

**SENATE COMMITTEE ON  
BUSINESS, LAW AND GOVERNMENT**

**January 16, 1997 Hearing Room 50**

**1:30 P.M. Tapes 1 - 4**

**MEMBERS PRESENT:**

**Sen. Neil Bryant, Chair**

**Sen. Kate Brown**

**Sen. Gene Derfler**

**Sen. Randy Leonard**

**Sen. David Nelson**

**MEMBERS EXCUSED:**

**Sen. Randy Miller**

**VISITING MEMBERS:**

**Sen. Shirley Stull**

**Sen. Avel Gordly**

**Sen. Eileen Qutub**

**Sen. Veral Tarno**

**Sen. Cliff Trow**

**Rep. John Minnis**

**Rep. Ron Sunseri**

**Rep. Peter Courtney**

**Rep. Lane Shettterly**

**Rep. Floyd Prozanski**

**Rep. Larry Wells**

**Rep. Judy Uherbelau**

**Rep. Charles Starr**

**Rep. George Eighmey**

**Rep. Roger Beyer**

**Rep. JoAnn Bowman**

**STAFF PRESENT:**

**Bill Taylor, Counsel**

**David Amesbury, Counsel**

**Nikola Jones, Counsel**

**Scott Lumsden, Counsel**

**Brian Krieg, Administrator**

**Jan Nordlund, Administrator**

**Sarah Watson, Office Manager**

**Julie Clemente, Administrative Support**

**Brian Higgins, Administrative Support**

**Laurie Smith, Administrative Support**

**MEASURE/ISSUES HEARD:**

**Informational Meeting, Overview from various agencies**

**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.**

<b>Tape/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>Tape 1, A</b>		
003	Chair Bryant	Calls meeting to order at 1:30 p.m.
		Introduces Counsel and Support Staff
		Discusses:  (contents of briefing book
<b><u>INVITED TESTIMONY</u></b>		
70	Kingsley W. Click	State Court Administrator, Oregon Supreme Court, submits and summarizes written material <b>[Exhibit A]</b>
		(Introduces Ann Christian, Director of the Indigent Defense Services, Nancy Miller, Citizens Review Board Administrator and Douglas M. Bray, Deputy State Court Administrator  (Gives a brief introduction of the Oregon Judicial Branch
164		Court automated system is model for other states
211		Continues overview <b>[Exhibit A]</b>
236	Anne Christian	Director of the Indigent Defense Services Division  Discusses :  (her objective to provide more detailed information to both House and Senate  (to be involved in more detailed discussions concerning Indigent Defense and the remainder of the criminal and juvenile justice systems. Refers to <b>[Exhibit A]</b>
286	Christian	Continues
346	Sen. Trow	What is causing the contempt load to grow so rapidly?
	Christian	Refers to 1991 legislation which broadened the ability of private parties to make use of the contempt power.  (Support Enforcement

		(Family Abuse and Protection Act
<b>TAPE 2, A</b>		
53	Nancy Miller	Citizens Review Board Administrator
		Refers to last section <b>[Exhibit A]</b>
		(Speaks of Juvenile Court Improvement Project (CRB Program
105	Miller	Continues
153	Hardy Myers	Attorney General, Department of Justice Introduces David Schuman, Deputy Attorney General
		(Discusses the way in which the Department of Justice has been established and its function as defined by the Legislature. <b>[Exhibit B]</b>
		(Immense need on the part of the government for legal counsel and advice. (ORS 180 sets forth the powers and duties of the Attorney General <b>[Exhibit B]</b>
213	Myers	Continues reviewing major points of structure  (enhances the independent quality of legal advice provided  (consolidation greatly increases potential for consistency of legal advice across the spectrum of government  (more cost effective
		(model structure here in Oregon; not the only one, but the best
254	David Schuman	Deputy Attorney General, Department of Justice  Outlines way present organization of the Department delivers these services
		Refers to <b>[Exhibit B]</b>
308	Schuman	(Organization  Discusses divisions within the Department:  (General Counsel  (Trial  (Appellate
<b>TAPE 1, B</b>		

30	Schuman	Offers Departments services to Committee
48	Chair Bryant	Requests for Department's opinion should go through President & Speaker's offices.  (There is a charge for this service  (No cost for Legislative Counsel's opinion
54	Rep. Prozanski	Welcomes Attorney General back to the Legislature in his present capacity and praises the most recent additions to his staff
66	Sen. Gordly	Adds her congratulations
68	Sen. Trow	Questions the difference between the Deputy Attorney General and the Associate Attorney General.
71	Myers	Responds:  (Deputy is the chief lawyer under the Attorney General  (Associate Attorney General is the Chief Administrator
111	Sen. Trow	Continues to question Myers regarding different members of his department.
119	Rep. Minnis	Questions Myers:  (Do you see the administration of your office different from your predecessor?  (Provide services to cities and counties?  (Relationship to the Office of the Governor?
127	Myers	Responds
158	Schuman	Responds
187	Rep. Prozanski	Comments on Attorney General's presentation
197	Sen. Trow	Process involved in a legislator asking for an opinion from the Attorney General?
	Myers	Responds  (Must clear with respective President/Speaker
		Director, Oregon Department of Corrections  Additional staff in attendance:  Ben de Haan , Deputy Director and Sue Acuff, Assistant Director for Budget and Finance  Refers to <b>[Exhibit C]</b> - Department of Corrections, Highlights and

