

HOUSE COMMITTEE ON
INFORMATION MANAGEMENT AND TECHNOLOGY

February 15, 2005 Hearing Room 357

1:00 P.M. Tapes 17 - 18

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:

HB 2179 - Public Hearing

HB 2302 - Public Hearing

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 17, A

003 Chair Dallum Calls the meeting to order at 1:00 p.m. and opens a public hearing on HB 2179, which allows the Director of Consumer and Business Services to establish alternative regulatory options for the purpose of encouraging emerging technologies.

HB 2179 – PUBLIC HEARING

011 Patrick Allen Manager, Office of Regulatory Streamlining, DCBS. Explains that HB 2179 is one of several bills on regulatory streamlining this session. States that HB 2179 provides Building Codes Division with the ability to deal with emerging building technologies and materials. Suggests referring HB 2179 to the Business Committee.

029 Chair Dallum Advises that the plan is to refer HB 2179 in the work session.

034 Rep. Witt Asks for examples of what is being considered.

036 Mark Long Administrator, Building Codes Division (BCD), DCBS. Testifies and submits written testimony in support of HB 2179 (**EXHIBIT A**). Provides *BCD Fast Facts* describing the division's mission (**EXHIBIT B**). Advises that HB 2179 provides an expedited process to recognize certain high technology equipment that is not covered in the code.

055 Rep. Krummel Asks for an example of a piece of equipment that needed to be regulated for which legislative authority had to be granted.

062 Long Responds with explanation of equipment in the high technology sector, that is built overseas and has a particular function in a manufacturing setting. Cites examples of national and international standards not recognized by Oregon's codes.

096 Rep. Krummel Asks why we would regulate high technology equipment.

100 Long Replies that it is regulated because the codes suggest it, or it is unclear if it should be regulated.

116	Rep. Krummel	Asks there are statutes and administrative rules that require regulation of things that should not be regulated.
137	Long	Explains that statutes and rules are developed from a particular set of circumstances at a particular time. States that products are changing faster than our regulations. Expresses a need to be proactive and a concern about attracting innovation to Oregon.
160	Rep. Krummel	Inquires if this will become part of the division's performance measures.
166	Long	Responds, not at this time.
173	Allen	Adds that there is no frame of reference at this time to create a performance measure.
183	Long	Points out that there is a performance measure on the alternative and flexible permit approach.
194	Rep. Krummel	Comments that Oregon tends to over-regulate.
202	Chair Dallum	Closes the public hearing on HB 2179 and opens a public hearing on HB 2302, which prohibits a person from installing or causing installation of spyware on a computer.

HB 2302 – PUBLIC HEARING

227	Jim Craven	Oregon Council of the American Electronics Association. Testifies and submits written testimony in opposition to HB 2302 (exhibit c). Discusses "spyware," which is one contemporary threat to the Internet, and "spam," viruses, worms and "phishing."
290	Craven	Continues by explaining "spyware," which is installed without a user's informed consent.
313	Craven	Describes indicators that a computer may be infected with "spyware." Points out that not all computer problems are caused by "spyware."
334	Craven	Refers to Exhibit C, Page 4 that offers suggestions to safeguard a computer system.

370 Craven Continues describing anti-virus programs and firewalls.

TAPE 18, A

010 Craven Refers to various state laws passed in 2004. Believes that a uniform federal law is better than individual state laws.

040 Rep. Burley Agrees that there is a very serious problem and that federal regulations are preferable.

049 Craven Indicates that Sen. Wyden was the key person on the federal "spam" bill so would be receptive to input from the state.

057 Jim Gardner Microsoft. Testifies in opposition to HB 2302. Refers to a study by America On Line and the National Cyber Security Alliance, which revealed that approximately 80 percent of all Internet users have some form of "spyware" on their machines.

090 Gardner Describes downloadable anti-spyware programs and a voluntary network of users who uncover new threats quickly.

124 Rep. Wirth Asks what can be done about involuntary e-mail.

140 Gardner Replies that some software tracks keystrokes, including credit card information from Internet orders.

145 Rep. Wirth Asks about information tracked through "spyware."

148 Gardner Responds, yes, there have been instances of identity theft.

150 Craven Adds that some pop-up ads are annoying but not meant to damage the computer.

183 Craven Continues that some "phishing" lasts only 24 hours so prosecution is difficult.

193 Chair Dallum Closes the public hearing on HB 2302.

196 Dallas Weyand

Committee Administrator. Announces that the work session on HB 2179 will be February 22. Discusses the field trip scheduled for February 17.

209 Chair Dallum Adjourns the meeting at 1:44 p.m.

EXHIBIT SUMMARY

- A. **HB 2179, written testimony, Mark Long, 1 p**
- B. **Building Codes Division, fast facts, Mark Long, 1 p**
- C. **HB 2302, written testimony, Jim Craven, 4 pp**