

HOUSE COMMITTEE ON
GENERAL GOVERNMENT AND REGULATORY REFORM

Hearing Room
Tapes - 66

MEMBERS PRESENT:

Rep. Bob Tiernan, Chair
Rep. Mike Lehman, Vice-Chair
Rep. Jerry Grisham
Rep. Cedric Hayden
Rep. Bryan Johnston
Rep. Bill Markham
Rep. Lonnie Roberts
Rep. Barbara Ross
Rep. Charles Starr
Rep. Ken Strobeck
Rep. Sharon Wylie

MEMBER EXCUSED:

Rep. Bev Clarno
Rep. Bill Markham

STAFF PRESENT:

Anne Tweedt, Committee Counsel
Annetta Mullins, Committee Assistant

MEASURES HEARD:

HB 2554 - WORK SESSION
HB 2026 - WORK SESSION
SB 123 - WORK SESSION
HB 2593 - PUBLIC HEARING
HB 3382 - PUBLIC HEARING
HB 3384 - PUBLIC HEARING

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

008 CHAIR TIERNAN: Calls meeting to order at 1:38 p.m., reviews the agenda
for the day and opens the public hearing on government efficiency.

GOVERNMENT EFFICIENCY - PUBLIC HEARING

Witnesses: Marvin McConoughey
Greg Turhune

024 MARVIN MCCONOUGHHEY, speaking for himself: Submits and reads a prepared
statement (EXHIBIT A).

061 REP. STROBECK: Thanks Mr. McConoughey for this contribution to the
legislative process.

068 GREG TURHUNE, speaking for himself: Describes the many background

checks on him: enlistment in the Navy, navy intelligence, again for air traffic controller, to buy a weapon and again to get a concealed weapon, for a block home, to become school volunteer and again to be a mentor, and

suggests there needs to be some way to streamline not only these instances, but government functions so there doesn't have to be repeated work by different levels of government.

106 REP. LEHMAN: A concern continually raised is transferring information.

If we have one background check, how do we safeguard the wrong person from having access to it.

MR. TURHUNE: It should be centralized. Probably because of multiple background checks, government probably has more information on me than they do on criminals.

137 CHAIR TIERNAN: Closes the public hearing on Government efficiency and opens work session on HB 2554.

HB 2554 - WORK SESSION

138 ANNE TWEEDT, Counsel: Explains the bill. The Preliminary Staff Measure Summary, HB 2554-1 amendments, hand-engrossed bill, the Legislative Fiscal

and Revenue Statements and an editorial are hereby made a part of these minutes (EXHIBIT B).

185 CHAIR TIERNAN: Informs the committee his office is using the Hotline for phone calls they receive and explains he does get a response.

194 REP. ROBERTS: Comments he hopes people are not reporting frivolous incidents to get back at someone.

204 MS. TWEEDT: The bill specifies that the person in the Secretary of State's office who handles the investigations will be someone who is trained to investigate such reports.

209 REP. GRISHAM: Explains that he and Rep. Ross tried to address Rep. Roberts' concerns and other concerns expressed at the last hearing. The only thing that perhaps is missing and was discussed is some way of having an incentive or reward if it were found that money had been saved. We understand there is currently a system in place in state government that it would fall under so we don't have to set up a duplicate system.

220 REP. STROBECK: On page 2 (3) I have a concern about the Secretary of State's office determining which complaints will be investigated. Cites instance of school districts having to pay for the performance audits. Concerned that the fox is guarding the hen house. I would like to see, if it is not changed, that at least the Secretary of State needs to check their own costs.

248 REP. ROSS: We may want to look at it next session. With it in statute, the Secretary of State can't just stop doing it. I think the issue of what the Secretary of State charges and the agencies having to pay for it, is an issue worth pursuing separately.

