

HOUSE JUDICIARY COMMITTEE

February 11, 2005 Hearing Room 357

8:30 A.M. Tapes 9 - 11

Corrected 3/9/05

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. Bill Garrard

Rep. Kim Thatcher

Rep. Kelley Wirth

STAFF PRESENT: Heidi Moawad, Counsel

Sam Sears, Counsel

Bill Taylor, Counsel

Elizabeth Howe, Committee Assistant

MEASURES/ISSUES HEARD & WITNESSES:

Measure Introduction – Work Session

HB 2141 – Work Session

HB 2144 – Work Session

Statutory Interpretation – Informational Meeting

The Honorable David Brewer, Oregon Court of Appeals

The Honorable Jack Landau, Oregon Court of Appeals

The Honorable Virginia Linder, Oregon Court of Appeals

HB 2225 – Work Session

HB 2226 – Work Session

HB 2227 – Work Session

HB 2275 – Work Session

HB 2279 – Work Session

HB 2280 – Work Session

HB 2281 – Work Session

HB 2289 – Work Session

HB 2296 – Work Session

HB 2297 – Work Session

HB 2299 – Work Session

HB 2304 – Work Session

HB 2305 – Work Session

HB 2314 – 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 9, A

003	Chair Krieger	Calls the meeting to order at 9:12 a.m. Reminds members they are not required to vote for LCs when they are bills. Opens a work session to introduce committee measures.
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MEASURE INTRODUCTION – WORK SESSION

010 Heidi Moawad Counsel. Introduces LC 1305, LC 1424, LC 1672, LC 1732, LC 2117, LC 2118, LC 2119, LC 2120, LC 2121, LC 2122, LC 2123, LC 2124, LC 2126, LC 2127, LC 2252 (EXHIBITS A-O).

040 Rep. Macpherson **MOTION: Moves LCs: 1305, 1424, 1672, 1732, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2126, 2127, 2252 BE INTRODUCED as committee bills.**

VOTE: 9-0-0

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

051 Chair Krieger Closes work session on committee measures. Opens a work session on HB 2141.

HB 2141 – WORK SESSION

052 Heidi Moawad Counsel. Introduces HB 2141, which modifies provisions that allow Department of Corrections and Oregon Youth Authority to transfer persons committed to their custody to state mental hospital for evaluation and treatment.

063 Rep. Macpherson **MOTION: Moves HB 2141 to the floor with a DO PASS recommendation.**

VOTE: 9-0-0

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

077 Chair Krieger **The motion CARRIES.**

REP. MACPHERSON will lead discussion on the floor.

079 Chair Krieger Closes work session on HB 2141. Opens a work session on HB 2144.

HB 2144 – WORK SESSION

080 Heidi Moawad Counsel. Introduces HB 2144, which modifies conditions of probation for person previously convicted of sex offense.

- 091 Rep. Olson **MOTION: Moves HB 2144 to the floor with a DO PASS recommendation.**
- VOTE: 9-0-0**
- AYE: In a roll call vote, all members present vote Aye.**
- 099 Chair Krieger **The motion CARRIES.**
- REP. OLSON will lead discussion on the floor.**
- 103 Chair Krieger Closes work session on HB 2144. Opens informational meeting on statutory interpretation.

STATUTORY INTERPRETATION – INFORMATIONAL MEETING

- 107 Judge David Brewer Chief Judge, Oregon Court of Appeals. Submits examples of statutory construction **(EXHIBIT P)** and Judge Lindau’s informational packet on principals of statutory construction **(EXHIBIT Q)**. Introduces himself, Judge Landau, and Judge Linder.
- 155 Judge Brewer Discusses what the judges will speak about this morning.
- 167 Judge Jack Landau Judge, Oregon Court of Appeals. Thanks the members for opportunity to speak, and explains what the substance of his discussion will be.
- 197 Judge Landau Explains the role of the Court of Appeals.
- 207 Judge Landau Describes what “law” is according to the Court of Appeals, and how the courts determine how to interpret the law.
- 249 Judge Landau Discusses Oregon state law and the Oregon constitution.
- 270 Rep. Flores Asks how the U.S. Supreme Court is held accountable.
- 282 Judge Landau Explains that the U.S. Supreme Court is the last word, and only they can correct their own mistakes. Points out the contrast with the Oregon Supreme Court Justices who are elected and accountable to the people.

