

# State lawmakers consider tweaks to current pot laws

## Investment restrictions might be lifted

By **PARIS ACHEN**  
Capital Bureau

SALEM — Representatives from the marijuana industry came out in droves Tuesday to speak out on legislation to hone the state's infant marijuana laws.

"This is going to be an ongoing process that probably goes on for several years, but I hope what you're hearing is we are making a good faith effort to meet people's needs," said state Rep. Ann Lininger, D-Lake Oswego, co-chairwoman of the Joint Committee on Marijuana Legalization.

The committee has moved a series of proposed changes to the law.

One of the changes would remove a two-year residency requirement to do business in the marijuana industry. Another would loosen restrictions on selling into both recreational and medical markets.

## Lifting investment restrictions

The Legislature largely prohibited out-of-state residents from participating in or investing in marijuana businesses. The proposed change would lift that restriction "to attract investments necessary for long-term growth," said

Amy Margolis of the Oregon Cannabis Association.

The association and other groups argued that limiting investments in marijuana businesses would severely hamper the industry.

Some growers told a different story Tuesday. Many growers said the market has become increasingly competitive and want the state to keep the residency requirement.

One grower said lifting the restriction would give an "unfair advantage against Oregon growers."

"Residency requirements are important to ensure a functional system in Oregon," said Jonathon Manton of the Oregon Sungrown Growers Guild. "OSGG believes they are also necessary for small business to have a chance of survival against large out-of-state interests."

## Selling into medical pot program

Another provision in the legislation would allow recreational producers to sell into the medical marijuana program.

That change anticipates an exodus of growers, processors and retailers from the medical program into the more profitable recreational industry when the Oregon Liquor Control Commission begins issuing licenses for recreational sales.

Some lawmakers are worried there won't be enough low-cost medical mari-

juana available to patients. The pathway to sell into the medical program is one of the ways lawmakers are proposing to address a shortage.

Lawmakers also have proposed making it easier for medical marijuana cardholders to share marijuana products with other cardholders, caregivers and dispensaries.

So far, about 80 percent of medical marijuana dispensaries have indicated they plan to switch to recreational sales when OLCC begins recreational licensing, according to an ongoing survey by the Oregon Health Authority.

## Hearing drew hundreds

Tuesday's public hearing drew hundreds of attendees who filled the committee hearing room and an overflow committee hearing room. Some who couldn't find seats sat in the Capitol's lobby to watch live-streaming video of the testimony.

Other provisions lawmakers are considering would:

- Decriminalize sharing up to 8 ounces of marijuana or 1 ounce of cannabinoid extracts with other household members who are 21 or older;
- Define the crime of "open container marijuana" as using the drug while operating a motor vehicle or having an unsealed or partially-used container in the vehicle;
- Allow offenders on parole, probation or other

conditional release programs to use medical marijuana if they are cardholders;

- Change classification of certain marijuana related crimes. Export of marijuana would be a class C felony if committed for the purpose of profit and otherwise, a class A misdemeanor. Manufacturing pot within 1,000 feet of a school would be a class B felony, while delivering to a minor, a class C felony;
- Create a work group to recommend guidelines for prescribing cannabis and to issue a report to the Legislature by January 2017;
- Fund a pilot program to increase awareness among youth about the impacts of using pot;
- Allow agreements between the states and Indian tribes to allow tribes to use state programs to sell marijuana.

Several committee members also proposed amendments to the legislation.

Sen. Ginny Burdick, D-Portland, has proposed delaying a March 1 deadline for medical marijuana plant limits while the Oregon Health Authority completes its process for grandfathering growers who were producing on or before Dec. 31, 2014. The delay would only impact growers with 48 to 96 plants, Burdick said.

The *Capital Bureau* is a collaboration between *EO Media Group* and *Pamplin Media Group*.

## Psychologist appointed to evaluate Smith

By **KYLE SPURR**  
The Daily Astorian

A Clatsop County Circuit Court judge appointed a psychologist to independently evaluate accused murderer Jessica Smith based on the defense's claims that Smith is mentally unfit to proceed in her criminal case.

Brooke Howard, a forensic and clinical psychologist and certified forensic evaluator, will examine Smith while she remains in custody in Tillamook County Jail. Howard, a former forensic psychologist at the Oregon State Hospital, will submit a report with her findings and conclusion about Smith's fitness to proceed.

A status hearing to address the results of the evaluation is set for late March.

