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SENATE COMMITTEE ON CRIME & CORRECTIONS

March 17, 1997 Hearing Room B

1:00 P.M. Tapes 39 - 41

MEMBERS PRESENT:

Sen. Shirley Stull, Chair

Sen. Jeannette Hamby, Vice-Chair

Sen. Avel Gordly

Sen. Eileen Qutub

Sen. Veral Tarno

Sen. Cliff Trow

STAFF PRESENT:

Nikola Jones, Counsel

Julie Clemente, Administrative Support

MEASURE/ISSUES HEARD:

Work Session: SB 303

Public Hearing &

Possible Work Session: SB 541

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 39, A		
003	Sen. Qutub	Calls meeting to order at 1:10 p.m. in the absence of Chair Stull
<u>OPENS WORK SESSION ON SB 303</u>		
008	Nikola Jones	Committee Counsel. Reviews amendments to SB 303 [Exhibit A] Calls attention to computer engrossed version of the bill in Committee's packet.
020	Sen. Qutub	Asks Sen. Dukes' confirmation of amendments.
	Sen. Joan Dukes	Representing District 1. "I am very comfortable with the amendments."
029	Sen. Trow	MOTION: Moves to ADOPT SB 303-1 amendments dated 03/10/97.
		VOTE: 5-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Sen. Stull
	Sen. Qutub	The motion CARRIES.
034	Sen. Hamby	MOTION: Moves SB 303 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Stull	The motion CARRIES. SEN. DUKES will lead discussion on the floor.
<u>CLOSES WORK SESSION ON SB 303</u>		

<u>OPENS PUBLIC HEARING ON SB 541</u>		
054	John Ludlow	<p>Chairperson, Safety Stop Any Future Escapees This Year. Testifies in support of SB 541. Group formed specifically to prevent the placement of any prison in Wilsonville. Speaks of group's support of bill from early on. Discusses history of 3mile-2mile proposed by the Department of Corrections as a reasonable distance to site a prison.</p> <p>>site is within a 3 mile proximity to a middle school</p> <p>>only buffer between schools and prisons is distance</p>
077	Roger L. Woehl	<p>Superintendent, West Linn - Wilsonville School District. Testifies in support of SB 541.</p> <p>Discusses that proposed site is very close to Wood Middle School. In addition, the school district has an additional 20 acres adjacent to Wood Middle School designated as a future double elementary school site. The land is free to the district if building can be accomplished within a 10-year period. Citizens are against the building of additional schools if a prison is sited in the proposed location. Talks additionally of problems the district faces in locating suitable land.</p> <p>>losing neighborhood schools - must transport</p> <p>>supports 3 mile limit</p>
113	Sen. Tarno	Questions statements made by witness.
	Woehl	Replies for clarification.
	Sen. Tarno	Time frame?
	Woehl	Replies.
124	Sen. Trow	Was the Damasch facility there before the middle school?
	Woehl	Replies
	Sen. Trow	Continues for clarification.
	Ludlow	Replies - 30 years.
134	Sen. Trow	District chose to build with facility in place? Continues questioning witnesses for information and clarification
	Woehl	Yes. Continues.
	Sen. Trow	Continues asking questions of the witness for further clarification regarding the Damasch facility and its relationship to the school.

