

# HOUSE COMMITTEE ON GENERAL GOVERNMENT

April 3, 2003 Hearing Room D  
8:30 AM Tapes 49 - 50

**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  
Rep. Kelley Wirth

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

**MEASURES HEARD:** HB 2892 – Public Hearing  
HB 3068 – Public Hearing and Work Session  
HB 3023 – Public Hearing

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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.

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<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
<b>TAPE 49, A</b>		
004	Chair Krummel	Calls meeting to order at 8:39 AM. Opens public hearing on HB 2892. Notes an hour has been dedicated to the bill. Explains rules for testimony on HB 2892.
<b><u>HB 2892 – PUBLIC HEARING</u></b>		
029	Rep. Prozanski	Notes the written testimony on HB 2892 provided by Rep. Phil Barnhart, sponsor of the bill ( <b>EXHIBIT A</b> ).
041	Ken Barber	Requester of HB 2892. Testifies in favor for HB 2892 ( <b>EXHIBIT B</b> ). Provides his history in computer related fields. Explains the purpose of the bill. Speaks on privacy rights. Provides accounts of Microsoft. Notes amendments on the bill.
144	Shane Miller	Private citizen. Testifies in favor of HB 2892. Speaks on open source software. Believes open source software is important to democracy.
198	Cooper Stevenson	Testifies in favor of HB 2892. Speaks on security risks of proprietary software. Provides information on software ( <b>EXHIBIT C</b> ).
264	Chair Krummel	Poses question regarding a system without patches.
270	Stevenson	Replies affirmatively.
276	Rep. Avakian	Requests that Mr. Stevenson differentiate open source and proprietary software in terms of virus protection.
281	Stevenson	Replies that open source considers security first and options second. Explains the architecture of the permissions.
296	Rep. Avakian	Clarifies.
299	Stevenson	Affirms.
301	Rep. Avakian	Poses question regarding software.
303	Stevenson	Explains.
305	Chair Krummel	Asks Mr. Barber question concerning government document

		access.
321	Miller	Responds
325	Chair Krummel	Comments.
337	Rep. Nelson	House District 24. Testifies in opposition of HB 2892 with or without amendments. Sees little value to the state. Believes the process is already open and competitive. Believes a law is not required for the state to choose open source software. Notes Yamhill County commissioners and clerks oppose the bill.
391	Rep. Billy Dalto	House District 21. Testifies in favor of HB 2892. Thinks the bill would provide cost savings. Lists the reasons he proposes the bill. Believes the government should be allowed flexibility to consider incorporating evolving technologies.
<b>TAPE 50, A</b>		
009	Greg Unrein	Citizen of Beaverton. Addresses the issues of open source software. Testifies in favor of HB 2892 ( <b>EXHIBIT D</b> ).
025	Rep. Mabrey	Provides an example to better understand the issue. Seems that the issues of software is
043	Unrein	Explains that open source software does not involve one vendor or one product. Believes the software provides solutions.
	Eric Harrison	Multnomah Education Service District (ESD). Submits testimony on HB 2892 ( <b>EXHIBIT E</b> ).
071	Paul Nelson	Teacher, Riverdale High School. Offers information on open source software utilized in his school. Speaks on cost savings.
124	Harrison	Provides presentation on open source software ( <b>EXHIBIT F</b> ). Speaks on the use of open source software in Multnomah County. Believes open source software should be considered where it is needed.
160	Quentin Hartman	Fernrich School District. Testifies in favor of HB 2892 ( <b>EXHIBIT G</b> ). Explains how it has been important to his school district.
204	Chair Krummel	Requests Mr. Nelson to discuss the thin-client program at Riverdale High.
208	Nelson	Explains the program and its allowances for computers. Notes every computer he purchases through the program costs under \$100.
217	Chair Krummel	Asks Mr. Hartman if he also uses the Thin-Client distribution.
219	Hartman	Affirms.
223	Nelson	Adds the Portland School District is also implementing the program.
225	Harrison	Speaks on the concept of open source software.
227	Nelson	Comments on the use of vendors.
231	Rep. Mabrey	Requests what 'Linux' is.
239	Nelson	Answers, explaining Linux.
245	Rep. Mabrey	Requests how the products are used and purchased.
250	Nelson	Explains the use of the products by individuals and related support.
268	Shaun Savage	Linux Security and Moz Applications. Testifies in favor of HB 2892. Speaks on the philosophy of open source software.
315	Kevin Hagan	Moz Applications. Testifies in favor of HB 2892. Lists reasons for open source software use and its positive allowances.
350	Andrew Spiering	Moz Applications. Comments on the costs of open source software.
385	Jim Craven	American Electronics Association (AEA).
<b>TAPE 49, B</b>		