267 CHAIR TIERNAN: In the same paragraph, the last sentence says, "the Secretary of State may, but is not required, to investigate...". They have the power by the previous sentence to investigate everything and anything or nothing. An investigation may be as much as a phone call or looking into something and saying it the person misunderstood. I would hate to see something that is of value and they say they are not going to

investigate it. Some investigation on every complaint, even if a review of the facts is an investigation, versus saying they don't have to investigate.

285 REP. GRISHAM: The discussion was that someone might file a frivolous complaint such as someone stealing paper clips. We wanted to make sure that was logged in the event the person filed a similar complaint in the following week of escalated activity. The person reviewing that would see an accumulative effect or record, yet we didn't tie the Secretary of State to spending a lot of time and effort to investigate complaints that by themselves might not be worth investigating.

296 CHAIR TIERNAN: I think the first sentence of line 3 would take care of it. They have the authority to determine which shall be investigated. I would like for them to at least make a determination that this is a frivolous one and may not take more than a phone call.

302 REP. ROSS: One of the concerns we talked about was that even though it might be a small amount, if it is a repeated abuse, it turns into money. I would have no objection to removing that sentence. The idea was to say we ought to give priority to instances where there was a substantial waste.

311 MOTION: REP. ROSS moves that the HB 2554-1 amendments BE ADOPTED.

320 VOTE: CHAIR TIERNAN, hearing no objection to the motion, declares the amendments ADOPTED. REPS. CLARNO AND MARKHAM ARE EXCUSED.

323 MOTION: REP. ROSS moves that in the hand-engrossed HB 2554-1, on page 2, delete the last sentence, "The Secretary of State may, but is not required to, investigate any single report of waste or inefficiency with an estimated monetary value of less than \$500."

330 REP. STROBECK: I don't have a problem with deletion of the lines, however, I think it would be appropriate to say at the beginning of the section, "the Secretary of State shall investigate or at least inquire on all complaints and then determine which shall be followed up on. In many cases it is a matter of a phone call. If they just arbitrarily choose to not follow up on something based on the caller, I don't think that is a good enough criteria.

346 REP. ROBERTS: If the Secretary of State's office says they have run out of money for the hotline (it is \$2,400), what happens? Will they take it from their budget in other areas, or are they going back to the E-Board or wait until next session?

357 CHAIR TIERNAN: They would still have to do it and it would have to come from other parts of their budget.

361 VOTE: CHAIR TIERNAN, hearing no objection to the motion, declares the amendment ADOPTED. REPS. CLARNO AND MARKHAM ARE EXCUSED.

363 CHAIR TIERNAN: Rep. Strobeck has a question on line 10 of page 2.

367 REP. STROBECK: I would say, "investigate all calls and then determine which report shall be assigned to audits staff qualified....".

370 CHAIR TIERNAN: Suggests language, "The Secretary of State shall investigate each complaint and then shall determine which report shall be investigated and assign an investigation to it."

372 REP. STROBECK: Agrees.

374 MS. TWEEDT: "Shall investigate each complaint and determine which report shall be further investigated"?

377 REP. STROBECK: That would be fine.

379 MOTION: REP. STROBECK moves to amend in line 10 on page 2 of HB 2554 (as hand-engrossed with the HB 2554-1 amendments, after "The Secretary of State", insert, "shall investigate each complaint and then determine which reports shall further be investigated and assigned the investigation to audit staff qualified to conduct waste, inefficiency and abuse investigations.").

387 VOTE: CHAIR TIERNAN, hearing no objection to the motion, declares the amendment ADOPTED. REPS. CLARNO AND MARKHAM ARE EXCUSED.

396 CHAIR TIERNAN: Announces that HB 2554, as amended, will be rescheduled for a work session.

418 CHAIR TIERNAN: Closes the work session on HB 2554 and opens the work session on HB 2026.

HB 2026 - WORK SESSION

420 MS. TWEEDT: Explains HB 2026 as it was amended by the Subcommittee on Transportation. The Preliminary Staff Measure Summary, HB 2026-2 amendments, and Legislative Fiscal and Revenue statements are hereby made a part of these minutes (EXHIBIT C).

