

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

TAPE LOG

**Date: May 25, 2005
Tapes: 2, 3A**

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

Tape / Counter	Speaker	Comments
Members Present: Senators Gordly, chair, Devlin, Winters		
Members Excused:		
TAPE 2A		
003	Chair Gordly	Calls the meeting to order at 1:00 p.m. Opens a Work Session on SB 5577 – Department of Justice. Explains that the committee will stand at ease waiting for a quorum. SB 5577 – DEPARTMENT OF JUSTICE – WORK SESSION (Please see HB 5044 for prior Exhibits)
009	Chair Gordly	Reconvenes the subcommittee meeting. Asks Mr. Wilson to begin his presentation.
012	Doug Wilson, Legislative Fiscal Office (LFO)	Refers to (Exhibit #1, Memorandum from Doug Wilson, Legislative Analyst, dated May 25, 2005), (Exhibit #2, Dept. of Justice, Work Session Action Report), (Exhibit #3, Senate Bill 5577).
021	Chair Gordly	Asks Sen. Devlin to be prepared regarding the need for upcoming motions.
022	Doug Wilson	Reviews Exhibit #1 discussing the major changes to the Governor's budget.
045	Doug Wilson	Moves to Exhibit #2.
047	Chair Gordly	Asks the Attorney General to come forward in case they need to have some discussion with them.
053	Doug Wilson	Begins with the Administration Division on page 6 of 32. (Explains that the pages are in the correct order even though they are not sequential). Reviews Package 090: Analyst Adjustments and Package 103: Justice Building Renovation.
086	Doug Wilson	Moves to page 7 of 30 in Exhibit #2 reviewing Package 104: Agency and Program Support.
099	Doug Wilson	Covers Package 106: Administrative Offset for Intra-agency Charges.
105	Doug Wilson	Moves to the top of page 8 of 30 reviewing Package 801: LFO Analyst Adjustments and Package 811: Special Budget Committee Adjustments #1. Concludes reviewing the Administrative Unit.
121	Sen. Devlin	MOVES approval of the LFO recommendation for the Dept. of Justice Administration.
123	Chair Gordly	Vote: 3 – 0 – 0 Ayes: Senators Gordly, chair, Devlin, Winters Hearing no objections, declares the motion CARRIED.
127	Doug Wilson	Discusses the Budget Note at the bottom of page 2 in Exhibit #1.

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136	Sen. Devlin	Clarifies that his motion was inclusive of approval for the Budget Note.
140	Doug Wilson	Covers page 11 in Exhibit #2 reviewing the Civil Enforcement Division packages. Discusses the responsibilities of the division.
154	Doug Wilson	Covers Package 090: Analyst Adjustments.
164	Chair Gordly	Notes for the record that the reduction of the one position affects the unit's ability to investigate and prosecute fraud by clients and providers. Comments on the impacts for citizens.
171	Sen. Winters	Questions how much impact it will have.
177	Hardy Myers, Attorney General	Indicates that they are checking for that information. Explains that it is an Assistant Attorney General position that is presently vacant.
191	Sen. Winters	Asks Mr. Wilson how we compare with other states regarding recovery.
196	Doug Wilson	Responds that our unit is smaller than many states. Indicates that Oregon is very successful compared to our size.
204	Sen. Winters	Expresses that it raises some concern for her. Asks where Oregon would be if the position were filled.
211	Kevin Neely, Executive Assistant to Attorney General Hardy Myers	Replies that the amount that they collect in the Medicaid Fraud Unit fluctuates and then elaborates. Indicates case level goes down by approximately 20 criminal prosecution cases when they lose an attorney. Believes an average would be approximately 2 million dollars a year.
234	Chair Gordly	Confirms that Sen. Winters has completed her questioning.
236	Sen. Devlin	Asks how long the position has been vacant.
240	Doug Wilson	Points out that the 2 million dollars in recovery wouldn't all come back to the State and then elaborates.
245	Hardy Myers	Explains that the position was part of an expanded package from 2001 session. Indicates that it was held vacant because there were investigator positions that they filled first and explains why.
261	Sen. Devlin	Confirms that they are keeping the investigators in this budget.
263	Hardy Myers	Responds yes.
265	Sen. Devlin	Confirms that the position has never been filled since it was created.
266	Hardy Myers	Responds yes.
269	Doug Wilson	Covers Package 301: DSL/DHS Estates Program. Indicates that LFO recommends approval with a PERS rate adjustment.
287	Sen. Winters	Asks where the package for termination is.
290	Doug Wilson	Replies that it is in General Counsel which will come up later.
292	Doug Wilson	Covers Package 801: LFO Analyst Adjustments. Comments on the difference between the House and Senate budgets.
305	Doug Wilson	Discusses the funding levels for the Financial Fraud/Consumer Protection program which lost its general fund resources in 2003-05. Refers to page 3 of Exhibit #1 discussing the things that could be done to deal with this situation.
358	Chair Gordly	Expresses her concern about this area that goes to the heart of

