

HOUSE COMMITTEE ON WATER AND ENVIRONMENT

June 25, 1999 Hearing Room C

8:15 AM Tapes 221 - 222

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 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 221, A		
004	Chair Welsh	Calls the committee to order at 8:33 a.m. Opens the work session on SB 1040A.
<u>SB 1040A n WORK SESSION</u>		
012	Gina Mattioda	Public Affairs Office Director, Multnomah County. Submits written material (EXHIBIT A) and testifies on Multnomah County's experience with facility siting.
044	Chair Welsh	Notes that the committee is trying to get as much information as possible on the

		issue.
052	Rep. Morgan	Asks how long Multnomah County has been using the process outlined in the yellow booklet.
053	Mattioda	Responds that they have been using it since 1997.
057	Rep. Morgan	Asks if the three facility sitings outlined in the submitted materials are the only ones that have gone through the siting process.
062	Mattioda	Responds that there have been previous sitings prior to the development of the Public Affairs Office.
080	Rep. Morgan	Asks for clarification that there is not really one clear-cut process that works.
082	Mattioda	Responds that this is correct.
089	Rep. Morgan	Notes that Multnomah County makes a strong effort to consider all points of view when siting facilities.
092	Rep. Kruse	Asks for clarification that Multnomah County's focus has been mostly on public facilities versus group homes.
096	Mattioda	Responds that one of the dilemmas Multnomah County faces is that they are able to control the facilities they own and lease and it is more difficult when they contract with community based organizations.
114	Rep. Kruse	Comments that it seems that in trying to address the issue of facility siting they create more bureaucratic red tape and it becomes impossible to ensure that some things do not fall through the cracks.
134	Chair Welsh	Notes that in Multnomah County there are some facilities that raise concern in neighborhoods that are crowded. Comments on the process of siting these facilities.
157	Rep. Kafoury	Notes that the saturation of neighborhoods is another issue and that the city and county have been working to coordinate efforts.
176	Rep. Taylor	Notes that the committee was told in earlier testimony about a meeting that was held Monday between the city and county. Asks Ms. Mattioda if she was aware of this meeting.
181	Mattioda	Responds that she was and that her office has had some preliminary involvement with this.

195	Rep. Taylor	Asks Ms. Mattioda if it has been her experience that once these facilities are sited there are no complaints from citizens.
200	Mattioda	Responds that she can only speak to the three sitings that her office has been directly responsible for. Notes that the reaction and response can be varied.
235	Chair Welsh	Notes that the committee has received an opinion from the Legislative Counsel Office regarding SB 1040A (EXHIBIT B) and that there are two amendments which address conflicts between SB 1040A and certain federal laws. Notes that they have also received a letter from the Governor's Office on this bill.
289	Karen Brazeau	Deputy Director, Oregon Youth Authority. Testifies that the ñA9 amendments still do not address the conflicts with the federal Fair Housing Act and the Americans with Disabilities Act.
317	Chair Welsh	Notes that there are possible conflicts throughout the bill.
326	Brazeau	Notes that the private, non-profit organizations that have brought forward the ADA and FHA issues did so based on their other federally recognized disabilities, not on the youths' delinquency.
337	Rep. Taylor	Comments on the amount of opposition to SB 1040A.
348	Chair Welsh	States that they may have additional testimony at a meeting next week.
356	Rep. Kruse	Notes that the opposition is to the bill in its current form, but not to the concept behind the bill.
369	Rep. Morgan	States that what she is hearing from the people in the process is recognition that there is a problem that needs to be addressed.
379	Chair Welsh	Comments on the need to have a good piece of legislation to address this issue.
389	Rep. Taylor	Notes that she has only heard testimony from one neighbor of these types of facilities.
392	Chair Welsh	Comments that there are different group home situations.
404	Rep. Morgan	States that it would be good for the committee to hear testimony from individuals who are impacted by these facilities.
412	Rep. Taylor	Comments that she would be glad to bring neighbors to group homes in her district to testify.

