

## HOUSE COMMITTEE ON GENERAL GOVERNMENT

May 1, 2003 Hearing Room D  
8:30 AM Tapes 76 - 77

**MEMBERS PRESENT:** Rep. Jerry Krummel, Chair  
Rep. Floyd Prozanski, Vice-Chair  
Rep. Brad Avakian  
Rep. Derrick Kitts  
Rep. John Mabrey  
Rep. Kelley Wirth

**MEMBER EXCUSED:** Rep. Donna Nelson, Vice-Chair

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

**MEASURES HEARD:** SB 876 – Public Hearing and Work Session  
HB 3268 – Work Session  
HB 3617 – Work Session  
HB 3101 – Work Session

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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 76, A</b>		
004	Chair Krummel	Calls meeting to order at 8:45 AM. Opens public hearing on SB 876.
<b><u>SB 876 – PUBLIC HEARING</u></b>		
014	Patrick Brennan	Committee Administrator. Reads Staff Measure Summary (SMS) on SB 876.
020	Stephen Kafoury	Professional Land Surveyors of Oregon (PLSO). Testifies in favor of SB 876. Explains the issue regarding the office of county surveyors. Speaks on surveyors in rural counties.
052	Gary DeJarnatt	Jefferson County Surveyor. Testifies in favor of SB 876 <b>(EXHIBIT A)</b> . Speaks on county population and surveying matters.
071	Chair Krummel	Asks if they will request this again when the population reaches 25,000.
074	DeJarnatt	Responds that when the situation arises again, reconsideration may be needed.
079	Chair Krummel	Closes public hearing and opens works session on SB 876.
<b><u>SB 876 – WORK SESSION</u></b>		
081	Rep. Prozanski	<b>MOTION: Moves SB 876 to the floor with a DO PASS recommendation.</b>
085		<b>VOTE: 4-0-3</b> <b>AYE: In a roll call vote, all members present vote Aye.</b> <b>EXCUSED: 3 - Mabrey, Nelson, Wirth</b>
	Chair Krummel	<b>The motion CARRIES.</b> <b>REP. AVAKIAN will lead discussion on the floor.</b>
092	Chair Krummel	Closes work session on SB 876. Opens work session on HB 3268.

**HB 3268 – WORK SESSION**

097 Patrick Brennan Reads SMS on SB 3268. Speaks on past work with the measure. Notes the sponsor, Rep. Jeff Kropf believes there may be a fiscal impact and that he also wishes to amend the bill. Informs that Rep. Kropf requests the committee to move the bill to Ways and Means.

113 Chair Krummel Speaks on Rep. Kropf’s intent for the bill.

116 Rep. Kitts **MOTION: Moves HB 3268 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Ways and Means.**

120 **VOTE: 4-0-3**  
**AYE: In a roll call vote, all members present vote Aye.**  
**EXCUSED: 3 - Mabrey, Nelson, Wirth**  
**The motion CARRIES.**

126 Chair Krummel Closes work session on HB 3268.

**HB 3268 – WORK SESSION CLOSED**

127 Chair Krummel **MOTION: Moves to SUSPEND the rules for the purpose of reconsidering the vote on HB 3617.**

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

129 Chair Krummel **MOTION: Moves to RECONSIDER the vote by which "**  
Chair Krummel **MOTION: Moves HB 3617 to the floor**  
**WITHOUT RECOMMENDATION as to passage**  
**and BE REFERRED to the committee on Rules**  
**and Public Affairs".**

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

131 Chair Krummel Opens work session on HB 3617.

**HB 3617 – WORK SESSION**

150 Rep. Prozanski **MOTION: Moves HB 3617 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Rules and Public Affairs and BE FURTHER REFERRED to the committee on Ways and Means by prior reference.**

155 **VOTE: 5-0-2**  
**AYE: In a roll call vote, all members present vote Aye.**  
**EXCUSED: 2 - Nelson, Wirth**  
**The motion CARRIES.**

