

HOUSE COMMITTEE ON RULES, REDISTRICTING, AND PUBLIC AFFAIRS

April 06, 2001
1:30 PM

Hearing Room D
Tapes 63 - 65

MEMBERS PRESENT: **Rep. Carl Wilson, Chair**
 Rep. Dan Doyle, Vice-Chair
 Rep. Bill Garrard
 Rep. Steve March
 Rep. Bruce Starr

MEMBER EXCUSED: **Rep. Richard Devlin, Vice-Chair**
 Rep. Dan Gardner
 Rep. Joanne Verger
 Rep. Cherryl Walker

STAFF PRESENT: **Matt Wingard, Committee Administrator**
 Jennifer Goodman, Administrative Support

MEASURE/ISSUES HEARD: **HB 3867 – PUBLIC HEARING**
 HB 2758 – PUBLIC HEARING
 HB 3708 – PUBLIC HEARING
 HB 3707 – 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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE ?, A		
004	Chair Wilson	Opens the meeting at 1:34 p.m. Opens a public hearing on HB 3867.
<u>HB 3867 – PUBLIC HEARING</u>		
018	Ruth Bendl	Testifies in support of the bill. Submits testimony (EXHIBITS A & B) . Explains the immigration process she went through. Expresses concern that no proof of citizenship is required when registering to vote. Believes that anybody can be signed up to vote. Adds that our democracy needs to be protected from gerrymandering and exploitation.
050	Mike Balanesi	Testifies in support of the bill and submits (EXHIBIT C) . Describes how easy it is to obtain and fill out the registration form at the county clerk's office. Explains that it is much harder to obtain a drivers license and cash a check. Explains that there is no longer a precinct polling place because we have an exclusive vote by mail system. States that he has encountered no opposition to this bill.
128	Bendl	Suggests that at least affidavits could be offered as proof of citizenship. Believes this is especially important because of our vote by mail.
149	Rep. March	Asks what she means by the term 'gerrymandering.'
151	Bendl	Responds that it means skewing a vote by introducing invalid voters.
159	Balanesi	Refers to the use of green cards for voter registration.

171	Rep. Garrard	Asks the record of other states regarding this issue.
173	Bendl	Responds that she knows only of Florida because of the piece “60 Minutes” produced.
181	Rep. Garrard	Asks if she knows other state’s law regarding registration.
182	Bendl	Responds in the negative. Suggests that Oregon be a first.
183	Rep. March	States that Oregon allows ex-felons to vote.
186	Bendl	Explains that she was referring to people voting who are at the time incarcerated.
205	Scott Tighe	Elections Division. Submits (EXHIBIT D) . States that the Secretary of State’s Office is neutral at this time. Adds that his counsel has suggested that this bill is in violation of the Federal National Voter Registration Act especially (EXHIBIT D) page A-11 Section 9,b subsections 1 and 2. Refers to the Voter Registration Card and points out that it asks for a sworn signature that the person is eligible to vote. Suggests that registering in person may be a way of verifying more registration cards. Explains that it is possible to register a cat however, Oregon believes in the integrity of the voters.
289	Rep. Starr	Believes that it should not be the federal government that dictates the voter laws, but the state. Asks if there has ever been a complaint against a specific person for voting fraudulently. Asks him to describe the process.
310	Tighe	Explains that he took two calls where the person was concerned that someone who was not registered did vote. Explains that he told them to submit a written complaint with the specific person’s name disclosed. Adds that he would continue to investigate the case.
334	Rep. Starr	Asks if he thinks there is an opportunity to provide any other safeguards within the system we have.
348	Tighe	Explains that the county clerks verify all ballot signatures. Adds that 53 cases of non-matching signatures were given to him. Responds that the safeguard is matching signatures from the voter registration rolls with the return ballot envelope.
385	Rep. Starr	States that a fake signature can be on the registration form and therefore match the fake ballot signature. Believes that we need another safeguard. Asks if the clerks notice if multiple people register to vote from the same address.
421	Tighe	States that he cannot give any suggestions for other safeguards. Adds that he could meet with the clerks and discuss this. Explains that many clerks know the people in town and would notice if multiple people registered in one place.
452	Rep. Garrard	Asks why no other state has such a legal requirement for registration.
TAPE 64, A		
023	Tighe	Responds that the National Voter Registration Act (NVRA) required some states to relax their requirements. Adds that this was done to protect people from civil rights denials.
033	Rep. Garrard	Asks why the federal government would do this.
036	Tighe	Explains that NVRA was passed because they wanted a uniform requirement which would allow all classes of people to register.
048	Rep. Garrard	Asks if we have to go the federal level to have this changed.
051	Tighe	Recommends going to Washington, D.C. to change the federal law.
057	Rep. March	States that we are required by federal law to accept mail in

