

HOUSE JUDICIARY COMMITTEE

May 20, 2005 Hearing Room 357

8:30 A.M. Tapes 47 - 48

Corrected 10/13/05

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. Kim Thatcher

MEMBER EXCUSED: Rep. Bill Garrard

MEMBER ABSENT: Rep. Kelley Wirth

STAFF PRESENT: Heidi Moawad, Counsel

Sam Sears, Counsel

Bill Taylor, Counsel

Elizabeth Howe, Committee Assistant

MEASURES/ISSUES HEARD:

Draft Requests

HB 2233 – Work Session

HB 3457 – Work Session

HB 2316 – Work Session

HB 2335 – Work Session

HB 2510 – Work Session

HB 2792 – Work Session

HB 2768 – Work Session

HB 2828 – Work Session

HB 3083 – Work Session

HB 3379 – Work Session

HB 3452 – Work Session

HB 2766 – Work Session

HB 2210 – Work Session

HB 2212 – Work Session

HB 2269 – Work Session

HB 2295 – Work Session

HB 3085 – Work Session

HB 3124 – Work Session

HB 3303 – 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.

TAPE/#	Speaker	Comments
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TAPE 47, A

002	Chair Krieger	Calls the meeting to order at 10:13 a.m. Announces that HBs 3470, 2749, 3336, HM 4 will be held. Opens a work session on draft requests.
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DRAFT REQUESTS – WORK SESSION

024 Heidi Moawad Counsel. Explains the two draft requests.

035 Rep. Macpherson **MOTION: Moves DRAFT REQUESTS BE ACCEPTED.**

VOTE: 6-0-2-1

EXCUSED: 2 - Flores, Garrard

ABSENT: 1 - Wirth

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

038 Chair Krieger Closes work session on draft requests. Opens a work session on HB 2233.

HB 2233 – WORK SESSION

040 Rep. Macpherson **MOTION: Moves to SUSPEND the rules for the purpose of reconsidering the vote on HB 2233.**

VOTE: 6-0-2-1

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

EXCUSED: 2 - Flores, Garrard

ABSENT: 1 - Wirth

052 Chair Krieger **The motion CARRIES.**

053 Rep. Macpherson **MOTION: Moves to RECONSIDER the vote by which HB 2233 was sent to the floor DO PASS AS AMENDED.**

058 Rep. Ackerman Inquires about the purpose of reconsideration.

060 Heidi Moawad Explains the purpose of reconsideration to consider new amendments.

VOTE: 6-0-2-1

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

EXCUSED: 2 - Flores, Garrard

ABSENT: 1 - Wirth

075 Chair Krieger The motion CARRIES.

076 Rep. Macpherson MOTION: Moves to RESCIND HB 2233-2 amendments dated 3/30/05.

VOTE: 6-0-2-1

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

EXCUSED: 2 - Flores, Garrard

ABSENT: 1 - Wirth

086 Chair Krieger The motion CARRIES.

087 Rep. Macpherson MOTION: Moves to ADOPT HB 2233-3 amendments dated 5/19/05 (EXHIBIT A).

VOTE: 6-0-2-1

EXCUSED: 2 - Flores, Garrard

ABSENT: 1 - Wirth

092 Chair Krieger Hearing no objection, declares the motion CARRIED.

094 Rep. Macpherson MOTION: Moves to ADOPT HB 2233-4 amendments dated 5/19/05 (EXHIBIT B).

VOTE: 6-0-2-1

EXCUSED: 2 - Flores, Garrard

ABSENT: 1 - Wirth

095 Chair Krieger Hearing no objection, declares the motion CARRIED.

098 Rep. Macpherson MOTION: Moves HB 2233 to the floor with a DO PASS AS AMENDED recommendation.

VOTE: 6-0-2-1

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

EXCUSED: 2 – Flores, Garrard

ABSENT: 1 – Wirth

(Note: See Tape 47B at 258 and page 10 of these minutes)

108 Chair Krieger The motion CARRIES.

REP. MACPHERSON will lead discussion on the floor.

