

voters' pamphlet



volume 1 – state measures



Oregon Vote-by-Mail General Election | **November 2, 2004**

Bill Bradbury

Bill Bradbury
Oregon Secretary of State

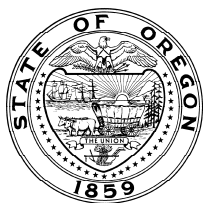
vote!

This Voters' Pamphlet is provided for assistance in casting your vote-by-mail ballot.

OFFICE OF THE SECRETARY OF STATE

BILL BRADBURY
SECRETARY OF STATE

PADDY J. McGUIRE
DEPUTY SECRETARY OF STATE



ELECTIONS DIVISION

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Dear Oregonian,

It's time again to do your part for democracy. This is an historic election, with more activity surrounding voter registration than ever before. As Chief Elections Officer, I'm excited to see so much interest in voting, and I want to take this opportunity to thank those of you who are already registered and to encourage those of you who aren't to register today.

By registering to vote, you give yourself the power and the opportunity to have a say in the policies and priorities that govern our cities, counties, state and nation.

You should re-register if your address has changed, your name has changed, or your signature has changed. If you are registering to vote for the first time or re-registering, please use the voter registration card available in this pamphlet, or online at www.OregonVotes.org. If you are registering for the first time, you must register by October 12 to participate in this election.

If you have any questions about registration, about filling out your ballot, or about getting a replacement ballot if you make a mistake, please call our toll-free voter information line at 1-866-ORE-VOTES (1-866-673-8683) or our TTY line for the hearing impaired at 1-866-350-0596. Elections representatives are available to answer all of your questions about voting Monday through Friday, 8:00 am to 5:00 pm.

For those of you who are already registered to vote, please return your ballot so that it is received by November 2. Remember, the decisions you make with your ballot will affect all of our lives and our future.

Best Wishes,

Bill Bradbury
Oregon Secretary of State

On the cover: Mist rises from the frost on Fort Clatsop, the winter 1805-06 headquarters of Lewis and Clark's Corps of Discovery. This 1955 replica of the fort, reconstructed in the 1960's, is situated proximate to the original and lies at the heart of a significant advance in the commemoration of Lewis and Clark history: the Lewis and Clark National and State Historical Park. This timely increase in federal, state and local coordination of public stewardship, if enacted by Congress, will include sites throughout the lower Columbia region, such as Fort Clatsop, Fort Stevens, Fort Canby, and Ecola Park. Photo courtesy of the United States National Park Service.

General Information

Voters' Pamphlet

Your official 2004 General Election Voters' Pamphlet is divided into two separate volumes. This is Volume 1 and contains information on the eight statewide ballot measures, as well as information on registering to vote.

Volume 2 will include the list of state candidates, statements submitted by candidates and political parties, and information about voting your ballot. It will also include your county Voters' Pamphlet if your county chooses to produce a Voters' Pamphlet in combination with the state. Volume 2 will be delivered October 13-15.

For each of the eight statewide ballot measures in this Voters' Pamphlet you will find the following information:

- (1) the ballot title;
- (2) the estimate of financial impact;
- (3) the complete text of the proposed measure;
- (4) an impartial statement explaining the measure (explanatory statement); and
- (5) any arguments filed by proponents and opponents of the measure.

The ballot title is generally drafted by the Attorney General's office. It is then distributed to a list of interested parties for public comment. After review of any comments submitted, the ballot title is certified by the Attorney General's office. The certified ballot title can be appealed and may be changed by the Oregon Supreme Court.

The estimate of financial impact for each measure is prepared by a committee of state officials including the Secretary of State, the State Treasurer, the Director of the Department of Administrative Services and the Director of the Department of Revenue. The committee estimates only the direct impact on state and local governments, based on information presented to the committee.

The explanatory statement is an impartial statement explaining the measure. Each measure's explanatory statement is written by a committee of five members, including two proponents of the measure, two opponents of the measure and a fifth member appointed by the first four committee members, or, if they fail to agree on a fifth member, appointed by the Secretary of State. Explanatory statements can be appealed and may be changed by the Oregon Supreme Court.

Citizens or organizations may file arguments in favor of or in opposition to measures by purchasing space for \$500 or by submitting a petition signed by 1,000 voters. Arguments in favor of a measure appear first, followed by arguments in opposition to the measure, and are printed in the order in which they are filed with the Secretary of State's office.

Measure arguments are printed as submitted by the author. The state does not correct punctuation, grammar, syntax errors or inaccurate information. The only changes made are attempts to correct spelling errors if the word as originally submitted is not in the dictionary.

The voters' pamphlet has been compiled by the Secretary of State since 1903, when Oregon became one of the first states to provide for the printing and distribution of such a publication. One copy of the voters' pamphlet is mailed to every household in the state. Additional copies are available at the State Capitol, local post offices, courthouses and all county elections offices.

Website

Most of the information contained in this voters' pamphlet is also available in the Online Voters' Guide on the World Wide Web at www.sos.state.or.us/elections/nov22004/nov22004.html

Español

Una versión en español de algunas partes de la Guía del Elector está a su disposición en el portal del Internet cuya dirección aparece arriba. Conscientes de que este material en línea podría no llegar adecuadamente a todos los electores que necesitan este servicio, se invita a toda persona a imprimir la versión en línea y circularla a aquellos electores que no tengan acceso a una computadora.

Important!

If your ballot is lost, destroyed, damaged or you make a mistake in marking your ballot, you may call your county elections office and request a replacement ballot. One will be mailed to you as long as you request it by October 28. After that, you may pick it up at the elections office. If you have already mailed your original ballot before you realize you made a mistake, you have cast your vote and will not be eligible for a replacement ballot.

Your voted ballot must be returned to your county elections office by 8:00 p.m. election day, Tuesday, November 2, 2004.

Postmarks do not count!

County elections offices are open on election day from 7:00 a.m. to 8:00 p.m.

Voter Information

For questions about voter registration, ballot delivery and return, marking the ballot, requesting a replacement ballot, absentee ballots, signature requirements, the voters' pamphlet, when and where to vote, and other questions about elections and voting, call the toll-free voter information line at 1-866-ORE-VOTES (1-866-673-8683).

Voter information line representatives can provide services in both English and Spanish. TTY services for the hearing impaired are also available at 1-866-350-0596.

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Voter Registration Information

Registering to Vote

To vote in Oregon you need to be registered in the county where you reside.

You can register if you can answer **yes** to these three questions:

- Are you a resident of Oregon?
- Are you a US citizen?*
- Are you at least 18 years old?*

**In some cases you can register to vote before you turn 18 or before you become a citizen. For more information call 1-866-ORE-VOTES.*

Where and how to register

You can get a voter registration card at any of the following places.

- In this Voters' Pamphlet (page 5 or 155)
- Any County Elections Office
- The Secretary of State's Office
- Some state agencies such as the Division of Motor Vehicles
- A voter registration drive

You can fill the card out in person or send it in by US mail.*

You can also print out a registration card online at www.oregonvotes.org.

If you register by mail, and this is your first time registering in Oregon or you have moved to a new county and are updating your information, you **must include a copy of a valid form of identification.*

Valid identification is a copy of one of the following showing your current name and address:

- your current photo identification (such as a driver's license)
- a paycheck stub
- a utility bill
- a bank statement
- a government document

To vote in the November 2, 2004, General Election, your completed voter registration card must be either:

- Postmarked by Tuesday, October 12, 2004
- Delivered to a county elections office by Tuesday, October 12, 2004 **or**
- Delivered to any voter registration agency (e.g., DMV) by Tuesday, October 12, 2004.

What is on the registration card

To complete your registration you will provide your:

- Full legal name
- Home address
- Date of birth
- Signature
- Valid identification (required only if you register by mail)

Selecting a political party

You may want to select a political party when you register but it is not required.*

**Major political parties require you to be registered as a member of their party in order to vote for their candidates in the Primary Election.*

Updating your voter registration

Once you have registered, you are responsible for keeping your information up to date. You can do this by completing and returning a voter registration card with the new information.

You should update your registration if you do any of the following:

- Change your home address
- Change your mailing address
- Change your name
- Change your signature
- Want to change or select a political party

If you notify your county elections office of your change of residence address after October 12, 2004, you must request that a ballot be mailed to you or go to your county elections office to get your ballot.

You **must** include a copy of a current, valid form of identification if you have moved to a new county and are updating your registration by mail.

Oregon Voter Registration

qualifications *If you check no in response to either of these questions, do not complete this form.*

Are you a citizen of the United States of America? yes no
Will you be at least 18 years of age on or before election day? yes no

personal information *please print*

name (required) last first middle

home address (required, include apt. or space number) city zip code

date of birth (required, month/day/year) phone number (optional) county of residence

mailing address (required if different from home address)

political party *choose one of the following:*

Constitution Democratic Libertarian Pacific Green
 Republican Not a member of a party Other _____

signature *I swear or affirm that I am qualified to be an elector, and I have told the truth on this registration.*

sign here _____ date today _____

warning: If you sign this card and know it to be false, you can be fined up to \$100,000 and/or jailed for up to 5 years.

identification *with mailed registration only*

Identification is requested **only** if you are a new registrant in this county and are mailing this form via the United States Postal Service. Identification is not required for updates within the same county or new registrations delivered in person or by means other than mail.

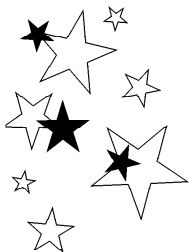
Sufficient identification is a **copy** of one of the following showing your current name and address:

- valid photo identification (such as a driver's license)
- a paycheck stub
- a utility bill
- a bank statement
- a government document

if previously registered and changing personal information, fill out this section *please print*

previous registration name previous county and state

home address on previous registration date of birth (month/day/year)

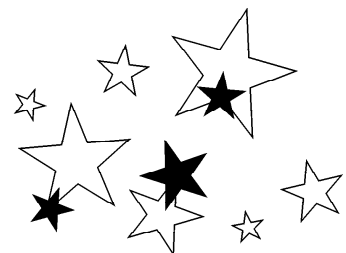


If you have any questions, or if you would like more information on voting in Oregon:

call **1 866 ORE VOTES/673 8683**
se habla español

visit **www.oregonvotes.org**

tty **1 866 350 0596**
for the hearing impaired



Voters with Disabilities

If, because of a disability, you would like assistance in voting your ballot

or

You would like to request a cassette or CD version of the Voters' Pamphlet

call **1 866 ORE VOTES/673 8683**
se habla español

tty **1 866 350 0596**
for the hearing impaired

A digital audio version of the Voters' Pamphlet is available online at www.sos.state.or.us/elections

Guide to State Measures

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Measure 31

Senate Joint Resolution 19—Referred to the Electorate of Oregon by the 2003 Legislative Assembly to be voted on at the General Election, November 2, 2004.

Ballot Title

31

AMENDS CONSTITUTION: AUTHORIZES LAW PERMITTING POSTPONEMENT OF ELECTION FOR PARTICULAR PUBLIC OFFICE WHEN NOMINEE FOR OFFICE DIES

RESULT OF “YES” VOTE: “Yes” vote amends constitution to authorize law providing that an election for a particular public office may be postponed when nominee for that office dies.

