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SENATE COMMITTEE ON CRIME & CORRECTIONS

May 12, 1997 Hearing Room B

1:00 P.M. Tapes 108 - 111

MEMBERS PRESENT:

Sen. Shirley Stull, Chair

Sen. Jeannette Hamby, Vice-Chair

Sen. Avel Gordly

Sen. Eileen Qutub

Sen. Veral Tarno

Sen. Cliff Trow

STAFF PRESENT:

Nikola Jones, Counsel

Julie Clemente, Administrative Support

MEASURE/ISSUES HEARD: Public Hearing & Work Session: SB 1003, SB 738

Work Session: SB 1119, SB 773, SB 1054

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 108, A		
004	Vice-Chair Hamby	Calls meeting to order at 1:10 p.m.
<u>OPENS PUBLIC HEARING ON SB 738</u>		
009	Susan Castillo	Senator, Representing Senate District 20. Submits written testimony in support of SB 738. [Exhibit F]
033	Frank & Cindy Blachly	Requesters, Senate Bill 738. Submits written testimony in support of SB 738. [Exhibit G]
102	Blachly	Continues testimony.
113	Sen. Tarno	Questions regarding molester's outcome.
	C. Blachly	Released two years ago. Continues.
118	Joan VanAlmen	Attorney representing Frank & Cindy Blachly. Submits written testimony in support of SB 738. [Exhibit H]
185	VanAlmen	Continues testimony. Speaks of SB 738-1 amendments [Exhibit B]
235	VanAlmen	Continues testimony.
247	Sen. Qutub	Questions for clarification regarding time and decisions.
	VanAlmen	Replies. Why we used the word 'immediately'. Continues.
290	Chair Stull	Refers to list on lines 24 & 25. Comments.
300	Sen. Qutub	Continues to question for clarification.
	Sen. Tarno	Notification of parents regarding examination.
310	Chair Stull	Comments for clarification regarding Sen. Tarno's question.
317	Linda Stern	Licensing Manager, Child Care Division. Supportive of SB 738 which will formalize what is now an informal process.
330	Sen. Tarno	Questions regarding reduction of those complaints.
	Stern	Replies. Explains present procedure.
352	Chair Stull	On site follow up?
	Stern	Working hard to improve - haven't always done that.
363	Chair Stull	Continues to question witness for clarification regarding records.
	Stern	We do have a right to go in and get children's records.
373	Sen. Hamby	Questions for clarification regarding -1 amendments.
	Stern	Replies. We would not assume to know exactly that means. Continues. Take our cues from Services to Children and Families and law enforcement.

396	Sen. Hamby	Questions time span.
	Stern.	Replies. Cannot answer.
415	Diane Lancaster	Assistant Administrator, Office of Program Operations, State Office for Services to Children and Families. Presents written testimony in support of SB 738 with a potential problem in regard to one aspect. [Exhibit I]
TAPE 109, A		
037	Lancaster	Continues testimony. >Discusses changes to amendments. >>would add the Oregon Youth Authority to the list of agencies >child care division not listed in those agencies 419B.005 >licensing agency
079	Chair Stull	Define the word 'immediate'. How does your agency respond. Continues.
093	Sen. Hamby	Comments for clarification regarding 'timely'
	Lancaster	Continues. Law enforcement and the MDT teams need time. >language which talks about 'upon clean disclosure'
108	Janice Bouska	Parent of abused child. Submits written testimony in support of SB 738 [Exhibit J]
154	Bill Bouska	Parent of abused child. The current system doesn't work. Explains what happened when the report was given to the police. >three weeks before police went to talk to the boy >no one was notified
182	J. Bouska	Continues. We were never asked to find alternative day care.
196	B. Bouska	Good start.
201	Chair Stull	Questions for clarification regarding time for report and examination.
	J. Bouska	Replies. >no body communicates within the system now >no cross referencing >police couldn't get accurate information
238	Chair Stull	Continues her comments.
	J. Bouska	Our children are definitely at risk.

250	Carol Hannibal	Victim's mother. Submits written testimony in support of SB 738. [Exhibit K]
356	Sen. Tarno	Questions for clarification regarding same day-care provider.
	Hannibal	Continues testimony.
402	Denise Ransome	Child Abuse Victim's Mother. Submits written testimony in support of SB 738. [Exhibit L]
TAPE 108, B		
033	Ransome	Continues testimony.
<u>CLOSES PUBLIC HEARING ON SB 738</u>		
<u>OPENS WORK SESSION ON SB 738</u>		
058	Sen. Tarno	Likes the word 'immediately'
	Nikola Jones	Committee Counsel. Reads the bill as it would be with suggested changes.
077	Sen. Qutub	Questions for clarification regarding procedures.
087	Sen. Tarno	Comments regarding 'immediate'
084	Sen. Castillo	Speaks to Sen. Qutub's comments.
	Van Aldman	Expresses her concern that 'immediate notification' be left in tact. >incorporate some form of procedure
103	Chair Stull	Comments for clarification.
	Sen. Qutub	Comments further for clarification.
109	Sen. Tarno	Comments for clarification regarding notification - some way we can look at making this notification in person.
	Van Aldmen	Replies. Allows agency to chose their own protocol. >they have ability to do what ever they choose to do
133	Chair Stull	Comments regarding the work still to be done.
	Jones	Suggests changes in the -1 amendments. Delete what is contained in line 3.
145	Sen. Hamby	MOTION: Moves to ADOPT SB 738-1 amendments dated 05/03/97 and that the measure be FURTHER AMENDED on page 1, line 3, by deleting "entire line of text".
		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye.

