

—

SENATE COMMITTEE ON CRIME & CORRECTIONS

May 14, 1997 Hearing Room B

1:00 P.M. Tapes 116 - 118

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:

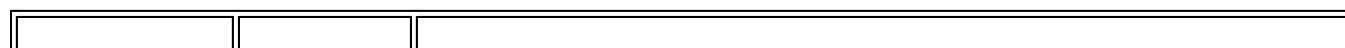
Nikola Jones, Counsel

Julie Clemente, Administrative Support

MEASURE/ISSUES HEARD: Work Session: SB 943, HB 2380

Public Hearing & Work Session: HB 2426

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 116, A		
004	Chair Stull	Calls meeting to order at 1:12 p.m.
OPENS WORK SESSION ON SB 943		
009	Stephanie Schutzler	CPA, Audit Administrator, Oregon Audits Division. Auditor in charge of the Oregon Commission on Children and Families Audit, completed in November, 1996. Discusses objectives, findings and procedure of this particular audit, focusing on the financial side including fiscal controls, reporting requirements, contents of reports and compliance issues relating to the commission and how it worked. >joint effort with Legislative Fiscal
053	Schutzler	>set guidelines for consistency >untimely or inaccurate reports >made some recommendations - withhold money from commissions who submit untimely reports
104	Sen. Trow	Questions which eight counties were reviewed.
	Schutzler	Benton, Clackamas, Crook, Douglas, Hood River, Multnomah, Union
	Jim Pitts	Senior Auditor, Oregon Audits Division. Auditor in Charge of the Oregon Commission on Children and Families Audit.
114	Pitts	Replies to Sen. Trow's Questions for clarification regarding Great Start and Juvenile Justice.
131	Sen. Trow	Continues questioning the witnesses for clarification
	Schutzler	Replies.
152	Sen. Trow	Continues questioning for clarification regarding administrative costs.
	Schutzler	Not in the scope of our audit.
164	Pitts	We looked at what the counties reported. Continues.
	Sen. Trow	Report itself needs good explanatory information.
176	Sen. Tarno	Get the impression that local commissions were lacking in direction. Valid impression?
	Schutzler	Did not address that issue. Explains.
	Sen. Tarno	Continues questioning for clarification regarding the continuation of funding. Misuse of funds.
	Schutzler	No. Explains.
204	Sen. Tarno	Recommendations?
	Schutzler	Yes. Back of report.

215	Sen. Qutub	Questions for clarification regarding counties and administrative costs. Continues. Just due to confusion/lack of direction?
	Schutzler	Replies. Recommendations made - policy question.
287	Chair Stull	Comments/questions for clarification.
	Schutzler	No follow up has been done - refers to page 22.
315	Sen. Hamby	Questions for clarification regarding audit - federal dollars - certain percent match. Discrepancies found?
	Schutzler	Replies. Covered in state-wide audit.
335	Sen. Qutub	Do we have a representative from Children & Families Commission?
349	Anne Glaze	Senior Analyst, Legislative Fiscal. Discusses their program evaluation which occurred at the same time as the Secretary of State's audit. >performance review - HB 2004 standards and concept and how implemented >entire structure of the commission - broader view - structure in place that allows enough accountability >looked at specific areas - conflict of interest >findings very much complimented findings of the Secretary of State
389	Glaze	Commission has done a good first step in trying to set up a system that is based on out come measures. >critical of the out come measures used - made recommendations >recommendations for the Legislature to better define the rolls and responsibilities at the state level of agencies and advisory boards that are involved in decisions. >need to improve internal controls
Tape 117, A		
039	Sen. Trow	Did you find money spent on administration was excessive?
	Glaze	Did not consider excessive - took a different viewpoint. Explains.
097	Sen. Trow	Continues questioning witness regarding assessment of volunteer talent.
	Glaze	Report was critical because they had not determined a good standard for determining the amount of volunteer hours. Continues.
110	Sen. Qutub	Did you assess the same counties?
	Glaze	Yes. Continues.
128	Dan	Director, Marion County Children and Families Commission. Discusses previous testimony regarding audit results. >clearly a learning organization

