

HOUSE JUDICIARY COMMITTEE

June 10, 2005 Hearing Room 357

8:30 A.M. Tapes 64 - 65

MEMBERS PRESENT: 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

MEMBER EXCUSED: Rep. Wayne Krieger, Chair

STAFF PRESENT: Joe O’Leary, Counsel

Sam Sears, Counsel

Bill Taylor, Counsel

Elizabeth Howe, Committee Assistant

MEASURES/ISSUES HEARD:

HCR 17 – Work Session

HB 2561 – Work Session

SB 57 – Work Session

SB 61 A – Work Session

SB 62 – Work Session
SB 63 A – Work Session
SB 240 A – Work Session
SB 258 – Work Session
SB 287 A – Work Session
SB 568 A – Work Session
SB 128 – Work Session
SB 243 A – Work Session
SB 262 A – Work Session
SB 641 A – Work Session
SB 1045 – Work Session
SB 229 A – Work Session
SB 920 A – Work Session
HB 2285 – 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 64, A		
003	Vice-Chair Olson	Calls the meeting to order at 11:00 a.m. Opens a work session on HCR 17.
<u>HCR 17 – WORK SESSION</u>		
018	Sam Sears	Counsel. Provides background on HCR 17, which honors Richard O. Eymann for legislative leadership and lifelong public service.
024	Rep. Terry Beyer	House District 12, Springfield. Expresses support for HCR 17.

- 030 Rep. Debra Boone House District 32. Expresses support for HCR 17.
- 035 Gary Wilhelms Chief of Staff, Speaker of the House. Provides background on Richard Eymann.
- 054 Ramona Kenady Chief Clerk of the House and daughter of Richard Eymann. Expresses support for HCR 17.
- 084 Rep. Ackerman MOTION: Moves HCR 17 be sent to the floor with a BE ADOPTED recommendation.**
- 086 Rep. Ackerman Expresses support for HCR 17, and offers some memories about Richard Eymann.

VOTE: 8-0-1

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

EXCUSED: 1 - Krieger

- 107 Vice-Chair Olson The motion CARRIES.**
- REP. ACKERMAN will lead discussion on the floor.**
- 110 Vice-Chair Olson Closes work session on HCR 17. Opens a work session on HB 2561.

HB 2561 – WORK SESSION

- 112 Bill Taylor Counsel. Provides background on HB 2561, deletes requirement that Oregon Youth Authority make progress reports to Legislative Assembly.
- 117 Rep. Macpherson MOTION: Moves HB 2561 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 - Krieger

- 129 Vice-Chair Olson The motion CARRIES.
REP. MACPHERSON will lead discussion on the floor.
- 134 Vice-Chair Olson Closes work session on HB 2561. Opens a work session on SB 57.

SB 57 – WORK SESSION

- 136 Bill Taylor Counsel. Provides background on SB 57, which authorizes Department of Public Safety Standards and Training to establish fees and guidelines for use of facilities of training academy operated by department and for certain training provided by department.

- 139 Rep. Barker **MOTION: Moves SB 57 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 - Krieger

- 147 Vice-Chair Olson The motion CARRIES.
REP. OLSON will lead discussion on the floor.
- 152 Vice-Chair Olson Closes work session on SB 57. Opens a work session non SB 61 A.

SB 61 A – WORK SESSION

- 154 Bill Taylor Counsel. Provides background on SB 61 A, which modifies provisions relating to private security providers.

- 158 Rep. Macpherson **MOTION: Moves SB 61A 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 - Krieger

- 167 Vice-Chair Olson The motion CARRIES.
REP. MACPHERSON will lead discussion on the floor.
- 170 Vice-Chair Olson Closes work session on SB 61 A. Opens a work session on SB 62.