	Chair Stull	The motion CARRIES.
149	Jones	Reminds Committee of Lancaster's suggested amendment regarding ORS 419B.005
169	Sen. Hamby	Suggests further changes in wording - nothing about reporting
194	Committee	Continues to discuss possible changes and/or additions
213	Committee	Continues discussion regarding placement/wording
233	Sen. Hamby	Are you in agreement with what we are trying to do.
	Van Aldman	Replies. Suggests - line 23 written protocol for investigation and notification procedures in child abuse cases.
	Jones	Reads suggested wording for page 2, line 23 - "The teams shall develop a written protocol for investigation and notification procedures of child abuse cases and for interviewing child abuse victims."
258	Sen. Hamby	MOTION: Moves to AMEND SB 738 on page 2, in line 23, after "for", insert "immediate investigation and notification procedures".
		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Stull	The motion CARRIES.
288	Sen. Hamby	MOTION: Moves to AMEND SB 738 on page 1, in line 2, after end of sentence, insert "ORS 419B.005 which adds Commission on Children and Child Care Services as agencies who are obligated to report child abuse".
		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Stull	The motion CARRIES.
299	Sen. Hamby	Questions timeline attachment - timeliness - how long do we sit and wait
333	Sen. Hamby	Continues discussion for clarification.
	Chair Stull	Continues discussion regarding wording/placement with other members of the Committee.
347	Jones	Comments regarding communities being different.
357	Dianne Lancaster	Assistant Administrator, Office of Program Operations, State Office for Services to Children and Families. Comments on what she feels is an oversight from the agency work that was done in splitting out the agencies.
	Sen. Hamby	Glad you brought it to our attention.
	Committee	Continues discussion regarding additional wording/placement
	Jones	Trying to verify exactly what was changed in SB 55, waiting for a copy to be brought down to hearing room.

	Chair Stull	Placement on new page 4
421	Chair Stull, Sen. Hamby	Continues their discussion regarding wording/placement of phrases suggested by Lancaster.
438	Sen. Hamby	MOTION: Moves to AMEND SB 738 on new page 4, line 1, insert "an emergency clause effective upon passage".
		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Stull	The motion CARRIES.
TAPE 109, B		
016	Sen. Hamby	Fiscal Impact?
	Lancaster	Negative response.
033	Committee	Continues to discuss wording/placement of conceptual amendments
049	Chair Stull	Draws Sen. Tarno's attention to section of the bill
058	Sen. Trow	All language deals with a child being abused. Talks of the others in danger of being abused.
	Committee	Continues discussing conceptual amendments.
	Chair Stull	Comments for clarification. >Clear disclosure sooner. Initial disclosure is the key.
103	Jones	Makes an additional suggestion to wording. >page 2, (2) line 23, insert 'immediate' - the team shall develop a written protocol for 'immediate' investigation
	Sen. Tarno	Questions for clarification regarding 'immediate'
121	Chair Stull	Comments regarding her concerns regarding agency's and county's lack of immediate investigation of things.
130	Jones	Comments on her review of SB 55. Commission on Children and Families was not added to that bill.
142	Sen. Hamby	MOTION: Moves to AMEND SB 738 on page 2, Section 2 (2) in line 23, after "for," insert "immediate".
		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Stull	The motion CARRIES.
156	Sen. Hamby	MOTION: Moves to AMEND ORS 419B.005 "Section 1, (e) These are the lists of agencies and individuals that are mandated to report:," in addition, line 9 - employees of the Department of Human Resources, the Oregon Youth Authority, State Office for Services to Children and Families

176	Lancaster	Suggests language for Sen. Hamby's amendment. "Members of the state and local commissions on Children and Families, their staff - - .
	Chair Stull	Discusses her concerns regarding wording.
	Lancaster	Simply "the state and local commissions on Children and Families" >suggests that the commissions need to be addressed as opposed to the Oregon Youth Authority -
	Chair Stull	Continues to discuss wording
202	Sen. Hamby	MOTION: Moves to AMEND SB 738 within ORS 419B.005 Section 1, (e) following the Oregon Youth Authority, insert "state and local commission on Children and Families".
		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Stull	Sen. Hamby
232	Sen. Hamby	MOTION: Moves SB 738 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Stull	The motion CARRIES. SEN. CASTILLO will lead discussion on the floor.
<u>CLOSES</u>		
<u>WORK</u>		
<u>SESSION ON</u>		
<u>SB 738</u>		
<u>OPENS</u>		
<u>PUBLIC</u>		
<u>HEARING</u>		
<u>ON SB 1003</u>		
240	Lori Rutz-Berri	Southern Oregon University. Testifies in support of SB 1003. >Submits written testimony in support of SB 1003 of Daniel B. Calvert, Josephine County Sheriff. [Exhibit M] >ensures law enforcement officers will receive 6 hours of domestic violence and abuse training every three years as well as in-service training. Speaks to three issues:

		>Need for this bill >fiscal impact >the effect on BPSST
343	Rutz-Berri	Continues her testimony. >BPSST recently approved B-net training
354	Sen. Trow	Do you know of any opposition?
	Rutz-Berri	No known opposition. Continues. >support of the local sheriffs association >Board of the Sheriffs Association takes no opposition
	Sen. Trow	Comments on fiscal impact.
	Rutz-Berri	Replies. Work load issue for BPSST >very minimal cost
318	Sen. Trow	Continues to question for clarification.
433	Sen. Hamby	Comments on BPSST training expansion.
453	Chair Stull	Comments for clarification.
TAPE 110, A		
030	Rutz-Berri	Continues. Laws change.
050	Sen. Qutub	Questions for clarification regarding knowledge of new laws.
	Rutz-Berri	Replies.
075	Sen. Qutub	Continues questioning the witness.
096	Patricia Fagone	Staff Person, Battered Persons' Advocacy, Oasis Women's Shelter. Submits written testimony in support of SB 1003. [Exhibit O]
107	Annette Jolin	Portland State University. Testifies in support of SB 1003. As a former police officer and trainer supports training. Gives some background on her experiences in that field. >does not want minimum amount of training stipulated in bill - wants it to be flexible
127	Sen. Gordly	In support as written.
	Jolin	Supports as written.
	Additional testimony in support of SB 1003 received from Chris Mallette, Josephine County	

	Domestic Violence Task Force. [Exhibit N]	
<u>CLOSES PUBLIC HEARING ON SB 1003</u>		
Recesses Committee at 3:15 p.m.		
Reconvenes Committee at 5:22 p.m.		
<u>OPENS WORK SESSION ON SB 1003</u>		
153	Sen. Qutub	<p>Suggests conceptual amendment. Creates a new section in ORS chapter 181 that would be specifically about domestic violence. Explains.</p> <p>>statement on lines 5 & 6 -</p> <p>>statement on lines 12 through 15 would be changed to: `receive a minimum of 6 hours of training in current law, investigation, identification and reporting of domestic violence crimes prior to (eliminate rest of line) certification an additional 6 hours every three years.</p> <p>>this section stands on its own</p> <p>>other section remains as is - unaltered</p>
180	Sen. Tarno	Questions for clarification. Omitting lines 7 through 11?
	Sen. Qutub	Replies.
187	Nikola Jones	<p>Explains changes to SB 1003.</p> <p>>delete line 4</p> <p>>delete 181.642, line 5</p> <p>>line 6, delete everything in italics</p> <p>>delete lines 7 through 11</p> <p>>lines 13 after `of` insert `domestic violence`. Delete the phrase everything after the word `crimes`</p>

		>lines 14 - delete second half of the word `violence'
197	Sen. Hamby	Questions for clarification. Which would do what to the bill? >now narrowing scope simply to domestic
	Jones	Explains. Leave 181.642 as is. It still addresses the child abuse and domestic violence. Continues.
218	Chair Stull	Comments for clarification regarding domestic violence crimes - adjusting the language.
	Jones	Continues to explain for clarification regarding intent.
228	Sen. Tarno	Comments on training for local law enforcement . Continues.
	Chair Stull	Questions for clarification.
	Sen. Tarno	Replies.
245	Sen. Hamby	Help me understand why the deletion of lines 7 through 11?
	Sen. Qutub	Explains. If it has its own section and numbering - it is given more strength.
	Sen. Hamby	Continues for clarification regarding training for hate crimes.
263	Sen. Qutub	Continues explanation.
	Jones	Explains. 181.642 will stay the way it is.
282	Jones	Explains the wording of the conceptual amendment to the Committee and for the record.
301	Sen. Qutub	MOTION: Moves to AMEND SB 1003 as follows: New section in the ORS 181 chapter to read as follows: "The Board on Public Safety Standards and Training shall ensure that all police officers and certified reserve officers receive a minimum training of six hours of training in current law, investigation, identification and reporting of crimes that constitute abuse, as defined in ORS 419B.005, or domestic violence prior to certification and an additional six hours every three years."
308		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Stull	The motion CARRIES.
312	Sen. Hamby	MOTION: Moves SB 1003 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Stull	The motion CARRIES.

		SEN. QUTUB will lead discussion on the floor.
<u>CLOSES WORK SESSION ON SB 1003</u>		
<u>OPENS WORK SESSION ON SB 1054</u>		
319	Bob Kouns	Legislative Representative, Crime Victims United. Gives some background of bill and events following. >Department of Consumer Affairs unhappy about placement of Crime Victims' Ombudsman in their department >don't deal with general fund issues >suggested Office of State Police
389	Kouns	Waiting answer from the state police. >discusses funding - grant money >no general fund money going to victim's assistance in the State of Oregon
404	Sen. Tarno	How do you feel about a 2-year sunset. Explains.
	Kouns	Why not?
419	Chair Stull	Comments for clarification regarding grant money.
437	DeeDee Kouns	Crime Victims United. Concerned about 2-year sunset. Believes there is grant money out there. >effectiveness of the office
449	Sen. Trow	Comments for clarification regarding Section 6 - standard appropriations.
<u>Tape 111, A</u>		
027	B. Kouns	Replies. Estimate was \$308,000
	D. Kouns	Replies. More than that. Continues.
	Jones	Fiscal for 1997/99 was \$329,000.
036	Sen. Hamby	Proposes amendment: Page 1, line 13 replace Consumer & Business Services with Oregon State Police. Continues.
046	Sen. Gordly	Has the Department of Justice been considered?
	B. Kouns	Yes. Our intent was to try and remove the office from political influence. Continues.
		Avoid any type of conflict. Explains.

