

Court rules health care ballot title is unclear

By CLAIRE WITHYCOMBE
Capital Bureau

SALEM — The Oregon Supreme Court ruled Wednesday that the ballot title on the referendum on the state's health care funding scheme must be clearer.

Three Republican lawmakers — State Reps. Julie Parrish, of Tualatin/West Linn; Cedric Hayden, of Roseburg; and Sal Esquivel, of Medford — want to repeal parts of a state law that requires health care providers and insurers to pay assessments to the state for its Medicaid program.

The three had argued that the ballot title approved by a legislative committee in September didn't fully or clearly explain the effects of the potential repeal.

A ballot title is the official written material that voters see. In Oregon, a ballot title includes a caption, summary and statements that explain the results of a "yes" and a "no" vote.

The court found that the caption needed to explain the assessments with more detail or describe them as "taxes," and explain that insurers were allowed to increase certain premiums under the law.

The "yes" and "no" vote result statements, the court determined, should also be



File photo

The Oregon Supreme Court Wednesday ruled that the ballot title for a January referendum on Oregon's health care funding scheme must be made clearer.

changed to better explain the direct effects of the measure.

The court also said that the statement and the summary should not address an open legal question — whether or not temporary assessments on hospitals would be delayed or removed altogether as part of the referendum.

The ballot title "no" statement currently says that a part of the law that the petitioners want to repeal would merely

be delayed, due to how the referendum petition was written.

That's a matter of legal interpretation, the court said, and added it should be resolved at a later time, in the event that voters vote "no" and the partial repeal is successful.

The court did reject some of the petitioners' arguments. For example, the court found it was appropriate to include, as ballot title writers

did, that the revenues went toward health care for low-income individuals and families, and "stabilizing reinsurance premiums" through a reinsurance program.

Parrish had previously raised questions about the process used to write the materials that the Supreme Court said on Wednesday should be changed.

Separate legislation had created a committee of four Democrats and two Republicans to write the ballot title for the healthcare referendum, although typically the Attorney General does that.

The ballot title was approved in a 5-to-1 vote by the committee assigned to write it. The sole dissenter was Republican Rep. Greg Smith, of Heppner.

Both opponents and supporters of the referendum say the ruling is a victory.

"The court affirmed nearly 100 percent of our concerns which the partisan legislative committee completely ignored," Hayden said in a written statement on Wednesday. "Their direction clearly demonstrates why the Legislature shouldn't have hijacked the time-tested ballot title process which otherwise balances the powers between the three branches of government."

BRIEFLY

80,000 gallons of raw sewage spill into Columbia

VANCOUVER, Wash. (AP) — About 80,000 gallons of feces, urine and laundry waste rushed into the Columbia River on Wednesday.

The *Columbian* reports that the untreated sewage spewed into the river while a contractor was calibrating pumps at Vancouver's Westside Wastewater Treatment facility.

This is the second such spill into the river in the past four weeks. The first release was about 400,000 gallons of raw sewage and 110,000 gallons of partially treated sewage.

Vancouver Public Information Officer Loretta Callahan said the spills are not related.

The Department of Ecology is investigating both incidents. The city could be directed to make specific fixes or receive a notice of violation. A fine is also a possibility.

his pocket instead of putting his hands in the air. Officers had been searching for a man who robbed a North Portland bank.

The suspect's name has not been released.

Hiker missing for days found alive near Mount Hood

WELCHES (AP) — A hiker missing for almost five days near Oregon's Mount Hood has been found alive, authorities said Thursday.

The Clackamas County Sheriff's Office said 34-year-old Nathan Mitchell was being guided out of the Salmon-Huckleberry Wilderness in the Mount Hood National Forest.

Russ Gubele, president of Mountain Wave Search and Rescue, said Mitchell was doing well, able to walk out on his own. Gubele said Mitchell was found not too far off a trail.

Mitchell, a Portland attorney, had gone for a day hike Saturday in Wildwood Recreation Area near Welches. He was reported missing the next day, triggering a days-long search by rescuers and friends of Mitchell.

Searchers earlier this week found a rain cover from Mitchell's backpack about five miles from the parking area where he left his car.

The weather was bad on the first day of the search, but it's been sunny the past few days. It's unclear if Mitchell had supplies.

"In a situation like that, if you have a little bit of food with you and a way to keep yourself dry, you can actually survive a long time," Gubele said. "There's plenty of water up there."

