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prosecution based upon the disclosure, it does not create a privacy right for the witness testifying, said Charles Hinkle, who represented the Oregonian.

The defendant argued the phrase, "administration of justice," was the key issue, and that the State has control over what the public hears in administering justice. As an example, applications for search warrants, phone conferences and justice conference deliberations are all exempt from public disclosure, said Kendall Barnes, who represented the prior court decision.

The reputation of the witness is also a consideration, he said.

In open hearing, the public can come forward and disagree if the testimony is in conflict, said Justice Berkeley Lent. The release of closed-chamber testimony also destroys the timeliness of the issue.

The State vs. Boyanovsky and State vs. Anderson cases involved the constitutionality of evidence seized at roadblocks set up to determine driver sobriety. The court is expected to determine whether the state or agencies have authority to create statutory rules limiting the range of their discretion.

Roadblocks are not exempt

from needing individualized suspicion or probable cause when stopping a vehicle, said Kathryn Wood, who co-represented the plaintiffs. Oregon State Police rules and regulations are no justification or exception for sobriety checkpoints, she said.

The OSP should have followed administrative rule procedures when creating the regulations, said Orrin Grover, who co-represented the plaintiffs. Grover also questioned the timing of an OSP internal memorandum that ended nighttime roadblocks, which occurred close to the time of the two cases in question.

Roadblocks should be considered exempt from individualized suspicion and probable cause rules if supervised, standardized in procedure, cause no vehicle delay and are publicized prior to their commencement, said Oregon Attorney General David Frohnmayer in defense of the state.

Roadblocks can act as a drunk-driver deterrent, a public-education program and contribute to the personal safety of both drunk and other drivers, he said.

Fees Continued from Page 1

supporting, said Bill Lemman, executive vice chancellor of higher education. If McCarty's proposal were adopted, the first priority of the \$20 incidental fee money would have to be to the operation and maintenance of those buildings "unless they were simply closed," he said.

"All students would ex-

perience a significant decrease in the amount of money utilized directly in their behalf," Howard said. "What we have to remember is that many of the programs are to help students who are away from home for the first time when they come to the University. Through these programs they can find fellowship...and for a lot of

people you can find that's worth more than \$100 a year."

Rep. Ted Calouri, D-Beaverton, vice chairman of the House Education Committee, said proposals to limit incidental fees have come before the committee in past sessions but met with little success.

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Fund Continued from Page 1

tion System Trust" is modeled on the Michigan Education Trust recently signed into law by Gov. James Blanchard.

The bill is designed to help middle-income families but, "It doesn't answer the question of the family who can't afford to put money into an account every month," Dix said. "It's not a measure that's going to have an immediate impact."

"One of the problems that has

already surfaced with the bill is what if you put money in this account and you decide you don't want to go to school or you want to go out of state?" Dix said. That issue will be worked out in committee, he said.

"The concept is interesting," said Sherry Oeser, executive director of the Oregon Student Lobby. "We haven't taken a position on it."

Override Continued from Page 1

they chose only five issues. I can't understand why they're being so selective."

The bills House Democrats will attempt to override include:

- House Bill 2285 which would increase the caps on awards in tort liability cases for groups from \$300,000 to \$500,000;

- House Bill 2480 which would simplify and speed communications between employees and clients of the

Adult and Family Services Division;

- House Bill 2510 which would extend the statute of limitations for instigating action against manufacturers of intrauterine devices;

- House Bill 2767 which would restrict insurance carriers from considering driving records for three prior years;

- House Bill 2817 which would prohibit the termination of phone service to residents if their health is endangered.

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