

HOUSE COMMITTEE ON INFORMATION
MANAGEMENT AND TECHNOLOGY

April 26, 2005 Hearing Room 357

1:00 P.M. Tapes 33 - 34

MEMBERS PRESENT: **Rep. John Dallum, Chair**

Rep. Chuck Burley

Rep. Brad Witt

MEMBERS EXCUSED: **Rep. Jerry Krummel**

Rep. Kelley Wirth

STAFF PRESENT: **Dallas Weyand, Committee Administrator**

Louann Rahmig, Committee Assistant

MEASURES/ISSUES HEARD:

HB 3464 – 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
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TAPE 33, A

004	Chair Dallum	Calls the meeting to order at 1:15 p.m. and opens a public hearing on HB 3464.
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HB 3464 – PUBLIC HEARING

- 011 Bradd Swank Oregon Judicial Department (OJD). Testifies in opposition to HB 3464. Advises that OJD receives lists from the Department of Motor Vehicles (DMV) and the Secretary of State from which the jury lists are compiled. States that those are made confidential by ORS 810.215. Raises a concern based on a recent case in the Court of Appeals. Asserts that the changes proposed in HB 3464 raise an issue of ambiguity about OJDs ability to re-disclose that information to people who don't have Oregon Department of Transportation (ODOT) permission.
- 050 Swank Reports that the OJD expanded its ability to obtain a sampling of the population from the Secretary of State to include a DMV list.
- 073 Swank Continues that the Court of Appeals opinion was received in April and OJD is now trying to decide how to proceed. Suggests changing the language in HB 3464 to reflect there is no intent to limit OJD access for jury lists.
- 085 Rep. Burley Asks if the information now received from DMV is considered public record based on a recent court challenge.
- 090 Swank Answers, yes.
- 095 Rep. Burley Inquires if that ruling only applies to the information once OJD has it, or if it is a public record when the DMV has it.
- 100 Swank Responds, no; it just applies to the information in their hands for jury selection purposes.
- 102 Rep. Burley Refers to proposed new language on Page 3, Section 2 of HB 3464. Asks if someone submits a public records request under this language, if the DMV has to approve.
- 109 Swank Replies, that is the question.
- 114 Rep. Burley Requests the ORS citation referred to.
- 115 Swank Responds that a further question arises as to how ORS 802.179 as amended by HB 3464 relates to ORS 10.215, which is part of their authority to request master source lists from DMV to create jury lists.

122	Rep. Burley	Asks about adding language that explicitly says jury lists are not part of the public record.
126	Swank	Answers that ORS 10.215 says that now. Discusses the court of appeals decision.
154	Robin Freeman	ODOT. Testifies and submits written testimony in support of HB 3464 (EXHIBIT A). Reads from prepared testimony. Cites problems with resale of lists.
184	Freeman	Explains the qualifications for businesses to be approved to sell information to other qualified businesses. Continues that HB 3464 gives the department the opportunity to not authorize a buyer and the ability to break the chain of resale when necessary. States that HB 3464 also includes a provision to make the state immune from liability for any claim arising from a resale.
216	Rep. Burley	Requests thoughts on Mr. Swank's comments.
221	Bill Seely	ODOT. Does not believe there is an issue as there is a difference in use of information and re-disclosure. States that OJD's authority is in ORS 802.179, and they are free to use the information to carry out their government function. Explains that re-disclosure would occur when the information is made available to others. Advises that the same question was raised when the original laws were enacted in 1997. States that the Attorney General has issued a formal opinion on the topic.
255	Seely	Continues that the reason for HB 3464 is to insure the recipient is authorized under the law. Advises that administrative rules would prescribe the use of the authority.
272	Rep. Burley	Expresses concern that HB 3464 is moot as any disseminator or reseller can obtain information from the jury pool.
286	Seely	Responds that the DMV information is available from many sources, but most people get their information from them. Continues that DMV is seeking authority to allow them to weigh in on whether the recipient is qualified under the law to receive information. States that DMV is having difficulty with private businesses.
317	Rep. Witt	Asks how many times the information can be resold or re-disseminated.