RESULT OF “NO” VOTE: “No” vote retains existing law, which contains no provision permitting postponement of an election for a particular public office when nominee for that office dies.

SUMMARY: Amends constitution. Current law does not provide for the enactment of a law postponing an election for a particular public offices when a nominee for that office dies. Measure authorizes the legislature to enact a law permitting postponement of an election for a particular public office when a candidate nominated for that office dies; in that circumstance, the legislature may enact a law: (1) allowing the postponement of the regularly scheduled election for the office in question; (2) allowing the office in question to be filled at a subsequent election; and (3) prohibiting the votes cast for candidates at the regularly scheduled election for the office in question from being considered. Measure does not affect election process for other candidates or measures on the ballot.

ESTIMATE OF FINANCIAL IMPACT: There is no financial effect on state or local government expenditures or revenues.

Text of Measure

Be It Resolved by the Legislative Assembly of the State of Oregon:

PARAGRAPH 1. The Constitution of the State of Oregon is amended by creating a new section 24 to be added to and made a part of Article II, such section to read:

SECTION 24. When any vacancy occurs in the nomination of a candidate for elective public office in this state, and the vacancy is due to the death of the candidate, the Legislative Assembly may provide by law that:

(1) The regularly scheduled election for that public office may be postponed;

(2) The public office may be filled at a subsequent election; and

(3) Votes cast for candidates for the public office at the regularly scheduled election may not be considered.

PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at the next regular general election held throughout this state.

NOTE: **Boldfaced** type indicates new language; *[brackets and italic]* type indicates deletions or comments.

Explanatory Statement

Ballot Measure 31 amends the Oregon Constitution to allow the Legislative Assembly to enact laws that postpone an election for an elective public office if a candidate nominated for that office dies before the election. Current law does not allow the postponement of an election when a nominee for public office dies before the election.

Most elections in Oregon are conducted by mail. Under current law, if a candidate nominated for public office dies after ballots have been mailed to voters, the name of a new nominee is not required to be printed on any replacement ballot. If the candidate who has died receives the highest number of votes, either the incumbent holding the office remains until a successor is elected and qualified or a vacancy in the office results. For most public offices, vacancies are filled by appointment.

Ballot Measure 31 allows the Legislative Assembly to pass laws that change this result. The laws would apply only in cases when a candidate nominated for elective public office dies before the election and would provide that: (1) The regularly scheduled election for that office be postponed; (2) The office be filled at a subsequent special election; and (3) Votes cast for candidates for the office at the regularly scheduled election may not be considered, and the surviving candidates must stand for and campaign for a subsequent special election.

Ballot Measure 31 is needed to provide exceptions to other provisions of the Oregon Constitution that state that the person who receives the highest number of votes is elected and that require certain offices to be filled at the general election.

At its 2003 regular session, the Legislative Assembly passed a law that will take effect only if Ballot Measure 31 is approved by the people. The law applies only to candidates nominated by a major political party for the office of Governor, Secretary of State, State Treasurer, Attorney General, state Senator or state Representative. If a candidate nominated by a major political party for one of those offices dies within 30 days of a November general election, the election for that office only will be postponed. The Secretary of State will call a subsequent special election and the ballots cast for that office at the November general election may not be counted.

Committee Members:

Senator Rick Metsger
Representative Betsy Close
Representative Bill Garrard
Representative Wayne Krieger
Representative Cliff Zauner

Appointed by:

President of the Senate
Speaker of the House
Secretary of State
Members of the Committee

(This committee was appointed to provide an impartial explanation of the ballot measure pursuant to ORS 251.215.)

Measure 31 Arguments

Legislative Argument in Support

Ballot Measure 31 updates Oregon law to protect the right of the people of Oregon to determine by election the positions of Governor, Secretary of State, State Treasurer, Attorney General, State Senator and State Representative. The Oregon Legislature passed Senate Bill 552 during the 2003 session to provide for a major political party to replace its nominee during the general election if the nominee of that party dies within 30 days of a general election.

Ballot Measure 31 makes the constitutional change necessary to allow Senate Bill 552 to take effect.

Under current law, if a deceased candidate receives the highest number of votes, either the incumbent holding the office remains until a successor is elected or a vacancy in the office results. For most public offices, vacancies are filled by appointment.

Recently, candidates in other states have died shortly before general elections. Those states have had procedures in place to allow elections to continue. Oregon currently has no procedures in place to postpone the vote-by-mail election for that office in such a situation. Ballot Measure 31 provides authority for a special election to be conducted to allow a replacement candidate to be placed on the ballot and considered by voters.

Ballot Measure 31 ensures that the voters, not the appointment process, will determine who is elected to office. Ballot Measure 31 maintains the integrity of Oregon's election process by ensuring that their "elected" representatives are indeed elected by the people.

We urge your support for Ballot Measure 31.

Committee Members:

Senator Rick Metsger
Representative Brad Avakian
Representative Vic Backlund

Appointed by:

President of the Senate
Speaker of the House
Secretary of State

(This Joint Legislative Committee was appointed to provide the legislative argument in support of the ballot measure pursuant to ORS 251.245.)

Note: No arguments, other than the Legislative Argument in Support, were filed with the Secretary of State.

Measure 32

Senate Joint Resolution 14—Referred to the Electorate of Oregon by the 2003 Legislative Assembly to be voted on at the General Election, November 2, 2004.

Ballot Title

32

AMENDS CONSTITUTION: DELETES REFERENCE TO MOBILE HOMES FROM PROVISION DEALING WITH TAXES AND FEES ON MOTOR VEHICLES.

RESULT OF “YES” VOTE: “Yes” vote allows taxes and fees on mobile homes to be used for nonhighway purposes.

RESULT OF “NO” VOTE: “No” vote retains restriction on use of taxes and fees on mobile homes.

SUMMARY: This measure authorizes expenditure of taxes and fees on mobile homes for nonhighway purposes. Under current law, taxes and fees on mobile homes are required to be spent for highway or administrative purposes, but may also be used for park purposes.

ESTIMATE OF FINANCIAL IMPACT: There is no financial effect on state or local government expenditures or revenues.

Text of Measure

Be It Resolved by the Legislative Assembly of the State of Oregon:

PARAGRAPH 1. Section 3a, Article IX of the Constitution of the State of Oregon, is amended to read:

Sec. 3a. (1) Except as provided in subsection (2) of this section, revenue from the following shall be used exclusively for the construction, reconstruction, improvement, repair, maintenance, operation and use of public highways, roads, streets and road-side rest areas in this state:

(a) Any tax levied on, with respect to, or measured by the storage, withdrawal, use, sale, distribution, importation or receipt of motor vehicle fuel or any other product used for the propulsion of motor vehicles; and

(b) Any tax or excise levied on the ownership, operation or use of motor vehicles.

(2) Revenues described in subsection (1) of this section:

(a) May also be used for the cost of administration and any refunds or credits authorized by law.

(b) May also be used for the retirement of bonds for which such revenues have been pledged.

(c) If from levies under paragraph (b) of subsection (1) of this section on campers, *[mobile homes,]* motor homes, travel trailers, snowmobiles, or like vehicles, may also be used for the acquisition, development, maintenance or care of parks or recreation areas.

(d) If from levies under paragraph (b) of subsection (1) of this section on vehicles used or held out for use for commercial purposes, may also be used for enforcement of commercial vehicle weight, size, load, conformation and equipment regulation.

(3) Revenues described in subsection (1) of this section that are generated by taxes or excises imposed by the state shall be generated in a manner that ensures that the share of revenues paid for the use of light vehicles, including cars, and the share of revenues paid for the use of heavy vehicles, including trucks, is fair and proportionate to the costs incurred for the highway system because of each class of vehicle. The Legislative Assembly shall provide for a biennial review and, if necessary, adjustment, of revenue sources to ensure fairness and proportionality.

PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at the next regular general election held throughout this state.

NOTE: **Boldfaced** type indicates new language; *[brackets and italic]* type indicates deletions or comments.

Explanatory Statement

Ballot Measure 32 (Senate Joint Resolution 14) proposes an amendment to section 3a, Article IX of the Oregon Constitution. Section 3a, Article IX, specifies how revenues from taxes and fees on motor vehicles may be used. Under the current version of the section, fees on mobile homes are treated the same way as fees on campers, motor homes, travel trailers, snowmobiles and like vehicles. Revenues from the fees may be used only for highways and parks or recreation areas and for administrative expenses for highways and parks or recreation areas.

Ballot Measure 32 was referred to voters by the 2003 Legislature. It proposes to delete the term “mobile homes” from section 3a, Article IX of the Constitution. The Legislature has approved legislation directing that these fees be used for building code related services, as well as recording and transferring ownership documents for these homes, and assisting counties in gathering tax related information on mobile homes. The effect of Ballot Measure 32 would be to allow fees imposed on mobile homes to be used for these purposes.

The 2003 Legislature transferred authority to regulate mobile homes from the Driver and Motor Vehicles Services Division (DMV) to the Oregon Building Codes Division of the Department of Consumer and Business Services (DCBS). Mobile homes will no longer be titled as vehicles in Oregon.

Ballot Measure 32 has no effect on owners of mobile homes continuing to pay highway use taxes and fees when moving the homes on the highways.

Committee Members:

Senator Rick Metsger
Representative Alan Brown
Milton D. Aleshire
David Mandell
Don Miner

Appointed by:

President of the Senate
Speaker of the House
Secretary of State
Secretary of State
Members of the Committee

(This committee was appointed to provide an impartial explanation of the ballot measure pursuant to ORS 251.215.)

Measure 32 Arguments

Legislative Argument in Support

For as long as anyone can remember, manufactured dwellings which include trailer houses, then mobile homes, and now manufactured homes have been regulated by the Division of Motor Vehicles (DMV). The homes were titled and licensed by DMV along with cars, trucks, campers, motor homes, travel trailers, etc. For a long time, Oregonians have asked why are houses regulated by DMV?

The 2003 Oregon Legislature looked at the existing regulatory framework and concluded that it no longer made sense and change was needed. With the joint support of owners of manufactured dwellings, industry and government, the Legislature reorganized the way these dwellings will be regulated by the State of Oregon (SB 468).

Beginning in May of 2005, DMV's responsibilities to regulate manufactured dwellings will be transferred to the Oregon Building Codes Division (BCD). On that date, manufactured dwellings will no longer be titled as vehicles. Instead, the Building Codes Division will issue an ownership document for the dwelling.

As part of this change, Article IX, Section 3a (1) (b) of the Oregon Constitution must be amended to ensure that fees collected by BCD when issuing the ownership document will remain with BCD. This will permit the Oregon Building Codes Division to use the fees to provide building code related services to owners of these dwellings.

If this measure passes, manufactured dwellings will continue to pay property taxes, the same as any other home.

In addition, the owner of the dwelling will pay highway use fees, such as weight mile fees, when moving the dwelling on the highways. However, once the dwelling has been placed permanently on the building site, the dwelling will not be assessed fees for the highway fund. Owners of other types of dwellings do not pay these fees.