Judge Cindee Matyas has not observed any unusual behavior from Smith in court, but ordered the independent evaluation after considering a defense expert's claims that Smith has severe mood changes, abstract thinking and reasoning and untreated mental health issues.

Smith, 42, pleaded not guilty to drugging and drowning her toddler and attempting to kill her teenager in a Cannon Beach resort in July 2014. She recently told the state-hired psychologist she had "little to no memory of the events of July 31, 2014."

If Smith is deemed unfit to proceed, the judge will either send her to the Oregon State Hospital or to a local mental health provider for treatment, possibly postponing the criminal trial scheduled for June.

Smith had a consultation this week with Clatsop Behavioral Healthcare, the county's mental health provider, to determine if the county has the expertise available to treat Smith if she is found unfit to proceed.

## Legislators work on competing energy bills

By **HILLARY BORRUD**  
Capital Bureau

SALEM — State lawmakers held the first hearings Tuesday on two major bills to increase limits on carbon emissions.

Legislative committees have not finished taking testimony on the bills. But lawmakers who support the bills said they expect to pass them out of committee and on to the budget writing Joint Committee on Ways and Means by next week.

House Bill 4036, which was written by the state's two largest utilities and environmental groups, would double down on Oregon's existing mandate to increase renewable energy. It would require Portland General Electric and PacifiCorp to use renewable power sources such as wind and solar to serve at least 50 percent of their customers' energy demand in Oregon by 2040, up from the current state mandate of 25 percent renewable energy by 2025.

Senate Bill 1574, drafted by state Sen. Chris Edwards, D-Eugene, and Sen. Lee Beyer, D-Springfield, would replace the existing renewable energy goals with a new cap on carbon emissions and a system to buy and sell carbon pollution credits.

## Beyond coal

Much of the buzz around the legislation written by utilities and environmental groups has centered on its requirement to eliminate coal from Oregon's power mix. But representatives of Portland General Electric and an environmental group said Tuesday that the bill would actually have a greater impact on the types of power utilities use to replace coal.

Varner Seaman, manager of state legislative affairs for Portland General Electric, told lawmakers the bill largely would not impact the company's use of coal because it already committed to close Oregon's only coal plant, in Boardman, by 2020.

Seaman said the utility also expects to stop taking power from the Colstrip plant in Montana in the near future, due to federal environmental regulations and other considerations. As a result, Seaman said the bill would impact the degree to which the utility replaces coal power with natural gas.

## Shift to natural gas

The company will still build new natural gas facilities under the bill, because it needs reliable sources when the wind is not blowing and the sun is not shining. But Portland General Electric would rely less upon natural gas for its baseload of power under the proposed mandates.

Rachel Shimshak, executive director of the advocacy group Renewable Northwest, described a similar impact.

"Without this bill, we might just replace one fossil fuel for another," Shimshak said.

Seaman also addressed a provision in the bill that critics have said would reduce competition between the investor-owned utilities and public utilities. Although the 50 percent renewable energy mandate would generally apply only to the two investor owned companies, the bill would prevent public utilities from acquiring any new customers from Portland General Electric and PacifiCorp unless they met the new renewable standard.

"We wanted to make sure that if customers choose to leave our system, that the renewables requirements of the state of Oregon follow with them," Seaman said. "So there are provisions if you do a hostile takeover of an investor-owned service territory, that those renewables requirements will follow with the customer."

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## States set Columbia River spring Chinook seasons

The Daily Astorian

CLACKAMAS — Fishery managers from Oregon and Washington state have set spring Chinook salmon seasons for the Columbia River.

The recreational springer season on the Columbia from the river mouth upstream to Bonneville Dam will be open from March 1 through April 9, with two days off during that period to allow for potential

commercial fishing periods.

The Columbia River spring Chinook season is based on a forecast of 299,200 returning spring Chinook, which includes an expected 188,800 upriver spring Chinook. The prediction is down from last year's banner return of 415,200 springers but above the 10-year average return of 285,000 fish.

Above Bonneville, the state fishery managers approved a Chinook retention season starting on March 16 and

continuing through May 6 with an expected recreational harvest of 900 fish.

The states also announced the winter recreational sturgeon fishery in Bonneville Pool will close effective Monday, a move that fishery managers believe will

leave enough room under the harvest guideline to offer a short summer sturgeon retention season.

In addition, the Washington Department of Fish & Wildlife announced a recreational smelt fishery for the Cowlitz River, scheduled for Saturday.

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