

# Opinion

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## OUR VIEW

# Legislature obscures purpose of tax bill

State Senate President Peter Courtney held a news conference before the 2021 legislative session to announce steps to keep the legislative process accessible to Oregonians.

"We have never seen a session like this before. We need to keep members and staff safe," he said. "Legislative staff worked hard to come up with a plan that is safe and transparent. Every session, Oregonians make their voices heard on issues they care about. We need these voices."

But if you don't know what the Legislature is talking about it's hard to voice your opinion. Consider Courtney's Senate Bill 846. It's a model of translucency, not transparency. The bill shifts money around. It also potentially reduces the kicker tax refund.

Does the language of the bill clearly state that it potentially reduces the kicker? No.

Does it even mention the kicker? No.

Shouldn't a bill that potentially reduces the kicker clearly state that? Yes, we think so. Do you?

Now if you are fluent in the budget-speak of the Legislature you could figure it out from the language of the bill — maybe. What the bill does, in part, is repeal transfers to the general fund of \$15 million from the state's insurance fund and from an operating account of the Department of Justice. The money stays where it is, at least temporarily. It just doesn't get shifted over to the general fund.

That matters because it effectively reduces the general fund by that \$15 million. That affects the kicker. The kicker is Oregon's unique law passed by voters. It occurs if state revenues exceed forecasted revenues by 2% or more over a two-year budget cycle. If that happens, the excess including the trigger amount gets returned to taxpayers.

No final determination has been made; there will be a kicker for the 2019-2021 biennium. But the kicker is on target to kick, according to the latest revenue forecast. And because SB 846 is moving forward the amount returned to taxpayers would be less.

Look, legislators need to be able to move money around, such as in this bill. They need to be able to balance the budget and line money up how they want to spend it. They also should be transparent about what they are doing and clearly state in a bill if it would reduce the kicker.

*Unsigned editorials are the opinion of the Baker City Herald. Columns, letters and cartoons on this page express the opinions of the authors and not necessarily that of the Baker City Herald.*

## OTHER VIEWS

# Supreme Court should protect sanctity of 4th Amendment

### Editorial from Los Angeles Times:

If police want to enter your home as part of a criminal investigation, they generally must obtain a search warrant. But on March 24 the Supreme Court was asked to make an exception to that requirement — in some situations in which an officer is acting as a "community caretaker" checking to see if the occupant is all right.

The court should say no to that idea. Sometimes police may have to enter a home without a warrant to prevent a loss of life, but a new exception for some "wellness checks" would give law enforcement vast discretion and violate the Fourth Amendment's ban on unreasonable searches and seizures.

The case argued before the court last Wednesday originated in a domestic dispute in Cranston, Rhode Island. After an argument over a coffee mug, Edward Caniglia threw an unloaded gun on a table and said to his wife, Kim: "Why don't you just shoot me and get me out of my misery?" She hid the gun in the couple's bedroom and later, after the argument resumed, checked into a hotel.

When she couldn't reach her husband by telephone the next day, Kim Caniglia called

the police, and said she was worried that he might have killed himself. Police went to the couple's home, where Edward Caniglia said he had no suicidal intentions.

Edward Caniglia went to a hospital for evaluation, but only, he says, because police assured him that they wouldn't confiscate two guns he owned. After he was released from the hospital, where it was decided that he wasn't suicidal, he learned that police had confiscated the weapons. (They were eventually returned.)

Caniglia went to court to sue for damages, claiming that the police violated his Fourth Amendment rights by seizing his guns after a warrantless entry into his home and requiring him to undergo a mental health evaluation. A federal judge dismissed his Fourth Amendment claims, citing the role of the police in providing "community caretaking." An appeals court agreed.

In 1973, the Supreme Court cited the "community caring" concept in upholding the search of a rental car to determine if it contained a police officer's service weapon. But extending that exception to warrantless searches and seizures at someone's home would be an unjustified expansion.

Several justices at the March 24 oral argument worried about situations in which police might enter a home to check on the occupant. Chief Justice John G. Roberts Jr. asked Shay Dvoretzky, Caniglia's lawyer, about a hypothetical elderly woman who didn't show up for dinner at a neighbor's house and can't be reached by phone.

Even in that situation, Dvoretzky said, the officer must obtain a warrant unless there was "consent or some objectively reasonable indication of an emergency." He referred to the fact that police are already able to enter a home without a warrant if there are "exigent circumstances," which can include a threat to human life.

