

Suit to challenge Measure 11

Special To The Post

Jim Whittenburg, taxrelief advocate and sponsor of Measure 6, said Tuesday a lawsuit will be filed next week in an attempt to have Measure 11 declared unconstitutional.

Whittenburg, who will not be among the plaintiffs, said the suit is being filed because of a provision the Legislature attached to Measure 11, the tax-relief package approved in last month's special session.

The Legislature's measure will oppose Measure 6, the 1.5 percent property tax

limitation proposal, in the November general election.

The Legislature attached to Measure 11 a provision that its tax-relief plan will pass and Measure 6 will fail if Measure 11 receives more affirmative votes than Measure 6 — even if a majority of voters approve the 1.5 percent proposal.

Whittenburg pointed out that California's Legislature came up with Proposition 8 to oppose Proposition 13 on the June ballot.

The California Constitution prohibited the Legislature from indicating "that if their measure got one more vote

than 13 that theirs would go into law," Whittenburg said.

"Our argument is that our constitution says exactly the same thing."

The Legislature added the provision to its Measure 11 after Attorney General Jim Redden informed Senate President Jason Boe and House Speaker Phil Lang that such a provision would be constitutional.

Redden, Boe, Lang and Secretary of State Norma Paulus will be listed as defendants in the lawsuit, Whittenburg said.

The suit will be filed in

Marion County Circuit Court in Salem on Monday or Tuesday, he said. The day depends on when the \$1,000 needed to file is collected.

"We have about \$600 right now," Whittenburg said. Three backers of Measure 6 will be the plaintiffs, he added.

Whittenburg referred to a Portland newspaper article which quoted a provision in the Oregon Constitution — Article IV, Section I (2) (a): "The people reserve to themselves the initiative power, which is to propose laws and amendments to the Constitution and enact or reject them at an election INDEPENDENTLY (emphasis added) of the Legislative Assembly."

The question, then, is whether the Legislature's provision is constitutional.

The attorney general's staff believes it is, citing Article XVII and the remainder of Article IV, Section 1.

Whittenburg isn't convinced.

He said Donald Coulter, a Grants Pass attorney who has actively supported Measure 6, "has run this by his attorney friends in Jackson and Josephine counties and it was almost unanimous that this (provision) violates the constitution."

"What Measure 11 should have said, like in California, is that if both measures pass, Measure 11 is null and void," Whittenburg said. "To be constitutional, that's how it should have read."

Surcharge request denied

Portland General Electric Co.'s request for a surcharge was denied Monday by Public Utility Commissioner Charles Davis, who said the firm failed to convince him it faced a financial crisis.

PGE was seeking a 20 percent surcharge to pay for electricity it must purchase while the Trojan nuclear plant is shut down.

Davis said the firm will not go bankrupt if stockholders absorb the added costs of purchasing electricity for other utilities.

Trojan was closed in March for refueling and maintenance, but has remained idle after PGE discovered in April that the walls of the reactor control building did not meet design standards for withstanding earthquakes.

The federal Nuclear Regulatory Commission will resume hearings on the operation of the plant Oct. 23.

Davis' announcement was a reversal of an earlier position when he said PGE would be hurt financially by the Trojan closure. At that time, the NRC had not set a hearing date on resuming operation at the nuclear power plant and Davis scheduled a hearing to consider the amount of the surcharge.

Gov. Bob Straub asked the company to find other solutions. PGE tried asking utilities in other states to lend electricity for later repayment, but the search was unsuccessful so PGE renewed its surcharge request Sept. 5.

According to Davis, his switch in positions is consistent because PGE has been able to buy power from Bonneville Power Administration and several out-of-state utilities.

Davis said state law

prevents him from declaring an emergency except in dire circumstances, such as near bankruptcy and failure to meet a dividend payment.

"I find that PGE will be able to provide service. It will not have earnings at a level that its stockholders would like, but it will not go bankrupt," the utility commissioner said.

Davis said it is his duty to protect ratepayers, not to take "bottom-line responsibility" for the company.

PGE officials said the company paid \$6 million in excess power costs in August and September and predicted the extra costs could rise to \$20 million if Trojan remains closed until January. Cost to stockholders would be about \$1 per share. In the latest 12-month serial, earnings were \$1.72 per share.



Jim Gallagher gingerly removes can of ether

Threat of ether explosion fizzles

by KAYE BARTON

Sandy firefighters geared up for a big explosion Tuesday — but to their amusement it fizzled out.

The fire department was notified Tuesday afternoon by the Portland office of the St. Paul Fire and Marine Insurance company that some out-of-date ether had been discovered that morning on a routine loss prevention inspection at Sandy Elementary School.

