

HOUSE JUDICIARY COMMITTEE

January 13, 2005 Hearing Room 357

8:30 A.M. Tapes 1 - 2

Corrected 3/9/05

MEMBERS PRESENT: Rep. Wayne Krieger, Chair

Rep. Greg Macpherson, Vice-Chair

Rep. Andy Olson, Vice-Chair

Rep. Bob Ackerman

Rep. Jeff Barker

Rep. Linda Flores

Rep. Bill Garrard

Rep. Kim Thatcher

MEMBER EXCUSED: Rep. Kelley Wirth

STAFF PRESENT: Bill Taylor, Counsel

Patsy Wood, Office Coordinator

Elizabeth Howe, Committee Assistant

MEASURES/ISSUES HEARD & WITNESSES:

Introduction of Committee Members

Introduction of Committee Staff

Adoption of Committee Rules

Introduction of Committee Measures

Current status of Oregon Forfeiture Laws – Informational Hearing

Prison Population Forecast – Informational 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 1, A		
003	Chair Krieger	Calls the meeting to order at 8:34 a.m. Introduces committee members and indicates how the committee will be operating this session.
035	Rep. Ackerman	House District 13. Gives his background as an attorney and member of the legislature.
046	Rep. Olson	House District 15. Introduces himself and describes his background in law enforcement.
055	Rep. Flores	House District 51. Describes her background in the legal profession.
067	Rep. Barker	House District 28. Gives his background in law enforcement.
072	Rep. Macpherson	House District 38. Describes his background as an attorney and legislative member.
080	Chair Krieger	House District 1. Describes his background in law enforcement and as a legislative member.
089	Bill Taylor	Counsel. Describes his background with the legal community and with the Oregon legislature.
100	Joe O'Leary	Counsel. Describes his background in the legal field.
109	Taylor	Indicates the committee has two missing counsel: Heidi Moawad and Sam Sears – gives their backgrounds.

- 125 Patsy Wood Judiciary Office Coordinator. Introduces committee staff.
- 137 Rep. Garrard House District 56. Gives background with Klamath County and the legislative assembly.
- 148 Chair Krieger Opens a work session to adopt committee rules.

ADOPTION OF COMMITTEE RULES – WORK SESSION

- 150 Rep. Macpherson **MOTION: Moves to ADOPT the proposed Committee Rules.**

VOTE: 7-0- 2

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 2 - Thatcher, Wirth

- 162 Chair Krieger **The motion CARRIES.**

- 164 Chair Krieger Closes work session to adopt committee rules. Opens work session to introduce committee measures.

INTRODUCTION OF COMMITTEE MEASURES – WORK SESSION

- 166 Bill Taylor Counsel. Introduces LCs 892, 1425, 1426, 1513 and 1602 (EXHIBITS B –F).

- 185 Rep. Macpherson **MOTION: Moves LCs: 892, 1425, 1426, 1513, 1602 BE INTRODUCED as committee bills.**

VOTE: 7-0- 2

EXCUSED: 2 - Thatcher, Wirth

- 187 Chair Krieger **Hearing no objection, declares the motion CARRIED.**

- 190 Chair Krieger Closes work session to introduce committee measures. Opens an informational hearing on Oregon Forfeiture Laws.

OREGON FORFEITURE LAWS – INFORMATIONAL HEARING

- 194 Craig Prins Executive Director, Oregon Criminal Justice Commission. Submits information regarding forfeitures as well as the Annual Report of the Asset Forfeiture Oversight Advisory Committee Summarizing Forfeiture Activity During Calendar Year 2003 (**EXHIBITS G – J**).
- 246 Prins Gives a brief background on forfeitures and what the legislative assembly might be seeing this session.
- 295 Prins Discusses mitigated circumstances. Refers to statistics on page 3 of (**EXHIBIT G**).
- 340 Prins Emphasizes the importance of Measure 3 and its constitutionality.
- 415 Prins Discusses the two main opposing views of forfeiture.
- 435 Prins Refers to HB 2429 (**EXHIBIT I, page 1**) and HB 3642 (**EXHIBIT I, page 2**).

