

HOUSE COMMITTEE ON GENERAL GOVERNMENT

March 20, 2003 Hearing Room D
8:30 AM Tapes 37 - 39

MEMBERS PRESENT: Rep. Jerry Krummel, Chair
Rep. Donna Nelson, Vice-Chair
Rep. Floyd Prozanski, Vice-Chair
Rep. Brad Avakian
Rep. Derrick Kitts
Rep. John Mabrey

MEMBER EXCUSED: Rep. Kelley Wirth

STAFF PRESENT: Patrick Brennan, Committee Administrator
Jeana Harrington, Committee Assistant

MEASURES: HB 2739 – Public Hearing
HB 2974 – Public Hearing
HB 3101 – 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 37, A		
004	Chair Krummel	Calls meeting to order at 8:43 AM. Opens public hearing on HB 2739.
<u>HB 2739 PUBLIC HEARING</u>		
008	Patrick Brennan	Committee Administrator. Reads Staff Measure Summary (SMS) on HB 2739.
015	Rep. George Gilman	House District 55. Testifies in favor of HB 2739. Provides the committee with a map of state owned land in the Crook County area (EXHIBITS A and B). States the land will not include the state park.
035	Chair Krummel	Asks how many acres are represented by the land available in EXHIBIT A .
040	Rep. Gilman	Notes the only land he has researched is in and around Prineville. Encourages other legislators to consider land in their own districts.
047	Chair Krummel	Asks how many of the parcels are spoken for.
050	Rep. Gilman	Explains the Division of State Lands (DSL) conducts the inventory and answers the properties are available.
057	Rep. Mabrey	Asks who determines whether the land is good for public use.
062	Rep. Gilman	Answers DSL and other agencies do.
072	Rep. Nelson	Clarifies as to who should make the decision on land sale and lease.
076	Rep. Gilman	Answers the agencies should decide whether property should be made available.
087	Rep. Nelson	Clarifies that a complete list of all property owned by the state is available.
093	Rep. Gilman	Explains he is working with DSL currently to find surplus land.

097	Rep. Nelson	Clarifies there is not a lists of available land readily available.
101	Rep. Gilman	Responds that he is unsure.
105	Rep. Prozanski	Requests if Rep. Gilman could suggest a mechanism the legislature could give agencies to use for property sales.
114	Rep. Gilman	Believes the state should sell land when it no longer sees a use for it and not because of the market at the time.
127	Chair Krummel	Comments with regard to process of offering land to state agencies before the public sector. Asks if this should be addressed by the bill.
138	Rep. Gilman	Welcomes the committee to make changes it sees fit. Believes there should be a way to expedite the process.
150	Jeanette Holman	Assistant Director, DSL. Comments on state trust lands.
187	Rep. Kitts	Concurs with the sentiment of his colleagues on the lands owned by the state. Believes sale of state land no longer needed should not be contingent on market value. Refers to EXHIBIT A and poses question.
195	Holman	Responds that she is unsure how long the state has owned land.
200	Rep. Kitts	Clarifies.
205	Holman	Explains further.
210	Rep. Nelson	Asks if each agency has to be asked about available land.
221	Holman	Explains that DSL has records of land available and also has a mapping system for state owned lands.
247	Chair Krummel	Poses question regarding the purpose of common school lands.
263	Holman	States she is unsure.
271	Rep. Nelson	Asks if a member of DAS is present.
274	John Wales	Manager of Property Sales, DAS.
280	Rep. Nelson	Expresses concern there is not a list of state lands available. Asks if one exists.
285	Wales	Responds DAS does have a list of all state agency lands. Speaks to the process of offering state lands. Notes he is unsure if the list is current.
302	Rep. Nelson	Clarifies there is a list of all property owned and leased.
304	Wales	Affirms.
305	Rep. Nelson	Restates earlier question.
321	Wales	Explains DAS has a list of all property state owns. Notes it does not keep track of current market value of the property.
341	Rep. Nelson	Asks if the purchase value is known
343	Wales	Affirms.
347	Rep. Prozanski	Comments on the process already implemented concerning the jurisdiction of property.
365	Wales	Explains every agency determines what property it needs and then informs DAS. Continues explanation of the process of acquisition.
387	Rep. Prozanski	Asks if there is a procedure involving state lands involving the general public for recreational purposes.
TAPE 38, A		
005	Wales	Answers there are properties available depending on the agency.
012	Rep. Kitts	Clarifies the process of availability.
015	Wales	Explains the process.
021	Rep. Kitts	Asks if the property is then exchanged because the state owns all the land. Poses situation.
031	Wales	Believes the example is a fair assessment.
035	Rep. Mabrey	Speaks to the lands available. Comments on land management. Asks if there is the opportunity for public citizens to place offers

