

Ballot initiative on immigrant driver's licenses rejected

By **CLAIRE WITHYCOMBE**

Oregon Capital Bureau

SALEM — An attempt to repeal a new state law allowing undocumented immigrants to get Oregon driver's licenses has hit a snag.

Oregon Secretary of State Bev Clamo on Tuesday halted a proposed ballot initiative to walk back House Bill 2015, saying it doesn't comply with requirements stated in the state constitution.

The law, passed earlier this year, allows Oregonians to present forms of identification that don't prove a person's legal immigration status in order to get a driver's license. The licenses will not be available until Jan. 1, 2021.

Undocumented immigrants — or others without documents proving U.S. citizenship or that they are in the country legally — have been barred from getting driver's licenses in Oregon since 2007.

Supporters of the petition want to prevent people who are here illegally from getting state driver's licenses.

The campaign to repeal the law, which calls itself "Stop Illegal Drivers," is led by Mark Callahan, a frequent candidate for political office.

Callahan said the campaign was "definitely going to fight" the ruling, and pointed to several previous cases he believes support his interpretation that the petition passes muster.

The secretary of state's office believes the constitution requires the petitioners to present the changes the petition would make to state statutes. Instead, the ballot title just says that a "yes" vote on the petition "demands" repeal of the law.

In a post on the "Stop Illegal Drivers" website, the campaign said the reason Elections Director Steve Trout gave — the constitutional requirement cited by Clamo — was "not valid."

The campaign also posted on the website a message from Callahan addressed to Trout. Callahan called the reason for the rejection "flawed in logic and reasoning." He maintained that the petition was not trying to pass a new law.

Oregon's constitution includes several ways that Oregonians can have a direct say on a policy at the ballot box.

Lawmakers can refer a measure to the ballot; citizens can ask for a referendum on a particular law; or citizens can file an initiative petition to change state laws.

A referendum, which simply asks voters to reject or keep a law state legislators pass, differs from an initiative petition.

In the case of House Bill 2015, petitioners could not submit a referendum. That's because of a few words in the bill that amount to an "emergency clause."

That clause says the bill takes effect as soon as lawmakers pass it. The state con-

stitution doesn't allow bills that go into effect that soon to get referred.

But citizens can file an initiative petition in that case. That's what the backers of Initiative Petition 43 did.

Since they filed an initiative petition, the secretary of state's office says, petitioners were supposed to present an amended form of the law for voters' consideration, showing exactly how the law would be changed if the provisions of House Bill 2015 were repealed.

But the petition they submitted just "demanded" repeal of the law.

House Bill 2015 affected many parts of state law, said Deputy Secretary of State Rich Vial.

"We feel like you need to put the sections that were originally affected by the legislation in to the petition and show what you would propose to take back out of the law or change it back to what it was before," Vial said. "The law, obviously, was complicated enough that there was a number of things in the statute that were added or changed."

Moving forward, the petitioners could rewrite the petition and regather the sponsorship signatures in order to get another ballot title drafted, at which point the secretary of state's office would review both again for constitutionality, Vial said.

But in cases like this, if petitioners don't want to rewrite the measure, sometimes they will bring a lawsuit.

Supporters of the petition argue House Bill 2015 contradicted the will of Oregon voters, who in 2014 rejected a measure to create a separate type of license for people who cannot prove they are in the country legally.

Proponents of House Bill 2015 said that bill would simply allow Oregonians to present forms of personal identification that don't prove legal status. It would also apply to people who didn't have access to vital records, such as people who are experiencing homelessness.

House Bill 2015 also says licenses granted to those who don't present proof of citizenship do not meet federal "Real ID" standards.

The new IDs, a post-9/11 policy intended to strengthen security, will be required for Oregonians to enter certain federal buildings and to board commercial flights starting Oct. 1, 2020.

Timber suit against the state goes to trial

Clatsop County opted out

By **ALEX PAUL**
Albany Democrat-Herald

It's been nearly four years since Linn County and 150 other counties and taxing districts filed a \$1.4 billion breach-of-contract lawsuit against Oregon and the state Department of Forestry.

But a recent hearing in Linn County Circuit Court demonstrated that time and numerous court conferences have not narrowed the divide between the two sides.

"Your honor, the state still believes this case is about state statute, but it's not," plaintiff's attorney John DiLorenzo of the Portland law firm Davis Wright Tremaine told Judge Thomas McHill. "It has always been about a breach of contract, pure and simple."

But state's attorney Scott Kaplan has said numerous times that the state has not only the right, but an obligation, to residents to amend management of the state's forests, especially when those changes affect the environment and wildlife.

Beginning Thursday, a 12-person jury will be asked to determine the issue in what is scheduled to be a three-week trial. The verdict, whatever it may be, likely will be appealed. The lawsuit potentially could have a big impact in how the state manages its timberlands, and could add a new chapter in the sometimes strained relationship between the state and counties.

Linn County and its fellow plaintiffs will be represented by a legal team headed up by DiLorenzo. The state's legal team is led by Kaplan, assistant attorney-in-charge at the Oregon Department of Justice.