057	D. Kouns	>working with all areas of the system
069	Sen. Gordly	Did you look at the Victim's Assistance Program that is a part of the Department of Justice?
	D. Kouns	Replies. Mary Ellen Johnson testified when bill was introduced. Continues.
078	B. Kouns	We have had victims approach us who were unhappy with the district attorney's performance. Continues.
087	D. Kouns	Comments regarding Steve Eckstrom's testimony.
114	Chair Stull	Questions for clarification regarding Sen. Hamby's proposed amendment.
108	Sen. Hamby	MOTION: Moves to ADOPT SB 1054-1 amendments dated 04/21/97 and that the measure be FURTHER AMENDED by deleting "Consumer and Business Services" and by inserting "Human Resources".
	Sen. Trow	Questions for clarification.
	Sen. Hamby	Amending the -1 amendments.
	Sen. Hamby	Comments for clarification regarding what her motion should be
128	Sen. Hamby	MOTION: Moves to AMEND SB 1054 on page 1, in line 13, delete "Consumer and Business Services" and insert "State Police.".
	Sen. Qutub	Questions for clarification regarding "Department of" Oregon State Police
	Jones	Something that Legislative Counsel will work out.
	Sen. Trow	Have you talked to the State Police about this?
	Sen. Hamby	Replies.
	Committee	Continues to discuss subject for clarification.
137	Sen. Trow	Comments. Uncomfortable with putting state police into something they don't want to do.
169	Sen. Qutub	Comments: Department of Consumer and Business Services said they do not want it. >partial action - fit seems better
171	Sen. Hamby	Continues to comment for clarification.
186	Chair Stull	Would go to Public Safety Ways & Means.
209		VOTE: 4-2 AYE: 4 - Hamby, Qutub, Tarno, Stull NAY: 2 - Gordly, Trow
	Chair Stull	The motion CARRIES.
		MOTION: Moves SB 1054 to the floor WITHOUT

221	Sen. Qutub	RECOMMENDATION as to passage and BE REFERRED to the committee on Ways & Means.
		VOTE: 6-0
		AYE: In a roll call vote, all members present vote Aye.
	Chair Stull	The motion CARRIES.
<u>CLOSES WORK SESSION ON SB 1054</u>		
<u>OPENS WORK SESSION ON SB 1119</u>		
223	Nikola Jones	Explains bill and -1 amendments. [Exhibit C]
237	Sen. Hamby	Reviews information contained in [Exhibit Q] regarding costs/fees regarding an immobilization boot.
260	Chair Stull	Questions amendments for clarification. >legal ramifications
	Sen. Hamby	Judge Frankel's recommendation
	Jessica Harris	Legislative Assistant, Senator Jeannette Hamby. Speaks of discussion held with Bill Boyd, Legislative Counsel regarding clear and convincing evidence. Explains.
282	Chair Stull	Questions for clarification.
	Harris	Replies. Impoundment purposes.
	Jones	Comments for clarification.
289	Harris	Continues to explain. Changing ORS to be consistent with case law.
	Chair Stull	Continues to question witness for clarification.
	Harris	Judge Frankel's request. Gives judges more leniency deciding the sentence.
303	Sen. Qutub	Questions the security interest holder's view.
	Harris	Replies. Middle of the road.
	Sen. Hamby	Language mirrors exactly what we currently do under forfeiture.
321	Jones	Already addressed in the current law dealing with impoundment. Explains.
	Sen. Hamby	Continues to explain for clarification.
358	Sen. Hamby	MOTION: Moves to ADOPT SB 1119-1 amendments dated 04/23/97.
		VOTE: 6-0

		AYE: In a roll call vote, all members present vote Aye.
	Chair Stull	The motion CARRIES.
	Sen. Hamby	MOTION: Moves SB 1119 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Stull	The motion CARRIES. SEN. HAMBY will lead discussion on the floor.
<u>CLOSES</u> <u>WORK</u> <u>SESSION ON</u> <u>SB 1119</u>		
<u>OPENS</u> <u>WORK</u> <u>SESSION ON</u> <u>SB 773</u>		
382	Nikola Jones	Committee Counsel. Explains SB 773. Speaks to SB 773-3 amendments [Exhibit E] >notification to victim
411	Chair Stull	Comments for clarification. The Department of Corrections supports the bill.
445	Sen. Qutub	MOTION: Moves to ADOPT SB 773-3 amendments dated 05/12/97.
		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Stull	The motion CARRIES.
	Sen. Qutub	MOTION: Moves SB 773 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Stull	The motion CARRIES. SEN. STULL will lead discussion on the floor.
<u>CLOSES</u> <u>WORK</u>		

<u>SESSION ON</u>		
<u>SB 773</u>		
	Chair Stull	Adjourns meeting at 6:05 p.m.

Submitted by, Reviewed by,

Julie Clemente, Nikola Jones,

Administrative Support Counsel

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EXHIBIT SUMMARY

A - Proposed SB 1003-1 Amendments - Staff - 1 pg

B - Proposed SB 738-1 Amendments - Staff - 1 pg

C - Proposed SB 1119-1 Amendments - Staff - 4 pgs

D - Proposed SB 1125-2 Amendments - Staff - 4 pgs

E - Proposed SB 773-3 Amendments - Staff - 1 pg

F - Testimony in Support of SB 738 - Sen. Susan Castillo - 1 pg

G - Testimony in Support of SB 738 - Frank Blachly - 3 pgs

H - Testimony in Support of SB 738 - Joan VanAlmen - 1 pg

I - Testimony in Support of SB 738 - Dianne Lancaster - 1 pg

J - Testimony in Support of SB 738 - Janice & Bill Bouska - 9 pgs

K - Testimony in Support of SB 738 - Carol Hannibal - 3 pgs

L - Testimony in Support of SB 738 - Denise Ransome - 2 pgs

M - Testimony in Support of SB 1003 - Daniel B. Calvert - 2 pgs

N - Testimony in Support of SB 1003 - Chris Mallette - 3 pgs

O - Testimony in Support of SB 1003 - Patricia Fagone - 2 pgs

P - Proposed SB 1054-1 Amendments - Staff - 1 pg

Q - Statistics on SB 1119 - Sen. Hamby - 2 pgs

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SENATE COMMITTEE ON CRIME & CORRECTIONS

