

HOUSE COMMITTEE ON WATER AND ENVIRONMENT

July 12, 1999 Hearing Room B

8:30 AM Tapes 228

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

Diane M. Lewis, Administrative Support

MEASURE/ISSUES HEARD: SB 1040 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 228, A		
006	Chair Welsh	Calls the meeting to order at 8:37 AM and opens a work session on SB 1040.
<u>SB 1040 WORK SESSION</u>		
008	Chair Welsh	Explains that changes to the ñA12 amendments dated 7/10/99 (EXHIBIT A) are being drafted by Legislative Counsel (LC). Explains that he is meeting with LC to discuss their recommendations regarding sections of the ñA12 amendments that may create conflicts with existing law.

030	Rep. Kruse	Comments on the definition of which persons will be effected by the bill. Agrees that this issue must be more specifically addressed by LC.
033	Chair Welsh	Concurs. States that he understands that there are concerns from victims rights groups and intends to discuss, among others, sections 3 and 4 of the ñA12 amendments with LC.
041	Rep. Taylor	Comments that she has heard concerns regarding the provision in the ñA12 amendments that facilities will make copies of their security plans available for public inspection.
045	Chair Welsh	Concurs and states that language regarding security plans must be "cleaned up."
048	Chair Welsh	Explains that the committee will meet this afternoon. Adjourns the committee at 9:47 AM.

Reviewed By, Submitted By,

Cara Filsinger, Diane M. Lewis,

Administrator Administrative Support

EXHIBIT SUMMARY

A ñ SB 1040-A12 amendments dated 7/10/99, Rep. Jim Welsh, 6 pp.

HOUSE COMMITTEE ON WATER AND ENVIRONMENT

July 12, 1999 Hearing Room B

4:00 PM Tapes 229 - 230

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

Diane M. Lewis, Administrative Support

MEASURE/ISSUES HEARD: SB 1040 Work Session

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TAPE/#	Speaker	Comments
TAPE 229, A		
004	Chair Welsh	Calls the meeting to order at 4:20 PM and opens a work session on SB 1040A.
<u>SB 1040 WORK SESSION</u>		
006	Chair Welsh	Explains that the 9 amendments that were adopted by the committee on Friday, July 9, 1999, are no longer applicable to the bill. Reports that there are hand engrossed 14 amendments dated 7/12/99 (EXHIBIT A) which are a collaborative effort from Legislative Counsel, Sen. Wilde, and himself, 15 amendments dated 7/12/99 (EXHIBIT B) which have been proposed by the

		Oregon Health Care Association, and ñA16 amendments dated 7/12/99 (EXHIBIT C) which have been brought forward by Rep. Merkley.
017	Gwen Dayton	Oregon Health Care Association (OHCA), testifies in support of the ñA15 amendments. States that the association is concerned about the definition of "facility" in the ñA12 and ñA14 amendments. Explains that long term care facilities should be exempt from the bill along with hospitals. Notes that if the committee does not adopt the ñA15 amendments, OHCA recommends adopting the definition of "facility" in the ñA16 amendments.
056	Chair Welsh	Comments that the ñA14 amendments incorporate some of the recommendations of the workgroup as reported to the committee by Pam Curtis on Thursday, July 8, 1999.
063	Rep. Taylor	Asks for clarification of provisions in the ñA14 amendments.
075	Chair Welsh	Discusses changes made in the ñA14 amendments regarding provisions allowing public access to facility security plans and identities and records of additional facility locations.
088	Rep. Taylor	Asks if these changes are part of the workgroup recommendations.
090	Chair Welsh	Responds negatively. States that they are requested by the sponsor.
095	Chair Welsh	Refers to page 3, section 2, and discusses institutions not included in the definition of "facility."
121	Rep. Morgan	Refers to the -A14, page 3, section 2, and asks if this is where the ñA15 amendments can be inserted.
126	Chair Welsh	Responds affirmatively.
129	Rep. Morgan	Refers to -A14, page 3, line 17 and asks about inserting the word "primarily" before "used," and in line 18 removing the word "primarily."
143	Chair Welsh	Responds affirmatively.
145	Rep. Kafoury	Refers to the ñA14 amendments, page 4, lines 16 and 17 and asks if persons making land use decisions are going to want information on areas where safety of the community may be threatened.
155	Rep. Morgan	Responds negatively.
156	Chair Welsh	Explains that the sponsor wanted the provisions regarding "impact studies."

