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SENATE COMMITTEE ON CRIME & CORRECTIONS

April 2, 1997 Hearing Room B

1:00 P.M. Tapes 54 - 56

MEMBERS PRESENT:

Sen. Shirley Stull, Chair

Sen. Jeannette Hamby, Vice-Chair

Sen. Avel Gordly

Sen. Eileen Qutub

Sen. Veral Tarno

Sen. Cliff Trow

VISITING MEMBERS: Rep. Steve Harper

STAFF PRESENT:

Nikola Jones, Counsel

Julie Clemente, Administrative Support

MEASURE/ISSUES HEARD: Public Hearing and Work Session: SB 689

Public Hearing: SB 960

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 54, A		
004	Chair Stull	Opens meeting at 1:05 p.m.
<u>OPENS PUBLIC HEARING ON SB 960</u>		
010	Dave Cook	Director, Oregon Department of Corrections introduces Brian Bemus and Al Chandler, Oregon Department of Corrections. Gives Committee an brief overview of privatization from the Department of Corrections' point of view. Speaks that the Department is more than willing to consider all the alternatives that exist for saving money, lowering the cost of government, and providing the service.
084	Brian J. Bemus	Program Manager, Department of Corrections - Refers to Private Prisons in Oregon, A General Discussion [Exhibits C] and Private Prisons in Oregon, Constitutional, Statutory and Administrative Issues [Exhibit D] Reports were put together with the idea of not whether privatization was a good or bad thing, but a thing. Continues stating there is not sufficient information out there to allow a definitive decision on whether privatization is right for Oregon or how it would work here. >very state statute specific
115	Bemus	Reviews to illustrate conclusions and assessments from other state's experiences. >privatization may or may not save money >untie Department of Correction's (DOC) hands >difficult to come up with a level playing field >need a cost model that factors in services not being provided by the private provider that the state provides, and the cost >on site contract monitor >liability
166	Sen. Hamby	Questions for clarification.

	Bemus	Yes.
173	Sen. Trow	Questions for clarification on housing of inmates out of state regarding liability.
	Bemus	Not sure. Will look up.
186	Bemus	Continues. Have learned things from contracting out of state. >contracting: the thicker the contract the better - if not in the contract, doesn't happen >accreditation does not create a level playing field >ACA accreditations are professional accreditations
223	Bemus	Continues: >still responsible for contracted costs >must understand what is being bought >local and state laws need to support the private operation
257	Bemus	Continues with State constitutional issues. Contracted facility has to be a part of our system; cannot afford to have two systems. >delegation of authority doctrine >must have some kind of regulatory authority
326	Bemus	Continues: >use of force and BPST requirements >cost model development - important
385	Sen. Trow	Questions for clarification regarding personnel costs and levels of staffing.
430	Bemus	Directs Committee to page 10 [Exhibit D] Other issues that may require legal analysis and statutory revision as part of the policy decision making process.
TAPE 55, A		
034	Bemus	Continues testimony.
060	Cook	Comments on the Bemus presentation. >takes an open position >proposes interim task force
086	Sen. Tarno	Questions for clarification regarding contract with a private institution in Texas.

	Bemus	Replies. Did a little bit of both. Explains.
	Sen. Tarno	Questions a cost analysis or comparison between the two facilities.
	Al Chandler	Oregon Department of Corrections. Replies. We looked at the cost issue. Continues.
117	Sen. Tarno	Private cheaper than public?
	Chandler	Per diem costs are less. Explains.
120	Cook	People like Wackenhut and CCA are in business doing business with other entities. Continues. >experience issue
	Bemus	Yes. Explains.
	Sen. Tarno	Continues for clarification.
	Bemus	Classified at the intake center. Continues.
157	Sen. Qutub	Comments on the willingness of the Corrections Department to participate. Questions if the hands of the Department were untied, what would you change?
	Bemus	I don't have a good response. >areas of purchasing and contracting
	Sen. Qutub	Continues her comments regarding reduction of costs.
	Cook	Replies. Latitude exists in the cost of the operation, salaries and benefits. Continues
217	Sen. Qutub	Continues her comments. Private prison corporations realize they need to pay well. >government doesn't exist to provide benefits and jobs
232	Cook	Agrees. Continues.
244	Sen. Tarno	Questions for clarification regarding cost of running a medium security facility.
	Cook	Replies. Didn't bring that information. Continues.
263	Chandler	Reluctant to give dollar amount.
267	Sen. Trow	Comments on interim study on privatization.
	Cook	That has been our intention. Continues.
316	Patrick Sorensen	Madras City Administrator. Presents written testimony in opposition of SB 960. [Exhibit E]
420	Robert H. Fuller	Executive Director for both the Madras-Jefferson County Chamber of Commerce and Economic Development for Jefferson County. Presents written testimony in opposition of SB 960. [Exhibit F]
TAPE 54, B		
031	Fuller	continues testimony