113 Chair Krieger Closes work session on HB 2233. Opens a work session on HB 3457.

HB 3457 – WORK SESSION

116 Heidi Moawad Provides background on HB 3457, and explains reconsideration.

127 Rep. Olson MOTION: Moves to SUSPEND the rules for the purpose of reconsidering the vote on HB 3457.

VOTE: 6-0-2-1

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

EXCUSED: 2 - Flores, Garrard

ABSENT: 1 - Wirth

135 Chair Krieger The motion CARRIES.

136 Rep. Olson MOTION: Moves to RECONSIDER the vote by which HB 3457 was sent to the floor DO PASS AS AMENDED.

VOTE: 6-0-2-1

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

EXCUSED: 2 - Flores, Garrard

ABSENT: 1 – Wirth

142	Chair Krieger	The motion CARRIES.
143	Rep. Olson	<p>MOTION: Moves to ADOPT HB 3457-2 amendments dated 5/12/05 (EXHIBIT C).</p> <p>VOTE: 6-0-2-1</p> <p>AYE: In a roll call vote, all members present vote Aye.</p> <p>EXCUSED: 2 - Flores, Garrard</p> <p>ABSENT: 1 - Wirth</p>
146	Chair Krieger	The motion CARRIES.
150	Rep. Olson	MOTION: Moves HB 3457 to the floor with a DO PASS AS AMENDED recommendation.
150	Rep. Olson	<p>VOTE: 5-1-2-1</p> <p>AYE: 5 - Ackerman, Barker, Olson, Thatcher, Krieger</p> <p>NAY: 1 - Macpherson</p> <p>EXCUSED: 2 – Flores, Garrard</p> <p>ABSENT: 1 – Wirth</p> <p>(Note: See Tape 47B at 258 and page 10 of these minutes)</p>
158	Chair Krieger	<p>The motion CARRIES.</p> <p>REP. OLSON will lead discussion on the floor.</p>
162	Chair Krieger	Closes work session on HB 3457. Opens a work session on HB 2316.
<u>HB 2316 – WORK SESSION</u>		
165	Heidi Moawad	Counsel. Explains HB 2316, which expands definition of “sex crime” for certain purposes by including public or private indecency regardless of whether person has prior conviction for another sex crime.
184	Rep. Barker	

MOTION: Moves HB 2316 to the floor with a DO PASS AS AMENDED recommendation.

VOTE: 6-0-2-1

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

EXCUSED: 2 – Flores, Garrard

ABSENT: 1 – Wirth

(Note: See Tape 47 at 258 and page 10 of these minutes)

194 Chair Krieger The motion CARRIES.

REP. BARKER will lead discussion on the floor.

197 Chair Krieger Closes work session on HB 2316. Opens a work session on HB 2335.

HB 2335 – WORK SESSION

199 Heidi Moawad Counsel. Provides background on HB 2335, which requires law enforcement agencies to complete investigations of certain cases of alleged child sexual abuse no later than 45 days after commencing investigation.

238 Rep. Thatcher MOTION: Moves HB 2335 to the floor with a DO PASS AS AMENDED recommendation.

VOTE: 6-0-2-1

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

EXCUSED: 2 – Flores, Garrard

ABSENT: 1 – Wirth

(Note: See Tape 47B at 258 and page 10 of these minutes)

248 Chair Krieger The motion CARRIES.

REP. KRUMMEL will lead discussion on the floor.

252 Chair Krieger Closes work session on HB 2335. Opens a work session on HB 2510.

HB 2510 – WORK SESSION

254 Heidi Moawad Counsel. Provides background on HB 2510, which expands types of written instruments to which crime of forgery in first degree applies and types of forged instruments to which crime of criminal possession of forged instrument in first degree applies to include retail sales receipts, Universal Product Code labels and EAN-8 and EAN-13 labels.

