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

**January 17, 1997 Hearing Room 50**

**1:00 pm Tapes 5 - 10**

**MEMBERS PRESENT:**

**Sen. Neil Bryant, Chair**

**Sen. Kate Brown**

**Sen. Gene Derfler**

**Sen. Avel Gordly**

**Sen. Jeanette Hamby**

**Sen. Randy Leonard**

**Sen. Randy Miller**

**Sen. David Nelson**

**Sen. Cliff Trow**

**MEMBERS EXCUSED:**

**Sen. Jeannette Hamby**

**Sen. Randy Miller**

**VISITING MEMBERS: Rep. Roger Beyer**

**Rep. Jo Ann Bowman**

**Rep. Peter Courtney**

**Rep. George Eighmey**

**Rep. John Minnis**

**Rep. Floyd Prozanski**

**Rep. Lane Shetterly**

**Rep. Charles Starr**

**Rep. Ron Sunseri**

**Rep. Judy Uherbelau**

**Rep. Larry Wells**

**STAFF PRESENT:**

**Bill Taylor, Counsel**

**Lisa Fritz, Administrative Support**

**Brian Higgins, Administrative Support**

**Andrea Terry, Administrative Support**

**MEASURE/ISSUES HEARD:**

**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.**

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Tape/#	Speaker	Comments
TAPE 6, A		
10	Chair Minnis	Meeting is called to order.
30	Steve Marks	Governor's Senior Policy Advisor, Juvenile Crime Prevention Task Force >introduces Pam Curtis, Policy Analyst, Juvenile Crime Prevention Task Force
		>Governor's priorities, including: inmate work programs, Committee Corrections Partnership Act, consideration of second look provision, increasing state patrol, prison sitings
		>two ballot measure issues: definition of public safety and Measure 47, measure 40 clarification
71	Rep. Bowman	Inquires about governor's viewpoint on public safety
73	Marks	Governor taking lead from local government committee >hoping to retain flexibility with respect to Measure 47
93	Pam Curtis	Policy Analyst, Governor's Office
		>overview of Governor's juvenile crime prevention strategy ( <b>EXHIBIT A</b> )
135		>refers to major components of strategy from <b>EXHIBIT A</b>
171		>will be submitting HB 2210 this session to address this strategy
176	Rep. Bowman	Questions effects
180	Curtis	Responds that local and state committees and councils should work together to consolidate efforts
195	Rep. Shetterly	Who will evaluate the outcomes?
196	Curtis	This is one of the things that will be worked out in the design team process.

207	Rep. Sunseri	How far will design teams get before end of session?
208	Curtis	Should have 90% of questions answered by end of session
215	Rep. Shetterly	Asks for preview of outcomes
216	Curtis	Working with technical groups from universities and state, local agencies
		>discusses some of the possible outcomes
231	Chair Minnis	Reluctant to move on HB 2210 without specifics as to where we're headed
252	Curtis	Focus will be on secondary prevention.
264	Chair Minnis	Offers his perspective on abuse cases.; What would be level of intervention?
279	Curtis	Specific strategies will be offered at local level.
288	Chair Minnis	What schools have been involved...?
289	Curtis	School failure
292	Chair Minnis	Mentions university research being done
294	Curtis	Portland State University, Oregon State and University of Oregon
296	Chair Minnis	Asks for clarification on which program at PSU is being used
297	Curtis	Criminal Justice and Regional Research Institute
298	Chair Minnis	Who is doing research?
299	Curtis	Bill Feyerharm (PSU) is individual involved.
311	LeRon Howland	Superintendent, Oregon State Police
		>welcomes Dennis O'Donnell, Deputy Superintendent

		>refers to <b>EXHIBIT B</b>
442		>introduction of Capt. Bob Schimdt, Legislative Liaison Officer
		>refers to handout, page 3
<b>TAPE 6, A</b>		
30	Dennis O'Donnell	Deputy Superintendent of State Police
		>overview of 13 different divisions
		>refers to pages 7,8 of <b>EXHIBIT B</b>
90		>continued overview
117	Sen. Nelson	Asks for comments on condition of statewide communications
125	Howland	In light of year 2000, not expecting any problems
155	Sen. Gordly	Expresses concern for organized hate groups in state; would like comments on the status of these groups
179	Howland	Working with Dept. of Justice and others to stay on top of this trend
		> will place issue on agenda of next Governor's Public Safety Policy and Planning Council
203	Sen. Bryant	Comments that committee staff can have additional security present at any meeting if needed
222	Sen. Leonard	Do Portland patrol monitor 911 calls in Multnomah Co.?
229	Howland	Responds that radio frequencies are incompatible but are able to communicate through dispatchers
247	Sen. Leonard	Is part of long-range plan to switch over to 800 MHz system?
249	Howland	No, due to geography of the state
256	Chair Minnis	Affirms inter-agency communication is not perfect

