correct.
081	Sen. Devlin	Asks if any of the adjudicated cases could be reopened.
083	Kathy Berger	Responds no.
085	Sen. Devlin	Indicates he is done.
088	Chair Gordly	Asks if any other people wish to testify.
092	James Toews, Department of Human Services	Discusses their concerns about legally implementing the law. Comments on the lack of lock-up capacity. Explains what the default would be if they did nothing. Believes that they serve 18 children that could possibly meet the criteria. (Exhibit #7, Letter from James Towes, dated June 23, 2005).
131	Chair Gordly	Asks if the department has an official position.
142	James Toews	Replies that the department was supportive of the policy issue.
151	Bob Nikkel	Indicates that the department is neutral on the bill. Informs that they are supportive of the concept but are concerned about the potential costs.
159	Chair Gordly	Asks if there is anyone in the audience that wants to make a counter argument to the concerns that the department has expressed.
164	Mary Claire Buckley	Defers to Kathy Berger.
166	Kathy Berger	Responds that these youth are already in our system. Indicates that if they took out the DD kids from the bill an equal protection lawsuit against the state of Oregon could be asserted by a DD child. Explains that the PSRB gives the needed oversight.
209	Kathy Berger	Discusses how difficult the defense is to prove.
240	Chair Gordly	Asks if the department's concerns were raised and discussed before the Senate Committee on Judiciary. Sees that there were two hearings before that committee.

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247	Bob Nikkel	Responds yes.
249	Chair Gordly	Doesn't see that issue addressed in the Staff Measure Summary.
251	Bob Nikkel	Replies that they did through the Fiscal Impact Analysis.
260	James Toews	Indicates that he would add that even with the argument that the defense is hard to invoke disabled kids in Oregon are very underserved because it is very hard to get into their system.
273	Bob Nikkel	Indicates the department's analysis assumes more than five kids per year. They assume 10 kids with mental illnesses and who also may have a development disability.
282	Chair Gordly	Indicates that the Chair will have to excuse herself for a dental appointment and will ask Sen. Devlin to continue the Public Hearing and again notes that this is not a Work Session.
294	Sen. Devlin	Asks Ms. Botkin to come forward.
297	Mary Botkin, representing The American Federation of State and County Municipal Employees	Testifies in support of the legislation and the concept. Believes it is a great bill and should be moved forward.
351	Sen. Devlin	Asks if there is anyone else that wish to testify now. Comments on the people who have worked on this issue for a number of years. Hopes that the parties will allow the bill to move on to the House. Adjourns the meeting at 2:00 p.m.

Additional Exhibit:

Exhibit #8 – Witness Registration Sheet