

HOUSE COMMITTEE ON WATER AND ENVIRONMENT

June 21, 1999 Hearing Room C

8:30 A.M. Tapes 213 - 214

MEMBERS PRESENT: Rep. Jim Welsh, Chair

Rep. Jackie Taylor, Vice-Chair

Rep. Jason Atkinson

Rep. Deborah Kafoury

Rep. Jeff Kruse

Rep. Jeff Merkley

Rep. Susan Morgan

STAFF PRESENT: Cara Filsinger, Administrator

Danielle Hamilton, Administrative Support

MEASURES HEARD: SB 1040A - Public Hearing

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 213, A		
004	Chair Welsh	Calls meeting to order at 8:30 a.m. and opens a public hearing on SB 1040 A.
<u>SB 1040 A PUBLIC HEARING</u>		
005	Sen. Thomas Wilde	Senate District 8. Testifies in support of SB 1040 A and provides copies of proposed amendments (EXHIBIT A). Explains purpose of adding a referral to the bill. Discusses adjustments made by the amendments to address concerns.
055	Sen. Wilde	Discusses adjusting insurance requirements. States the retroactive provisions are

		removed by the SB 1040-A7 amendments. Describes changes in notice requirements.
092	Chair Welsh	Asks about the \$1 million cost for liability insurance per facility.
098	Sen. Wilde	Answers that is correct. Comments that standards would apply to a very large facility, such as Goodwill.
100	Chair Welsh	Asks about facilities with 10 to 15 members.
108	Sen. Wilde	Answers that one million dollars is a standard policy.
110	Chair Welsh	Asks for the purpose of SB 1040A.
113	Sen. Wilde	Clarifies the issues that are addressed by SB 1040A. Expresses concern that unajudicated sex offenders are of concern, but states it is not included in SB 1040A. Comments on similar Washington legislation.
169	Rep. Kruse	Asks for the history of SB 1040A.
176	Sen. Wilde	Clarifies the original bill was introduced by Sen. Brown. Comments on changes made to original bill.
189	Rep. Kruse	Comments on the bill.
196	Sen. Wilde	States that persons going to methadone clinics may not have committed any crimes.
208	Rep. Taylor	Points out that Sen. Brown voted against SB 1040A. Asks if the intent is to provide notice for group homes.
218	Sen. Wilde	Answers that is not the intention. Comments on detention facilities and probation offices.
224	Rep. Taylor	Discusses the definition of "youth offenders." Comments on supervision. Asks if the intent is to make it more difficult to site facilities.
258	Sen. Wilde	Explains the intent is to provide balance. States there should be a siting process. Comments that he opposes an amendment to exclude Oregon Youth Authority (OYA) facilities.
286	Chair Welsh	Provides an example of a situation in his district. Asks if these situations are also happening in Portland.

314	Sen. Wilde	Answers yes. Describes Portland examples. Opines the facilities are businesses that should be licensed.
352	Chair Welsh	Comments on the change in policy to remove focus from larger facilities to smaller facilities.
363	Sen. Wilde	States that he strongly opposes the closing of Fairview. Discusses similar changes in California policy.
395	Rep. Merkley	Asks about the definition of "primarily" in SB 1040-A7.
404	Sen. Wilde	Clarifies that Legislative Counsel suggested the word "primarily." Discusses that the focus should be on the primary intent of the business.
TAPE 214, A		
005	Rep. Merkley	Asks about "convicted of crimes" in line 3 of SB 1040-A7 amendments.
008	Sen. Wilde	Comments the original bill said "charged with or convicted of crimes."
016	Rep. Merkley	Asks if a crime would include traffic offenses.
018	Sen. Wilde	Answers that may be the case.
022	Rep. Merkley	Clarifies that "crimes" include misdemeanors.
023	Sen. Wilde	States the courts will determine that.
024	Rep. Merkley	Asks if he were to have an office in a residential area, and a majority of his clients had committed crimes in the past, if he would be required to give notice under SB 1040A.
029	Sen. Wilde	Says existing facilities are "grandfathered" in. Comments that a business license would be necessary.
036	Rep. Merkley	Requests a list of states that require notification and the legal scholars cited.
055	Sen. Wilde	Responds to question.
059	Rep. Merkley	Asks for a list of the number of persons "not guilty by virtue of insanity."