065	Tighe	ballots.
067	Kelly Taylor	Affirms this. Department of Transportation. Submits and testifies from (EXHIBIT E) . Explains that the Department of Motor Vehicles (DMV) offers to register people to vote. Adds that they collect 210,000 registrations this way per biennium. Believes the impact of the bill will be that the DMV will not be able to process these people because they would not have the appropriate identification at the time. Explains that the workload increase due to stricter requirements would require more funding.
115	Jay Kenton	Portland State University. Submits (EXHIBIT F) and testifies in opposition to this bill. Concerned how this bill will affect campus registration and complying with the law. Explains that the Higher Education Act requires them to make a good faith effort at disseminating mail voter registration forms to all students. Wonders if the University would be responsible for certifying citizen requirements.
158	John Wykoff	Oregon Student Association. Testifies in opposition of the bill. Believes it will reduce the student registration. Adds that this bill creates more bureaucracy. Expresses concern because students don't usually bring along the necessary identification. Adds that this will impact the efforts of student advocates to register students. Believes that the state should encourage registration not hinder it.
204	Rep. Starr	Asks for the citation number for the Higher Education Act.
209	Kenton	Responds that it is the Federal Higher Education Act of 1998. Explains that it is contained in Section 489 subsection B of HR 6.
216	Rep. Starr	Asks him to make a copy of it and submit it to his office.
217	Kenton	Responds that he would be happy to do this.
219	Rep. March	Asks if there are any penalties for not following the National Higher Education Act.
220	Kenton	Responds that they would lose the ability to participate in federal financial aid for their students.
235	Steve Lanning	AFL-CIO. Testifies in opposition to this bill and submits (EXHIBIT G) . Explains the voter registration card and points out that it emphasizes the need to be a legal citizen. States that the Elections Division has had only one legal case in eight years. Explains that it would be helpful to have a centralized voter registration system.
277	Rep. Starr	Asks if he is comfortable with Oregon's vote-by-mail system and registration.
310	Lanning	Responds that he is comfortable and believes that the clerks are doing a good job. Believes that voter centralization would be helpful.
328		Staff submits (EXHIBIT H) .
330	Chair Doyle	Closes the public hearing on HB 3867 and opens a public hearing on HB 2758.

HB 2758 – PUBLIC HEARING

345	Chuck Carpenter	Manufactured Housing Communities of Oregon (MHCO). Introduces himself.
354	Phil Quering	MHCO. Testifies in support of HB 2758. Explains the four ways a landlord can change a rental agreement. <ul style="list-style-type: none"> • Landlord and tenant agree to change it.

- Regarding pets.
- Rent increase.
- Landlord can alter if there has been a change in statute.

States that there are agreements out there since the 1970's that cannot be changed. Believes this bill clarifies that if the rights of the landlord or tenant change the agreement may be unilaterally changed or updated. Gives examples of inequity because the landlord cannot unilaterally change the agreement. Believes that this bill gives the landlord and the tenant the rights the legislature intended the tenants to get. Adds that it allows the landlord to bring old agreements into compliance with the law.

