

Oregon Court of Appeals overturns \$1 billion timber verdict against state

By **MATEUSZ PERKOWSKI**
Capital Press

SALEM — The Oregon Court of Appeals Wednesday, April 27, struck down a \$1 billion jury verdict that was intended to compensate 14 county governments for insufficient logging on state forestlands.

A law that requires Oregon to manage the forestland for the “greatest permanent value” does not create an “immutable promise” to maximize revenue for the counties, the appeals court ruled.

The appellate court said that “historically, ‘value’ has myriad definitions, some of which could relate to revenue production and others that do not relate to revenue production.”

The statute also directs that forests be managed for the “greatest permanent value” to the state, rather than to the counties, which means the text falls short of the “clear and unmistakable intent” of making a contractual promise, the ruling said.

For that reason, a state judge in Linn County wrongly refused to dismiss the class action lawsuit against the state government, the ruling said.

A jury determined the state of Oregon violated a contract



Capital Press, File

The Oregon Court of Appeals has overturned a \$1 billion jury verdict against the state government that sought to compensate counties for insufficient logging on state forests.

requiring it to maximize revenue from forestlands donated by the counties in the 1930s and '40s after a month-long trial in 2019.

State forests must be managed for the “greatest permanent value” by law, but the 14 counties claimed the Oregon Department of Forestry

impermissibly expanded that definition beyond its original intent.

Under language adopted in the late 1990s, the “greatest permanent value” was changed to include environmental and recreational considerations that restricted timber harvests, shortchanging the

14 counties and tax districts within them of revenues, the plaintiffs claimed.

Attorneys for Oregon appealed the jury verdict on the grounds that the counties didn't have an enforceable contract that dictated how state forest officials must manage the

nearly 700,000 acres of donated property.

The law governing state forestlands pertains to “matters of statewide concern” that cannot be challenged in court by the counties, state attorneys claimed. As political subdivisions of the Oregon's government, the counties cannot sue over such state policies.

Federal environmental laws enacted since the property was donated, such as the Endangered Species Act, also effectively limit how much timber can be extracted from state forestlands, according to state attorneys.

The counties claimed that Oregon forestry officials weren't obligated to create habitat for federally-protected species that resulted in logging restrictions. In any case, the counties said the state government can alter forest management policies but must still pay them damages for breaching the contract.

Counties provide health care and other functions under contract with the state government, so they must be able to rely on such agreements being enforceable, the plaintiffs said. If the counties had known the state government could re-interpret the contract's terms at will, they'd never have donated such huge amounts of forestlands.

Oregon launches app to make sharing COVID-19 vaccination status easier

State makes app available in 13 languages

By **FEDOR ZARKHIN**
The Oregonian

SALEM — Oregon launched a \$2.45 million app this week aimed at making it easier to prove and verify that someone has been vaccinated against COVID-19, nearly a month later than previously promised and after pandemic restrictions have been lifted.

The project has been in the works since at least November, when Oregon health officials spoke about it to state lawmakers. In early

March, the health authority said it was “on track” to launch it by the end of the month but the official rollout didn't happen until Monday, April 25, when the agency announced on Twitter that people could sign up.

By 8 a.m. April 26, 1,425 people had registered, Oregon Health Authority spokesperson Rudy Owens said in an emailed response to questions.

The concept of an easy-to-use app with verifiable vaccine information had appeal earlier in the pandemic, when entering some or all businesses required wearing a mask or displaying vaccination certification, creating logistical challenges for

some companies and concerns about fake vaccine cards.

But state officials earlier this year lifted requirements, prompting many, but not all, businesses to similarly stop masking measures or vaccination checks.

When asked, the Oregon Health Authority did not say how many people it expects will use the tool. Nor did the spokesperson answer directly whether the cost of the project was justified for the number of people OHA expected would use the tool.

“The My Electronic Vaccine Card provides an equitable and accessible means for all individuals to maintain their important health

MORE INFORMATION

To get the QR code, a person has to go to myelectronicvaccinacard.oregon.gov, provide their name, date of birth and the email or phone number they gave when getting vaccinated. Once OHA verifies the person is in their statewide vaccination records, the agency sends them a link with the QR code, which can then be stored on their phone as a photo, in a digital wallet or as a PDF file or printed out on paper. People can fill out an OHA form requesting help if the state doesn't verify their vaccination status. Businesses, in turn, can scan the QR code through a different app, such as SMART Health Card QR Code, which according to the company does not store users' information.

records, while also providing a convenience factor that means residents don't ever have to worry about not having or losing their cards if they need to use it,” Owens said.

Owens said Oregon worked closely with Wash-

ington and California in developing its app, which he said is available in 13 languages. Both those states' vaccine verification systems saw high uptake, Owens said, pointing to a February Washington news release that said its system had been used to

generate 1 million QR codes.

Oregon businesses, including bars, restaurants, movie theaters and live show venues can require proof of COVID-19 vaccination before allowing patrons inside. Until now, they have been relying predominantly on the paper cards people get when they get the shot or a photo of those cards stored on a cellphone.

OHA's app provides people vaccinated in Oregon with another option — a digital QR code accessible by cellphone that, when scanned by a business, shows an individual's name, date of birth, when they got vaccinated and which vaccine they received.

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