	Murphy	>period covered is 1993/95 - developmental mode >administrative costs - explains
173	Murphy	Continues. >solid internal management control - involve people >personal commitment in that area
184	Sen. Hamby	Comments for clarification. Not here to be critical of anyone; simply want to move on. Continues.
192	Murphy	Continues. >share the governor's interest in identifying those hi-risk youth. Trying to make this work. Proposal undermines what we have started. Continues.
221	Sen. Hamby	Comments for clarification. Hoped that counties not on the audit table had undertaken a self-imposed audit.
	Murphy	We did. Continues.
255	Chair Stull	Community progress teams - how many do we have in Marion County?
	Murphy	Eleven. Continues.
266	Rebecca Hernandez	Marion County Health Department. Contracted out to Children and Families Commission. Management Analyst working as a Service Performance Analyst for the Commission. Gives information regarding her background as an educator and how it has helped her in this position. >feels very strongly she has a voice in her community
296	Patty O'Brien	Senior Management Analyst, Oregon Commission on Children and Families. Hired eight months ago to put in place internal controls and improve the accountability system. Discusses what has been done in follow up to the audits. >thorough audit response tracking system - learning tool >making headway in the out come area >understands accountability system - develop internal controls >36 counties have been trained in internal controls
357	O'Brien	Discusses administrative costs.
373	Sen. Trow	Questions for clarification regarding a decrease in the amount of administration costs.
		Yes - Explains.

	O'Brien	>reporting better >trimming back
395	Nikola Jones	Explains the SB 943 -3 amendments [Exhibit D]
408	Mark Gibson	Governor's Office. Gordon Fultz and I have been working long and hard on this. Discusses amendments and points out changes. >structured with a high level of local participation >need to focus efforts on hi-risk youth and their impact on system >new amendments begin on page 3 (2) line 6
Tape 116, B		
039	Gibson	Allows flexibility for local partners >page 4(1), line 7 >line 28, (8) >page 5 - general reference on line 17
062	Gibson	>line 18 - added 'local' before plan
069	Sen. Trow	Questions for clarification
	Gibson	Yes
077	Gibson	Continues: Page 7, line 2 >Section 6: major changes made >(1) >Section 2. Addition >(23) >Section 4: new - speaks to issue - holds harmless what the commissions on children and families are currently doing regarding young at-risk children >allows them to continue
119	Gibson	Continues. >Section 10: court services dollars: does not reduce the level of dollars going to counties for these purposes. Explains.

		>Section 7, page 9, (2) currently discussing possible further amendment: Explains.
170	Sen. Tarno	Questions for clarification - hold harmless for at-risk children Age brackets?
	Gibson	Replies. Allow services to continue to children younger unless replaced with other resources. Continues.
	Sen. Tarno	Resources available to kids under 9?
	Gibson	Yes>
193	Sen. Qutub	Comments/questions for clarification.
	Sen. Tarno	Progress has been made. Continues.
207	Gibson	Comments on the audit testimony. >effort to pull together and leverage resources in a coordinated way
223	Gordon Fultz	Association of Oregon Counties. Working long and hard. Have come to a consensus on a good number of items. Discusses for the record: >has to check with association membership >hold harmless, crafted in a way to preserve services to at-risk children - intent that progress teams be included >takes \$3 million off the table >not enough money in the system - suggested increased planning >technical issues >asks for more time
279	Sen. Hamby	Comments for clarification.
	Fultz	Replies.
297	Chair Stull	Comments on community progress teams being included.
<u>CLOSES WORK SESSION ON SB 943</u>		
<u>OPENS WORK SESSION ON HB 2380A</u>		
338	Nikola Jones	Committee Counsel. Reviews bill.
	Dennis Luke	Representative, District 54. Submits SB 2380-A2 amendments for consideration. [Exhibit A] Adds a sunset clause. >The bill extends time in which prosecution for arson may be

		commenced to six years.
382	Greg Brown	Sheriff, Deschutes County. Submits written testimony in support of SB 2380A. [Exhibit B]
412	Sen. Trow	Questions length of time for prosecution.
	Brown	At least three to four years. Explains.
Tape 117, B		
015	Luke	Formed a group called Central Oregon Arson Task Force which has become a national model. Continues.
	Brown	Explains about the task force and its makeup.
029	Sen. Tarno	MOTION: Moves to ADOPT HB 2380-A2 amendments dated 04/29/97.
034	Sen. Gordly	Questions how many of the remaining cases fall out of the statute of limitations.
	Brown	Replies. About 60 would fall within the new six year statute of limitations. Continues.
		VOTE: 6-0
		AYE: In a roll call vote, all members present vote Aye.
	Chair Stull	The motion CARRIES.
064	Sen. Hamby	MOTION: Moves HB 2380A 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. BRYANT will lead discussion on the floor.
<u>CLOSES WORK SESSION ON HB 2380A</u>		
<u>OPENS PUBLIC HEARING ON HB 2426A</u>		
073	Steven Dingle	Deputy District Attorney, Marion County; representing the Oregon District Attorney's Association. Testifies in support of HB 2426A. Discusses history of the sentencing guidelines relating to commercial drug offense and substantial quantities offense. There is an increasing number of people being arrested with large quantities of amphetamines. Drug users use amphetamines in the same manner as

