

HOUSE COMMITTEE ON WATER AND ENVIRONMENT

June 23, 1999 Hearing Room C

8:15 AM Tapes 217 - 218

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

Stephen Kosiewicz, Administrative Support

MEASURE/ISSUES HEARD: SB 1040A Public Hearing

HB 2183 Work Session

HB 2186 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 217, A		
004	Chair Welsh	Calls the committee to order at 8:30 a.m. Opens the work session on HB 2183.
<u>HB 2183 n WORK SESSION</u>		
007	Cara Filsinger	Committee Administrator. Explains the provisions of HB 2183.

011	Rep. Kruse	MOTION: Moves HB 2183 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Ways and Means.
		VOTE: 5-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Kafoury, Merkley
018	Chair Welsh	The motion CARRIES.
020	Chair Welsh	Closes the work session on HB 2183 and opens the work session on HB 2186.
<u>HB 2186 n WORK SESSION</u>		
022	Filsinger	Explains the provisions of HB 2186.
025	Rep. Kruse	MOTION: Moves HB 2186 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Ways and Means by prior reference.
		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Merkley
031	Chair Welsh	The motion CARRIES.
034	Chair Welsh	Closes the work session on HB 2186 and opens the public hearing on SB 1040A.
<u>SB 1040A n PUBLIC HEARING</u>		
046	Larry Oglesby	Juvenile Department Director, Marion County and representing Oregon Juvenile Department Directorsí Association. Submits written testimony (EXHIBIT A) and testifies in opposition to SB 1040A.
076	Rep. Merkley	Asks Mr. Oglesby if he is aware of any neighborhood associations that support the bill.
080	Oglesby	Responds that he is not.

086	Rep. Taylor	Asks if the places that Mr. Oglesby sites are for juveniles that have been institutionalized, and asks if the number of residents in these facilities is five or fewer.
090	Oglesby	Responds that they are transitional homes. Notes that in some cases they are transitional homes from the youth's own home to an out-of-home placement prior to commitment to a state institution, and in some cases they are a transition from a state institution back into the community. Responds that the treatment program facilities have more than five residents, but the transitional homes have less than five.
099	Rep. Kruse	Asks if a detention facility or a large-scale treatment facility uses a siting process.
102	Oglesby	Responds that at the local level there is not a formal siting process like the siting process for Oregon Youth Authority (OYA) or Department of Corrections (DOC).
108	Rep. Kruse	Asks for clarification that these facilities go through the normal land use siting process if they require an exception in a zone, for example.
111	Oglesby	Responds that this is correct.
113	Rep. Kruse	Notes that issues such as concerns of neighbors and conditional use permits currently happen in the process that these facilities are already going through.
118	Rep. Morgan	Asks what the public notification process is for these facilities if they do not go through the land use planning process at the local level.
125	Oglesby	Responds that there is not a formal legal requirement for notification in this situation. Notes that they try to notify people in these circumstances even if they do not have to go through a formal process.
142	Rep. Morgan	Asks Mr. Oglesby if his department has a written process to follow in siting one of these facilities in terms of notification.
145	Oglesby	Responds that there is no formal written policy.
152	Rep. Morgan	Asks Mr. Oglesby to describe the processes that are in place to monitor these facilities in terms of whether they are adhering to their business plan or the proposal that they came forward with and were established under.
158	Oglesby	Responds that these facilities would have a set of policies that deal with safety, security, and impacts of the facility.

167	Rep. Morgan	Gives the example of a treatment facility that is authorized to have 10 residents and asks who monitors that there is not more than this.
172	Oglesby	Responds that there are local zoning and ordinances and the jurisdiction, in this case the city, would be responsible for monitoring those ordinances under those kind of circumstances.
183	Rep. Morgan	Asks who is responsible for enforcement if the facility does not cross over the planning department regulations.
194	Karen Brazeau	Deputy Director, Oregon Youth Authority. Responds that state agencies either operate these programs themselves, and supervise the staff directly, or they contract with a local, non-profit provider and the contract establishes what is expected. Comments on the complexity of the system.
237	Rep. Morgan	Asks how often does it occur that these homes have multiple contracts with agencies.
240	Brazeau	Responds that this does not occur very often.
252	Rep. Kruse	States that if a zoning exception is being made for a facility, a conditional use permit is issued. Comments that this could be similar to the conditions the agency would place on the facility and that this could help deal with the issue of multiple contracts.
269	Brazeau	States that from the governmental agency that does the zoning, this is true. Notes that there are problems. Comments on OYA's siting process.
287	Rep. Kruse	Notes that the language in SB 1040A could be interpreted as being overreaching. States that he is looking for a way to satisfy everyone without creating more processes. Notes that they are dealing with similar processes and questions why they cannot combine them.
305	Brazeau	Comments that Rep. Kruse has hit on one of the primary issues.
338	Chair Welsh	Asks Ms. Brazeau to provide the committee with information regarding federal regulations that have to be complied with.
354	Sue Acuff	Department of Corrections. Testifies on DOC's concerns with SB 1040A.
377	Rep. Kruse	Expresses concern about putting other conditions on DOC, OYA, or other major institutions that go through a very public siting process.
393	Emma Dennis	Executive Director, St. Mary's Home for Boys and President, Oregon Alliance of Children's Programs. Submits written testimony (EXHIBIT B) and testifies in