062	Sen. Wilde	Refuses to provide information.
063	Rep. Merkley	Asks if "not guilty by virtue of insanity" is a judicial finding.
065	Sen. Wilde	States those provisions have been removed from the bill.
068	Rep. Merkley	Comments the bill may not meet Sen. Wilde's intent.
070	Sen. Wilde	Responds that it does.
075	Rep. Merkley	Requests a list of neighborhood associations that support the bill.
078	Sen. Wilde	States he will provide the list.
080	Rep. Ken Messerle	Representative District 48. Testifies in opposition to SB 1040A. Expresses concerns raised by a facility serving troubled youth in Coos County. Describes activities of facilities.
126	Karen Brazeau	Deputy Director, OYA. Testifies in opposition to SB 1040 A (EXHIBIT B). States that Rep. Messerle's facility would be covered by SB 1040A. Discusses reasons that facilities tend to be concentrated in certain areas of Portland. Comments on possibility of initiative.
190	Brazeau	Describes kinds of juveniles that are in OYA facilities. Comments that a youth will return to their original home if they cannot be admitted to a treatment facility. States SB 1040A only addresses one part of the problem. Discusses the current contracting process with nonprofits. Describes an example in Portland's Buckman neighborhood.
251	Rep. Morgan	Asks if the OYA has any statistics on the impact facilities have on the neighborhood.
259	Brazeau	Asks for clarification.
261	Rep. Morgan	Asks if any statistics are kept regarding incidents caused by the kids in facilities.
267	Brazeau	Answers that she does not have an exact number. States if there is a law violation they are dealt with. Comments on effect of SB 1040A. Discusses another bill introduced by Sen. Brown.
315	Kathie Osborn	Staff Attorney, Juvenile Rights Project. Testifies in opposition to SB 1040A. States more programs are needed. Describes waiting lists for certain programs.

365	Osborn	States the issues with the Americans with Disabilities Act (ADA) are not resolved by the SB 1040-A7 amendments. Discusses closure of two programs due to problems with neighbors. States youth enter facilities when they are on probation or have been released on parole.
TAPE 213, B		
012	Osborn	Describes different levels of treatment need for youth. Comments on minority youth recidivism.
058	Rep. Morgan	Asks Osborn to address the property owner issues.
063	Osborn	Replies that she lives in the Buckman neighborhood. Agrees there is an over-saturation of facilities. Comments that neighbors should be made aware of the program.
096	Ed Patterson	Oregon Association of Hospitals and Health Systems. Comments on structure of the bill. States some hospitals may come under the bill if they provide certain kinds of treatment. Proposes amendments to SB 1040 A to exempt hospitals (EXHIBIT C) .
135	Vice-Chair Taylor	Announces the committee will adjourn at 10:00 a.m. and the bill will be carried over until Wednesday, June 23, 1999.
144	Paul Snider	Association of Oregon Counties. Testifies in opposition to SB 1040A. Expresses concern regarding SB 1040-A7 amendments. States that the definition of "primarily" needs to be further clarified.
290	Snider	Comments the definition of "youth offender" is very broad. Discusses the definitions of "provider" and "school." Points out language regarding other facilities operated by the provider.
340	Snider	Points out there is a facility siting manual produced by Multnomah County.
365	David Ralstin	Advocate for the mentally ill. Testifies in opposition to SB 1040A. Discusses the problem of a person that has committed a crime and is released into the community. Discusses his personal experiences with his mentally ill son.
378	Vice-Chair Taylor	Closes public hearing on SB 1040A and adjourns at 10:05 a.m.

Submitted By, Reviewed By,

Danielle Hamilton, Jennifer Peck,
Administrative Support Committee Coordinator

Transcribed By,

Cara Filsinger,
Committee Staff

EXHIBIT SUMMARY

A ñ SB 1040A, proposed ñA7 amendments, Sen. Wilde, 2 pp

B ñ SB 1040A, written testimony, Karen Brazeau, 3 pp

C ñ SB 1040A, written testimony, Ed Patterson, 3 pp