

CONFERENCE COMMITTEE ON HB 3698

June 24, 1997 Hearing Room E

08:30 AM Tapes 01

MEMBERS PRESENT:

Rep. Charles Starr, Chair

Rep. Ron Adams

Rep. Kurt Schrader

Sen. Gene Derfler

Sen. Randy Leonard

Sen. Randy Miller

MEMBER EXCUSED:

STAFF PRESENT:

Judith Gruber, Policy Analyst

Linda Kowal, Administrative Support

MEASURE/ISSUES HEARD:

HB 3698-B 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 01, A		
003	Chair Starr	Calls the meeting to order at 8:35 am. (EXHIBIT A) States the -10 amendments were proposed in a meeting with the Department of Corrections. He discussed the concept with Steve Marks.
020	Steve Marks	Governor's Senior Policy Advisor. States the -10 amendments were intended to take away the state's ability to make any continued supersiting designations. It would allow supersiting of a replacement site if one of the designated sites from the last biennium was either successfully challenged in court or was too expensive for the state to initiate. They could replace those sites that are necessary but would not be

		able to initiate any new sites. In order to meet population forecasts, they would have to come back to the legislature and affirmatively ask for it.
035	Sen. Derfler	States that means that the next legislature could reverse this and you'd have the same situation as today.
038	Marks	Responds this is true but they would have to make an affirmative decision to allow that authority.
040	Rep. Adams	States one great concern of his is "that state government in all it's omnipotence is ultimately, I guess, going to beat down the people of Wilsonville..." What's most frustrating is the legislature gave the supersiting authority, made a mistake, and have tried to take it back because they have been misled regarding where the prisons would be placed. Regardless of what they've tried, it has either been threatened with a veto or they can anticipate one coming. Asks why can't it be agreed to in the legislature without having to overcome a veto?
059	Marks	Responds he's not sure that he agrees that it wasn't a conscious decision to allow the authority for the state to go out and site these prisons. With respect to the Wilsonville site, the Governor has said he would look at a legislative proposal that brings forward an alternative site that meets the state's prison population forecast.
077	Rep. Adams	States the Governor has said the responsibility was given to him and he is exercising it. If he shouldn't have it, then take it back. They have tried with lots of bills to take it back but the Governor's Office won't allow it.
089	Marks	Responds the -10 amendments would not solve the frustrations and problems of Wilsonville. Asks, if the Governor didn't have this authority, then who makes the decision and what do we do?
094	Rep. Adams	Responds let's have that discussion.
096	Sen. Miller	Asks why do we need to send this to the voters?
100	Chair Starr	Responds the -9 amendments would send it to the voters thereby avoiding the Governor's veto. It would repeal supersiting.
101	Sen. Miller	Ask if the -10 amendments remove the supersiting.
103	Chair Starr	Responds the -10 amendments leave supersiting in place in case one of the selected prison sites falls off the list.
104	Sen. Miller	<p>States his appreciation to the Governor's Office for continuing to be interested in alternative sites. States two faults regarding supersiting have been revealed:</p> <ul style="list-style-type: none"> * the decision affecting the community that he and Rep. Adams both represent was made without evidence: without understanding the cost ramifications, the water shortages, and the already difficult infrastructure problems associated with that site * ORS 421.616 subsection 1, subsection a, suggests sites be nominated for construction and operation based on criteria adopted by the department and the following criteria: "The interest demonstrated by local jurisdictions in having a site selected for a corrections facility within their jurisdiction."

		States the reason we're here is because the Department of Corrections and the siting authority didn't follow current law.
174	Chair Starr	States they have all worked hard to find a solution that would benefit the people of the state and also serve the needs of the Corrections Department.
185	Rep. Adams	Refers to the -9 amendments and states he disagrees with the general election part but if they can't negotiate with the Governor and pass legislation here, then he wants it sent to the people.
190	Chair Starr	States the -9 amendments, if approved by the people, would repeal the supersiting and the general election is in 1998. It would be his intent to move it to the special election in November of 1997.
208	Rep. Adams	Agrees. States from his vantage point he could take HB 3698-A and send it to the people or repeal everything. He could do either. States his concern is that the legislature is at a disadvantage since they will adjourn shortly and if goes forward with a bill and the Governor vetoes it, he's dead as representing his constituents. States there's been no assurance that anything other than that would happen. The people have every right to take it back.
238	Sen. Miller	States that statute itself may not be at fault, it might be the way it was ignored. Reads from ORS 421.616 Section 1, subsections b,c,d, and e.
270	Rep. Schrader	Agrees with Sen. Miller with regard to not jettisoning the whole statute. His concern is what would happen to the other sites that people do want. Asks how would the -9 amendments impact those sites that want to move forward.
279	Sen. Derfler	Addresses Rep. Adams and confirms that what is being sought after is assurance that the Governor won't veto the bill, and that he's willing to go with statutory changes rather than a popular vote change.
285	Rep. Adams	Affirmative.
285	Sen. Derfler	Addresses Sen. Miller and asks if this is for him as well.
275	Sen. Miller	Responds it would depend on the impact to the current, negatively affected community.
290	Sen. Derfler	Suggest they do this in the next day or so.
292	Chair Starr	States they will recess and have continuing discussions. Adjourns meeting at 8:55 am.

Submitted By, Reviewed By,

Linda M. Kowal, Judith Gruber,

Administrative Support Administrator

EXHIBIT SUMMARY

A - HB 3698, proposed -9 amendments and proposed -10 amendments, staff, 2 p.