

**BILL**

*Continued from Page 1A*

trator of the OHA's Center for Public Health Practice, opposed the bill in a March 15 letter.

Using an example of an E. coli outbreak, she explained epidemiologists early on had suspected hummus had sickened several people, but it turned out all six also had eaten spinach, a vehicle for E. coli outbreaks.

"Had we been required to release our statistical compilations prematurely, they would have incorrectly impugned the hummus," she stated.

Also, she continued, "a requirement to respond to a public records request for data in such situations would derail the epidemiologist who was collecting and analyzing the data, slowing the investigation, and delaying the outbreak solution."

Young also argued that releasing "aggregate" data from numerically small populations could lead

**SENATE BILL 719**

• Summary: SB 719 provides that certain aggregate data relating to reportable disease investigations are not confidential or exempt from disclosure under public records law unless data could reasonably lead to identification of the individual. Declares emergency, effective on passage.  
 • The bill is in the Senate Committee on Health Care.  
 • Freshman Sen. Deb Patterson, D-Salem, chairs the committee, and Sen. Tim Knopp, R-Bend, is the vice chair. The committee plans to meet for a work session Wednesday, March 31, at 1 p.m. to discuss SB 719 and several other bills.  
 • For more information, go to [olis.oregonlegislature.gov/liz/2021R1/Committees/SHC/2021-03-31-13-00/Agenda](http://olis.oregonlegislature.gov/liz/2021R1/Committees/SHC/2021-03-31-13-00/Agenda).

to the identification of individuals.

"Naming the reportable disease causing a death in a person of a specific age, such as an infant in a small county, would effectively tell what the infant died of to those who know of the death," according to Young. "Correlating relatively uncommon demographic features with diseases, even in aggregate, can betray protected health information."

Young, however, did not explain how someone's health information is private once they are dead. Oregon State Police, for example, routinely identify victims of fatal crashes.

The bill also received plenty of support.

The Oregon Progressive Party and Independent Party of Oregon back the bill, telling the committee in a March 15 letter, "The Oregon Health Authority has been refusing to release key statistics used to justify and monitor reopening of business in the COVID pandemic," including in mid-2020 when the state health agency stopped releasing public daily tallies of new county hospitalizations.

Erin Kissane, co-founder of The COVID Tracking Project and a resident of Astoria, submitted testimony supporting passage of the bill.

"Although Oregon received an 'A' grade in our 2020 state assessments, we have noted several mean-

ingful deficits in the state's public COVID-19 data," Kissane stated, including "problems with public testing and case data, as well as deficits in the state's reporting on COVID-19 outbreaks, cases and deaths in nursing homes and other long-term care facilities.

Kissane also argued it is troubling the Oregon Health Authority refuses to provide the aggregate data it uses to produce visuals and arguments about public health interventions.

"Without providing access to the data behind such claims," she stated, "the OHA is asking members of the public to take its statements on trust — a trust it has not consistently earned."

In a recent example, Kissane referred to The Oregonian's reporting on March 13.

The OHA touted that it was allocating 15,000 first doses per week for seniors at the Portland metro area's three mass vaccination sites — and this allocation would increase vaccines available to residents

65 and older in four Oregon counties by "about 50%." But when reporters pressed, according to Kissane, "the OHA eventually conceded that doses at these facilities are not allocated to specific groups of recipients, and that OHA therefore didn't know how many doses had previously been given to seniors, nor how many new doses would be administered to seniors."

And the Oregonian reporters found the true week-over-week increase in doses for these facilities was only 19%. Kissane stated Oregon residents deserve access to the data behind OHA's claims.

"SB 719 explicitly targets the release of aggregate data that can serve valid public interests without compromising the privacy of the individuals whose vaccinations, illnesses, hospitalizations and deaths are represented in these data," she concluded.

Tom Holt, a lobbyist for the Society of Professional Journalists, also submitted testimony in favor of the bill.

"The Health Authority has and continues to make recommendations and decisions that affect all Oregonians, and there is a clear public interest in the high-level data used to make those recommendations and decisions," Holt told the committee, "and not just vague charts or other summaries selectively released by an agency."

Holt pointed out SB 719 does not require OHA to create aggregated data reports in response to an information request, nor does the bill compel the release of sensitive, individually identifiable information "that reasonably could lead to the identification of an individual." A public health agency can deny a request for data from an area with a sparse population if that data could lead to identification of an individual.

What the bill would require, Holt stated, is the release of aggregate information that agencies have at their fingertips.



Bill Bradshaw/Wallowa County Chieftain

The century-old Wallowa Lake Dam is in need of a \$16 million refurbishment, with \$14 million coming from state lottery funds. The Oregon Legislature put that on hold last year and now is in the process of adding the project to the state's budget.

**DAM**

*Continued from Page 1A*

Irrigation District, which owns the dam.

"There's been some outside interest expressing a desire to help," he said. "But we may have to fund that ourselves."

He said the project is waiting for the state money to be assured before seeking the additional funds.

"That has to be solidified before we break ground," he said.

Butterfield was encouraged the governor and lawmakers seem enthusiastic about funding the dam this year.

"She's the reason we got put on the budget in the beginning," he said of Gov. Kate Brown. "It's nice to have support at that level."

In addition to the irrigation district, the stakeholders in the dam project include the Oregon Department of Fish and Wildlife, the Nez Perce Tribe and the Confederated Tribes of the Umatilla Indian Reservation.