458 MOTION: REP. GRISHAM moves that HB 2026, as amended, be sent to the Floor with a DO PASS RECOMMENDATION.

VOTE: In a roll call vote, all members present vote AYE. REPS. CLARNO AND MARKHAM ARE EXCUSED.

CHAIR TIERNAN: Declares the motion PASSED. REP. HAYDEN will carry the bill on the Floor.

TAPE 64, A

008 CHAIR TIERNAN: Closes the work session on HB 2026 and opens the work session on SB 123.

011 MS. TWEEDT: Explains SB 123. The Preliminary Staff Measure Summary and Legislative Fiscal and Revenue Statements are hereby made a part of these minutes (EXHIBIT D).

032 MOTION: REP. STROBECK moves that SB 123 be sent to the Floor with a DO PASS RECOMMENDATION.

033 VOTE: In a roll call vote, all members present vote AYE. REPS. CLARNO AND MARKHAM ARE EXCUSED.

040 CHAIR TIERNAN: Declares the motion PASSED. REP. STROBECK will lead discussion on the Floor.

043 CHAIR TIERNAN: Declares the meeting in recess for approximately five minutes. Upon reconvening he explains the rules requiring that HB 2554 has to be rescheduled.

058 CHAIR TIERNAN: Opens the public hearings on HB 2593, HB 3382 AND 3384

058 HB 2593, HB 3382 AND 3384 - PUBLIC HEARINGS

Witnesses: Mike Kane, Public Utility Commission
Paul Graham, Assistant Attorney General
Nancy Powell, Center for Regional Thought
Alan Bushone, CCTV 25
Larry Swerdlow, Nightscene
Mike Dewey, Oregon Cable Telecommunication Association
Robert Smith, Falcon Cable TV

David Fidanque, ACLU
Doug Killion, Oregon Coalition for Free Expression
Robert Brady, Multnomah Community Television
Dan Hanalon, himself
Timothy Herman, Tame Market Media

060 CHAIR TIERNAN: Explains the reason for introduction of the bills.

The following are hereby made a part of these minutes:

Preliminary Staff Measure Summary on HB 2593, state and federal statutes,
and news clippings from The Oregonian, staff, (EXHIBIT E)

Preliminary Staff Measure Summary and Legislative Fiscal and Revenue
Statements on HB 3382 (EXHIBIT F)

Preliminary Staff Measure Summary and Legislative Fiscal and Revenue
Statements on HB 3384 (EXHIBIT G)

092 MIKE KANE, Public Utility Commission, introduces Paul Graham, Assistant
Attorney General, submits and reads a prepared statement relating to HB
2593 and HB 3382 (EXHIBIT H).

149 PAUL GRAHAM, Assistant Attorney General: Mr. Kane has submitted a
memorandum from me with his testimony.

155 CHAIR TIERNAN: If the committee should decide to pursue this, may the
committee contact you for clarification?

157 MR. GRAHAM: Yes. I do, however, represent the PUC. If the PUC were
dropped from the bill and another agency were substituted, you may have to
deal with another counsel.

154 REP. HAYDEN: Comments if the bill can be drafted to pass the legal
tests, the committee should proceed.

169 REP. WYLIE: Attorneys at community college have spent a lot of time on
this issue, particularly the issue of federal pre-emption. The City of
Vancouver is struggling with the issue. It is a complex issue. We need to
look at the federal issue. The Spaag show is broadcast from Mt. Hood
Community College much to the distaste of everybody concerned. Because the

acts portrayed would get someone expelled from school, they were going to
cut off the show. It turned out the most offensive pieces were filed in
Jim Spaag's bathroom at home. I wonder if we can do it justice and not
waste our time and taxpayers' money. I want something that meets the
balance between free speech and doing a reasonable job of expressing and
enforcing community standards

216 CHAIR TIERNAN: That is the purpose of these bills and this hearing.
Perhaps we can bring it into a discussion where we can flush out some
alternatives that people haven't thought of or some alternatives that the
cable company may not like, but could resolve the problem. If it looks
like we will not be able to solve it at this level, we will contact our
Senators and Congressmen. We can put together a resolution to tell them
what we want.