003	Kevin Campbell	Initiative for Software Choice. Testifies in opposition of HB 2892 <b>(EXHIBIT H)</b> . Believes the bill would decrease competition and increase costs. Points out the bill would be the first preference bill passed in the United States.
064	Craven	Testifies in opposition of HB 2892. Identifies the members of the AEA. Notes the issue is the bill at hand, and that the benefits of open source software are valid. Believes the bill tips state procurement in types of services. Thinks the choice could be a cost addition.
121	Mario Correa	Director of Business Software, Business Software Alliance (BSA). Testifies in opposition of HB 2892 <b>(EXHIBIT I)</b> . Believes passage of the bill would indicate government preference. Believes the bill is an effort to exclude commercial products. Does not believe the bill would have a cost savings.
178	Craven	Requests that Department of Administrative Services (DAS) testify.
183	Rep. Nelson	Requests a definition of 'proprietary'.
186	Campbell	Responds with definition.
191	Rep. Wirth	Asks if there is an opportunity for economic development with open source software.
194	Correa	Explains it is not needed in terms of legislation can be accomplished other ways.
200	Rep. Wirth	Clarifies that all of his clients oppose the bill.
204	Craven	Explains it is the position of the association.
210	Rep. Wirth	Asks if some members of BSA stand to benefit from the bill.
214	Craven	Answers that some will. Adds that the market should be competitive as it is now.
229	Rep. Wirth	Asks who conducted the study.
230	Correa	Answers that International Data Corporation (IDC) conducted study. Responds that companies stand to gain with competition with quality. Argues all companies have something to gain
243	Rep. Wirth	Asks who funded the studies.
248	Correa	Answers Microsoft Corporation and some others did.
256	Chris Sells	Business owner. Testifies in opposition of HB 2892 <b>(EXHIBIT J)</b> . States he is an engineer and believes it is bad engineering. States his beliefs on the proponents of the measure.
329	Deborah Bryant	DAS. Testifies in opposition of HB 2892 <b>(EXHIBIT K)</b> . Points out DAS strongly support use of open source software. States DAS does not support the bill with the current language. Explains open source refers to several areas of technology.
365	Dugan Petty	Deputy Administrator, DAS. Believes the bill provides inequality.
400	Mike Sax	Sax Software Corporation. Testifies in opposition to HB 2892 <b>(EXHIBIT L)</b> .
<b>TAPE 50, B</b>		
003	Sax	Explains the bill is short sighted and that related issues should be considered. Believes open source software is valuable, but not the most logical choice. Comments on the long-term effects of the measure.
053	Chair Krummel	Requests the opposing parties collaborate with DAS in a workgroup to see if the bill can move.
068	Rep. Prozanski	Adds Rep. Barnhart to the list.
071	Chair Krummel	Requests the workgroup create amendments to move the bill by April 15.

083 Rep. Prozanski Suggests Rep. Barnhart's office oversee the workgroup.  
088 Chair Krummel Concurs. Closes public hearing on HB 2892. Opens public hearing on HB 3068.