We urge your support for Ballot Measure 32.

Committee Members:

Senator Rick Metsger
Representative Alan Brown
Representative Jackie Dingfelder

Appointed by:

President of the Senate
Speaker of the House
Speaker of the House

(This Joint Legislative Committee was appointed to provide the legislative argument in support of the ballot measure pursuant to ORS 251.245.)

Argument in Favor

THEY ARE NOT TRAILERS ANYMORE!

Yesterday's mobile home has evolved into today's modern manufactured home. What was once considered a temporary form of housing has become a source of permanent housing, offering all of the construction quality and amenities of "site-built" homes.

Since the 1950's, these homes have been regulated as vehicles, and titled and licensed by the Oregon Division of Motor Vehicles (DMV), along with cars, trucks, motor homes, and travel trailers.

Owners of the homes are required to pay fees to DMV. After paying the appropriate fees, they are issued metal "plates". And like a license plate on a car, the plate must be displayed in the window of the home.

In 2005 all of this will change. The homes will no longer be considered vehicles. Responsibility for regulating these homes will shift from the DMV to the Oregon Building Codes Division (BCD). At that time, these homes will no longer be titled as vehicles. Instead, the BCD will issue an ownership document for the home.

To fully implement this modernization of Oregon law, Article IX, Section 3a (1)(b) of the Oregon Constitution must be amended.

This change to Oregon law is supported by home owners, industry and government. There is no identified opposition to this change.

Please join us in voting yes on Measure 32.

Pat and Fred Schwoch
Manufactured Home Owners of Oregon (OSTA)

Greg Harmon, President
Oregon Manufactured Housing Association

Eva L. I. Arce, President
Oregon Association of County Tax Collectors

(This information furnished by Don Miner, Executive Director, Oregon Manufactured Housing Association.)

This space purchased for \$500 in accordance with ORS 251.255.

The printing of this argument does not constitute an endorsement by the State of Oregon, nor does the state warrant the accuracy or truth of any statement made in the argument.

Note: No arguments in opposition to this ballot measure were filed with the Secretary of State.

Measure 33

Proposed by initiative petition to be voted on at the General Election, November 2, 2004.

Ballot Title

33

AMENDS MEDICAL MARIJUANA ACT: REQUIRES MARIJUANA DISPENSARIES FOR SUPPLYING PATIENTS/CAREGIVERS; RAISES PATIENTS' POSSESSION LIMIT

RESULT OF "YES" VOTE: "Yes" vote amends Medical Marijuana Act: requires creating marijuana dispensaries to supply patients/caregivers; allows dispensary/caregiver sales to patients; increases amount patients may possess.

RESULT OF "NO" VOTE: "No" vote retains current Oregon Medical Marijuana Act, which allows registered patients to possess limited amounts of marijuana for medical purposes, and prohibits marijuana sales.

SUMMARY: Oregon Medical Marijuana Act currently allows registered patients to possess/deliver/produce limited amounts of marijuana for medical purposes. Current law prohibits all marijuana sales, including sales to patients. Measure creates licensing program for nonprofit, regulated medical marijuana dispensaries, which may supply six pounds marijuana yearly per patient. Permits dispensaries to sell marijuana to registered patients/caregivers; percentage of proceeds funds program. Requires dispensaries to provide indigent patients marijuana. Requires county health departments in counties without licensed dispensaries to become dispensaries and supply marijuana to registered patients. Allows designated caregivers to sell marijuana to their registered patients. Increases marijuana registered patients may possess to ten mature plants, any number seedlings, one pound usable marijuana (six pounds if patient grows only one crop yearly). Other provisions.

ESTIMATE OF FINANCIAL IMPACT: The measure would require state expenditures of \$340,000 to \$560,000 per year on a recurring basis, with additional one-time start-up costs of \$135,000. All but \$75,000 of these costs may be offset by fees to be established by the Department of Human Services as provided in the measure. The financial effect on local government revenues and expenditures cannot be determined.

Text of Measure

Relating to medical marijuana; creating new provisions; and amending ORS 475.300, 475.302, 475.306, 475.309, 475.312, 475.316, 475.319, 475.323, 475.328, 475.331, 475.334, 475.338, 475.340, 475.342

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 475.300 is amended to read:

475.300. The people of the state of Oregon hereby find that:

(1) [Patients and doctors have found marijuana to be]

Marijuana is an effective treatment for suffering caused by debilitating medical conditions[,] and, therefore, **patients using marijuana** should be treated like **patients using** other medicines;

(2) Oregonians suffering from debilitating medical conditions should be allowed to use [small] **adequate** amounts of marijuana without fear of civil or criminal penalties when their doctors advise that such use may provide a medical benefit to them and when other reasonable restrictions are met regarding that use;

(3) ORS 475.300 to 475.346 are intended to allow Oregonians with debilitating medical conditions who may benefit from the medical use of marijuana to be able to discuss freely with their doctors the possible risks and benefits of medical marijuana use and to have the benefit of their doctor's professional advice; [and]

(4) ORS 475.300 to 475.346 are intended to make only those changes to existing Oregon laws that are necessary to protect patients and their doctors from criminal and civil penalties, and are not intended to change current civil and criminal laws governing the use of marijuana for nonmedical purposes[.];

(5) **The State of Oregon has a right to regulate the public health and safety of its citizens pursuant to the police power reserved to the sovereign States by the Tenth Amendment to the United States Constitution. This includes the right to regulate the licensing of the wholly intrastate distribution of marijuana for medical purposes;**

(6) **Citizens of Oregon have the fundamental personal privacy right to use marijuana for medical purposes to ameliorate pain, prolong life, and/or maintain bodily integrity, and for other medical purposes as guaranteed by the Ninth Amendment to the United States Constitution and as further affirmed by the people of the State of Oregon by this Act;**

(7) **Patients for whom the medical use of marijuana is beneficial have a personal privacy right to a safe affordable supply of this medicine. No such supply can be guaranteed to these patients unless the persons providing the marijuana can be adequately compensated. No adequate supply of medical marijuana can be assured for all patients who could benefit from medical marijuana unless medical marijuana can be safely and lawfully dispensed in a regulated intrastate market; and**

(8) **Oregon citizens have a right to the best available scientific information regarding the safety and efficacy of medical marijuana. Experiments to determine the best information cannot occur unless data is collected from patients and licensed dispensaries. The people recognizing this right enact amendments necessary to conduct these scientific experiments.**

SECTION 2. ORS 475.302 is amended to read: 475.302 As used in ORS 475.300 to 475.346:

(1) "Attending physician" means a physician licensed under ORS chapter 677, **a naturopath licensed under ORS chapter 685 or a nurse practitioner certified under ORS chapter 678** who has [primary] responsibility for the care and treatment of a person diagnosed with a debilitating medical condition.

(2) "Debilitating medical condition" means:

(a) Cancer, glaucoma, positive status for human immunodeficiency virus or acquired immune deficiency syndrome, or treatment for these conditions;

(b) A medical condition or treatment for a medical condition that produces, for a specific patient, one or more of the following:

(i) Cachexia;

(ii) Severe pain;

(iii) Severe nausea;

(iv) Seizures, including but not limited to seizures caused by epilepsy; or

(v) Persistent muscle spasms, including but not limited to spasms caused by multiple sclerosis; or

(c) [Any other medical condition or treatment for a medical condition adopted by the division by rule or approved by the division pursuant to a petition submitted pursuant to ORS 475.334.] **Any other medical condition for which, in the determination of the attending physician, the medical use of marijuana would be beneficial.**

(3) "Delivery" has the meaning given that term in ORS 475.005.

(4) "Department" means the Department of Human Services.

[4] (5) "Designated [primary] medical marijuana caregiver" means an individual eighteen years of age or older who has significant responsibility for [managing the well-being of] **supplying or assisting in supplying marijuana** to a person who has been diagnosed with a debilitating medical condition, and who is [designated as such on that person's application for a registry identification card or in other written notification to the division.]

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identified by a patient on the patient's application for a registry identification card or in other written notification to the department changing or updating the designated medical marijuana caregiver's status. "Designated [primary] medical marijuana caregiver" does not include the person's attending physician. **A person who merely assists a patient in the patient's use of medical marijuana does not become that patient's designated medical marijuana caregiver by doing so.**

[5] "Division" means the Health Division of the Oregon Department of Human Services.]

(6) "Marijuana" has the meaning given that term in ORS 475.005.

(7) "Medical marijuana dispensary" means a nonprofit entity that possesses, produces, delivers, transports, supplies, and/or dispenses medical marijuana to patients and their designated medical marijuana caregivers, and to other medical marijuana dispensaries. "Medical marijuana dispensary" includes any employees or agents of such a nonprofit entity.

[(7)] (8) "Medical use of marijuana" means the [production], possession, production, delivery, transportation, or administration of marijuana, or paraphernalia used to administer marijuana by smoking or vaporizing, eating or drinking, or through poultices or tinctures, as necessary for the [exclusive] benefit of a person or persons to mitigate the symptoms or effects of [his or her] a debilitating medical condition.

[(8)] (9) "Production" has the same meaning given that term in ORS 475.005.

[(9)] (10) "Registry identification card" means a document issued by the [division] department that identifies a person authorized to engage in the medical use of marijuana and the person's designated [primary] medical marijuana caregiver, if any.

[(10)] (11) "Usable marijuana" means the dried leaves and flowers of the cannabis plant [*Cannabis family Moraceae*], and any mixture or preparation thereof, that are appropriate for medical use as allowed in ORS 475.300 to 475.346. "Usable marijuana" does not include the seeds, stalks and roots of the plant or any contaminated marijuana or any male marijuana plants or any marijuana clearly intended to be discarded, or the weight of other ingredients in marijuana prepared for consumption as food.

[(11)] (12) "Written documentation" means a statement signed by the attending physician of a person diagnosed with a debilitating medical condition or copies of the person's relevant medical records.

SECTION 3. ORS 475.306 is amended to read:

475.306. (1) A person who possesses a registry identification card issued pursuant to ORS 475.309 may engage in, [and] or a designated [primary] medical marijuana caregiver of such [a person] persons may assist in, the medical use of marijuana [only as justified] and the possession, production, delivery, or transportation of marijuana as needed to mitigate the symptoms or effects of the person's debilitating medical condition. Except as allowed in subsection (2) of this section, a registry identification cardholder and that person's designated [primary] medical marijuana caregiver may not collectively possess, produce, deliver, or transport [or produce] more than [the following]:

[(a) If the person is present at a location at which marijuana is not produced, including any residence associated with that location, one ounce of usable marijuana; and]

[(b) If the person is present at a location at which marijuana is produced, including any residence associated with that location, three mature marijuana plants, four immature marijuana plants and one ounce of usable marijuana per each mature plant.]

(a) Ten marijuana plants at any one time; and

(b) One pound of usable marijuana at any one time, unless the person can show that they are only growing one crop of marijuana per year, and has registered that information with the department, in which case the person may possess up

to six pounds per patient immediately following harvest, which is the amount provided by the United States government to patients through the Compassionate Investigational New Drug Program of the Department of Health and Human Services.

