

HOUSE JUDICIARY COMMITTEE

May 06, 2005 Hearing Room 357

8:30 A.M. Tapes 43 - 44

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 2203 – Work Session

HB 2205 – Work Session

HB 2228 – Work Session

HB 2315 – Work Session

HB 2567 – Work Session

HB 3468 – Work Session

HB 2136 – Work Session

HB 2803 – Work Session

HB 2833 – Work Session

HB 3037 – Work Session

HB 3419 – Work Session

HB 3471 – 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
TAPE 43, A		
003	Chair Krieger	Calls the meeting to order at 9:25 a.m. Announces that HB 2210, HB 2212, and HB 2269 will not be heard today. Opens a work session on HB 2203.

HB 2203 – WORK SESSION

012	Sam Sears	Counsel. Provides background on HB 2203, which allows state agency to adopt Attorney General's model rules on confidentiality of mediation communications without prior approval of Governor.
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021	Rep. Ackerman	MOTION: Moves HB 2203 to the floor with a DO PASS recommendation.
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VOTE: 7-0-2

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

EXCUSED: 2 - Flores, Wirth

(Note: See tape 44A at 108, page 6 of these minutes)

032	Chair Krieger	The motion CARRIES.
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REP. ACKERMAN will lead discussion on the floor.

034 Chair Krieger Closes work session on HB 2203. Opens a work session on HB 2205.

HB 2205 – WORK SESSION

036 Sam Sears Counsel. Provides background on HB 2205, which allows state agency to provide services of employee as mediator or facilitator to other agency or federal government. Introduces the -1 amendments (EXHIBIT A).

049 Rep. Ackerman **MOTION: Moves to ADOPT HB 2205-1 amendments dated 5/3/05.**

VOTE: 6-0-3

EXCUSED: 3 - Flores, Macpherson, Wirth

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

052 Rep. Ackerman **MOTION: Moves HB 2205 to the floor with a DO PASS AS AMENDED recommendation.**

VOTE: 6-0-3

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

EXCUSED: 3 - Flores, Macpherson, Wirth

(Note: See tape 44A at 108, page 6 of these minutes)

060 Chair Krieger **The motion CARRIES.**

REP. FLORES will lead discussion on the floor.

061 Chair Krieger Closes work session on HB 2205. Opens a work session on HB 2228.

HB 2228 – WORK SESSION

063 Sam Sears Counsel. Provides background on HB 2228, which specifies form of bond or letter of credit required of mail agents.

- 084 Rep. Ackerman **MOTION: Moves HB 2228 to the floor with a DO PASS recommendation.**
- VOTE: 7-0-2**
- AYE: In a roll call vote, all members present vote Aye.**
- EXCUSED: 2 - Macpherson, Wirth**
- (Note: See tape 44A at 108, page 6 of these minutes)**
- 090 Chair Krieger **The motion CARRIES.**
- REP. WIRTH will lead discussion on the floor.**
- 093 Chair Krieger Closes work session on HB 2228. Opens a work session on HB 2315.

HB 2315 – WORK SESSION

- 095 Sam Sears Counsel. Provides background on HB 2315, which modifies references to system designated under federal law to protect and advocate for rights of individuals with disabilities. Introduces the -6 amendments **(EXHIBIT B)**.
- 126 Rep. Barker **MOTION: Moves to ADOPT HB 2315-6 amendments dated 5/5/05.**
- VOTE: 7-0-2**
- EXCUSED: 2 - Macpherson, Wirth**
- 128 Chair Krieger **Hearing no objection, declares the motion CARRIED.**
- 131 Rep. Flores **MOTION: Moves HB 2315 to the floor with a DO PASS AS AMENDED recommendation.**
- VOTE: 8-0-1**
- AYE: In a roll call vote, all members present vote Aye.**
- EXCUSED: 1 - Macpherson**
- 131 Chair Krieger **The motion CARRIES.**

REP. FLORES will lead discussion on the floor.

142 Chair Krieger Closes work session on HB 2315. Opens a work session on HB 2567.

HB 2567 – WORK SESSION

143 Sam Sears Counsel. Provides background on HB 2567, which increases from \$500,000 to \$550,000 amount of noneconomic damages that may be awarded in civil action seeking damages arising out of bodily injury.

