

**HOUSE JUDICIARY COMMITTEE**

**April 01, 2005 Hearing Room 357**

**8:30 A.M. Tapes 27 - 28**

**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**

**Elizabeth Howe, Committee Assistant**

**MEASURES/ISSUES HEARD:**

**HCR 11 – Public Hearing and Work Session**

**HB 2139 – Work Session**

**HB 2140 – Work Session**

**HB 2143 – Work Session**

**HB 2312 – Work Session**

**HB 2654 – Work Session**

**HB 2221 – Work Session**  
**HB 2370 – Work Session**  
**HB 2499 – Work Session**  
**HB 2545 – Work Session**  
**HB 2634 – Work Session**  
**HB 2978 – Work Session**  
**HB 2983 – Work Session**  
**HB 2995 – Work Session**  
**HB 3119 – Work Session**  
**HB 3157 – Work Session**  
**HCR 11 – Work Session**  
**Draft Request**

**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>
<b>TAPE 27, A</b>		
002	Chair Krieger	Calls the meeting to order at 9:00 a.m. Opens a public hearing on HCR 11, which recognizes contributions of Robert Kouns to crime victims’ rights in Oregon.

**HCR 11 – PUBLIC HEARING**

010	Rep. Jerry Krummel	House District 26. Testifies in support of HCR 11, and provides background on the resolution.
048	Rep. Krummel	Offers information on Robert (a.k.a. Bob) Kouns.

- 066 Rep. Barker Comments on Mr. Kouns' efforts to organize Crime Victims United.
- 080 Steve Doell President, Crime Victims United (CVU). Submits written testimony (**EXHIBIT A**) and testifies in support of HCR 11.
- 134 Doell Continues to tell Bob Kouns' story and involvement in CVU.
- 188 Chair Krieger Closes public hearing on HCR 11. Opens a work session on HCR 11.

### **HCR 11 – WORK SESSION**

- 191 Rep. Flores **MOTION: Moves HCR 11 be sent to the floor with a BE ADOPTED recommendation.**

**VOTE: 8-0-0-1**

**ABSENT: 1 – Wirth**

**(Note: See Tape 27B at 062, page 6 of these minutes)**

- 197 Chair Krieger **Hearing no objection, declares the motion CARRIED.**  
**REP. KRUMMEL will lead discussion on the floor.**

- 200 Chair Krieger Closes work session on HCR 11. Opens a work session on HB 2139.

### **HB 2139 – WORK SESSION**

- 202 Heidi Moawad Counsel. Introduces HB 2139, which exempts unclaimed or abandoned property of Department of Corrections inmate from Uniform Disposition of Unclaimed Property Act.

- 223 Rep. Macpherson **MOTION: Moves HB 2139 to the floor with a DO PASS AS AMENDED recommendation.**

**VOTE: 8-0-0-1**

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

**ABSENT: 1 - Wirth**

- 238            Chair Krieger            **The motion CARRIES.**  
**REP. MACPHERSON will lead discussion on the floor.**
- 241            Chair Krieger            Closes work session on HB 2139. Opens a work session on HB 2140.

**HB 2140 – WORK SESSION**

- 245            Heidi Moawad            Counsel. Introduces HB 2140, requires persons confined in correctional facilities to exhaust administrative remedies before filing complaints with health professional regulatory boards.
- 270            Rep. Barker            **MOTION: Moves HB 2140 to the floor with a DO PASS AS AMENDED recommendation.**
- VOTE: 8-0-0-1**
- AYE:            In a roll call vote, all members present vote Aye.**
- ABSENT: 1 - Wirth**
- 278            Chair Krieger            **The motion CARRIES.**  
**REP. BARKER will lead discussion on the floor.**
- 284            Chair Krieger            Closes work session on HB 2140. Opens work session on HB 2143.

**HB 2143 – WORK SESSION**

- 286            Heidi Moawad            Counsel. Introduces HB 2143, which requires that inmate exhaust all administrative remedies before filing action against public body.
- 303            Chair Krieger            Clarifies that the -1 amendments were adopted in the subcommittee.
- 305            Moawad            Confirms that amendments were adopted in the subcommittee.
- 308            Rep. Thatcher            **MOTION: Moves HB 2143 to the floor with a DO PASS AS AMENDED recommendation.**

311 Rep. Macpherson Reiterates that if the Department of Corrections fails to meet internal grievance procedure deadlines, the inmate is not held to the requirement to exhaust administrative remedies.

**VOTE: 9-0-0**

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

328 Chair Krieger **The motion CARRIES.**

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

330 Chair Krieger Closes work session on HB 2143. Opens a work session on HB 2312.

**HB 2312 – WORK SESSION**

332 Heidi Moawad Counsel. Introduces HB 2312, which eliminates requirement that motion requesting performance of DNA testing be filed by certain date.