		methamphetamines.
119	Sen. Tarno	Explains Dingle's testimony. >lost cases because report came back stating amphetamine as opposed to methamphetamine. Essentially do same thing. >difference in penalties between amphetamines vs. methamphetamines
	Dingle	Used in the same way >marketed as methamphetamine when in fact it is amphetamine >has created problems in pleading
146	Sen. Hamby	Comments for clarification.
151	Sen. Tarno	Suggests emergency clause.
	Sen. Qutub	Comments regarding fiscal impact and the fact that it might be incorrect. >changing the chemical make up to get by
163	Dingle	Questions fiscal impact. >still prosecuting same cases
177	Sen. Gordly	Comments: Must hear something more definitive from fiscal and something from the Criminal Justice Commission on impact.
193	Dingle	Continues to explain.
210	Sen. Tarno	Continues for clarification. If we see a reduction in meth, will see an increase in amphetamine. >chemical process same - no difference in cost
	Dingle	Doesn't cost the crime lab any more. It is the officer on the street that must use the more expensive test. >if this became law, that would be unnecessary
218	Sen. Qutub	Comments for clarification regarding criminal knowledge and the law.
	Chair Stull	Comments for clarification regarding fiscal report.
	Dingle	Comments: Get to the same place. Explains process. >raw number of cases are here >people don't know what they are getting >need combination language
270	Sen. Trow	Questions for clarification regarding level change and the cost.
	Dingle	Replies. Today, they end up in the same place. Just have to go through a different process.

294	Sen. Trow	Comments: Argument should be made in Ways & Means.
	Chair Stull	Comments and makes suggestions: >draft an emergency clause to go into effect as soon as it becomes law >together with Legislative Fiscal
312	Sen. Trow	Requests another fiscal impact statement.
	Chair Stull	Comments: Make every effort to get this matter solved.
342	Sen. Gordly	Still wants to actually hear from Fiscal.
352	Sen. Qutub	Legislative fiscal does not come here to testify. Continues.
389	Sen. Trow	Comments for clarification.
	Sen. Hamby	Comments for clarification regarding placement on the grid.
415	Dingle	Replies. State that computerized criminal histories available to his department are not very accurate. Continues. >speaks to fiscal's assumption on report
	Sen. Qutub	Comments: There are wrong assumptions.
	Sen. Tarno	Same people. Continues.
Tape 118, A		
025	Sen. Hamby	Their rational - higher on the grid
	Chair Stull	Comments for clarification regarding chemical background. >upward departure is happening now >process of how you get there
<u>CLOSES PUBLIC HEARING ON HB 2426</u>		
<u>OPENS WORK SESSION ON HB 2426</u>		
050	Sen. Qutub	MOTION: Moves to AMEND HB 2426 by inserting "an emergency clause".
		VOTE: 4-0 AYE: 4 - Hamby, Qutub, Tarno, Stull EXCUSED: 2 - Gordly, Trow
	Chair Stull	The motion CARRIES.

056	Sen. Qutub	MOTION: Moves HB 2426 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 4-0 AYE: 4 - Hamby, Qutub, Tarno, Stull EXCUSED: 2 - Gordly, Trow
	Chair Stull	The motion CARRIES. SEN. TARNO will lead discussion on the floor.
071	Chair Stull	Adjourns meeting at 3:07 p.m.

Submitted by, Reviewed by,

Julie Clemente, Nikola Jones,

Administrative Support Counsel

-

EXHIBIT SUMMARY

A - Proposed HB 2380-A2 Amendments - Staff - 1 pg

B - Testimony in Support of HB 2380-A - Greg Brown - 2 pgs

C - Testimony in Support of SB 943 - Oregon Cluster of YMCAs - 1 pg

D - Proposed SB 943-3 Amendments - Staff - 10 pgs