281 Rep. Olson **MOTION: Moves HB 2510 to the floor with a DO PASS AS AMENDED recommendation.**

286 Rep. Macpherson Inquires about issue regarding dollar amount.

290 Moawad Explains the attempts to assign dollar value to the fraud, and it was found to be unworkable. Describes amendment.

VOTE: 6-0-2-1

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

EXCUSED: 2 – Flores, Garrard

ABSENT: 1 – Wirth

(Note: See Tape 47B at 258 and page 10 of these minutes)

321 Chair Krieger **The motion CARRIES.**

REP. OLSON will lead discussion on the floor.

324 Chair Krieger Closes work session on HB 2510. Opens a work session on HB 2792.

HB 2792 – WORK SESSION

328 Heidi Moawad Counsel. Provides background on HB 2792, which provides that court security improvement plans include justice court facilities. Mentions subsequent referral to Budget.

352 Rep. Macpherson

MOTION: Moves HB 2792 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Budget by prior reference.

VOTE: 7-0-1-1

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

EXCUSED: 1 – Garrard

ABSENT: 1 - Wirth

367 Chair Krieger The motion CARRIES.

369 Chair Krieger Closes work session on HB 2792. Opens a work session on HB 2768.

HB 2768 – WORK SESSION

371 Heidi Moawad Counsel. Provides background on HB 2768, which allows person with concealed handgun license to purchase firearm without undergoing criminal history record check. Introduces the -4 amendments (EXHIBIT D).

TAPE 48, A

016 Rep. Olson MOTION: Moves to ADOPT HB 2768-4 amendments dated 5/19/05.

VOTE: 7-0-1-1

EXCUSED: 1 – Garrard

ABSENT: 1 - Wirth

018 Chair Krieger Hearing no objection, declares the motion CARRIED.

019 Rep. Olson MOTION: Moves HB 2768 to the floor with a DO PASS AS AMENDED recommendation.

VOTE: 7-0-1-1

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

EXCUSED: 1 – Garrard

ABSENT: 1 - Wirth

024 Chair Krieger The motion CARRIES.

REP. OLSON will lead discussion on the floor.

026 Chair Krieger Closes work session on HB 2768. Opens a work session on HB 2828.

HB 2828 – WORK SESSION

028 Heidi Moawad Counsel. Provides background on HB 2828, which requires person to sign acknowledgment and agreement regarding driving while under influence of intoxicants as part of application for driver license or permit. Introduces the -3 amendments (EXHIBIT E**).**

060 Rep. Olson MOTION: Moves to ADOPT HB 2828-3 amendments dated 5/19/05.

VOTE: 7-0-1-1

EXCUSED: 1 – Garrard

ABSENT: 1 - Wirth

062 Chair Krieger The motion CARRIES.

063 Rep. Olson MOTION: Moves HB 2828 to the floor with a DO PASS AS AMENDED recommendation.

066 Rep. Ackerman Inquires about definition of intoxicated driver.

069 Moawad Notes specific reference to definition in the bill.

VOTE: 7-0-1-1

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

EXCUSED: 1 – Garrard

ABSENT: 1 - Wirth

077 Chair Krieger The motion CARRIES.

REP. BARKER AND REP. OLSON will lead discussion on the floor.

084 Chair Krieger Closes work session on HB 2828. Opens a work session on HB 3083.

HB 3083 – WORK SESSION

086 Heidi Moawad Counsel. Provides background on HB 3083, which specifies that person working for news organization does not commit offense of refusing to assist in firefighting operations if person disobeys lawful order of firefighter or peace officer in order to report on fire.

094 Rep. Macpherson MOTION: Moves HB 3083 to the floor with a DO PASS AS AMENDED recommendation.

097 Rep. Barker Comments that the firefighters are not responsible if the media is injured if they go somewhere they were told not to.

VOTE: 7-0-1-1

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

EXCUSED: 1 – Garrard

ABSENT: 1 - Wirth

109 Chair Krieger The motion CARRIES.

REP. MACPHERSON will lead discussion on the floor.