TAPE 2, A

- 43 Meredith Bliss Describes types of reports on forfeiture that his office deals with.
- 62 Prins Emphasizes desire to give unbiased view on forfeiture and describes potential choices for legislators on Measure 3.
- 90 Prins Explains sunset clauses on HB 2429 and HB 3642 that will cause them to expire if action is not taken, resulting in the expiration of Measure 3.
- 142 Prins Explains law enforcement's view of forfeiture due to cost.
- 176 Chair Krieger Suggests that Mr. Prins work with Rep. Olson, Craig Campbell, and Judiciary Committee counsel on the issue.
- 186 Rep. Garrard Asks what percentage of forfeited funds goes to law enforcement.
- 192 Prins Answers 40 percent, and explains how it is distributed.

202	Chair Krieger	Inquires about the cost and the right to an attorney for someone trying to reclaim their property if they were not convicted.
207	Prins	Answers that claimant has no right to counsel.
216	Bliss	Refers to packet (EXHIBIT J) . Responds that it is a good idea to have an attorney.
233	Prins	Explains that the only cost to claimant is the counsel.
239	Chair Krieger	Notes problems with the process if claimant must pay to reclaim their property if it was taken unnecessarily before conviction. Asks that Mr. Prins address cost issues in the work group.
259	Prins	Agrees to find solutions and options to address the cost.
265	Chair Krieger	Suggests a process giving police authority and protecting property rights.
267	Prins	Explains that you can only forfeit funds that are proven to be used in the case.
290	Rep. Macpherson	Asks for clarification on the sunset clause on 2001 responses on Measure 3.
288	Prins	Asks Rep. Macpherson to clarify his question.
290	Rep. Macpherson	Clarifies that he wants to know the possibilities if Measure 3 is not struck down.
294	Prins	Explains what happens if Measure 3 is not struck down.
316	Rep. Macpherson	Asks if Measure 3 needs the statutes for implementation.
323	Prins	Says it needs clarification of the statutes.
334	Rep. Macpherson	Suggests that the work group take action this legislative session.
340	Chair Krieger	Invites any further questions. Introduces Sue Porter.

- 348 Suzanne Porter Department of Administrative Services. Office of Economic Analysis. Submits testimony and October 2004 Prison Forecast **(EXHIBITS K & L)**. Discusses prison population growth from 1995 to 2014.
- 412 Porter Discusses the increase in prison population as a result of Measure 11.
- 438 Chair Krieger Asks about the increase in 12-15 month sentences.

TAPE 1, B

- 035 Porter Believes that is a response to SB 1145.
- 040 Chair Krieger Wonders if substance abuse has contributed to prison growth.
- 046 Porter Responds that DOC has statistics – believes it is 60 percent.
- 053 Chair Krieger Asks for information concerning substance abuse contributing to the rise in prison population.
- 055 Porter Says repeat property offenders often have an additional drug abuse offense. Continues discussion of prison population growth **(EXHIBIT K, page 2, table 2)**.
- 083 Porter Explains definitions relating to incarceration.
- 104 Porter Highlights length of stay in prison for Measure 11 crimes and Measure 11 sentences **(EXHIBIT K, page 3, figure 2)**. Discusses indirect impact of Measure 11.
- 131 Porter Discusses female inmates **(EXHIBIT K, page 4, figure 3)**.
- 160 Porter Discusses the accuracy of the forecast numbers.
- 176 Porter Points to location of reports and contact information **(EXHIBIT K, page 6)**.
- 182 Rep. Barker Asks about Supreme Court decision regarding sentencing.

