

HOUSE JUDICIARY
SUBCOMMITTEE ON CRIME AND CORRECTIONS

Hearing Room
Tapes - 28

MEMBERS PRESENT:

Rep. Veral Tarno, Chair
Rep. Floyd Prozanski, Vice-Chair
Rep. Peter Courtney
Rep. Jerry Grisham
Rep. Leslie Lewis

STAFF PRESENT:

Holly Robinson, Committee Counsel
Janet Ellingsworth, Committee Assistant

MEASURES HEARD:

Invited testimony - unitary assessment

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE , A

003 CHAIR TARNO: Convenes meeting at 8:35 A.M.

INVITED TESTIMONY

Witnesses: Jef Faw, Budget and Finance Director, Oregon Judicial
Department
Training (BPSST) Robert King, Business Manager, Board on Public Safety Standards and
Training (BPSST)
Danny Bisgaard, Budget Director, Oregon State Police
Betty Uchytel, Assistant Administrator, Childrens Services Division
(CSD)
Gary Delaney, Director, Administrative Services, Department of
Justice
Clark Campbell, Systems Chief, Department of Human Resources, Office
of Alcohol and Drug Abuse Programs (ADAP)
Joan Plank, Orego Department of Transportation (ODOT)
Deborah Manthe, Budget Director, Oregon Department of Transportation
Paul Donheffner, Director of the Marine Board

005 ROBINSON: Discusses HB 2161 and HB 2162 (unitary assessment).

031 CHAIR TARNO: This is an informational meeting.

039 JEF FAW, BUDGET AND FINANCE DIRECTOR, OREGON JUDICIAL DEPARTMENT:
Submits [EXHIBIT A]. Testimony on unitary assessment.

100 FAW: Discussion of general fund.

124 REP. PROZANSKI: Can you walk me through the flow chart in [EXHIBIT A]?

134 FAW: Many people believe category 1 is discharged one hundred percent.

137 ROBINSON: Do local jurisdictions retain their unitary assessments in addition to the fines?

147 FAW: The unitary assessment does go back to the state.

146 ROBINSON: Unlike the fee amounts that are split differently, if the local jurisdiction is involved, the unitary assessment is not?

148 FAW: That is correct.

154 ROBERT KING, BUSINESS MANAGER, BOARD on PUBLIC SAFETY STANDARDS and TRAINING (BPSST): Submits [EXHIBIT B]. Testimony on unitary assessment.

200 KING: Discusses chart in [EXHIBIT B].

250 KING: Discusses CFAA account.

262 CHAIR TARNO: Is it safe to say that the unitary assessment program was originally started to support training for law enforcement officers?

264 KING: The original BPSST assessment was to clean up and simplify the collection of the various fines that have been approved over the years.

271 CHAIR TARNO: The unitary assessments have been applied to training for law enforcement officers going back to the days of camp (inaudible)?

273 KING: That's correct.

278 DANNY BISGAARD, BUDGET DIRECTOR, OREGON STATE POLICE: Testimony. Submits [EXHIBIT C].

307 BISGAARD: Discusses [EXHIBIT C]. The overall goal of this system is that when it's up and running, it will support 5,000 mobile computer terminals.

370 CHAIR TARNO: Refers to [EXHIBIT A]. What is OSP, CMV?

386 BISGAARD: That is the \$40 assessment on trucks for the enforcement of truck violations.

389 CHAIR TARNO: Refers to [EXHIBIT C]. Discusses current budget.

393 BISGAARD: Explains budget.

407 CHAIR TARNO: You receive \$2.7 million from BPSST for additional training?

412 BISGAARD: Yes.

413 CHAIR TARNO: Does that come out of the 10.3 million of BPSST's total package?

414 BISGAARD: Yes.

415 REP. LEWIS: How come the numbers on this chart don't match the numbers on your chart?

422 BISGAARD: On my sheet the 1993-95 shows what was budgeted when the legislature went home.

442 CHAIR TARNO: I'm bothered by the 2.7 million coming out of BPSST's budget.

450 BISGAARD: The dollars are transferred to our agency, we work in conjunction with BPSST.

031 CHAIR TARNO: The 40 mobil computer terminals purchased (M.C.T.), those are units that are in just the state police vehicles?