264	Sen. Trow	Questions regarding optimum number of patrol and detectives
274	Howland	Number of cops is always difficult >cites study from Illinois that suggests appropriate numbers
		>staff level is about 56% of where it should be.
307	Sen. Trow	Does this study suggest the correct numbers?
308	Howland	Yes, on the criteria we've applied which are modest
314	Sen. Trow	How about the detectives?
315	Howland	Governor's budget asks for more positions for Indian gaming. >satisfied with current levels on crime teams
332	Sen. Leonard	Do optimum staffing levels take into account existing patrols from city and county agencies?
337	Howland	Yes, based on Illinois study
363	Sen. Leonard	Is there coordination of controls with local agencies?
371	Howland	Yes, cooperation with Portland area patrols on interstates is necessary if there is to be any law enforcement.
390	Rep. Prozanski	What will needs be given the expected rate of attrition and retirement?
404	Howland	We have 1274 employees, including 800 sworn officers, and 50% of 800 will retire in next 5 years.
427	Chair Minnis	This is a critical issue considering time training.
<b>TAPE 5, B</b>		
028	Chair Minnis	Asks whether 56% staffing level affect's officers' safety

33	Howland	"Staffing level impacts officer safety."
036	Chair Minnis	Introduction of Community Corrections
042	Stan Robson	Sheriff of Benton County
		>implementation of SB 1145 in Benton County
		>smallest jail per capita of any county in US
		>SB 1145 drafted to assist with Measure 11
100		>continues explanation for SB 1145
123	Chair Minnis	Asks for explanation of above options 1, 2, 3
127	Robson	With SB 1145, all have switched to option 1.
136	Chair Minnis	So, all 36 counties have switched to option 1 as of January 31.
140	Sen. Trow	Have all counties taken the responsibility?
142	Robson	Not all counties have everything in place. >SB 1145 did not authorize supervisory authority >70-75% of the sheriff's will get supervisory authority
175	Chair Minnis	For all intents and purposes we are all Option 1 aside from the confusion of who has supervisory authority.
178	Robson	Increase in number of people occupying local jails >discusses impact of measures 40 and 47
208	Rep. Eighmey	Comments on dual interpretations of Measure 40's impact on local jail populations from Corrections and the District Attorneys
226	Robson	That's correct.
244	Rep. Eighmey	Need to communicate difference of opinions on Measure 40

		>difficult to vote on issue when unless there is agreement
260	Robson	Measure 40 drafted by deputy district attorneys from Multnomah County >has filed suit with ACLU against state due to concern on issue
276	Rep. Prozanski	Question regarding minimum mandatory sentences
287	Robson	Your interpretation is correct.
294	Rep. Bowman	Asks for comments on types of prisoners will be released due to lack of space in jails
303	Robson	Pretty much eliminates everything
309	Chair Minnis	Interrupts and explains differences in legislation and interpretations will be played out during this session
342	Steve Oldenstadt	Chief Corrections Deputy of Benton County Sheriff's Office
		>also Vice President of Oregon Association of Community Corrections Directors >39 Measure 11 offenses last year >Some cases depend on judges' interpretations.
410	Rep. Prozanski	No matter if jail is full, certain prisoners still legally need to be held due to APA
<b>TAPE 6, B</b>		
02	Chair Minnis	You're releasing domestic violence assault...
03	Robson	Yes. It has to be.
04	Chair Minnis	"Where is your authority in law to do that?"
		>why not work out an intergovernmental agreement to house them



		elsewhere?
11	Robson	We are doing some things creatively, but without the bed space it is very difficult for us to do.
17	Chair Minnis	Where does the buck stop?
18	Robson	Well, we don't have the bucks.
19	Chair Minnis	You did choose to accept these prisoners in the context of SB 1145.
		>This legislature will have to make some decisions.
		>SB 1145 should be repealed.
29	Robson	Measure 1145 people are going to end up right back in the community.
34	Chair Minnis	This discussion will continue.
36	Sen. Gordly	Many members didn't understand 1145 when they voted on it.
47	Chair Minnis	I agree with you.
58	Bill Howe	Family Law Task Force >acknowledges Hugh McIsaac and Mark Johnson, members of the Task Force. >reason for creation is increase in marriage break-ups >history of Task Force
88		Submits informational materials ( <b>EXHIBIT C</b> )
105		Refers to page 6 of <b>EXHIBIT C</b>
140		Refers to page 8 of <b>EXHIBIT C</b>
158		Example of father in Ashland
184		Desire to enlarge role of mediation through legislation
220	Sen. Bryant	Comments on success of Task Force
246	Rep. Eighmey	Comments on Family Law Task Force