186	Taylor	Invites Joe O’Leary to explain Supreme Court decisions.
188	O’Leary	Explains two cases in Supreme Court regarding sentencing – <i>Blakely</i> and <i>Booker/Fanfan</i> .
238	O’Leary	Continues explanation.
242	Taylor	Asks for background on Oregon sentencing guidelines.
244	O’Leary	Gives background on how Oregon sentencing guidelines are affected by Blakely decision.
279	Taylor	Asks O’Leary to explain sentencing guidelines.
290	O’Leary	Moves to chalkboard to explain sentencing guidelines.
332	O’Leary	Explains possible sentencing in presumptive gridblock.
386	O’Leary	Explains exceptions that could apply in <i>Blakely</i> or <i>Diltz</i> .
392	Rep. Barker	Asks for clarification from Ms. Porter about plea bargaining and Measure 11 crimes.
400	Porter	Responds that a plea bargain is made to receive a shorter sentence.
405	Rep. Macpherson	Asks if there is an average cost for a year of incarceration.
412	Porter	Explains cost to be approximately \$65 a day for one inmate.
422	Rep. Macpherson	Follows up (EXHIBIT K, page 2) about projected cost of incarceration.
444	Porter	Asks for clarification about his question concerning (EXHIBIT K).
450	Rep. Macpherson	Clarifies regarding forecast growth (EXHIBIT K, Table 1, page 2).
465	Porter	Answers affirmatively about the projected cost.

470 Chair Krieger Asks Rep. Thatcher to introduce herself.
475 Thatcher House District 25. Introduces herself.
480 Taylor Reminds committee members about DOC tour on Friday.

TAPE 2, B

004 Chair Krieger Closes informational hearing and adjourns the meeting at 10:00 AM.

EXHIBIT SUMMARY

- A. Proposed House Judiciary Committee Rules, Staff, 2 pp
- B. LC 892, Staff, 42 pp
- C. LC 1425, Staff, 5 pp
- D. LC 1426, Staff, 3 pp
- E. LC 1513, Staff, 6pp
- F. LC 1602, Staff, 2 pp
- G. Background information and issues on forfeiture, Craig Prins, 7 pp
- H. Asset Forfeiture Oversight Advisory Committee Membership, Craig Prins, 1 p
- I. Annual Report of the Asset Forfeiture Oversight Advisory Committee Summarizing Forfeiture Activity During Calendar Year 2003, Craig Prins, 21 pp
- J. Prison Population Growth 1995 through 2014, Suzanne Porter, 6 pp
- K. Oregon Corrections Population Forecast (Oct. 2004), Suzanne Porter, 11 pp
- L. Oregon Sentencing Guidelines Grid, Joe O'Leary, 1 p

HOUSE COMMITTEE ON

INFORMATION MANAGEMENT AND TECHNOLOGY

March 15, 2005 Hearing Room 357

1:00 P.M. Tapes 25 - 26

MEMBERS PRESENT: Rep. John Dallum, Chair

Rep. Jerry Krummel, Vice-Chair

Rep. Kelley Wirth, Vice-Chair

Rep. Chuck Burley

Rep. Brad Witt

STAFF PRESENT: Dallas Weyand, Committee Administrator

Louann Rahmig, Committee Assistant

MEASURES/ISSUES HEARD:

High Performance Computing Briefing – Informational Meeting

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 25, A		
003	Chair Dallum	Calls the meeting to order at 1:00 p.m. Introduces the high school students from Mitchell, Oregon, attending the committee meeting as guests. Opens the informational meeting on high performance computing briefing.

HIGH PERFORMANCE COMPUTING BRIEFING – INFORMATIONAL MEETING

015	Brian Wornath	LCN Media & Consulting Group. Announces that he represents the Oregon High Performance Computing Consortium. Distributes hard copy of <i>General Proposal for Establishing an Oregon High Performance Computing Infrastructure</i> PowerPoint presentation (EXHIBIT A). Begins the presentation with an overview and the goals of developing a supercomputing resource in Oregon.
055	Wornath	Provides an explanation of supercomputing and who would use it.
074	Wornath	

Describes the old-style, traditional, single-purpose computer called a “monolith.”

