

Opinion

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OUR VIEW

Change Oregon's DUII law

A drunken driving conviction for John Hedgpeth seemed a cinch.

An Oregon state trooper pulled Hedgpeth over in 2014 for riding his motorcycle without a helmet. The trooper took him into custody for DUII and brought him to the North Bend Police Department for an intoxilyzer test. It was one hour and 45 minutes after Hedgpeth had been stopped before the test began. The test showed his blood alcohol content was .09%. The legal limit in Oregon is .08%.

Charged. Convicted. Case closed?

Nope. Hedgpeth appealed and the case ended up before the Oregon Supreme Court. The defendant claimed the state's evidence did not show he was intoxicated at the time he was riding the motorcycle. The court ruled in his favor.

In many cases, more police work would have prevented that outcome. The prosecution could have presented evidence of a roadside sobriety test. There could have been testimony from experts showing that a .09 blood alcohol content about two hours after he was stopped indicated he was impaired at the time of the stop. That evidence, though, was not presented at his trial.

Most states allow a two-hour window if .08 is established. Not Oregon. Some states allow a three-hour window. So this legislative session Senate Bill 201 would change Oregon law. It creates a two-hour window. And the bill seems on track to pass. The bill also would make a second change in the law regarding DUII. It relates to the Supreme Court's decision in what is called the Guzman case.

In Oregon, a person cannot be held accountable for DUIIs in other states unless the laws are essentially identical — the Oregon law's "statutory counterpart."

Ricky Guzman was indicted for felony DUII and other crimes. The indictment for the felony DUII alleged that Guzman had two prior convictions for DUII from other jurisdictions, including one from Kansas.

Guzman challenged that the Kansas conviction was not a statutory counterpart and so his Oregon charge could not be a felony.

The Kansas statute is broader than Oregon's statute in that it applied to operating any vehicle and allowed conviction based on a blood alcohol content of .08% within three hours of operating a vehicle. The court found for Guzman.

The impact could be that Oregon would be the only state in the country that did not allow out-of-state DUII charges to count toward a felony. SB 201 puts a stop to that.

In 2019 in Oregon, 34% of the driving-related fatalities were related to alcohol-impaired driving. That's more than 160 deaths. The law needs to be changed. Pass SB 201.

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OTHER VIEWS

Time for Oregonians to end abusive relationship with Salem

By Mike McCarter

This May, voters in five counties of Eastern Oregon will be deciding whether to entrust the future of their children and their communities to the governance of an enlarged Idaho or to the unhinged politicians of Salem.

The Idaho Legislature is controlled by representatives from rural districts, who govern according to the concerns and priorities of rural counties.

The ruling party in the Oregon House doesn't have a single representative from Eastern Oregon or any rural district. Since the ruling party doesn't consult the other

party, Eastern Oregon is completely ignored.

Long after Gov. Kate Brown is out of office, her replacements will continue to act on the priorities and values of Northwest Oregon because that area has 79% of Oregon's voters. This is why Oregon hasn't elected a Republican governor in 38 years, and Democrats have a super-majority in both houses of the Oregon Legislature.

You might be a Democrat, but most Eastern Oregon Democrats don't want Eastern Oregon to be ruled by the kind of Portland politicians who won't or can't stand up to the relentless advancement of

radical leftist proposals. They don't understand how we make a living. Their decisions damage industries like timber, mining, trucking and farming.

"The ruling party in Salem has a vision of the future that does not include people like me or the rural culture of my community, friends, and family," said former Speaker of the Oregon House of Representatives Mark Simmons of Union County. "It is time to part ways with them by every legal means available to us."

Voting patterns prove that Eastern, Central and Southern Oregon do not belong in Oregon. It's bigger than politics — it's our culture. These

areas gave two votes to Trump for every Hillary or Biden vote, just like Idaho.

Our counties would be better off as part of Idaho. Oregon schools rank 37th in the nation. Idaho's schools rank 23rd, according to U.S. News. Idaho is the state with the eighth smallest tax burden, and Oregon ranks 33rd, according to taxfoundation.org. Idaho has a much lower cost of living. In March, the U.S. government ranking of 50 states on unemployment rate showed Idaho ranked fifth and Oregon 31st.