300	Judge Brewer	Adds that there is not much accountability for the U.S. Supreme Court Justices outside of impeachment.
310	Bill Taylor	Notes that the constitution can be amended by congress.
313	Judge Landau	Discusses the role of elected judges. Continues discussion of state law.
336	Judge Landau	Explains how the law is interpreted.
352	Rep. Flores	Mentions legislators' reliance upon Legislative Counsel, and asks about the "disconnect" that causes problems with statutory interpretation.
362	Judge Landau	Discusses statutory construction, and the low percentage of problems.

TAPE 10, A

007	Judge Brewer	Mentions dilemmas the courts have with the meaning of statutes.
022	Judge Virginia Linder	Discusses complexity of the world, and how difficult it is to regulate and make statutes that anticipate unintended consequences.
042	Rep. Thatcher	Explains frustration of legislators whose intentions are misinterpreted, and asks if judges look at the legislative record to determine intent.
050	Judge Landau	Explains the sequence of analysis for interpreting statutes.
065	Judge Linder	Offers a historical perspective on interpreting statutes.
112	Judge Linder	States that judges are open and invite questions about their decisions.
117	Rep. Garrard	Recalls that a plaintiff or defendant may utilize statutes in their appeals, and asks if the courts may apply a more applicable statute.
125	Judge Landau	Explains that judges must research and find all statutes that apply.
132	Rep. Olson	

		Refers to the field trip (2/10/05) to the Oregon Supreme Court hearing and the techniques judges used during the oral argument.
136	Judge Linder	Explains reliance on briefs and discusses oral argument.
157	Judge Brewer	Adds to discussion on oral arguments and briefs.
167	Judge Linder	Explains how frustrating it is for a lawyer when the court does not ask questions during an oral argument.
179	Judge Landau	Discusses the rules of statutory interpretation, and refers to the list of statutory construction rules (EXHIBIT Q).
204	Judge Landau	Explains the three-step process for statutory interpretation.
212	Judge Landau	Emphasizes that judges cannot add or take away from a statute.
220	Judge Landau	Refers to <i>Young v. State of Oregon</i> on page one (EXHIBIT P) to illustrate the court's attention to never add or take away from a statute.
255	Judge Brewer	Refers to Rep. Thatcher's question about interpreting statutes in a contrary way to the intention of the legislature.
273	Judge Landau	Continues explanation of statutory interpretation and related rules.
324	Judge Landau	Refers to <i>State v. Holloway</i> on page two (EXHIBIT P) to further illustrate how judges interpret statutes.
367	Rep. Flores	Remarks that the courts use existing statutes to interpret statutes.
372	Judge Brewer	Replies that using statute to interpret statute is called "context."
375	Judge Landau	Explains why legislative history is not a substitute for good drafting, but is helpful as a last resort to interpret statutes.
410	Judge Landau	Refers to <i>State v. Stearns</i> on page three (EXHIBIT P) in order to illustrate how legislative history can help interpret a statute.

TAPE 9, B

020	Rep. Wirth	Asks whether statements said on the Chamber floor hold more weight.
034	Judge Landau	Discusses the parts of the record that help the most in interpreting legislative history.
083	Judge Landau	Continues discussion about giving weight to testimony and statements.
096	Judge Brewer	Clarifies that Judge Landau is explaining a hierarchy of importance.
102	Judge Landau	Offers an illustration of a helpful comment made by a legislator.
127	Judge Linder	Points out that legislative history is not easy to access, and is not necessarily permanent.
171	Bill Taylor	Counsel. Offers an example of a statement that was missed as the assistant flipped the tape.
183	Judge Landau	Discusses Staff Measure Summaries and how the background helps interpret the statute by the problem that the bill was trying to solve.
205	Judge Landau	Discusses problems with ambiguity, the court's responsibility to decide, and some rules if legislative intent is not clear.
246	Judge Brewer	Discusses reluctance to proceed to final measures and have to "guess" what the statute means.
265	Rep. Garrard	Inquires what prevented courts from applying legislative intent to <i>Young</i> case, where "state" was implied but not written.
270	Judge Landau	Explains that though the court must find intent, it has a greater rule that they cannot add or subtract, they must only interpret.
284	Rep. Garrard	Wonders why the context did not prove the intent to include "state."
292	Judge Landau	Reiterates that the court must assume the legislature meant to omit the word "state." Stresses that it was voted and signed into law, so the courts have no authority to rewrite the statute.

