

HOUSE COMMITTEE ON WATER AND ENVIRONMENT

February 24, 1999 Hearing Room HR D

1:00 P.M. Tapes 46 - 47

MEMBERS PRESENT: Rep. Jim Welsh, Chair

Rep. Jackie Taylor, Vice-Chair

Rep. Richard Devlin

Rep. Susan Morgan

Rep. Jeff Kruse

Rep. Deborah Kafoury

Rep. Jason Atkinson

Rep. Jeff Merkley

Rep. Juley Gianella

MEMBER EXCUSED:

STAFF PRESENT: Kristina McNitt, Administrator

Danielle Hamilton, Administrative Support

MEASURE/ISSUES 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
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TAPE 46, A

004 Chair Welsh Calls meeting to order at 1:10.

SB 3 WORK SESSION

006 Staff distributes **(EXHIBITS E, F, G, H, I)**.

007 Speaker Linn
Speaker Snodgrass District # 10. Testifies in support of SB 3. Expresses her personal feelings on SB 3. Questions when there is a need for funds in the school district, why not save 90 million dollars and build the prison in Umatilla.

051 Speaker Snodgrass Address the growth issue of the Metropolitan area. States the growth has put a tremendous amount of stress on housing. Expresses concerns about the effect on farmland. Encourages the committee to recognize Umatilla's desire for a prison.

071 Rep. Taylor States from the information the committee has been given, she does not believe there is a 90 million dollars saving in building the women's prison at Umatilla.

082 Speaker Snodgrass States all the information she has seen reflects a 90 million dollar savings.

086 Rep. Taylor Expresses concerns about the possible veto of SB 3. Asks if Speaker Speaker Snodgrass thinks Dammasch is a better site than Umatilla.

093 Speaker Speaker
Snodgrass Answers no. Stresses that a threat of a veto should not stop progress. Gives example of Charter School bill.

114 Rep. Taylor States people from Wilsonville have testified of the need for the infrastructure that the Day Road site will bring. Notes there are people in the Wilsonville area are qualified to fill the prison positions, where there may not be in Umatilla.

122 Speaker Speaker
Snodgrass States the fact that there are not enough qualified employees in Umatilla is the exact reason to put it there. Comments that Umatilla is struggling to be a thriving community.

137 Steve Marks Governors Senior Policy Advisor. **(EXHIBIT A, B)** States the City of Salem and Governor Kitzhaber do not support Rep. Merkley's proposal. Expresses concerns.

187 Chair Welsh Asks the groups that testify if they do not have a concrete dollar figure to make that clear.

201 Dave Cook Director, Oregon Department Correction (DOC) **(EXHIBIT C)** Reports on the assignment to find a way to handle the women's prison population and intake center without a new site. Covers the different facility that could be used, but points out the difficulty with each facility.

250 Cook Explains the reasons why the intake facility and women prison would be combined.

284	Rep. Merkley	Thanks DOC for their quick work.
299	Rep. Kruse	Asks if the intake population projections are based on the forty five day intake process.
302	Cook	Answers yes.
304	Rep. Kruse	Asks if DOC has a projection if they were to stay with the ten day process.
307	Cook	Answers he feels it could be done with 160-180 beds.
324	Rep. Kruse	Admits the ten day period may be too short, but before DOC extends the period to forty days, they should do some research.
341	Rep. Devlin	Asks if DOC could get the numbers of the general prison population when the super siting process began.
351	Cook	Asks for clarification.
356	Rep. Devlin	Clarifies his question on population.
357	Cook	Answers yes.
368	Rep. Merkley	Asks when Dammasch was sited, how many acres were required for a prison.
377	Cook	Answers 200-300 acres.
381	Rep. Merkley	Asks the number of acres had been reduced to a 130 acres when the Governor was requested to look at the Day Road site.
386	Cook	Answers yes, the number of acres had been reduced based upon a plant in Salem that had been purchased by the state to be used as a distribution center.
392	Rep. Merkley	Asks for clarification on a distribution center.
398	Cook	Explains it is a major Westside storage facility.
402	Rep. Merkley	Asks if the acreage was further reduced.

TAPE 47, A

002	Cook	Answers yes.
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011	Rep. Merkley	Asks if the other sites that had been previously overlooked because they fell below 200-300 acres.
015	Cook	Answers no.
019	Rep. Merkley	Asks if it is conceivable that there may be other 108 acre sites that are more suitable in Metro area.
020	Cook	Answers that is a determination made by a siting authority.
024	Rep. Merkley	Asks if the report on the alternative property that was done in June of 1998 was the final report.
025	Cook	Answers yes.
027	Rep. Merkley	Asks why then if the report was the last to be done why is it characterized as a preliminary report.
030	Cook	Answers the report was preliminary to leave room for unfound issues that may develop.
040	Rep. Merkley	States the report notes that there may been environmental issues that need to be resolved or mitigated. Asks if those issues have been taken care of.
043	Cook	Answers DOC has a plan that addresses all of those issues raised.
045	Rep. Devlin	Comments that about a third of the prison sites were rejected in the beginning because of size.
051	Rep. Merkley	Asks if the women's prison will be a minimum and medium security facility.
054	Cook	Answers it will be a complete custody facility.
057	Rep. Merkley	Asks if it is possible that women with minor felonies such as failure to meet parole would be held in this facility.
061	Cook	Answers yes, although in terms of minimum custody, a prisoner would be in minimum custody facilities.
065	Rep. Merkley	Asks if Cook means a different custody facility.
066	Cook	Answers there will be only one women's facility in Oregon.
068	Rep. Merkley	Comments on Tessa Marie Carlson, the seven year old girl that was strangled. Ask