SB 62 – WORK SESSION

- 172 Bill Taylor Counsel. Provides background on SB 62, which authorizes Department of Public Safety Standards and Training to provides grants to private entities for certain purposes. Introduces the -6 amendments (**EXHIBIT A**).
- 194 John Minnis Director, Department of Public Safety Standards and Training (DPSST). Explains the -6 amendments.
- 234 Rep. Barker **MOTION: Moves to ADOPT SB 62-6 amendments dated 6/9/05.**
VOTE: 8-0-1
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 1 - Krieger
- 240 Vice-Chair Olson The motion CARRIES.
- 249 Rep. Barker **MOTION: Moves SB 62 to the floor with a DO PASS AS AMENDED recommendation.**
- 250 Rep. Barker Compliments Director Minnis on his hard work.
VOTE: 8-0-1
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 1 - Krieger
- 260 Vice-Chair Olson The motion CARRIES.
REP. BARKER will lead discussion on the floor.

264 Vice-Chair Olson Closes work session on SB 62. Opens a work session on SB 63 A.

SB 63 A – WORK SESSION

265 Bill Taylor Counsel. Provides background on SB 63 A, which authorizes Department of Public Safety Standards and Training to deny application for training as public safety officer.

279 Rep. Thatcher **MOTION: Moves SB 63A 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 - Krieger

287 Vice-Chair Olson **The motion CARRIES.**

REP. OLSON will lead discussion on the floor.

290 Vice-Chair Olson Closes work session on SB 63 A. Opens a work session on SB 240 A.

SB 240 A – WORK SESSION

292 Bill Taylor Counsel. Provides background on SB 240 A, which creates Criminal Justice Research and Policy Institute within Mark O. Hatfield School of Government.

308 Rep. Barker **MOTION: Moves SB 240A 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 - Krieger

318 Vice-Chair Olson **The motion CARRIES.**

REP. BARKER will lead discussion on the floor.

322 Vice-Chair Olson Closes work session on 240 A. Opens a work session on SB 258.

SB 258 – WORK SESSION

327 Bill Taylor Counsel. Provides background on SB 258, which provides that person in criminal action involving only violations is not entitled to appointed counsel at state expense or to have transcript provided at state expense.

336 Rep. Barker **MOTION: Moves SB 258 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 - Krieger

345 Vice-Chair Olson **The motion CARRIES.**

REP. OLSON will lead discussion on the floor.

348 Vice-Chair Olson Closes work session on SB 258. Opens a work session on SB 287 A.

SB 287 A – WORK SESSION

350 Bill Taylor Counsel. Provides background on SB 287 A, which creates exception to prohibition of use of hearsay as evidence.

359 Rep. Macpherson **MOTION: Moves SB 287A 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 - Krieger

368 Vice-Chair Olson **The motion CARRIES.**

REP. MACPHERSON will lead discussion on the floor.

373 Vice-Chair Olson Closes work session on SB 287 A. Opens a work session on SB 568 A.

SB 568 A – WORK SESSION

375 Bill Taylor Counsel. Provides background on SB 568 A, which increases fines and imposes suspension of driving privileges for person who exceeds speed limit or designated speed by more than 30 miles per hour or who drives 100 miles per hour or greater.

384 Rep. Barker MOTION: Moves SB 568A to the floor with a DO PASS recommendation.

386 Rep. Wirth Expresses opposition to SB 568 A, and explains.

VOTE: 7-1-1

AYE: 7 - Ackerman, Barker, Flores, Garrard, Macpherson, Olson, Thatcher

NAY: 1 - Wirth

EXCUSED: 1 - Krieger

**402 Vice-Chair Olson The motion CARRIES.
REP. OLSON will lead discussion on the floor.**

TAPE 65, A

015 Vice-Chair Olson Closes work session on SB 568 A. Opens a work session on SB 128.

SB 128 – WORK SESSION

016 Joe O’Leary Counsel. Provides background on SB 128, which allows grand jury to receive in evidence affidavit of representative of Oregon State Police concerning completeness of certain records of sex offenders. Introduces the -1 amendments which were adopted conceptually by the subcommittee **(EXHIBIT B)**.