280	Howe	Our job is to create the most innovative system.
305	Sen. Stull	Asks about reevaluating priorities.
321	Howe	Would like to move family problems to the "front of the bus"
348	Sen. Stull	Are there proposals for solutions to the visitation issue?
361	Howe	LC 1403 bill is rewrite of visitation access >-1 is not done.
378	Sen. Brown	What is required training and certification for mediators?
385	Howe	Working with Dispute Resolution Center >have proposals to make training more readily available
397	Rep. Sunseri	Asks for comments on statistics used in opening statements
404	Howe	Will provide report with statistics which was from a National Commission >will also provide testimony from interim session of Joint Judiciary Committee
<b>TAPE 7, A</b>		
08	Sen. Trow	Where do we go from here?
10	Howe	Hoping to have -1 amendments to LC 1401, 1402, 1403, 1404 >significant modifications
16	Sen. Trow	"If we pass that legislation, what have we done?" >we've established the conflict management system, now do we need to fund it?

19	Howe	Funding is for one position only.
24	Sen. Trow	How is this going to work, then?
26	Howe	Reallocating sources of the courts within current resources reporting to the Chief Justice
40	Bob Oleson	Director of Public Affairs, Oregon State Bar and Legislation Director for the State Bar >introduction of Carl Meyers, Susan Grabe, Mark Johnson who also work on legislation and Karen Garst, Executive Director and Jeff Carter, President >handout of informational materials ( <b>EXHIBIT D</b> )
49	Jeff Carter	The Oregon State Bar, President
		>brief explanation of state bar
95		Implementation of modest means program
118	Karen Garst	Executive Director of Oregon State Bar
		>highlighting functions of Oregon State Bar >regulatory and membership services >regulatory services include: admissions, minimum continuing legal education, disciplinary process
151		Professional Liability and Client Security Funds
172		Public service programs include telaw, lawyer referral service, various publications
211	Rep. Wells	What does it mean to be admitted to the bar?
213	Garst	Must be licensed by passing the bar exam and have graduated from an accredited law school
231	Rep. Wells	Is there any concern the exam is only given two times per year?
234	Garst	It seems to work the law school schedules.

242	Rep. Eighmey	Discusses essentialness of Oregon State Bar to the legislature
262		Discussion of legal requirements to be a practicing lawyer
300	Larry Niswender	Public Safety Judicial Budget Analyst, Legislative Fiscal Office >introduces Bill Coulombe, Public Safety and General Government Fiscal Analyst >explains fiscal impact process ( <b>EXHIBIT G AND EXHIBIT H</b> )
312	Bill Coulombe	Explains fiscal Impact process >refers to <b>EXHIBITS G AND H</b>
357		>discusses what fiscal impacts are used for
414		>discusses how Legislative Fiscal Office ties into the legislative process
<b>TAPE 8, A</b>		
08	Coulombe	See <b>EXHIBIT H</b> for good and bad examples of Fiscal Impact Statements, Items C and D
33	John Lattimer	Legislative Fiscal Office >discusses how the Judiciary Committee and Legislative Fiscal Office can work together
61	Chair Minnis	Comments on need for committee to stay in contact with Legislative Fiscal Office >Who are the three analysts?
71	Lattimer	Bill Coulombe, Larry Niswender, Diane Hansen and Patrick McIntire
90	Maury Holland	Council on Court Procedures >gives history of Council >submits <b>Amendments to Oregon Rules of Civil Procedure, (EXHIBIT I)</b>
141		>continues with overview of Council's relationship to the Legislature

