

Overwhelmed by illegal pot, Oregon county declares emergency

By **ANDREW SELSKY**

Associated Press

SALEM — A county in southern Oregon says it is so overwhelmed by an increase in the number and size of illegal marijuana farms that it declared a state of emergency Wednesday, Oct. 13, appealing to the governor and the Legislature's leaders for help.

The Jackson County Board of Commissioners said law enforcement officers and county and state regulators and code enforcers are overwhelmed and warned of an "imminent threat to the public health and safety of our citizens from the illegal production of cannabis in our county."

Illegal marijuana grows have been a persistent problem throughout the West, even in states like California that have legalized pot. A megadrought across the West has created urgency, though,

as illegal growers steal water, depriving legal users including farmers and homeowners of the increasingly precious resource.

"Jackson County strongly requests your assistance to address this emergency," the commissioners said in a letter to Gov. Kate Brown, Senate President Peter Courtney and House Speaker Tina Kotek.

Only four Oregon Water Resources Department full-time employees handle complaints and perform all of their other duties in Jackson County and neighboring Josephine County, the commissioners said.

Josephine County has also been hurt by illegal grows that have drained creeks and siphoned off groundwater. Josephine County Sheriff Dave Daniel believes there are hundreds of illegal operations in his county alone. One with 72,000 marijuana plants that

was drawing water from the Illinois River was raided after a dying person who worked there was dropped off in a nearby village.

Oregon voters made producing, processing, selling and using recreational marijuana legal in a ballot measure in 2014. Pot businesses must be registered by the state, which enforces compliance with rules. But some growers and processors remain outside the law, joined by a recent influx of outsiders in Jackson and Josephine counties who seek large profits by selling on the black market outside of Oregon while avoiding state taxes and regulations.

The illegal marijuana farms are often posing as legal hemp farms, the commissioners noted. The Oregon Health Authority and the Oregon Liquor and Cannabis Commission recently reported that nearly 50% of registered

hemp farms inspected in the state are illegally growing marijuana, with a THC content — the compound that gives cannabis its high — greater than legal limits.

About 25% of registered hemp farms refused entry to inspectors, the state agencies said. In busts of illegal marijuana grows, sheriff's deputies have often seized firearms.

By September of this year, the Jackson County Code Enforcement Division initiated almost 700 cases of code violations related to marijuana production or processing, more than double the number in all of 2016, the commissioners said in their emergency declaration.

Reacting to the commissioner's letter, Brown's spokesman, Charles Boyle, said the governor takes these concerns very seriously.

He noted that after the

Legislature passed a bill this year that shifted how the state regulates the hemp industry and was aimed at curbing illegal production of cannabis, Brown created a multi-agency team to implement the legislation.

She also authorized doubling the size of cannabis law enforcement grants in the region and directed the Oregon State Police to dedicate additional resources.

"The message is clear — Oregon is not open for business to illegal cannabis grows," Boyle said. "These are criminal enterprises that deplete water resources while our state is in drought, hold their workforce in inhumane conditions and severely harm our legal cannabis marketplace."

For her part, Kotek's spokesman Danny Moran said her office is reviewing the issues raised by Jackson

County Commission Chair Rick Dyer and Commissioners Dave Dotterer and Colleen Roberts and "looks forward to further conversations about the best path forward."

The commissioners said their code enforcement staff needs to triple to nine officers; more officers are needed to adjudicate the volume of citations; the sheriff's office needs 34 more staffers, including 18 detectives; and the state Water Resources Department needs three more full-time staff dedicated solely to investigating water-related complaints.

To reach those levels, the commissioners asked for additional state employees, state funding for the county to hire employees and contractors and for a repeal of a prohibition on local taxes on registered, legal marijuana businesses.

Oregon court ruling could eliminate death penalty for many

SALEM (AP) — The Oregon Supreme Court struck down the death sentence of an inmate in a ruling Thursday, Oct. 7 that found lawmakers had fundamentally altered "prevailing societal standards" for executions with a 2019 law change.

Oregon Public Broadcasting reports experts believe the decision could eliminate the death sentence for all inmates facing the penalty.