156 Rep. Garrard **MOTION: Moves HB 2567 to the floor with a DO PASS AS AMENDED recommendation.**

VOTE: 8-0-1

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

EXCUSED: 1 - Macpherson

165 Chair Krieger **The motion CARRIES.**

REP. GARRARD will lead discussion on the floor.

169 Chair Krieger Closes work session on HB 2567. Opens a work session on HB 3468.

HB 3468 – WORK SESSION

172 Sam Sears Counsel. Provides background on HB 3468, which excludes from unlawful trade practices law acts by publisher of telephone directory in publication or dissemination of advertisement if publisher did not have knowledge of false, misleading or deceptive character of advertisement.

186 Rep. Barker **MOTION: Moves HB 3468 to the floor with a DO PASS recommendation.**

VOTE: 8-0-1

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

EXCUSED: 1 - Macpherson

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

200 Chair Krieger Closes work session on HB 2136. Opens a work session on HB 2136.

HB 2136 – WORK SESSION

203 Heidi Moawad Counsel. Provides background on HB 2136, which revises provisions relating to Oregon militia.

217 Rep. Olson **MOTION: Moves HB 2136 to the floor with a DO PASS AS AMENDED recommendation.**

VOTE: 8-0-1

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

EXCUSED: 1 - Macpherson

225 Chair Krieger The motion CARRIES.
REP. OLSON will lead discussion on the floor.

229 Chair Krieger Closes work session on HB 2136. Opens a work session on HB 2803.

HB 2803 – WORK SESSION

232 Heidi Moawad Counsel. Provides background on HB 2803, which defines “unloaded” for purposes of offense of operating snowmobile or all-terrain vehicle while carrying firearm or bow.

240 Rep. Olson **MOTION: Moves HB 2803 to the floor with a DO PASS AS AMENDED recommendation.**

VOTE: 8-0-1

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

EXCUSED: 1 - Macpherson

248 Chair Krieger The motion **CARRIES.**

REP. OLSON will lead discussion on the floor.

251 Chair Krieger Closes work session on HB 2803. Opens a work session on HB 2833.

HB 2833 – WORK SESSION

255 Heidi Moawad Counsel. Provides background on HB 2833, which continues and modifies authority of Juvenile Crime Prevention Advisory Committee to allow use of crime prevention funds for younger children.

282 Rep. Thatcher **MOTION: Moves HB 2833 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.**

VOTE: 7-1-1

AYE: 7 - Ackerman, Barker, Flores, Olson, Thatcher, Wirth, Krieger

NAY: 1 - Garrard

EXCUSED: 1 - Macpherson

297 Chair Krieger The motion **CARRIES.**

299 Chair Krieger Closes work session on HB 2833. Opens a work session on HB 3037.

HB 3037 – WORK SESSION

300 Heidi Moawad Counsel. Provides background on HB 3037, which expands crime of aggravated murder to include murder of witness in juvenile proceeding, if murder was related to performance of victim's official duties as witness.

318 Rep. Barker **MOTION: Moves HB 3037 to the floor with a DO PASS recommendation.**

322 Rep. Garrard Questions the difference between murder and aggravated murder.

- 326 Rep. Barker Responds that the death penalty is an option for aggravated murder.
- 328 Moawad Explains the difference between murder and aggravated murder.
- 335 Rep. Ackerman States that he will oppose HB 3037, because it expands the death penalty.
- 338 Rep. Wirth Relates opposition to the expansion of the death penalty.

VOTE: 6-2-1

AYE: 6 - Barker, Flores, Garrard, Olson, Thatcher, Krieger

NAY: 2 - Ackerman, Wirth

EXCUSED: 1 - Macpherson

- 349 Chair Krieger **The motion CARRIES.**
REP. BARKER will lead discussion on the floor.

- 351 Chair Krieger Closes work session on HB 3037. Opens a work session on HB 3419.

HB 3419 – WORK SESSION

- 354 Heidi Moawad Counsel. Provides background on HB 3419, which provides that sex offender on probation, parole or post-prison supervision may not reside in dwelling where another sex offender resides.

