

HOUSE JUDICIARY
SUBCOMMITTEE ON
JUVENILE JUSTICE

Hearing Room
Tapes - 15

MEMBERS PRESENT:

Rep. Del Parks, Chair
Rep. Lisa Naito, Vice-Chair
Rep. Kate Brown
Rep. Floyd Prozanski
Rep. Eileen Qutub
Rep. Veral Tarno

STAFF PRESENT:

Holly Robinson, Committee Counsel
Janet Ellingsworth, Committee Assistant

MEASURES HEARD: Public hearing and work session on SB 74
 Work session on HB 2136
Work session on HB 3359

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 VICE-CHAIR NAITO: Convenes meeting at 8:30 A.M.

OPENS the PUBLIC HEARING on SB 74

004 ROBIN POPE, OREGON STATE BAR, VICE CHAIR, ADOPTION STANDING COMMITTEE,
FAMILY and JUVENILE LAW: Testimony on SB 74.

036 REP. BROWN: Discusses page 3 of the bill.

044 POPE: You have one parent who's parents rights are not being terminated
and not being effected by the step parent adoption, those grandparent
rights will continue, even in the face of the adoption.

053 CATHERINE DEXTER, OREGON STATE BAR, CHAIR, ADOPTION STANDING
COMMITTEE, FAMILY and JUVENILE LAW: Eliminate the need to serve the
consenting parent.

063 REP. BROWN: In regards to the definitions of "grandparent", gives
example.

070 POPE: I don't believe that would impact them because if they have some
rights under UCCJA, which we now have to plead in all adoptions, including
step parent adoptions, we would have to
 notify the court that that proceeding had occurred.

078 DEXTER: We have not changed the definition of "grandparent" we simply
moved it to a more appropriate section.

082 REP NAITO: Could you explain section 1 of SB 74?

087 POPE: What's occurring is that there is a procedure under the statute
for giving notice to a punitive father when there is an adoption pending or
going to be filed.

092 DEXTER: If you look at line 24, it would take out the reference by an
authorized agency so that it would apply to both agency and independent
adoptions.

107 POPE: This was one of the particular points we were asked to address
last year by the Senate
 Judiciary Committee.

114 DEXTER: Several adoption agencies have been consulted and are not
opposed to this bill.

CLOSES the PUBLIC HEARING on SB 74
OPENS the WORK SESSION on SB 74

132 MOTION: REP. BROWN: Moves SB 74 to the full committee with a do pass
 recommendation.

135 VOTE: In a roll call vote all member present vote AYE. CHAIR PARKS is
 EXCUSED.

138

VICE-CHAIR NAITO: The motion CARRIES.

CLOSES the WORK SESSION on SB 74
OPENS the WORK SESSION on HB 3359

154 ROBINSON: Gives brief overview of HB 3359. [EXHIBIT C]

179 REP. NAITO: If the attorney gives the notice in 7 days is the court bound to follow that or is that discretionary?

191 KINGSLEY CLICK, STATE COURT ADMINISTRATOR: The amendments as proposed say "the court shall order or make such accommodations as are appropriate under the circumstances", so it would allow the court discretion.

204 REP. BROWN: In terms of mental disability, would the definition on page 2 of the amendments include someone that for some reason was mentally disabled due to an accident?

210 ROBINSON: As the amendments came to the committee, it covered only persons with developed mental disabilities, so it would cover persons who had accidents prior to the age of either 18 or 22, not persons who were injured as adults.

220 REP. NAITO: I think it would be good to move forward with this bill.

222 MOTION: REP. TARNO: Moves the -2 amendments to HB 3359.

224 VICE-CHAIR NAITO: The motion CARRIES.

227 MOTION: REP. TARNO: Moves HB 3359 to the full committee as amended with a do pass recommendation.

230 VOTE: In a roll call vote all members present vote AYE. CHAIR PARKS is EXCUSED.

233 VICE-CHAIR NAITO: The motion CARRIES.

CLOSES the WORK SESSION on HB 3359
OPENS the WORK SESSION on HB 2136

243 ROBINSON: Gives brief overview of HB 2136.

254 REP. BROWN: I received letters from friends regarding land use planning, does the first emergency siting 1 disregard land use planning laws?