061	Wales	on property. Explains there is no formal process although the opportunity exists.
071	Rep. Nelson	Wonders if all renters are current.
075	Wales	Clarifies the land DAS charges to agencies.
080	Rep. Nelson	Notes the price on square footage.
090	Wales	Speaks to the rate per square footage charged by other agencies in Oregon.
096	Rep. Avakian	Requests Mr. Wales to comment on the word change set out by the bill.
101	Wales	Explains there is no fiscal impact to DAS in making the change. Speaks to the disposition program DAS has. Explains DAS does not control agency decisions regarding property. Comments the bill would remove discretion regarding land. Notes there may be some properties that cost more to dispose of than to keep.
140	Chair Krummel	Requests that Mr. Wales work with Rep. Gilman and Committee Staff to expedite process and to ensure agencies fare well.
155	Wales	Affirms.
160	Chair Krummel	Closes public hearing on HB 2739. Opens public hearing on HB 2974.

HB 2974 PUBLIC HEARING

165	Patrick Brennan	Reads SMS on HB 2974.
170	Rep Prozanski	House District 8. Testifies in favor of HB 2974. Explains the bill. Notes there are mixed opinions on the measure.
195	Wayne Schulz	Lane County. Testifies in favor of HB 2974 representing Oregon veterans (EXHIBIT C). Speaks on identity theft.
235	Rep. Nelson	Voices concern that certain individuals may need to access the records.
242	Schulz	Clarifies.
247	Rep. Nelson	Explains further.
252	Schulz	Notes the process that occurs when veterans become deceased.
264	Rep. Nelson	Assumes that all veterans do not have a personal representative.
276	Schulz	Voices concern that the information is currently available to everyone and would like to see more measures taken to protect that.
284	John Mangis	Department of Veterans Affairs (DVA). Explains the problems with identity theft.

TAPE 37, B

010	Charles Stern	Yamhill County Clerk. Identifies the materials he has provided (EXHIBITS D, E, and F). Speaks to the issue of identity theft of veterans. Explains he is unsure of how to deal with the problem. Summarizes the issues of concern the counties share.
081	Chair Krummel	Asks if an amendment was created and the bill passed, what would occur.
087	Stern	Explains there will be a price to removing the information.
092	Rep. Nelson	Asks if a certain form can be obtained.
097	Stern	Notes it is a public document. Lists marriage records and liens as information also available as public record.
105	Rep. Nelson	Comments on lists being sold. Asks if the information is sold.
114	Stern	Answers in some cases the information is sold and explains.
130	Tom Gallagher	(ONPA). Testifies against HB 2974. Notes the importance of keeping certain information available due to public security issues. Admonishes that the general purpose of public record be considered.

171	Rep. Nelson	Notes that veterans are in need of protection as targets of terrorists.
185	Gallagher Diane Cilenti	Responds targets are innumerable. Submits written testimony on HB 2974 (EXHIBIT G).
193	Chair Krummel	Closes public hearing on HB 2974. Opens public hearing on HB 3101.

HB 3101 PUBLIC HEARING

198	Patrick Brennan	Reads SMS on HB 3101.
211	Suzanne Brownlow	Testifies in favor of HB 3103 (EXHIBIT H). Describes situations of pornography abuse and availability. Speaks to pornography blocking filters to protect children. Believes tax dollars should not be spent on institutions that provide access to pornography.
300	Rep. Avakian	Poses question regarding wording of the bill.
305	Brownlow	Wants the term ‘offensive’ to be changed to ‘material that has been deemed harmful to children’. Explains courts have already used the term.
315	Rep. Avakian	Asks who determines which material is ‘deemed harmful’.
320	Brownlow	Refers him to the information provided in EXHIBIT H .
330	Chair Krummel	Asks if Rep. Avakian’s questions were satisfied.
331	Rep. Avakian	Answers no.
335	Brownlow	Believes the public library is not a place where children should have to be protected from illegal pornography. Comments on the amount of material available.
348	Chair Krummel	Remarks.
352	Brownlow	Discusses the restriction of information available to children. Speaks to a library’s policy of signatures required to use a computer. Describes her own situation.

TAPE 38, B

003	Robert Ekstrom	Constitution Party of Oregon. Testifies in favor of HB 3101 (EXHIBIT I). Relates the American military’s current situation to illustrate the attempt to protect children from pornography. Lists arguments against the bill. Notes the reason to propose the measure being the protection of the minds of children.
062	Rep. Betsy Close	House District 15. Testifies in favor of HB 3101 (EXHIBIT J). Describes situations of her own encounters with pornography at public libraries. Believes public computers should not be available for the material.
099	Rep. Prozanski	Asks if Rep. Close has spoken with Legislative Counsel (LC) about constitutionality of the bill.
104	Rep. Close	Responds she has not received a letter from LC indicating a potential problem.
108	Rep. Nelson	Concurs with the opinions of Rep. Close and the proponents of the bill. Asks if the libraries could be accountable for the delinquency of individuals.
115	Rep. Close	Responds the issue is contentious and believes it will spur discussion and debate.
128	Rep. Kitts	Poses situation regarding the development of photographs and pornography.
151	Rep. Close	Responds that those situations involve private businesses and because the issue is of public places and obscenity.
162	Rep. Kitts	Notes the public library carrying problem books. Expands on matters of protection.

