

CONFERENCE COMMITTEE ON SB 229

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**July 1, 1997 Hearing Room
357**

1:00 Tapes 1-

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MEMBERS PRESENT: **Sen. Shirley Stull, Chair**

Rep. George Eighmey

Rep. John Minnis

Sen. Eileen Qutub

Rep. Ron Sunseri

Sen. Cliff Trow

STAFF PRESENT: **Nikola Jones, Counsel**

Marjorie Taylor, Administrative Support

MEASURE/ISSUES HEARD: Conference Committee on SB 229

These mmutes 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 1, A

004 Chair Stull Calls the meeting to order at 5:10 p.m., 711197, and opens a work

session on SB 229.

SB 229 WORK SESSION

016 Chair Stull Indicates that the committee will reconvene at 9:00 a.m., 7/2197, to deal

with amendments to the bill.

037 Chair Stull Recesses the work session at 5:14 p.m.

038 Chair Stull Reconvenes the meeting at 9:25 a.m., 712197.

045 Phillip Lemman Representative, Criminal Justice Commission.

Explains that one interim has passed since the creation of the Commission, and the only thing they have done is issue a report of felony sentencing practices for 1994. Indicates that other duties of the commission include providing staff support for the asset forfeiture oversight committee. In terms of sentencing guidelines, the commission must include new crimes approved by the legislature into the sentencing guidelines. Explains that if the provisions of SB 229 don't pass, then the crime seriousness rankings must be made individually.

091 Chair Stull Asks how crime seriousness rankings are occurring now and what the

time frame is.

097 Lemman Describes how the 7 member Criminal Justice Commission was created

during the 1995 legislative session, to replace the 24 person Criminal Justice Council. Explains that the Council had the authority to rank crime seriousness that SB 229 would give to the Commission. With SB 229, the legislature would have to ratify any decisions that the CONFERENCE COMMITTEE ON SB 229

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Commission makes.

118 Rep. Eighmey Asks for clarification on what the difference is between the House and Senate bills.

123 Lemman Explains that the Senate did not include provisions that would allow the - commission to have interim rule-making authority.

Without the conference committee amendments, new crimes would not be incorporated into the sentencing guidelines process until the next legislative session. The House amendments would allow the Commission to incorporate changes in their guidelines. Indicates that

the commission would have a deadline of November 4 to incorporate new crimes into the guidelines.

150 Rep. Eighmey Verifies that the commission wants the authority to make the rankings but the deadline is in question

154 Lemman States that the deadline can definitely be met.

156 Chair Stull Asks how long it took to rank crimes and incorporate them into the guidelines after the 1995 session.

157 Lemman Indicates that there was no deadline for completion after the 1995 session, but after the 1993 session, changes were adopted in mid September.

163 Chair Stull Asks how long the process took after it was started in 1995.

165 Lemman No more than two months.

170 Sen. Trow Asks if the legislature has ever needed to make changes to the

commission's recommendations.

174 Lemman States that the commission incorporated about 40 felonies and misdemeanors and the Senate questioned three of them.

182 Rep. Minnis Asks how complete an overview of the commission was presented to the House and Senate Judiciary committees. Asks if rationale for rankings were presented to the committees.

185 Lemman Indicates that written testimony was presented to the committees that discussed each crime and information was provided to the committees about discussions at the commission. Explains that another bill has been introduced that would require the commission to notify bill requesters of progress of the crimes in their bill.

212 Chair Stull Asks if it is the commission's intention to notify the committee only, of individual members and requesters.

221 Lemman Doesn't know for sure, but the committee would be notified and possibly the interested member.

225 Chair Stull Verifies that everyone assigned to the committee would be aware of the rule making progress. Asks what the mission of the commission is.

231 Lemman States that the primary purpose of the commission is to develop a long range public safety plan for Oregon. Indicates that a few steps have been taken to accomplish that goal.

235 Rep. Minnis Asks that Mr. Lemman restate his comment.

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236 Lemman They are to develop a long range safety plan for Oregon.

238 Rep. Minnis States that ORS 137.656 describes the purposes and duties of the commission is to improve the effectiveness of state and local criminal

justice systems by providing an impartial forum for statewide policy development and planning.

244 Lemman Agrees that is the purpose of the commission, but the duty is to develop a state criminal justice policy and long range plan for a statewide criminal justice system.

250 Chair Stull Asks what initial steps have been taken to develop the plan.

253 Lemman Indicates that there has been an extensive briefing process because some members of the commission are true citizen members. Committees have been organized to make policy. The commission is not close to producing a draft policy.

275 Chair Stull Understands the council had 24 members. Asks how many members are

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On the commission.

277 Lemman Seven.

280 Chair Stull Asks if any of this session's bills that will be reviewed by the commission already have ranked crimes.

284 Lemman Indicates that SB 440, which deals with mail theft, already has a

ranking. Suggests that there might be others.

