

HOUSE COMMITTEE ON JUDICIARY

SUBCOMMITTEE ON CRIMINAL LAW

May 5, 1997 Hearing Room 357

3:15 P.M. Tapes 105 - 107

MEMBERS PRESENT:

Rep. John Minnis, Chair

Rep. Jo Ann Bowman, Vice-Chair

Rep. Floyd Prozanski

Rep. Lane Shetterly

Rep. Ron Sunseri

Rep. Larry Wells

MEMBER EXCUSED:

Rep. Peter Courtney

STAFF PRESENT:

Scott Lumsden, Counsel

Lisa Fritz, Administrative Support

MEASURE/ISSUES HEARD:

SB 541A - 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 105, A		
004	Chair Minnis	Calls the meeting to order at 3:21 p.m.
<u>OPENS PUBLIC HEARING ON SB 541A</u>		

009	Ron W. Adams	Representing House District 27. Submits written testimony in support of SB 541-A. [Exhibit A]
057	Chair Minnis	Refers to the SB 541-A3) and A6 amendments. [Exhibits B & C]
076	Randy Miller	Representing Senate District 13. Testifies in support of SB 541A. Testifies that SB 541 passed the Senate with ease. >good siting policy for the State of Oregon >degree of confidence that Governor will not allow this siting to take place A6 amendments describe 'barrier'
126	Sen. Miller	Discusses A-6 amendments. [Exhibit C]
159	Rep. Bowman	Questions 'super-siting' authority given to the Department of Corrections (DOC).
167	Rep. Adams	Authority was given due to the perceived need to move rapidly. Continues.
182	Sen. Miller	I voted "yes" on that. Didn't vote for its abuse. Continues.
206	Rep. Bowman	Continues questioning regarding siting prisons. >Where are we going to build?
218	Sen. Miller	Most Orgoneons wouldn't sanction a prison near a school or neighborhood. Continues. >highest valued farmland should continue to be protected >restrictions are statutory but under executive order that we find a prison in the tri-county area >site prisons where the communities want them
280	Rep. Adams	Comments on DOC proposed rules.
289	Chair Minnis	Cites ORS 421.628. Didn't realize the potential abuse. >emanate domain
308	Sen. Miller	Continues his comments regarding the granting of siting authority.
314	Rep. Wells	Comments. The State has owned this property for a long time. How did the community get into the position regarding what the State is going to do with its property?

324	Rep. Adams	Replies. Gives background regarding Rep. Wells' question. >city worked with 5 state agencies in developing a plan >people commute into Wilsonville - unique situation
351	Sen. Miller	Comments. Property looked upon as an asset of the State. Can be liquidated to become productive to be on the tax rolls. Continues.
368	Rep. Wells	Comments on his involvement with siting issue in Salem. >not willing to sell - would keep
381	Sen. Miller	Continues his comments. Determined not an adequate site for a juvenile facility.
400	Bob Tiernan	Testifies in favor of SB 541A. Discusses amendments that he has asked to be drafted. Discusses the Governor's position and Measure 11, as they relate to SB 541. >State government is meant to protect the people >have put people who have committed crimes in neighborhoods - community homes
TAPE 106, A		
051	Tiernan	Continues testimony. Changes are needed in the bill now. Suggests: >make retroactive to January 1, 1996 >funding provision >litigation fees - Communities cannot afford to fight their government when it goes wrong. >apply to any correctional facility >make siting language broader
093	Rep. Bowman	Questions regarding proposed "broad scope amendments" >these people come back to the community
113	Tiernan	Test should be common sense. Continues.
128	Rep. Bowman	Continues questioning for clarification.
141	Tiernan	Agrees, will go back to some neighborhood, county,

		etc.
144	Rep. Prozanski	Comments for clarification regarding sentencing guidelines.
150	Tiernan	Replies.
152	Rep. Prozanski	Continues questioning for clarification.
181	Rep. Prozanski	When will the -8 amendments be out?
185	Chair Minnis	Supposed to be out today. >comments on issue of attorney's fees
188	Rep. Prozanski	Put in something we think is good, only to find out they're saddled with a pretty hefty fee because they lost.
192	Chair Minnis	Comments. Don't know if we could make it one way.
196	Tiernan	Plenty of precedent in the federal government. Continues.
210	Charlotte Lelan	Mayor, City of Wilsonville. Submits written testimony in favor of SB 541A [Exhibit D]
260	Lelan	Continues testimony.
310	Lelan	Continues testimony.
360	Rep. Wells	How many acres are in this site?
363	Lelan	Replies. 144 inside the urban growth boundary. Another 45 or so outside the boundary. Continues.
378	Rep. Wells	Continues. In siting that prison, were they looking at other properties?
380	Lelan	Looking at what the State owns. Continues.
396	Michael Kohlhoff	Wilsonville City Attorney. Submits written testimony in favor of SB 541A. [Exhibit E]
TAPE 105, B		
001	Kohlhoff	Continues testimony.
051	Kohlhoff	Continues testimony.
064	Roger Woehl	Superintendent, West Linn, Wilsonville School District. Provides information and numbers regarding the school and the community.
114	Woehl	Continues testimony.
127	Rep. Prozanski	Comments on moving schools from the west side to the east side.
131	Woehl	Replies. We can't site out of the school district. Continues.
145	Joanne Williams Mills	Oregonians for Responsible Prison Siting. Submits written testimony and pictures in support of SB 541A [Exhibits, F, G, & H]

