

HOUSE COMMITTEE ON RULES, REDISTRICTING, AND PUBLIC AFFAIRS

February 5, 2001
1:30 PM

Hearing Room D
Tapes 14 - 15

MEMBERS PRESENT: Rep. Carl Wilson, Chair
Rep. Richard Devlin, Vice-Chair
Rep. Dan Doyle, Vice-Chair
Rep. Dan Gardner
Rep. Bill Garrard
Rep. Steve March
Rep. Joanne Verger
Rep. Cheryl Walker

MEMBER EXCUSED: Rep. Bruce Starr

STAFF PRESENT: Cara Filsinger, Committee Administrator
Jennifer Goodman, Committee Assistant

MEASURE/ISSUES HEARD: HJR 24 - PUBLIC HEARING AND WORK SESSION4
INTRODUCTION OF COMMITTEE BILLS
HB 2436 - 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 14, A		
004	Chair Wilson	Calls committee to order at 1:33 p.m. Opens a public hearing on HJR 24.
<u>HJR 24 – PUBLIC HEARING</u>		
017	Representative Steve March	District 15. Submits and testifies from (EXHIBIT A) in support of HJR 24.
039	Representative Bill Witt	District 7. Testifies in support of HJR 24. Concerned about patients who cannot find suitable matches. Believes this bill will make citizens aware of this problem.
068	Chair Wilson	Closes public hearing on HJR 24. Opens work session on HJR 24.
<u>HJR 24 – WORK SESSION</u>		
069	Rep. Devlin	MOTION: Moves HJR 24 be sent to the floor with a BE ADOPTED recommendation.
075		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Gardner, Starr The motion CARRIES. Rep. MARCH will lead discussion on the floor.
088	Chair Wilson	Closes work session on HJR 24 and opens a work session on LC 1652.
<u>COMMITTEE BILL INTRODUCTIONS</u>		
089	Rep. Devlin	MOTION: Moves LC 1652 BE INTRODUCED as a committee bill.
091		VOTE: 7-0

EXCUSED: 2 - Gardner, Starr

Hearing no objection, declares the motion CARRIED.

Closes work session on and opens a public hearing on HB 2436.

092 Chair Wilson
098 Chair Wilson
HB 2436 – PUBLIC HEARING

099	Rep. March	Submits and testifies from (EXHIBIT B.)
137	Rep. Gardner	Asks how consent would be obtained.
139	Rep. March	Responds that sometimes 9-1-1 center will call for consent however, usually a written consent form will be submitted.
151	Rep. Witt	Supports HB 2436. Wants to protect citizens but wants it balanced with the public's right to know. Agrees that consent should be required. Adds that without consent there needs to be compelling public interest that would require a hearing. States that written transcripts will be available.
211	Rep. Devlin	Asks if audio recording will still be allowed in court cases.
218	Rep. Witt	Replies that a subpoena would be required as it is now.
222	Rep. Garrard	Asks how the media would define a crisis.
226	Rep. March	Responds that it is a plea for help that should be private.
242	Rep. Garrard	Asks where the media will draw the line for crisis and private matters.
253	Rep. Witt	Answers that they need consent or compelling public interest for audio recording. Adds that they can always get the transcript.
268	Rep. Garrard	Asks if there are any laws regarding the participants receiving fees for the sale of the audiotape.
273	Rep. Witt	Asks for clarification of the question.
276	Rep. Garrard	Replies that he is concerned as to whether the person involved in the 9-1-1 call can withhold the tape and request a fee for the use of the tape. Asks if this means the tape and the offer for money extends to all media.
283	Rep. Witt	Responds that once the media has the recording and plays it, anybody can record and replay it.
305	Rep. March	Replies that if the person involved on the tape offers it for a fee the media could probably go to the courts and convince them of a compelling public interest.
313	Chair Wilson	Asks whom the recording belongs to.
315	Rep. March	Responds that it is owned by the 9-1-1 center.
317	Chair Wilson	Asks if it is owned by something known as the 9-1-1 center.
318	Rep. March	Responds that it is a different entity in different places.
323	Chair Wilson	Asks whom the media would appeal to if they believed the tape was a compelling public interest.
329	Rep. March	Replies that in contested cases the media can go to the District Attorney or to a judge.
341	Rep. Gardner	Asks if the -3 amendment allows anyone to obtain a written transcript.
343	Rep. March	Answers that that is correct.
344	Rep. Gardner	Asks who does the actual transcribing.
347	Rep. March	Responds that the 9-1-1 employee could answer that better than he.
351	Rep. Witt	Reminds everyone that the request for transcripts is very small. Believes the cost of creating transcripts would be very small.
376	Chair Wilson	Asks who owns the 9-1-1 tape.
379	Larry Hatch	Washington County assistant director for the 9-1-1 center. Submits and testifies from (EXHIBIT C.) . Answers that it is owned by the 9-1-1 center.
384	Chair Wilson	Asks what the process is in dealing with requests for and the

