

## HOUSE COMMITTEE ON JUDICIARY

June 10, 2003 Hearing Room 357

1:00 pm Tapes 218 - 220

**MEMBERS PRESENT:**        Rep. Max Williams, Chair  
                                 Rep. Robert Ackerman, Vice-Chair  
                                 Rep. Gordon Anderson, Vice-Chair  
                                 Rep. Jeff Barker  
                                 Rep. Jerry Krummel  
                                 Rep. Greg Macpherson  
                                 Rep. Floyd Prozanski  
                                 Rep. Lane Shetterly

**MEMBER EXCUSED:**        Rep. Bob Jenson

**STAFF PRESENT:**         Craig Prins, Counsel  
                                 Bill Joseph, Counsel  
                                 William Taylor, Counsel  
                                 Nancy Masee, Committee Assistant

**MEASURE/ISSUES HEARD:**  
                                 SB 391A Public Hearing and Work Session  
                                 SB 267 Work Session

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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 218, A</b>		
004	Chair Williams	Opens meeting at 1:00 pm. Opens work session on SB 391A.
<b><u>SB 391A PUBLIC HEARING</u></b>		
022	John Wittmayer	Circuit Judge, Multnomah County. Testifies in support of SB 391A which requires \$25 fee when marriage solemnized by judicial officer, and submits written testimony ( <b>EXHIBIT A</b> ). Discusses the amendments to the bill.
104	Bill Joseph	Committee Counsel. Explains the -A6 amendments ( <b>EXHIBIT B</b> ) contain previous amendments.
114	Chair Williams	Discusses Section 1 of the -A6 amendments.
130	Rep. Prozanski	Discusses how an application process will prolong action.
142	Rep. Anderson	Asks why municipal judges and justices of peace are removed.
150	Judge Wittmayer	Answers that the concern was with the budget.
170	Rep. Shetterly	Asks if county clerks are authorized to perform weddings.
175	Judge Wittmayer	Responds that Multnomah County does not do weddings, this bill raises the fee.
186	Judge Ed Jones	Circuit Court Judge of Multnomah County. Testifies in support of SB 391A. Wants to roll the fee into the initial cost of the wedding. Wants \$25 increase on all weddings collected by county clerks.
228	Chair Williams	Comments on charging for judges performing weddings versus raising wedding fees on all weddings.

281 Joseph Explains the intent of the bill to allow either county clerk or clerk of the court to collect all fees in one place.  
267 Judge Wittmayer Testifies on fiscal impact of the bill that shows an increase in income of about \$267,422. Presents statistics on number of civil weddings in Oregon for the year 2001. Says the net new income would approximate \$250,307 based on those figures.

**TAPE 219, A**

005 Judge Wittmayer Relates revenue from marriage fees from this bill.  
012 Chair Williams Closes public hearing on SB 391A. Opens work session on SB 391A.  
014 Staff Submits testimony for Senator Frank Shields in support of SB 391A (**EXHIBIT C**).

**SB 391A WORK SESSION**

015 Rep. Prozanski **MOTION: Moves to ADOPT SB 391A-6 amendments dated 5/21/03.**  
**VOTE: 7-0-2**  
**EXCUSED: 2 - Jenson, Shetterly**  
**Hearing no objection, declares the motion CARRIED.**  
016 Chair Williams  
018 Rep. Prozanski **MOTION: Moves SB 391A to the floor with a DO PASS AS AMENDED recommendation.**  
**VOTE: 7-0-2**  
**EXCUSED: 2 - Jenson, Shetterly**  
**Hearing no objection, declares the motion CARRIED.**  
**REP. PROZANSKI will lead discussion on the floor.**  
019 Chair Williams  
020 Chair Williams Closes work session on SB 391A. Opens work session on SB 267.