115 Chair Krieger Closes work session on HB 3083. Opens a work session on HB 3379.

HB 3379 – WORK SESSION

117 Heidi Moawad Counsel. Provides background on HB 3379, which expands definition of “peace officer” to include parole and probation officer for certain purposes.

131	Rep. Barker	MOTION: Moves HB 3379 to the floor with a DO PASS recommendation.
133	Rep. Thatcher	Expresses concerns about the bill.
135	Chair Krieger	States that a work group will make certain changes in the Senate.
		VOTE: 7-0-1-1
		AYE: In a roll call vote, all members present vote Aye.
		EXCUSED: 1 – Garrard
		ABSENT: 1 - Wirth
141	Chair Krieger	The motion CARRIES.
		REP. KRUMMEL will lead discussion on the floor.
145	Chair Krieger	Closes work session on HB 3379. Opens a work session on HB 3452.
		<u>HB 3452 – WORK SESSION</u>
147	Heidi Moawad	Counsel. Provides background on HB 3452, which increases penalty for assault in third degree if defendant commits assault by means of motor vehicle and was driving while under influence of intoxicants. Notes subsequent referral to Budget.
174	Rep. Macpherson	MOTION: Moves HB 3452 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Budget by prior reference.
		VOTE: 7-0-1-1
		AYE: In a roll call vote, all members present vote Aye.
		EXCUSED: 1 – Garrard
		ABSENT: 1 - Wirth
184	Chair Krieger	The motion CARRIES.
186	Chair Krieger	Closes work session on HB 3452. Opens a work session on HB 2766.

HB 2766 – WORK SESSION

- 188 Bill Taylor Counsel. Provides background on HB 2766, which extends period of time certain inmates are required to participate in functional literacy program. Notes need to rescind subsequent referral to Ways and Means to refer the bill to the Budget Committee.
- 202 Rep. Macpherson **MOTION: Moves HB 2766 to the floor with a DO PASS AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED and BE REFERRED to the committee on Budget.**
- VOTE: 7-0-1-1**
- AYE: In a roll call vote, all members present vote Aye.**
- EXCUSED: 1 – Garrard**
- ABSENT: 1 - Wirth**
- 226 Chair Krieger **The motion CARRIES.**
- 229 Chair Krieger Closes work session on HB 2766. Opens a work session on HB 2210.

HB 2210 – WORK SESSION

- 231 Sam Sears Counsel. Provides background on HB 2210, which redefines “oblige” and “obligor.” Identifies parties in administrative child support proceedings.
- 245 Rep. Ackerman **MOTION: Moves HB 2210 to the floor with a DO PASS AS AMENDED recommendation.**
- VOTE: 7-0-1-1**
- AYE: In a roll call vote, all members present vote Aye.**
- EXCUSED: 1 – Garrard**
- ABSENT: 1 - Wirth**
- 255 Chair Krieger **The motion CARRIES.**

REP. ACKERMAN will lead discussion on the floor.

258 Chair Krieger Closes work session on HB 2210. Opens a work session on HB 2212.

HB 2212 – WORK SESSION

260 Sam Sears Counsel. Provides background on HB 2212, which requires person that enters into contract with independent contractor to report creation of contract to Division of Child Support.

276 Rep. Flores **MOTION: Moves HB 2212 to the floor with a DO PASS AS AMENDED recommendation.**

VOTE: 7-0-1-1

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

EXCUSED: 1 – Garrard

ABSENT: 1 – Wirth

285 Chair Krieger **The motion CARRIES.**
REP. FLORES will lead discussion on the floor.

288 Chair Krieger Closes work session on HB 2212. Opens a work session on HB 2269.

HB 2269 – WORK SESSION

290 Sam Sears Counsel. Provides background on HB 2269, which establishes optional procedure allowing public condemner to give notice that condemner will take immediate possession of property subject o condemnation and acquire order confirming immediate possession of property. Introduces the -4 amendments (**EXHIBIT F**).