May 12, 1997 Hearing Room B

5:15 P.M. Tapes 112 - 115

MEMBERS PRESENT:

Sen. Shirley Stull, Chair

Sen. Jeannette Hamby, Vice-Chair

Sen. Avel Gordly

Sen. Eileen Qutub

Sen. Veral Tarno

Sen. Cliff Trow

STAFF PRESENT:

Nikola Jones, Counsel

Julie Clemente, Administrative Support

MEASURE/ISSUES HEARD: Public Hearing & Work Session: SB 943

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 112, A		
003	Chair Stull	Calls meeting to order at 6:10 P.M.
<u>OPENS PUBLIC HEARING ON SB 943</u>		
040	John A. Kitzhaber, M. D.	Governor, State of Oregon. Presents testimony in support of SB 943. [Exhibit C] Discusses that all government working together provide a better tool through which the people of Oregon can achieve their aspirations. Continues to discuss guiding principles.
067	Kitzhaber	Continues. Not about state control >local and state accountability >commissions working together to address a critical subject in our state >not about adults maintaining the status quo >money in budget spent in the best possible manner
099	Kitzhaber	Ensures that we work together. Continues.
103	Sen. Gordly	Where are the remaining disagreements? >counties - local commissions
	Kitzhaber	>representation on the team that makes the decisions about the flow of dollars >targeting of resources
122	Mark Gibson	Policy Advisor, Governor's Office. Continues answering Sen. Gordly's questions. Discusses latest update of meeting results. >approval process for the local plans >refers to SB 943 -2 amendments [Exhibit A] >review and comment process
140	Sen. Gordly	Continues questioning for clarification regarding diminishing services to girls and youth of color.
	Kitzhaber	Disagrees with statement. Nothing in the bill that would directly impact those programs. Explains.

164	Sen. Gordly	Continues questioning regarding concerns raised about the make up of the Oregon Juvenile Crime Prevention Coordinating Team.
180	Kitzhaber	First condition is that the individual be qualified to serve. Explains. >intention is to insure a broad representation because of the make up of those being incarcerated - continues >important there be representation on that committee
203	Sen. Trow	Comments regarding his two county's representation. Explains the differences and his concerns.
	Kitzhaber	Replies. Agreements would be different. >accomplish agreed upon objectives
	Sen. Trow	Agreements would not have to be the same?
232	Kitzhaber	Expect that would be the case. Continues.
247	Sen. Hamby	Comments for clarification to Sen. Trow's inquiry. >lack of accountability - lax in our language - huge amount of dollars used in administrative costs
	Kitzhaber	Am concerned - can improve our performance considerably. Issue of responsible governments. Continues.
288	Pam Curtis	Policy Analyst, Governor's Office. Presents written testimony in support of SB 943. [Exhibit D]
350	Chair Stull	Questions for clarification regarding -1 amendments.
	Curtis	Replies. Serve as the policy that would implement the -2 amendments.
360	Sen. Trow	Questions witness regarding issues needed to be resolved or finished.
	Curtis	Finished. Agreed to meet on a regular basis.
372	Sen. Tow	Questions for clarification regarding reaching of compromise.
	Curtis	Yes we have. Continues.
390	Gibson	Questions direction from Sen. Trow.
400	Chair Stull	Questions audit outcomes.
	Gibson	Replies. Audits were extensive in nature. Cannot give committee an accurate summary. >focus on accountability >always clarity between parties

		>sufficient documentation >make sure all kept honest
TAPE 113, A		
027	Gibson	Gives overhead presentation discussing negotiated agreements and remaining disagreements on SB 943. >percent change in juvenile arrests >fiscal impact - focus dollars on hi-risk youth >governor's strategy - four points
087	Sen. Trow	Questions Board of County Commissioner's authority.
	Gibson	Replies. Yes, that plan will collapse those funding streams into one. >goes to the Board of Commissioners who are responsible
110	Sen. Trow	Continues questioning for clarification. >1/3 local - remainder, state
134	Gibson	Configurations vary. Explains.
144	Sen. Qutub	Questions for clarification regarding the Oregon Coordinating Council for Children and Families
	Gibson	Replies. Not in this particular issue.
	Sen. Qutub	Continues questioning witness for clarification.
	Gibson	Replies. May have had that mission. Continues.
166	Gibson	Gives overview of SB 943 -2 amendments [Exhibit A] >Section 1: >Section 2: programs are best developed at local levels >(e) five risk and protective factors >(f) research shows us clearly identifiable risk factors
205	Sen. Trow	Questions witness regarding risk factors being gender neutral.
	Gibson	Yes. Continues.
209	Gibson	>(g) state and local objectives identified and achieved >(I) important for very small counties >(2) expanded reinvestment finding >Section 3: Area of some disagreement - reach best win, win

