

## **HOUSE COMMITTEE ON WATER AND ENVIRONMENT**

**February 22, 1999 Hearing Room D**

**1:00 P.M. Tapes 42 - 45**

**MEMBERS PRESENT Rep. Jim Welsh, Chair**

**Rep. Jackie Taylor, Vice-Chair**

**Rep. Jason Atkinson**

**Rep. Richard Devlin**

**Rep. Juley Gianella**

**Rep. Deborah Kafoury**

**Rep. Jeff Kruse**

**Rep. Jeff Merkley**

**Rep. Susan Morgan**

**MEMBER EXCUSED:**

**STAFF PRESENT: Kristina McNitt, Administrator**

**Danielle Hamilton, Administrative Support**

**MEASURE HEARD: SB 3 Work Session**

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 46, A		

003	Chair Welsh	Calls meeting to order at 1:20 p.m.
015	Steve Marks	Governor's Senior Policy Advisor. Introduces Katy Coba.
<b><u>SB 3 INVITED TESTIMONY</u></b>		
021	Katy Coba	<p>Governor's Economic Policy Advisor. Testifies in opposition to SB 3 <b>(EXHIBITS A, B, C)</b>. States that she does not believe Umatilla's current economic climate could support an additional construction project. Refers to the "Big Four" Umatilla County building projects:</p> <ul style="list-style-type: none"> <li>• Wal-Mart</li> <li>• Two Rivers Correctional Institute</li> <li>• Union Pacific Railroad Machine Shop</li> <li>• The Umatilla Depot incinerator</li> </ul> <p>Discusses the effects these projects.</p>
070	Coba	Addresses the Umatilla county work force. Notes agriculture is the number one employment sector, which in most cases would not be eligible for employment at a women's intake facility. Therefore most of the work force would primarily come from out of state or region commuters.
120	Coba	Comments that if a women's facility were built immediately it would be difficult to fill license trade occupational positions from within the local area.
170	Coba	Continues comments on Umatilla's work force. Notes that in the year 2006 the Umatilla Depot incinerator project will be complete and those jobs will be terminated, leaving 800 people who will need jobs. States due to training needs and job availability 2007 is more appropriate timing for the Umatilla prison. Refers to <b>EXHIBITS A and B</b> . States that Umatilla does not want the prison if they do not receive the additional money for schools and infrastructure.
187	Rep. Taylor	Asks if Coba has any information pertaining to whether the Medical facilities in Umatilla county can handle the women inmates.
195	Coba	Answers that the Department of Corrections (DOC) has that information.
203	Rep. Devlin	Asks if the Governor's office could provide the committee with raw numbers job on the growth in Umatilla.
206	Coba	Answers yes.
208	Rep. Devlin	States that in terms of a start date, he does not believe the prison could start immediately at any site.
212	Coba	Answers it is viable that if the issue is resolved during this session the start date

		could be February of next year.
217	Rep. Devlin	Makes a comparison of the Ontario prison and the Umatilla site. States the residents of Idaho that work at the Ontario city prison pay taxes to the State of Oregon, the same would apply to the residents of Tri-Cities that worked at the Umatilla prison.
225	Coba	Answers that while they would pay income taxes, they would not pay property taxes. Notes that property taxes are the taxes that go into the local community.
219	Rep. Gianella	Asks Coba about is the wage rate of correction positions and how many positions will be available with the new prison.
230	Coba	Answers she does not have those specific numbers, but could provide them to the committee.
236	Steve Marks	Governor's Office. Testifies in opposition of SB 3. <b>(EXHIBITS D, E)</b> State SB 3 is a threat to public safety because of the delay it would cause in building the intake center. Comments the research is clear that when women inmates that are incarcerated greater distances from their families are more likely to reoffend.
289	Marks	Reads the mission of the Oregon Department of Corrections. Stresses that there is not a ninety million dollar savings.
344	Marks	States for reasons of public safety, fairness, and cost efficiency the Governor will veto SB 3. Outlines the Governor compromise. Notes this is not the first or only effort the Governor has made to work with the legislature.
390	Marks	States the Governor takes the task of prison siting very seriously. Stresses the Governor's firm belief that the success of the statewide effort to site prisons is dependent on the integrity of the process and the issue of basic fairness. Suggests that the committee take a closer look at the siting process and visit the two valley sites.
<b>TAPE 43, A</b>		
027	Rep. Devlin	Asks if the Governor agreed to reopen the Day Road site, because of Wilsonville agreement to limit the cost of infrastructure. Asks if, at that time, it is true that litigation was coming to the forefront that would hold up the process of the Dammasch site.
045	Marks	Answers that the Governor is reconsidering the Day Road site, because of a letter signed by leadership asking him to look at the Day Road site.
054	Rep. Devlin	Asks if the state has offered to pay ten million dollars toward future water needs of Wilsonville, that is not site-specific.