195	Mills	Continues testimony.
245	Mills	Continues testimony.
258	Rep. Shetterly	Questions for clarification regarding picture exhibit.
261	Mills	That neighborhood was built right after the news came out about the State closing Dammasch.
266	Gene Reddemann	Resident of neighborhood. Submits written testimony in favor of SB 541A. [Exhibit I] Also submits the March 1997 edition of "Oregon Department of Corrections Nominated Sites For Adult Correctional Facilities" [Exhibit J]
316	Reddemann	Continues testimony.
366	Reddemann	Continues testimony.
416	Reddemann	Continues testimony.
TAPE 106, B		
040	Terry Withers	Oregonians for Responsible Prison Siting which supports SB 541A. Submits written testimony. [Exhibit K]
085	Abby Quist	Sixth Grade Student, Wilsonville. Submits written testimony in support of SB 541A. [Exhibit L]
119	Ryan Willis	Sixth Grade Student, Wood Middle School, Wilsonville. Submits written testimony in support of SB 541A. [Exhibit M]
150	Ian MacLennan	Sixth Grader, Wood Middle School. Submits written testimony in support of SB 541A. [Exhibit O]
204	Joan Hartzke McIlroy, Ph.D.	Faculty Member, Counseling Psychology Program, Lewis and Clark College. Submits written testimony in favor of SB 541A. [Exhibit N]
254	McIlroy	Continues testimony.
275	Rep. Bowman	Questions psychological damage. Experience in this arena?
312	McIlroy	Basing my testimony on an AAUW study about the impact of intimidation on children. Continues.
342	Lisa Quist	Resident of Wilsonville. Submits written testimony in favor of SB 541A. [Exhibit Q]
398	Jack Peek	Resident of Portland. Submits and reads aloud written testimony in favor of SB 541A. [Exhibit O]
TAPE 107, A		
051	Peek	Continues testimony.
101	Peek	Continues testimony.
		Neighbor of Mr. Peek. Testifies in favor of SB 541A. Discusses half-way houses and the problems they

147	Tom Kearns	present. Gives examples. >appeal property taxes on the presence of a half-way house - must disclose upon sale - granted petition >policy of placing half-way houses within urban populations is without regard to public safety >neighborhood issue - not a government issue
197	Kearns	Continues testimony. >people will be closely monitored - not the case >mandatory lock down - not true >they are felons
	Addition testimony submitted for the record from Tim Skreen in support of SB 541A. [Exhibit R]	
	Chair Minnis	Requests information from the Department of Corrections for next hearing.
241	Chair Minnis	Adjourns meeting at 5:32 p.m.

Transcribed by, Reviewed by,

Julie Clemente for

Lisa Fritz, Scott Lumsden,

Administrative Support Counsel

EXHIBIT SUMMARY

A - Testimony in Support of SB 541 - Ron W. Adams - 3 pgs

B - Proposed SB 541-A3 Amendments - Staff - 1 pg

C - Proposed SB 541-A6 Amendments - staff - 1 pg

D - Testimony in Support of SB 541A - Charlotte Lehan - 1 pg

E - Testimony in Support of SB 541-A - Michael Kohloff - 37 pgs

F - Testimony in Support of SB 541-A - Joanne Williams Mills - 2 pgs

G - Photos of Property in Question - Joanne Williams Mills - 4 pgs

H - Intake Center/Women's Prison Footprint to Scale on Dammasch Property (SB 541-A) - Joanne Williams Mills 1 pg

I - Testimony in Support of SB 541-A - Gene Reddemann - 4 pgs

J - Oregon Department of Corrections - Nominated Sites (SB 541-A) - Gene Reddemann - 11 pgs

K - Testimony in Support of SB 541-A - Terry Withers - 1 pg

L - Testimony in Support of SB 541-A - Abbie Quist - 1 pg

M - Testimony in Support of SB 541-A - Ryan Willis - 1 pg

N - Testimony in Support of SB 541-A - Joan Hartzke McIlroy - 11 pgs

O - Testimony in Support of SB 541-A - Ian MacLennan - 2 pgs

P - Testimony and Supporting Documents in Favor of SB 541-A - Jack Peek - 18 pgs

Q - Testimony in Support of SB 541-A - Lisa Quist - 1 pg

R - Testimony in Support of SB 541-A - Tim Skreen - 1 pg