		opposition to SB 1040A.
TAPE 218, A		
035	Rep. Morgan	Asks if St. Mary's actually sites the types of facilities that this bill is subject to.
037	Dennis	Responds that they have their own campus and at this time they do not have any other group homes outside of this campus. Notes that this bill would prohibit them from providing services to other parts of the metropolitan area if they wanted to open a group home off the campus.
049	Bruce Bishop	Representing Kaiser Permanente. Submits written testimony (EXHIBIT C) and testifies in opposition to SB 1040A.
077	Ellen Lowe	Director of Governmental Policy, Ecumenical Ministries. Testifies in opposition to SB 1040A.
145	Sylvia Caley	Oregon Law Center. Testifies in opposition to SB 1040A.
215	Rep. Morgan	Asks Ms. Caley to review the places in the Americans with Disabilities Act (ADA) and the Fair Housing Act (FHA) that SB 1040A conflicts with.
219	Caley	Comments that precluding where people under corrections and juvenile authority supervision could live in a community and continue their treatment is a problem under the FHA and ADA.
255	Cecelia Vergaretti	Director, Mental Health Association of Oregon. Submits written material (EXHIBIT D) and testifies in opposition to SB 1040A.
305	Vice-Chair Taylor	Notes that persons who are able to live within a community setting are going to cost the state less.
313	Vergaretti	Comments on the issue of cost in comparing incarceration versus providing services in the community.
338	Vice-Chair Taylor	Notes that the Legislature has recently dealt with legislation regarding the incarceration of geriatric individuals.
359	Mary Claire Buckley	Executive Director, Psychiatric Security Review Board. Testifies in opposition to SB 1040A.
TAPE 217, B		

002	Buckley	Continues testimony in opposition to SB 1040A.
059	Buckley	Continues testimony in opposition to SB 1040A.
123	Buckley	Continues testimony in opposition to SB 1040A.
138	Rep. Morgan	Asks Ms. Buckley to provide the committee with copies of the draft siting criteria document.
141	Vice-Chair Taylor	Asks if the threat of being returned to a place that they do not want to be is an incentive for residential clients to be on their best behavior.
144	Buckley	Responds that a lot of programs like their clients because they know the Board has the authority to revoke the conditional release.
166	John McCulley	Representing Oregon Psychiatric Association. Testifies in opposition to SB 1040A.
213	Barry Kast	Administrator, Mental Health and Developmental Disability Services Division, Department of Human Resources. Submits written testimony (EXHIBIT E) and testifies in opposition to SB 1040A.
262	Bob Joondeph	Director, Oregon Advocacy Center. Testifies in opposition to SB 1040A.
310	Joondeph	Continues testimony in opposition to SB 1040A.
379	Chair Welsh	Explains that he would like to deal with the problems that SB 1040A tries to address without impacting the success of the programs. States that he would be in favor of having a workgroup work on the bill.
TAPE 218, B		
010	Chair Welsh	Closes the public hearing on SB 1040A. Adjourns the committee at 9:52 a.m.

Submitted By, Reviewed By,

Stephen Kosiewicz, Cara Filsinger,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 1040A, written testimony, Larry Oglesby, 1 p

B ñ SB 1040A, written testimony, Emma Dennis, 2 pp.

C ñ SB 1040A, written testimony, Bruce Bishop, 2 pp.

D ñ SB 1040A, written material, Cecelia Vergaretti, 3 pp.

E ñ SB 1040A, written testimony, Barry Kast, 1 p