060	Marks	Answers the ten million dollars was based on a specific facility to treat water from the Willamette River for the DOC.
066	Rep. Devlin	Asks if Marks would prefer to have forty-five million dollars of the ninety million dollars savings in this biennium or in 2007, given the states current economic condition.
072	Marks	States he does not believe there is a forty-five million dollar savings this biennium.
080	Rep. Devlin	Asks where the compromise is for the people of Tualatin.
089	Marks	Answers the Governor has offered elements which are the basis for a potential compromise. Notes that prison siting has been a difficult process.
109	Rep. Taylor	Asks Marks to address the issues of regionalization.
114	Marks	States, when the siting authority went throughout the state, it became clear that a number of possible sites with adequate criteria would be needed.
134	Rep. Kafoury	Asks if the siting committee looked at the site in NE Portland that Rep. Devlin pointed out, if not, why the site way not given more attention.
137	Marks	Answers it was examined, but was not nominated for a number of reasons, one being it is part of an industrial expansion by the Port of Portland. Notes, for that reason, it is not appropriate.
151	Rep. Kruse	States that Day Road site is part of a long range industrial projection for Wilsonville. Notes it seems that the same logic is being used to say no to one site and yes to another.
158	Marks	Believes that an industrial area is more compatible with a prison than an airplane runway.
172	Rep. Kruse	Asks if the Port of Portland sold a significant chunk of land within the last three months for development how big that parcel was.
176	Marks	Answers he does not know.
186	Rep. Kruse	Asks, since the state owns most of the land and has right of condemnation to the Port of Portland, why more attention was not paid to that piece of property.
197	Marks	Answers the state paid considerable consideration to the Port of Portland area, but a letter was written by leadership to reconsider the Day Road site. Notes

		many sites were looked at in the Portland area.
212	Rep. Kruse	Comments on the metropolitan area.
218	Rep. Merkley	Asks if the choice of the Dammasch site violated any memorandums of understanding made by other state agencies with the Wisonville.
225	Marks	Answers no.
236	Rep. Merkley	Asks if the Governor has all the permits and financial ability to proceed with the Dammasch site.
241	Marks	Answers yes. States the Governor has 151 million dollars in certificates of participation available to market today.
245	Rep. Merkley	Asks if there was a requirement that the prison be sited in an urban zone, opposed to farmland in the Willamette corridor if so, why.
249	Marks	Clarifies his statement about the 151 million-dollar certificate of participation. Notes the Dammasch site is still under appeal. States the bonding authority says the project can now move forward, regardless of the appeals process.
260	Rep. Merkley	Asks if there was a ruling that allowed the project to go forward.
263	Marks	Answers yes. Asks Rep. Merkley to restate his question about zoning.
270	Rep. Merkley	Asks if is there a requirement to site the prisons in the urban zones.
276	Marks	Answers no.
282	Rep. Merkley	Asks if the legislature has any tools to stop construction if the prison is sited at Dammasch.
284	Marks	Answers not that he is aware of except for proposing legislation.
287	Rep. Merkley	States the Governor could veto any legislation.
293	Marks	Agrees.
295	Rep. Merkley	Asks, what other reasons were given for considering the Port of Portland site unsuitable.

