

HOUSE JUDICIARY
SUBCOMMITTEE ON CRIME AND CORRECTIONS

Hearing Room
Tapes - 30

MEMBERS PRESENT:

Rep. Veral Tarno, Chair
Rep. Floyd Prozanski, Vice-Chair
Rep. Peter Courtney
Rep. Jerry Grisham
Rep. Leslie Lewis

STAFF PRESENT:

Holly Robinson, Committee Counsel
Janet Ellingsworth, Committee Assistant

MEASURES HEARD: Public Hearing on HB 2310

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE , A

004 CHAIR TARNO: Convenes meeting at 8:40 A.M.

OPENS the PUBLIC HEARING on HB 2310

Witnesses: Rep. Kevin Mannix, District 32
 Dan McCulloch, Seventh Day Adventist Church
 Gary Bauer, Oregon Independent Telephone Association
 Nan Heim, Oregon Library Association
 Gary Wilhelm, U.S. West Communications
 Mike Dewey, Oregon Cable Telecommunications Association
 David Fidanque, Executive Director of the American Civil Liberties Union

of

Oregon

016 REPRESENTATIVE KEVIN MANNIX, DISTRICT 32: Testimony and overview of
 HB 2310.

117 REP. PROZANSKI: Discusses the language on line 16, page 1, subsection
c.

127 REP. MANNIX: The statutes on the books as to distribution of materials
to minors generally are unconstitutional.

140 REP. PROZANSKI: Aren't you imposing by doing that, limiting whatever
the Oregon constitution has permitted traditionally?

143 REP. MANNIX: We tried to set down the case law of requirements of the
Oregon Supreme Court.

158 REP. PROZANSKI: I'm not comfortable with the language on line 16, would you consider including the word "educational"?

163 REP. MANNIX: Not at all.

165 REP. PROZANSKI: On page 2, lines 4 and 5, who will we hold liable for what might potentially be posted on a computer board.

176 REP. MANNIX: What you may choose to do is take this one step at a time. I would suggest you back away from the whole networking issue.

201 CHAIR TARNO: How do you dovetail the parental issue?

205 REP. MANNIX: The parental obligations could be dovetailed by actually talking about the physical delivery of the computer tape or activation of the computer system.

243 CHAIR TARNO: The parental issue is a concern to me. Perhaps we can work that out somehow.

247 REP. MANNIX: The material your using is going to have to lack serious literary, artistic, political or scientific value and you could add educational value.

282 DAN McCULLOCH, SEVENTH DAY ADVENTIST CHURCH: Testimony in favor of HB 2310.

315 GARY BAUER, OREGON INDEPENDENT TELEPHONE ASSOCIATION: Testimony on HB 2310.

346 CHAIR TARNO: Your feeling is less than supportive of the intent of this bill.

352 BAUER: I'm not arguing with the intent at all.

354 CHAIR TARNO: What roll does your industry feel they should be playing in restricting the use of telephone lines?

356 BAUER: We are not allowed to restrict service.

370 NAN HEIM, OREGON LIBRARY ASSOCIATION: Testimony on HB 2310.

424 REP. PROZANSKI: Could you give us the citation of the ORS again please?

431 HEIM: ORS 167.089.

TAPE 30, A

016 GARY WILHELM, U.S. WEST COMMUNICATIONS: Testimony on HB 2310.

035 CHAIR TARNO: Do you have any proposed amendments?

036 WILHELM: I do not.

041 MIKE DEWEY, OREGON CABLE TELECOMMUNICATIONS ASSOCIATION: Testimony on HB 2310.

070 REP. PROZANSKI: Have you had an opportunity to look at the bill and compare it to the existing furnishing obscene materials to minors?

072 DEWEY: I have but it has been about one week and I cannot sight the differences.

078 DAVID FIDANQUE, EXECUTIVE DIRECTOR, OREGON CIVIL LIBERTIES UNION of
OREGON: Testimony in opposition to HB 2310.

120 REP. PROZANSKI: I was looking at the existing statute ORS 167.065 under

1 (a). I'm wondering if what your proposing is already covered or why it
is not covered to include electronic images.

126 REP. MANNIX: We probably should clarify it even further to say
including an electronic representation.

152 CHAIR TARNO: With nothing further from the committee the meeting is
adjourned at 9:20 A.M.

Submitted by, Reviewed by,

Janet Ellingsworth	Debra Johnson
Committee Assistant	Committee Coordinator

EXHIBIT SUMMARY:

A - Memorandum from Vans Stevenson - 4 pages - submitted by Staff