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		protecting the public. Asks for language in the pony that informs the chair and the committee that it is a significant issue. Wants the issue to come back before the Emergency Board.
382	Doug Wilson	Suggests a report to the Emergency Board.
385	Doug Wilson	Explains that the House had a similar discussion and believes the concern was universal.
392	Sen. Winters	Expresses her concern about the length of time that it takes to move termination of parental right cases. Believes it takes approximately 36 months and the standard is 24 months. Asks if they know the average length of time to complete those cases so the children can be eligible for adoption.
416	Hardy Myers	Agrees to provide the information.
423	Sen. Winters	Clarifies what she is looking for.
428	Sen. Devlin	MOVES approval of the LFO recommendations relative to the Dept. of Justice Civil Enforcement Division including all the issues identified by Mr. Wilson and the Chair.
435	Chair Gordly	Asks for any discussion
TAPE 3A		
005	Sen. Devlin	Shares the Chair's concern about this division. Indicates that he believes it is an issue that will be revisited in the interim.
016	Sen. Winters	Indicates that she shares the same concerns as well as the concern that they are given the tools that require staff time.
023	Chair Gordly	Requests that the record reflects the concerns. Vote: 3 – 0 – 0 Ayes: Senators Gordly, chair, Devlin, Winters Hearing no objections, declares the motion CARRIED . Asks that the pony reflect the committee's expressed concerns.
031	Doug Wilson	Responds so noted.
032	Doug Wilson	Moves to the Criminal Justice Division referring to page 4 of Exhibit #1 and to page 14 in Exhibit #2. Covers Package 070: Revenue Shortfalls.
052	Doug Wilson	Covers Package 090: Analyst Adjustments.
061	Doug Wilson	Covers Package 096: CFAA Fundshift.
068	Doug Wilson	Covers Package 106: Administrative Offset for Intra-agency Charges.
070	Doug Wilson	Covers Package 401: Terrorism Intelligence Network.
078	Doug Wilson	Covers Package 402: Analytical and Criminal Intelligence Support.
086	Doug Wilson	Moves to Package 405: Support for DA Assistance unit.
092	Doug Wilson	Covers Package 411: Restoration of CFAA Public Safety Fund.
097	Doug Wilson	Covers Package 801: LFO Analyst Adjustments which is the standard PERS adjustment.
100	Doug Wilson	Covers Package 810: Additional Ways and Means Adjustments. Explains that it adds a position for a DUII Prosecution grant.