247	David S. Cook	<p>Issues</p> <p>(Brief overview of the Department</p> <p>Mission</p> <p>Organization</p> <p>Rental Beds, Temporary Beds</p> <p>Long-range construction plan</p> <p>(Budget Overview</p>
333	Cook	Continues - Looking in the metropolitan tri-county area
<b>TAPE 2, B</b>		
19	Chair Bryant	Timing for alternative sites?
22	Cook	Responds
56	Cook	<p>Continues fielding questions from various Committee members</p> <p>(Cost of facilities</p> <p>(Design of facilities</p> <p>(Program Costs</p> <p>(Rental Beds</p> <p>(Criteria Used - in-state/out-of-state</p>
213	Chair Bryant	Encourages members to tour facilities
222	Cook	Continues fielding questions from members
	Chair Bryant	Announces short recess
391	Rick Hill	<p>Director, and Karen Brazeau, Deputy Director, Oregon Youth Authority. <b>[Exhibit D]</b></p> <p>Speaks on what The Oregon Youth Authority Does</p> <p>(Newest state agency</p> <p>(Mission</p> <p>Public Safety</p>

		Accountability Reformation (Activity Report)
<b>TAPE 3, A</b>		
120	Hill	Continues - discusses (Offender Classification System (Burn Grant obtained to deal with over representation of minorities issue in various communities
		(Juvenile Justice Information System
		(Sex Offender Registration for Juveniles
		(Residential Program Evaluations
166	Hill	Measure 11 trends - refers to chart - <b>[Exhibit D]</b>
		(Responds to questions from Committee
204	Karen Brazeau	Deputy Director, Oregon Youth Authority (Also responds to questions from Committee
291	Dale Penn	Chair, Oregon Criminal Justice Commission
		Phillip Lemman, Executive Director
		Speaks on topic: What the Oregon Criminal Justice Commission does. <b>[Exhibit E]</b>  Gives overview of Commission's functions and responsibilities  (Commission is a creature of statute from the last session  Seven members
		(Focal point for state public safety policy development and agency coordination  (Provide technical assistance  (Continue responsibility for adopting sentencing guidelines  (Development and maintenance of a criminal justice policy and comprehensive, long-range plan
373	Phillip Lemman	Executive Director, Oregon Criminal Justice Commission - refers to page three <b>[Exhibit E]</b>  Discusses sentencing guidelines

		(all felonies are sentenced under these guidelines exceptions are aggravated murder and Measure 11 cases
443	Lemman	Continues explaining chart [Exhibit E] page 3
<b>TAPE 4, A</b>		
32	Lemman	Continues discussion [Exhibit E]
		(Offenses (Sentencing (Imprisonment Rate (Prison Capacity (Probation Caseload Impact
100	Chair Bryant	Comments from the Chair
113	Penn	Fields questions from Committee
178	Lemman	Continues answering questions
307	Mark Gardner	Special Counsel to Attorney General Hardy Myers Speaks regarding Ballot Measure 40 (Given charge to work with interested parties to help develop implementing legislation for Ballot Measure 40
		(LC draft forthcoming
389	Tim Sylwester	Assistant Attorney General, Appellate Division, Oregon Department of Justice Discusses: (Where are we regarding implementation of Ballot Measure 40
		(Does it apply (Is it constitutional
<b>TAPE 3, B</b>		
26	Sylwester	Continues - may be summer before final determination is received
53	Chair Bryant	Retry them?
	Sylwester	Responds
69	John Bradley	First Assistant District Attorney in Multnomah County
		Discusses:



		(How did Measure 40 get on the ballot (Who put it there
104	Norm Frink	Chief Deputy, Multnomah County District Attorney's Office
		Gives an overview regarding the implementation legislation (remove inconsistent statutes currently on books (gives court statutory authority at the time of sentencing (sets procedures for victims to obtain information (sets detailed procedures for pre-trial releases (conforms existing evidentiary sentencing guidelines
153	Chair Bryant	Helpful if we put in an expedited review clause?
	Frink	Responds
202		Continues testimony
289	Chair Bryant	Reviews tomorrow's agenda
		Declares meeting adjourned at 4:45 p.m.

**Submitted By, Reviewed By,**

**Julie Clemente, Bill Taylor,**

**Administrative Support Counsel**

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**EXHIBIT SUMMARY**

**A - Orientation Materials - Kingsley Click - 66 pgs**

**B - What The Courts Do - Hardy Myers - 96 pgs**

**C - Department of Corrections, Highlights and Issues - David S. Cook - 4 pgs**

**D - Oregon Youth Authority - Rick Hill - 8 pgs**

**E - Oregon Criminal Justice Commission - Dale Penn - 15 pgs**

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