		recording of audiotapes.
390	Hatch	Responds that personally he would call the agency to see if this was under investigation. Adds that if it was not he would copy the tape and release it.
402	Chair Wilson	Asks if he sends it to a distributing point or sends it out to all the media.
406	Hatch	Responds that if he believes it will be of great interest.
415	Chair Wilson	Asks as a general rule if Mr. Hatch supplies tapes to the media.
416	Hatch	Responds that that is true.
421	Rep. March	Asks how the bill would affect requests from the media.
425	Hatch	Responds that it would require checking with the 9-1-1 caller for consent.
TAPE 11, A		
003	Hatch	Adds that with the amendments it would require transcribing the tapes. Expresses concern that the subjects of the tape will ask who is supplied with the tapes. States that this could cause trouble if the subject did not want the tape dispersed.
021	Dave Fiskum	Oregon Association of Broadcasters. Expresses his opposition to HB 2436. Believes that it only adds to the growing list of exemptions to Oregon's public records law.
057	Bill Johnstone	President/CEO of the Oregon Association of Broadcasters. Opposes HB 2436. Believes that the judgement of whether to use these tapes should be left up to the print and broadcast journalists. Believes that these tapes provide accountability of the public agencies involved.
089	Chair Wilson	Asks that they bear in mind the question as to the value of playing the 9-1-1 tapes on air.
104	Rick Howard	News director of KOIN-TV. States that since 1982 he has never had any complaints. Reviews the process of receiving tapes. Adds that there have been times when he has chosen not to use the tapes because they were too horrible. Declares that the media through these tapes acts as a watchdog for the public.
143	John Sears	News director of KPTV. States that in 20 years he has never received a complaint. Considers the bill to be overreaching, does not feel that people trust the media's judgement. Considers the 9-1-1 tape to be a public document and this bill erodes the public document laws.
207	Dan Acklen	News director of KPDX. Agrees and reiterates statements by Mr. Howard and Mr. Sears.
223	Rod Gramer	News director KGW – TV. States four reason to oppose this bill: <ul style="list-style-type: none"> • Tapes settle questions as to what happens in certain circumstances involving the police and other servants of the people. • Believes that the media polices itself. • Bill will cause a lot of people's time including attorney's, judge's, and the Attorney General's office. • Transcripts will not work for broadcasters as they do for print media.
267	Rep. Doyle	Asks Mr. Howard how he determines which tapes to request and how that fits in with being a watchdog for the public.
277	Howard	States that they are constantly monitoring live broadcasts of 9-1-

1 calls.

297 Rep. Doyle Asks how he would determine, under the new legislation, who would not want to give consent.

303 Howard Responds that they would have to go directly to the police. Creates a problem for 9-1-1 because they do not have time to call back for consent.

322 Acklen States that the media needs to evaluate the police and the process. Adds that with this legislation it would be very difficult since the police themselves would be in charge of the tapes.

345 Gramer Using the New Year's riots as an example, states that many calls were made and asks how many calls for consent would result.

354 Rep. March States that this bill will not affect calls that are already on the public airwaves. Adds that the media does not monitor 9-1-1 calls, they listen in on radio dispatches.