(2) If the individuals described in subsection (1) of this section possess, produce, deliver or [produce] transport marijuana in excess of the amounts allowed in subsection (1) of this section, such individuals are not excepted from the criminal laws of the state but may establish an affirmative defense to such charges, by a preponderance of the evidence, that the greater amount is medically necessary to mitigate the symptoms or effects of the person's debilitating medical condition.

(3) [The Health Division shall define by rule when a marijuana plant is mature and when it is immature for purposes of this section.] Cuttings, clones, seedlings, and starter plants shall not be counted toward the ten plant limit unless they are greater than one foot long measured in any direction or contain usable mature female marijuana flowers.

SECTION 4. (1) A medical marijuana dispensary may not possess, produce, deliver or transport marijuana for any purpose except to assist patients with registry identification cards in their medical use of marijuana or to assist designated medical marijuana caregivers in supplying usable marijuana to qualified patients.

(2) A dispensary shall not deliver more than six pounds of marijuana per year to a qualified patient or that person's designated medical marijuana caregiver unless that person presents an additional statement from the person's attending physician that the greater amount is medically necessary as determined by the attending physician to mitigate the symptoms or effects of the person's debilitating medical condition.

(3) A medical marijuana dispensary may not possess, produce, deliver, or transport an amount of marijuana greater than needed to assure an adequate supply for registered patients.

SECTION 5. ORS 475.309 is amended to read:

475.309. (1) Except as provided in ORS 475.316 and 475.342, a person engaged in or assisting in the medical use of marijuana or the possession, production, delivery, or transportation of marijuana is excepted from the criminal laws of the state for possession, production, delivery, or transportation [or production] of marijuana, aiding and abetting another in the possession, production, delivery, or transportation [or production] of marijuana or any other criminal offense in which possession, production, delivery, or transportation [or production] of marijuana is an element, if the following conditions have been satisfied:

(a) The person holds a registry identification card issued pursuant to this section, has applied for a registry identification card pursuant to subsection [(9)](10) of this section, or is the designated [primary] medical marijuana caregiver of a cardholder or applicant; and

(b) The person who has a debilitating medical condition and his or her [primary] medical marijuana caregiver are collectively [in possession of] possessing, producing, delivering or [producing] transporting marijuana for medical use in the amounts allowed in ORS 475.306.

(2) The [division] Department of Human Services shall establish and maintain a program for the issuance of registry identification cards to persons who meet the requirements of this section. Except as provided in subsection (3) of this section, the department shall issue a registry identification card to any person who pays a fee in the amount established by the [division] department and approved by the Oregon Medical Marijuana Commission created by Section 23 of this 2004 Amendment and provides the following:

(a) Valid, written documentation from the person's attending physician stating that the person has been diagnosed with a debilitating medical condition and that the medical use of

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marijuana may mitigate the symptoms or effects of the person's debilitating medical condition **and, if applicable, any statement by the person's attending physician that the person may need to exceed the limits established in ORS 475.306(1).**

(b) The name, address and date of birth of the person;

(c) The name, address and telephone number of the person's attending physician; and

(d) The name and address of the person's designated *[primary]* **medical marijuana** caregiver, if the person has designated a *[primary]* **medical marijuana** caregiver at the time of application.

(e) A statement, for purposes of ORS 475.306(1)(b), declaring whether the patient or their designated medical marijuana caregiver will grow only one marijuana crop per year.

(3) The *[division]* **department** shall issue a registry identification card to a person who is under 18 years of age if the person submits the materials required under subsection (2) of this section, and the custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age signs a written statement that:

(a) The attending physician of the person under 18 years of age has explained to that person and to the custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age the possible risks and benefits of the medical use of marijuana;

(b) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age consents to the use of marijuana by the person under 18 years of age for medical purposes;

(c) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age agrees to serve as the designated *[primary]* **medical marijuana** caregiver for the person under 18 years of age; and

(d) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age agrees to control the acquisition of marijuana and the dosage and frequency of use by the person under 18 years of age.

(4) **(a)** A person applying for a registry identification card pursuant to this section may submit the information required in this section to a county health department for transmittal to the *[division]* **Department of Human Services**. A county health department that receives the information pursuant to this subsection shall transmit the information to the *[division]* **Department of Human Services** within five days of receipt of the information. Information received by a county health department pursuant to this subsection shall be confidential and not subject to disclosure, except as required to transmit the information to the *[division]* **Department of Human Services**.

(b) A person may present to their County Health Officer written proof of a diagnosis within the last year of a debilitating medical condition listed in ORS 475.302(2). The County Health Officer shall authenticate the diagnosis of a debilitating medical condition and this authentication shall meet the requirements in ORS 475.309(2)(a) that an attending physician state that the medical use of marijuana may mitigate the symptoms or effects of the person's debilitating medical condition.

(5) The *[division]* **department** shall verify the information contained in an application submitted pursuant to this section and shall approve or deny an application within thirty days of receipt of the application.

(a) The *[division]* **department** may deny an application only for the following reasons:

(i) The applicant did not provide the information required pursuant to this section to establish his or her debilitating medical condition and to document his or her consultation with an attending physician **or authentication of the debilitating medical condition by a county health officer** regarding the medical use of marijuana in connection with such condition, as provided in subsections (2) and (3) of this section; or

(ii) The *[division]* **department** determines that the information

provided was falsified.

(b) Denial of a registry identification card shall be considered a final *[division]* **department** action, subject to judicial review. Only the person whose application has been denied, or, in the case of a person under the age of 18 years of age whose application has been denied, the person's parent or legal guardian, shall have standing to contest the *[division]*'s **department's** action.

Jurisdiction shall be in the Circuit Court, and venue will lie in either the district where the applicant lives or in the district where the denial occurred, at the applicant's discretion.

(c) Any person whose application has been denied may not reapply for six months from the date of the denial, unless so authorized by the *[division]* **department** or a court of competent jurisdiction.

(6) (a) If the *[division]* **department** has verified the information submitted pursuant to subsections (2) and (3) of this section and none of the reasons for denial listed in subsection (5)(a) of this section is applicable, the *[division]* **department** shall issue a serially numbered registry identification card within five days of verification of the information. The registry identification card shall state:

(i) The cardholder's name, address and date of birth;

(ii) The date of issuance and expiration date of the registry identification card;

(iii) The name and address of the person's designated *[primary]* **medical marijuana** caregiver, if any; and

(iv) Such other information as the *[division]* **department** may specify by rule.

(b) When the person to whom the *[division]* **department** has issued a registry identification card pursuant to this section has specified a designated *[primary]* **medical marijuana** caregiver, the *[division]* **department** shall issue an identification card to the designated *[primary]* **medical marijuana** caregiver **at the caregiver's address listed on the application**. The *[primary]* **medical marijuana** caregiver's registry identification card shall contain the primary information provided in paragraph (a) of this subsection.

(7) (a) A person who possesses a registry identification card shall:

(i) Notify the *[division]* **department** of any change in the person's name, address, attending physician or designated *[primary]* **medical marijuana** caregiver; and

(ii) Annually submit to the *[division]* **department**:

(A) Updated written documentation of the person's debilitating medical condition; and

(B) The name of the person's designated *[primary]* **medical marijuana** caregiver if a *[primary]* **medical marijuana** caregiver has been designated for the upcoming year.

(b) If a person who possesses a registry identification card fails to comply with this subsection, the card shall be deemed expired. If a registry identification card expires, the identification card of any designated *[primary]* **medical marijuana** caregiver of the cardholder shall also expire.

(8) When a person notifies the department of any change in the person's name, address, designated medical marijuana caregiver, or address of a registered garden, the department shall issue the person a new registry identification card within ten days of receipt of the updated information and shall issue a new registry identification card for the person's designated medical marijuana caregiver.

[(8)] (9) A person who possesses a registry identification card pursuant to this section and who has been diagnosed by the person's attending physician as no longer having a debilitating medical condition shall return the registry identification card to the *[division]* **department** within seven calendar days of notification of the diagnosis. Any designated *[primary]* **medical marijuana** caregiver shall return his or her identification card within the same period of time.

[(9)] (10) A person who has applied for a registry identification card pursuant to this section **or that person's designated medical marijuana caregiver**, *[but]* whose application has not yet been approved or denied, and who is contacted by any law

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enforcement officer in connection with his or her administration, possession, [delivery, or] production, delivery, or transportation of marijuana for medical use may provide to the law enforcement officer a copy of the written documentation submitted to the [division] department pursuant to subsections (2) or (3) of this section and proof of the date of mailing or other transmission of the documentation to the [division] department. This documentation shall have the same legal effect as a registry identification card until such time as the person receives notification that the application has been approved or denied. The department shall provide copies of an application for status as a registered patient or as a designated medical marijuana caregiver to the person submitting the application at the time the application is submitted to the department. These copies must be marked to clearly indicate the date the application was received by the department.

SECTION 6. ORS 475.312 is amended to read:

475.312. (1) If a person who possesses a registry identification card issued pursuant to ORS 475.309 chooses to have a designated [primary] medical marijuana caregiver, the person must designate the [primary] medical marijuana caregiver by including the [primary] medical marijuana caregiver's name and address:

- (a) On the person's application for a registry identification card;
- (b) In the annual updated information required under ORS 475.309; or
- (c) In a written, signed statement submitted to the [division] Department of Human Services.

(2) A person described in this section may have only one designated [primary] medical marijuana caregiver at any given time but may change their designated medical marijuana caregiver at any time by notifying the department and paying an additional ten-dollar fee.

(3) A person who merely assists a qualified patient with their medical use of marijuana but who is not designated as such on the patient's application form or in other written communication with the department shall not be considered that patient's designated medical marijuana caregiver.

(4) A person may be the designated medical marijuana caregiver for up to ten patients without a medical marijuana dispensary license.

(5) When a patient who possesses a registry identification card changes their designated medical marijuana caregiver, the department shall notify the designated medical marijuana caregiver within ten days. The designated medical marijuana caregivers' exception from criminal laws shall expire ten days after notification by the department of their cancellation.

(6) Designated medical marijuana caregivers may be compensated by their registry identification cardholders in any manner agreed on by both parties. This compensation shall not constitute transfer of marijuana for consideration for the purposes of ORS 475.992.

SECTION 7. (1) A medical marijuana dispensary is excepted from the criminal laws of the state for possession, production, delivery, or transportation of marijuana, or aiding and abetting another in the possession, production, delivery, or transportation of marijuana, or any other criminal offense in which possession, production, delivery, or transportation of marijuana is an element, if:

- (a) The medical marijuana dispensary holds a medical marijuana dispensary license issued by the department pursuant to this section;
- (b) The only delivery of marijuana is between the licensed medical marijuana dispensary and a person holding a valid registry identification card, designated caregiver card, or another licensed medical marijuana dispensary; and
- (c) The medical marijuana dispensary is in substantial compliance with applicable rules promulgated by the department for regulating medical marijuana dispensaries.