348 Rep. Flores Questions concerns regarding the bill.

356 Moawad Addresses concerns regarding evidence retention and victims.

375 Rep. Thatcher **MOTION: Moves HB 2312 to the floor with a DO PASS AS AMENDED recommendation.**

**VOTE: 9-0-0**

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

392 Chair Krieger **The motion CARRIES.**

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

**TAPE 28, A**

014 Chair Krieger Closes work session on HB 2312. Opens work session on HB 2654.

**HB 2654 – WORK SESSION**

015 Heidi Moawad Counsel. Introduces HB 2654, which requires participation in driving while under influence of intoxicants diversion program to be counted toward felony driving while under influence of intoxicants. Describes diversion process. Notes that permission has not been received from the Speaker for a subsequent referral to Ways and Means. Explains the -1 amendments **(EXHIBIT B)**.

047 Rep. Barker **MOTION: Moves to ADOPT HB 2654-1 amendments dated 3/18/05.**

**VOTE: 9-0-0**

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

053 Chair Krieger Closes work session on HB 2654. Opens a work session on HB 2221.

#### **HB 2221 – WORK SESSION**

055 Sam Sears Counsel. Introduces HB 2221, which establishes Child Abuse Multidisciplinary Intervention Program in Department of Justice. Explains amendments.

067 Rep. Flores **MOTION: Moves HB 2221 to the floor with a DO PASS AS AMENDED recommendation.**

**VOTE: 9-0-0**

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

074 Chair Krieger **The motion CARRIES.**

075 Rep. Krieger **MOTION: Moves HB 2221 be placed on the CONSENT CALENDAR.**

**VOTE: 9-0-0**

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

079 Chair Krieger Closes work session on HB 2221. Opens a work session on HB 2370.

## **HB 2370 – WORK SESSION**

- 080 Sam Sears Counsel. Introduces HB 2370, which requires State Medical Examiner to issue death certificate within 30 days of receipt of official report from United States Coast Guard of person missing at sea and presumed dead.
- 093 Rep. Flores Comments that the Medical Examiner's office's current procedure has caused some detriment to families of the deceased.
- 097 Rep. Garrard Questions conflict with Coast Guard procedures.
- 100 Sears Explains that the conflict is resolved in the -2 amendments.
- 105 Chair Krieger Offers explanation of how the conflict is resolved.
- 108 Rep. Macpherson MOTION: Moves HB 2370 to the floor with a DO PASS AS AMENDED recommendation.**
- VOTE: 9-0-0**
- AYE: In a roll call vote, all members present vote Aye.**
- 115 Chair Krieger The motion CARRIES.**
- REP. KRIEGER AND REP. BROWN will lead discussion on the floor.**
- 119 Chair Krieger Closes work session on HB 2370. Opens a work session on HB 2499.

## **HB 2499 – WORK SESSION**

- 122 Sam Sears Counsel. Introduces HB 2499, removes requirement that certain children attending high school and receiving child support maintain equivalent of C average or better.
- 135 Rep. Barker MOTION: Moves HB 2499 to the floor with a DO PASS recommendation.**
- VOTE: 9-0-0**

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

**143 Chair Krieger The motion CARRIES.**

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

145 Chair Krieger Closes work session on HB 2499. Opens a work session on HB 2545.

**HB 2545 – WORK SESSION**

146 Rep. Ackerman Requests that HB 2545 be pulled from today’s work session. Comments on the work group determinations and questions.

164 Chair Krieger Closes work session on HB 2545. Opens a work session on HB 2634.

**HB 2634 – WORK SESSION**

166 Sam Sears Counsel. Introduces HB 2634, which establishes pleading requirements for actions against real estate licensees.

**190 Rep. Ackerman MOTION: Moves HB 2634 to the floor with a DO PASS AS AMENDED recommendation.**

**VOTE: 9-0-0**

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

**200 Chair Krieger The motion CARRIES.**

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

204 Chair Krieger Closes work session on HB 2634. Opens a work session on HB 2978.

**HB 2978 – WORK SESSION**

205 Sam Sears Counsel. Introduces HB 2978, which permits court in judgment of annulment or dissolution of marriage to order revocation of designation of beneficiary made by principal in favor of spouse or

relative of spouse in life insurance policy or under certain retirement plans or certain investment and bank accounts.

- 220 Rep. Barker Questions how one would know the intent of the deceased.
- 226 Rep. Macpherson Emphasizes that HB 2978 only gives the court the authority to order the beneficiary to be changed.
- 264 Rep. Flores Presumes there would be discussion within the parties involved before the court made the decision.
- 272 Sears Mentions -1 amendment adopted in the subcommittee.
- 278 Rep. Macpherson Comments on the unintended and unexpected consequences that HB 2978 will help eliminate.
- 289 Rep. Wirth Questions what kind of legal action could be taken to ensure that an ex-spouse remains as beneficiary.
- 296 Rep. Macpherson States that the spouse may re-designate the ex-spouse as beneficiary.
- 310 Rep. Macpherson MOTION: Moves HB 2978 to the floor with a DO PASS AS AMENDED recommendation.**
- VOTE: 9-0-0**
- AYE: In a roll call vote, all members present vote Aye.**
- 319 Chair Krieger The motion CARRIES.**
- REP. FLORES will lead discussion on the floor.**
- 329 Chair Krieger Closes work session on HB 2978. Opens a work session on HB 2983.