324 Seely Replies that there is no limit once the information is obtained under the law, but all parties must be qualified under the law to receive it.

230 Rep. Witt Inquires about the chain of custody.

323 Seely Replies that he is not sure what a typical chain would be. Advises that they are used to seeing two, three, four or more entities in the chain, and that is the reason they are seeking authority to limit that chain.

354 Rep. Witt Refers to Lines 13 and 14, Page 4 of HB 3464 where the state excuses itself from any liability. Asks if it is typical for the state to divulge that kind of information without liability.

380 Seely Responds that the state already has immunity from claims where the information has been misused. Cites an example.

TAPE 34, A

017 Seely Continues that first parties may start relying entirely on the department's determination of eligibility of second parties. Wants the first parties to exercise their responsibilities to determine the eligibility of the second parties.

029 Rep. Witt Asks for a description of a disseminator.

032 Seely Replies that is a unique term in Oregon and explains how it got into statute. Advises that disseminators are under contract with the department.

056 Rep. Witt Inquires if there are other agencies that utilize disseminators.

060 Seely Doesn't know of any, but it is not an uncommon practice for a government agency to rely on a single source for information. Continues that other states have contracts with vendors so they don't have to be in the business of selling information.

079 Rep. Witt Asks if they hear from the general public that they are displeased about this practice.

081	Seely	Answers, yes, but much less than they used to. States that prior to 1997 it was a common complaint. Records are quite available under the law to many businesses and government entities.
100	Chair Dallum	Asks if HB 3464 augments the 1997 package by breaking the chain of accessibility.
104	Freeman	Responds that it provides a tool to insert the department into the resale chain. Continues that they have an agreement with the first person to whom information is sold. Advises that if abuse or misuse happens down the chain, the department does not have the ability to stop it.
117	Chair Dallum	Inquires if HB 3464 more appropriately controls who has DMV information.
120	Freeman	Replies, yes, so qualified buyers have the information according to statute.
123	Chair Dallum	Asks Mr. Swank if his concerns were addressed.
127	Swank	Answers that he wanted the discussion included in the record. Indicates he would be more comfortable with language in HB 3464 that says it doesn't relate to the subsequent re-disclosure limitation on source lists provided to the courts for jury purposes. Sees HB 3464 as legally ambiguous.
161	Chair Dallum	Reiterates to Mr. Swank that he is on the record. Indicates a plan to make a statement on the floor to the effect that HB 3464 is not designed to inhibit the Oregon Judicial Department and their use of the information.
166	Rep. Burley	Asks if he is suggesting using language that specifically excludes the jury pool from the limitations on the resale or disclosure.
170	Swank	Responds that they have a separate statute that prohibits them from re-disclosing the information, and that is the statute the Court of Appeals ruled on.
181	Chair Dallum	Suggests OJD and ODOT get together to work out the details. Announces there will be no work session today.

- 189 Rep. Burley Asks why not go one step further and prohibit the resale and disclosure and have ODOT approve the primary transactions all the time.
- 195 Seely Responds that federal law controls the availability of information so they can't do that.
- 211 Paul Cosgrove Nationwide Insurance. Has been working with DMV to resolve the issue. Informs that the insurance industry is a big user of this information to provide customer service by easy access to driving records. Supports the restrictions on the reuse of the information. Advises that the information to be protected are the person's name, address, telephone number and driver's license number and not information on the person's car. Believes new language may not be required.
- 244 Chair Dallum Closes the public hearing on HB 3464 and announces that a public hearing will be continued and a possible work session held on April 28, 2005. Adjourns the meeting at 1:57 p.m.

EXHIBIT SUMMARY

A. HB 3464, written testimony, Robin Freeman, 2 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.
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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	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**