TAPE 63, B

059	Rep. Garrard	Why not put a disclaimer in the rental agreement.
061	Quering	Responds that it is illegal to put provisions in the rental agreement that takes away renter rights.
075	Rep. Garrard	Asks for the statute number.
076	Quering	Believes it is ORS 90.130 and will provide it.
078	Rep. Garrard	Asks if this is just about changing what has already been written.
082	Quering	Responds that you cannot have a law that grants a tenant or landlord a right if it is not in the rental agreement.
096	Rep. Garrard	Asks if the owners writes the rental agreement.
097	Quering	Responds in the affirmative.
097	Rep. Garrard	Asks if the agreement doesn't contain something that is eventually detrimental, why consider excluding it in the future.
101	Querin	Responds that they do not have a crystal ball. Adds that the law changes but the landlord cannot change the rental agreement to include the changes.
129	Rep. March	Asks how long rental agreements are usually for.
130	Querin	Responds that it is usually month to month.
133	Rep. March	Asks if it can be stopped at anytime by either party.
135	Querin	Responds that that is incorrect. Explains that they are talking about manufactured homes and not apartment rentals. Explains that since the rental agreement cannot be ended without cause it will continue to roll over. Explains that the tenant does not have to sign a new rental agreement.
157	Rep. March	Asks how many parks have agreements active from the 1970's.
165	Querin	Responds that there are several thousands.
167	Rep. March	States that usual turnover is every seven years.
168	Allen Conley	Park owner. Explains that he has a few renters that have lived there for 30 years. Explains that he would like to be able to bring his rental agreements up to date to comply with new laws.
186	Rep. Garrard	Asks if it is not the fault of the landlord who did not write the rental agreement properly.
190	Conley	Explains that there is no blame. Adds that the law changes and the owners would like to comply with it.
211	Rep. Garrard	Asks why they don't write the contract right the first time.
215	Querin	Explains that under tenant landlord law it is not legal to change like in a signed contract. Continues that even if the tenant signs the agreement the court can unilaterally refuse to enforce the provisions if the tenant gave up a right.
243	Rep. Garrard	Asks if someone could use this to change the rental agreements

		in favor of the landlord.
254	Querin	States that this would be impossible to do because the language states that the landlord can only amend to comply with rights and responsibilities of the parties.
271	Rep. March	States that this bill also includes additional charges for utilities and other issues.
285	Querin	Asks if he is reading section 8, A.
286	Rep. March	States that he is reading the summary.
291	Querin	States that he does not believe this substantively changes the current law. Adds that it only tightens the language.
308	Conley	Responds that if the rights of tenants and owners are not current and the agreement cannot be changed; this would also include rights to protect the tenant.
326	Rep. Garrard	Believes this has to work both ways.
336	Conley	Responds that he does not understand his question.
337	Rep. Garrard	Asks if it is in the way it is written whether it is applicable to the contract between tenant and landlord.
341	Conley	States that the laws for the legislature have been applied to all of us equally and firmly.
345	Rep. Garrard	Asks if that is why he has attorneys. States that most tenants do not have attorneys.
350	Conley	States that they do have attorneys.
360	Pat Schwock	Manufactured Homeowners of Oregon. Testifies in opposition to the bill. Explains that this will allow a landlord to unilaterally change a rental agreement to comply with statutory changes. Adds that this can be done at other times other than when required. Believes that this bill relates to park rules. Believes these issues need to be worked out in the coalition.
441	Vice-Chair Doyle	Closes public hearing on HB 2758 and opens a public hearing on HB 3708.

TAPE 64, B
HB 3708 – PUBLIC HEARING

019	Matt Wingard	Committee Administrator. Explains the bill.
027	Rep. Merkley	Submits and testifies from (EXHIBIT I) .
076	Rep. March	Refers to the exclusion for financial institutions.
079	Rep. Merkley	Responds that this is addressed in another bill. Adds that that financial institutions have broader rights than do other businesses.
090	Rep. March	Asks if the companion bill deals more with large businesses than financial institutions. Asks if bigger businesses protect their customer's privacy to some extent.
095	Rep. Merkley	Explains that most large companies are eager to implement the 'opt out' policy. Discusses some opt out forms from Nordstrom. Suggests that these forms are quite complicated. States that in order to 'opt out' you must receive and fill out two applications. Refers to a Wells Fargo pamphlet which also complicated with buried language. States that there should be a presumption of privacy in the first place.
151	Rep. March	Suggests they open a public hearing for his other bill.
157	Rep. Merkley	States that it has not been scheduled yet. States that he needs to create a framework that enables the business to fulfill the relationship with the customer. Adds that they need to address credit reporting requirements. Believes that it should be illegal for companies to sell personal information.