229 REP. WYLIE: I think we ought to do that anyway because anything we do
is not going to solve the problem. The federal laws are unique on this
subject. I would be happy to support a memorial to the federal government.

239 REP. JOHNSTON: Would you summarize your memo for us?

241 MR. GRAHAM: Reviews his memo (SEE EXHIBIT H, pages 3-6).
> check USCA, title 47, section 556(c) deals with pre-emption
> title 47, USC, 559 deals with obscene programming

297 NANCY POWELL, Co-host, Bunk Busters, Center for Rational Thought, reads
and submits a prepared statement (EXHIBIT I).

421 REP. ROBERTS: You are using cable access and somebody has to pay for
that.

429 MS. POWELL: The people who pay to have cable in their homes subsidize the program.

TAPE 63, B

011 MS. POWELL AND THE COMMITTEE: Discuss programming on cable channels.
> right to provide programming
> parental responsibility
062 > does not want to emphasize programs
079 > producers of programs do not pay a fee

113 ALAN BUSHONG, CCTV 25: Submits and reviews a prepared statement opposing HB 2595 and HB 3382 and supporting HB 3384 (EXHIBIT J).
> community channels do not select the content
199 > only a court of law can determine what is "obscene"

236 MR. BUSHONG: Continues his statement.

254 MR. BUSHONG: Continues his statement.

294 MR. BUSHONG: Continues his statement.

321 REP. ROSS: Do you have a suggestion for legislation that could be enacted relating to the programming from 10:00 p.m. to 6:00 a.m. that is classified as indecent?

330 MR. BUSHONG: I think it is happening?

348 MR. BUSHONG: Explains more organizations are saying it is showing a balanced respect.

353 REP. WYLIE: Are there other laws that determine how the cables choose the programs.

MR. BUSHONG: Explains federal law restrictions; there are no guidelines to say when to put a program on; the primary guideline is to not be discriminatory.

368 REP. WYLIE: Can a new show bump an old show?

373 MR. BUSHONG: It will vary from community to community. Communities are unique and so are access centers. Most centers provide priority to programs made in the community and most are not fully booked.

386 REP. WYLIE: Would there be a risk of being accused of being discriminatory if a cable station had new shows that were less offensive sufficient to fill all the slots, but chose to go with the more popular shows?

391 MR. BUSHONG: Content-based selection of programming is illegal. There are a number of court cases.

419 REP. WYLIE: Is it possible to tune out only one show if you have the equipment?

421 MR. BUSHONG: Mike Dewey or someone from the cable industry will be able to respond to the amount of selectivity and blocking devices.

425 REP. STROBECK: Do you have converter units? Can the boxes be programmed?

435 MR. BUSHONG: We have converter boxes but most TVs are cable ready. I can't answer the question on the converter boxes because we are in the process of rebuilding fairly old equipment. Cable operators can provide (blocking of a particular channel) but I don't know if that is a standard feature of the box in everyone's home.

TAPE 64, B

018 LANNY SWERDLOW, Producer/Director, Nightscene: Submits and reads a prepared statement (EXHIBIT K).

051 REP. GRISHAM: Objects to viewing a video to be shown by Mr. Swerdlow and leaves the meeting.

070 MR. SWERDLOW: Shows video clip inviting the audience to attend a lesbian pageant and continues his prepared statement.

120 MR. SWERDLOW: Continues his prepared statement.

154 MR. SWERDLOW: Comments:
> would support HB 3384
> G.I. Joes and other stores sells a device for \$39.95 that allows a person

to block access to a show.

> once you let people start saying they don't want to show something, they will not show it

184 CHAIR TIERNAN: My intent is not to force these programs off the air, but to have the ability for parents to block it off.