### **HB 2983 – WORK SESSION**

- 330 Sam Sears Counsel. Introduces HB 2983, which lowers age of persons to whom special rate or services are permitted under law prohibiting discrimination based on age by place of public accommodation from 55 to 50.

349 Rep. Flores **MOTION: Moves HB 2983 to the floor with a DO PASS recommendation.**

**VOTE: 9-0-0**

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

356 Chair **The motion CARRIES.**

358 Rep. Krieger **MOTION: Moves HB 2983 be placed on the CONSENT CALENDAR.**

**VOTE: 9-0-0**

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

362 Chair Krieger Closes work session on HB 2983. Opens a work session on HB 2995, which requires persons who make or facilitate tax refund anticipation loans to make disclosures to taxpayer.

#### **HB 2995 – WORK SESSION**

370 Rep. Ackerman **MOTION: Moves HB 2995 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Revenue by prior reference.**

**VOTE: 9-0-0**

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

384 Chair Krieger **The motion CARRIES.**

387 Chair Krieger Closes work session on HB 2995. Opens a work session on HB 3119, which authorizes county clerk to keep permanent and long-term records filed or recorded by county clerk as computer-based files instead of microfilm if county clerk provides for regular and routine backup of data files.

#### **HB 3119 – WORK SESSION**

392 Rep. Ackerman **MOTION: Moves HB 3119 to the floor with a DO PASS recommendation.**

**VOTE: 9-0-0**

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

409 Chair Krieger **The motion CARRIES.**

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

413 Chair Krieger Closes work session on HB 3119. Opens a work session on HB 3157.

**HB 3157 – WORK SESSION**

415 Sam Sears Counsel. Introduces HB 3157, which provides that duty of county court or board of county commissioners to inspect local correctional facilities is discretionary for facilities not operated by county.

**TAPE 27, B**

007 Rep. Ackerman **MOTION: Moves HB 3157 to the floor with a DO PASS AS AMENDED recommendation.**

012 Rep. Garrard States that his aye vote in the subcommittee was a courtesy vote, and he will vote no today on HB 3157.

015 Rep. Ackerman Notes letter submitted in support of HB 3157 by Anthony S. Bieda, Intergovernmental Relations Manager, Lane County (**EXHIBIT C**). Provides background on HB 3157.

030 Rep. Wirth Questions whether current law requires inspection of federal facilities, and if they are included in non-county jail facility inspections.

034 Rep. Ackerman Believes that federal facilities are not included in requirements.

**VOTE: 8-1-0**

**AYE: 8 - Ackerman, Barker, Flores, Macpherson, Olson, Thatcher, Wirth, Krieger**

**NAY: 1 - Garrard**

- 051 Chair Krieger The motion **CARRIES**.  
**REP. ACKERMAN** will lead discussion on the floor.
- 052 Chair Krieger Closes work session on HB 3157. Opens a work session on HCR 11.

**HCR 11 – WORK SESSION**

- 055 Rep. Macpherson **MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. WIRTH to BE RECORDED as voting AYE on HCR 11.**

**VOTE: 9-0-0**

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

**VOTE: 9-0-0**

**(Note: See tape 27A at 191, page 2 of these minutes)**

- 063 Chair Krieger **Hearing no objection, declares the motion CARRIED.**  
**REP. KRUMMEL** will lead discussion on the floor.

- 064 Chair Krieger Closes work session on HCR 11. Opens a work session to approve draft request.

**DRAFT REQUEST – WORK SESSION**

- 064 Sam Sears Counsel. Explains draft request.
- 077 Rep. Flores Notes the letter submitted by Brant Wolf **(EXHIBIT D)**.
- 086 Brant Wolf Oregon Telecommunications Association. Offers to answer questions.
- 089 Chair Krieger Questions what happened to the original bill request.
- 092 Wolf

States that the issue came up after session started, and he is requesting late. Explains that this is the last step to approve the bill draft.

**099**      **Rep. Flores**      **MOTION: Moves that request for bill draft BE APPROVED by the committee.**

**VOTE: 9-0-0**

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

107      Chair Krieger      Closes work session on draft request. Adjourns the meeting at 10:02 a.m.

### **EXHIBIT SUMMARY**

- A. HCR 11, written testimony, Steve Doell, 2 pp
- B. HB 2654, -1 amendments, staff, 3 pp
- C. HB 3157, written testimony, Anthony S. Bieda, 1 p
- D. Draft Request, letter, Brant Wolf, 2 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.**

<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
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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 guests. Opens the informational meeting on high performance computing briefing.
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**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.
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055	Wornath	Provides an explanation of supercomputing and who would use it.
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074	Wornath	Describes the old-style, traditional, single-purpose computer called a “monolith.”
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088	Wornath	Discusses types of supercomputers. Refers to case studies in <b>EXHIBIT A, Page 14.</b>
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- 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 <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**