046	Jodi Eagan	Chair, Jefferson County Board of Commissioners. Submits written testimony in opposition to SB 960. [Exhibit G]
122	Sen. Qutub	Questions where the idea came from that the private prison was being sited in Madras.
	Eagan	Replies.
	Fuller	Replies. Senator representing our area did indicate that it was an option. Continues.
136	Sen. Tarno	Questions research done by the community.
	Fuller	Yes. Continues.
	Sen. Tarno	If Madras had the option of only taking a privately run institution, accept?
	Fuller	We need to know more before we could answer. Continues.
162	Chair Stull	Comments as Chief Co- Sponsor of the bill: Not looking at anything site specific. Continues.
182	Eagen	Speaks to Chair Stull's comments.
193	Sen. Trow	Questions the location of the proposed site.
	Sorensen	Replies. Four miles east of town.
204	Sen. Trow	Continues questioning regarding proximity of schools and residential areas.
	Sorensen	Middle school approximately 2.5 to 3 miles.
214	Sen. Qutub	Speaks for clarification: Government is not giving up its responsibility by contracting with a private institution. Continues.
<u>CLOSES PUBLIC HEARING ON SB 960</u>		
<u>OPENS PUBLIC HEARING ON SB 689</u>		
234	Sen. Gordly	Inquires if Chair is going to hold another hearing on SB 960.
	Chair Stull	Yes.
258	Teresa E. A. Teater	Submits written testimony in support of SB 689. [Exhibit H]
324	Shirlie Karl	Testifies in support of SB 689. Tells of her background. Discusses consequences due to the lack of preparation for life being sent from one foster parent to another. >not prepared for the world - gives examples
419	Karl	Continues her testimony. When the foster parent learns that CASA is coming for inspection, everything appears to be fine. Explains.

TAPE 55, B		
048	Karl	Continues with examples. >excited about this bill
074	Susan Garren	Submits written testimony in support of SB 689. [Exhibit A] Discusses the trauma these children experience in moving them from care to care. >children should be put first
099	Sen. Qutub	Comments on Garren's testimony.
108	Marsha Everett	Co-founder of Preservation of Family and Kinship Care. Testifies in favor of SB 689 but has concerns. Wants a better definition of "reasonable effort." Explains.
	Written Testimony received in support of SB 689 from Pamela Birnie Sornson, JD [Exhibit I]	
<u>CLOSES PUBLIC HEARING ON SB 689</u>		
<u>OPENS WORK SESSION ON SB 689</u>		
153	Timothy Travis	Juvenile Rights Project. Gives a broad overview of SB 689. >current bill has amendments previous discussed together with new amendments. [Exhibit J] Discusses new suggestions and reviews bill section by section. >juvenile code is broken down into three sections >Section A is an overview >Section B is the dependency section >Section C is the delinquency section
215	Travis	Calls attention to a misprint on line 29.
	Nikola Jones	Committee Counsel. Spoke to Legislative Counsel. Bill will be printed with a ten (10) not a two (2) >page 11

228	Nancy Miller	Director, Citizen's Review Board Program. Office. Continues: >page 11, lines 30 and 31
267	Travis	Continues: >Section 12, page 17
286	Chair Stull	Questions for clarification.
	Miller	Not problematic at all. Explains.
301	Travis	Continues: >Section 13, page 18
360	Miller	Continues: >page 25, deleted Section 11
389	Chair Stull	Questions for clarification on page 21, line 25.
	Miller	Legislative Counsel drafting error. Explains.
394	Sen. Trow	Speaks of witness's remark regarding words "reasonable effort"
	Miller	Replies. That is the \$64,000 question nation wide. Continues. >determined on a case-by-case basis >crafted to be a subjective determination
	Sen. Trow	Continues comments: People need to know what you mean by "reasonable effort."
TAPE 56, A		
024	Travis	Replies: Agrees with some of what Everett said in terms of judge's rubber stamping. Explains.
037	Sen. Qutub	MOTION: Moves to ADOPT SB 689-3 amendments dated 04/01/97.
043	Sen. Tarno	Are these the L.C. amendments?
045	Sen. Trow	Any opposition to SB 689 -3 amendments?
	Chair Stull	Replies.
049		VOTE: 5-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Sen. Hamby
	Chair Stull	The motion CARRIES.
056	Sen. Qutub	MOTION: Moves SB 689 to the floor with a DO PASS AS AMENDED recommendation.
060	Sen. Trow	Questions if Chair is satisfied with the bill.

	Chair Stull	Replies.
		VOTE: 5-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Sen. Hamby
	Chair Stull	The motion CARRIES. SEN. HAMBY will lead discussion on the floor.
<u>CLOSES WORK SESSION ON SB 689</u>		
<u>OPENS PUBLIC HEARING ON SB 960</u>		
091	Chair Stull	Comments on time constraints and that there will be another hearing. Continues.
<u>CLOSES PUBLIC HEARING ON SB 960</u>		
	Chair Stull	Declares meeting adjourned at 3:05 p.m.

Submitted by, Reviewed by,

Julie Clemente, Nikola Jones,

Administrative Support Counsel

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EXHIBIT SUMMARY

A - Testimony in Support of SB 689 - Susan Garren - 2 pgs

B - Proposed SB 689-3 Amendments - Staff - 8 pgs

C - Private Prisons in Oregon, A General Discussion (SB 960) - Brian Bemus - 7 pgs

D - Private Prisons in Oregon: Constitutional, Statutory and Administrative Issues - Brian Bemus - 13 pgs

E - Testimony in Opposition to SB 960 - Patrick Sorensen - 2 pgs

F - Testimony in Opposition to SB 960 - Robert H. Fuller - 3 pgs

G - Testimony in Opposition to SB 960 - Jodi Eagan - 9 pgs

H - Testimony in Support of SB 689 - Teresa Teater - 7 pgs

I - Testimony in Support of SB 689 - Pamela Sorenson - 1 pg

J - Engrossed SB 689 - Staff - 26 pgs