209 CHAIR TIERNAN: Do you have a problem with people writing to the cable company saying they want a show?

218 MR. SWERDLOW: How will people know what shows are available?

223 CHAIR TIERNAN: You can advertise.

224 MR. SWERDLOW: If I were to take out the word "lesbian" in the commercials, the TV stations would run the ad. I have had ads turned down in the past by The Oregonian.

250 MIKE DEWEY, Oregon Cable Telecommunication Association: The association

consists of cable companies operating in the state of Oregon. There are approximately 700,000 cable customers in Oregon. Submits copies of 1992 Cable Act (EXHIBIT L).

> not opposed to HB 2593; recognize public access corporations are starting to time slotting certain programming and we endorse that
295 > through 1984 Act, cable companies are required, as a part of their franchise, to make available public education and government channels; we have no control over those channels
> local governments can charge up to five percent of gross revenues from a cable customer; those dollars go to help fund public access
> cable company is not content provider; merely provides the channels and has no authority to deal with the content of those channels
328 > cable companies get blamed for programming, but the cable company does

not provide the content

REP. ROBERTS: Can the cable company demand those who produce the show make a disclaimer that the content of the program is not produced and supported by the cable company?

348 MR. DEWEY: No. We cannot control the content.

380 MR. DEWEY: Explains the 1992 cable Act relating to indecency and explains that the FCC rules (EXHIBIT L) were challenged in court. The court held that, "not only does the first amendment prohibit the government

from banning all indecent speech from access channels, it also prevents government from deputizing cable operators with the power to affect the ban." They said the provisions in Section 10 of the 1992 Cable Act were unconstitutional. Shortly thereafter the government petitioned for a stay and the court agreed and decided to rehear it. It has been heard and we

are anticipating a decision.

428 > legislation does exist that may be held constitutional to give the
cable companies the authority to deal with the issue
> our concern is because we are blamed when programming is on the air
> if some indecent or obscene material were to escape the 10:00 p.m. to
6:00 a.m. time frame, I suspect we will get sued if we have a state statute

455 REP. ROBERTS: Isn't the blocking an expense to the general viewing
audience?

463 MR. DEWEY: Cable companies must provide equipment when a customer wants
to block out or scramble a channel. Some traditional small cable
companies may have only 10 to 15 channels and they don't have converters.

If a customer requests it be blocked, the channel is trapped outside.

TAPE 65, A

051 ROBERT SMITH, Falcon Cable TV: About 50 percent of Falcon customers
statewide have converter boxes. Some systems do not have converter boxes
available, however the company will block channels at a customer's request.

060 CHAIR TIERNAN: Do you charge for that?

MR. SMITH: No, we don't.

070 CHAIR TIERNAN: Would you be opposed to including information about the
right to block out certain programs in the bills once a year?

071 MR. DEWEY: It is already required by federal law.
> explains congressional action requiring cable companies to provide
converters over a 10 year period

121 CHAIR TIERNAN: Page 72 of Cable Act (EXHIBIT L), line 17 says,
"requiring cable operators to block such single channel unless the
subscriber requests access to such channel in writing;". Is this referring

to blocking it from the system itself?

132 MR. DEWEY: These are the rules the FCC promulgated requiring cable
operators to block. Under this section, there are two ways the cable
operator could go. The cable operator could be deputized by the government

and they would be the gatekeeper for the material, and they could decide
not to have this viewed. If the cable operator chose not to do that, the
FCC wanted a process where people can make sure they can write in to get it
done.

149 CHAIR TIERNAN and Mr. Dewey: Continue discussing procedures for
blocking channels.

192 REP. HAYDEN: Do we have a situation where programming is available on
request only?

195 MR. DEWEY: If the cable company decides a program is obscene and will
not be on and a customer writes in to say they want it, then the cable
company must make it available.

211 REP. STROBECK: We need to make a distinction between programs and
channels. When you talk about blocking a service, you are talking about
blocking an access channel and all programs on that channel.