303 Rep. Ackerman **MOTION: Moves to ADOPT HB 2269-4 amendments dated 5/18/05.**

VOTE: 7-0-1-1

EXCUSED: 1 – Garrard

ABSENT: 1 - Wirth

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

308 Rep. Ackerman **MOTION: Moves HB 2269 to the floor with a DO PASS AS AMENDED recommendation.**

VOTE: 7-0-1-1

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

EXCUSED: 1 – Garrard

ABSENT: 1 - Wirth

318 Chair Krieger The motion **CARRIES**.

ACKERMAN will lead discussion on the floor.

321 Chair Krieger Closes a work session on HB 2269. Opens a work session on HB 2295.

HB 2295 – WORK SESSION

325 Sam Sears Counsel. Provides background on HB 2295, which creates State Court Facilities Task Force. Introduces the -2 amendments **(EXHIBIT G)**. Notes that subsequent referral to Ways and Means must be rescinded.

352 Rep. Flores **MOTION: Moves to ADOPT HB 2295-2 amendments dated 5/19/05.**

VOTE: 7-0-1-1

EXCUSED: 1 – Garrard

ABSENT: 1 - Wirth

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

362 Rep. Flores **MOTION: Moves HB 2295 to the floor with a DO PASS AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED and BE REFERRED to the committee on Budget.**

VOTE: 7-0-1-1

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

EXCUSED: 1 – Garrard

ABSENT: 1 - Wirth

387 Chair Krieger The motion CARRIES.

391 Chair Krieger Closes work session on HB 2295. Opens a work session on HB 3085.

HB 3085 – WORK SESSION

393 Sam Sears Counsel. Provides background on HB 3085, which requires court to award attorney fees and costs and disbursements to petitioner in judicial proceeding against state agency if court finds in favor of petitioner, unless agency can prove agency's action was substantially justified. Introduces the -6 amendments (**EXHIBIT H**).

440 Rep. Ackerman MOTION: Moves to ADOPT HB 3085-6 amendments dated 5/13/05.

443 Rep. Ackerman Explains the intent of the -6 amendments.

TAPE 47, B

023 Sam Sears Notes testimony submitted by Rep. Richardson (**EXHIBIT I**) in response to a letter from the Governor regarding HB 3085.

078 Sam Sears Counsel. Notes that the arguments raised by the Governor have been addressed.

084 Rep. Ackerman Recommends movement on the bill.

095 Rep. Macpherson Explains why he will be voting no.

101 Rep. Barker Concurs with Rep. Macpherson, and will be voting no.

107 Rep. Ackerman MOTION: Moves HB 3085 to the floor with a DO PASS AS AMENDED recommendation.

VOTE: 5-2-1-1

AYE: 5 - Ackerman, Flores, Olson, Thatcher, Krieger

NAY: 2 - Barker, Macpherson

EXCUSED: 1 - Garrard

ABSENT: 1 – Wirth

114 Chair Krieger The motion CARRIES.

REP. RICHARDSON will lead discussion on the floor.

122 Chair Krieger Closes work session on HB 3085. Opens a work session on HB 3124.

HB 3124 – WORK SESSION

134 Sam Sears Counsel. Provides background on HB 3124, which eliminates sunset on certain surcharges on court fees. Notes that the subsequent referral to Ways and Means needs to be rescinded in order to refer the bill to Budget.

162 Rep. Ackerman Explains the purpose of the -2 amendments and why they are not being adopted.

189 Rep. Ackerman MOTION: Moves HB 3124 to the floor with a DO PASS AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED and BE REFERRED to the committee on Budget.

VOTE: 6-1-1-1

AYE: 6 - Ackerman, Barker, Flores, Macpherson, Olson, Krieger

NAY: 1 - Thatcher

EXCUSED: 1 - Garrard

ABSENT: 1 - Wirth

198 Chair Krieger The motion CARRIES.

204 Chair Krieger Closes work session on HB 3124. Opens a work session on HB 3303.

HB 3303 – WORK SESSION

207 Sam Sears Counsel. Provides background on HB 3303, which requires inclusion of certain provisions in contracts between state agency and local government. Introduces the -5 amendments (**EXHIBIT J**).