189	Jim Craven	American Electronics Association. Submits (EXHIBIT J) . Testifies in opposition of the bill. Believes that people have choices as to whether to visit web-sites that participate in selling personal information. Explains that state by state legislation is not going to work with internet commerce. Explains that they are working with Congress on this issue. States that he wants people to have a trusting relationship with the companies they deal with.
323	Julie Brandis	Associated Oregon Industries. Submits and testifies in opposition of this bill from (EXHIBIT K) . States that retailers guard customer information. Adds that they cross tab which is an exchange of information. Describes that 'opt in' puts a burden on the retailer if there is a recall. Believes this legislation is too broad to deal with all the different businesses.
441		Staff submits (EXHIBITS L, M, & N) .
443	Chair Doyle	Submits (EXHIBIT O) into the record.
449	Steve Dixon	OSPIRG. Submits and testifies in support of the bill from (EXHIBIT P) . Supports the 'opt in' principle.
TAPE 65, A		
050	Dixon	Continues his testimony. Discusses health care privacy issues. States that often it takes years to realize that your identity has been stolen.
080	Rep. March	Asks if would like to include financial institutions.
081	Dixon	Responds that they support HB 3189 which includes this issue.
091	Cheryl Pelligrini	Department of Justice. Testifies in a neutral capacity on this bill. Believes there will be a challenge in protecting consumers without burdening the businesses. States that the National Association of Attorneys General are working on a set of privacy principals to be adopted by states. Adds that personal identities are already part of the public domain. Believes that sensitive information is part of a continuum and should be treated differently than basic information. Urges the committee to remember that these policies will cover both traditional and on-line transactions.
174	Tim Martinez	Oregon Bankers Association. Submits and testifies from (EXHIBIT Q) . States that this issue is best handled through federal legislation enacted in 1999. Adds that this legislation comes into effect July 1, 2002. States that his organization have put together consumer tips regarding consumer information.
221	Rep. March	Asks if most businesses follow his guidelines.
227	Martinez	Replies in the affirmative.
239		Staff submits (EXHIBITS R & S) .
240	Chair Doyle	Closes the public hearing on HB 3708 and opens a public hearing on HB 3707.
<u>HB 3707 – PUBLIC HEARING</u>		
247	Chair Doyle	Submits Julie Brandis' testimony for HB 3707 (EXHIBIT K) .
256	Steve Dixon	Submits (EXHIBIT T) in support of this bill. Expresses concern regarding identity theft. Explains the horrors of identity theft. Believes this bill would curtail the occurrence of identity theft by not allowing disclosure of social security numbers. Believes that this is also a public safety issue. Recommends punitive damages for a willful violation of this statute.
343		Staff submits (EXHIBITS U & V) .

Submitted By,

Reviewed By,

Jennifer Goodman,
Committee AssistantMatt Wingard,
Committee Administrator**EXHIBIT SUMMARY**

- A – HB 3867, written testimony, Ruth Bendl, 44pp.**
- B – HB 3867, written testimony, Ruth Bendl, 5 pp.**
- C – HB 3867, written testimony, Mike Balanesi, 1 p.**
- D – HB 3867, written testimony, Scott Tighe, 3 pp.**
- E – HB 3867, written testimony, Kelly Taylor, 1 p.**
- F – HB 3867, written testimony, Jay Kenton, 1 p.**
- G – HB 3867, written testimony, Steve Lanning, 4 pp.**
- H – HB 3867, written testimony, Staff, 1 p.**
- I – HB 3708, written testimony, Rep. Merkley, 2 pp.**
- J – HB 3708, written testimony, Jim Craven, 3 pp.**
- K – HB 3708, written testimony, Julie Brandis, 3 pp.**
- L – HB 3708, written testimony, Staff, 14 pp.**
- M – HB 3708, written testimony, Staff, 1 p.**
- N – HB 3708, written testimony, Staff, 2 pp.**
- O – HB 3708, written testimony, Staff, 1 p.**
- P – HB 3708, written testimony, Steve Dixon, 5 pp.**
- Q – HB 3708, written testimony, Tim Martinez, 6 pp.**
- R – HB 3708, written testimony, Staff, 2pp.**
- S – HB 3708, written testimony, Staff, 1 p.**
- T – HB 3707, written testimony, Steve Dixon, 5 pp.**
- U – HB 3707, written testimony, Staff, 2 pp.**
- V – HB 3707, written testimony, Staff, 1 p.**