216 MR. DEWEY: You have the public access channels that are "one animal".
Those must be made available to the customers and they must be on the
lowest cost package. This act said if the cable operator believes the
material is obscene, the operator could block it for an hour or whatever

the case may be. The second side is that there are commercially leased access channels. You can buy time and have your own channel for 24 hours a

day, or for six hours. Congress and the FCC looked at the possibility there might be indecent material on these channels. If someone wants it, they have to write in.

237 REP. STROBECK: A cable company, under the existing rules from the FCC, can determine if a program is obscene and block it out for an hour and allow everything else on the channel to be available. Is that correct?

MR. DEWEY: That is correct under the provisions of the 1992 Cable Act.

245 REP. STROBECK: Then why have none of the systems that carry the Spaag show decided to invoke this provision?

246 MR. DEWEY: Because a federal court found the provisions unconstitutional; the rules were basically stayed until the court made the decision. The FCC had 120 or 180 days to make a decision. They wrote the rules. The rules were challenged and stayed and are not in effect. Section 10 says you can do this, but it is in abeyance until the DC Circuit

says whether it is constitutional. The case has been heard.

266 CHAIR TIERNAN: If the case is overturned and the rules are reinstated, would there be any other encumbrances for the cable companies to block Mr. Spaag unless it is requested?

272 MR. SMITH: The cable companies would be capable of doing it in the homes that now have a converter box. We could not take one program out at a time.

276 CHAIR TIERNAN: Assuming the court case is over turned, do you have the authority to block off the entire channel even though it is public access?

280 MR. SMITH: In some cases public access is in the franchise and is considered to be a public safety channel also. The franchise takes over the operation of the channel and they will not allow for any blockage because it is a public safety issue also.

280 REP. WYLIE: Is possible that the federal case could be overturned and we would still have a problem with our Oregon constitution?

291 MR. DEWEY: I don't know the answer, but there is some pre-emption.

299 DAVID FIDANQUE, ACLU: Testifies in opposition to HB 2593 and HB 3382 and takes no position on HB 3384. There are other options available to congress even if the federal statute is held unconstitutional. One is setting times of day for indecent and not obscene material to be transmitted over the system. It would be ACLU's policy choice that the committee leave the area alone and leave it to congress and the FCC to regulate, and more importantly that the government leave it to parents to regulate.

345 CHAIR TIERNAN: Do you find (Mr. Spagg's activities) to be indecent?

366 MR. FIDANQUE: I think it is clear that if the material is obscene within the definition that has been laid down by the U. S. Supreme court, the federal government can require cable operators or public access operators to prevent the material from being transmitted over cable systems. So far Congress has chosen not to do that. There are other areas

beyond what is obscene. Some of the things as described may be considered obscene under the federal definition. If they are not, but are indecent within the definition that the FCC has used to govern commercial broadcasting, my understanding is the Supreme Court at this point has neither said aye or nay whether those kinds of restrictions would be appropriate for cable casting. It would seem that would be the next step that Congress would attempt if the current DC Circuit decision holds up on appeal, which is to say indecent material would have to be limited to

certain time of the day or some material may not be permitted at all if it could be viewed by minors. As a policy matter, the ACLU would oppose that kind of restriction, but as a matter of the federal constitution, I think it is an open issue whether it would hold up. Perhaps a memorial to Congress would be the most appropriate way to address the problem.

424 DOUG KILLION, Oregon Coalition for Free Expression: Testifies in opposition to HB 2593 and HB 3382.

> the cable subscriber invites the public access programming into his/her home

> Portland area residents have two options to deny the invitation to Jim Spaag or any offensive program by canceling the cable service

> many homes survive without the cable service

> in the Portland area, for \$2 to \$3 per month the customer can have a converter box that blocks the channels

> does not object to HB 3384, except it seems to duplicate what is available in federal law

TAPE 66, A

047 ROBERT BRADY, Executive Director, Multnomah Community Television, Gresham (located on the Mount Hood Community College Campus): Mike Dewey has represented the technical matters and David Fidanque makes a good point

that technology is moving in the direction of allowing parental discretion.