**SB 267 WORK SESSION**

025 Bill Taylor Committee Counsel. Explains SB 267 which creates position on Board on Public Safety Standards and Training for representative of largest collective bargaining unit of Department of Corrections, and the -1 amendments (**EXHIBIT D**).  
065 Chair Williams Makes statement in support of SB 267. Discusses the -1 amendments created by the work group.  
105 Phil Lemman Director, State Criminal Justice Commission and Juvenile Crime Prevention Advisory Committee, neither of which has taken a stand on this legislation. Testifies in support of SB 267 and the -1 amendments and submits testimony (**EXHIBIT E**). Discusses definitions in the bill. States the bill should address rural areas and minorities.  
190 Rep. Prozanski Asks how the programs will be assisted to meet the criteria mentioned.  
192 Lemman Replies the agency will adopt rules in research and financing assessment to determine what is cost effective.  
210 Donna Middleton Director, State Commission on Children and Families. Testifies in support of SB 267. Describes being a member of the work group. Explains drafting of administrative rules.  
200 Bob Nikkel Administrator, State Office of Mental Health and Addiction Services. Testifies in support of SB 267. Mentions how his agency will have to make changes.  
280 Karen Brazeau Director, Oregon Youth Authority. Testifies in support of SB 267.  
341 Benjamin de Haan Interim Director, Department of Corrections (DOC). Testifies in support of SB 267 and submits testimony (**EXHIBIT F**). Supports the -1 amendments. DOC supports SB 267 and is

		ready to implement bill.
352	Rep. Anderson	Discusses how evidence-based programs would be difficult in rural areas. It would be easier to take evidence based practices rather than the full program.
360	Brazeau	Explains that is the practice carried on today. Agencies have providers. Talks about least expensive versus most effective practices. Stresses the importance of effective services.
365	de Haan	States there are many types of evidence-based programs. Explains that DOC requires substantiation for research programs.
370	Rep. Anderson	Comments on the Grants Pass program.
<b>TAPE 218, B</b>		
010	Brazeau	States SB 267 does not require exact replication.
015	Rep. Macpherson	Discusses the -1 amendments. Wants to know about the remaining 25 percent of evidence-based programs.
020	de Haan	Answers that his opinion is that he would go 100 percent behind the walls. Replies that the DOC opinion is that programs behind the wall programs are very controlled and different form community programs.
025	Brazeau	Discusses how she feels that there should be some trial period first before evaluations can be determined. States the programs for kids will be under-evaluated
030	Middleton	States that the work group emphasized innovative programs. The work group wants good results.
040	Nikkels	Discusses how the Oregon State Hospital needs flexibility. Some peoples' needs cannot be determined right away.
050	Lemman	Discusses that kids come into the system with a multitude of problems and programs need to address these many problems with wrap around services. Says the standards proposed are strict.
113	Chair Williams	States this issue will stay on the interim Judiciary Committee's agenda.
128	Rep. Macpherson	Comments that he thought the failure to go to 100% was addressed by the witnesses.
135	Taylor	Asks if Mr. Latessa will be back.
140	de Haan	Replies Portland State University will offer seminars in Portland and in Salem.
145	Rep. Prozanski	Asks questions about the work group. Were any stakeholders or contractors there?
150	Lemman	Replies that Juvenile Crime Prevention Committee expressed interest. Says there were mixed input including proposed policy changes. States this is a significant undertaking.
155	Middleton	Describes how local Commission on Children and Families were informed of the work group and they provided feedback.
168	Rep. Prozanski	Discusses funding. Programs cannot work without funding. What does the work group say about funding?
196	de Haan	DOC has more latitude in planning programs internal to the department. States the local programs have been historically under-funded.
200	Chair Williams	Discusses costs. Can we afford not to have these programs?
240	Rep. Prozanski	Asks who makes decisions on whether programs are working or not and to continue or discontinue.
250	Lemman	Describes how the work group will report back in a year to the committee.
255	Brazeau	Replies that the groups have not approved drafts so far.