		>Continues regarding security and potential problems
164	Chair Stull	Asks if witness has additional remarks
	Woehl	Remarks that even though there was security in place, they did experience inmates from the facility escaping or leaving and coming to the school site. Continues.
174	Ludlow	Last incident to occur was the escape of a prisoner and the raping of two children in Wilsonville. Continues.
184	Sen. Randy Miller	Representing District 13. Explains that the purpose of SB 541 is to prevent the siting of prisons near schools, kids, and neighborhoods. Relates history stating that criteria for SB 541 comes from a consultant's work that went into the initial appropriations granted by the Emergency Board to the Siting Authority. Somewhere along the line, they abandoned the 2-3 mile requirement, going with some vague buffer not defined. >imperative of not putting a prison next to kids in schools
217	Miller	Continues explaining the bill: >pay attention to the communities who want these facilities >jurisdiction does not voice its support - state would need to have "compelling interest" to locate a facility in that jurisdiction >affects all of the State of Oregon - not site specific
280	Rep. Ron Adams	Representing District 237. Discusses Section 2 of the bill - Department of Corrections shall not site a school within 3 miles of an existing school or 2 miles from an existing residential district. >Oregon has enough space to put prisons >planning for 3 years to create best use for that facility - need taxable property - need housing, don't need the prison
331	Sen. Gordly	Stands by her support of the bill. Continues.
	Sen. Miller	Speaks of a very frustrating experience. Continues.
373	Sen. Gordly	Does not support those kinds of comments.
378	Sen. Hamby	Questions language "compelling interest". Would the cost be a compelling interest?
	Sen. Miller	Least cost of all of the options? Continues.
401	Sen. Hamby	Comments on opportunity last session of another site available at very minimal cost. >shares her conflict of interest prior to vote >opposition concern - (6) page 2 - continues

	Sen. Miller	Don't believe it would have stopped it being considered. Continues.
TAPE 40, A		
024	Sen. Hamby	Help me understand the time line with the emergency clause - executive veto.
029	Sen. Miller	Governor's final decision is May 22nd. Continues.
052	Sen. Trow	Is "compelling interest" well enough known in legal parlance so that it won't create problems with litigation?
	Sen. Miller	Yes, has particular meaning attached. Explains. >an amendment will be offered to this bill - line 11 page 1 - number changed from 6 to 4 [Exhibit M]
068	Sen. Trow	Any effect on existing prisons?
	Sen. Miller	Replies. Future site selection.
073	Chair Stull	Comments on what is found crucial to the siting of a prison facility. Speaks of desirable criteria.
	Sen. Miller	Don't have specifics on the number of offenders who originate from Wilsonville. Continues.
106	Rep. Adams	Speaks of bills before the Technology Committee. Continues.
111	Sen. Hamby	All our newer facilities are being equipped with fiber. Continues.
150	Steve Marks	Governor's Senior Policy Advisor. Submits written testimony in opposition to SB 541. [Exhibit B]
201	Dave Cook	Director, Oregon Department of Corrections. Submits written testimony regarding SB 541. [Exhibit C] >Provisions of SB 541 >background - 6 mandatory criteria addressed >October 1996 Prison Population Forecast
258	Cook	Under this proposed legislation one site may qualify - with amendment may mean it is no longer a viable site - none in Lane & Jackson Counties would meet the criteria >no jails currently operating in State of Oregon would qualify under this criteria Discusses concerns: >site new prisons to accommodate growth >44% of the current prison population comes from the tri-county metropolitan area >21 of the 22 sites previously nominated would not meet the

		criteria as defined by the bill
294	Sen. Qutub	Questions number of escapes that have happened in the last 5 years?
	Cook	No. Can certainly provide. Continues.
300	Sen. Gordly	Refers to testimony, one site would meet criteria. What site?
	Lisa Strader	Oregon Department of Corrections. Replies. Site in Sandy. >with strict interpretation - none of the 8 sites would qualify
	Sen. Hamby	Calls Committee's attention to potential spin off that has her concern. >land currently zoned for exclusive farm use - raise the cost
346	Sen. Qutub	Questions resolution not in opposition - could it still be sited?
	Jones	Comments.
	Sen. Qutub	Continues for clarification.
	Jones	No
360	Jones	Replies. A lot of it is interpretation. Will check.
	Sen. Trow	Need to be very specific.
315	Sen. Gordly	Check with whom?
	Jones	Replies. Legislative counsel, sponsors and the Department of Justice
368	Chair Stull	How many communities who asked for a site, didn't make one of the lists?
	Strader	Replies. Received over 30 resolutions of interest Continues.
418	Sen. Gordly	Was there an attempt to contact residents directly?
	Strader	Initially we waited for communities to invite us. Continues. >made ourselves available for community meetings throughout the state >did not mail directly to adjacent property owners or take out ads in the newspapers
TAPE 39, B		
049	Chair Stull	A point of clarification. A local jurisdiction who wants a site can have one? >criteria regarding medical facilities
	Cook	We need medical facilities for staff and others.
	Chair Stull	Continues for clarification. >Guard and Life Flight sufficient?
080	Cook	Not certain can answer that question specifically. Continues.

