

Measure 76 would require assessment of gasoline taxes

76

The issue:

Measure 76 proposes amending the Oregon Constitution to require the state assess every two years whether heavy vehicles and light vehicles are paying taxes proportionate to the damage each inflicts on Oregon roadways.

Pro: Would lock a taxation policy into the constitution ensuring that all motorists pay their fair share of roadway maintenance, repair and improvement costs

Con: It is unnecessary, unbinding and could invite lawsuits.

By Darren Freeman
Oregon Daily Emerald

Oregonians will vote on a measure this November that would amend the Oregon Constitution and ensure that motorists pay their fair share of highway maintenance, repair and improvement costs.

Measure 76 proposes amending the Oregon Constitution to require that the Legislature assess every two years whether or not taxes levied on heavy vehicles and light vehicles are proportionate to the damage each vehicle class incurs on Oregon roadways.

Backers of the measure say it's common sense to tax motorists according to the toll they take on roadways and that locking a policy of fair and proportionate vehicle taxation into the constitution would allow motorists to legally

contest unfair taxes on constitutional grounds.

Anne O'Ryan, public and government affairs director of the American Automobile Association for Oregon and Idaho, said the bill is unnecessary, vaguely worded, unbinding and could invite unproductive lawsuits.

The AAA is the only agency to publicly oppose Measure 76.

Sen. Lee Beyer, D-Lane County, one of the primary authors of the bill, said in the past, the Legislature considered the damage different vehicle classes take on roadways when discussing raising vehicle taxes and fees.

"[Measure 76] wouldn't change what we've been doing but will make that practice a matter of constitutional law instead of just a custom," said Henry Hewitt, Chairman

of the Oregon Transportation Commission Henry Hewitt.

O'Ryan said the measure requires the Legislature to review vehicle taxes every two years but doesn't require any action be taken.

"[The measure] can provide voters a sense of false security because it can't do all it says it can do," she said.

The AAA contracted attorneys from Portland law firm O'Donnell & Clark LLP Attorneys at Law to analyze the wording of the measure. The attorneys felt that vague wording, including the words "fair" and "proportionate," in the measure could make the state vulnerable to lawsuits, O'Ryan said.

Supporters of the bill argue that these words don't need to be explicitly defined.

"We understand what those words mean in this context be-

cause we've been [taxing based on cost responsibility] for a long, long time," Hewitt said.

The measure was drafted in response to concerns the AAA voiced about House Bill 20-82, passed by the Legislature this summer, that would adjust the way commercial truck drivers pay taxes, Hewitt said. The bill approved a diesel fuel tax for truck drivers to replace a tax on vehicle weight and mile travel.

O'Ryan said a tax based on weight and miles traveled is the most accurate way to make heavy trucks accountable for the damage they incur on roadways.

Hewitt said Measure 76 was drafted to ensure that "any change in truck tax methods shouldn't change the amount they're expected to pay."

Limiting convicts' release from prison the goal of Measure 74

74

The issue:

Measure 74 would amend the Oregon constitution by requiring prison sentences to be fully served, with exceptions.

Pro: Amendment would protect society for a longer time and act as a deterrent to crime.

Con: Measure 74 would remove the possibility of shorter sentences, thereby eliminating incentives for prisoners to improve.

By Sara Lieberth
Oregon Daily Emerald

As one of nine ballot measures proposing to amend the Oregon constitution on Nov. 2, Measure 74 addresses prison sentencing terms, requiring they be served specifically as they are imposed by a judge in open court.

Under current law, corrections officials, parole boards and appellate courts may grant early release based on good behavior, which aids in reducing prison overcrowding. Measure 74 would restrict these provisions and allow for sentence reductions only in the instances of a judge's authorization, a reprieve or pardon from the governor or a court's post-conviction proceeding.