No weapons found at scene of police shooting

PORTLAND (AP) — Portland police say no weapons were found at the scene where an officer shot and wounded a bank robbery suspect.

The agency said in a news release Thursday that the man's clothing and a backpack still must be searched, and investigators were awaiting the approval of a search warrant.

The wounded man remains in serious condition at a Portland hospital. He is expected to survive.

Police say Officer Ryan Reagan fired multiple shots Wednesday when the man reached into

Cop on new phone law: 'That thing is hot lava now'

By CHELSEA DEFFENBACHER
The Register-Guard

SPRINGFIELD — In the three years that Springfield police officer Mike Massey has been a motorcycle traffic enforcement officer, he's seen it all when it comes to cellphone use and driving.

In addition to witnessing drivers talking or texting on their cellphones while driving, he's seen them writing Facebook comments, using Snapchat to take selfies — even watching pornography.

Massey has pulled over such drivers, lectured them and sometimes written them up for it.

But the 2017 Legislature passed House Bill 2597 this past summer, which broadened and clarified what

constitutes distracted driving and increased the penalties for it.

Before the law went into effect Oct. 1, drivers already were not permitted to text or call from a cellphone while driving.

But the new law is a virtual hands-off policy when it comes to cellphone use now, making it illegal to hold or touch a cellphone for any reason, including listening to music or using apps for navigation.

"That thing is hot lava now. Don't touch it," Massey said. "I don't care what you're doing with it. I don't care if you're scratching your face with it. You can't do it."

Hands-free cellphone use still is permitted.

Cell phones cradled in a dashboard mount are

considered hands-free and are acceptable, but only if the functions in use require just a single touch or swipe to activate or deactivate.

Planning to make a quick call or answer a text at a red light? That, too, is illegal. The car must be safely parked before a cellphone can legally be used.

The first violation of the new cellphone law is a \$260 fine; a second violation — or if the first violation involves a wreck — is a \$435 fine. A conviction for a third offense can result in six months in jail or up to a \$2,500 fine.

Drivers younger than age 18 cannot use any device while driving, even if it's hands-free.

"I'm glad they changed the law because I've heard all the excuses," Massey said. "I

was changing my music.' I was checking my clock.' I'm tired of the excuses; you were using your phone. Period."

Massey, who has been with Springfield police for 13 years, has been working in a team of three on traffic enforcement for the past three years. Officers Tom Speldrich and Matt Bohman also work the motorcycle patrol.

Massey and Speldrich were working one recent morning on Main Street and then on Gateway Street, stopping drivers spotted with a phone in hand.

"We could literally write tickets all day long. But we've seen an improvement since the law went into effect," Massey said. "I'm sure once the surprise and newness wears off, people will go back to using them."

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AccuWeather.com Forecast

TODAY	SATURDAY	SUNDAY	MONDAY	TUESDAY
Sunshine	Plenty of sunshine	Plenty of sunshine	Mostly sunny	Mostly sunny

PENDLETON TEMPERATURE FORECAST

60°	39°	63°	41°	61°	39°	55°	32°	59°	39°
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HERMISTON TEMPERATURE FORECAST

61°	36°	63°	38°	63°	38°	59°	30°	60°	33°
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ALMANAC

PENDLETON

through 3 p.m. yesterday

TEMPERATURE	HIGH	LOW
Yesterday	62°	42°
Normals	59°	37°
Records	82° (1986)	14° (1911)

PRECIPITATION

24 hours ending 3 p.m. 0.00"

Month to date 1.41"

Normal month to date 0.86"

Year to date 13.70"

Last year to date 9.80"

Normal year to date 9.80"

HERMISTON

through 3 p.m. yesterday

TEMPERATURE	HIGH	LOW
Yesterday	64°	42°
Normals	61°	36°
Records	83° (1955)	19° (2002)

PRECIPITATION

24 hours ending 3 p.m. 0.00"

Month to date 0.79"

Normal month to date 0.54"

Year to date 7.80"

Last year to date 6.80"

Normal year to date 7.10"

SUN AND MOON

Sunrise today 7:28 a.m.

Sunset tonight 5:49 p.m.

Moonrise today 2:11 p.m.

Moonset today 11:58 p.m.

First	Full	Last	New
Oct 27	Nov 3	Nov 10	Nov 18

REGIONAL FORECAST

Coastal Oregon: Partly sunny today, but sunnier across the north; pleasant in central parts.

Eastern and Central Oregon: Plenty of sunshine today; pleasant in the south and near the Cascades. Clear tonight.