306 Rep. Ackerman Agrees that the separation of powers requires that the courts appeal to a greater principle than interpretation, and not rewrite the law.

318 Judge Landau Responds that Rep. Ackerman is correct, and the separation of powers does not allow the courts to write law.

325 Judge Brewer Admits that Rep. Garrard's question gets at the root of the cause of much frustration. Explains that the courts can only interpret what is already in the statute, to interpret ambiguity, never to add or subtract from the statute in order to interpret—even if the results are absurd.

380 Judge Landau Concludes with a brief review of the discussion.

TAPE 10, B

012 Judge Landau Continues final summary.

028 Chair Krieger Thanks the speakers, offers courtesies.

033 Rep. Wirth Expresses appreciation for comments.

040 Judge Brewer Invites members to work together with the judges.

043 Rep. Flores Thanks speakers, and expresses her hope for an ongoing dialogue.

048 Judge Landau Invites questions at any time about courts and statutory interpretation.

052 Chair Krieger Closes informational meeting. Recesses at 10:35 a.m.

058 Chair Krieger Reconvenes the meeting at 10:45 a.m.

060 Bill Taylor Counsel. Submits report from the Oregon Law Commission on HB 2275, relating to child support (**EXHIBIT R**).

067 Chair Krieger Closes the informational meeting. Opens a work session on HB 2225.

HB 2225 – WORK SESSION

068 Heidi Moawad Counsel. Introduces HB 2225, which establishes standard of review for appeals from judgment in violation proceeding.

086 Rep. Macpherson **MOTION: Moves HB 2225 to the floor with a DO PASS recommendation and be placed on the CONSENT CALENDAR.**

VOTE: 9-0-0

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

094 Chair Krieger **The motion CARRIES.**

095 Chair Krieger Closes work session on HB 2225. Opens work session on HB 2226.

HB 2226 – WORK SESSION

096 Heidi Moawad Counsel. Introduces HB 2226, which provides that defendant must be substantially prejudiced by delay before court may dismiss accusatory instrument due to violation of speedy trial requirement.

113 Rep. Olson **MOTION: Moves HB 2226 to the floor with a DO PASS recommendation.**

118 Rep. Macpherson Concludes that he will support the bill, counter to his vote in the subcommittee, and explains his support for HB 2226.

124 Rep. Ackerman Asks if there were any comments from the Oregon Criminal Defense Lawyers Association (OCDLA) in the subcommittee.

129 Heidi Moawad Relates that the OCDLA opposed the bill, and explains their position.

138 Rep. Ackerman Asks about the new language in HB 2226: “substantial prejudice.”

142 Heidi Moawad Discusses constitutional standard about prejudice to the defendant.

153 **VOTE: 7-2-0**

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

NAY: 2 - Ackerman, Wirth

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

163 Chair Krieger Closes work session on HB 2226. Opens work session on HB 2227.

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HB 2227 – WORK SESSION

165 Heidi Moawad Counsel. Introduces HB 2227, which authorizes introduction of victim impact evidence in nondeath penalty aggravated murder sentencing proceedings.

194 Rep. Thatcher MOTION: Moves HB 2227 to the floor with a DO PASS recommendation.

VOTE: 9-0-0

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

205 Chair Krieger The motion CARRIES.
REP. THATCHER will lead discussion on the floor.

206 Chair Krieger Closes work session on HB 2227. Opens work session on HB 2275.

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HB 2275 – WORK SESSION

207 Bill Taylor Counsel. Introduces HB 2275, which resolves conflicting terms of certain child support judgments involving same obligor and child.

217 Rep. Ackerman MOTION: Moves HB 2275 to the floor with a DO PASS recommendation and be placed on the CONSENT CALENDAR.

VOTE: 9-0-0

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

- 226 Chair Krieger The motion CARRIES.
- 227 Chair Krieger Closes work session on HB 2275. Opens work session on HB 2279.

