

HOUSE COMMITTEE ON JUDICIARY - CRIMINAL LAW

April 5, 1999 Hearing Room 357

8:30 a.m. Tapes 118 - 119

MEMBERS PRESENT: Rep. Mannix, Chair

Rep. Prozanski, Vice-Chair

Rep. Bowman

Rep. Gianella

Rep. Hansen

Rep. Simmons

Rep. Sunseri

STAFF PRESENT: John Horton, Counsel

Patsy Wood, Administrative Support

MEASURE/ISSUES HEARD:

HB 2297 Public Hearing

HB 2488 Public Hearing

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.

TAPE/#	Speaker	Comments
TAPE 118, A		

004	Chair Mannix	Calls the meeting to order at 8:35 a.m.
<u>HB 2297 PUBLIC HEARING</u>		
040	Counsel Horton	HB 2297 modifies provisions relating to payment of non-attorney expenses for persons eligible for court-appointed counsel. The ñ1 amendments (EXHIBIT A) establish the Public Defense Services Corporation to provide legal services in indigent cases.
057	Ann Christian	Director, Indigent Defense Services Division of State Court Administratorís Office Testifies in support of HB 2297. Describes what services the Indigent Defense Account could reimburse for. Discusses the Modest Means Fund that is part of the Oregon State Bar.
093	Chair Mannix	Should we be prepared to pass HB 2297 even though we have a new bill establishing an indigent defense public corporation?
111	Christian	Yes. We are in support of HB 2297 in its original form.
120	Chair Mannix	Closes the public hearing on HB 2297.
<u>HB 2488 PUBLIC HEARING</u>		
129	Counsel Horton	HB 2488 requires the Department of Corrections (DOC) to provide state agencies with a list of services and products available through the DOC. Explains the ñ1 amendments (EXHIBIT B). HB 2488 does have a subsequent referral to Ways & Means.
165	Tim Kral	Executive Director, Oregon Rehabilitation Association Testifies in support of HB 2488. Discusses the Products of Disabled Individuals Law that allows a state agency or a public agency to negotiate a contract directly with a qualified rehabilitation facility. The ñ1 amendments would ensure that disabled individuals do not lose their jobs to the DOC providing the goods or services.
189	Emil Graziani	Executive Director, Garten Foundation Testifies in support of HB 2488 and the ñ1 amendments.
203	Ben de Haan	Deputy Director, Department of Corrections (DOC) Testifies and submits written testimony in support of HB 2488 (EXHIBIT C). Addresses the individual sections of HB 2488 in relation to the current operation of the Inmate Work Programs at the DOC.

326	Rep. Sunseri	What do you think of the ñ1 amendments?
327	de Haan	I would question the legality and the constitutional constraints.
335	Rep. Sunseri	It looks like we are building into the law a non-compete clause.
336	de Haan	I don't know, but that could be the case.
350	Rep. Bowman	In Section 6 of HB 2488 a single DOC employee may supervise a work crew. Is that currently taking place in state government?
356	de Haan	Yes, under very specific circumstances.
361	Rep. Bowman	What specific training do employees receive when they are required to supervise inmate work crews?
363	de Haan	I think they receive 40 hours of security training.
371	Michael Taaffe	Department of Corrections (DOC) The current training for supervising work crews is 8 hours.
379	Rep. Bowman	What does that training include?
380	Taaffe	I could get you the DOC training curriculum.
386	Rep. Bowman	I have seen the curriculum, but how do you train a non-corrections employee to supervise an inmate work crew in regards to behavioral problems? How should a supervisor react if an inmate doesn't want to work?
400	Taaffe	Those issues might not be spelled out in the curriculum, but that is part of the training.
405	Rep. Bowman	How many jobs have been lost to the prison industry work program?
410	Taaffe	Are you seeking a net loss figure?
412	Rep. Bowman	Either or.
414	Taaffe	Some jobs have been lost through the expansion of our laundry at the Oregon State Penitentiary.

429	Rep. Bowman	Is data being collected on the number of jobs lost compared to the economic impact from buying from suppliers in Oregon?
435	Taaffe	No. That would be done in a very specific study with parameters and a closed time frame.
TAPE 119, A		
006	Rep. Prozanski	You mentioned that lost jobs were being offset by purchases you are making of Oregon products. Are those new purchases or displaced purchases that may have been made by companies that have lost positions because of the inmate work program?
013	Taaffe	Very few known jobs have been lost in the State of Oregon due to our growth.
024	Chair Mannix	Are you working on proposed amendments regarding a public corporation to handle inmate work?
026	de Haan	Yes.
027	Chair Mannix	Discusses legislation (HJR 82) that deals with concerns about the competition issue and the Prison Industries Board.
047	Mary Botkin	American Federation of State, County and Municipal Employees (AFSCME) Testifies as neutral to HB 2488. A prison does not function safely unless inmates are working so the Inmate Work Program is an integral part of our plan in operating safe and secure prisons. We have serious concerns when inmate work crews are sent outside the prison without adequate supervision. A female park ranger, who has to supervise an inmate work crew, felt that after 8 hours of training she did not have adequate training to protect herself. I would recommend a reduced security training program administered by the Department of Public Safety Standards and Training. Discusses going back to the old language of non-competition in the constitution. Suggests using lottery dollars for prison industry programs.
196	Chair Mannix	The Governor's primary concerns regarding HJR 82 are the continued constitutional Prison Industries Board and more flexibility to the competition language.
210	Botkin	The Prison Industries Board could be taken out of the constitution and put into the statutes.
230	Chair Mannix	The Director of the DOC could have an advisory committee to oversee the Prison Industries Board.

252	Botkin	We're willing to help where we can and liaison in the labor community. Our prisons are not safe for the staff or inmates if we don't have good work programs.
269	Chair Mannix	Closes the public hearing on HB 2488.
270	Chair Mannix	Adjourns the meeting at 9:23 a.m.

Submitted By, Reviewed By,

Patsy Wood, Sarah Watson,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ HB 2297, -1 amendments (LC 1211), dated 4/1/99, staff, 117 pgs.

B ñ HB 2488, -1 amendments (LC 1863), dated 2/26/99, staff, 1 pg.

C ñ HB 2488, written testimony submitted by Ben deHaan, Department of Corrections, dated 4/5/99, 4 pgs.