Supporters of the measure believe it would ensure that convicted criminals, if they serve the fullest extent of their sentences,

would pose less of a threat to society for the longest possible time following their crime. Opponents argue that Measure 74 removes incentives for rehabilitation of inmates, and presents an undue burden on taxpayers' support of rising prison populations.

Rep. Floyd Prozanski, D-Eugene, said rewarding inmates for good behavior is a sound policy and that implementation of Measure 74 would significantly "tie the hands" of legislators when deciding parole in the future because it is a constitutional amendment.

"It's foolish to pre-empt and limit the procedures already in place," he said. "As a crime victim myself, I want people to be held accountable, but at the same time I'm not ready to do away with the constitution to accomplish that goal."

Prozanski's sister was murdered 26 years ago in Texas.

Clatsop County District Attorney Josh Marquis supports what he and other proponents term the "Truth in Sentencing" measure on the principal that sentences should be administered as they are handed down at trial.

"Everybody has the right to know what the sentence will be," he said. "The victim, their families and the accused. They deserve to have them served without some correctional bureaucrat in Salem deciding differently."

Marquis offered the example of a case he recently prosecuted in which an individual sentenced to 36 months for a gang-related assault was released to serve a six-month boot camp program instead. The man was subsequently arrested within 30 days for assaulting someone else.

"It's simple," he said. "He shouldn't have been let out."

Eugene resident Carol Berg said the group of measures being presented on next month's ballot are not representative of the claims their "pro" arguments make. She said Measure 74 is no different.

"It's not helping victims; it's helping the prisons," she said.

But the group Crime Victims United, which is spearheading the campaign to pass measures 69-75, hold "victim's rights" as paramount to a fair and just legal system.

Organization president Steve Doell, though unavailable for comment, was fervent in his reprisal of a justice system that lets criminals serve reduced sentences in an Oct. 16 Register-Guard article.

"Every one of these measures has a direct impact on the victim once they're in the criminal justice system," he said. "They give the victims the right to know that there's going to be some balance in the system."

Measure 68 to restrict prison laborers from taking private jobs

68

The issue:

Measure 68 lets voters decide whether prisoners should compete for private sector jobs.

Pro: Gives private industry first dibs on labor contracts. Prevents competition and loss of jobs due to prison work groups.

Con: No known opposition to Measure 68.

By Brian Goodell
Oregon Daily Emerald

On Nov. 2, Oregon voters will decide whether prisoners deserve to compete with law-abiding citizens for jobs as they consider Ballot Measure 68.

If approved, Measure 68 would amend the Oregon Constitution to require prison officials to avoid displacing or reducing private-sector jobs as the result of a prison work program. A previous measure, Measure 17, passed in 1994 and asked voters to amend the constitution to require prisoners to work full time. The measure

was believed to promote competition between prisoners and private sector workers.

"The proponents of Measure 17 don't want to be perceived as taking jobs away from law abiding citizens," said Sen. Peter Courtney, D-Marion County. Courtney is a member of the legislative committee that framed the text of Measure 68.

There are no known opponents to Measure 68.

Paul Phillips, spokesman for the Oregon State Building and Construction Trade Council, said the measure has no opposition be-

cause it is the right thing to do.

"No one disagrees with the need for a change to Measure 17," he said. "My fear is that this bill would not pass because nobody understands the need for a change."

The OSBCTC, the organization that sponsored Measure 68, believes Measure 17 was well intentioned but administratively flawed.

"People who have not violated the law should not lose their jobs to people who have violated the law," Phillips said.

According to Rep. Lane Shetter-

ly, R-Benton and Polk counties, there have only been a few incidents of citizens losing their jobs to competition with prison work parties since Measure 17 took effect five years ago.

"We're looking prospectively to prevent job loss in the future," he said.

Shetterly, who was appointed to the legislative committee that drafted the text of Measure 68, said he expects it will pass easily.

"This is one of those clean-up bills," Shetterly said. "It's clear that we did not want to take away family jobs from the private sector."

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