> thinks Multnomah Community Television's board would be baffled by why public access has been signaled out; would guess that MTV is blocked out more than any other public access channel

> cites programs offered on public access programs

> Multnomah Community Television already time shifts; producers are asked to identify programs that are potentially objectionable and those are played between 10:00 p.m. and 5:00 a.m.

> also have disclaimers and people are responsible for their speech

> if a program is obscene, the person goes to jail; that is the law

094 CHAIR TIERNAN: Do you consider Jim Spaag's show obscene?

094 MR. BRADY: I have talked with the Multnomah County District Attorney who has received multiple calls about the program. The DA's office has investigated whether the program is obscene and they have determined it is not.

140 DAN HANALON: Some of the points have been made: public access is not a public fare

> a lot of people are objecting because their money is subsidizing Jim Spaag; I find it objectionable that my tax money subsidizes military expenditures by the federal government

> broadcast television is received in every home that has a TV; people have to seek out cable television

168 CHAIR TIERNAN: Don't you think Jim Spaag is far out there?

169 DAN HANALON: I agree he is far out there, but I think he has a right to

do it. If it were to come to the point where people say they don't want something on the air, we would be in the line of fire of what would be removed. I don't think you should be saying who can and cannot have free speech.

209 > choice is an important part of any decision

204 TIMOTHY HERMAN, Tame Market Media: Producer of talk television on the Multnomah Community Television system testifies in opposition to HB 2593, HB 3382 and HB 3384.

> baffled by conservatives to deny free information market

> people have opportunity to turn off the programs

> proposed legislation has nothing to do with nudity; it is access to a free and open society

323 CHAIR TIERNAN: We have rated movies so we can notify the people and people can inform their kids. Empowering the parents is extremely important and that is what these bill are meant to be.

334 REP. STROBECK: The last witness touched on the basic issue. We are not talking about a First Amendment issue here. I think there are a lot of things on cable access that is controversial and off the wall but people tend to listen if they are interested. But what gathers peoples' attention is there are people without clothes on. It is interesting that people compare this to soap operas and atheists programs.

364 REP. WILEY: Anyone trying to be selective cannot predict very easily when to block or turn off the television to avoid having Jim Spaag in their living room. It is a practical and technical dilemma and hope we can come up with something that will help.

380 CHAIR TIERNAN: Declares the meeting adjourned at 4:30 p.m.

Submitted by, Reviewed by,

Annetta Mullins Anne Tweedt
Committee Assistant Committee Counsel

EXHIBIT SUMMARY:

- A - Government Efficiency, Marvin McConoughey, 2 pp
- B - HB 2554, The Preliminary Staff Measure Summary, HB 2554-1 amendments, hand-engrossed bill, the Legislative Fiscal and Revenue Statements, editorial and memo from Secretary of State's Office, staff, 9 pp
- C - Preliminary Staff Measure Summary, HB 2026-2 amendments, and Legislative Fiscal and Revenue statements, staff, 5 pp
- D - Preliminary Staff Measure Summary and Legislative Fiscal and Revenue Statements, staff, 3 pp
- E - Preliminary Staff Measure Summary on HB 2593, state and federal statutes, and news clippings from The Oregonian, staff, 9 pp
- F - Preliminary Staff Measure Summary and Legislative Fiscal and Revenue Statements on HB 3382, staff, 2 pp
- G - Preliminary Staff Measure Summary and Legislative Fiscal and Revenue Statements on HB 3384, staff, 2 pp
- H - HB 2593 and HB 3382, prepared statement, Michael Kane, 6 pp
- I - HB 2593, HB 3382 and HB 3384, prepared statement, Nancy Powell, 4 pp
- J - HB 2593, HB 3382 and HB 3384, prepared statement, Alan Bushong, 2 pp
- K - HB 2593, prepared statement, Lanny Swerdlow, 3 pp
- L - HB 2593, HB 3382 and HB 3384, FCC rules, Mike Dewey, 8 pp