034 BISGAARD: That is correct.

036 REP. PROZANSKI: Were you asking if other agencies have those units?

039 CHAIR TARNO: No, I'm asking if any of the funds budgeted out of unitary assessment fees went to other law enforcement agencies.

044 BETTY UCHYTIL, ASSISTANT ADMINISTRATOR, CHILDREN'S SERVICES DIVISION: Testimony on unitary assessment. Submits [EXHIBIT D]. Discusses Child Abuse Multidisciplinary Intervention (CAMI) Account.

078 REP. LEWIS: Asks for clarification of CAMI award amounts.

084 UCHYTIL: I believe one figure is a biennial figure, and the figure I gave you is an annual figure for 1995, which is a projection of what the revenue will be.

087 REP. LEWIS: OK, it's still off by one million dollars.

091 UCHYTIL: Five percent of the amount remains within children's services division for administering the fund.

095 GARY DELANEY, DIRECTOR of ADMINISTRATIVE SERVICES, DEPARTMENT OF JUSTICE: Testimony on unitary assessment. Submits [EXHIBITS E & F].

150 DELANEY: Discusses SB 103, and the Crime Victims Program.

177 CHAIR TARNO: The total budget of your program is how much?

181 DELANEY: For the 95-97 biennium, the budget amount is \$6.3 million dollars.

185 CHAIR TARNO: Of that \$6.3 million, \$5.1 million comes from unitary assessments?

187 DELANEY: The amount that comes from unitary assessments is \$2.9 million dollars.

208 CHAIR TARNO: Is there another element involved? Refers to [EXHIBIT E].

215 DELANEY: That particular program was included at one point with the department.

221 CHAIR TARNO: Your criminal injuries compensation account is actually more than the \$5.1 million budgeted ?

226 DELANEY: No, it is not. That account is a source of funds for the overall program.

236 REP. LEWIS: Did you say your total budget was \$6.3 million?

238 DELANEY: Yes.

249 REP. LEWIS: Then why is it when I add up the \$5.1 million and I add up the \$1.1 million for general fund, the \$800,000 for other funds and the \$1.5 million from federal funds, I don't get \$6.3 million, I get \$8.6 million?

242 DELANEY: The \$5.1 million is a revenue amount that is partially ending in this program, the balance is distributed back to local programs.

247 REP. LEWIS: If I am a victim of crime, your saying I would have to go to the state for

restitution?

252 DELANEY: You would be compensated by the state if you had losses that were not compensated for in any other way.

268 REP. LEWIS: Why should the state handle this at all?

273 DELANEY: That is a legislative policy decision.

300 CHAIR TARNO: There are two compensation levels, state level and local?

304 DELANEY: The compensation comes from the state level, at local they get assistance in the form of coping, filling out the forms.

308 CHAIR TARNO: What's the percentage to administer the program?

310 DELANEY: Of that \$6.3 million dollar figure, \$1.5 million is administrative costs.

316 REP. PROZANSKI: It is my understanding that not all local jurisdictions have a certified or accredited program.

324 DELANEY: Most jurisdictions have a certified program.

328 REP. PROZANSKI: The majority of them would be through the district attorney's office at this point.

331 DELANEY: That is correct.

333 REP. PROZANSKI: The money that goes back to the certified programs is fifty percent. That money is used for administrative costs, is it also used to compensate victims?

341 DELANEY: My understanding is that it is not.

345 REP. PROZANSKI: Is there some kind of accountability as to whether or not the money that goes to local levels is being utilized in full?

353 DELANEY: There is a certification process that continues with the programs annually.

362 REP. PROZANSKI: Asks about division of funds as to staff, supplies, advertisement or whatever may be needed to run that program.

369 DELANEY: There is a general detailed breakdown, a typical budget report.

375 CHAIR TARNO: The fifty percent share that goes back to local jurisdictions, is that primarily for salary to hire a crime victims assistance officer?

378 DELANEY: Yes.

380 CHAIR TARNO: Is there one in all thirty jurisdictions that are involved in the program?

382 DELANEY: I believe that there are, but I'm not certain.

387 REP. PROZANSKI: In Lane county they have at least two, possibly three, that are full time staff.

390 REP. LEWIS: The money that is sent to the local jurisdictions, none of that goes to the victims, it goes to staff these programs? What do these staff people do?