Last fall, all four entities signed a memorandum of agreement to support the project. The latter three stakeholders primarily are interested in natural resources concerns at the dam, such as a fish passage from the Wallowa River to the lake and downstream watersheds. The irrigation district manages the lake level and outflows for agricultural irrigation.

The dam and more than 30 other projects were put

on hold when the June lottery report came in below the 4-to-1 ratio needed to sell bonds to fund them. That means \$4 million in lottery revenue must come in to sell \$1 million in bonds. The report came in at only 3.1-to-1.

Hansell said final word on lottery funding won't come in until June. If it's sufficient, bonds can be sold beginning in April

top officials in the state Senate and House of Representatives expressing their support for the dam project.

"Understanding the project was delayed due to budget constraints the state weathered over the past year caused by the effects of the COVID-19 pandemic, we trust that fixing the Wallowa Lake Dam will continue to be on the forefront of priorities for rural Oregon," the letter stated in part.

"All indications are that there's an overwhelming amount of support" for the project, Commissioner Todd Nash said during the meeting. "We were bumped back in the queue for the next funding round of lottery funds that weren't what was anticipated."

Hansell said he had seen the letter and was encouraged by it, but believes other counties with projects on the line sent similar letters.

Butterfield said that as discussion of the various interests among the stakeholders continue, their relationship has improved. "We're developing a really good relationship with Nez Perce Tribe, the Confederated Tribes and ODFW," he said.

All entities are remaining optimistic. "We're assuming we'll get funded," Butterfield said. "We're hoping to have a big party in a year or so" to celebrate the funding coming through.

*"We're hoping to have a big party in a year or so" to celebrate the funding coming through.*

—Dan Butterfield, president of the Wallowa Lake Irrigation District

2022, with construction to begin that fall.

Plans call for an improved spillway, add more concrete for weight, replacing the five conduit gates with new ones and to upgrade the electrical and instrumentation.

The most difficult element in the plans is that of the addition of a fish passage. What type of passage has yet to be determined, Butterfield said. The tribes want the fish passage to restore the ability of sockeye salmon — and other fish — to make Wallowa Lake their home. Steelhead, coho salmon, bull trout, mountain whitefish and rainbow trout are all species that can live in the lake.

At their March 17 meeting, the Wallowa County Board of Commissioners agreed to send a letter to the governor and

**KEOL**

*Continued from Page 1A*

in the 1990s.

Garner has fond memories of what KEOL was like about 35 years ago.

"We rocked," he said.

He said there was an energy and excitement from students who had freedom to play all types of music during their three-hour shows.

"At any time you could hear something totally different," Garner said.

Garner himself had three shows on KEOL, and on each he played a different genre of music. He said at the time La Grande had significantly fewer radio stations than it does today, which means listenership likely was higher.

"We were entertaining the whole town," he said.

Leonard Hermens, who helped run KEOL in the early and mid-1980s, also said the station had a distinctive mix.

"It had its own variety and style, a variety not found on commercial stations," said Hermens, who now lives in Puyallup, Washington.

KEOL, which has been on the air since 1973, now runs out of the Hoke Union Building, but its earlier locations included the top floor of Eastern's library and an old cottage-type building just west of the library.

The station's locale was a popular meeting place for Eastern students from all parts of the United States and the world, said Kemp, now an online education media producer at the University of Oregon who earlier was the media engineer for Oregon State University's radio and television stations for 13 years.

Kemp said student radio stations, such as KEOL, have the potential to connect students.

"A radio station can bring students together like no other activity group can," Kemp said.

He said this is because when students gather they often have two things they want to do — share the music they like and tell stories. Kemp said a college radio station provides an ideal setting for both to occur.

Kemp, despite his love of student radio, sympathizes with the situation Eastern's Student Fee Committee found itself in.

"It looks like Eastern's student leaders had to make hard choices," he said.

The SFC received requests for \$1.4 million in funding in 2021-22, but could allot only \$1.2 million because of the projected decline in incidental fee revenue. This meant virtually all of the 20 organizations requesting money from the committee had their funding cut.

Hermens, like Kemp, understands it is a difficult situation.

Kemp said despite the defunding, KEOL, which also is available via the internet, still has a future, either as an online student-run station or as a community station.

He said KEOL could continue operating online for significantly less money while adding vibrancy to the campus. It would have to do more than just play music, he said, and add local news and information about upcoming activities on campus.

"It would have to be a scene, one that is event-centered," Kemp said.

Should the community station route be taken, Kemp said KEOL could become a nonprofit entity that community members operated while EOU continuing owning the station.

A community station

would provide a means for individuals and groups to tell their own stories and share experiences.

EOU has a head start on establishing a community radio station because it already has a FCC broadcast license for the operation of KEOL. Without the license, establishing a community radio station would be a much more expensive and involved process.

Kemp noted The Evergreen State College in Olympia, Washington, has had a successful community radio station, KAOS, for a number of years. Its features include live performances, programming produced in studio, and local outreach.

"They could use KAOS as a model," Kemp said.

Tim Seydel, Eastern's vice president for university advancement, said since the reporting on KEOL defunding, many alumni have contacted EOU. Seydel said a meeting of these individuals will be conducted to see what might be done. Seydel said many possibilities will be explored, including community radio, podcasts and livestreaming.

The EOU's Board of Trustees at its May 20 meeting considers approving the incidental fee budget.

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