The court shouldn't create a new exception to the warrant requirement. If states don't want to treat wellness checks the same way they do criminal investigations, they can experiment with requiring "administrative warrants," a possibility mentioned by Justice Elena Kagan. But in the absence of a true emergency, police should be required to obtain permission to enter a home from a magistrate or other neutral official.

This case comes against the backdrop of a

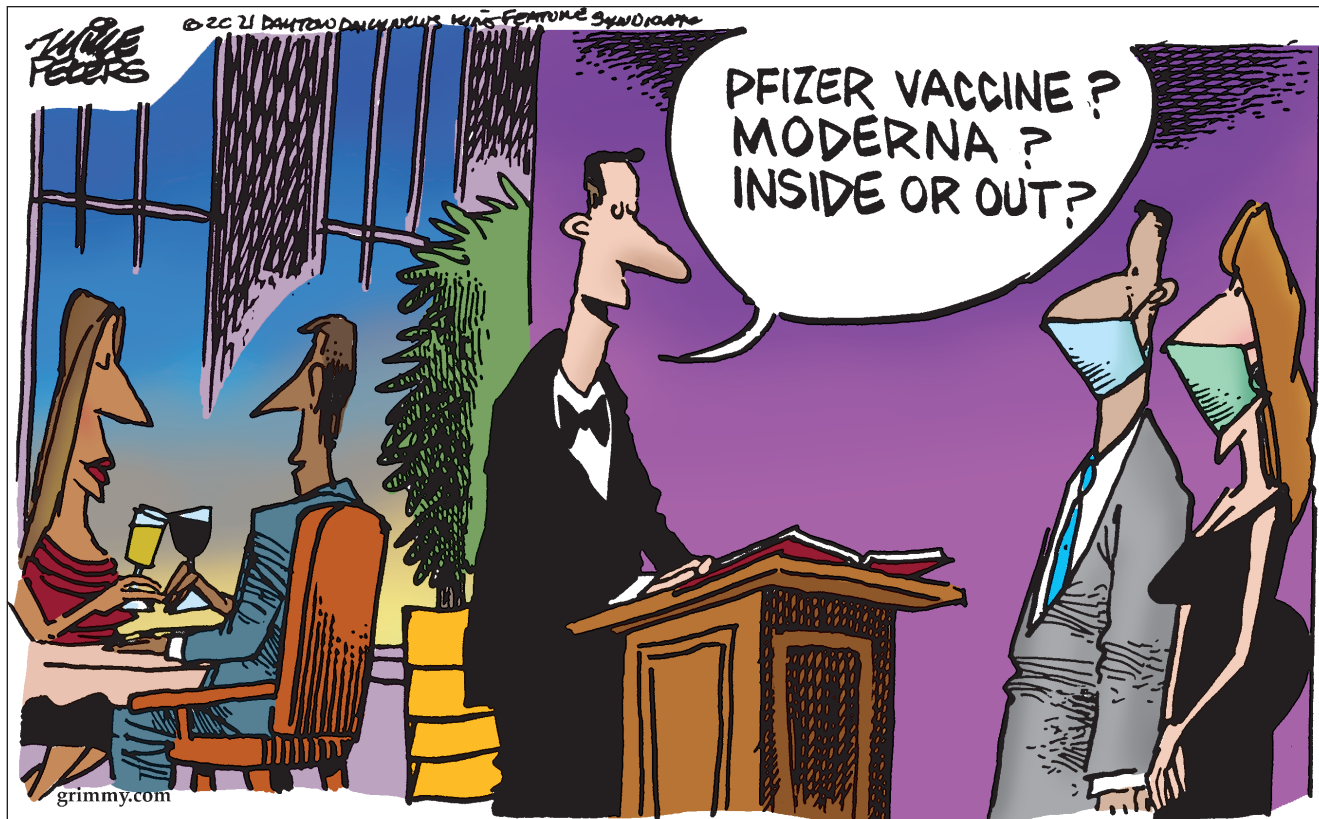
quite disturbing, considering they are in a position of responsibility? I guess neither you nor I should be surprised, seeing as how a majority of these council members were endorsed and supported by our regional Republican Party, obviously being spoon-fed their agenda by that very entity. My belief, my opinion only, is that this anti-mask, anti-science, anti-mandates rhetoric is born of bitterness over the presidential election results.

As more receive vaccinations and mandates are lifted, our mayor and council decide that now is the right time to create a ridiculous, meaningless spectacle? To what end?