300	Marks	Answers he does not recall.
305	Rep. Devlin	Asks if the criteria of the sites being 200 acres or larger been taken out of the consideration process.
308	Marks	Answers yes.
311	Rep. Devlin	Comments that to establish road blocks on the Dammasch site the legislature could put a referral on the bond the Governor could not veto a referral.
318	Rep. Taylor	Asks for clarification on the cost differences between Dammasch and Day Road.
323	Larry Niswender	Legislative Fiscal Office. States the fiscal impact statement shows only two bienniums <b>(EXHIBITS F, G)</b> .
330	Rep Taylor	Stresses the importance of clarity on the real savings.
340	Niswender	Provides an Overview of <b>EXHIBITS F, G</b> .
<b>TAPE 42, B</b>		
006	Marks	States the Governor's Office does not dispute the \$90 million dollar long term analysis. Notes the plan is to build a men's facility in year 2007at Umatilla.
014	Niswender	Confirms that the operating cost of a men's prison in Umatilla would be less, due partly to the transport cost.
023	Rep. Kruse	Asks about the current men's prison schedule.
027	Dave Cook	Director of the Department of Corrections (DOC). States the Umatilla prison is not scheduled for construction. Notes Madras is the next scheduled men's facility <b>(EXHIBIT H)</b> .
034	Rep. Kruse	Asks if the DOC had an order of construction without a date.
036	Cook	Answers yes.
046	Rep. Kruse	Asks if Madras is the next scheduled site.
050	Cook	Answers yes.

052	Rep. Kruse	Asks when is Madras is scheduled for a prison.
054	Cook	Answers in 2004. Clarifies that every six months the DOC is required to provide a construction forecast for budgeting.
058	Rep. Kruse	Asks if the DOC's construction schedule has been rolled back several times, because the projected population has not been level.
062	Cook	Answers yes.
068	Chair Welsh	Comments it is important for Oregonians to receive some clarification on what is required of legislation in siting a prison facility. Refers to Coba's testimony about the impact of the prison on the Umatilla job market. States that Mayor Hash has testified that Umatilla has done what is needed to prepare for any impact the prison may have. Notes the Umatilla facility seems to meet the criteria and has gone through the approval process, whereas Day Road has not. Feels it is important to stay near to statute and guiding rules when making considerations.
103	Marks	States the definition in statute should have been clearer. Agrees the Umatilla site does meet the test in terms of the facility, but believes it is inadequate in terms of public safety.
127	Rep. Gianella	Asks how many acres the Day Road site is .
129	Rep. Devlin	Answers 108 acres.
135	Cook	States the Office of Economic Analysis is responsible for the prison population forecasting. Notes that forecasting prison population is difficult and often inaccurate. Stresses the need for a women's facility is critical. Discusses the out-of-state rental beds.
185	Cook	Addresses the co-housing men and women option. States this is an unwise practice relative to both the cost and risk of problems.
235	Cook	States that under super siting criteria, were it not for communities around Oregon requesting prisons, DOC would have been obligated to propose sites. Addresses demonstration of interest. Discusses SB 541.
285	Cook	Overviews the Day Road assessments process. Refers to a video and the statement that Day Road was not an appropriate site. States he should have said that DOC had not had enough time to asses the property. States the review done in June indicated the site was adequate to fit the prison design. States cost of construction and the need for condemnation were two reasons the DOC continues to support the Dammasch site.
335	Cook	Cites the different provision agreements that have been developed for the Day Road site:

		<ul style="list-style-type: none"> <li>• Water</li> <li>• Sewer</li> <li>• Storm drainage</li> <li>• Road improvements</li> </ul> <p>Discusses the different agreements. Comments that the construction costs will be higher than first assessed on either the Day Road or Dammasch site, due to the need for more beds.</p>
385	Cook	Testifies on why DOC does not want the prison in Umatilla. Believes SB 3 usurps the ability of DOC to construct a second men's facility in Umatilla.
<b>TAPE 43, B</b>		
007	Rep. Devlin	Asks why the 200 beds at the Columbia River Correctional facility could not be retained.
012	Cook	Asks for clarification of Rep. Devlin's question.
015	Rep. Devlin	Asks why the size of the new facility and keep the 200 beds at the Columbia River facility.
020	Cook	States, while that is feasible, it is not the best choice.
033	Rep. Devlin	Asks if the proposed second male facility will be built inside the perimeter of the Twin Rivers Correctional institute.
039	Cook	Answers that is the proposal.
050	Rep. Devlin	Comments on concerns of the Day Road reports.
053	Cook	States there has been other analysis done on the water issues in the area.
056		Staff distributes <b>(EXHBITS J, R, L, H)</b> .
057	Rep. Taylor	Asks about the current number of women inmates.
060	Cook	Answers there are 474 in the DOC and about fifty in other locations.
063	Rep. Taylor	Refers to Clackamas County releasing 200 inmates per month due to crowding. Asks if part of that release rate is related to the female inmate population.
067	Cook	Answers that is related to males at the intake facility.



072	Rep. Merkley	Asks if mostly men are taken in through the intake facility.
076	Cook	Answers yes.
080	Rep. Merkley	Asks if most of the women's intake is done in Salem.
084	Cook	Answers yes.
090	Rep. Merkley	Asks if the intention is to move the intake facility to the new site.
094	Cook	Answers the intention is that all intake would be done at a single facility.
098	Rep. Merkley	Asks if it would make more sense to co-locate a men's prison and the intake center than a women's facility, given that 92% of the population of intake is men.
103	Cook	Answers yes, but the design is to mix the women's population with the intake population to maximize operational efficiency.
125	Madeline Jepson	Linfield College Upward Bound Program. Explains the purpose of the program <b>(EXHIBIT I)</b> . Point out the importance of investing money in prevention programs.
143	Chair Welsh	Comments that it is important while siting a prison to weigh cost, statute, and administrative rule while keeping the taxpayers in mind. Notes any savings can be used elsewhere.
165	Rep. Gianella	Thanks Jepson and co-workers for their work in early prevention.
175	Deputy Howard Greer	States he is here on behalf of Teen Court. Explains Teen Court or Peer Court. Comments on the success of this program.
225	Jennifer Strutz	Coordinator, Stayton Peer Court. Testifies on the history of the program. Gives overview of how the system works. Overviews the criteria of the offender.
275	Strutz	States purpose of the programs. Extends an invitation to the committee to come to the court.
295	Rep Gianella	Asks if there are more grants available for other towns and cities to have a teen court.
303	Strutz	Answers yes.

309	Rep. Taylor	Comments that she understands that peer courts are the toughest.
315	Rep. Kruse	Comments that because his county is on the verge of starting a peer court he is glad to see the perforation.
332	Dave Cook	Testifies on his experiences with a Peer Court. States a lot of DOC's work is focused on release.
366	Rep. Merkly	Asks Cook about using the term construction and "remodeling" when referring to Women's Prison and Intake Center (WPIC), because it is a facility that has not yet been built.
379	Cook	Answers the term is used when comparing the Day Road and Dammasch site cost. Notes there are plans to remodel parts of the Dammasch building.
386	Rep. Merkly	Asks how is the size of an intake center is configured.
395	Cook	Answers the DOC is attempting to examine that question now.
<b>TAPE 44, A</b>		
021	Rep. Merkley	Asks if there are 432 new offenders entering the prison every ten days.
023	Cook	Answers no.
030	Rep. Merkley	Asks how many beds are currently used.
	Cook	Answers 160 beds at the intake center.
037	Rep. Merkley	Asks if there is a compelling reason to have males and females at the same intake facility.
042	Cook	Answers the reasons are cost and efficiency.
045	Rep. Merkley	Asks if there is an argument to have a men's intake facility East rather than West of the Cascades.
048	Cook	Answers yes. Comments that intake facilities have a need for specialized staff and the cost of transportation is also an issue.
058	Rep. Gianella	Asks how many professional staff members are needed.

