

# Sentencing reform case heads to state Supreme Court

## Law reduced sentences for theft crimes

By **PARIS ACHEN**  
Capital Bureau

SALEM — The Oregon Supreme Court has agreed to hear the state's appeal of a Clackamas County Circuit Court decision to block sentencing reforms the state Legislature passed in 2017.

The hearing is set for Sept. 13.

"We have asked for an expedited hearing in the

Supreme Court so that we can settle this issue because it will impact both our prison use and our budget, if these ... well-thought-out, very specific sentence reductions are thrown out by the court," said House Majority Leader Jennifer Williamson during an interview at the Portland City Club Friday.

Clackamas County District Attorney John Foote and two crime victims from Oregon City and Sandy sued the state in November to stop enforcement of House Bill 3078.

The legislation reduced sentences for identity theft and first-degree theft and put

more money into offender housing, treatment and other support services.

The intent was focused largely on reducing the number of women sent to prison and avoiding the expense of opening a second women's prison.

Opening the mothballed Oregon State Penitentiary Minimum in Salem as a second state women's prison would cost about \$17.5 million for startup and operating costs for the first two years, said Jennifer Black, a spokeswoman for the Oregon Department of Corrections. Incarcerating one per-

son costs an average of about \$108 per day.

"We can't continue to build prisons. It is an expensive way to not solve a problem of community safety," Williamson said.

A panel of Clackamas Circuit Court judges in February ruled that the legislation was unconstitutional because it was passed with only a simple majority vote.

The mandatory sentences for those crimes were approved by voters in 2008 via Measure 57. The Oregon Constitution requires at least a two-thirds majority vote by each chamber of the Legisla-

ture to change the voter-approved sentences, the court ruled.

The Oregon Department of Justice filed a notice of its intent to appeal the ruling in March.

During the this year's legislative session, lawmakers passed another bill, Senate Bill 1543, to hasten the case to the Supreme Court.

Lawmakers said they wanted a quick ruling on the case so they could ensure sentencing uniformity between counties and to prepare for any increase or decrease in the prison population as a result of the court's decision.

With the agreement of the state, Foote and the other plaintiffs filed a motion in March in the Court of Appeals to certify the case to the Oregon Supreme Court.

"I'm confident, our lawyers have told us, outside lawyers have told us everything we did was perfectly legal, and this is a meritless case, but we'll wait and get a ruling from the Supreme Court, and we will address the issues if there are any addressed by the court," Williamson said.

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

# Special session for small-business tax break set for May 21

By **CLAIRE WITHYCOMBE**  
Capital Bureau

SALEM — The Oregon Legislature will meet May 21 for a special session on business taxes.

Gov. Kate Brown said Tuesday she wants legislators to meet that day to resolve an "obvious inequity in Oregon's tax system" by expanding eligibility for a state tax break to owners of sole proprietorships.

Oregon law holds that some owners of certain types of pass-through businesses — whose business income "passes through" to their personal income taxes — can take a lower tax rate.

Sole proprietorships can't take the lower rate under current law.

The Legislative Revenue Office found that about 9,000 Oregon sole proprietorships would be eligible for the rate if lawmakers tweaked the law, initially passed as part of a 2013 legislative package, to include them.

Oregon largely connects to the federal tax code.

During this year's short legislative session, lawmakers passed Senate Bill 1528, which disconnected Oregon from part of the recent federal tax overhaul — specifically, a 20 percent deduction from qualifying business income for pass-through businesses. Brown signed the bill.

Allowing that deduction on the state level would have benefited more business owners than the governor's proposal, critics of the disconnect

bill argue.

"This so-called 'emergency' was caused by the governor and the majority party," said state Senate Republican Leader Jackie Winters, of Salem, in a prepared statement Tuesday. "Their actions during the 2018 session to take away a small-business tax cut is the reason we are now being called in to a special session."

However, Winters added that "we are committed to working to expand these tax cuts so that all small businesses in Oregon receive tax equity and fairness, just as they would have had the governor vetoed Senate Bill 1528."

Proponents of the disconnect say that allowing the deduction would have suddenly deprived the state of hundreds of millions of dollars

in revenue for state services and thrown the state budget for a loop.

Observers have said lawmakers will need to stay focused on the task at hand to be successful, a point that political leaders echoed Tuesday.

"Special sessions present unique challenges," said Senate President Peter Courtney, D-Salem. "They require focus. They require discipline."

House Republican Leader Mike McLane, of Powell Butte, was more blunt.

"The political theater session now has a date," McLane said. "Let's hope Gov. Brown and legislative Democrats will limit the scope of the session to the stated purpose instead of allowing for the introduction of unrelated policy bills. In the end, the tone and tenor

of the session will be defined by whether Democrats are able to stick to their word."

May 21 falls on a Monday of a week that legislators will already be at the Capitol for a series of interim committee meetings.

House Speaker Tina Kotek,

D-Portland, said Tuesday that she and Courtney intended to convene a bicameral committee before the session to hear proposed legislation.

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# No added fireworks restrictions for Long Beach

## Fireworks are allowed around Fourth of July

By **PATRICK WEBB**  
Chinook Observer

LONG BEACH, Wash. — Fourth of July fireworks in Long Beach continue to be controversial, but the City Council has decided to keep arrangements the same for 2018.

The consensus came after the City Council heard details of a survey conducted by Pacific County Tourism at the request of the grassroots group Not a Ban/A Better Plan, whose supporters want authorities to reflect the theme of their name.