	Chair Stull	Continues questioning witnesses for clarification. >video training
	Cook	Continues regarding technology.
109	Sen. Qutub	How closely are the administrative rules and desirable criteria followed?
114	Strader	Questions for clarification. In nominating a site?
	Sen. Qutub	Looking at acreage, flat land - while they seem desirable, how close can you get to finding sites like this?
123	Strader	Replies. Medium security - site in Madras. Continues.
147	Sen. Qutub	How closely do you follow the word "desirable"?
	Cook	Our need is to meet the mandatory criteria - meet the desirable criteria where we can
	Strader	Explains the alternate means.
167	Chair Stull	Where is our existing intake center?
	Cook	In the Clackamas County jail, Oregon City.
	Hamby	Closed?
	Cook	Not be closed. Continues.
174	Chair Stull	Determined to be inadequate?
	Cook	A variety of reasons. Explains.
189	Chair Stull	Continues questioning witnesses for clarification.
	Strader	Certificates of Participation (COP) were not used to finance the intake center. Explains.
	Chair Stull	Outstanding debt?
	Strader	Not that I'm aware of.
203	Chair Stull	Point of clarification - Rep. Starr's bill only prohibits siting a prison on high value farm land - some exceptions What are the ages of facilities near schools and neighborhoods?
	Cook	Last facility built that would impact in that way was Shudder Creek. Continues.
	Strader	Facilities were build in 1989 and 1991.
	Chair Stull	Did those communities want those facilities?
	Strader	Don't know the history.
230	Sen. Tarno	Addresses Shudder Creek - met with a lot of opposition - explains.
248	Sen. Hamby	Concurs with Sen. Tarno - no real fence - no guns
254	Chair Stull	Counsel requested to clarify question asked by Sen. Qutub
	Jones	Even though a community would want a siting, they would still have to go through the mandatory criteria. Continues.

	Cook	Reedsport - didn't meet the mandatory criteria
276	Chair Stull	Clarification on Reedsport
	Strader	Don't know the particular disagreement - continues
	Chair Stull	Continues for clarification.
	Strader	There was a disagreement. Explains. >tries to be consistent
318	Sen. Trow	Refers to criteria in relation to schools. How do you interpret "adjacent" and "buffered"?
	Cook	We have characterized "adjacent" as being directly adjacent. Explains buffering. >buffering isn't clear in everybody's mind; adjacency is - continues
352	Ryan Willis	Student and 6th Grader, Wood Middle School. Submits written testimony in support of SB 541. [Exhibit H]
409	Abbie Quist	Student, Wood Middle School. Submits written testimony in support of SB 541. [Exhibit E]
TAPE 40, B		
029	Brady Quist	Student, Wood Middle School. Submits written testimony in support of SB 541. [Exhibit G] >presents 150 signatures of students from Wood Middle School [Exhibit D]
041	Ian MacLennan	6th Grader, Wood Middle School. Presents written testimony in support of SB 541. [Exhibit F]
072	Willis	Shares a photograph with the Committee showing proximity of their school, their homes and the proposed site.
080	Sen. Hamby	Comments that unfortunately too many moms and dads voted for Measure 11 that said we have to build prisons.
	Willis	Replies that when they voted for Measure 11, it didn't have to be in the tri-county area next to homes and schools.
094	Sen. Gordly	Asks for a copy of the 150 student's signatures. [Exhibit D]
		>You do have a voice, a very strong voice. Continues.
107	Chair Stull	Comments regarding accountability.
130	Jaon Hartzke McIlroy, Ph.D.	Faculty Member, Counseling Psychology Program, Lewis and Clark College. Submits written testimony in support of SB 541. [Exhibit I] >Emotion is important and has been disregarded by the Department of Corrections >Children and families can be intimidated psychologically and