The substance is highly explosive since as it ages it forms crystals similar to dynamite crystals. School officials and firefighters arranged to remove the pint container after school hours to minimize chance of injury in case of explosion.

Firefighters gingerly placed the tin can of ether inside a large bucketful of styrofoam pellets. To further cushion the volatile substance, the outer bucket before being placed in the bed of the fire department's pickup.

A caravan of three fire district vehicles carrying half a dozen firefighters transported the well-cushioned ether to a vacant lot in the Industrial Park near Southeast 362nd Street.

Firefighter Jim Gallagher cautiously carried the tin can to a small hill, doused the surrounding earth with diesel, crumpled newspapers

to ensure a blaze, and evacuated the area.

Fire Chief Bob Rathke explained to onlookers that a light percussion could be sufficient to detonate the substance.

Approximately 200 yards away, firefighters Wayne Taylor and Gary Lang aimed their rifles. Taylor fired his Winchester. Nothing.

After five more shots, a scout approached the "explosive" can and reported that several bullets had hit within an inch of the target — but obviously none had come close enough.

Gallagher returned to the hill and ignited the diesel with a match, and soon the small hillside was ablaze under the watchful eyes of the firefighters — but still no explosion.

The ether was surrounded with flame but still did not ignite. A repeat trip to the hillside was necessary to stoke up the fire with more newspaper.

After five more minutes, a split-second puff of flame shot 20 feet in the air and died down. The firefighters speculated that it took the ether a while to ignite because the can was sealed with lead which had to melt before the chemical came in contact with the blaze.

Chief Rathke chuckled. "If we had a 'dud of the week' category, this would sure qualify."



Kaye Barton photos

Gallagher uses diesel to start fire



A platter full of flapjacks

FIREMAN GARY FRENCH dishes up a plate full of food for one of the many folks to take, advantage of the Sportsmen's Breakfast sponsored by the Sandy Fire Department. The

breakfast, which lasted from 6 p.m. Friday to Saturday noon, coincided with the opening of the 1978 deer hunting season.

Lower rates approved

Lower rates for bulk parcel post were called for in a filing approved this week by the U.S. Postal Service board.

It was one of two mail classification proposals affecting bulk mail that the board directed the service to file immediately with the independent Postal Rate Commission.

The second provides for a new subclass of third-class mail presorted to carrier routes.

Both represent an effort by the postal service to pass along rate reductions in areas where more economical handling of the mail can be achieved, said Postmaster William F. Bolger.

Bolger told the board the actions were a "departure from the normal trend of recent years" of raising rates. He characterized it as the right direction to move. The bulk parcel post

proposal calls for a restructuring of rates in the existing bulk parcel post subclass. For example, a five-pound parcel to the 5th zone (1,000 miles) would cost \$1.86 in contrast to the present rate of \$2.14.

In order to qualify for the lower rates customers would be required to deposit 50 or more parcels in containers acceptable to the postal service. Excluded would be parcels weighing over 35 pounds and hard-to-handle objects which cannot be sorted mechanically.

In these two classification proposals the postal service is seeking rates which reflect the economies they would produce.

The carrier-route presort proposal calls for a minimum per piece rate of 6.9 cents for qualifying mail — 1.5 cents lower than the corresponding per piece rate of 8.4 cents for regular bulk

third class. A bulk mailer must deposit at least 2,000 pieces per mailing sorted to carrier routes. There must also be at least 10 pieces per route.

The proposed subclass would be available for pound rate mail as well as minimum per piece rate mail.

The postal service expects that the new subclass would generate an additional two billion pieces of mail per year.

In its filing to the rate commission, the postal service says if present parcel post trends continue, "volume will drop so low that operating efficiencies will not be possible." Further, "It is probable that a continued loss of parcel post volume will cause the costs, and hence rates, of providing services to other bulk mail classes to increase."

CCC speech team to debut at Invitational

Clackamas Community College speech coach Frank Harlow is hoping to build on last year's success as his team begins 1978-79 competition at the R.D. Mahaffey Invitational Speech Tournament at Linfield College, Friday and Saturday Oct. 13 and 14.

"We have many fine speakers for individual events," said Harlow.

Returning from last year's team are: Lisa Thomas, Milwaukie; Julie Chitty, Mulino; Denise Kline, Estacada; Sherri Montgomery, Oregon City; and Carolyn Gaupo, Milwaukie.

Newcomers for this year's speech team are: Joe Woods, Sellwood; Kathy McMahon, West Linn; Mike Cookingham, West Linn; Linda Idol, Portland; Fritz

Wenzel, Milwaukie; and Phil Boitnott, Oregon City.