263 ROBINSON: They do over ride the current land use planning laws.

269 REP. NAITO: We will be calling Sue Hanna from legislative council to come up and answer questions.

274 ROBINSON: Gives brief explanation of HB 2136.

306 REP. NAITO: The siting authorities ceases to exist once the facilities are sited.

318 REP. TARNO: We went through the same process several years ago. (Inaudible)

321 REP. BROWN: We've discussed earlier in terms of local authorities being able to say no, but as I read this a certain area will only be considered for a site if they submit a bid, correct?

323 SUE HANNA, LEGISLATIVE COUNSEL: I believe the local authorities could submit a bid and I believe if another locality was chosen there would have to be an explanation of why another locality was chosen.

348 REP. BROWN: On page 4, if the Governor selects a site in which the local jurisdiction has not demonstrated interest, he or she needs to make findings as to why that certain site was selected.

354 HANNA: That is correct.

356 REP. BROWN: Gives example.

358 HANNA: Correct.

360 REP. NAITO: At the end of the bill it says "after the juvenile correction facilities are sited and appeals are exhausted, the authority shall cease to exist". If this does not happen within the next two years, I don't see the need for the expedited process. Would there be any use for putting a "sunset" on the legislation itself?

371 HANNA: This in effect "sunset" it. If one of the components does not exist anymore, you can't carry out the process.

391 REP. NAITO: When does this authority sunset?

396 REP. PROZANSKI: If the five sites are not sited within two years, are you saying that the power that would come from this bill would continue to allow for that process to occur after two years?

404 ROBINSON: The authority will continue to exist for as long as it takes to site the needed facilities.

427 REP. BROWN: My thoughts are if we have not done this within the two year period, to me it would seem as though there is not an emergency, and number two I don't see any reason to overrule land use planning laws if that's the case.

437 REP. TARNO: That could be done conceptually.

441 REP. PROZANSKI: I agree with that. Why are we looking at giving super siting for five sites if the need is to immediately do one?

452 REP. TARNO: That was part of the discussion of the task force that Mr. Hill was part of. The intent was not to build just one institution, we want to build four.

460 REP. PROZANSKI: What is the intent at this point?

463 REP. TARNO: The intent is to get those four on line as quickly as we can.

TAPE 15, A

032 HANNA: If you want to sunset something in two years, we have to be very specific about what ends the actual selecting the of the site, breaking ground and having an operation.

035 REP. NAITO: We recognize those problems but I think we've decided not to have a sunset, but rather an interim report.

037 ROBINSON: You could do a report to the Emergency board or the interim judiciary committees or you could wait until the beginning of the next assembly.

039 REP. NAITO: Why don't we wait until the beginning of the assembly and send a report to the legislative assembly. Mr. Hill could you respond to Rep. Prozanski's question for the need for four sites?

042 RICK HILL, JUVENILE CORRECTIONS: It's been our plan to have facilities located regionally around the state. We've identified four areas of the state, outside the northern I-5 corridor.

070 REP. PROZANSKI: That will take care of the one site for the emergency basis, the other three sites, what type of time frame are we looking at for bringing them on and why we would need a super siting provision instead of going through the standard land use?

076 HILL: If everything goes smoothly, we would have the four regional facilities up by January and July of 1997.

084 REP. PROZANSKI: Is it the intention of the department in trying to find the best site within those regions to try to cooperate with those communities in coming up with the locations?

090 HILL: We have been invited to several communities within the state and welcomed with open arms.

106 CHAIR PARKS: Referring to SB 1, it appears to me that restitution centers or the boot camps or whatever else we're talking about belongs in this bill also. Do you think we would be well advised to put this on hold for a few days?

121 HANNA: If you are talking from a legal stand point, I have some concerns. Gives example.

152 ROBINSON: There has also been a more technical point brought to the committee, in section 9 where the authority is created, one of the appointments says that it "shall be or shall have been a judge".

163 CHAIR PARKS: There are class B judges.

167 ROBINSON: If they are not actively serving at the time they are on the authority I think your OK.

169 CHAIR PARKS: But they have to do the 35 days a year.

170 ROBINSON: Correct, but I don't think they can be paid for judicial functions while they are sitting on this executive authority.