395 DELANEY: They assist victims of crime that come to the office as a victim.

405 CHAIR TARNO: They work this person through the court process.

424 REP. PROZANSKI: Explains the duties of an advocate.

441 REP. LEWIS: It is an incredible amount of money being spent, \$2.2 million at the local level and \$1.5 million at the state level on staff.

TAPE 27, B

040 CLARK CAMPBELL, SYSTEMS CHIEF, DEPARTMENT OF HUMAN RESOURCES,
OFFICE OF ALCOHOL AND DRUG ABUSE PROGRAMS (ADAP): Testimony on unitary assessments. Submits [EXHIBIT G].

090 CAMPBELL: Discusses DUII arrests.

103 CHAIR TARNO: Referring to [EXHIBIT G], most of the people who have to use the interlock system pay for them themselves.

108 CAMPBELL: The mandate is that they pay for it. If they can't, the statutes go on to say this fund will pay for it.

110 CHAIR TARNO: How much have we been paying for those installations?

112 CAMPBELL: It would be 1 percent of \$2.9 million. This is not taxpayer money, this fund is made up of moneys paid by DUII offenders who can afford to pay the fines.

120 CHAIR TARNO: The twelve percent for urinalysis services, is that done by the state police crime lab?

126 CAMPBELL: The local providers buy the cheapest source that they can get.

127 CHAIR TARNO: We're paying for it out of the unitary assessment fund?

129 CAMPBELL: The unitary assessment system pays for indigent clients.

130 CHAIR TARNO: Urinalysis' are not generally used for conviction of DUII, it has been the breathalyzer examination, so I am wondering why twelve percent of the funds are being used for urinalysis?

135 CAMPBELL: Explains urinalysis system.

150 ROBINSON: Twelve percent is tied to seventy percent of treatment services.

160 REP. GRISHAM: In regard to the interlock ignition device, do you believe it's effective?

165 CAMPBELL: The ignition interlock devices respond to alcohol use.

176 REP. GRISHAM: What is the individual cost?

180 CAMPBELL: I don't know. You pay an installation fee, and then there is a monthly rental fee.

185 ROBINSON: There are other witnesses here that can answer those questions.

187 CHAIR TARNO: What is the total budget of APAP?

189: CAMPBELL: Our total budget is around \$74 million a biennium.

200 JOAN PLANK, OREGON DEPARTMENT OF TRANSPORTATION, (ODOT): Introduction of Deborah Manthe.

208 DEBORAH MANTHE, BUDGET OFFICER, OREGON DEPARTMENT OF TRANSPORTATION:
Submits [EXHIBIT H].

236 ROBINSON: Refers to [EXHIBIT J].

247 CHAIR TARNO: This is how the language is worded in both of the bills.

That is why we are
using this as a basis to talk off of.

250 ROBINSON: Those four entries match the four entries on [EXHIBIT H].

253 DEBORAH MANTHE: Explains [EXHIBIT H].

280 PAUL DONHEFFNER, DIRECTOR of the MARINE BOARD: Testimony on unitary
assessment fund. Submits [EXHIBIT I].

311 REP. LEWIS: What percent goes to administrative costs?

313 DONHEFFNER: Of the overall Marine Board budget, about 15 percent.
Explains budget.

315 CHAIR TARNO: With nothing further from the committee, the meeting is
adjourned at 9:45 A.M.

Submitted by, Reviewed by,

Janet Ellingsworth Debra Johnson
Committee Assistant Committee Coordinator

EXHIBIT SUMMARY:

- A - Testimony - Faw - 5 pages
- B - Testimony - King - 7 pages
- C - Testimony - Bisgaard - 3 pages
- D - Testimony - Uchytel - 7 pages
- E - Pie chart - Delaney - 1 page
- F - Claims chart - Delaney - 1 page
- G - Testimony - Campbell - 3 pages
- H - Testimony - Manthe - 3 pages
- I - Testimony - Donheffner - 2 pages
- J - Fine and assessment account chart - staff - 1 page
- K - Unitary assessment chart - staff - 1 page
- L - Report - staff - 20 pages