"I'm looking forward to this year. We have a good schedule of tournaments," said Harlow, whose team will compete in nine or more tournaments throughout Oregon and Washington.

BUXTON'S
Lee Meat Company
Sandy 668-4838
Custom Slaughtering
Grain Fed Locker Beef
 • Cut, Wrapped & Frozen — Locker Packs
Cattle Hauling on Tuesdays
We Do Our Own Cure & Smoking

FIGHT INFLATION
 -- with --
Bargain Bouitikk
 Quality
 Nu & Used
 CLOTHING
 ... Now
 Taking
 Consignment
Bargain Bouitikk
 HERITAGE SQUARE
 SANDY, OREGON
 Located above Coast to Coast
 Call 668-7144
 or 668-8200

U.S. POSTAL SERVICE STATEMENT OF OWNERSHIP, MANAGEMENT AND CIRCULATION (Required by 39 U.S.C. 3685)			
1. TITLE OF PUBLICATION		2. DATE OF FILING	
Sandy Post		Sept. 21, 1978	
3. FREQUENCY OF ISSUE		4. NO. OF ISSUES PUBLISHED	
Weekly		52	
5. LOCATION OF HEADQUARTERS OR GENERAL BUSINESS OFFICES OF THE PUBLISHERS (Not printers)		6. ANNUAL SUBSCRIPTION PRICE	
17270 S.E. Bluff Rd., Sandy, OR 97055		\$7.00	
7. NAMES AND COMPLETE ADDRESSES OF PUBLISHER, EDITOR, AND MANAGING EDITOR			
PUBLISHER (Name and Address) Lee Irwin, Rt. 2, Box 590, Troutdale, Oregon			
EDITOR (Name and Address) John Kline, P. O. Box 68, Sandy, Oregon 97055			
MANAGING EDITOR (Name and Address) Von Brachler, 30275 Hood Street, Sandy, Oregon 97055			
8. OWNERS (If owned by a corporation, its name and address must be stated and also immediately thereafter the names and addresses of stockholders owning or holding 1 percent or more of total amount of stock. If not owned by a corporation, the names and addresses of the individual owners must be given. If owned by a partnership or other unincorporated firm, its name and address, as well as that of each individual must be given.)			
Capital Cities Communications, Inc. New York, N.Y. Cynthia L. Ford Medford, Oregon Outlook Publishing Co. 1200 N.E. Division, Gresham, OR 97030 Democrat-Herald Publishing Co. Albany, Oregon Glenn L. Jackson Medford, Oregon			
9. KNOWN BONDHOLDERS, MORTGAGEES, AND OTHER SECURITY HOLDERS OWNING OR HOLDING 1 PERCENT OR MORE OF TOTAL AMOUNT OF BONDS, MORTGAGES OR OTHER SECURITIES (If there are none, so state)			
NAME ADDRESS Lee Irwin Troutdale, Oregon Walter C. Taylor Agate Beach, Oregon			
10. FOR COMPLETION BY NONPROFIT ORGANIZATIONS AUTHORIZED TO MAIL AT SPECIAL RATES (Section 1103, Title 39, U.S.C.) The purpose, function, and nonprofit status of this organization and the exempt status for Federal income tax purposes (Check one) ☐ HAVE NOT CHANGED DURING PRECEDING 12 MONTHS ☐ HAVE CHANGED DURING PRECEDING 12 MONTHS (If changed, publisher must submit explanation of change with this statement.)			
11. EXTENT AND NATURE OF CIRCULATION		12. AVERAGE NO. COPIES EACH ISSUE DURING PRECEDING 12 MONTHS	
A. TOTAL NO. COPIES PRINTED (Net Press Run)		3650	
B. PAID CIRCULATION 1. SALES THROUGH DEALERS AND CARRIERS, STREET VENDORS AND COUNTER SALES		779	
2. MAIL SUBSCRIPTIONS		2524	
C. TOTAL PAID CIRCULATION (Sum of B. 1 and B. 2)		3303	
D. FREE DISTRIBUTION BY MAIL, CARRIER OR OTHER MEANS SAMPLES, COMPLIMENTARY, AND OTHER FREE COPIES		56	
E. TOTAL DISTRIBUTION (Sum of C and D)		3359	
F. COPIES NOT DISTRIBUTED 1. OFFICE USE, LEFT OVER, UNACCOUNTED, SPOILED AFTER PRINTING		105	
2. RETURNS FROM NEWS AGENTS		86	
G. TOTAL (Sum of E, F, 1 and 2—should equal net press run shown in A)		3650	
13. I certify that the statements made by me above are correct and complete.		SIGNATURE AND TITLE OF PUBLISHER, EDITOR, MANAGER, OR BUSINESS MANAGER John Kline	