374 Gramer States that they would not have heard broadcast of the 9-1-1 tape they would only have heard what 9-1-1 did in response.

376 Rep. March States that this bill is not designed for communication between public agencies.

387 Howard Asks what generates the concern that prompted this bill to be written.

391 Rep. March States that there are people who will be testifying later who have complained.

392 Submits **(EXHIBIT D.)**

403 Ingrid Swenson Oregon Criminal Defense Lawyers Association. Submits **(EXHIBIT E.)** States that the subpoena process in obtaining these tapes would be drawn out and costly. Adds that they need the tapes for trial. Suggests the written amendments in **(EXHIBIT E.)**

TAPE 14, B

047 Swenson States that she has proposed the same amendment on page 8, Section 30.

051 Kathie Osborn Juvenile Rights Project. Supports the amendment set forth by The Oregon Criminal Defense Lawyers Association. States that the subpoena process would take too long because juvenile courts act very quickly.

061 Rep. Verger Asks for clarification of the amendment on page 8.

063 Swenson Replies that she forgot to include the amendment on page 8, section 30.

072 Barbara Rummel Portland citizen. Reads from a fax sent to Representative March from Linda Carol McKinley. Ms. McKinley writes that she believes the broadcasting of 9-1-1 tapes is an invasion of privacy and there is no reason to play the tape. Ms. Rummel supports HB 2436 because the right to privacy is very important.

129 Mary Ann Schwab Portland citizen. Submits and testifies from **(EXHIBIT F.)** Supports HB 2436. Believes that private citizens should not be entertainment on the nightly news. Adds that people have the right to privacy especially in the home.

217 Rep. March Asks if she received a response from KOIN.

225 Schwab Responds that she did not.

228 Rep. March Responds that there seems to be a problem with the station's internal communication.

231 Schwab Adds that the average citizen does not have the funds to hire legal counsel.

241	Mary Botkin	AFSCME, represents 9-1-1 telecommunicators. Asks for an exemption for the union. States that they need access to the tapes in order to defend the operators.
292	Lisa Naito	Multnomah County Commissioner. Supports HB 2436. States that the transcripts are available and that is good enough, there is no need for everyone to have access to the audio.
354	Rep. Devlin	Asks if this is an issue of 9-1-1 being a public entity.
375	Naito	Responds that the government keeps public records. Adds that there is a distinction between going and collecting information and having people come to them.
399	Chair Wilson	Asks if any one would like to testify again.
405	Howard	Adds that the government has documents that should be public.
TAPE 15, B		
001	Howard	Asks where the line is drawn when deciding what should be allowed in the public arena and what should remain private.
010	Chair Wilson	Asks Mr. Howard's opinion of the 9-1-1 tapes being used as trailers and lead-ins.
012	Howard	Responds that he has never used a 9-1-1 call as a lead-in to the newscast. Feels that the audio is imperative in communicating the full impact.
029	Chair Wilson	Asks if the public is served better today with access to 9-1-1 calls.
033	Howard	Responds that yes, it gives people better access to information.
038	Rep. March	Asks if there is a better way to get viewer letters to Mr. Howard.
043	Howard	Responds that he does respond to all correspondence and there was a change in the staff when Ms. Schwab's letter was not responded to.
050	Chair Wilson	States that Representative March may want to start a work group on this subject.
058	Chair Wilson	Closes the work session on HB 2436 and adjourns the meeting at 3:02 p.m.

Submitted By,

Reviewed By,

Jennifer Goodman,
Committee Assistant

Cara Filsinger,
Committee Administrator

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EXHIBIT SUMMARY

- A – HJR 24, written testimony, Rep. Steve March, 2 pp.**
- B – HB 2436, written testimony, Rep. Steve March, 3 pp.**
- C – HB 2436, written testimony, Larry Hatch, 1 p.**
- D – HB 2436, written testimony, Rep. Steve March, 1 p.**
- E – HB 2436, amendments, hand written, Ingrid Swenson, 1 p.**
- F – HB 2436, written testimony, Mary Ann Schwab, 3 pp.**