190		>offers suggestions: (1) legislative advance sheets should include things done by the council, (2) official ORS should include staff's comments
242	Chair Minnis	Asks for clarification on codification of changes to rules of Council on Court Procedure
249	Holland	1977 Legislature authorized the Council to promulgate amendments to the rules. >submits <b>Letter of Transmittal, (EXHIBIT J)</b>
290	Sen. Bryant	Comments that last session did make some changes to Civil Procedure Code through Torte Reform.
315	Chair Minnis	These rules govern how the courts operate.
327	Rep. Uherbelau	Comments that she is on Practices and Procedures Committee for the Oregon State Bar
347	Bob David	Manager and Child Support Legislative Liaison, Support Enforcement Division of the Department of Justice >introduces Art Kapteyn, Policy Analyst for Department of Human Resources, Child Support Program
344	Sen. Bryant	Asks question regarding personnel
346	David	Responds that he will sponsor the Child Support legislation this session
388	Art Kapteyn	Child Support Director's Office of Adult and Family Services Division, Department of Human Resources >speaks about welfare programs, title 4D of Social Security Act >submits written testimony, <b>(EXHIBIT K)</b>
<b>TAPE 7, B</b>		
10	Kapteyn	Continues reading from written testimony
34	David	Speaks of the Support Enforcement Division and location of the offices <b>(EXHIBIT K)</b>

90		>continues with overview
145	Rep. Bowman	Asks for elaboration on details of new hire reporting requirements
148	David	New hire requirements are required by welfare reform.
156	Kapteyn	Comments on process of reconciling federal requirements with existing legislation
163	Rep. Wells	Comments on difficulty of referring constituents to the appropriate person within the Department of Human Resources
176	David	The department is working on a pamphlet with names and numbers and offices for information and agencies.
188	Rep. Wells	Comments further
194	Kapteyn	Responds that he is available to answer questions
201	Rep. Uherbelau	Has concern that system is not user-friendly >notes that large portion of constituent calls are related to this problem
222	David	I am concerned and will try to rectify the situation.
235	Sen. Brown	Reports that Attorney General's office is working on putting the Support Enforcement Division under a single agency
246	Sen. Stull	Have federal law requirements been expanded?
252	David	Every state will be required to collect information and turn it over to a Central Registry within federal government for sharing between states.
263	Sen. Stull	Out of number of new hires reported, what were the number of hits?
270	Kapteyn	It is somewhere between 8 and 10%.
273	Sen. Stull	Asks for clarification on federal law's intent.

282	Kapteyn	Federal government will be collecting data from all states for child support enforcement purposes as well as others.
290	Sen. Stull	Would like details of the parameters of record retention for law-abiding citizens who are not in violation
298	David	Legislation is being introduced as a result of federal mandate and inability to introduce it could result in penalties.
314	Rep. Bowman	It is my understanding Oregon has a waiver and didn't have to implement the federal legislation.
333	David	We need to enact it this legislative session because the next session will be too late. >explains that waiver was on the welfare side and not the ADC (Aid to Dependent Children) side
364	Kay Toran	Director, State Office for Services to Children and Families >submits informational materials ( <b>EXHIBIT L</b> ) >introduces executive board >gives overview of agency >University of Southern Maine commissioned to do complete performance study
<b>TAPE 8, B</b>		
10	Toran	HB 2004 narrowed mandate of organization >cites USM study which suggested agency was above national average, but offered 13 suggestions for betterment >reorganizing resources to reduce caseloads >Juvenile Rights Project of Multnomah County sends intent to sue letter - basis being level of services were not up to legal standards

51	Chair Minnis	Juvenile rights were going to sue you, and you hired them?
54	Toran	No, I did not, but wanted to reform, specifically regarding the issues on which they are being sued >through workgroup, additional reform to child welfare system is developed
78	Chair Minnis	Wants to know if there is a document on the points that show why they were going to be sued, how they fixed it, and the settlement
90	Toran	The settlement requires us to implement the Strength Based Need System.
91	Chair Minnis	My concern is the Juvenile Rights Project holding you hostage
93	Toran	The Department of Justice is clear on what we can and can not do. >this does not preclude the Project from filing a lawsuit >acting in good faith to implement the agreement
102	Rep. Shetterly	This process then was a dispute resolution instead of litigation.
10	Toran	We averted a lawsuit and are the only state that has been able to do that.
107	Chair Minnis	I am curious about how an interest group can influence policy outside the purview of the legislature. >unclear on whether this conflicts with Golden Objectives of 2004
115	Sen. Brown	Strength Needs Based System is very successful and I'm concerned as to how soon we can implement it.
123	Chair Minnis	Has this ever been presented in a previous legislature to address the deficiencies?
133	Rep. Uherbelau	I was on the family law committee last session and feel that both groups were working together to get the issue resolved and to address the deficiencies.
144	Chair Minnis	There may be another organization which has a very different set of opinions.