Western Washington: Mostly sunny today; patchy morning fog in central parts. Clear tonight.

Eastern Washington: Sunny today. Clear tonight. Plenty of sunshine tomorrow.

Cascades: Partly to mostly sunny today. Clear to partly cloudy tonight. Sunny tomorrow.

Northern California: Plenty of sunshine today. Clear tonight. Plenty of sunshine tomorrow.

REGIONAL CITIES

	Today			Sat.		
	Hi	Lo	W	Hi	Lo	W
Astoria	69	45	s	64	44	s
Baker City	66	33	s	68	31	s
Bend	64	37	s	72	40	s
Brookings	65	53	s	64	52	s
Burns	65	28	s	67	28	s
Enterprise	61	38	s	66	40	s
Eugene	67	43	s	67	44	s
Heppner	58	38	s	63	41	s
Hermiston	61	36	s	63	38	s
John Day	69	43	s	73	43	s
Klamath Falls	72	34	s	73	34	s
La Grande	61	36	s	67	37	s
Meacham	59	35	s	66	37	s
Medford	81	44	s	78	45	s
Newport	68	49	s	62	48	s
North Bend	68	49	pc	62	48	s
Ontario	66	36	s	64	36	s
Pasco	62	36	s	63	36	s
Pendleton	60	39	s	63	41	s
Portland	69	46	s	68	46	s
Redmond	64	32	s	71	35	s
Salem	70	43	s	70	45	s
Spokane	56	38	s	60	38	s
Ukiah	62	36	s	68	37	s
Vancouver	66	43	s	67	44	s
Walla Walla	61	43	s	63	44	s
Yakima	65	35	s	65	35	s

WORLD CITIES

	Today			Sat.		
	Hi	Lo	W	Hi	Lo	W
Beijing	67	49	s	62	35	pc
Hong Kong	84	69	pc	82	68	s
Jerusalem	79	59	s	69	54	t
London	57	41	s	60	53	c
Mexico City	75	49	s	72	51	pc
Moscow	33	30	sn	37	33	sf
Paris	61	42	pc	58	48	pc
Rome	70	50	pc	70	48	pc
Seoul	71	48	s	74	48	s
Sydney	72	62	pc	79	66	pc
Tokyo	68	58	s	63	59	r

WINDS

(in mph)	Today	Saturday
Boardman	NE 4-8	ENE 3-6
Pendleton	NNW 4-8	N 4-8

UV INDEX TODAY

0	2	2	2	2	0
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8 a.m. 10 a.m. Noon 2 p.m. 4 p.m. 6 p.m.

0-2, Low 3-5, Moderate 6-7, High; 8-10, Very High; 11+, Extreme

The higher the AccuWeather.com UV Index™ number, the greater the need for eye and skin protection.

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NATIONAL WEATHER TODAY

Shown are noon positions of weather systems and precipitation. Temperature bands are highs for the day.

National Summary: A snowstorm will blast part of the Upper Midwest today. Rain will extend from the central Great Lakes to the Texas coast along the leading edge of cold air. The East Coast and the West will be dry.

Yesterday's National Extremes: (for the 48 contiguous states)
High 98° in Palm Springs, Calif. **Low 17°** in Waverly, Colo.

NATIONAL CITIES

	Today			Sat.		
	Hi	Lo	W	Hi	Lo	W
Albuquerque	55	36	s	62	41	s
Atlanta	73	56	s	60	38	t
Atlanta City	65	56	s	70	63	s
Baltimore	67	46	s	71	55	pc
Billingham	56	43	pc	71	42	pc
Birmingham	73	44	pc	54	37	r
Boise	65	41	s	67	41	s
Boston	61	48	s	66	56	s
Charleston, SC	75	58	s	78	58	sh
Chicago, IL	47	36	c	45	31	sh
Cleveland	68	44	pc	48	37	r
Dallas	58	37	pc	62	40	s
Denver	46	29	s	58	38	pc
Detroit	59	37	pc	47	35	r
El Paso	64	40	s	69	44	s
Fairbanks	37	25	sn	36	25	pc
Fargo	41	19	pc	44	30	s
Honolulu	85	70	pc	84	71	pc
Houston	70	40	t	63	38	s
Indianapolis	50	33	r	44	31	c
Jacksonville	79	60	pc	83	57	pc
Kansas City	45	27	pc	50	28	pc
Las Vegas	83	60	s	84	60	