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HB 2279 – WORK SESSION

- 228 Sam Sears Counsel. Introduces HB 2279, which allows juvenile court to conduct review of guardianship.
- 242 Rep. Wirth **MOTION: Moves HB 2279 to the floor with a DO PASS recommendation and be placed on the CONSENT CALENDAR.**
- VOTE: 9-0-0**
- AYE: In a roll call vote, all members present vote Aye.**

- 252 Chair Krieger The motion CARRIES.
- 253 Chair Krieger Closes work session on HB 2279. Opens work session on HB 2280.

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HB 2280 – WORK SESSION

- 255 Sam Sears Counsel. Introduces HB 2280, which provides that certain moneys paid by persons who apply for and are appointed counsel at state expense are to be deposited into Judicial Department Operating Account.
- 268 Rep. Krieger **MOTION: Moves HB 2280 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means by prior reference.**
- VOTE: 9-0-0**
- 270 Chair Krieger **Hearing no objection, declares the motion CARRIED.**
- 271 Chair Krieger Closes work session on HB 2280. Opens work session on 2281.

HB 2281 – WORK SESSION

272 Sam Sears Counsel. Notes that he received permission from the Speaker to rescind the subsequent referral on HB 2281, which modifies laws governing circuit courts and appellate courts.

282 Rep. Macpherson **MOTION: Moves HB 2281 to the floor with a DO PASS recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED and be placed on the CONSENT CALENDAR.**

VOTE: 9-0-0

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

294 Chair Krieger **The motion CARRIES.**

295 Chair Krieger Closes work session on HB 2281. Opens work session on HB 2289.

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HB 2289 – WORK SESSION

296 Sam Sears Counsel. Introduces HB 2289, which allows claiming successor to small estate or personal representative to file one or more supplemental affidavits at any time after filing of original affidavit for purpose of correcting original affidavit.

309 Rep. Ackerman **MOTION: Moves HB 2289 to the floor with a DO PASS AS AMENDED recommendation and be placed on the CONSENT CALENDAR.**

VOTE: 9-0-0

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

320 Chair Krieger **The motion CARRIES.**

322 Chair Krieger Closes work session on HB 2289. Opens work session on HB 2296.

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HB 2296 – WORK SESSION

- 323 Heidi Moawad Counsel. Introduces HB 2296, which expands sex offender reporting requirements by requiring sex offender to report when sex offender works at, carries on vocation at or attends institution of higher education. Discusses definition of “higher education.”
- 370 Rep. Macpherson Requests materials Ms. Moawad used to define “higher education.”
- 372 Rep. Ackerman Asks for clarification that definition includes community colleges.
- 377 Heidi Moawad Clarifies that the definition does include community colleges.
- 399 Rep. Ackerman Announces that he learned a lesson from the informational hearing today that definitions should be included in the bill to assist in statutory interpretation.
- 404 Chair Krieger Asks if bill could be amended in the Senate.
- 406 Bill Taylor Explains options for amending.
- 417 Rep. Ackerman Explains his concern about defining “higher education” within the bill.

TAPE 11, A

- 002 Rep. Thatcher Expresses concerns that it is not defined who is in charge of protection at the educational institutions referred to in HB 2296.
- 007 Bill Taylor Discusses HB 2296 as a reporting statute.
- 022 Heidi Moawad Clarifies the distinction in reporting duties between the Federal Sex Crimes Prevention Act and HB 2296.
- 039 Bill Taylor Explains that HB 2296 does not impose a duty upon the colleges.
- 045 Chair Krieger Clarifies that the sex offender must perform notification, which might relieve the college of liability.

- 049 Bill Taylor Notes that HB 2296 does not require college to police notification.
- 053 Rep. Flores Discusses Supreme Court decision about classes of sex offenders.
- 058 Heidi Moawad Discusses decision which relates to designation as a predatory sex offender. Relates the Supreme Court decision will not affect HB 2296.
- 070 Rep. Macpherson MOTION: Moves HB 2296 to the floor with a DO PASS recommendation.**
- VOTE: 9-0-0**
- AYE: In a roll call vote, all members present vote Aye.**
- 079 Chair Krieger The motion CARRIES.**
- REP. MACPHERSON will lead discussion on the floor.**
- 089 Chair Krieger Closes work session on HB 2296. Opens a work session on HB 2297.