165 Chair Krummel Closes work session on HB 3617. Opens work session on HB 3101.

**HB 3101 – WORK SESSION**

204 Rep. Betsy Close House District 15. Testifies in favor of HB 3101. Requests the proponents testify.

215 Chair Krummel Requests testimony.

220 Rep. Close Believes James Leuenberger will testify if he is present.

240 Chair Krummel Notes that Mr. Leuenberger is not present. Requests that Ms. Willard testify.

245 Nancy Willard Center for Advanced Technology in Education, Responsible Netizen Institute. Testifies in opposition of HB 3101 (**EXHIBIT**)

		<b>B).</b> Speaks on her experience in the field of child education and technology. Believes the problem is not one of unconstitutionality, but of ineffectiveness of filtering software. Asks the audience a question regarding the effectiveness of porn filtration. Notes alternative ways children encounter pornography while using the internet. Discusses public institutions use of the certain filtering providers and the potential for viewpoint discrimination.
382	Rep. Kitts	Requests the filtering companies who provide the software.
386	Willard	Responds they are listed on her website.
393	Kitts	Requests the address of the website.
395	Willard	Refers to <b>EXHIBIT B</b> .
404	Rep. Avakian	Clarifies she is not critiquing the providers, but that she is informing of constitutional issues
408	Willard	Concurs and explains further. Lists alternatives that could be utilized to allow for harmony between the Constitution and protection of children.
<b>TAPE 77, A</b>		
015	Willard	Provides personal experience on internet pornography to illustrate the need protection. Speaks on ORS 167.087 prohibiting the display of illegal material. Does not believe the Legislature should take steps to preclude ‘active, engaged parenting’.
062	Suzanne Brownlow	American Mothers Incorporated and Parent. Testifies in favor of HB 3101. Speaks on the use of tax dollars funding pornography in libraries. Provides example. Believes filters are ‘impersonal’.
099	Chair Krummel	Refers to ORS 167.087 and asks if it would be helpful for libraries to display the statute.
105	Brownlow	Responds that it did not work in the Clackamas County Library. Expresses doubt that pedophiles will obey the policies.
115	Chair Krummel	Asks if something is accomplished by HB 3101 that is not already in statute.
120	Brownlow	Believes filtering is worth instituting. Reiterates tax dollars are being used to fund pornography.
131	Rep. Wirth	Inquires about her views on an anti-discrimination policy allowed by school districts.
133	Brownlow	Responds that organizations such as the Boy Scouts of America that Rep. Wirth listed are private.
137	Rep. Wirth	Notes private organizations are still on public school grounds.
140	Chair Krummel	Remarks.
150	Rep. Wirth	Clarifies health issue filtering by the -2 amendments ( <b>EXHIBIT C</b> ).
157	Brownlow	States that filters can discriminate between sex education and pornography.
164	Gregory Chaimov	Legislative Counsel (LC). Explains the committee does not have the authority to adopt HB 3101 as amended due to the interpretation of the U.S. and Oregon Constitutions. Advises against passage. Discusses speech regulation over time, and explains that the Legislature is not allowed to regulate speech, regardless of message. Notes the few exceptions to regulation with regard to child pornography.
242	Rep. Avakian	Clarifies that the committee does not have the authority to pass the bill.
250	Chaimov	Responds with regard to regulation of speech.
254	Rep. Kitts	Speaks on a possible rating system for internet sites and filters.

265	Chaimov	Asks if something of that nature could be a violation of the Constitution.
288	Rep. Kitts	Affirms it would be a violation and explains why. Requests a differentiation of the motion picture industry regulations and a possible internet rating regulation with regard to violation.
303	Chaimov	Responds yes as movie theaters and the industry are private and the government is not involved.
311	Rep. Kitts	Clarifies an issue of suing the industry.
319	Chaimov	Negates. Additional written testimony submitted for the committee's consideration ( <b>EXHIBITS D – H</b> ).
325	Chair Krummel	Closes work session on HB 3101. Adjourns meeting at 9:52 AM.

### **EXHIBIT SUMMARY**

- A – SB 876, Gary DeJarnatt, 8 pp**
- B – HB 3101, Nancy Willard, 4 pp**
- C – HB 3101-2, Staff, 2 pp**
- D – HB 3101, James Leuenberger, 2 pp**
- E – HB 3101, Norma Rich, 2 pp**
- F – HB 3101, Rebecca Roth, 1 p**
- G – HB 3101, Lon Mabon, 1 p**
- H – HB 3101, Margene Ridout, 1 p**