064	Sue Acuff	Department of Corrections. Answers that information can be provided by DOC. States about 371 construction workers will be needed to build the prison.
068	Rep. Gianella	Clarifies that she was asking about the specialized staff and what their wage is.
074	Cook	States again the specific information can be provided. Overviews some salary estimates.
083	Rep. Gianella	Asks if Cook has an estimate specialized staff that will be needed for the intake facility.
090	Cook	Answers there are about 60 specialized staff.
100	Rep. Devlin	Asks how many acres would be needed for a 300-bed intake facility.
110	Cook	Answers approximately 20-30 acres.
115	Rep. Devlin	Asks how transportation is handled at the existing intake facility and how the DOC envisions that changing.
129	Cook	Explains the transportation process.
147	Rep. Kruse	Asks if there is a significant cost difference between an intake center and a standard prison.
153	Cook	Answers an intake facility is costly, because of testing and security.
170	Rep. Kruse	Asks since the intake program has gone to the shorter holding period, if significant problems hve occurred.
174	Cook	Answers no.
184	Rep. Kruse	Asks, once the felon is assigned to a facility, if there is a continual assessment.
194	Cook	Answers the ability to do a thorough intake assessment is important for the safety of the employees of DOC and the prisoners.
209	Rep. Kruse	Asks if the case work on a prisoner is received prior to arrival from the intake facility.
214	Cook	Answers no, it is not done usually for a couple months.

220	Rep. Kruse	States it seems that the casework should arrive with the inmate.
225	Cook	Agrees with Rep. Kruse's statement.
228	Rep. Taylor	Asks if the transportation of an intake facility is more costly than that of a permanent facility.
232	Cook	Explains the difference in who bares the transportation cost.
246	Rep. Merkley	Proposes a third concept. Explains his proposal.
300	Rep. Merkley	Continues with the explanation of his proposal. States that Sen. Courtney opposes his proposal.
335	Rep. Devlin	Comments that a behind-the-scenes proposal, similar to Rep. Merkley's, has been explored.
360	Chair Welsh	States the committee is looking for ways that SB 3 could be passed out of committee without a direct Governor's veto.
<b>TAPE 45, A</b>		
001	Steve Marks	States he believes Rep. Merkley's proposal is a good idea.
010	Chair Welsh	Closes the work session on SB 3 and adjourns the meeting at 4:00 P.M.

Submitted By, Reviewed By,

Danielle Hamilton, Kristina McNitt,  
Administrative Support Administrator

### **EXHIBIT SUMMARY**

**A - SB 3, written testimony, Katy Coba, 3 pp**

**B - SB 3, written material, Katy Coba, 1 p**

**C - SB 3, written material, Katy Coba, 1**

**D - SB 3, written testimony, Steve Marks, 4 pp**

**E - SB 3, written material, Steve Marks, 4 pp**

**F - SB 3, DOC cost analysis, Jeff Niswender, 2 pp**

**G - SB 3, Fiscal impact analysis, Jeff Niswender, 2 pp**

**H - SB 3, letter, Dave Cook, 1 p**

**I - SB 3, information packet, Madeline Jepson, 10 pp**

**J - SB 3, proposal explanation, Rep. Taylor, 2 pp**

**K - SB 3, -2 amendment, Rep. Taylor, 10 pp**

**L - SB 3, -4 amendments, Rep. Merkley, 1 p**

**M - SB 3, letter, staff, 3 pp**