148	Toran	This is not something we did independent of legal advice.
145	Chair Minnis	HB 2004 is fairly new and this will be an intriguing issue this session.
157	Toran	More counties will be coming on-line later this year.
		>talks about a title 4E waiver for foster care
187		>established a child welfare partnership with Portland State >mentions quality initiative ( <b>EXHIBIT L</b> ) >comments on relationship between Commission on Children and Families and the State Office for Services to Children and Families >introduces Phil Zerzan, Detective, Oregon State Police and Tom Hart, Marion County District Attorney's Office
222	Phil Zerzan	Detective, Oregon State Police, Springfield >explains relationship between OSP and the SOSCF
245	Sen. Trow	Asks for comments on situation with CSD's inability to protect all children as reported in The Oregonian
262	Toran	We are seeing increased number of reports to agency, but we have less case workers >the vulnerability scale has seven levels as developed in 1991 >agency has screening guidelines for at-risk children on oncoming calls >explains situations in which children slip through the cracks >an approved Governor's budget will allow us to be more responsive, but will not address growing problem in Oregon
298	Sen. Trow	Do we have resources to handle level 7 children?
313	Toran	Federal dollars have made it possible to handle level 7 children, but the dollars are still insufficient to meet the needs.
		I served on interim commission on Senate Oversight Task Force.

329	Sen. Leonard	>parental responsibility is often overlooked
360	Rep. Bowman	It is unfortunate that unless child needs medical help, we are unable to intervene. >need to find a way to insure kids do not become attached to the system
391	Toran	Oregon has not done a good job of funding prevention services.
404	Leonard	Cites need for testifiers at committees to sign waivers because facts do not always pan out
<b>TAPE 9, A</b>		
23	Rep. Uherbelau	Parents need state's help and state is coming up short.
31	Sen. Leonard	I was narrowly talking about domestic messes.
34	Chair Minnis	This dialogue is productive, but the circumstances are difficult to supervise.
55	Tom Hart	Trial Team Supervisor, Marion County District Attorney's Office >gives description and evolution of multidisciplinary teams
111		>asks that funding not be cut back, but notes that current funding is sufficient
135	Chair Minnis	Have any member of the committee visited the facility?
140	Toran	We only have 1500 staff and not 3000.
154	Lynn Fallin	Executive Director, Oregon Commission on Children and Families >submits informational materials, <b>(EXHIBIT M)</b> >introduces Mickey Lansing and Barbara Carranza >gives overview on OCCF >responsible for establishing statewide policies for children
		>focusing on teen pregnancy, juvenile crime, child abuse and neglect, and

		alcohol and drug abuse prevention programs
212		>also works with local commissions and assists them in implementing their mandates
268		>specific focus is not in providing services, but in working with communities on programs focusing on prevention
		>some highlights are CASA and Oregon Youth Conservation Corps
295	Mickey Lansing	Explains how dollars are divided within OCCF
316		>4 goals for 2004 -- wellness, collaboration, local planning and decision-making, and accountability
		>offers specific county examples -- Crook, Tillamook, Marion, Baker
395		>explains how support system works
<b>TAPE 10, A</b>		
10		>defines the commission's role in relation to Services to Children and Family
33	Sen. Brown	Asks about mandatory parenting classes in high schools and how it will assist in preventing child abuse
37	Fallin	The schools are an integral part and have a role to play.
46	Sen. Stull	Encourages committee members to visit their community progress teams.
62	Chair Minnis	Mentions to members that additional agency overviews will be accommodated in committee meetings if needed.
63	Rep. Shetterly	Invites Sally Averett, Director of the Public Defender's Office to speak at a later meeting.
68	Chair Minnis	Adjourns meeting at 5:14 pm.

Submitted By, Reviewed By,

**Brian Higgins Bill Taylor,**

**Administrative Support Counsel**

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**EXHIBIT SUMMARY**

**A - Governor's Juvenile Crime Prevention Strategy, Mark Gibson and Pam Curtis, 2 pp**

**B - Oregon State Police, written materials, 88 pp**

**C - Oregon Task Force on Family Law, Interim Report, 13 pp**

**D - Oregon State Bar, written materials, 5 pp**

**E - OSB Legislation Contacts, 1 p**

**F - Table of Organization, by Function, Oregon State Bar, 1 p**

**G - Legislative Fiscal Office, Bill Coulombe, 7 pp**

**H - Legislative Fiscal Office, Assigned Agency/Program, Bill Coulombe, 13 pp**

**I - Amendments to Oregon Rules of Civil Procedure, Council on Court Procedures, 27 pp**

**J - Letter of Transmittal, William A. Gaylord, Council on Court Procedures, 5 pp**

**K - Written Testimony, Bob David and Art Kapteyn, 10 pp**

**L - Written Materials, State Office for Services to Children and Families, 16 pp**

**M - Oregon Commission on Children and Families, written reports, 65 pp**

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