

**HOUSE JUDICIARY COMMITTEE**

**February 04, 2004**

**Hearing Room 357**

**8:30 A.M.**

**Tapes 7 - 8**

**Corrected 10/12/05**

**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**

**Rep. Kelley Wirth**

**STAFF PRESENT:            Heidi Moawad, Counsel**

**Sam Sears, Counsel**

**Bill Taylor, Counsel**

**Elizabeth Howe, Committee Assistant**

**MEASURES/ISSUES HEARD & WITNESSES:**

**Informational Meeting**

**Oregon's Dispute Resolution System**

**Bryan Johnston, former law professor/dean/legislator**

Justice

**The Honorable Sue Leeson, retired Associate  
of the Oregon Supreme Court**

**HB 2051 – Work Session**

**HB 2261 – Work Session**

**HB 2185 – Work Session**

**HB 2323 – Work Session**

**HB 2256 – Work Session**

**HB 2286 – Work Session**

**HB 2287 – Work Session**

**HB 2290 – Work Session**

**HB 2291 – 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.**

<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
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**TAPE 7, A**

003	Chair Krieger	Calls the meeting to order at 8:35 a.m. Opens an informational hearing on Oregon's Dispute Resolution System.
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**INFORMATIONAL MEETING**

007	Bryan Johnston	Introduces The Honorable Sue Leeson, Former Associate Chief Justice of the Oregon Supreme Court. Offers his own background. Introduces discussion of Oregon's Dispute Resolution System.
026	Judge Sue Leeson	Former Associate Chief Justice of the Oregon Supreme Court. Discusses courts in Oregon.
040	Judge Leeson	Submits informational packet on Court Structure ( <b>EXHIBIT A</b> ). Continues discussion of Oregon courts.

060	Judge Leeson	Explains statistics and types of cases filed in Oregon Courts.
074	Judge Leeson	Refers to page one ( <b>EXHIBIT A</b> ), which illustrates Oregon's Court Structure.
096	Judge Leeson	Refers to page two ( <b>EXHIBIT A</b> ), which illustrates Oregon's Judicial Districts.
108	Judge Leeson	Refers to page three ( <b>EXHIBIT A</b> ), which illustrates the U.S. Courts of Appeal.
140	Judge Leeson	Offers an example to explain how Oregon's courts interact with the U.S. courts, and how they make decisions
168	Johnston	Gives explanation of the Oregon court processes. Submits informational packet, which illustrates mediation and litigation ( <b>EXHIBIT B</b> ).
215	Johnston	Continues discussion of the options for mediation and litigation.
251	Johnston	Explains the length of jurisdictions and the reasons for delays.
292	Johnston	Illustrates the arbitration process and the movement toward arbitration versus litigation.
317	Johnston	Refers to page one ( <b>EXHIBIT B</b> ), which illustrates mediation.
355	Johnston	Discusses arbitration, which is illustrated on page one ( <b>EXHIBIT B</b> ).

#### **TAPE 8, A**

010	Judge Leeson	Uses chalkboard to illustrate where cases go in Oregon courts.
032	Judge Leeson	Discusses processes to resolve cases in lower level courts, so every case does not go to the Oregon Supreme Court and freeze the process.
065	Judge Leeson	Discusses domestic relations cases and how they are resolved.
077	Judge Leeson	

		Explains the specialized courts for juvenile cases, and other options, such as victim-offender mediation.
100	Judge Leeson	Discusses criminal cases, how they are prosecuted, and plea bargaining. Adds that violations are often resolved out of court.
120	Judge Leeson	Explains that mediation is always offered in probate cases, and gives other options if mediation is not chosen.
127	Judge Leeson	Notes that most all small claims cases are resolved by mediation.
142	Johnston	Illustrates injurious experiences, perceiving injurious experiences, naming injurious experiences, blaming injurious experiences, and claiming injurious experiences.
174	Johnston	Offers statistics for how many claimed injurious experiences are tried in courts, and which courts they are tried in.
194	Johnston	Explains why legislators are so important to the court process.
198	Rep. Flores	Asks Judge Leeson about mediation and litigation at the trial level.
204	Judge Leeson	Answers by illustrating instances when mediation was helpful.
224	Rep. Flores	Inquires about victim-offender mediation in juvenile courts, and why it is not used in adult cases.
233	Judge Leeson	Answers that there is no reason that victim-offender mediation cannot be used in adult cases. Adds that it does happen, and there is great opportunity for expansion.
253	Chair Krieger	Asks about the different levels of sentencing for the same offense by different judges and attorneys.
258	Judge Leeson	Discusses variation in the legal system and her difficulty dealing with the prejudices in sentencing.
268	Chair Krieger	Asks about plea bargaining and sentencing guidelines.
275	Rep. Macpherson	

Asks whether the courts are trying to regulate action when businesses set out forms that require arbitration in order to gain a strategic advantage in the decision-making process.

- 292 Johnston Believes legislation should be looked at to regulate those cases.
- 307 Rep. Garrard Inquires whether it is a special privilege for legislators to go directly to the Oregon Supreme Court with some of their cases.
- 316 Johnston Responds affirmatively that it is an exception for legislators.
- 321 Rep. Ackerman Notes a monetary difference in court annexed arbitration from Judge Leeson's earlier comment. Appreciates the savings in arbitration, and offers an illustration. Mentions that he will introduce a bill to raise the amount of value for mediation/arbitration.
- 363 Judge Leeson Thanks Rep. Ackerman for correcting her mistake. Notes that Marion County did choose the higher monetary value.
- 367 Rep. Wirth Asks if there is another process that works for tough cases when mediation does not work.
- 375 Johnston Answers that mediation is ruled out mostly in battering cases.
- 388 Chair Krieger Thanks the presenters. Closes informational meeting. Opens work session on HB 2051.