TAPE 222, A		
014	Chair Welsh	Comments that in his community he would like to see some of the existing group homes and their neighbors have an opportunity to talk about the issue.
022	Rep. Merkley	States that he would like it to be clear whether there is a formal workgroup on SB 1040A and who the participants are. Comments that the state itself has not figured out how to site facilities, but that communities have been dealing with this issue with a lot of effort.
046	Rep. Morgan	Asks what the ñA6 amendments are.
048	Chair Welsh	Responds that they were referred to in the Legislative Counsel Office opinion.
049	Rep. Kruse	Notes that the ñA6 amendments are included in the ñA9 amendments, and that the ñA9 amendments have some additional things in them.
053	Chair Welsh	Announces that they do not have the amendments available on HB 3633 and will not be working on the bill at this morning's meeting.
055	Cara Filsinger	Committee Administrator. States that the committee will be meeting at 2:00 p.m. today. Explains what the agenda will be.
063	Chair Welsh	Closes the work session on SB 1040A. Adjourns the committee at 9:05 a.m.

Submitted By, Reviewed By,

Stephen Kosiewicz, Cara Filsinger,
Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 1040A, written material, Gina Mattioda, 3 pp.

B ñ SB 1040A, written material from Legislative Counsel, staff, 3 pp.

HOUSE COMMITTEE ON WATER AND ENVIRONMENT

June 25, 1999 Hearing Room C

2:00 P.M. Tapes 223 -224

MEMBERS PRESENT: Rep. Jim Welsh, Chair

Rep. Jason Atkinson

Rep. Deborah Kafoury

Rep. Jeff Kruse

Rep. Jeff Merkley

Rep. Susan Morgan

MEMBER EXCUSED:

Rep. Jackie Taylor, Vice-Chair

STAFF PRESENT: Harrison Conley, Administrator

Cara Filsinger, Administrator

Samantha Demchak, Administrative Support

MEASURES HEARD: SB 1149B Work Session

HB 3633 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 223, A		
003	Chair Welsh	Convenes meeting at 3:05 p.m. and opens work session on SB 1149B.
<u>SB 1149B WORK SESSION</u>		

		Staff submits (EXHIBIT A).
010	Harrison Conley	Administrator. Discusses the SB 1149- B42 amendments. Explains exemptions.
020	Rep. Morgan	Asks for an explanation of the ñB42 amendments.
025	Conley	Explains the conflict amendments deal with exemptions from the public records law.
040	Rep. Kruse	MOTION: Moves to ADOPT SB 1149-B42 amendments dated 6/24/99.
		VOTE: 6-0 EXCUSED: 1 - Taylor
	Chair Welsh	Hearing no objection, declares the motion CARRIED.
046	Rep. Kruse	MOTION: Moves SB 1149B to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-1 AYE: 5 - Atkinson, Kruse, Merkley, Morgan, Welsh NAY: 1 - Kafoury EXCUSED: 1 - Taylor
	Chair Welsh	The motion CARRIES. REP. WELSH will be the carrier on the floor.
070	Chair Welsh	Calls meeting at ease. Reconvenes.
080	Chair Welsh	Closes work session on SB 1149 and opens work session on HB 3363.
<u>HB 3633 WORK SESSION</u>		

075	Harvey Matthews	Speaker Snodgrass Education Policy Advisor. States they have worked hard to create language that all parties would accept. Reviews changes to be made to HB 3633. Indicates that there are conceptual amendments to the 4 amendments (EXHIBIT B) .
130	Matthews	Continues to review subsection 7 changes. Explains specific conceptual amendments to HB 3633. Comments on Section 4 concerning the Education Leadership Summit to review the 5 to 10 items the executive leadership team deems the most important.
164	Rep. Kruse	Asks if the scope of the work will be limited to what the leadership team designates for the summit.
175	Matthews	Indicates that the work will be limited.
180	Rep. Kruse	States there will be information gathering in the summit process.
202	Matthews	Notes that the list has been reduced. Notes it is important to have all points of view represented at the summit. States any members of the public will be allowed to attend the summit. Refers to Section 4, subsection (b) which designates who will attend the summit.
233	Matthews	Refers to Section 5 concerning subcommittees that will review the work from the summit. Section 6 changes the meeting times to bi-monthly.
242	Rep. Kruse	Asks if the time to meet is not often enough.
250	Matthews	Responds there could be a conceptual amendment to correct that. Summarizes the summit will incorporate many views and parties and hopefully a consensus will be found.
280	Rep. Kafoury	Asks about page 8, subsection 6, line 3. Indicates the language is not acceptable.
293	Matthews	Indicates that the Emergency Board could help fund the summit.
311	Rep. Kafoury	Indicates that does not solve the problem, as her concern relates to the appearance that the public's money could be seen as influencing the process. Suggests deleting the language.
317	Matthews	Comments they were trying to bring equity to allow all groups to help raise funds.
338	Rep. Kruse	States he has been involved in other summits where contributions were not seen as influencing, as they help the process by funding it.