174	Rep. Close	Responds regarding filtration and boycotts due to lack of protection.
185	Rep. Kitts	Responds he supports the bill.
188	Norma Rich	Concerned Women of America (CWA) of Oregon. Testifies in favor of HB 3101 (EXHIBIT K). Notes she is not anti-library as a former employee. Lists the reasons for the need of the legislation. Provides statistics on sexual predation. Points out libraries have been sued under Title VII for the issues. Offers fourteen states have taken action on the issue.
230	Marie Hyde	American Mothers of Oregon.
235	Chair Krummel	Notes that Mrs. Hyde has received the title 'Mother of the Year'.
240	M. Hyde	Testifies in favor of HB 3101 (EXHIBIT L). Notes pornography can be related to cigarette and alcohol programs to target the youth. Notes the presence of pornography figures on the American Library Association (ALA). Notes the ALA also receives funds from the pornography industry.
352	Paul Hyde	Father, Grandfather. Testifies in favor of HB 3101. Explains how his family filters the internet. Speaks to freedom of expression versus protection issues.
TAPE 39, A		
003	P. Hyde	Equates porn with termites.
010	Lou Beres	Executive Director, Christian Coalition of Oregon. Testifies in favor of HB 3101 (EXHIBIT M). Speaks to the importance of protecting the citizens of Oregon with wholesome public policy. Believes the Oregon legislature has the duty to protect children from pornography in libraries.
080	Nan Heim	Oregon Library Association (OLA). Testifies in opposition to HB 3101. Notes the fiscal impact at around one half million dollars. Submits decision should be made at the local level.
118	Andrea Meyer	American Civil Liberties Union (ACLU). Testifies in opposition of HB 3101. Believes the bill has constitutional issues. Provides statistics on those accessing the internet at libraries. Informs of a Supreme Court decisions on internet issues. Offers that filtering software does not always work. Provides statistics on the amount and content of internet material. Lists examples of content that has been kept from the public due to error by internet filtering software.
215	Chair Krummel	Notes the committee fully understands the issue.
220	Meyer	Believes the filtering system is problematic. Notes Oregon voter rejection of ballot measures related to limiting freedom of expression. Explains the ACLU believes the bill is unconstitutional.
256	Rep. Mabrey	Comments on local control issues. Accounts for his own accidental encounters with pornography on the internet. Asks about the constitutionality of overrides on the issue.
290	Meyer	Responds with the scrutiny that exists already by the courts.
311	Heim	Comments the funding of libraries by local tax payers. Notes patrons most capable of uninstalling the software are children.
332	Rep. Mabrey	Comments.
335	Rep. Kitts	Refers to Article I, Section 8 of HB 3101 and asks about sectioning libraries as an acceptable compromise.
352	Meyer	Responds that the one-hour photo versus internet library porn issue is different. Explains the filtering is so broad and undefined that it will sweep in material that should not be filtered in any

376	Rep. Kitts	case. Asks if there are any districts that would support pornography in their libraries.
380	Heim	Negates.
382	Meyer	Believes the proposal is much broader than child pornography.
386	Rep. Kitts	Notes the motive behind the issue is a good one for children.
396	Rep. Nelson	Speaks to local control issues and the right of children to be protected.
400	Heim	Offers libraries in Rep. Nelson's district that have instituted filtering.
412	Rep. Mabrey	Comments.
438	Chair Krummel	Closes public hearing on HB 3101. Adjourns meeting at 10:55 AM.

EXHIBIT SUMMARY

- A – HB 2739, Rep. George Gilman, 1 p**
- B – HB 2739, Rep. George Gilman, 2 p**
- C – HB 2974, Wayne Schultz, 1 p**
- D – HB 2974, Charles Stern, 1 p**
- E – HB 2974, Charles Stern, 12 p**
- F – HB 2974, Charles Stern, 5 p**
- G – HB 2974, Diane Cilenti, 1 p**
- H – HB 3101, Suzanne Brownlow, 52 p**
- I – HB 3101, Robert Ekstrom, 1 p**
- J – HB 3101, Rep. Betsy Close, 1 p**
- K – HB 3101, Norma Rich, 30 p**
- L – HB 3101, Marie Hyde, 10 p**
- M – HB 3101, Lou Beres, 3 p**