165	Rep. Kafoury	Asks if a person making land use or zoning decisions would know what to do with the impact study.
169	Rep. Morgan	Comments that this is not a usual study conducted for land use operations and asks what the scope of this study would encompass.
174	Chair Welsh	Responds that the study would be useful once a determination was made that a zoning change was needed. Explains that a single-family residential area is of most concern for loss of safety.
185	Rep. Kafoury	States her concern that this provision will create additional work-load and financial burdens for land use offices. States that the amendment does not provide any direction for the process of implementing an impact study.
192	Rep. Morgan	Asks if language can be inserted which defines a process for creating an impact study.
205	Chair Welsh	Comments that this would be something designed and implemented at the local level. Puts the committee at ease at 4:42 PM.
210	Chair Welsh	Reconvenes the committee at 4: 45 PM. States that the questions regarding zoning decisions and impact studies have not yet been resolved.
212	Rep. Kafoury	Refers to the ñA14 amendments, page 4, line 23, and asks if "community" is defined.
219	Chair Welsh	Responds that "community" is defined on page 3, lines 14-16.
224	Rep. Morgan	Responds that the notification requirements in ORS 197.763 define a smaller area than the "half mile" referred to in the ñA14 definition of "community." States that there will most likely be a fiscal impact attached to the ñA14 amendments, section 3(3) notification provision.
233	Rep. Kafoury	Asks if a fiscal impact statement has been provided to the committee.
236	Chair Welsh	Explains that once amendments are adopted, and the bill is passed from committee, a fiscal impact statement will be generated.
240	Rep. Morgan	Comments that she is concerned with local communities making decisions regarding the criteria for the "safety impact study."
252	Rep. Merkley	Asks if this will be the last hearing on SB 1040A.
254	Chair Welsh	Responds negatively.

259	Rep. Merkley	MOTION: Moves to ADOPT SB 1040-A16 amendments dated 7/12/99.
265	Chair Welsh	Asks Rep. Merkley to summarize the ñA16 amendments.
244	Rep. Merkley	Explains that the core issue of ñA16 is "local notification." Relates that the amendments came out of a workgroup that was trying to create a framework for local notification that could be immediately implemented. Summarizes each section of the ñA16 amendments. Maintains that the amendments honor the intent of the original bill.
325	Rep. Taylor	Comments that the proposed membership for the implementation workgroup, as stipulated in section 4 of the ñA16 amendments, is quite large.
345	Rep. Kruse	Comments that there is much about the -A16 amendments that he likes. States that the membership for the workgroup is too large and may be too costly.
372	Chair Welsh	Explains that this issue has been designated by leadership as a priority issue for the interim. Reminds the committee that agreements have been made with the sponsor that the bill will remain a referral. Prefers to continue working with the ñA14 amendments.
389	Rep. Morgan	Comments that she wants a panel to check on the effectiveness of the bill. Supports the accountability provided in the ñA16 amendments.
410	Rep. Merkley	Maintains his opposition to the bill's referral. States that the implementation workgroup membership list can be shortened.
		VOTE: 3-4 AYE: 3 - Kafoury, Merkley, Taylor NAY: 4 - Atkinson, Kruse, Morgan, Welsh
456	Chair Welsh	The motion FAILS.
TAPE 230, A		
016	Chair Welsh	Addresses Rep. Kafoury's concerns of the ñA14 amendments, section 3, regarding community notification and the possible fiscal impact. Concurs that language must be revised. Discusses possible language revisions including the suggestion that notices be placed in local newspapers.
038	Rep. Morgan	Comments that there are provisions within the land use planning regulations that

