

**HOUSE JUDICIARY COMMITTEE**

**April 21, 2005 Hearing Room 357**

**9:00 A.M. Tapes 37-38**

**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:**

**HB 2142 – Work Session**

**HB 2050 – Work Session**

**HB 2444 – Work Session**

**HB 2892 – Work Session**

**HB 2902 – Work Session**

**HB 2283 – Work Session**

**HB 2306 – Work Session**

**HB 2416 – Work Session**

**HB 2518 – Work Session**

**HB 2545 – Work Session**

**HB 2839 – Work Session**

**HB 3159 – Work Session**

**HB 3318 – 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 37, A**

003	Chair Krieger	Calls the meeting to order at 9:48 a.m. Opens a work session on draft introductions.
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**DRAFT INTRODUCTIONS – WORK SESSION**

005	Heidi Moawad	Counsel. Introduces LC 3511 and LC 3538 ( <b>EXHIBITS A &amp; B</b> ) and explains that they will be Judiciary Committee bills.
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018	Rep. Macpherson	<b>MOTION: Moves LCs: 3511, 3538 BE INTRODUCED as committee bills.</b>
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**VOTE: 9-0-0**

023	Chair Krieger	<b>Hearing no objection, declares the motion CARRIED.</b>
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026	Chair Krieger	Closes work session on draft introductions. Opens a work session on HB 2142.
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**HB 2142 – WORK SESSION**

029 Heidi Moawad Counsel. Provides background on HB 2142, which specifies circumstances under which corrections officer or other official employed by Department of Corrections may use deadly physical force.

043 Rep. Barker **MOTION: Moves HB 2142 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.**

053 Chair Krieger **The motion CARRIES.**

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

054 Chair Krieger Closes work session on HB 2142. Opens a work session on HB 2050.

#### **HB 2050 – WORK SESSION**

055 Heidi Moawad Counsel. Provides background on HB 2050, which requires as condition of probation, parole or post-prison supervision that certain persons not reside within three miles of victim of crime.

064 Rep. Barker **MOTION: Moves HB 2050 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.**

082 Chair Krieger **The motion CARRIES.**

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

084 Chair Krieger Closes work session on HB 2050. Opens work session on HB 2444.

#### **HB 2444 – WORK SESSION**

085 Heidi Moawad

Counsel. Provides background on HB 2444, which authorizes circuit court to place probationer under supervision of court. Explains -2 amendments.

**100 Rep. Thatcher MOTION: Moves HB 2444 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.**

**VOTE: 9-0-0**

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

**112 Chair Krieger The motion CARRIES.**

114 Chair Krieger Closes work session on HB 2444. Opens a work session on HB 2892.

### **HB 2892 – WORK SESSION**

118 Heidi Moawad Counsel. Provides background on HB 2892, which expands authority of Port of Portland peace officers.

133 Rep. Barker Mentions testimony he received from Derrick Foxworth in support of HB 2892 (**EXHIBIT C**).

**138 Rep. Olson MOTION: Moves HB 2892 to the floor with a DO PASS recommendation.**

**VOTE: 9-0-0**

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

**147 Chair Krieger The motion CARRIES.**

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

148 Chair Krieger Closes work session on HB 2892. Opens a work session on HB 2902.

### **HB 2902 – WORK SESSION**

150 Heidi Moawad Counsel. Introduces HB 2902, which directs that three percent of fines collected as result of citations issued by parking enforcement

volunteers be used to maintain volunteer parking enforcement program.

166      **Rep. Olson**      **MOTION: Moves HB 2902 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means by prior reference.**

173      Rep. Flores      Asks how much money three percent of fines would produce.

176      Moawad      Responds with estimates about funds produced.

184      Rep. Garrard      Questions whether there was any opposition in the subcommittee.

187      Moawad      Responds negatively.

**VOTE: 9-0-0**

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

186      **Chair Krieger**      **The motion CARRIES.**

188      Chair Krieger      Closes work session on HB 2902. Opens a work session on HB 2283.

**HB 2283 – WORK SESSION**

192      Sam Sears      Counsel. Provides background on HB 2283, which prohibits agency from requiring that licensee take mental or physical examination unless agency has adopted certain rules governing examinations. Notes that the agencies have indicated that there will be around a \$250,000 fiscal impact, though no official impact statement has been issued.

225      **Rep. Ackerman**      **MOTION: Moves HB 2283 to the floor with a DO PASS AS AMENDED recommendation.**

229      Rep. Ackerman      Clarifies on the provisions of the bill. Believes the fiscal will be substantially less than the agencies have indicated.

**VOTE: 9-0-0**

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

- 271            **Chair Krieger**            **The motion CARRIES.**  
**REP. ACKERMAN will lead discussion on the floor.**
- 273            Chair Krieger            Closes work session on HB 2283. Opens a work session on HB 2306.

**HB 2306 – WORK SESSION**

- 276            Sam Sears            Counsel. Provides background on HB 2306, which makes unmarried parents of child liable for expenses and education of child.
- 302            Rep. Barker            Inquires if parents would still be financially responsible for their married minor child.
- 306            Sears            Responds that it would have to be an expense by one of the parents to require the other parent to share in the expense.
- 321            Rep. Wirth            Believes the amendments satisfy her concerns about grandparents.
- 326            **Rep. Garrard**            **MOTION: Moves HB 2306 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.**

- 337            **Chair Krieger**            **The motion CARRIES.**  
**REP. GARRARD will lead discussion on the floor.**
- 342            Chair Krieger            Closes work session on HB 2306. Opens a work session on HB 2416.

