

Tax wouldn't boost high school graduation measure

By Paris Achen
Capital Bureau

A proposed corporate sales tax that would raise \$3 billion a year in new revenue would have little to no effect on the amount of funding earmarked to high school graduation programs under Initiative Petition 65.

IP 65, sponsored by the Oregonians for High School Success campaign, dedicates an average of \$800 in new state revenue per year to each

high school pupil for dropout prevention, career technical education and college readiness programs.

The measure includes a safety valve that allows for a smaller prorated allocation when new state funding falls below \$1.5 billion in a particular year, but there is no mechanism for increasing the per-student allocation above an average of \$800, said Ted Nesbitt, an adviser for the campaign and former chief of staff

for Gov. Ted Kulongoski, who was a chief petitioner for the graduation measure.

Revenue from the corporate sales tax measure, Initiative Petition 28, could help keep revenue above that \$1.5 billion threshold, but it would not bring additional revenue for the high school graduation programs, said Peter Zuckerman, a spokesman for the IP 65 campaign.

If passed, IP 65 would allocate an estimated \$147 million

in 2017-18 for programs aimed at boosting high school graduation.

A study by economic consulting firm ECONorthwest has parsed out how much money each of the state's 88 school districts would receive of that amount. Portland Public Schools would receive about \$10.2 million next year, under the measure.

High schools would be required to submit a plan to the Oregon Department of Educa-

tion for how to use the money to build programs for dropout prevention and career and college-readiness programs.

Only about 74 percent of students in Oregon graduate from high school in four years, one of the lowest rates in the nation.

Andrew Dyke, a researcher at ECONorthwest, said it's unclear how the measure would directly impact the state's graduation rate. Researchers from the firm plan to examine

how the measure would affect six Oregon school districts by looking at how the schools plan to use the money, what programs already are in place and the existing graduation rate, Dyke said.

The Oregon Education Association is not supporting IP 65 but has not organized an opposition campaign against it. Instead, OEA is campaigning for passage of IP 28 as an avenue for boosting funding for schools.

Environmentalists shut out of Oregon forest litigation

Judge denies motion to intervene in lawsuit seeking \$1.4 billion

By Mateusz Perkowski
Capital Bureau

Environmental and fishing groups will be shut out from high-stakes litigation over Oregon's forest management policies, according to a judge's order.

Linn County Circuit Court Judge Daniel Murphy has denied a request by several nonprofit organizations to intervene in the lawsuit, which seeks \$1.4 billion from Oregon on behalf of multiple counties.

"Passionate concern about something does not qualify an applicant for intervenor status," Murphy said in the ruling.

The proposed intervenors included the Wild Salmon Center and its policy director for Oregon and California, Robert Van Dyk, as well as the Association of Northwest Steelheaders, Association of Northwest Guides and Anglers and Pacific Rivers Council.



EO Media Group/Mateusz Perkowski

Linn County Circuit Court Judge Daniel Murphy has denied a request by several nonprofit organizations to intervene in the lawsuit filed on behalf of 15 counties that seeks \$1.4 billion from the State of Oregon for allegedly insufficient timber harvests from state forests.

Linn County filed a complaint against the state of Oregon earlier this year, arguing that 15 counties turned over 650,000 acres of their forestlands in the early 20th Century to the state in exchange for promises of future revenues.

In addition to Linn County, Benton, Clackamas, Clatsop, Columbia, Coos, Douglas, Josephine, Klamath, Lane, Lincoln, Marion, Polk, Tillamook and Washington coun-

ties turned timberland over to the state.

Oregon has since breached that contract by enacting a "greatest permanent value" forest policy rule that prioritizes wildlife, water and recreation over logging, costing the counties \$1.4 billion in past and future timber revenues, the complaint said.

The nonprofit groups argued they should be allowed to intervene in the case because

they have an interest in forest health and Linn County was effectively trying to increase logging in state forests.

However, the judge has held their participation is unnecessary in the litigation, which is focused on whether Oregon has violated contractual obligations to maximize timber revenues for the counties.

"Therefore the applicants have no unique ability to offer evidence to the court concerning the breach of contract issues," Murphy said.

Intervenor status would have given the nonprofits the full rights of defendants in the litigation. The judge also said they wouldn't be allowed to submit friend-of-the-court briefs on legal issues in the case.

These arguments would focus on "consequences to third parties" of any potential ruling that shouldn't be considered in a breach of contract dispute, he said.

Linn County opposed the proposed intervention of the nonprofit groups because they could stand in the way of a possible settlement deal or challenge a ruling favorable to the counties.

"All they were seeking to

do is be obstructionists," said John DiLorenzo, an attorney for Linn County.

The role of the court in this case is to resolve a contractual dispute, not to "micromanage" the state's forest management policy, DiLorenzo said.

To that extent, the nonprofit groups have no more interest in the lawsuit than any other member of the public, he said.

Oregon can't re-write its regulations without approval from legislators or state agencies, so the nonprofits would have the opportunity to influence that process regardless of the lawsuit's outcome, DiLorenzo said.

Ralph Bloemers, attorney for the nonprofits, said he's disappointed they've been ex-

cluded from the case because a possible remedy for Oregon would be to increase logging to the detriment of his clients.

The groups offered a different perspective than the State of Oregon because they don't believe its forestlands are being managed in compliance with the federal Endangered Species Act or Clean Water Act even under current logging levels, Bloemers said.

Several timber groups are currently footing the legal costs for Linn County, which makes them represented in the litigation, he said.

The nonprofit groups haven't yet decided whether to appeal the denial of their intervention request, Bloemers said.

Voter privacy, emergency clause initiatives fail to make ballot

By Paris Achen
Capital Bureau

Two initiative petitions — one requiring written consent to release voter information and another to restrict the use of emergency clauses in legislation — have failed to qualify for the November general election ballot.

The campaign for Initiative Petition 49, No More Fake Emergencies Act, failed to submit enough signatures to reach the 117,578 threshold for a constitutional change to the law. The act would have required a two-thirds majority vote in the Legislature to declare an emergency when it passes a bill.

Lawmakers have increasingly used emergency clauses in bills in order to achieve a quicker effective date. Adding the clause removes voters' constitutional right to contest

the legislation via a referendum on the ballot.

The campaign needed 28,171 additional valid signatures to secure a position on the ballot, but turned in only 26,000, according to the Secretary of State's Office.

Chief petitioners Eric Winters of Wilsonville and Jason Williams of Beaverton proposed the measure.

Initiative Petition 50, the Voter Privacy Act, would have

prohibited release of specific voter information without voters' express consent. Public officials who violated the law would have faced a Class A misdemeanor, according to the initiative proposed by Richard Taylor Whitehead of Aloha.

This week, the Secretary of State's Office plans to verify signatures for IP 67, which allows lottery funds to be used for Outdoor School programs.

IP 68, which would prohibit the sale of products made from 12 endangered species, also is on schedule for signature verification next week, said Molly Woon, a spokeswoman for the secretary of state.



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