TAPE 44, A

- 005 Rep. Thatcher **MOTION: Moves HB 3419 to the floor with a DO PASS AS AMENDED recommendation.**

VOTE: 8-0-1

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

EXCUSED: 1 - Macpherson

012 Chair Krieger The motion CARRIES.
REP. KITTS AND REP. RILEY will lead discussion on the floor.

014 Chair Krieger Closes work session on HB 3419. Opens a work session on HB 3471.

HB 3471 – WORK SESSION

015 Heidi Moawad Counsel. Provides background on HB 3471, which imposes minimum fine for certain persons convicted of felony if court determines that conduct on which conviction is based occurred while person was engaged in performance of person’s duties as official or employee, or that person was able to engage in conduct because of person’s job or position.

029 Rep. Olson **MOTION: Moves HB 3471 to the floor with a DO PASS recommendation.**

032 Rep. Ackerman Expresses concerns about the definition of “official.”

041 Moawad States that she would have to look at the code. Relates the case that instigated this bill. Believes “public officials” is meant.

049 Rep. Ackerman Inquires what “while performing his duties” means.

056 Moawad Believes that the criminal charge is a result of the person’s ability to engage in conduct because of position as a public official.

066 Rep. Ackerman Questions why this is a mandatory fine, when fines are normally discretionary.

070 Moawad Relates case in Deschutes County to clarify.

078 Chair Krieger Questions if an amendment is in order to specify “public official.”

080 Rep. Ackerman Believes an amendment should be drafted to clarify.

086 Rep. Flores Suggests that the amendment be adopted on the Senate side.

092 Chair Krieger States that there has been cooperative action with Senate Judiciary.

095 Moawad States that the amendment can be adopted on the Senate side.

098 Rep. Garrard Expresses support for the amendment.

VOTE: 8-0-1

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

EXCUSED: 1 - Macpherson

105 Chair Krieger The motion CARRIES.

REP. MACPHERSON AND REP. WHISNANT will lead discussion on the floor.

106 Chair Krieger Closes work session on HB 3471. Opens a work session to suspend the rules to allow Rep. Wirth to record a vote.

SUSPEND THE RULES TO RECORD A VOTE – WORK SESSION

108 Rep. Krieger **MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. WIRTH to BE RECORDED as voting AYE on the motion to move HB 2203 to the floor with a DO PASS recommendation.**

VOTE: 8-0-1

EXCUSED: 1 - Macpherson

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

New vote on **VOTE: 8-0-1**

HB 2203 AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 1 – Flores

(Note: See tape 43A at 021, page 1 of these minutes)

Chair Krieger The motion CARRIES.

REP. ACKERMAN will lead discussion on the floor.

108 Chair Krieger **MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. WIRTH to BE RECORDED as voting AYE on the motion to move HB 2205 to the floor with a DO PASS AS AMENDED recommendation.**

VOTE: 8-0-1

EXCUSED: 1 - Macpherson

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

New vote on VOTE: 7-0-2

HB 2205 AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 2 - Flores, Macpherson

(Note: See tape 43A at 052, page 2 of these minutes)

Chair Krieger The motion CARRIES.

REP. FLORES will lead discussion on the floor.

108 Chair Krieger **MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. WIRTH to BE RECORDED as voting AYE on the motion to move HB 2228 to the floor with a DO PASS recommendation.**

VOTE: 8-0-1

EXCUSED: 1 - Macpherson

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

New vote on VOTE: 8-0-1

HB 2228 AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 1 – Macpherson

(Note: See tape 43A at 084, page 2 of these minutes)

Chair Krieger The motion CARRIES.

REP. WIRTH will lead discussion on the floor.

120 Chair Krieger Closes work session to allow Rep. Wirth to record a vote. Adjourns the meeting at 10:03 a.m.

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EXHIBIT SUMMARY

- A. HB 2205, -1 amendments, staff, 1 p
- B. HB 2315, -6 amendments, staff, 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 *General Proposal for Establishing an Oregon High Performance Computing Infrastructure* 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**