Many lives have been saved through "necessary" health guidelines and lockdowns. We have irrefutable evidence that masks, social distancing and mandates have contained the spread. This is not a theory it is a proven fact. We are all tired of masks, lockdowns and mandates. But to waste our time and city business with a selfish display of nothing?

So once again, Governor Brown, I wish to apologize for the actions of our mayor and council, a governmental body that, itself, should strive for "respect" instead of condoning conspiracies, vindictiveness and divisiveness. There are many citizens of Baker City that are sane, safe, respectful of others, accept scientific facts and appreciate the values you bring to the great State of Oregon. Thank you.

Mike Meyer  
Baker City



## Your views

### David, Lisa Coughlin say goodbye to Baker County

To all our friends, co-workers and employees:

After almost 50 years in Baker City, we are relocating to the Central Oregon area outside of Redmond, Eagle Crest.

We have had a wonderful 50 years here, both as a lawyer and high school teacher. We raised our daughter, Jen, here and she now lives in Bend, along with our grandson. Like us, she has many great memories of Baker City.

We hope we have contributed as much to the community as it has given to us. We will sincerely miss our friends here, along with the mountains and country surrounding us. We are certain to enjoy the Central Oregon area.

Thank you all for your kindness and friendships over the years.

David and Lisa Coughlin  
Baker City

### Vaccinations key to opening Baker businesses

I have an idea. If the mayor and city council want all business opened up in Baker, let's just get everyone vaccinated. 100 percent.

Rella Browne  
Sumpter

### Council's divisive resolution won't encourage visitors

I want to thank Jayson Jacoby for pointing out some of the flaws in the City Council's Resolution 3881. It is not only poorly written but also divisive and inflammatory. At a time when we

can begin to see an end to the pandemic in the not so far future we should be looking forward in a positive way. The negative picture this resolution paints will not encourage people from other parts of the state to want to visit Baker City this summer. We can all best help our local businesses and tourist industry by getting vaccinated as soon as possible and continuing to wear a mask in public places until enough people have done so.

Mary Sue Rightmire  
Baker City

### Council's resolution ignores benefits of Brown's policies

Dear Governor Brown:

Thank you for your research, vigilance and "science" based response to the COVID-19 pandemic. With your guidance and decisions our beautiful state of Oregon has become a model of success for the rest of the country. Things are now opening up safely. The rollout and implementation of vaccinations here in Eastern Oregon has been nothing less than phenomenal!

I wish to apologize for the non-facts and ramblings, "Resolution 3881," drafted by our misguided mayor and approved by our local city council. Only two (thank you!) of seven members objected to these empty theatrics? Seems we've elected a bevy of self-proclaimed scientists and doctors to our council. This was an exercise in futility, pure and simple.

This majority council belief in misinformation and disinformation is

## CONTACT YOUR PUBLIC OFFICIALS

**State Sen. Lynn Findley (R-Ontario):** Salem office: 900 Court St. N.E., S-403, Salem, OR 97301; 503-986-1730. Email: Sen.LynnFindley@oregonlegislature.gov

**State Rep. Mark Owens (R-Crane):** Salem office: 900 Court St. N.E., H-475, Salem, OR 97301; 503-986-1460. Email: Rep.MarkOwens@oregonlegislature.gov

**Baker City Hall:** 1655 First Street, P.O. Box 650, Baker City, OR 97814; 541-523-6541; fax 541-524-2049. City Council meets the second and fourth Tuesdays at 7 p.m. in Council Chambers. Councilors Lynette Perry, Jason Spriet, Kerry McQuisten, Shane Alderson, Joanna Dixon, Heather Sells and Johnny Waggoner Sr.

**Baker City administration:** 541-523-6541. Jonathan Cannon, city manager.

**Baker County Commission:** Baker County Courthouse 1995 3rd St., Baker City, OR 97814; 541-523-8200. Meets the first and third Wednesdays at 9 a.m.; Bill Harvey (chair), Mark Bennett, Bruce Nichols.

**Baker County departments:** 541-523-8200. Travis Ash, sheriff; Noodle Perkins, roadmaster; Greg Baxter, district attorney; Alice Durflinger, county treasurer; Stefanie Kirby, county clerk; Kerry Savage, county assessor.

**Baker School District:** 2090 4th Street, Baker City, OR 97814; 541-524-2260; fax 541-524-2564. Superintendent: Mark Witty. Board meets the third Tuesday of the month at 6 p.m. Council Chambers, Baker City Hall, 1655 First St.; Andrew Bryan, Kevin Cassidy, Chris Hawkins, Katie Lamb and Julie Huntington.