

HOUSE JUDICIARY COMMITTEE

June 03, 2005 Hearing Room 357

8:30 A.M. Tapes 58 - 59

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

MEMBER EXCUSED: Rep. Kelley Wirth

STAFF PRESENT: Heidi Moawad, Counsel

Sam Sears, Counsel

Bill Taylor, Counsel

Elizabeth Howe, Committee Assistant

MEASURES/ISSUES HEARD:

Draft Introductions – Work Session

HB 2313 – Reconsideration and Work Session

SB 56 A – Work Session

HB 2101 – Work Session

SB 368 A – Work Session

SB 599 A – Work Session

SB 106 A – Work Session

SB 115 – Work Session

SB 181 A – Work Session

SB 230 A – Work Session

SB 213 A – Work Session

SB 284 – Work Session

SB 332 – Work Session

SB 355 A – 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 58, A

003	Chair Krieger	Calls the meeting to order at 10:20 a.m. Opens a work session to introduce committee measures.
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INTRODUCTIONS – WORK SESSION

010	Heidi Moawad	Counsel. Introduces LC 3650 (EXHIBIT A).
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016	Rep. Macpherson	MOTION: Moves LC 3650 BE INTRODUCED as a committee bill.
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VOTE: 8-0-1

EXCUSED: 1 - Wirth

019	Chair Krieger	Hearing no objection, declares the motion CARRIED.
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021 Chair Krieger Closes work session to introduce committee measures. Opens a work session on HB 2313, which allows imposition of longer sentence upon conviction of crime under certain circumstances if defendant is criminal street gang member.

HB 2313 – WORK SESSION

022 Rep. Barker **MOTION: Moves to SUSPEND the rules for the purpose of reconsidering the vote on HB 2313.**

029 Heidi Moawad Counsel. Explains why the vote on HB 2313 is being reconsidered.

VOTE: 8-0-1

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

EXCUSED: 1 - Wirth

038 Chair Krieger The motion CARRIES.

040 Rep. Barker **MOTION: Moves to RECONSIDER the vote by which HB 2313 was sent to the floor DO PASS AS AMENDED.**

VOTE: 8-0-1

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

EXCUSED: 1 - Wirth

048 Chair Krieger The motion CARRIES.

049 Rep. Barker **MOTION: Moves HB 2313 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Budget.**

VOTE: 8-0-1

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

EXCUSED: 1 - Wirth

057 Chair Krieger The motion CARRIES.

058 Chair Krieger Closes work session on HB 2313. Opens a work session on SB 56 A.

SB 56 A – WORK SESSION

059 Heidi Moawad Counsel. Provides background on SB 56 A, which prohibits person from operating motorboat or idling motorboat engine while any person holds on to or occupies any portion of boat aft of transom.

074 Rep. Barker MOTION: Moves SB 56A to the floor with a DO PASS recommendation.

078 Rep. Thatcher Explains why she will vote no to encourage education, not punishment.

VOTE: 7-1-1

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

NAY: 1 - Thatcher

EXCUSED: 1 - Wirth

087 Chair Krieger The motion CARRIES.
REP. BARKER will lead discussion on the floor.

091 Chair Krieger Closes work session on SB 56 A. Opens a work session on HB 2101.

HB 2101 – WORK SESSION

093 Bill Taylor Counsel. Provides background on HB 2101, which creates Oregon Homeland Security Department.

099 Rep. Olson MOTION: Moves HB 2101 to the floor WITHOUT RECOMMENDATION as to passage and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED and BE REFERRED to the committee on State and Federal affairs, and THEN to Budget.

105 Rep. Garrard Seeks clarification about movement of HB 2101.

VOTE: 8-0-1

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

EXCUSED: 1 - Wirth

112 Chair Krieger The motion CARRIES.

115 Chair Krieger Closes work session on HB 2101. Opens a work session on SB 368 A.

SB 368 A – WORK SESSION

116 Bill Taylor Counsel. Provides background on SB 368 A, which prohibits audiovisual recording of motion pictures in motion picture theaters without written consent of theater owner.