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112	Doug Wilson	Covers Package 811: Special Budget Committee Adjustments #1. Indicates that LFO is recommending approval of the package.
124	Doug Wilson	Covers Package 812: Special Budget Committee Adjustments #2. Explains that it adds positions that are limited duration in nature for the Oregon Victims' Rights Compliance project.
133	Doug Wilson	Covers Package 813: Special Budget Committee Adjustments #3.
142	Doug Wilson	Covers Package 814: Special Budget Committee Adjustments #4.
147	Doug Wilson	Covers Package 815: Special Budget Committee Adjustments #5.
154	Doug Wilson	Refers to page 5 of Exhibit #1 pointing out several issues in the division that are outstanding and may be addressed during the remaining weeks of the Session.
179	Sen. Devlin	MOVES to approve all the LFO recommendations relative to the Dept. of Justice Criminal Justice Division.
185	Sen. Winters	Clarifies that they are not doing the motions in block.
187	Chair Gordly	Vote: 3 – 0 – 0 Ayes: Senators Gordly, chair, Devlin, Winters Hearing no objections, declares the motion CARRIED .
189	Doug Wilson	Comments on the General Counsel Division referring to page 5 in Exhibit #1 and page 21 in Exhibit #2. Covers Package 451: DHS Child Welfare Representation.
220	Sen. Winters	Confirms that the Legislature isn't completely shutting the door but providing flexibility within the division.
223	Chair Gordly	Comments on the need for the package and questions whether methamphetamine is driving that need.
229	Doug Wilson	Replies not necessarily and that it has been an issue that has been under-developed for a number of years.
244	Chair Gordly	Asks if Oregon is the only state.
246	Hardy Myers	Responds about the recent audit that focuses on this issue of the inadequacy of legal representation for this agency in the proceedings.
259	Chair Gordly	Clarifies that Oregon is unique in its inadequacy. Asks them to flag this issue.
264	Sen. Winters	Indicates that Oregon has a federal responsibility to move termination of parental rights cases in a certain period of time. Comments on the statutory requirement to get things done and discusses the difficulty in not providing the DOJ the tools to handle the cases.
291	Chair Gordly	Asks this issue to be high-lighted in the pony as well.
298	Hardy Myers	Believes she has described it well.
301	Sen. Devlin	Comments on an issue that came up in the Full Committee regarding clarification of the case worker's involvement and the questions that arose.
318	Hardy Myers	Replies that the time a case worker might be in court might not change very much. Then discusses where the significant reduction would be experienced.

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337	Sen. Devlin	Comments on the make-up of the joint committees.
343	Chair Gordly	Understands that the case workers have been cast in inappropriate roles and there is a need to fix that.
352	Doug Wilson	Coverage Package 801: LFO Analyst Adjustments. Refers to the memo on page 5 of Exhibit #1 discussing the agreement between the DOJ and the Dept. of Higher Education.
388	Sen. Devlin	MOVES approval of the LFO recommendations to the Dept. of Justice General Counsel Division.
394	Chair Gordly	Asks for any objections.
395	Sen. Winters	Confirms that the comments that were made will be stressed.
399	Chair Gordly	Vote: 3 – 0 – 0 Ayes: Senators Gordly, chair, Devlin, Winters Hearing no objections, declares the motion CARRIED .
402	Doug Wilson	Moves to the Appellate Division found on page 6 in Exhibit #1 and page 9 in Exhibit #2. Reviews Package: 202: Advocating in Expedited Appeals.
423	Doug Wilson	Covers Package 801: LFO Analyst Adjustments.
428	Sen. Devlin	MOVES the LFO recommendations for the Dept. of Justice Appellate Division.
432	Chair Gordly	Vote: 3 – 0 – 0 Ayes: Senators Gordly, chair, Devlin, Winters Hearing no objections, declares the motion CARRIED .
434	Doug Wilson	Moves to the Trial Division found on page 6 in Exhibit #1 and page 23 of Exhibit #2. Covers Package 462: Litigation Support.
464	Doug Wilson	Covers Package 801: LFO Analyst Adjustments.
TAPE 2B		
016	Doug Wilson	Explains that there are no additional resources proposed by the Governor around Ballot Measure 37 but discusses the growing workload for the agency.
023	Chair Gordly	Asks that to be reflected in the report.
025	Sen. Devlin	MOVES approval of the LFO recommendations to the Dept. of Justice Trial Division.
027	Chair Gordly	Vote: 3 – 0 – 0 Ayes: Senators Gordly, chair, Devlin, Winters Hearing no objections, declares the motion CARRIED .
029	Doug Wilson	Covers the Defense of Criminal Convictions division.
039	Doug Wilson	Moves to Package 090: Analyst Adjustments. Explains that LFO is recommending approval.
060	Doug Wilson	Covers Package 801: LFO Analyst Adjustments.
065	Sen. Devlin	MOVES approval of the LFO recommendations to the Dept. of Justice Defense and Criminal Convictions.
073	Chair Gordly	Asks Mr. Wilson to include in the committee report the statement at the bottom of page 7 in Exhibit #1 about the increase in the backlog