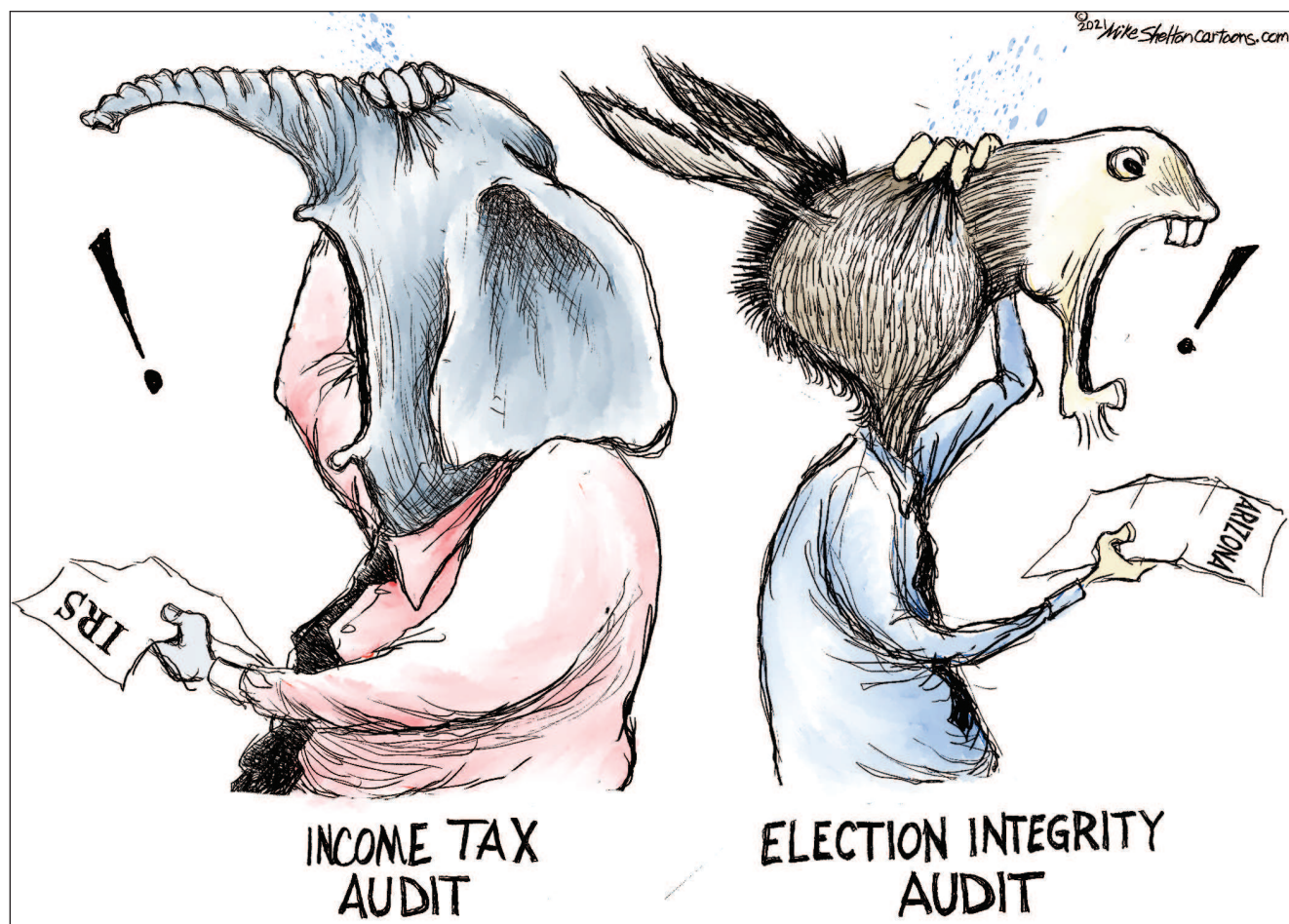
Idaho is not a sanctuary state, nor does it give driver's licenses to illegal aliens. Taxpayers there aren't forced

to pay for abortions.

Rural Oregon is in an abusive relationship with the Willamette Valley. Their leaders refuse to protect citizens from rioters, arsonists, criminals and illegal aliens, but they infringe on your right to defend your family with firearms. The public school curriculum teaches the next generation to hate Americans and Americanism.

It's time to end this abusive relationship.

Mike McCarter of La Pine is a veteran and a former president of the Oregon Agribusiness Council and Oregon Association of Nurserymen.



Moving Oregon's border? The devil is in the details

By Charles Jones

The devil is in the details. The devil is also in hard realities. Veteran Mike McCarter, president of Move Oregon's Border (MOB), wrote an opinion piece in local papers supporting MOB. MOB wants to force 850,000 Oregonians to become Idahoans and force 75% of the land in Oregon into Idaho.