(2) (a) The department shall establish and maintain a program for the issuance of medical marijuana dispensary licenses to persons who meet the requirements of this section. The department shall promulgate rules and procedures necessary to create a supply of medical marijuana for qualified patients. These rules shall be promulgated to create an intrastate market in medical marijuana subject to regulations necessary to ensure that medical marijuana is available to qualified patients.

(b) The department shall issue a medical marijuana dispensary license to any person who provides the following:

- (i) A fee paid to the department in the amount established by the department by rule. This fee shall initially be set at \$1000;
- (ii) A petition signed by at least twenty-five registry identification cardholders calling for the establishment of the dispensary;
- (iii) The name of the dispensary;
- (iv) The physical address of the dispensary and any other property where medical marijuana is possessed, produced, delivered, transported, processed, or cultivated related to the operations of the dispensary; and
- (v) The name, address, and date of birth of any person who is an agent of or employed by the medical marijuana dispensary.

(3) Notwithstanding subsection (4)(a) below, any county health department may be licensed by the department as a medical marijuana dispensary. If no private dispensary is licensed in a county where one or more registered patients resides within six months following enactment of these amendments then the department shall grant the County Health Department a medical marijuana dispensary license waiving the signature and license fee requirements. Once so licensed, the county health department shall dispense medical marijuana to registered patients in that county as needed. Nothing in this section shall be construed to impinge on patients' rights to cultivate their own medical marijuana, designate a medical marijuana caregiver to cultivate for them, or procure marijuana at a dispensary of their choice.

(4) The department shall establish the necessary rules and procedures to regulate the operation of medical marijuana dispensaries, including the following:

(a) Medical marijuana dispensaries shall be established as nonprofit entities. They shall be subject to all applicable Oregon laws governing nonprofit entities, but need not have received 501(c)(3) status from the Internal Revenue Service.

(b) Medical marijuana dispensaries shall be subject to reasonable inspection by the department to determine that applicable rules are being followed. Reasonable notice shall be given prior to these inspections.

(c) Medical marijuana dispensaries shall file quarterly reports with the department. These reports shall include:

- (i) An accounting of all income from and all expenditures incurred to possess, produce, deliver, or transport medical marijuana;
- (ii) The quantity of marijuana in ounces delivered to each cardholder by their card number in a manner that maintains the confidentiality of the registry cardholders' identity.
- (iii) The total quantity of marijuana in ounces delivered for consideration.
- (iv) The total revenue received from marijuana delivered for consideration.
- (v) The total quantity of marijuana in ounces delivered for no consideration and the total quantity delivered to each indigent patient in a manner that maintains the confidentiality of the registry cardholders' identity.

(d) The department shall collect a monthly fee from each medical marijuana dispensary that is a percentage of gross revenue from delivery of medical marijuana. The percentage shall be set at 10% unless the department determines that this is insufficient to fund the program in which case the

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department may increase the percentage but not more than to 20%.

(e) The department shall set these fees and the fee for a dispensary registration license at a level to cover the costs of administering the Oregon Medical Marijuana Program. These costs shall not include the costs for legal advice and rulemaking which shall be paid out of the budget of the Department of Human Services.

SECTION 8. The department shall establish a program to assist indigent patients in obtaining medical marijuana.

(1) The purpose of this program is to provide a minimum supply of usable medical marijuana to every registry identification cardholding patient.

(2) The department shall establish income standards based on eligibility for the Oregon Health Plan. A patient shall qualify for this program if their income is at or below the level set for qualifying for the Oregon Health Plan. A patient who meets the income requirements but has insurance other than the Oregon Health Plan shall also be covered.

(3) Patients whose income is below the level set by the Oregon Health Plan shall receive a certificate of indigence from the department that the patient may use to acquire medical marijuana at no cost from medical marijuana dispensaries.

(4) Each medical marijuana dispensary shall be required to provide medical marijuana to indigent patients. The dollar value of the medical marijuana provided to indigent patients must be at least 20% of the total dollar value of medical marijuana sold by each medical marijuana dispensary each month.

(5) Each dispensary shall report monthly to the department detailing which indigent patients received medical marijuana from the dispensary and how much medical marijuana in ounces they received, and the dollar value of the medical marijuana in a manner that maintains the confidentiality of the indigent patients

(6) The department shall promulgate rules and procedures necessary to implement this program.

(7) The department shall establish penalties for abuse of this program by dispensaries. Discriminating against indigent patients by a pattern of delivering lower grade medicine shall be considered abuse.

(a) The penalty for a first violation shall be a warning.

(b) The penalty for a second violation shall include fines up to 20% of the monthly revenue of the dispensary.

(c) The penalty for a third violation shall include suspension of the dispensary's license for a period of time to be determined by the department.

(d) The penalty for a fourth violation shall be revocation of the dispensary license.

(e) A licensed medical marijuana dispensary shall have the right to de novo review by the Commission established by Section 23 of these amendments, and shall have the right to review of the Commission's decision by the Court of Appeals upon filing a notice of appeal within sixty days following an adverse decision by the commission.

(8) The department shall establish a system of auditing the reports provided by the medical marijuana dispensaries to determine that no indigent patient is receiving more marijuana than is allowed by this act.

SECTION 9. ORS 475.316 is amended to read:

475.316. (1) No person authorized to possess, produce, deliver, or transport [or produce] marijuana for medical use pursuant to ORS 475.300 to 475.346 shall be exempted from the criminal laws of this state or shall be deemed to have established an affirmative defense to criminal charges of which possession, production, delivery [or production] or transportation of marijuana is an element if the person, in connection with the facts giving rise to such charges:

(a) Drives under the influence of marijuana as provided in

ORS 813.010;

(b) [Engages in the medical use of] **Smokes** marijuana in a public place, as that term is defined in ORS 161.015, or in public view or in a correctional facility as defined in ORS 162.135(2) or youth correction facility as defined in ORS 162.135(6);

(c) Delivers marijuana to any individual who the person knows is not in possession of a registry identification card;

(d) Delivers marijuana for consideration to any individual, even if the individual is in possession of a registry identification card, **unless the person delivering marijuana for consideration is an agent or employee of a medical marijuana dispensary, or the designated medical marijuana caregiver delivering to the patient for whom they are designated; or**

(e) [Manufactures or produces marijuana at a place other than one address for property under the control of the patient and one address for property under the control of the primary caregiver of the patient that have been provided to the Health Division; or] **Manufactures or produces marijuana at a place that has not been registered with the department.**

[(f) Manufactures or produces marijuana at more than one address.]

(2) In addition to any other penalty allowed by law, a person who the [division] **department** finds has willfully violated the provisions of ORS 475.300 to 475.346, or rules adopted under ORS 475.300 to 475.346, may be precluded from obtaining or using a registry identification card for the medical use of marijuana for a period of up to six months, at the discretion of the [division] **department.**

SECTION 10. ORS 475.319 is amended to read:

475.319. (1) Except as provided in ORS 475.316 and 475.342, it is an affirmative defense to a criminal charge of possession [or], production, **delivery, or transportation** of marijuana, or any other criminal offense in which possession [or], production, **delivery, or transportation** of marijuana is an element, that the person charged with the offense is a person who:

(a) Has been diagnosed with a debilitating medical condition within 12 months prior to arrest and **has** been advised by his or her attending physician that the medical use of marijuana may mitigate the symptoms or effects of that debilitating medical condition; **or is the designated medical marijuana caregiver for such a person;**

(b) Is engaged in the [medical use of marijuana] possession, production, delivery, or transportation of marijuana for medical use; and

(c) Possesses or produces marijuana only in the amounts allowed in ORS 475.306(1), or in excess of those amounts if the person proves by a preponderance of the evidence that the greater amount is medically necessary as determined by the person's attending physician to mitigate the symptoms or effects of the person's debilitating medical condition.

(2) It is not necessary for a person asserting an affirmative defense pursuant to this section to have received a registry identification card in order to assert the affirmative defense established in this section.

[(3) No person engaged in the medical use of marijuana who claims that marijuana provides medically necessary benefits and who is charged with a crime pertaining to such use of marijuana shall be precluded from presenting a defense of choice of evils, as set forth in ORS 161.200, or from presenting evidence supporting the necessity of marijuana for treatment of a specific disease or medical condition, provided that the amount of marijuana at issue is no greater than permitted under ORS 475.306 and the patient has taken a substantial step to comply with the provisions of ORS 475.300 to 475.346].

(3) **No person charged with possession, production, delivery, transportation, or manufacture of marijuana, or any other criminal offense in which the possession, production, delivery, transportation, or manufacture of marijuana is an element of the offense shall be precluded in any way from asserting the defense of choice of evils as set forth in ORS 161.200, where the person reasonably believes that the possession, production, delivery, transportation, or**

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manufacture of marijuana is medically necessary. No such person shall be prevented from presenting any evidence, including scientific evidence, in support of the reasonableness of the person's belief. The objective reasonableness of the person's belief shall be an issue only for the trier of fact and the trial judge shall instruct the jury on the elements of the defense in all cases where such person subjectively has such reasonable belief.

(4) Any defendant proposing to use the affirmative defense provided for by this section in a criminal action shall, not less than five days before the trial of the cause, file and serve upon the district attorney a written notice of the intention to offer such a defense that specifically states the reasons why the defendant is entitled to assert and the factual basis for such affirmative defense. If the defendant fails to file and serve such notice, the defendant shall not be permitted to assert the affirmative defense at the trial of the cause unless the court for good cause orders otherwise.

(5) If any person registers with the department as a medical marijuana patient subsequent to his or her arrest and can establish by a preponderance of the evidence that he or she suffered from the debilitating medical condition at the time of his or her arrest, any conviction arising out of that arrest in which the possession, production, delivery, or transportation of marijuana is an element shall be punishable as a violation with a fine not to exceed \$500.

SECTION 11. The department shall utilize data collected from registered cardholders and licensed medical marijuana dispensaries to engage in scientific research as to the safety and efficacy of marijuana as medicine. The department shall annually publish a report of the data and results. The department will establish procedures to assist any dispensary, or any private or government researcher, in conducting research into the safety and efficacy of medical marijuana.

SECTION 12. ORS 475.323 is amended to read:

475.323 (1) Possession of a registry identification card or designated [primary] medical marijuana caregiver identification card pursuant to ORS 475.309 shall not alone constitute probable cause to search the person or property of the cardholder or otherwise subject the person or property of the cardholder to inspection by any governmental agency.

(2) Any property interest possessed, owned, or used in connection with the medical use of marijuana or acts incidental to the medical use of marijuana that has been seized by state or local law enforcement officers shall not be harmed, neglected, injured, or destroyed while in the possession of any law enforcement agency. A law enforcement agency has no responsibility to maintain live marijuana plants lawfully seized. No such property interest may be forfeited under any provision of law providing for the forfeiture of property other than as a sentence imposed after conviction of a criminal offense. Usable marijuana and paraphernalia used to administer marijuana that was seized by any law enforcement office shall be returned immediately upon a determination by the district attorney in whose county the property was seized, or his or her designee, that the person from whom the marijuana or paraphernalia used to administer marijuana was seized is entitled to the protections contained in ORS 475.300 to 475.346. Such determination may be evidenced, for example, [bè] by a decision not to prosecute, the dismissal of charges, or acquittal.