HB 2297 – WORK SESSION

- 090 Heidi Moawad Counsel. Introduces HB 2297, which expands circumstances under which public indecency is felony.
- 103 Rep. Olson MOTION: Moves HB 2297 to the floor with a DO PASS recommendation and be placed on the CONSENT CALENDAR.**
- VOTE: 9-0-0**
- AYE: In a roll call vote, all members present vote Aye.**
- 111 Chair Krieger The motion CARRIES.**
- 114 Chair Krieger Closes work session on HB 2297. Opens work session on HB 2299.

HB 2299 – WORK SESSION

- 115 Heidi Moawad

Counsel. Introduces HB 2299, which requires person relieved of duty to report as sex offender to provide to Department of State Police copy of court order relieving person on duty.

127 **Rep. Thatcher** **MOTION: Moves HB 2299 to the floor with a DO PASS recommendation and be placed on the CONSENT CALENDAR.**

VOTE: 9-0-0

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

135 **Chair Krieger** **The motion CARRIES.**

137 Chair Krieger Closes work session on HB 2299. Opens work session on HB 2304.

HB 2304 – WORK SESSION

138 Sam Sears Counsel. Introduces HB 2304, which increases from \$4 to \$7 amount that judgment creditor may recover from judgment debtor for fees paid to attorney to issue writ of garnishment.

143 **Rep. Ackerman** **MOTION: Moves HB 2304 to the floor with a DO PASS recommendation.**

147 Rep. Thatcher Asks if the amount was increased to cover costs.

152 Chair Krieger Asks Rep. Ackerman to explain.

154 Rep. Ackerman Explains the reason the fee is being increased.

VOTE: 9-0-0

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

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

166 Chair Krieger Closes work session on HB 2304. Opens work session on HB 2305.

HB 2305 – WORK SESSION

167 Sam Sears Counsel. Introduces HB 2305, which allows delivery of writ of garnishment to person designated by sole proprietor to accept service.

178 Rep. Garrard **MOTION: Moves HB 2305 to the floor with a DO PASS AS AMENDED recommendation and be placed on the CONSENT CALENDAR.**

VOTE: 9-0-0

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

189 Chair Krieger **The motion CARRIES.**

190 Chair Krieger Closes work session on HB 2305. Opens work session on HB 2314.

HB 2314 – WORK SESSION

191 Sam Sears Counsel. Introduces HB 2314, which modifies duties of guardians and conservators after death of protected person.

210 Rep. Flores **MOTION: Moves HB 2314 to the floor with a DO PASS recommendation.**

VOTE: 9-0-0

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

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

222 Chair Krieger Closes work session on HB 2314. Asks members to contact chairs and counsel for questions about bills before they get to the full committee meetings.

232 Chair Krieger Adjourns the meeting at 11:25 a.m.

EXHIBIT SUMMARY

- A. Introductions, Measure, LC 1305, staff, 3 pp
- B. Introductions, Measure, LC 1424, staff, 3 pp
- C. Introductions, Measure, LC 1672, staff, 14 pp
- D. Introductions, Measure, LC 1732, staff, 2 pp
- E. Introductions, Measure, LC 2117, staff, 10 pp
- F. Introductions, Measure, LC 2118, staff, 1 p
- G. Introductions, Measure, LC 2119, staff, 1 p
- H. Introductions, Measure, LC 2120, staff, 1 p
- I. Introductions, Measure, LC 2121, staff, 2 pp
- J. Introductions, Measure, LC 2122, staff, 1 p
- K. Introductions, Measure, LC 2123, staff, 4 pp
- L. Introductions, Measure, LC 2124, staff, 2 pp
- M. Introductions, Measure, LC 2126, staff, 2 pp
- N. Introductions, Measure, LC 2127, staff, 1 p
- O. Introductions, Measure, LC 2252, staff, 1 p
- P. Statutory Construction, examples, Judge David Brewer, 3 pp
- Q. Statutory Construction, principles, informational packet, Judge David Brewer, 3 pp
- R. HB 2275, report from Oregon Law Commission, staff, 6 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

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**