**HB 2416 – WORK SESSION**

- 347            Sam Sears            Counsel. Provides background on HB 2416, which extends to persons with disabilities law allowing actions against persons who abuse vulnerable persons or permit other persons to engage in abuse of vulnerable persons.
- 377            **Rep. Flores**

**MOTION: Moves HB 2416 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. FLORES AND REP. HAAS will lead discussion on the floor.**

397 Chair Krieger Closes work session on HB 2416. Opens a work session on HB 2518.

**HB 2518 – WORK SESSION**

400 Sam Sears Counsel. Provides background on HB 2518, which allows Public Safety Memorial Fund Board to extend time for applicant for benefits to file request for reconsideration.

**428 Rep. Garrard MOTION: Moves HB 2518 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.**

**438 Chair Krieger The motion CARRIES.**

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

450 Chair Krieger Closes work session on HB 2518. Opens a work session on HB 2545.

**TAPE 38, A**

**HB 2545 – WORK SESSION**

040 Sam Sears Counsel. Provides background on HB 2545, which prohibits public body from including cost of legal services in fees established for disclosing public records.

050 Rep. Ackerman **MOTION: Moves HB 2545 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.**

059 Chair Krieger **The motion CARRIES.**

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

062 Chair Krieger Closes work session on HB 2545. Opens a work session on HB 2839.

**HB 2839 – WORK SESSION**

064 Sam Sears Counsel. Provides background on HB 2839, which imposes personal liability on employee of Department of Human Services who intentionally falsifies reports, willfully misrepresents truth or intentionally misuses employee's position of trust or power of employment.

079 Rep. Macpherson Comments on the problem of patterns within the Department of Human Services (DHS) who have acted very poorly. Suggests that internal supervisory conduct will bring about the change to fix this problem.

104 Rep. Ackerman Expresses reservations regarding the lack of input from the agency and the union. Believes remedies should come from the internal process.

130 Chair Krieger Comments on conversations with constituents and DHS.

143 Rep. Barker Comments that HB 2839 may hinder some employees from acting in some cases for fear of litigation.

164 Rep. Garrard Believes that DHS employees are not being held accountable, and HB 2839 will fix that.

175 Rep. Wirth Mentions testimony submitted by Jessica Stevens from SEIU after the hearing (**EXHIBIT D**). Comments that this may not be the most appropriate way to fix the problem.



- 189 Rep. Flores Comments that HB 2839 may offer support to good employees who are affected by the abuse of power of some of their coworkers.
- 208 Chair Krieger Believes the agency supports holding this very small group of people accountable.
- 215 Rep. Macpherson Questions whether DHS has a duty to offer support to the employee, particularly in relation to defense.
- 220 Sears Responds that the defendant, not the agency is responsible for defense.
- 224 **Rep. Garrard** **MOTION: Moves HB 2839 to the floor with a DO PASS recommendation.**
- VOTE: 4-5-0**
- AYE: 4 - Flores, Garrard, Thatcher, Krieger**
- NAY: 5 - Ackerman, Barker, Macpherson, Olson, Wirth**
- 236 **Chair Krieger** **The motion FAILS.**
- 238 Chair Krieger Closes work session on HB 2839. Opens a work session on HB 3159.

**HB 3159 – WORK SESSION**

- 244 Sam Sears Counsel. Provides background on HB 3159, exempts certain licensed construction contractors from product liability civil actions brought for damages related to asbestos.
- 263 **Rep. Ackerman** **MOTION: Moves HB 3159 to the floor with a DO PASS AS AMENDED recommendation.**
- 265 Rep. Thatcher Mentions potential conflict as a construction business owner.
- VOTE: 9-0-0**
- AYE: In a roll call vote, all members present vote Aye.**
- 278 **Chair Krieger** **The motion CARRIES.**

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

281 Chair Krieger Closes work session on HB 3159. Opens a work session on HB 3318.

**HB 3318 – WORK SESSION**

283 Sam Sears Counsel. Provides background on HB 3318, which increases amount employer may pay for medical service in nondisabling claim from \$500 to \$1,500.

297 Rep. Thatcher Mentions potential conflict as an employer.

301 Rep. Ackerman **MOTION: Moves HB 3318 to the floor with a DO PASS recommendation.**

**VOTE: 9-0-0**

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

308 Chair Krieger **The motion CARRIES.**

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

311 Chair Krieger Closes work session on HB 3318. Adjourns the meeting at 10:35 a.m.

**EXHIBIT SUMMARY**

- A. Introductions, LC 3511, staff, 1 p
- B. Introductions, LC 3538, staff, 2 pp
- C. HB 2892, testimony submitted by Derrick Foxworth, Rep. Barker, 9 pp
- D. HB 2839, testimony submitted by Jessica Stevens, Rep. Wirth, 2 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**

**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
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**(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.
<b>TAPE 25, B</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**