028 Rep. Barker MOTION: Moves to ADOPT SB 128-1 amendments dated 6/9/05.

VOTE: 8-0-1

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

EXCUSED: 1 - Krieger

035 Vice-Chair Olson The motion CARRIES.

038 Rep. Barker MOTION: Moves SB 128 to the floor with a DO PASS AS AMENDED recommendation.

040 Rep. Thatcher Inquires about amendment.

043 O'Leary Describes amendments.

060 Rep. Flores Seeks clarification that only numbers are being replaced, not verbage.

062 O'Leary Responds affirmatively.

VOTE: 8-0-1

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

EXCUSED: 1 - Krieger

071 Vice-Chair Olson The motion CARRIES.

REP. MACPHERSON will lead discussion on the floor.

073 Vice-Chair Olson Closes work session on SB 128. Opens a work session on SB 243 A.

SB 243 A – WORK SESSION

082 Joe O'Leary Counsel. Provides background on SB 243 A, which modifies conditions of post-prison supervision or parole for person convicted of sex crime.

100 Rep. Garrard Inquires about the legal definition of "near."

105	O'Leary	Relates that there is no verbage in statute that currently defines "near." Explains that the court would look to Webster's Dictionary.
129	Rep. Garrard	Inquires whether the enforcement officer has discretion to determine what "near" means.
133	O'Leary	Responds affirmatively and explains the likely process.
146	Rep. Ackerman	Believes the overbroad definition of near could raise constitutionality issues. Inquires if counsel believes it is overbroad.
153	Rep. Macpherson	Comments that this bill deals with statutory authority of parole and probation officer (PPO), not defining a crime. Suggests that more latitude should be given under these circumstances.
169	O'Leary	Addresses potential constitutional challenges, and believes that the word "near" could be challenged on vagueness. Comments on term "frequently."
188	Rep. Garrard	Inquires if definition should be left up to multiple personnel.
199	Rep. Macpherson	Responds that the key player would be the PPO who is setting probation conditions for the individual offender. Suggests that the PPO should have that flexibility.
225	Rep. Garrard	Questions whether the intent of the bill is to apprehend someone who is near a school, or for a PPO to tell an offender that they are not allowed near a school.
234	Rep. Macpherson	Responds that the PPO should have discretion to set limitations, under the condition that the offender would be apprehended if they do not comply.
243	O'Leary	Provides the scheme and background of SB 243 A.
277	Rep. Garrard	States that an offender would want to know how close they could come to a certain place.
282	Rep. Wirth	Inquires about definition of places where children congregate.

- 290 Rep. Barker States that the PPO needs to have discretion to determine the types of places an offender may go near. Believes that in the context of this bill, the PPO would tell the offender what to do.
- 317 Rep. Macpherson Relates that a key point in the bill is the discretion a PPO would have in post-prison supervision. Suggests that the bill may not offer discretion to the PPO to determine whether this applies to their offender, and therefore, may not be ready to move.
- 337 Rep. Ackerman Adds that the constitution does not bend if a bill is defining a crime or a condition of probation, and that the same standards apply. Agrees that SB 243 A should not go forward without a definition of “near.”
- 360 Rep. Macpherson Recommends sending SB 243 A back to the subcommittee.
- 366 Vice-Chair Olson Closes and reopens work session on SB 243 A.
- 380 Rep. Wirth Questions why “frequenting” is required.
- 386 Rep. Macpherson Seeks guidance from civil subcommittee.
- 400 Rep. Macpherson MOTION: Requests unanimous consent in order to reconsider SB 243 A in the Criminal Law Subcommittee.**
- 406 Rep. Thatcher Expresses opposition.
- 419 Rep. Ackerman MOTION: Moves SB 243A back to the Criminal Subcommittee for further consideration.**
- 64, B**
- VOTE: 8-0-1**
- AYE: In a roll call vote, all members present vote Aye.**
- EXCUSED: 1 - Krieger**
- 012 Vice-Chair Olson The motion CARRIES.**
- 013 Vice-Chair Olson Closes work session on SB 243 A. Opens a work session on SB 262 A.