		require notices be sent by mail if people are changing zone restrictions or restricting land use.
044	Rep. Kruse	Reports that the notification radius is much smaller in land use planning regulations.
046	Rep. Taylor	Discusses her concerns that the "impact study" referred to in section 3 is very ambiguous. States that this will be difficult and costly for providers to generate. Believes this will be a deterrent for siting.
058	Chair Welsh	States that he has taken these comments under consideration.
060	Rep. Kruse	Concurs with Rep. Taylor's remarks.
066	Chair Welsh	Continues summarizing the ñA14 amendments by discussing deleted language.
071	Rep. Morgan	Inquires about actual costs for liability insurance as referred to in section 4 of the ñA14 amendments.
075	Chair Welsh	Concurs that these dollar figures need to be further investigated.
077	Rep. Merkley	Comments that section 4 (3), is not necessary.
084	Rep. Kruse	Concurs and states that this subsection may be redundant.
091	Chair Welsh	Continues discussing deleted language regarding public access to facility security plans. States that the public must be assured that facilities have good track records and security plans in place.
114	Rep. Kafoury	Asks if statute of limitations are recognized in the -A14 amendments of persons who have been convicted of crimes in the past. Comments that restrictions should not be placed on individuals for the duration of their lives.
121	Chair Welsh	States that he is unsure if statute of limitations are recognized by this legislation.
122	Rep. Merkley	Refers to ñA14, section 5(1), and comments that these provisions will rule out the possibility of finding a location for siting in Portland that does not have a licensed child care center nearby.
134	Rep. Kruse	Responds that section 5(1) is focused on treatment centers serving sex offenders. Comments that it is appropriate that convicted sex offenders are not located near schools and daycare sites.

144	Rep. Merkley	Comments that forcing a half-way house for sex offenders to locate outside urban areas may be more injurious to society because it will not allow conduct to be closely monitored within the urban areas that offenders may transition into.
161	Chair Welsh	Comments that facilities that have poor track records of rehabilitation success will be restricted from urban populations. States that this was an original issue of the bill's sponsor.
176	Chair Welsh	Continues summarizing the ñA14 amendments.
173	Rep. Taylor	States that section 6 of the ñA14 amendments uses awkward and confusing language.
197	Rep. Kruse	Concurs with Rep. Taylor. Comments that this section should not open up the possibility of undue litigation.
218	Chair Welsh	Continues summarizing the ñA14 amendments. Comments that section 9 is new.
222	Rep. Kruse	Comments that section 10 will slow down the process.
238	Chair Welsh	Explains the conceptual amendments added as sections 11 and 12 at the end of the ñA14 amendments. States that the conceptual addition of section 12 is a response to Rep. Morgan's concern that reports regarding the bill's effectiveness are generated.
267	Rep. Merkley	Refers to the conceptual addition of section 11 at the end of the ñA14 amendments, and asks about the feasibility of discovering all the owners of real property within a given area without using a private consulting firm or requiring a large budget.
290	Rep. Welsh	States that he will check with the sponsor regarding his intent for adding section 11.
305	Chair Welsh	Closes the work session on SB 1040A and adjourns the meeting at 5:40 PM.

Reviewed By, Submitted By,

Cara Filsinger, Diane M. Lewis,
Administrator Administrative Support

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EXHIBIT SUMMARY

A ñ SB 1040-A14 hand engrossed amendments dated 7/12/99, Rep. Jim Welsh, 6 pp.

B ñ SB 1040-A15 amendments dated 7/12/99, Gwen Dayton, 1 p.

C ñ SB 1040-A16 amendments dated 7/12/99, Rep. Jeff Merkley, 5 pp.