(a) If the law enforcement agency involved refuses to return usable marijuana to the registry identification cardholder or designated medical marijuana caregiver cardholder then the law enforcement agency shall be liable to the cardholder for the fair market value of the marijuana.

SECTION 13. ORS 475.326 is amended to read:

475.326 No attending physician may be subjected to civil penalty or discipline by the Board of Medical Examiners for:

(1) Advising a person whom the attending physician has diagnosed as having a debilitating medical condition, or a person who the attending physician knows has been so diagnosed by

another physician licensed under ORS chapter 677, about the risks and benefits of medical use of marijuana or that the medical use of marijuana may mitigate the symptoms or effects of the person's debilitating medical condition, provided the advice is based on the attending physician's personal assessment of the person's medical history and current medical condition; or

(2) Providing the written documentation necessary for issuance of a registry identification card under ORS 475.309, if the documentation is based on the attending physician's personal assessment of the applicant's medical history and current medical condition and the physician has discussed the potential medical risks and benefits of the medical use of marijuana with the applicant.

SECTION 14. ORS 475.328 is amended to read:

475.328. No professional licensing board may impose a civil penalty or take other disciplinary action against a licensee based on the licensee's medical use of marijuana in accordance with the provisions of ORS 475.300 to 475.346 or actions taken by the licensee that are necessary to carry out the licensee's role as a designated [primary] medical marijuana caregiver to a person who possesses a lawful registry identification card issued pursuant to ORS 475.309.

SECTION 15. ORS 475.331 is amended to read:

475.331. (1) The [division] department shall create and maintain a list of the persons to whom the [division] department has issued registry identification cards pursuant to ORS 475.309 [and], the names of any designated [primary] medical marijuana caregivers, and any information concerning medical marijuana dispensaries. Except as provided in subsection (2) of this section, the list shall be confidential and not subject to public disclosure.

(2) Names and other identifying information from the list established pursuant to subsection (1) of this section may be released to:

(a) Authorized employees of the [division] department as necessary to perform official duties of the [division] department; and

(b) Authorized employees of state or local law enforcement agencies, only as necessary to verify that a person is a lawful possessor of a registry identification card or that a person is the designated [primary] medical marijuana caregiver of such a person or that a medical marijuana dispensary is licensed and registered.

(3) The department shall establish a system so that law enforcement agencies can verify this information at any time.

(4) Law enforcement agencies shall contact the department prior to obtaining a search warrant in any marijuana case unless they have specific credible evidence that activity not authorized under 475.300 to 475.342 has occurred.

SECTION 16. ORS 475.334 is amended to read:

[475.334. Any person may submit a petition to the division requesting that a particular disease or condition be included among the diseases and conditions that qualify as debilitating medical conditions under ORS 475.302. The division shall adopt rules establishing the manner in which the division will evaluate petitions submitted under this section. Any rules adopted pursuant to this section shall require the division to approve or deny a petition within 180 days of receipt of the petition by the division. Denial of a petition shall be considered a final division action subject to judicial review.]

SECTION 17. ORS 475.338 is amended to read:

475.338. The [division] Department of Human Services shall adopt all rules necessary for the implementation and administration of ORS 475.300 to 475.346. Rulemaking expenses and any costs associated with legal advice sought by the department shall be paid out of the budget of the Human Resources Department and not from the Oregon Medical Marijuana Program budget.

Measure 33

SECTION 18. ORS 475.340 is amended to read:
475.340. Nothing in ORS 475.300 to 475.346 shall be construed to require:

(1) A government medical assistance program or private health insurer to reimburse a person for costs associated with the medical use of marijuana; or

(2) An employer to accommodate the medical use of marijuana in any workplace **except that the status of being a registered medical marijuana patient shall not in and of itself constitute cause for denial or termination of employment.**

SECTION 19. ORS 475.342 is amended to read:
475.342. Nothing in ORS 475.300 to 475.346 shall protect a person from a criminal cause of action based on possession, production, or delivery of marijuana that is not authorized by ORS 475.300 to 475.346.

SECTION 20. Reciprocity. The laws and rules of states with medical marijuana laws shall be given full faith and credit by the state of Oregon.

SECTION 21. Any person who lawfully possesses a registry identification card, as defined in ORS 475.302(9), or any medical marijuana dispensary as defined in ORS 475.302(7), shall be guaranteed such rights as are conferred by this Act, by means of a cause of action in law or equity, against any person who acts to deny such rights.

SECTION 22. If provisions of this act establishing medical marijuana dispensaries are enjoined or declared unconstitutional, then enforcing laws against delivery of marijuana for consideration to cardholding patients shall be the lowest priority of law enforcement.

SECTION 23. (1) The department shall establish the Oregon Medical Marijuana Commission. This commission shall oversee the management of the Oregon Medical Marijuana Program administered by the department. This Commission shall have the authority to propose administrative rules, veto OMMMP staff decisions, and suggest future legislative changes to this Act. The staff of the Oregon Medical Marijuana Program must follow directives of this Commission.

(2) The Commission shall consist of the following positions:

(a) One patient representative elected by the registry identification cardholding patients;

(b) One caregiver representative elected by the cardholding caregivers;

(c) One medical marijuana dispensary representative elected by the dispensaries;

(d) One representative from law enforcement chosen by the Oregon District Attorneys Association;

(e) One representative from the criminal defense bar chosen by the Oregon Criminal Defense Lawyers Association;

(f) One representative from the medical profession to be chosen by the Governor after consultation with medical professional organizations; and

(g) One representative from the department who will serve as a non-voting member.

(3) The department shall promulgate all rules necessary for the implementation of this section.

SECTION 24. Any amendment to any provision of the Oregon Medical Marijuana Act (ORS 475.300 to 475.346) enacted after the filing of the initiative measure proposing these 2004 amendments to the Act, but prior to its enactment, are hereby repealed.

SECTION 25. Severability. If any Section or part of this act is declared invalid, then all the remaining Sections remain in effect.

NOTE: **Boldfaced** type indicates new language; *[brackets and italic]* type indicates deletions or comments.

Explanatory Statement

Ballot Measure 33 allows the creation of licensed non-profit dispensaries regulated by the Oregon Department of Human Services to produce, possess, and sell marijuana to registered patients and/or caregivers. The measure requires dispensaries to pay license fees, keep records, submit monthly reports, be subject to inspection, and pay 10-20% of gross revenue to the Oregon Medical Marijuana Program to fund the program. The measure requires a program for indigent patients to receive medical marijuana at no cost from licensed dispensaries. Dispensaries must distribute to indigent patients an amount at least 20% of the dollar amount sold to registered patients each month. Dispensaries must report monthly to the department how much medical marijuana was dispensed to indigent patients. Penalties for non-compliance will be established by the department. If no dispensary exists in a county within six months of passage of this measure, the department shall grant the county health department a medical marijuana dispensary license, waiving the signature and license fee requirements. Licensed dispensaries are subject to felony prosecution if they are found to be out of substantial compliance with the department's regulations or to have distributed marijuana to persons other than caregivers, patients, or other dispensaries.

Current law allows a caregiver to serve an unlimited number of patients. The measure limits caregivers to serving up to 10 patients without a medical marijuana dispensary license. The measure allows designated medical marijuana caregivers to be compensated by their registry identification cardholders in any manner agreed on by both parties.

The measure increases the amount of marijuana that may be possessed by a registered patient or designated medical marijuana caregiver to 10 marijuana plants and one pound of usable marijuana at any one time. However, if a registered patient or designated medical marijuana caregiver has provided information to the state demonstrating that the person is growing only one crop per year, that person may possess up to six pounds per patient immediately following that one harvest. With physician approval, patients may exceed statutory limits.

The measure amends the Oregon Medical Marijuana Act to include licensed Naturopaths and Nurse Practitioners in the definition of "attending physician" for purposes of the Act. The measure expands "debilitating medical condition" to include any other medical condition for which the use of marijuana would benefit the patient as determined by the attending physician.

The measure requires law enforcement agencies to contact the department prior to obtaining a search warrant in any marijuana investigation unless they have specific credible evidence that unlawful activity has occurred. The measure retains criminal penalties for non-medical use of marijuana.

The department shall promulgate rules to implement this act and shall establish the Oregon Medical Marijuana Commission to oversee the management of the Oregon Medical Marijuana Program, administered by the department. The Commission would have authority to propose rules, veto staff decisions, and suggest legislative changes.

The department shall engage in scientific research as to the safety and efficacy of marijuana as medicine and annually publish a report of the data and results.

Committee Members:

Edward Glick
John Sajo
Sheriff Bernie Giusto
Anna Peterson
Don Smith

Appointed by:

Chief Petitioners
Chief Petitioners
Secretary of State
Secretary of State
Members of the Committee

(This committee was appointed to provide an impartial explanation of the ballot measure pursuant to ORS 251.215.)

Measure 33 Arguments

Argument in Favor

Patients and Caregivers Say Vote Yes on Measure 33

Oregon Green Free (OGF) is a non-profit organization of Oregon Medical Marijuana Program patients and caregivers, registered with the Oregon Medical Marijuana Program (OMMA).

We support Measure 33 for the following reasons:

It addresses many of the problems patients/caregivers have encountered under the laws of the original OMMA.

It allows for a more reasonable amount of medication to be grown and possessed by the patient/caregiver.

It allows for the creations of dispensaries where patients/caregivers may obtain medical marijuana and not have to resort to the black market.

It frees up law enforcements time, and resources, to concentrate on more serious crimes.

It supplies patients who are incapable both physically and financially access to free medicine.

Oregon Green Free does not endorse, nor encourage, illegal drug use. We are a group of patients and caregivers who use marijuana as an alternative medicine for the relief of pain, suffering, and as a substitute for more damaging pharmaceuticals.

We ask for your support in passing Ballot Measure 33 to help us do so legally and safely.

Marijuana used for medicinal purposes is medicine and it works.

Please vote Yes on Measure 33.

Oregon Green Free – Patients and Caregivers United

(This information furnished by James L. Klahr, Oregon Green Free.)

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Argument in Favor

Measure 33 creates dispensaries to act like pharmacies.

Marijuana is medicine. Qualified patients should be able to get it at Health Department regulated dispensaries just like they would use a pharmacy for other medicine.

Oregon voters passed the Oregon Medical Marijuana Act (OMMA) six years ago. This law allows patients, with a doctor's approval, to grow marijuana for medical use. This law has been a blessing to the thousands of qualified patients who are able to grow marijuana or find a caregiver to grow it for them. **But most patients are too sick to grow marijuana or they need it immediately** and the OMMA doesn't address where patients are supposed to get it. Measure 33 addresses this.

Our opponents claim marijuana is not medicine. Then why have 1,413 Oregon doctors qualified their patients (in writing)? All the foot dragging on medical marijuana is just hurting patients!

Federal law prevents Oregon pharmacies from selling medical marijuana; **Measure 33 creates a system of dispensaries regulated by the Health Department to supply patient's needs.** Unlike the current "caregiver" system, dispensaries would be regulated and fees they pay would fund the program.