350	Laurie Wimmer	Oregon Education Association. Supports HB 3633 with amendments. States they have no position on the funding.
362	John Marshall	Oregon School Boards Association. Supports HB 3633 with amendments. Indicates that those involved in the summit process will stop any one organization from any impropriety. States the funding from many parties will make it more successful and flexible.
406	Rep. Kafoury	States if the summit is not affordable for the Legislative Assembly maybe it should not occur. If it is a duty of the Legislative Assembly they should be responsible for the expenses of the summit.
TAPE 224, A		
001	Rep. Merkley	Asks about the involvement of teachers in the summit.
015	Wimmer	Indicates that page 7, subsection c will include teachers. States teachers will be part of the leadership team and that they will be part of the public participation.
030	Matthews	Notes that teachers will be represented on the leadership team.
038	Rep. Kafoury	Indicates there are problems with the amount of teachers represented and specifying the grades they teach, as their concerns will be different.
046	Rep. Merkley	Reiterates that there are no specific provisions naming teachers to the board and they need to be integrally involved setting up the summit and assessing the outcomes of the summit. Notes the a major problem with the 21 st Century Schoolis Act was that there were not enough teachers included in the process. States they should guarantee teacher involvement.
070	Rep. Kruse	Notes it is difficult to include everyone.
082	Rep. Morgan	Notes it is important to note the Oregon Education Association approves these ideas.
087	Wimmer	Notes page 8 designates a teacher will be on each of the subcommittees after the summit.
096	Rep. Merkley	Asks why material is not prepared before the summit by subcommittees.
102	Wimmer	Notes that the subcommittees work to sift through the lists of items to be discussed before the summit.
110	Rep. Kafoury	Asks for the purpose of the summit.

121	Matthews	States it is to be inclusive in the process and to find a product of high quality.
137	Wimmer	Notes another benefit of the summit is to take time to listen to the response from Oregonians, generally. The summit would give people a chance to interact and discover what works well for others or to understand what other agencies are doing.
149	Rep. Kafoury	Asks when the seven member voting committee votes on the issues.
156	Matthews	Indicates at the end of the summit the group will decide the focus.
169	Rep. Kafoury	Asks what happened with the superintendent and audits.
178	Matthews	Indicates school district auditing occurs on page 6.
180	Greg McMurdo	Representing the Superintendent of Public Instruction. Answers that there is no report from a meeting with Secretary of State Phil Keisling. Notes that the superintendent's main concerns are funding should be aided by the legislature and the appointment of business representatives for the summit should be made by other groups, if they would like to appoint their own people.
225	Matthews	Suggests that the superintendent has made many suggestions as to how the selections are made.
250	Chair Welsh	Indicates the difficulty of appointing members.
265	Rep. Morgan	Asks if there is a fiscal impact. Asks what the summit will cost.
276	McMurdo	Indicates they do not yet know.
278	Rep. Kruse	Estimates it may be around \$50,000.
292	Matthews	States the seven member executive leaders will take finances into consideration.
301	Chair Welsh	Encourages leaving subsection 6 in the measure, but does not disagree with Rep. Kafoury's points. Notes he has no problem with donations. Indicates that the legislature should pay 75-80% of the costs.
315	Rep. Kafoury	Asks if the leadership team will need to go to the Emergency Board to request funding.
332	Matthews	Indicates there is language in the bill that states that.