This fellow veteran looks at just eight of a thousand devilish details and realities that would result from MOB's plan.

1. Snow Plows. Those plows that keep the our highways and the free-ways open are owned by Oregon. Will Oregon donate millions of dollars of plows to another state? Is Idaho going to spend millions to buy plows and pay drivers to service nearly all the snow country of Oregon, which is now largely paid for by western Oregon gas taxes? Who will keep our highways clear? MOB volunteers?

2. Prisons and criminals. Several state prisons are in MOB's targeted counties. I'll mention one, and you can multiply. Snake River Correctional Institute, near Ontario, was first built in 1991. The 1994 addition alone cost \$175 million (not corrected for inflation), the largest Oregon general fund expenditure ever, even to this day. You think Idaho is going to buy? What happens when they don't? Little penal islands of Oregon in Greater Idaho, or will MOB come up with a quarter billion dollars as a starter for helping Idaho buy just one of their new prisons? Also, there are nearly 3,000 prisoners in that one prison. They are charged with Oregon crimes. They are not guilty of Idaho crimes. Hmmm. Will MOB volunteer to move the prison structures and infrastructure to western Oregon? Or do we, with other prisons full, just release the prisoners?

3. Ontario and Malheur County. In 2020 Ontario recreational marijuana dispensaries did over \$91 million in sales. Ontario received over \$1,850,000 in marijuana taxes in FY 2019-20.

Most sales were to people coming from Idaho. Additionally, a huge part of Ontario's retail and most of business growth has been along the border, where Idahoans shop to avoid sales tax on furniture, lawn mowers, building supplies, clothing, and many durable goods. Does MOB hope Ontario (most of the population of Malheur County) will kill their golden-egg goose by becoming Idaho? Not a surprise that almost no one attended the recent MOB rally in Ontario.

4. Buildings. Oregon owns hundreds of million dollars of buildings throughout the MOB targeted counties. As a tiny example, in La Grande alone, the building values are staggering. Tens of millions just at EOU. Then there's DMV, regional ODOT facilities, OSP, Extension, State Forestry, ODFW, on and on and on. MOB leaders are spending too much time at the Ontario dispensaries if they think Oregon will give that all away. And even if they did, ask any title agency or property lawyer about the time and cost involved in purchases and sales — years and years and millions and millions in litigation. Paid for by whom?

5. Land. Besides the aforementioned real estate, consider the thousands of acres of state forest in the targeted counties. All the thousand of miles of state highways. All the state parks. Consider the tiniest fraction of these holdings — Wallowa Lake State Park. How many millions is that incredible chunk of land worth? If you owned it,

would you just give it to your neighbor? Your kids might object. And don't forget the state coastline of southern Oregon. Talk about pricey real estate!

6. Bonds. Oregon owns hundreds of million dollars in bonds issued to service debt on construction in targeted counties. Will Idaho happily take over those bond payments? And who will be paying the accountants and lawyers for incredibly complex transfers?

7. Retirement Accounts. Oregon holds retirement accounts for not just state employees, but also for nearly all police officers, fire fighters, teachers, city workers, county workers, university and community college employees, extension agents, game wardens, wildlife and fisheries biologists, family and human service workers, judges and district attorney offices ... the list goes on. Courts have consistently ruled those retirement contracts are legal and binding. So Idaho will merrily pick up a few billion of debt? Think firefighters might fight to keep their pensions? Think there might years of paperwork and millions of lawyer fees involved?

8. Licensing. What about our elected judges? Do teachers go back to college to take courses required for Idaho certification? Will nurses, doctors, therapists, counselors, contractors, plumbers, electricians, dentists, hygienists, barbers, beauticians, accountants, realtors, title agents, drivers, insurers, and nearly all professions descend on Idaho for licensing and bonding? Will we hold new elections for our officials (commissioners, mayors, sheriffs, clerks, etc.) elected under Oregon law? How many years will we pay for court cases on these issues?

And this is only the tip of that devilish iceberg — that devilish reality of our complicated lives, economy, and citizenship in the year 2021.

Charles Jones, a retired navy commander and science teacher, is a fourth-generation eastern Oregonian living in La Grande.

Letters to the editor

We welcome letters on any issue of public interest. Writers are limited to one letter every 15 days. Writers must sign their letter and include an address and phone number (for verification only). Email letters to news@bakercityherald.com.