		situation. - local process to go forward
210	Sen. Gordly	Discussion around criteria for selecting those six members of the design team.
	Gibson	Primarily around the need to have some representation of the local perspective on the state team. Continues.
	Sen. Gordly	Express a concern or interest in that list of six nominees - reflecting gender, racial and ethnic balance
	Gibson	Not to my recollection.
308	Gibson	(2) governor's appointments >Section 4: lays out the roll of the state team (1) essentially the design team - maintain team as a ready reference
331	Sen. Trow	Questions design team's duties as outlined in Section 4.
	Curtis	Replies. Outcomes have been agreed upon as well as the criteria for reviewing those local plans.
359	Gibson	(2) support themselves administratively (3) participate actively in the development and implementation of local plans in each county (4) provide technical assistance (6,7,8) negotiation process -
393	Sen. Trow	Negotiate with the County Commissioners?
	Gibson	Yes.
400	Gibson	Continues - (7) and (9) - federal waivers (10) & (11) Section 5: changed the dates - previously faster deadline >identify unmet needs of hi-risk youth >provides the ability of some counties to move faster (2)Board of Commissioners to do planning at local level
TAPE 112, B		
042	Gibson	Continues: >requires the plan to set out the criteria in Section 4 (e)detailing the funding required

		(5)opt-out clause - not participate - money reverts to the state for prevention in that county
088	Gibson	<p>Funding streams:</p> <ul style="list-style-type: none"> >amendments to a section of law that deals with Great Start >Oregon Youth Authority diversion funds >one potential problem - Section 9 - more court services - explains
115	Sen. Tarno	How can we leverage money from other state agencies?
	Gibson	Replies and gives examples
148	Sen. Tarno	Questions the hi-risk age.
	Gibson	<p>Did not put a specific age in the bill. Continues.</p> <ul style="list-style-type: none"> >ages 9 through 17
	Sen. Tarno	Questions strategies how to salvage these kids.
	Curtis	<p>Replies. Very first thing team discussed - came up with 7 characters of programs that worked</p> <ul style="list-style-type: none"> >behavioral in nature >focused on skills >positive peer culture >built on strengths >addressed multiple risks >opportunities for positive involvement >face of an impact to the victim
188	Curtis	Very intensive family focus - intensive employment skill development. Continues.
196	Sen. Trow	Questions previous response regarding planning that had already begun. Start over?
	Gibson	Replies. Received substantial feedback which indicates they have already done much of what we are trying to achieve. Continues.
Recesses Committee at 7:25 p.m. Reconvenes		

Committee at 8:25 p.m.		
243	Gibson	<p>Two final points:</p> <ul style="list-style-type: none"> >distribution formula - grant dollars >agreed upon distribution would be based on the 0 to 18 age population >page 6 (b): concern that (b) limited expenditure of these funds so that young women could not be served. Continues >sure we weren't unnecessarily rigid - some relationship to children who could end up in custody
290	Chair Stull	Comments for clarification
334	Don Lindley	<p>Lincoln County Commissioner; President, Association of Oregon Counties. Discusses their working relationship with the Governor's Office.</p> <ul style="list-style-type: none"> >shares many of the Governor's goals >process involved >four major objections together with a whole list of things agreed upon
346	Lindley	<p>Concerned about community based plan.</p> <ul style="list-style-type: none"> >new resources would resolve some of our concerns >shifting from one pot to another worries us
365	Gordon Fultz	<p>Staff, Association of Oregon Counties. Gives some history and speaks of reluctance to participating. We have learned that there is real value to the community empowerment that process brought.</p> <ul style="list-style-type: none"> >keep community participation >where the money now goes <p>Discusses agreement with amendments:</p> <ul style="list-style-type: none"> >board of commissioners >preparation of major plan >using children and families as resources

		>community planning concept >local plan as developed as driving resources >reinvestment concept
419	Fultz	>timing >using inter-governmental agreements >hi-risk population and preserving other at-risk services >money stays within the county
451	Fultz	Discusses "Carve Out" concept. Indicates where problems are and why. [Exhibit E]
TAPE 113, B		
049	Fultz	Like to see that these plans for wellness left in tact until such time as there is an agreement between the county and the state. Continues. >basically let us go forward and plan for hi-risk >objections are primarily centered around the make up, functions and the population of the team
082	Fultz	Reasons why we asked for equal membership on the team >ability to review and comment rather than review and approval >trying to narrow the definition of what is hi-risk: youth who are known to be chronic violent offenders and young first-time offenders Comments on questions previously asked by Committee: >encourages additional time >working in good faith on the House side
119	Fultz	Calls attention to Section 5.5 - Opt Out Clause for counties - pages 6 - 7 >does not give us the ability to negotiate in a fair way
	Sen. Hamby	Questions for clarification regarding spending by counties.
	Fultz	Replies. Feel resources should be left where they are. Continues.
153	Sen. Hamby	Continues questioning for clarification regarding [Exhibit E] .
	Fultz	Accountability is an issue for both of us. Continues
242	Sen. Trow	Questions for clarification regarding funding.