		emotionally by the presence of a prison
198		Continues >once trust is broken, it is hard to repair
249	JoAnn Mills	Oregonians for Responsible Prison Siting. Testifies in support of SB 541. >speaks of wide-spread support >hopes that politics won't make a good bill fail
292	Jim Patterson	Resident of Wilsonville. Submits written testimony in support of SB 541. [Exhibit J]
337	Bob Laue	Resident of Clackamas County. Presents written testimony in support of SB 541. [Exhibit L] Begins by discussing acre lot dimensions. Continues with his impression of the manner in which the Department of Corrections operates. Much of what they say cannot be supported in fact.
394	Linda Malone	Mayor of Sandy. Testifies neither for or against SB 541. Discusses her concerns over the proposed site in Sandy. If 541 passes, Sandy will go to the top of the list. Speaks to possible studies that would inform the Committee further before they act on bill.
TAPE 41, A		
045	Sen. Gordly	Additional people signed to testify?
	Chair Stull	All who have not spoken are in favor of the bill.
049	Sen. Gordly	Feels it is important to hear public testimony. Doesn't want to rush to move the bill.
	Chair Stull	Feels that the consensus of the audience would be to move through the process.
	Sen. Gordly	Wants a clear sense that people feel they are being heard.
062	Ludlow	Our members agree to yield their time.
	Additional written testimony received in support of SB 541: Charlotte Lehan, Mayor, City of Wilsonville - [Exhibit K] Katherine Adskim, Resident of Wilsonville -	

	[Exhibit N]	
<u>CLOSES PUBLIC HEARING ON SB 541</u>		
<u>OPENS WORK SESSION ON SB 541</u>		
068	Sen. Tarno	MOTION: Moves to ADOPT SB 541-1 amendments dated 03/17/97.
		VOTE: 5-1 AYE: 5 - Gordly, Hamby, Qutub, Tarno, Stull NAY: 1 - Trow
	Chair Stull	The motion CARRIES.
080	Sen. Qutub	MOTION: Moves SB 541 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-1 AYE: 5 - Gordly, Hamby, Qutub, Tarno, Stull NAY: 1 - Trow
	Chair Stull	The motion CARRIES. SEN. MILLER will lead discussion on the floor.
	Chair Stull	Declares meeting adjourned at 3:15 p.m.

Submitted by, Reviewed by,

Julie Clemente, Nikola Jones,

Administrative Support Counsel

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EXHIBIT SUMMARY

A - Proposed SB 303-1 Amendments - Staff - 1 pg

B - Testimony in Opposition to SB 541 - Steve Marks - 2 pgs

C - Testimony on SB 541 - Dave Cook - 2 pgs

D - Signature of Students in Support of SB 541 - Brady Quist - 10 pgs

E - Testimony in Support of SB 541 - Abbie Quist - 1 pg

F - Testimony in Support of SB 541- Ian MacLennan - 2 pgs

G - Testimony in Support of SB 541 - Brady Quist - 1 pg

H - Testimony in Support of SB 541 - Ryan Willis - 1 pg

I - Testimony in Support of SB 541 - Jaon Hartzke McLlroy - 10 pgs

J - Testimony in Support of SB 541 - Jim Patterson - 3 pgs

K - Testimony in Support of SB 541 - Charlotte Lehan - 4 pgs

L - Testimony in Support of SB 541 - Bob Laue - 5 pgs

M - Proposed SB 541-1 Amendments - Staff - 1 pg

N - Testimony in Support of SB 541 - Katherine Adskim - 3 pgs