260	Rep. Prozanski	Asks if focus will be on the outcomes.
334	Brazeau	Replies that the intent of the bill is to have positive outcomes, but clients differ individually so outcomes are not easy to define.
350	Chair Williams	Comments on limitations of studies on programs.
373	Rep. Krummel	Asks about page 2, Section 3, subsection 5, line 5, scientifically based research. What will be acceptable as reliable and statistically valid? Are programs already in national norms being used?
<b>TAPE 219, B</b>		
004	de Haan	Replies about programs and statistics available to use as tests. Describes DOC programs and how they can be tracked.
015	Nikkels	Discusses how adult mental health practices are tracked by Dartmouth Mental Health Research Center. Describes tools already developed to measure and assess programs.
025	Rep. Krummel	Comments on spending dollars on what is already known. Refers to page 3, subsection 4, and line 11.
035	Brazeau	Replies that each agency would report to the legislature who will respond to agency budgets.
050	Taylor	Describes Legislative Counsel's opinion ( <b>EXHIBIT G</b> ). Says the next legislature cannot be bound.
071	Chair Williams	Describes how the next legislature may consider the bill during the interim.
076	Rep. Krummel	Discusses performance evaluation and budget. Asks if there will be a shift in funds from DHS to DOC.
101	de Haan	Discusses how more effective programs would reduce numbers of people returning to prison system.
134	Mary Botkins	American Federation of State-County Municipal Employees (AFSCME). Testifies in support of SB 267 and amendments. Relates concern about lack of oversight provided by the bill.
173	Janet Arenz	Oregon Alliance for Child Advocacy. Testifies in support of SB 267. Explains how the Alliance addresses treatment needs for children, youth, and families. Discusses evidence-based programs in the agency.
287	Steve Doell	Crime Victims. Supports SB 267. States there are some concerns about this bill. Suggests an audit function. Suggests weighing programs carefully. Refers to the Deschutes program which had been studied but ultimately was a failure.
426	Rep. Krummel	Asks if Ms Botkin's concerns were included in the amendments.
<b>TAPE 220, A</b>		
014	Botkins	Answers, no. Comments on transfer of funds between agencies. Observes that DOC always gets failures not money from other agencies. Observes that DOC staff does not get the training needed for mental health issues.
041	Gina Firman	Association of Community Health Programs. States the association has not taken a position on SB 267. Supports evidence-based practices.
075	Angela Kimball	National Alliance for the Mentally Ill. Explains mental health issues of youth and the need for evidence based practices. Describes the Multnomah County programs. Discusses multi-systemic therapy (MST). Cautions cuts to mental health programs.
109	Chair Williams	Comments on testimony on SB 267 and the amendments. Comments on oversight needed for the bill. States evidence-based programs have some cost. Discusses how decisions on

spending on programs should have the most positive affects on people and will take place over a long period of time.

120            **Rep. Macpherson**            **MOTION: Moves to ADOPT SB 267-1 amendments dated 5/28/03.**  
**VOTE: 8-0-1**  
**EXCUSED: 1 – Jenson**

121            **Chair Williams**            **Hearing no objection, declares the motion CARRIED.**

122            **Rep. Macpherson**            **MOTION: Moves SB 267 to the floor with a DO PASS AS AMENDED recommendation.**

123            **Rep. Krummel**            **Explains why he is voting against the bill.**

124            **Rep. Prozanski**            **Explains his reservations and vote on the bill.**  
**VOTE: 7-1-1**  
**AYE:            7 - Ackerman, Anderson, Barker, Macpherson, Prozanski, Shetterly, Williams**  
**NAY:            1 - Krummel**  
**EXCUSED:    1 - Jenson**

123            **Chair Williams**            **The motion CARRIES.**  
**REP. WILLIAMS will lead discussion on the floor.**

124            **Chair Williams**            **Closes work session on SB 267. Adjourns meeting at 3:12 pm.**

## **EXHIBIT SUMMARY**

**A – SB 391A, written testimony, John Wittmayer, 2 pp**

**B – SB 391A-6 amendments, staff, 4 pp**

**C – SB 391, written testimony submitted by staff for Sen. Frank Shields, 1 p**

**D – SB 267-1 amendments, staff, 4 pp**

**E – SB 267, written testimony, Phil Lemman, 16 pp**

**F – SB 267, written testimony, Benjamin de Haan, 27 pp**

**G – SB 267, written testimony submitted by staff, 1 p**