172 REP. BROWN: You could delete "shall be or".

174 ROBINSON: There was some language that they replaced this sentence
with in SB 1.

178 CHAIR PARKS: (Inaudible)

179 REP. PROZANSKI: Referring to the Criminal Justice Council bill, we
played with that as to
addressing the same language problem.

181 ROBINSON: We will look to SB 1.

183 REP. TARNO: So if we have a judge that is retired and acts pro tem
within those certain days during the year (Inaudible).

185 CHAIR PARKS: A lot of those people that do that are really experienced
judges.

187 REP. TARNO: But aren't they retired for the most part?

188 CHAIR PARKS: Some of them are legally obligated to do that, they call
them class B judges.

200 HANNA: I don't know about the class B judges. If you leave the
language you have, the governor's going to have to be careful about who
they appoint.

223 KINGSLEY CLICK, STATE COURT ADMINISTRATOR: On page 9, line 24, "one
shall be or shall have been a judge in the state with experience in
juvenile court matters".

252 NANCY MILLER, STATE COURT ADMINISTRATOR'S OFFICE: We took out the
"shall have been a juvenile court judge" because we were concerned you
might not be able to find somebody and that would hold up the siting
process.

262 ROBINSON: They substituted the word "person" for "judge".

266 CHAIR PARKS: Where's the language in here for mandatory siting?

268 REP. TARNO: Section 5, page 4.

272 ROBINSON: Starting at line 8, sub section 5, page 4.

277 CHAIR PARKS: It would be my opinion that the filtering process or all
process's involved in
this should go through the Youth Authority, how do we provide that the
Youth Authority takes
over the process if its in mid stream, from the Department of Human
Resources?

290 HANNA: When the bills get to the second chamber we have to go through
a conflicts process,
we have these two flagged. We will be making recommendations for
amendments.

299 REP. BROWN: If the governor thought it was in the best interest for a
site to be next to
Woodstock school, there's nothing that would prohibit the facility from
being next to any
type of school?

309 HANNA: That is correct.

311 CHAIR PARKS: Somebody's got to make the decisions.

315 REP. BROWN: I'm concerned that the governor would have the ability to
place a maximum
security facility next to an elementary school.

321 REP. PROZANSKI: Refers to the letter from 1000 Friends of Oregon. Are
we fixing something we don't need to fix?

335 CHAIR PARKS: That's not a question for legislative council, that's
really a policy decision.

341 REP. PROZANSKI: I did not mean it in a personal sense.

346 HANNA: I think what you'd have to look at is the past record of siting
facilities.

373 REP. NAITO: One of the concerns is at the state level, we have to
start planning a time line
for those beds to open up. (Inaudible)

397 HANNA: It's been several years since I've read the only appeal under
this process. Explains
process.

407 CHAIR PARKS: This is a good piece of work.

434 MOTION: REP. BROWN: Delete "shall be or" and substitute "person for
judge".

440 CHAIR PARKS: The motion CARRIES.

TAPE 14, B

023 ROBINSON: Discusses conceptual amendment on page 3, lines 23 and 24.

027 MOTION: CHAIR PARKS: Moves conceptual amendment.

028 CHAIR PARKS: The motion CARRIES.

029 MOTION: REP. NAITO: Moves conceptual amendment. (Inaudible)

040 CHAIR PARKS: The motion CARRIES.

042 MOTION: REP. BROWN: Moves the -4 amendments to HB 2136.
[EXHIBIT B]

044 CHAIR PARKS: The motion CARRIES.

046 MOTION: REP. BROWN: Moves HB 2136 to the full committee with a do
pass recommendation.

050 REP. PROZANSKI: I will be supporting HB 2136 as amended with the -4
amendments with some reservations.

055 VOTE: In a roll call vote all members present vote AYE.

058 CHAIR PARKS: The motion CARRIES.

061 CHAIR PARKS: With nothing further the meeting is adjourned.

Submitted by, Reviewed by,

Janet Ellingsworth Debra Johnson
Committee Assistant Committee Coordinator

EXHIBIT SUMMARY:

A - Testimony on SB 74-Pope & Dexter-2 pages
B - Proposed amendments to HB 2136-Staff-14 pages
C - Proposed amendments to HB 3359-Staff-4 pages