129 Rep. Garrard MOTION: Moves SB 368A to the floor with a DO PASS AS AMENDED recommendation.

132 Rep. Thatcher Relates that she will vote in favor.

VOTE: 8-0-1

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

EXCUSED: 1 - Wirth

140 Chair Krieger The motion CARRIES.

REP. GARRARD will lead discussion on the floor.

144 Chair Krieger Closes work session on SB 368 A. Opens a work session on SB 599 A.

SB 599 A – WORK SESSION

145 Bill Taylor Counsel. Provides background on SB 599 A, which requires court to dismiss charge for failure to carry proof of compliance with financial responsibility requirement if person charged delivers proof of compliance to court clerk prior to court appearance date on citation.

150 Rep. Garrard **MOTION: Moves SB 599A to the floor with a DO PASS recommendation.**

153 Rep. Ackerman Notes testimony from Justice Courts, and explains their position.

VOTE: 8-0-1

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

EXCUSED: 1 - Wirth

167 Chair Krieger **The motion CARRIES.**

REP. GARRARD will lead discussion on the floor.

170 Chair Krieger Closes work session on SB 599 A. Announces HB 2285 will be held over. Opens a work session on SB 106 A.

SB 106 A – WORK SESSION

174 Joe O’Leary Counsel. Provides background on SB 106 A, which requires firefighters and emergency medical technicians to report abuse of elderly persons. Introduces the –A8 amendments (**EXHIBIT B**).

211 Rep. Ackerman **MOTION: Moves to ADOPT SB 106A-A8 amendments dated 6/2/05.**

VOTE: 8-0-1

EXCUSED: 1 - Wirth

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

215 Rep. Ackerman **MOTION: Moves SB 106A 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 - Wirth

224 Chair Krieger The motion CARRIES.

REP. ACKERMAN will lead discussion on the floor.

The following materials submitted for the record without public testimony:

Bertran Copp Written testimony in opposition to SB 106 A (**EXHIBIT E**).

237 Chair Krieger Closes work session on SB 106 A. Opens a work session on SB 115.

SB 115 – WORK SESSION

239 Joe O’Leary Counsel. Provides background on SB 115, which repeals provision requiring Department of Corrections to monitor health condition of and provide treatment to persons who, as inmates, were subjected to radiation as part of study conducted.

258 Rep. Garrard **MOTION: Moves SB 115 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 - Wirth

265 Chair Krieger The motion CARRIES.

REP. FLORES will lead discussion on the floor.

277 Chair Krieger Closes work session on SB 115. Opens a work session on SB 181 A.

SB 181 A – WORK SESSION

279 Joe O’Leary Counsel. Provides background on SB 181 A, which provides that court may decline to waive or defer filing fees or court costs for inmate who is plaintiff in action against public body if court finds that pleading fail to state claim for which relief may be granted.

294 Rep. Garrard **MOTION: Moves SB 181A to the floor with a DO PASS recommendation.**

298	Rep. Ackerman	Addresses issue of court authority to rule on pleading that has not been filed due to absence of filing fee. States that he will be voting no.
320	Chair Krieger	Inquires what Rep. Ackerman's vote was in the subcommittee.
322	Rep. Ackerman	Responds that he vote "aye" on SB 181 A in the subcommittee.
329	Rep. Macpherson	Relates that he will vote for the bill now, but may oppose it on the floor after he reviews the issue.
336	Rep. Flores	Inquires about copies of the opinion Rep. Ackerman has.
339	Rep. Ackerman	States that he will get them to the members.
348	Rep. Garrard	MOTION: Moves to WITHDRAW MOTION to send SB 181A to the floor with a DO PASS recommendation.
		VOTE: 8-0-1
		EXCUSED: 1 - Wirth
352	Chair Krieger	Hearing no objection, declares the motion CARRIED.
353	Chair Krieger	Closes work session on SB 181 A. Opens a work session on SB 230 A.

SB 230 A – WORK SESSION

355	Joe O'Leary	Counsel. Provides background on SB 230 A, which establishes procedure for appointing guardian ad litem for parent in juvenile dependency proceedings. Introduces the –A5 amendment (EXHIBIT C).
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TAPE 59, A

019	Rep. Ackerman	MOTION: Moves to ADOPT SB 230A-A5 amendments dated 6/2/05.
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VOTE: 8-0-1

EXCUSED: 1 - Wirth

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

022 Rep. Ackerman MOTION: Moves SB 230A 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 - Wirth

027 Chair Krieger The motion CARRIES.

REP. ACKERMAN will lead discussion on the floor.