230 Rep. Ackerman **MOTION: Moves to ADOPT HB 3303-5 amendments dated 5/20/05.**

VOTE: 6-0-2-1

EXCUSED: 2 - Garrard, Macpherson

ABSENT: 1 - Wirth

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

236 Rep. Ackerman **MOTION: Moves HB 3303 to the floor with a DO PASS AS AMENDED recommendation.**

VOTE: 6-0-2-1

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

EXCUSED: 2 - Garrard, Macpherson

ABSENT: 1 - Wirth

246 Chair Krieger **The motion CARRIES.**

248 Chair Krieger Closes work session on HB 3303. Opens a work session to allow Rep. Flores to record a vote on HBs 2233, 3457, 2316, 2335, and 2510.

ALLOW A MEMBER TO RECORD A VOTE – WORK SESSION

249 Rep. Krieger **MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. FLORES to BE RECORDED as voting AYE on HB 2233, HB 3457, HB 2316, HB 2335, and HB 2510.**

VOTE: 6-0-2-1

EXCUSED: 2 - Garrard, Macpherson

ABSENT: 1 - Wirth

258 Chair Krieger Hearing no objection, declares the motion CARRIED.

New vote on VOTE: 7-0-1-1

HB 2233 AYE: In a roll call vote, all members present vote Aye.

(See Tape 47A, at EXCUSED: 1 – Garrard

098, page 3)

ABSENT: 1 - Wirth

Chair Krieger The motion CARRIES.

REP. MACPHERSON will lead discussion on the floor.

New vote on VOTE: 6-1-1-1

HB 3457 AYE: 6 - Ackerman, Barker, Flores, Olson, Thatcher, Krieger

(See Tape 47A, at 150, page 3)

NAY: 1 - Macpherson

EXCUSED: 1 – Garrard

ABSENT: 1 - Wirth

Chair Krieger The motion CARRIES.

REP. OLSON will lead discussion on the floor.

New vote on VOTE: 7-0-1-1

HB 2316 AYE: In a roll call vote, all members present vote Aye.

(See Tape 37A, at EXCUSED: 1 – Garrard

184, page 4)

ABSENT: 1 - Wirth

Chair Krieger The motion CARRIES.

REP. BARKER will lead discussion on the floor.

New vote on VOTE: 7-0-1-1
HB 2335 AYE: In a roll call vote, all members present vote Aye.
(See Tape 37A, at EXCUSED: 1 – Garrard
238, page 4) ABSENT: 1 - Wirth

Chair Krieger The motion CARRIES.

REP. KRUMMEL will lead discussion on the floor.

New vote on VOTE: 7-0-1-1
HB 2510 AYE: In a roll call vote, all members present vote Aye.
(See Tape 47A, at EXCUSED: 1 – Garrard
281, page 4) ABSENT: 1 - Wirth

Chair Krieger The motion CARRIES.

REP. OLSON will lead discussion on the floor.

260 Chair Krieger Closes work session to allow a member to record a vote. Adjourns
the meeting at 11:28 a.m.

EXHIBIT SUMMARY

- A. HB 2233, -3 amendments, staff, 2 pp
- B. HB 2233, -4 amendments, staff, 1 p
- C. HB 3457, -2 amendments, staff, 1 p
- D. HB 2768, -4 amendments, staff, 10 pp
- E. HB 2828, -3 amendments, staff, 6 pp
- F. HB 2269, -4 amendments, staff, 1 p
- G. HB 2295, -2 amendments, staff, 5 pp
- H. HB 3085, -6 amendments, staff, 10 pp
- I. HB 3085, written testimony, Rep. Richardson, 3 pp
- J. HB 3303, -5 amendments, staff, 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

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
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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 (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
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		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**