Right now, fireworks are allowed for eight days — from June 28 to July 5.

Residents have expressed concerns about the noise, the fear of fires in the dunes and the detritus that needs to be cleaned up afterward.

Opinions on reducing the number of allowed days for fireworks from eight to three were sought in a couple of recent surveys.

In one, answered mostly by people in Long Beach, 29 of the 57 respondents favored a reduction, 19 were against and there were nine other responses.

Comments in favor of restrictions pointed to fire risks and noise that scares pets; comments against change noted that it is a key period



Chinook Observer

Fireworks before and after July 4 have some Long Beach Peninsula residents asking for restrictions, while other remain committed to the status quo.

for merchants to earn tourist dollars.

Timing may be a factor in 2018. "This year, with the Fourth falling on a Wednesday, I think many will come down the weekend prior expecting to blow stuff up," said one respondent.

Another survey which garnered 109 responses from a broader geographical area was conducted through the Long Beach Peninsula Visitors Bureau. Magen Michaud from the Ban/Plan group reported that 71 percent supported a reduction in the number of days. This mirrored a survey with considerably more respondents in 2017 that made headlines when revealed last

September because 80 percent of respondents wanted change.

"The results of these two surveys demonstrate that a strong majority of the respondents who pay property taxes, who are registered to vote, and who own businesses, support a reduction on the Fourth of July legal fireworks discharge days," Michaud wrote in a widely distributed email shared with the City Council in April.

Mayor Jerry Phillips said Long Beach's rule allowing fireworks to be shot off for eight days around the holiday dovetails with regulations inside Washington State Parks and in Ilwaco.

Pacific County allows

eight days, also. Commissioner Frank Wolfe weighed in through an email exchange reported to the City Council. He thought progress has been made during recent discussions, but the various jurisdictions cannot have different rules. "All jurisdictions must speak with a single voice," he wrote.

Phillips said extra Long Beach police patrols, and assistance from officers from Washington State Patrol and Fish and Wildlife officers would be a key part of the city's strategy to minimize abuse.

Also, the city will continue to enforce its rule that bans camping on the beach during the Fourth.

# Oregon wave energy testing project looks to feds for approval

By **JES BURNS**  
Oregon Public Broadcasting

The Pacific Northwest could soon become a hub of ocean energy technology.

An Oregon State University project to set up a wave energy test site is now applying for the federal permits needed to move ahead.

Oregon has some of the best potential in the world to generate energy from the motion of the waves. But developing wave energy technology is an expensive proposition. Not only do you have to build the devices, you also have to test them in the ocean. This takes many years and even more federal and state permits.

Oregon State University project scientist Burke Hales said wave energy technology is about 15 years behind wind.

Part of the reason, he said, is "because there are no utility scale, open wave test facilities for this. No developer would build a device that couldn't be tested."

Hales said the university wants to help the fledgling technology get into the water faster. It's proposing to set up the infrastructure for a 2-square-mile, grid-connected test plot off the central Oregon Coast. Companies would pay to test up to 20 devices at a time.

Hales said there are currently two small-scale, grid-connected, wave energy

test facilities operating — one by the Navy in Hawaii and the other near Scotland. Oregon State University also operates a non-grid-connected test site further north along the coast.

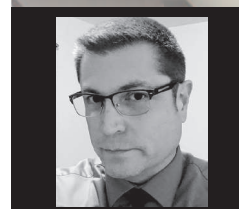
But he said the current project has the potential to be by far the largest and most versatile test facility in the world.

"Hopefully this project will showcase the technology and prove that it's an economic source of energy for us

moving forward," said Justin Klure, a project consultant with Pacific Energy Ventures.

Klure said the university worked with local communities and fishermen for several years to decide where to site the test facility.

The projected cost is \$50 million, \$35 million of which would come from the U.S. Department of Energy. The rest will come from the state, the university and as-yet-undiscovered private investors.

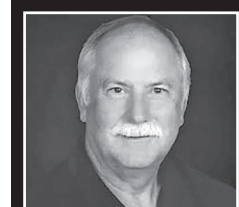


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**Q: What can I do to ensure my family receives the gold from my teeth once I've died and prior to cremation?**

**A:** This is a tricky one that deserves a thorough answer which I've posted on our website (www.hughes-ransom.com). The law states that anyone other than licensed physicians or those designated by the State Medical Authority are allowed to perform organ harvesting (under the UAGA), dissection, autopsy for medicolegal purposes or dental extraction, etc., from a corpse will be in violation of the law in what is known as mutilation. The professional skills offered by funeral directors, dually licensed as embalmers, is in the preparation, restoration and preservation of the body as directed by the next of kin.



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**Q: I am turning 65 this year and have not been taking Social Security Benefits to this point. Will I be signed up for Medicare Part A and Part B automatically?**

**A:** In your case the answer is No. If someone has not been taking Social Security or Railroad Benefits for at least 4 months prior to turning 65 they would then need to sign up with Social Security to ensure they get Medicare Parts A and B.



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**Q: What are the biggest current computer scams?**

**A:** You may get a phone call or see a web page saying your computer is infected, and "You need to let us on your computer to fix it." Web pages like this are scams, and the phone numbers listed are crooks. These crooks pretend to be from Microsoft, Apple, Norton, HP, etc. Though they may be persuasive, they are LIARS!! These companies NEVER CALL YOU soliciting repairs. Don't let anyone on your computer you don't know and trust.



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