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		of cases.
079	Chair Gordly	Vote: 3 – 0 – 0 Ayes: Senators Gordly, chair, Devlin, Winters Hearing no objections, declares the motion CARRIED .
080	Doug Wilson	Moves to the DOJ – Child Support Division. Discusses the role of the division.
091	Doug Wilson	Covers Package 090: Analyst Adjustments.
104	Doug Wilson	Covers Package 104: Agency and Program Support.
112	Doug Wilson	Covers Package 106: Administrative Offset for Intra-Agency Changes.
117	Doug Wilson	Covers Package 161: Parental Access and Visitation Grant.
128	Doug Wilson	Covers Package 163: Multnomah County Court Pilot.
137	Doug Wilson	Covers Package 165: Special Payments – Limited to Nonlimited.
149	Doug Wilson	Covers Package 801: LFO Analyst Adjustments.
151	Doug Wilson	Covers Package 811: Special Budget Committee Adjustments #1.
158	Doug Wilson	Covers Package 812: Special Budget Committee Adjustments #2. Explains the LFO recommendation regarding the package.
210	Sen. Devlin	Notes that the Attorney General wanted to make a comment.
213	Sen. Winters	Believes he is reading into things.
215	Sen. Devlin	MOVES approval of the LFO recommendation to the Dept. of Justice Child Support Division.
217	Chair Gordly	Vote: 3 – 0 – 0 Ayes: Senators Gordly, chair, Devlin, Winters Hearing no objections, declares the motion CARRIED .
219	Doug Wilson	Explains that they need to amend in the language to the Appropriation Bill.
227	Sen. Devlin	MOVES approval of the LFO recommendations for the Appropriation Bill amendments.
230	Chair Gordly	Vote: 3 – 0 – 0 Ayes: Senators Gordly, chair, Devlin, Winters Hearing no objections, declares the motion CARRIED .
232	Doug Wilson	Reviews the final item which is the Performance Measures. Refers to (Exhibit #4, Legislatively Adopted Performance Measures, 2005-07) . Discusses the changes to Performance Measure #2, Performance Measure #4, Performance Measure #6, and Performance Measure #7.
270	Doug Wilson	Refers to the back side of Exhibit #4 reviewing the two new Performance Measures that were recommended by the committee.
276	Chair Gordly	Asks if the agency has any comments. Questions whether they are comfortable moving forward with the performance measures.
279	Hardy Myers	Responds yes.
281	Sen. Devlin	MOVES approval of the LFO recommendations relative to the

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		Performance Measures.
263	Sen. Winters	Encourages the agency to consider a performance measure regarding the amount of time it takes to do a termination regarding parental right. Asks the agency to give some thought to that and would like it to be considered in the future.
301	Hardy Myers	Responds that they will do that and will try to give them specific time periods that is elapsing in that area.
306	Sen. Winters	Comments about methamphetamine and surrounding issues that affect the issue of termination rights.
314	Sen. Devlin	MOVES SB 5577, as Amended, to the Full Senate Special Budget Committee with a Do Pass recommendation.
318	Chair Gordly	Vote: 3 – 0 – 0 Ayes: Senators Gordly, chair, Devlin, Winters Hearing no objections, declares the motion CARRIED .
321	Chair Gordly	Expresses her thanks to the Attorney General and his staff. Asks if the Attorney General has any comments for the record.
333	Hardy Myers	Returns the thanks for the courteous and professional treatment of his staff by the committee. Discusses the Governor's recommendations for general fund reductions to DOJ. Indicates that it remains his hope that as the process works through where public safety has been identified for reallocation he believes the public safety hot spot is in the defense of criminal convictions areas. Comments on the importance of that area of work and views that as their primary area of concern as this budget moves forward to Full Committee action. Indicates that Financial Fraud and Consumer Protection is the other issue. Explains that he didn't press for more general funds because he didn't know of a way to get the funds. Hopes that some consideration will be given to this area should general fund savings become apparent. Recognizes the constraints that they are working under regarding the total general fund budget and has a respectful hope that those two areas will be kept on their priority list.
414	Chair Gordly	Indicates that they have noted his most significant comments and his concerns will be represented in the report.
422	Sen. Devlin	Echoes the Chairs' comments about the Attorney General and his staff. Appreciates Doug Wilson's work on the budget as well.
430	Hardy Myers	Adds his thanks to Mr. Wilson.
434	Chair Gordly	Explains that they aren't going to let Mr. Wilson go anytime soon. Thanks everyone. Adjourns at 2:32 p.m.