since her mother was heading back to prison would she be incarcerated in the new women's facility.

071	Cook	Answers yes, if she had been residing in Oregon at the time the crime was committed.
076	Rep. Merkley	Asks if OWCC is scheduled to close at approximately the same time the new women's prison would open.
077	Cook	Answers it will retire as a women's facility and re-open with a new use, as a male minimum facility.
078	Rep. Merkley	Asks if DOC has information relating to recidivism in women and visitation.
083	Cook	Answers that DOC has the national data relating to how many women in prison have children. Notes that can be provided to the committee.
127	Rep. Merkley	Comments now would probably be best.
129	Cook	Overview the national data and percentages. Explains how it relates to Oregon. Notes the main stand out is that visitation is positively affected by location.
147	Rep. Merkley	Asks what percent of visitation come from within fifty miles.
150	Cook	Answers the majority. Notes the report does not show percentages. Continues with explanation of the reports done on visitation.
163	Rep. Merkley	Asks if Cook has percentages on how visitation affects recidivism.
166	Cook	Answers DOC has testified that visitation decreases recidivism, there are also other factors to consider.
172	Rep. Merkley	Asks if DOC believes it is important to locate the prison within fifty miles of where the majority of prisoners children live.
178	Cook	Answers the DOC has testified that from a community safety and future success stand point the Metropolitan area is the best place for the prison.
182	Rep. Merkley	Asks if the children are at risk as a result of less visitation.
186	Cook	Answers the reports done would clearly suggest just that.
188	Rep. Merkley	Asks if any significant study of children's need for visitations have been done.

190	Cook	Answers no.
191	Rep. Kruse	Asks how many women in Oregon are on death row
193	Cook	Answers none.
195	Rep. Kruse	Asks how many women have ever been on death row in Oregon.
197	Cook	Answers he does not know, but can provide that information to the committee.
198	Rep. Kruse	Asks if the DOC has data specifically relating to Oregon on the number of visits by children.
209	Cook	Answers no.
210	Rep. Kruse	Asks if DOC is making assumptions, if they do not have that information.
215	Cook	Answers yes.
222	Rep. Kruse	Asks if there is any data on the impact on children who's fathers are in prison.
224	Cook	Answers yes.
225	Rep. Gianella	Comments on the importance of not pushing the wishes of law abiding parents and children aside.
239	Rep. Taylor	Asks about SB 1145. Asks if it applies only to male inmates with less than a year to serve.
243	Cook	Answers no. States it applies to both male and female prisoners.
247	Rep. Devlin	Asks if prisoners could be kept within fifty miles of visitation, would DOC would trade off some efficiencies of the one large facility, to have more than one facility.
266	Cook	States the DOC feels the siting in Wilsonville makes good sense because they can have efficiency and remain within fifty miles of visitation.
287	Chair Welsh	Comments that the prison siting is a big issue the committee has been faced with.
311	Rep. Devlin	District #24. Testifies in support of SB 3. Overviews in history of the prison siting.
360	Rep. Devlin	Addresses the Governor's original prison site vetoes. Discusses the need to find a

new site and Day Road was chosen. States the DOC at that time found Day Road unexceptionable.

TAPE 46, B

014	Rep. Devlin	Provides possible reasons for the Governor reconsideration of the Day Road. States that there was one open house that the residents of Southern Tualitin were given notice. Notes many of the other meetings were not noticed to the Day Road residents or Southern Tualitin.
062	Rep. Devlin	Comments that the residents and staff dealing with the Day Road site were assured that they were in a preliminary review and not a siting process.
110	Rep. Devlin	States that the residents of the Metropolitan area are not sharing the reasonability for the prison by having it at Dammasch or Day Road because, the only people impacted are those who live near by. Points out that the super siting criteria included the community desire to have the prison. Discusses the importance of not passing a bad decision through our three branches of government. Addresses visitation and comments on the flooding issue.
160	Rep. Devlin	States there are still other options that have not been addressed. Expresses disappointment with the prison siting process.
212	Rep. Devlin	Submitts (EXHIBITS D) .
218	Chair Welsh	Asks when referring to limitations, was Rep Devlin speaking of the limitation that came out in the minority report.
222	Rep. Devlin	Answers yes.
236	Larry Nieswinder	States the fiscal statements are a one prison to one prison comparison. Explains some of the other figures that the committee has been presented.
253	Rep. Merkley	Asks if the interest is included in the calculation.
260	Nieswinder	Clarifies an additional 22 million dollars in savings.
279	Rep. Merkley	Asks if the fiscal analysis takes the debt surface and adds cash flow.
287	Nieswinder	Answers it is a combined effect over thirty years.
299	Rep. Merkley	Asks if cash flow savings over a thirty-year period were to be added and present value was taken, what would the savings be.
302	Nieswinder	Answers he does not have that information.