299 Rep. Minnis Expresses a lack of confidence in the Criminal Justice Commission.

Indicates that the commission is not mandated to provide fiscal information for the legislature. Encourages the commission develop a mathematical model to develop fiscal impacts.

368 Sen. Trow Indicates that there are many variables used in predicting fiscal impacts therefore a mathematical model would be a challenge to create.

380 Rep. Minnis Indicates that the model wouldn't have to provide final information, but it would have to create good estimates.

384 Rep. Eighmey Explains that a statistical model used for calculating fiscal impacts in the subcommittee on Ways and Means for Prison Populations was very complex due to the number of variables involved.

TAPE 2, A

003 Chair Stull Suggests that the committee recess and reconvene later in the day.

Agrees that it is the responsibility of the legislature to create good public policy, and expresses frustration with not being able to collect data.

Understands that there is a fear of fiscal impact.

027 Rep. Minnis Asks for time to work with Mr. Lemman on the concepts. Suggests that it might not be possible to create a mathematical model that works.

037 Sen. Trow Does not object to trying to find a model, but cautions against trying to find a final solution. Stresses the importance of having the best information possible.

051 Sen. Trow Asks if it is possible to create a model.

053 Lemman Suggests that it is possible, but the complexity of the variables could

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make the development of a statistical model difficult.

069 Rep. Minnis Asks if the development of a model would be related to the mission of the commission.

071 Lemman Overall yes. The council was mandated by the legislature to create fiscal statements, but the commission wasn't.

078 Chair Stull Asks if the commission provides statements or data.

079 Lemman Explains that the commission provides the "bed impact." Numbers are generated by the Department of Corrections off of the bed impact.

087 Rep. Minnis Suggests that state schools be involved in developing the models.

093 Sen. Trow Describes the use of an econometric model for revenue forecasts, but the forecast is then interpreted by a panel of experts.

098 Lemman Explains the difference between the prison population forecast and the fiscal analyses.

130 Chair Stull Recesses the committee at 10:00 a.m. on 7/12/97.

131 Chair Stull Reconvenes the meeting at 3:07 p.m. on 7/12/97.

133 Rep. Minnis Indicates that discussions were held about creating calculation models.

Indicates that the commission will be streamlining their process of creating fiscal statements.

143 Chair Stull Explains that changes were made to the bill by the House and there were concerns with the changes.

159 Lemman Discusses suggestions related to sunset and timeline provisions.

192 Chair Stull Asks if there is formal reporting of changes made by the commission.

195 Lemman Explains that all rules are submitted to the legislative counsel committee.

196 Rep. Minnis States that legislative counsel doesn't do anything.

200 Lemman Verifies that the question was whether the commission submits rules to anyone.

205 Sen. Trow Explains that the legislative counsel committee would review the rules and identify those that have problems.

211 Lemman Explains that when changes are made to the rules, the bill sponsor will be notified. Indicates that there is a notice rule that judiciary

committee

members will be notified of rule changes and anyone else can ask to be

on the mailing list.

229 Sen. Qutub Asks if the list is related to promulgation of rules.

230 Lemman When rules are adopted, the commission must give notice to committee

members and there must be opportunity for public comment.

234 Sen. Qutub Understands that the legislative counsel committee studies the rules and

can comment on the legislative intent, but they will not change the rules.

241 Lemman Indicates that changes to that process were also discussed.

245 Sen. Qutub Asks if the current deadline is November 1.

249 Lemman Indicates that there is no deadline date. Explains that the deadline is to

establish when this set of rule changes will take effect. Suggests

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conceptual amendments to the bill.

281 Rep. Minnis Suggests that the language is too broad and it doesn't clarify what

legislation is being reviewed for.

291 Lemman Explains that the limited authority the commission has is to establish the

crime seriousness rankings and person crime designations.

307 Rep. Minnis Asks what the purpose of review is.

308 Lemman Indicates that the review looks at all crime related legislation to study

how they will be incorporated into the sentencing guideline system.

323 Sen. Trow Expresses support for proposed charges.

323 Sen. Trow MOTION: Moves to AMEND SB 229 **by on page 1, line 20, delete**

the bold language, and line 21, capitalize the "t" in the.

358 Rep. Minnis Asks why the amendments are being made.

360 Chair Stull States that there has been much discussion of the bill, and the amendments are needed.

363 Rep. Minnis Suggests that the next legislative session study the purpose and mission

of the agency.

378 Sen. Trow Indicates that someone needs to do the work.

380 Chair Stull Expresses her desire to continue to work with the agency.

387 Chair Stull Hearing no objections, declares the motion CARRIED.

391 Sen. Qutub MOTION: Moves SB 229 to the floor with the recommendation that the Senate and House concur in House amendments

dated 7/3/97 and repass the Measure.

395 Chair Stull Hearing no objections, declares the motion CARRIED.

REP. MINNIS and SEN. STULL will lead discussions on the floors.

397 Chair Stull Adjourns the meeting at 3:25 p.m.

Submitted By, Reviewed By,
Marjorie Taylor, Sarah Watson,
Administrative Support Office Manager

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