372	Chair Welsh	States he thought the greater funding would be given by the legislature.
387	Matthews	Indicates the language could be changed to indicate the legislature would fund a certain percentage of the summit.
402	Chair Welsh	Comments the original fiscal shows staff allotments.
406	Rep. Kruse	Asks if there is anything to preclude the group from going to the Emergency Board to request funds.
409	Chair Welsh	States there is not.
TAPE 223, B		
002	Cara Filsinger	Administrator. Discusses the specific changes the committee discussed for EXHIBIT B.
015	Frank MacNamara	Confederation of Oregon School Administrators. Indicates that there are still some remaining concerns, such as where they are going with governance. Comments on page 4, line 17. States that the purpose is to look at the top priorities.
049	Rep. Kruse	Comments on the way he reads that same section.
077	MacNamara	States page 8 refers to frequency of meetings that will affect the costs. Notes the function of the summit is unclear, referring to page 8, lines 27-29. Comments on who will choose the priorities of the summit.
102	Chair Welsh	States the summit would get more buy-in on the ideas as the participation increases.
120	Rep. Merkley	Asks for a continuance of this bill until Monday. Suggests that holding the bill over would give the stakeholders time to scrutinize the bill. Indicates he would be happy to concur in the amendments.
140	Chair Welsh	Comments on further meeting times.
145	Matthews	States this measure will need to go to Ways and Means.
160		Discussion of members available to vote on the bill today.
170	McMurdo	Suggests specific word changes. States the Superintendent would like to look at the measure over the weekend. Suggests waiting until Monday to consider the

		measure further.
215	Chair Welsh	Calls meeting to ease. Reopens meeting.
216	Rep. Kruse	<p>MOTION: Moves to CONCEPTUALLY AMEND HB 3633-4 amendments dated 6/25/99:</p> <p>on page 2, line 10 after "other" insert "non-voting";</p> <p>on page 3, line 21 after "Administrator" insert "shall" and delete the rest of line 21, all of line 22, and "Team and may" on line 23 and "employees." on line 27;</p> <p>on page 3 line 24 after "staff" insert "to the team" and delete the rest of line 24, all of lines 25-26 and "employees." on line 27; and</p> <p>on page 8, line 25 after "meet" insert "at least".</p>
230	Rep. Merkley	Comments he will not remain for the vote.
		<p>VOTE: 4-0</p> <p>EXCUSED: 3 - Kafoury, Merkley, Taylor</p>
	Chair Welsh	Hearing no objection, declares the motion CARRIED.
234	Rep. Kruse	<p>MOTION: Moves to ADOPT HB 3633-4 amendments dated 6/25/99 AS CONCEPTUALLY AMENDED.</p>
		<p>VOTE: 4-0</p> <p>EXCUSED: 3 - Kafoury, Merkley, Taylor</p>
	Chair Welsh	Hearing no objection, declares the motion CARRIED.
244	Rep. Kruse	<p>MOTION: Moves HB 3633 to the floor with a DO PASS AS AMENDED recommendation.</p>
		<p>VOTE: 4-0</p> <p>AYE: In a roll call vote, all members present vote Aye.</p> <p>EXCUSED: 3 - Kafoury, Merkley, Taylor</p>

	Chair Welsh	The motion CARRIES. SPEAKER SNODGRASS will lead discussion on the floor.
269	Rep. Morgan	States it is good to see how members are aligned on working together for this measure.
272	Chair Welsh	Closes work session on HB 3633 and adjourns meeting at 4:30 p.m.

Submitted By, Reviewed By,

Samantha Demchak, Cara Filsinger,
Administrative Support Administrator

Transcribed By, Reviewed By,

Jennifer Peck, Harrison Conley,
Committee Coordinator Administrator

EXHIBIT SUMMARY

A ñ SB 1149, -B42 amendments, staff, 7 pp

B ñ HB 3633, -4 amendments, staff, 9 pp