#### **HB 2051 – WORK SESSION**

- 400 Bill Taylor Counsel. Explains HB 2051, which modifies provisions relating to youth offender foster homes.

#### **TAPE 7, B**

- 003 Rep. Flores MOTION: Moves HB 2051 to the floor with a DO PASS recommendation.**

**VOTE: 9-0-0**

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

013            Chair Krieger            The motion CARRIES.  
  
   REP. THATCHER will lead discussion on the floor.

017            Chair Krieger            Closes work session on HB 2051. Opens work session on HB 2261.

**HB 2261 – WORK SESSION**

018            Bill Taylor            Counsel. Explains HB 2261, which makes nonsubstantive and technical changes in Oregon law.

026            Rep. Flores            Inquires whether this bill had a question over the definitions of “doctor” versus “physician.”

030            Chair Krieger            Confirms, and notes that the problem will be discussed in the Senate.

032            Rep. Garrard            **MOTION: Moves HB 2261 to the floor with a DO PASS recommendation.**

**VOTE: 9-0-0**

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

038            Chair Krieger            The motion CARRIES.  
  
   REP. GARRARD will lead discussion on the floor.

042            Chair Krieger            Closes work session on HB 2261. Opens work session on HB 2185.

**HB 2185 – WORK SESSION**

043            Heidi Moawad            Counsel. Explains HB 2185, which increases period of time person is ineligible to receive hardship permit if person refused to take breath or blood test and person previously had been charged with offense of driving while under influence of intoxicants.

053            Rep. Macpherson            **MOTION: Moves HB 2185 to the floor with a DO PASS recommendation.**

**VOTE: 9-0-0**

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

**060 Chair Krieger The motion CARRIES.**

**REP. BARKER will lead discussion on the floor.**

**062 Chair Krieger Closes work session on HB 2185. Opens work session on HB 2323.**

**HB 2323 – WORK SESSION**

**063 Heidi Moawad Counsel. Explains HB 2323, which changes date by which person sentenced as dangerous offender must undergo mental health examination.**

**079 Rep. Thatcher MOTION: Moves HB 2323 to the floor with a DO PASS recommendation.**

**VOTE: 9-0-0**

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

**087 Chair Krieger The motion CARRIES.**

**REP. THATCHER will lead discussion on the floor.**

**090 Chair Krieger Closes work session on HB 2323. Opens work session on HB 2256.**

**HB 2256 – WORK SESSION**

**091 Sam Sears Counsel. Explains HB 2256, which identifies provisions to which definitions apply.**

**098 Rep. Garrard MOTION: Moves HB 2256 to the floor with a DO PASS recommendation and be placed on the CONSENT CALENDAR.**

**VOTE: 9-0-0**

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

**111 Chair Krieger The motion CARRIES.**

113 Chair Krieger Closes work session on HB 2256. Opens public hearing on HB 2286.

**HB 2286 – WORK SESSION**

114 Sam Sears Counsel. Explains HB 2286, which requires that sheriff accept cashier's checks and teller's checks from purchaser at execution sale.

120 Rep. Ackerman **MOTION: Moves HB 2286 to the floor with a DO PASS recommendation.**

**VOTE: 9-0-0**

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

128 Chair Krieger **The motion CARRIES.**

**REP. ACKERMAN will lead discussion on the floor.**

130 Chair Krieger Closes work session on HB 2286. Opens work session on HB 2287.

**HB 2287 – WORK SESSION**

131 Sam Sears Counsel. Explains HB 2287, which authorizes additional bankruptcy documents to be presented for recordation in deed records of counties.

145 Rep. Macpherson **MOTION: Moves HB 2287 to the floor with a DO PASS recommendation.**

**VOTE: 9-0-0**

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

153 Chair Krieger **The motion CARRIES.**

**REP. FLORES will lead discussion on the floor.**

154 Chair Krieger Closes work session on HB 2287. Opens work session on HB 2290.

**HB 2290 – WORK SESSION**

155 Sam Sears Counsel. Explains HB 2290, which extends time for filing accountings by personal representative and conservator from 30 to 60 days after specified events.

164 Rep. Flores **MOTION: Moves HB 2290 to the floor with a DO PASS recommendation.**

**VOTE: 9-0-0**

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

172 Chair Krieger **The motion CARRIES.**

**REP. FLORES will lead discussion on the floor.**

175 Chair Krieger Closes work session on HB 2290. Opens work session on HB 2291.

#### **HB 2291 – WORK SESSION**

176 Sam Sears Counsel. Explains HB 2291, which allows trustee of trust to bring action on behalf of abused trustor or abused spouse of trustor who is incapacitated or 65 or more years of age.

190 Rep. Barker **MOTION: Moves HB 2291 to the floor with a DO PASS recommendation.**

**VOTE: 9-0-0**

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

208 Chair Krieger **The motion CARRIES.**

**REP. GARRARD will lead discussion on the floor.**

209 Chair Krieger Closes work session on HB 2291. Adjourns the meeting at 9:42 a.m.

#### **EXHIBIT SUMMARY**

A. Court Structure, informational packet, Judge Sue Leeson, 3 pp

B. Dispute Resolution System: Mediation, informational packet, Bryan Johnston, 3 pp

**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**

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TAPE/#	Speaker	Comments
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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
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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 <b>(EXHIBIT A)</b> . 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 <b>EXHIBIT A, Page 14</b> .
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 <b>(EXHIBIT A)</b> .
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 <b>EXHIBIT A</b> 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**