- 088 Wornath Discusses types of supercomputers. Refers to case studies in **EXHIBIT A, Page 14**.
- 117 Wornath Discusses how much unused computing time is available after regular office hours, creating an affordable and powerful computing “grid.”
- 149 Wornath Continues with justification to develop affordable high performance computing resources within Oregon.
- 184 Wornath Proposes to create a state resource that markets the unused capacity and the accompanying consulting services, offering “one-stop shopping” for high-performance computing.
- 216 Wornath Outlines sources for general initial capitalization. States that earnings from operations would come from leasing affordable high-performance computing time.
- 237 Wornath Shows comparison of estimated financial scenarios (**EXHIBIT A**).
- 313 Wornath Discusses the percentage of return and cost per year of operating a computer grid.
- 381 Wornath Suggests implementing a pilot project to determine the best technical solution. Displays the estimated pilot profitability.

TAPE 26, A

- 019 Wornath Discusses a possible organizational structure similar to an Oregon high-performance computing consortium. Continues with explanation of challenges.
- 069 Wornath Has spoken with Chief Information Officers around the state, who believe the concept is good.
- 083 Wornath Summarizes by stating that the technology is proven, can easily be applied to numerous applications and uses, and is easily expandable.

121	Chair Dallum	Asks about the “down side.”
125	Wornath	Responds that information technology people will say this is a very specialized area. Believes that ideally the universities and the state would co-develop a pilot program.
148	Chair Dallum	Inquires if this concept is attractive to private enterprise.
155	Wornath	Replies, it is. Continues that there are certain niches that don’t have the financial resources to take on a project such as this. Cites examples of researchers who believe they can use.
192	Chair Dallum	Asks what proposed legislation should look like.
196	Wornath	Answers that funding for a pilot project could be requested.
227	Rep. Burley	Inquires what is preventing us from using this now.
233	Wornath	Responds, nothing. Indicates from a financial standpoint, it is best to consolidate and not have many small clusters.
261	Rep. Burley	Refers to the case studies in EXHIBIT A that were mostly done by private corporations. Comments that if we were going to use public resources, that is a different set of circumstances particularly since we are concerned with security issues.
270	Wornath	Agrees. Offers to provide more up-to-date information. Reports on other states that are doing this for economic development.
313	Rep. Burley	States that the corporate environment is more controlled than ours as we have computers all across the state. Asks how we would insure security.
323	Wornath	Agrees that some environments are better suited than others.
329	Rep. Krummel	Asks if setting something like this up in the new data center might generate the dollars to pay for it.
338	Wornath	

Replies, absolutely. Reports that high performance computing is being done on a limited basis at the Oregon State University Oceanic School.

- 404 Rep. Krummel Asks if there have been discussions with the Department of Administrative Services (DAS) or other privately owned data centers to see if there is an interest.
- 416 Wornath Has spoken with DAS and some small companies affiliated with academics.
- 439 Rep. Witt Inquires if one has to be a participant in the network to be able to utilize supercomputing capacity.

**TAPE 25,
B**

- 011 Wornath Responds, yes, for security reasons. States that the criteria needs to be identified in the business model.
- 020 Rep. Witt Asks if he is aware of any claims in other states that there is not equal access.
- 025 Wornath Answers that he has not heard of any.
- 027 Rep. Wirth Inquires if anyone has expressed an interest in helping finance a pilot study.
- 032 Wornath Replies, absolutely.
- 038 Rep. Wirth Asks how much private money might be available.
- 046 Wornath Replies that there is interest, and some medical schools are trying to lure grants. Believes discussions with interested parties to determine how much money is available would be needed.
- 069 Rep. Wirth Inquires if other states have included some public financing, and how far along they are in the process.
- 077 Wornath Answers, it varies.

089	Wanda Brennan	High School Science Teacher, Mitchell, Oregon. Cites problems of areas with limited internet access. Asks how high-performance computing will benefit them.
096	Wornath	Responds that not all rural areas will receive the same amount of benefit; however, areas with community colleges perhaps can provide access.
140	Chair Dallum	Closes the informational meeting on high performance computing and adjourns the meeting at 2:08 p.m.

EXHIBIT SUMMARY

- A. High Performance Computing Infrastructure, General Proposal for Establishing, printed copy of PowerPoint presentation, Brian Wornath, 67 pp**