SB 262 A – WORK SESSION

015 Joe O’Leary Counsel. Provides background on SB 262 A, which extends exemption from disclosure under public records law for records that identify persons who engage in or support research on animals other than rodents at Oregon Health and Science University.

019 Rep. Ackerman MOTION: Moves SB 262A to the floor with a DO PASS recommendation.

023 Rep. Garrard Explains that he gave a courtesy vote in the subcommittee, and now supports the bill.

VOTE: 8-0-1

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

EXCUSED: 1 - Krieger

**029 Vice-Chair Olson The motion CARRIES.
REP. ACKERMAN will lead discussion on the floor.**

032 Vice-Chair Olson Closes work session on SB 262 A. Opens a work session on SB 641 A.

SB 641 A – WORK SESSION

034 Joe O’Leary Counsel. Provides background on SB 641 A, which creates crime of possessing dogfighting paraphernalia.

040 Rep. Thatcher MOTION: Moves SB 641A 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 - Krieger

044 Vice-Chair Olson The motion CARRIES.

REP. THATCHER will lead discussion on the floor.

046 Vice-Chair Olson Closes work session on SB 641 A. Opens work session on SB 1045.

SB 1045 – WORK SESSION

049 Rep. Barker **MOTION: Moves SB 1045 to the floor with a DO PASS recommendation.**

051 Joe O’Leary Counsel. Provides background on SB 1045, which extends duration of temporary provision allowing memorandum of understanding between twenty-second judicial district and Confederated Tribes of Warm Springs regarding adjudication and disposition of juveniles.

060 Rep. Ackerman **MOTION: Moves SB 1045 be placed on the CONSENT CALENDAR.**

VOTE: 8-0-1

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

EXCUSED: 1 - Krieger

071 Vice-Chair Olson **The motion CARRIES.**

073 Vice-Chair Olson Closes work session on SB 1045. Opens a work session on SB 229 A.

SB 229 A – WORK SESSION

075 Sam Sears Counsel. Provides background on SB 229 A, which requires that in dependency proceeding in juvenile court, court give preference in placement of child or ward to person with caregiver relationship with child or ward.

090 Rep. Ackerman **MOTION: Moves SB 229A to the floor with a DO PASS recommendation and be placed on the CONSENT CALENDAR.**

VOTE: 8-0-1

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

EXCUSED: 1 - Krieger

098 Vice-Chair Olson The motion CARRIES.

100 Vice-Chair Olson Closes work session on SB 229 A. Opens a work session on SB 920 A.

SB 920 A – WORK SESSION

104 Sam Sears Counsel. Provides background on SB 920 A, which revises laws relating to execution sales.

116 Rep. Ackerman MOTION: Moves SB 920A 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 - Krieger

126 Vice-Chair Olson The motion CARRIES.

REP. ACKERMAN will lead discussion on the floor.

129 Vice-Chair Olson Closes work session on SB 920 A. Opens a work session on HB 2285.

HB 2285 – WORK SESSION

131 Sam Sears Counsel. Provides background on HB 2285, which extends application of statute governing ex parte communications in proceedings before administrative law judges of Office of Administrative Hearing to all contested case hearings.

148 Rep. Ackerman MOTION: Moves HB 2285 to the floor with a DO PASS AS AMENDED recommendation.

152 Rep. Barker Comments that he will vote no as identities may not be protected.

166 Rep. Ackerman Clarifies that there was an effort to keep identity protected.

176 Rep. Macpherson Addresses debate over language in -6 amendments to ensure protection of identity of complainants and those who provide information.

VOTE: 7-1-1

AYE: 7 - Ackerman, Flores, Garrard, Macpherson, Olson, Thatcher, Wirth

NAY: 1 - Barker

EXCUSED: 1 - Krieger

196 Vice-Chair Olson **The motion CARRIES.**

REP. ACKERMAN will lead discussion on the floor.

198 Vice-Chair Olson Closes work session on HB 2285. Adjourns the meeting at 2:00 p.m.

EXHIBIT SUMMARY

A. SB 62, -6 amendments, staff, 10 pp

B. SB 128, -1 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
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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.
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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	
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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**