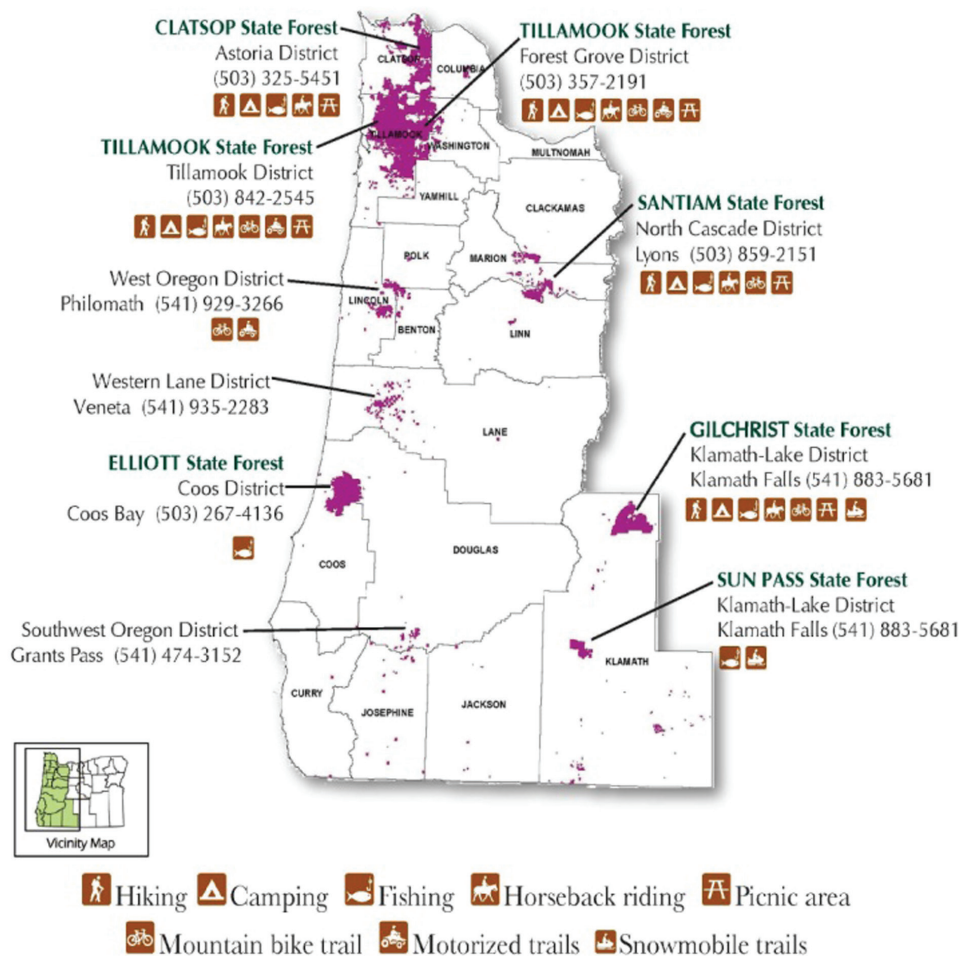
Clatsop County commissioners voted to opt out of the lawsuit.

The breach-of-contract lawsuit has its origins in the Great Depression, when thousands of acres of timberlands were harvested by privately owned companies. After the trees were harvested, many of the landowners determined it would be more cost-effective to let the lands go back to the counties for unpaid taxes, rather than replant millions of trees and wait 40 to 60 years to harvest them.

Because the nation was in the grips of the Depression, counties did not want the properties, nor could they afford to reforest them.

Working with the state, the counties turned the timberlands over to the Board of Forestry through the Forest Acquisition Act, with the understanding that the state would replant them and upon harvest, share the income with the counties based on a tenet of "greatest permanent value."

And it is upon those three words — "greatest permanent value" — that the law-



suit rests.

Members of the class-action lawsuit say the term means timber management that provides the most annual income on a sustainable basis over the long term.

The decisions that led to the lawsuit date back some two decades.

In 1998, after several public hearings, the Oregon Board of Forestry approved a new management plan based on a definition of "greatest permanent value" that was expanded to include factors such as recreation, riparian zones, wildlife enhancement, water quality and more.

The new rules went into effect in 2001.

Since then, the plaintiffs argue, the 15 counties in which the state's six state forests totaling more 700,000 acres — known as the forest trust counties — have seen their annual share of revenues decrease by \$35 million per year.

The lawsuit is seeking more than \$500 million in lost revenues, plus \$800 million in future losses.

Clatsop is the only forest trust county to opt out. Linn County is joined by Benton, Clackamas, Columbia, Coos, Douglas, Josephine, Klamath, Lane, Lincoln, Marion, Polk, Tillamook and Washington counties.

"This lawsuit is all about economic development and jobs," said David Yamamoto, a Tillamook County commis-

sioner and chair of the Council of Forest Trust Land Counties. "This deal, this contract, was made many years ago, in the '30s and '40s, but unfortunately production from our forestlands is not what it could be."

Yamamoto said that over the last 15 years, Tillamook County — which is home to more than half of all state forest lands — has received about \$15 million per year in

state forest funds.

"People see that number and say, 'Wow, the county is flush with money,'" Yamamoto said. "But as soon as we get those funds, we get to keep about 25%, and checks are immediately cut for the other 75% to 20 districts. They include three school districts, a community college, fire and rescue and the like. People think the money stays with us, but it doesn't."

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