State lawmakers passed SB 1013 in 2019. The bill narrowed what crimes qualify as aggravated murder — the only charge that carries capital punishment in Oregon — to murders of children younger than 14 years old, murders of law-enforcement officers, terrorist attacks that kill at least two people, and prison killings carried out by someone who'd previously been convicted of murder. That's a narrower scope than what formerly constituted aggravated murder.

While the law change included a provision that did not make it retroactive, the court's ruling appears to do that, relying on a section of the state's Constitution that prohibits disproportionate punishments.

"My expectation is that every death sentence that is currently in place will be overturned as a result of this," said Jeffrey Ellis, co-director of the Oregon Capital Resource Center.

The ruling Thursday stems from the case of David Bartol, who killed Gavin Sisco on June 4, 2013 in the Marion County Jail. At the time, Bartol was awaiting trial in a separate case.

The Oregon Supreme Court upheld Bartol's conviction, but ordered him resentenced, likely for first-degree murder, which is punishable by life in prison rather than death.

"The enactment of SB 1013 reflects a legislative determination that, regardless of when it was

committed, the conduct that had constituted 'aggravated murder' does not fall within the narrow category of conduct for which the death penalty is appropriate," the court wrote in its opinion. "Given that determination, we conclude that, although the legislature did not make SB 1013 retroactive as to sentences imposed before its effective date, maintaining defendant's death sentence would violate Article I, section 16 (of the Oregon Constitution.)"

Marion County District Attorney Paige Clarkson criticized the high court ruling and the new law regarding the death penalty.

"Regardless of one's opinion of the voter passed death penalty, the fact remains that every one of these previously sentenced cases represents a victim, victims' families and loved ones whose faith in the criminal justice system is shaken today," Clarkson said in a statement.

Oregon drops bachelor's degree requirement for substitute teachers

By **DILLON MULLAN**

Pamplin Media Group

Oregon is relaxing requirements to become a substitute schoolteacher in the face of a widespread shortage currently stretching educators thin.

Oregon Teacher Standards and Practices Commission Executive Director Anthony Rosilez told Pamplin Media Group Monday, Oct. 11 that the licensing agency will file a temporary rule in order to implement an emergency substitute teaching license.

In December 2019, he said, the state had at least 8,300 active substitute licenses, although that number does not include retirees and other part-time school staff with active teaching licenses who can also substitute.

By December, that number dropped to 5,500, and this month, Rosilez said, the state is down to around 4,738 substitute teachers.

The emergency rule, which Rosilez said he hoped to finalize this week, will relax a requirement for a bachelor's degree.

"It temporarily relaxes the specific higher education requirement of the

traditional substitute license but mandates impactful administrative support for the emergency licensed sub," Rosilez said. "This license will allow school districts to reach a wider pool of potential substitute teachers. In terms of the number of people who are applying for sub licenses, we can see that number is significantly down."

New licenses can take up to seven weeks to process.

In the Banks School District, which has about 1,050 students in rural Washington County, middle school principal Darla Waite-Larkin said she submits to a third-party contractor called Education Staffing Solutions, for around 10 positions each day, some of which are unfilled staff positions. She said before the pandemic, the district traditionally has been able to fill positions open for hire and therefore not rely on substitutes as the pandemic hinders in-person learning.

"It is a last-minute fix, and there isn't much time to prepare for a quality lesson. We have also had to combine classes and change the lesson plan for the day to provide a lesson for students

who might be in different content classes or at a different place in the curriculum," Waite-Larkin said. "We have heard from a few of the substitutes that we have used in the past, that they are not interested in coming into the schools this year due to concern about the virus. I think this is the same for bus drivers and other positions. Most schools in the state are in the same predicament that we are."

The minimum pay rate for licensed substitute teachers, according to state law, is about \$195 per day, but it can vary by district.

"The trend we are seeing is we are not filling our absences with certified substitutes on a consistent basis. We're only in week three. You see mere absences in winter," Banks Superintendent Jeff Leo said. "We usually fill in-house or have an administrator sub. If a spot doesn't get filled, we ask teachers during prep time if they can cover that class. We do the best we can."

For information on becoming a substitute in Oregon schools, contact the Oregon Teacher Standards and Practices Commission at contact.tspc@tspc.oregon.gov.

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