This system will work for everyone. Patients will be able to get medicine in a safe and secure environment, where they are able to obtain medicine of consistent quality at an affordable price. Law enforcement will have fewer patients growing their own marijuana to worry about. The criminal justice system will save

money and can focus on serious crimes. The Oregon Health Plan will save money because many patients can reduce their (subsidized) intake of other drugs when they have medical marijuana. Policy makers will benefit from the scientific research funded by the program.

Vote for compassion and common sense. **Please Vote Yes on Measure 33.**

(This information furnished by John Sajo, A Life with Dignity Committee.)

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Argument in Favor

Measure 33 will pay for itself

The 1998 Voter Pamphlet's estimated fiscal impact for the Oregon Medical Marijuana Act was, "annual state expenditures are estimated at \$147,000...Some or all of these costs may be offset by fees..."

As of March 2004 **the Oregon Medical Marijuana Program had a cash surplus of \$986,356.** This is revenue from patient fees that exceeds expenditures to run the program.

Measure 33 will save taxpayers' money.

The Oregon Medical Marijuana Program costs taxpayers nothing and actually adds to the general fund. The program pays for itself and will continue generating a surplus. Over \$25,000 has already been taken from patient fee revenues and put into the general fund by Oregon House Bill 2148. Plus, when patients can get their medical marijuana at dispensaries instead of growing their own, there will be fewer medical marijuana conflicts with law enforcement thus decreasing burden on law enforcement budgets.

Surplus funds generated by the Oregon Medical Marijuana Program will be used to fund research into the safety and efficacy of marijuana as medicine. We can do that research right here in Oregon and determine what conditions benefit from marijuana. We can find healthier ways to administer marijuana so patients don't have to smoke it. Scientists can determine what constituents in marijuana are most active and why they work. Our marijuana policy can be guided by science, not myth.

Measure 33 regulates medical marijuana.

After this law passes, medical marijuana will come from regulated, licensed, inspected dispensaries. Patients will know what they are getting. The illegal market supported by desperate patients will dry up.

Measure 33 is a compassionate law that means less suffering for thousands of patients. And it will also save Oregonians money. Please vote **Yes on Measure 33.**

John Sajo
Chief Petitioner, Measure 33
Dillard, Oregon

(This information furnished by John Sajo, A Life with Dignity Committee.)

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Measure 33 Arguments

Argument in Favor

Measure 33 Facts Point to a Yes Vote

Number of Oregon physicians participating in the Oregon Medical Marijuana Program:

1,413

Number of registered patients:

10,196

Number of significant adverse health consequences:

0

Number of pharmacies where patients can buy medical marijuana:

0

Marijuana is medicine. It can be used safely and effectively under a doctor's supervision.

If you or your loved one needed this medicine, wouldn't you want to be able to get it through a safe regulated system?

Shouldn't the 1,413 doctors supervising patient's medical marijuana use have the best possible scientific research to guide them?

Vote Yes on 33

(This information furnished by John Sajo, A Life with Dignity Committee.)

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Argument in Favor

Compassionate Physicians Support Measure 33

As physicians, we support the rights of patients to use medicines that might help them treat their conditions. We know medical marijuana helps patients, including those for whom standard pharmaceutical options cause adverse effects or fail. That's why we urge you to vote **YES on Measure 33**.

For centuries, patients used marijuana (cannabis) as medicine, achieving favorable results to treat a variety of conditions. Even as medical technology improves, pain and symptom control remains an important part of compassionate medical care. **Many dying and suffering patients are afflicted with conditions for which the responsible use of marijuana as medicine helps.**

Patients with cancer, AIDS, multiple sclerosis, spinal cord injuries, intractable pain and other debilitating conditions report significant relief of symptoms by using marijuana as medicine. Numerous reports and articles including the 1999 Institute of Medicine report commissioned by the White Office of National Drug Control Policy conclude marijuana works as medicine.

Currently, the federal government schedules marijuana so physicians cannot prescribe it even though we can prescribe powerful drugs like morphine. In spite of federal intransigence, we know state laws like the Oregon Medical Marijuana Act help because over 10,000 patients and 1,400 doctors participate.

Measure 33 is an amendment to the Oregon Medical Marijuana Act that expands patient access to medical care and medicine. Measure 33 is not legalization because a health care provider must qualify the patient. Primarily, Measure 33 establishes dispensaries so patients can get immediate access to medicine – just like a pharmacy. Please join us and vote **YES on Measure 33**.

Richard Bayer, MD
Larry Bogart, MD
Alan Cohn, MD
Nancy Crumpacker, MD
David Dodge, MD
Peter Goodwin, MD

(This information furnished by Richard Bayer, MD.)

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Argument in Favor

Patients with spinal injuries deserve a reliable source of medicine

Medical marijuana makes my life bearable. I was paralyzed from the neck down by a drunk driver years ago. I am dependent on my caregivers' help to eat, take my medicine, and do just about everything else. I still have pain, even though I can't move. Doctors prescribe morphine and other strong drugs for my pain. And, I am patient-cardholder in the Oregon Medical Marijuana Act (OMMA) program.

Marijuana lessens my pain and makes me feel better. When I have a steady supply of good medical marijuana I use less morphine. It makes my life worth living. **Measure 33 will help patients gain access to a safe steady supply of medical marijuana.**

Many patients with spinal injuries find medical marijuana helps relieve pain and spasm caused by nerve damage . . . even when other medicines fail or cause bad side effects.

Because of restrictions in the current OMMA, it is very difficult for caregivers to help me. I am unable to smoke marijuana so I depend on my caregiver to make medicated cookies that I use. It would be much easier for both of us if we could just buy medical marijuana products at a pharmacy or dispensary. Measure 33 dispensaries would be able to provide patients like me with a consistent supply of medicine. That's why I agreed to be a Chief-Petitioner for Measure 33.

Measure 33 is an amendment to the already successful Oregon Medical Marijuana Act passed by voters in 1998. **Measure 33 will add state regulated dispensaries where patients can safely and reliably purchase medical marijuana.**

This will improve access to medicine for many patients. So, please join me and **Vote Yes on Measure 33**.

Ken Brown, quadriplegic
Chief Petitioner, Measure 33
Gresham, Oregon

(This information furnished by Kenneth Scott Brown, A Life with Dignity Committee.)

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Argument in Favor

The war on drugs should not interfere with medical care.

Many patients with debilitating conditions benefit from medical use of marijuana. If federally legal, physicians would prescribe marijuana to suffering patients, many of whom are terminally ill. Instead, compassionate citizens must pass state laws to exclude patients with debilitating conditions from state criminal laws. The examination room is for treating patients and should never be a battlefield for the war on drugs. **The decisions of dying and**

Measure 33 Arguments

suffering patients should be respected.

Some persons with cancer or AIDS find marijuana controls nausea, vomiting, and weight loss allowing them to pursue treatment. Patients with spinal injuries and multiple sclerosis find relief from severe muscle spasms (spasticity) common with nerve damage. Many with painful conditions find relief with marijuana when other medicines fail.

I became a doctor to help others and that's also why I was a **chief petitioner for the first Oregon Medical Marijuana Act (OMMA) passed by Oregonians in 1998**. Measure 33 is often called "OMMA 2" because both medical marijuana initiatives are moderate proposals to protect patients with serious illnesses from arrest and prosecution when using marijuana under medical supervision. Neither are "legalization" initiatives since both require authorization by a medical practitioner.

Measure 33 improves the original OMMA by improving access to medical care and medicine. Measure 33 creates medical marijuana dispensaries so someone who needs medical cannabis immediately does not have to wait months to grow a garden. It also allows Nurse Practitioners and Doctors of Naturopathy to sign registry applications and increases possession limits to necessary amounts used by patients. When it comes to pain and symptom management, **Measure 33 is truly a "patient bill of rights"**.

Please join me and vote **YES on Measure 33**.

Richard Bayer, MD, FACP
Board-Certified, Internal Medicine
Chief Petitioner, Oregon Medical Marijuana Act (1998)
Portland, Oregon

(This information furnished by Richard Bayer, MD.)

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Argument in Favor

Compassionate Nurses Support Measure 33

As a Registered Nurse, I am guided by compassion, intelligence and acceptance in my practice. Many patients have told me that marijuana relieves terrible symptoms. I believe them and I'm not alone.

Nurses all across Oregon understand that marijuana is medicine. Our patients use marijuana to treat an illness like cancer or reduce the side-effects of pharmaceuticals. Nurses understand that marijuana is safe. We also believe that patients who suffer from serious or terminal illness have a right to **legal protection and a secure supply of medicine. That's why we need Measure 33.**

Measure 33 improves on six years' experience of The Oregon Medical Marijuana Act. Today, many program registrants don't have a "caregiver" to grow medicine for them. Instead, they rely on unregulated "black market" growers. Thousands of other patients are excluded from the registry program because their doctor refuses to write a cannabis recommendation.

Ballot Measure 33 will:

-allow licensed, state-regulated dispensaries to donate and sell safe, affordable supplies of cannabis to registered patients;

-allow Nurse Practitioners and Naturopathic Physicians (in addition to MD's and DO's) to recommend cannabis therapy for any patient whom they think would benefit;

-increase plant and marijuana possession limits to reasonable levels (10 plants and one pound);

-shift the OMMP funding burden from patients by requiring dispensaries to pay fees to the program. This will offset taxpayer expenditures.

Measure 33 will continue including cannabis patients into our nursing, a practice that was begun by The Oregon Medical Marijuana Act. Measure 33 acknowledges and respects that anyone who suffers from disease has a right to safely use cannabis, or any other medicine that helps. As a nurse, I believe that suffering people should never be victimized by their search for relief. That's why I, and most nurses in Oregon will **vote yes on Measure 33**. I hope you will too.

Edward Glick, RN
Monmouth, OR
Co-Chief Petitioner, Ballot Measure 33

(This information furnished by Edward Glick, RN.)

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Argument in Favor

Patients support Measure 33.

Hello. My name is Jeanelle Bluhm. I have Multiple Sclerosis (MS), and I use medical marijuana. I support ballot measure 33.

Medical marijuana helps control the muscle spasms common with MS so I don't have to take as many prescribed drugs. Overall, medical marijuana has greatly improved my quality of life.

Under the Oregon Medical Marijuana Act (OMMA), I was the first patient in Oregon to receive a permit to legally use medical marijuana (registry card #1). I am fortunate because my husband is my medical marijuana caregiver and he is an excellent gardener, which means I have a safe and constant supply of medicine. That means I don't have to try to find medicine on the "scary black market." But **there are too many patients that do not have medicine**, and that isn't right. Patients should not be forced to risk violence on the black market to obtain the medicine that works best.

The OMMA, passed by Oregonians in 1998, was a great first step in helping medically needy people. But, it didn't provide a way for many patients to have a safe and reliable source of medicine. This is especially true for patients who have an immediate need for medicine but now must wait months for a garden and sometimes months to find a caregiver. Plus, some patient's gardens are damaged by pests or are burglarized and may not reach maturity.