	Fultz	Hopes of new revenue - beer and wine tax - fund this continuum
210	Sen. Trow	Continues questioning witness for clarification.
	Fultz	Possibility we could bring it down to \$2 or \$3 million. Continues.
290	Sen. Gordly	What would the \$7 million pay for?
	Fultz	Replies.
	Sen. Gordly	What is the \$7 million based on, what criteria?
	Fultz	Estimate of funds that are in several grants. Explains.
333	Sen. Gordly	Questions for clarification regarding structure of the Association of Oregon Counties. (AOC)
	Lindley	Replies.
377	Sen. Gordly	Continues questioning the witness regarding commitment of an agreement on SB 943.
	Lindley	Replies - Committee met today. >provided staff direction >looked at our position again
414	Sen. Gordly	You are committed to an agreement before this session ends?
	Lindley	Yes. Continues
425	Sen. Hamby	Comments regarding negotiations and the searching for the additional \$7 million. >review the audits >save \$1.5 million in administrative costs
450	Fultz	Replies. Have not gone in depth regarding funding sources. Continues.
TAPE 114, A		
034	Chair Stull	Questions for clarification regarding the wellness component. >Oregon Health Plan
	Fultz	Replies. Reports from local commissions indicate not enough money to cover some of the need in that category. Continues.
047	Sen. Hamby	Continues to comment.
051	Dan Murphy	Director, Marion County Children and Families Commission. Discusses some points for clarification. >partnership, its nature and meaning >raising issues

		<p>>what is happening at the community level</p> <p>Comments on Secretary of States' Audit and what has been accomplished.</p>
096	Murphy	>encourage dialog between AOC and the Governor's staff
127	Nancy Miller	<p>State Court Administrators Office. Office does not have a position on SB 943. Discusses court services funds.</p> <p>>for clarity, asks that the same definition for court services funds on page 5 as is outlined on page 9.</p> <p>>an amendment stating "as defined in ORS 3.250"</p> <p>>not services or funds managed or collected by the judicial department</p>
154	Nikola Jones	Questions witness for clarification regarding her proposed amendment.
	Miller	Correct. Continues.
166	Craig Campbell	<p>Vice President, The Victory Group. Coordinator of the Governor's Juvenile Crime Prevention Task Force. Discusses the consolidated planning recommendations of the task force and how to proceed around comprehensive planning.</p> <p>>coordinate efforts of communities</p> <p>>bring the planning processes together under one grand planning process</p> <p>>lists players</p> <p>>interface</p>
243	Campbell	<p>Continues.</p> <p>>detailed list of the resources that could be used cooperatively</p> <p>>specifically identify agencies and their key contact person</p> <p>>identify the needed service</p> <p>>what services will be provided under the plan and who will provide that service</p> <p>>identify criteria to evaluate the success or failure of the services</p>
286	Sen. Hamby	Where did we fail?
	Campbell	Replies. We were more concerned with vision than application. Explains.

333	JoAnn Miller	Director, Benton County, Commission on Children and Families. Testifies in opposition to SB 943. Discusses their plan and what they are doing. Expresses her concerns regarding their unique situation.
400	Miller	We don't consider it a failure, but a success. >recognize the need for local communities
425	Sen. Hamby	Questions the witness for clarification.
	Miller	Replies
TAPE 115, A		
016	Sen. Hamby	Questions arrest rates.
	Miller	Replies. Need to look at alternatives.
037	Judge Mike McArthur	Sherman County Judge; Second Vice-President, Association of Oregon Counties. Discusses the problems affecting SB 943. More resources need to go to those youth that are in the juvenile system. >real education process that needs to go forth >wait and see to see what happen in negotiations
069	Sen. Gordly	Questions the word 'stall'.
	McArthur	Replies. Won't be implementing anything for two years.
076	Sen. Gordly	What dollars and programs would be removed?
	McArthur	Decision of the local commission. Continues.
095	Sen. Hamby	How long do you think we can wait?
	McArthur	A week would be prudent.
101	Judge Laura Pryor	Juvenile Judge, Gilliam County. Discusses the need to do something about all of the plans. >coordinating them - make them work together >the child has to follow the money, the money doesn't follow the child - explains >supports this bill as it tries to coordinate the plans and resources >concerned about the team at the state level
143	Pryor	We couldn't get the local representative of the state agency to deal with it. Continues. >discusses design team >the more we do it, the better we will get

		>there is not enough money
191	Sen. Trow	Questions the witness regarding her participation on the Design Team.
	Pryor	Replies. Never heard that it will not. Continues.
215	Sen. Trow	Continues questioning regarding his specific counties' problems. >an allowance for the difference
	Pryor	Replies. That is what we discussed always. Continues.
232	Keith Meisenheimer	Senior Deputy District Attorney, Multnomah County; Member of the Design Team. Testifies in support of SB 943. Supports the effort to create comprehensive and coordinated planning in the juvenile crime prevention area. >Attorney General's office should be part of the state design team. >add under Section 9 >include the district attorney's office and a local police chief or sheriff
257	Pam Patton	Coalition of Advocates for Equal Access for Girls. Two areas of concern have been clarified. Affirms support for the bill. >proposes an amendment to address youth who fall within the range of those youth who could be placed in juvenile custody during the time covered by the plan - - -
302	Patton	Intent in the membership of the state team >temporary advisory appointments to the team who would represent the needs of girls and of communities of color
314	Sen. Trow	If those amendments are made, do you believe the bill will deal adequately with the gender issue?
	Patton	Allows for the opportunity for that to occur. Continues. >definitely an improvement
344	Sen. Trow	Continues questioning witness.
	Patton	Replies.
356	Teri Martin	Chair, Washington County Commission Children & Families. Testifies in support of the intent of the bill. Expresses some concerns and agreements with the bill. >need to be careful in defining administrative expenses >echo concern about shifting resources - handicap >look at the cost of shifting resources