028 Chair Krieger Closes work session on SB 230 A. Opens a work session on SB 231 A.

SB 231 A – WORK SESSION

030 Joe O’Leary Counsel. Provides background on SB 231 A, which requires court, under certain circumstances to cause list to be made that identifies reports or material provided to court for consideration but not admitted as exhibits. Introduces the –A3 amendment (EXHIBIT D**).**

048 Rep. Garrard MOTION: Moves to ADOPT SB 231A-A3 amendments dated 6/2/05.

VOTE: 8-0-1

EXCUSED: 1 - Wirth

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

051 Rep. Garrard MOTION: Moves SB 231A 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 - Wirth

057 Chair Krieger The motion CARRIES.

REP. GARRARD will lead discussion on the floor.

059 Chair Krieger Closes work session on SB 231 A. Opens a work session on SB 284.

SB 284 – WORK SESSION

060 Joe O’Leary Counsel. Provides background on SB 284, which extends statute of limitation in certain cases if attorney dies before expiration of time allowed for commencement of action.

085 Rep. Ackerman MOTION: Moves SB 284 to the floor with a DO PASS AS AMENDED 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 - Wirth

091 Chair Krieger The motion CARRIES.

095 Chair Krieger Closes work session on SB 284. Opens a work session on SB 332.

SB 332 – WORK SESSION

097 Joe O’Leary Counsel. Provides background on SB 332, which extends physician-patient privilege to confidential communications between patients and dentists.

104 Rep. Barker MOTION: Moves SB 332 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 - Wirth

110	Chair Krieger	The motion CARRIES.
112	Chair Krieger	Closes work session on SB 332. Opens a work session on SB 355 A.

SB 355 A – WORK SESSION

114	Joe O’Leary	Counsel. Provides background on SB 355 A, which authorizes licensee to conduct bingo operations in more than one county.
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125	Rep. Flores	MOTION: Moves SB 355A to the floor with a DO PASS recommendation and be placed on the CONSENT CALENDAR.
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VOTE: 8-0-1

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

EXCUSED: 1 - Wirth

131	Chair Krieger	The motion CARRIES.
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133	Chair Krieger	Closes work session on SB 355 A. Announces that many bills will be referred to State and Federal Affairs.
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141	Rep. Ackerman	Comments on movement of Senate bills.
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145	Chair Krieger	States that House Judiciary will likely close on June 15, 2005.
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149	Rep. Ackerman	Inquires if State and Federal Affairs is a dead end.
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150	Chair Krieger	Responds negatively. Adjourns the meeting at 10:56 a.m.
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EXHIBIT SUMMARY

- A. Introductions, LC 3650, staff, 9 pp
- B. SB 106 A, -A8 amendments, staff, 8 pp
- C. SB 230 A, -A5 amendments, staff, 3 pp
- D. SB 231 A, -A3 amendments, staff, 2 pp

The following materials submitted for the record without public testimony:

E. SB 106 A, written testimony, Bertran Copp, 5 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.
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TAPE 26, A

019	Wornath	Discusses a possible organizational structure similar to an Oregon high-performance computing consortium. Continues with explanation of challenges.
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069	Wornath	Has spoken with Chief Information Officers around the state, who believe the concept is good.
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083	Wornath	Summarizes by stating that the technology is proven, can easily be applied to numerous applications and uses, and is easily expandable.
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121	Chair Dallum	Asks about the “down side.”
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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.
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148	Chair Dallum	Inquires if this concept is attractive to private enterprise.
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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.
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192	Chair Dallum	Asks what proposed legislation should look like.
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196	Wornath	Answers that funding for a pilot project could be requested.
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227	Rep. Burley	Inquires what is preventing us from using this now.
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233	Wornath	Responds, nothing. Indicates from a financial standpoint, it is best to consolidate and not have many small clusters.
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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.
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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**