304	Rep. Merkley	States it seems that the report in double counting the same difference. Asks about the two prison to two prison analysis.
324	Neiswinder	Addresses the assumptions of the minority report following the Senate passing of SB 3.
361	Rep. Merkley	Notes efficiencies being accounted for is one of the large differences in the Governor's numbers and Fiscal's.
372	Neiswinder	Answers yes. States that is why the one to one prison was the best way to get the most accurate figures.
386	Rep. Merkley	Fears the difference in figures could lead people to come to different conclusion on the cost savings.

TAPE 47, B

004	Chair Welsh	Closes informational meeting on SB 3 and opens a work session.
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SB 3 WORK SESSION

008	Rep. Taylor	Proposes SB 3's amendments.
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011	Members	Discuss parliamentary procedure.
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024	Rep. Taylor	MOTION: Moves to ADOPT SB 3-2 amendments dated 02/22/99.
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026	Rep. Taylor	Explains the -2 amendments.
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VOTE: 3-6

AYE: 3 - Kafoury, Merkley, Taylor

NAY: 6 - Atkinson, Devlin, Gianella, Kruse, Morgan, Welsh

076	Chair Welsh	The motion FAILS.
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085	Rep. Kruse	MOTION: Moves to ADOPT SB 3-3 amendments dated 02/22/99.
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087	Rep. Kruse	Explains the -3 amendments.
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099	Chair Welsh	Clarifies amendments proposed by Rep. Kruse.
106	Rep. Merkley	States he feels the siting should stand on the basis of the value of the prison to the community.
122	Rep. Gianella	States legislators have the opportunity to the right thing this time around.
138	Rep. Kruse	States at the time the Salem prisons were sited the compensation issues were not considered, now the committee can consider those issues for Umatilla.
141	Rep. Merkley	Offers possible extension of the considerations in the -3 amendment to the Salem area.
154		<p>VOTE: 6-3</p> <p>AYE: 6 - Atkinson, Devlin, Gianella, Kruse, Morgan, Welsh</p> <p>NAY: 3 - Kafoury, Merkley, Taylor</p>
	Chair Welsh	The motion CARRIES.
168	Rep. Kruse	MOTION: Moves to ADOPT SB 3-5 amendments dated 02/22/99.
168	Rep. Kruse	Explains the -5 amendments.
174	Chair Welsh	States there is no legal language to conflict with adopting the -3 and -5 amendments
179		<p>VOTE: 7-2</p> <p>AYE: 7 - Atkinson, Devlin, Gianella, Kruse, Merkley, Morgan, Welsh</p> <p>NAY: 2 - Kafoury, Taylor</p>
	Chair Welsh	The motion CARRIES.
185	Rep. Kruse	MOTION: Moves SB 3 to the floor with a DO PASS AS AMENDED recommendation.
201	Rep. Merkley	Ecknowledges all the hard word involved with SB 3. Expresses frustration with not being able to find a better path.

236	Rep. Kaufory	Expresses appreciation with Rep. Merkley's efforts.
242	Rep. Kruse	States he has no reservations with coming forward with SB 3 due to all of the research and deliberation of the Senate.
259		VOTE: 6-3 AYE: 6 - Atkinson, Devlin, Gianella, Kruse, Morgan, Welsh NAY: 3 - Kafoury, Merkley, Taylor
	Chair Welsh	The motion CARRIES.
276	Rep. Taylor	Gives notice of minority report along with Rep Kaforury and Rep. Merkley.
288	Chair Welsh	Closes work session on SB 3 and adjourns at 2:40 P.M.

Submitted By, Reviewed By,

Danielle Hamilton, Kristina McNitt,
Administrative Support Administrator

EXHIBIT SUMMARY

- A - SB 3, letter, Steve Marks, 1 p**
- B - SB 3, information packet, Steve Marks, 15 pp**
- C - SB 3, written testimony, Katy Coba, 4 pp**
- D - SB 3, Sky view maps, Rep. Devlin, 3 pp**
- E - SB 3, -2 amendments, Staff, 10 pp**
- F - SB 3, -3 amendments, Staff, 1 p**
- G - SB 3, -5 amendments, Staff, 1 p**
- H - SB 3, letter, staff, 1 p**

I - SB 3, letter, staff, 1 p