		>arrests are affected many factors >be careful of the language
TAPE 114, B		
025	Martin	Continues. >reinvestment strategy - careful consideration given to formula
038	Doug Carlson	Director, Yamhill County Commission. Submits written testimony in support of SB 943. [Exhibit F]
082	Sen. Trow	Questions for clarification regarding the amending of the bill.
	Carlson	Limits it from it being both. Explains.
105	Gabriele Huycke	Spokesperson, Linn County Commission on Children and Families. Submits written testimony in opposition to SB 943. [Exhibit G]
164	Huycke	Continues testimony.
193	Chair Stull	Comments - Which Oregon kids do we sacrifice for Oregon kids. Continues.
	Huycke	Agrees, but is this the right process? >empower families and communities
234	Gibson	Comments for clarification. >state has a broad spectrum that has an impact on these populations >there is a continuum >failing grade in dealing with adolescents and juveniles >don't have money to do everything for everyone
284	Gibson	Bottom up vs. top down decision making >strengths of both sides represented at the table >very difficult to see where new revenue will come from >focus our efforts and have an impact
324	Curtis	I have the notes from the Design Team for further questions.
329	Sen. Trow	Questions criteria depending on the needs.
	Curtis	Reads the first criteria which focuses on communities.
	Sen. Trow	Questions regarding the shifting of funds. >every county the same way

346	Gibson	Intent was to focus our efforts around juvenile crime. Continues.
	Sen. Trow	Continues questioning witness. >some additional money for the wellness services
	Gibson	Replies. Less and less flexibility in the budget process. Continues. >potential amendments mentioned - would be willing to work out language
408	Sen. Hamby	Comments on Committee's preparedness to conceptually amend the bill and send it out.
<u>CLOSES PUBLIC HEARING ON SB 943</u>		
<u>OPENS WORK SESSION ON SB 943</u>		
421	Jones	Reviews amendments and changes of language >page 3, SB 943-2 amendments >section 3, page 16 - addition of the attorney general's office, local sheriff or police chief
TAPE 115, B		
015	Sen. Hamby	Governor's office object?
	Gibson	State team - not object to the attorney general
021	Sen. Hamby	MOTION: Moves to AMEND SB 943-2 amendments dated 05/12/97 on page 3, by inserting "office of the attorney general".
		VOTE: 4-2 AYE: 4 - Gordly, Hamby, Trow, Stull NAY: 2 - Qutub, Tarno
	Chair Stull	The motion CARRIES.
031	Jones	Continues. Amendment suggested by Nancy Miller. >line 16 after the second word "funds" add "as defined in ORS 3.250".
036	Sen. Hamby	MOTION: Moves to AMEND SB 943-2 amendments dated 05/12/97 on page 5, line 16, by inserting "as defined in ORS 3.250" after the second "funds".
		Comments that he is prepared to amend the bill but not prepared

039	Sen. Trow	to vote the bill tonight.
047		VOTE: 5-1 AYE: 5 - Gordly, Hamby, Tarno, Trow, Stull NAY: 1 - Qutub
	Chair Stull	The motion CARRIES.
053	Jones	Continues: page 6, line 3 - suggestion to clarify or further define why type of youth. Not sure of language.
	Sen. Hamby	Recognition of females rather than simply addressing youth being placed in juvenile custody. Continues.
	Chair Stull	Recalls - insertion after 'address' on line 3 - 'an age range of youth who could be placed in juvenile custody'
072	Patton	Clarifies wording from audience.
	Chair Stull	Page 6, line 3 after 'address' insert "an age range of"
083	Sen. Hamby	MOTION: Moves to AMEND SB 943-2 amendments dated 05/12/97 on page 6, line 3, by inserting "an age range of " after "address".
		VOTE: 5-1 AYE: 5 - Gordly, Hamby, Tarno, Trow, Stull NAY: 1 - Qutub
	Chair Stull	The motion CARRIES.
089	Gibson	Calls attention to an error on line 20, (4), page 6 - strike 'to' after the word 'submit'.
098	Sen. Hamby	MOTION: Moves to AMEND SB 943-1 amendments dated 05/12/97 on page 6, line 20, by deleting "to" after "submit".
		VOTE: 5-1 AYE: 5 - Gordly, Hamby, Tarno, Trow, Stull NAY: 1 - Qutub
	Chair Stull	The motion CARRIES.
107	Jones	Continues with amendments. Page 8 & 9, Sections 9 & 10 of the bill.
	Various	Discussion follows with Jones, Sen. Hamby, Sen. Gordly and Sen. Stull regarding wording of the conceptual amendment.
146	Gibson	Comments for clarification regarding representation.
167	Sen. Hamby	MOTION: Moves to ADOPT SB 943-2 amendments dated 05/12/97 as AMENDED.
		VOTE: 5-1

		AYE: 5 - Gordly, Hamby, Tarno, Trow, Stull
		NAY: 1 - Qutub
	Chair Stull	The motion CARRIES.
168	Sen. Trow	Explains his vote. Amendments improve the bill, but wants to see negotiations go forward in good faith. Continues.
<u>CLOSES WORK SESSION ON SB 943</u>		
	Chair Stull	Adjourns meeting at 10:40 p.m.

Submitted by, Reviewed by,

Julie Clemente, Nikola Jones,

Administrative Support Counsel

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EXHIBIT SUMMARY

A - Proposed SB 943-2 Amendments - Staff - 9 pgs

B - Testimony on SB 943 With Concerns - Steve Carmichael - 1 pg

C - Guiding Principles to SB 943 - Governor John Kitzhaber - 2 pgs

D - Testimony Regarding SB 943 - Pam Curtis - 7 pgs

E - Carve-Out Concept - Gordon Fultz - 1 pg

F - Testimony in Support of SB 943 - Doug Carlson - 2 pgs

G - Testimony in Opposition of SB 943 - Gabriele Huycke - 1 pg