**HB 3068 – PUBLIC HEARING**

104 Patrick Brennan Reads Staff Measure Summary (SMS) on HB 3068. Notes the -1 amendments (**EXHIBIT M**).

110 Mary Botkin Association of Federal, County, and Municipal Employees (AFSCME) Local 79. Testifies on HB 3068.

130 Denise Fjordbeck Oregon Department of Justice (DOJ). Testifies in favor of HB 3068 (**EXHIBIT N**).

179 Botkin Notes AFSCME supports the amendments.  
183 Fjordbeck Notes DOJ supports the bill.  
188 Kelly Taylor Oregon Department of Transportation (ODOT). Explains the purpose of the -1 and -2 amendments to HB 3068.

210 Kevin Neely Office of the Attorney General. Supports work on the measure.  
218 Chair Krummel Asks if the bill would stop a newspaper from being able to take a picture of people in the building.

223 Neely Does not believe so.  
229 Rep. Prozanski Responds it would have no control over other, only offer management of photo identification of employees outside the building.

237 Rep. Nelson Does not see a reference to photo identification.  
243 Rep. Prozanski Comments on the protection of employee photo information by the bill.

254 Neely Clarifies.  
259 Rep. Nelson Comments further.  
263 Neely Speaks on employee action.  
268 Rep. Prozanski Speaks on the administrative rule process.  
272 Mark Landauer Office of Government Relations, City of Portland. Discusses the use of the photo identification

297 Rep. Prozanski Suggests the bill be moved.  
304 Chair Krummel Closes public hearing and opens work session on HB 3068.

**HB 3068 – WORK SESSION**

307 Rep. Prozanski **MOTION: Moves to ADOPT HB 3068-1 amendments dated 4/2/03.**

310 **VOTE: 5-0-2**  
**EXCUSED: 2 - Kitts, Wirth**  
**Hearing no objection, declares the motion CARRIED.**

307 Rep. Prozanski **MOTION: Moves to ADOPT HB 3068-2 amendments dated 4/2/03.**

310 **VOTE: 5-0-2**  
**EXCUSED: 2 - Kitts, Wirth**  
**Hearing no objection, declares the motion CARRIED.**

319 Rep. Nelson Notes she will be a courtesy vote.  
321 Rep. Prozanski **MOTION: Moves HB 3068 to the floor with a DO PASS AS AMENDED recommendation.**

325 **VOTE: 5-0-2**  
**AYE: In a roll call vote, all members present vote Aye.**  
**EXCUSED: 2 - Kitts, Wirth**  
**The motion CARRIES.**  
**REP. PROZANSKI will lead discussion on the floor.**

335 Chair Krummel Closes work session on HB 3068. Opens public hearing on HB 3023.

**HB 3023 – PUBLIC HEARING**

338

Chair Krummel

Closes public hearing on HB 3023. Adjourns meeting at 10:26 AM.

**EXHIBIT SUMMARY**

- A – HB 2892, prepared testimony, Rep. Phil Barnhart, 11 pp**
- B – HB 2892, prepared testimony, Ken Barber, 16 pp**
- C – HB 2892, prepared testimony, Copper Stevenson, 11 pp**
- D – HB 2892, prepared testimony, Greg Unrein, 1 p**
- E – HB 2892, prepared testimony, Eric Harrison, 2 pp**
- F – HB 2892, prepared testimony, Paul Nelson, 1 p**
- G – HB 2892, prepared testimony, Quentin Hartman, 6 pp**
- H – HB 2892, prepared testimony, Kevin Campbell, 8 pp**
- I – HB 2892, prepared testimony, Mario Correa, 3 pp**
- J – HB 2892, prepared testimony, Chris Sells, 2 pp**
- K – HB 2892, prepared testimony, Deborah Bryant, 2 pp**
- L – HB 2892, prepared testimony, Mike Sax, 7 pp**
- M – HB 3068-1, amendments, Staff, 1 p**
- N – HB 3068, prepared testimony, Denise Fjordbeck, 2 pp**