Measure 33 is not legalization because patients must have a debilitating condition and see an attending physician to qualify for a registry card.

Measure 33 will, when passed by the compassionate people of Oregon, provide an adequate amount of medicine. The may be either through growing a garden or through a **state regulated dispensary system that will function like a pharmacy**. That way all patients can have safe and reliable access to medicine.

Please vote **YES on Measure 33**. Thank you.

Jeanelle Bluhm
Portland, Oregon

(This information furnished by Jeanelle Bluhm.)

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Measure 33 Arguments

Argument in Favor

Don't let the war on marijuana interfere with choice in cancer care.

As a medical oncologist (cancer specialist) who has treated many Oregonians over the years, I know chemotherapy is often difficult. Uncontrolled vomiting can prevent a person with cancer from completing the desired chemotherapy plan. I have seen marijuana (cannabis) work as medicine to control vomiting even when prescription medicine such as Compazine (prochlorperazine) or Zofran (ondansetron) failed. **New research suggests that combining newer prescription anti-vomiting drugs with marijuana works better than either medicine alone.**

Pain management, an important issue in managing cancer, can be complex because no medicine is 100% effective for every patient and adverse effects from medicines are common. Marijuana has pain-relieving potency similar to prescription codeine. It is remarkable that some persons who do not tolerate prescription pain medicines can use marijuana as medicine to achieve adequate pain relief. **This gives patients and doctors another choice to manage pain.**

The federal government should reschedule cannabis so that doctors can prescribe it. But, as the Oregon Medical Marijuana Act (OMMA) proved in 1998, it is possible to successfully create exceptions in state laws for persons with debilitating conditions when marijuana is medically supervised. And, these legal exceptions translate into improved pain and symptom management for thousands of Oregonians.

The original OMMA does not address where a cancer patient vomiting from chemotherapy or in severe pain might immediately obtain medical marijuana. **Measure 33 allows for dispensaries, which act like cannabis pharmacies, allowing sick people immediate access to cannabis.** This might make a difference between success and failure of medical treatment so I urge to you **please vote Yes on Measure 33.**

Nancy Crumpacker, MD
Board Certified, Medical Oncology and Internal Medicine
Portland, Oregon

(This information furnished by Nancy Crumpacker, MD.)

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Argument in Favor

Patients with cancer deserve safe access to safe effective medicine.

I am a cancer survivor. I had an operation in which doctors removed all or part of five organs and two-third of my stomach. During six months of chemotherapy, I found out **if I used medical marijuana, I needed only one-third of the prescribed dose of pain medicine.**

I am now a cardholder under the Oregon Medical Marijuana Act (OMMA). Unfortunately, I can't get a steady supply of medical marijuana because I am too sick to grow it. I have neither a safe location nor the considerable financial investment it takes to grow indoor marijuana. Plus, I am too poor to go to the black market.

In 1998, Oregonians passed the OMMA. We led the nation by having a cardholder registration system that works for law enforcement, the Oregon Department of Human Services, the medical community, and patients. However, the OMMA didn't create a supply of medicine. And the plant and weight limits are unrealistic. Imagine if aspirin were just made legal, but the law said I could only possess 7 tablets, and that I couldn't buy it, I

had to make it.

Measure 33 will regulate medical marijuana and fix the OMMA.

- **Measure 33 creates state regulated dispensaries where qualified patients can buy medical marijuana.**
- **Measure 33 builds upon an existing program; therefore it does not create new bureaucracy.**
- **Measure 33 dispensaries will be self-funded by patient and dispensary fees paid to the Human Services Department so Measure 33 will not cost taxpayers any money.**
- **Dispensaries will be required to keep records for every gram of marijuana that is grown, sold, or given away by the dispensaries so that no marijuana ends up on the black market or in youth circles.**

Yes on 33 is a smart, right and compassionate vote. **Please join me and support other cancer survivors by voting Yes on Measure 33!**

Christopher Campbell, cancer survivor

(This information furnished by Christopher Campbell.)

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Argument in Favor

Law Enforcement Support for Measure 33

Measure 33 is a win-win situation for all Oregonians as either taxpayers or medical marijuana patients. In addition to the debilitating medical conditions now covered by the law, Measure 33 will allow attending physicians to determine which additional medical problems will qualify as "debilitating conditions".

The benefit to taxpayer, who now foots the bill for the Oregon Health Plan, will be reduced prescription drug costs. Instead of having to pay for expensive painkillers like Oxycodone and Vicodin, patients can grow inexpensive medical marijuana.

The current law is of no benefit to the patient diagnosed with cancer who starts chemotherapy next week but must grow a garden that can take many months. Measure 33 will provide non-profit dispensaries that will sell medicine to registered cardholders at low cost. Indigent patients will receive medicine at no cost because dispensaries must provide for free 20 percent of the dollar amount sold to registered cardholders.

Measure 33 will require Law Enforcement to check to first see if an address is registered with the Oregon Medical Marijuana Program (OMMP) before serving a search warrant for marijuana. This will contribute to the safety of officers as well as save a lot of valuable law enforcement resources. **Measure 33 will help the criminal justice system** by focusing resources on serious crimes instead of patients trying to acquire their medical marijuana.

In addition, registered OMMP patients cannot be discriminated against or terminated from employment simply for registering with OMMP.

Measure 33 is not "legalization in disguise". Only patients who have been qualified by an attending physician can register as a patient.

If you or a loved one were sick, wouldn't you want safe reliable access to a medicine that helps? Medical marijuana should be available through a safe regulated system. Compassionate care and available medicine is what Oregon is all about. **Please vote Yes on Measure 33.**

Don DuPay
Former Portland Police Detective

Measure 33 Arguments

(This information furnished by Don DuPay.)

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Argument in Favor

Why does Measure 33 increase possession limits on medicine?

Because patients need enough medicine to relieve suffering!

Current limits on possession of medical marijuana and plants are so restrictive that virtually every qualified Oregon patient goes without medicine at some point. A law that forces patients to run out of medicine needs an amendment like Measure 33.

Measure 33 sets reasonable limits: 10 plants and 1 pound of medical marijuana.

The current law only allows patients to possess one ounce away from the garden and once ounce per mature plant at the garden. This cumbersome definition means a patient can only possess three ounces at home and one ounce when traveling.

Patients use a dosage range of medical marijuana between two grams and two ounces per week. One pound or sixteen ounces of medical marijuana is a reasonable limit to prevent legitimate patients from arrest when growing medicine indoors under artificial lights that allow multiple harvests per year.

The six-pound exemption Measure 33 creates would be for patients who harvest only one crop per year, as a more economical outdoor garden might. These patients must possess the entire twelve-month supply of medicine at the annual harvest and provide additional registration information to the Oregon Department of Human Services.

The federal government provides six pounds or more of medical marijuana each year to select patients. Unfortunately, the federal government closed this "Investigational New Drug (IND) Program for marijuana" to any new patients over ten years ago so only a few remaining patients survive. But, the ongoing federal IND program still provides the best information on yearly quantities of medical marijuana patients often need.

Measure 33 is not legalization. After measure 33, it will still be a class A felony to sell marijuana to anyone who is not a registered medical marijuana patient.

Measure 33 creates regulated dispensaries that will act like pharmacies and decrease patients' need to possess more than small quantities of medicine.

(This information furnished by John Sajo, A Life with Dignity Committee.)

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Argument in Favor

OREGON LAWYERS SUPPORT MEASURE 33

We are Oregon Lawyers who have defended individual medical marijuana patients and their caregivers who have been accused of wrongdoing by the government both prior to, and since passage of the Oregon Medical Marijuana Act (OMMA) in 1998. The OMMA was passed in an effort to protect legitimate patients who use medical marijuana to treat debilitating medical conditions from arrest, prosecution and forfeiture. The amendments to the OMMA proposed in this initiative are intended to further refine and clarify the rules regarding the use of medical marijuana by fostering positive doctor-patient relationships, reducing the likelihood that a person with a debilitating medical

condition will be prosecuted for the legitimate use of medical marijuana, developing a state licensing system for the regular and legal dispensing of medical marijuana to patients and appointing an oversight commission with the authority to regularly review the impacts of the OMMA and make recommendations to the legislature if, and when, changes need to be made to the OMMA.

Therefore we urge you to vote YES ON MEASURE 33 and keep the issue of medical marijuana in the doctor's office and out of the courtroom.

Leland R. Berger, Portland David T. McDonald, Portland

Claudia Browne, Grants Pass Brian Michaels, Eugene

Richard A. Cremer, Roseburg John W. Neidig, Attorney at Law, Portland

John Henry Hingson III, Oregon City Michael E. Rose, Portland

Shaun S. McCrea, Eugene Phil Studenberg, Attorney at Law, Klamath Falls

(This information furnished by Leland R. Berger.)

This space purchased for \$500 in accordance with ORS 251.255.

The printing of this argument does not constitute an endorsement by the State of Oregon, nor does the state warrant the accuracy or truth of any statement made in the argument.

Argument in Favor

It's time to stop arresting and prosecuting patients.

In 1998, Oregonians passed the first Oregon Medical Marijuana Act, but legitimate patients are still being arrested and prosecuted for trying to grow their own medical marijuana. This creates enormous emotional and physical stress, especially to those already ill. **Measure 33 will fix problems with the current law that are causing these unnecessary arrests of patients.**

On September 12, 2003, a Washington County jury found Scott Gregorson "not guilty." He had been charged with manufacturing a controlled substance (a felony) after police found three small marijuana plants and eight scrawny, almost dead, cuttings (including one that turned out to be a shallot) in his home during a September 2001 raid. The law currently allows a patient to have only seven plants.

The whole investigation should have been stopped, but the Department of Human Services, Oregon Medical Marijuana Program (OMMP) made a mistake. When police called to verify that Mr. Gregorson was a patient, the OMMP failed to correctly verify he was a registered medical marijuana patient.

After a three-day trial (where taxpayers paid for the judge, the prosecutor, the police witnesses, the expert defense witness, the court employees, etc...), the jury concluded that the scrawny cuttings were not plants.

When Measure 33 becomes law, patients like Scott Gregorson will not have to try growing medical marijuana at home. He and thousands of other patients who do not have a green thumb will be able to go buy their **medicine at state-regulated dispensaries that will operate as pharmacies for medical marijuana.** Taxpayers will save the expense of arresting and prosecuting patients. A yes vote on **Measure 33 will save taxpayers money.**

Measure 33 creates a state-regulated supply of medical marijuana, which will increase patient access to medicine. **Please vote Yes on Measure 33.**

John Sajo
Chief-Petitioner, Measure 33
Dillard, Oregon

Measure 33 Arguments

(This information furnished by John Sajo, A Life with Dignity Committee.)

This space purchased for \$500 in accordance with ORS 251.255.

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Argument in Opposition

Voters are not convinced of the medicinal values of marijuana. The federal government protects citizens from unsafe, ineffective substances sold as “medicines”. The FDA has not approved marijuana as safe.

- We rarely hear about superior alternative medicines for treatment of symptoms alleged to be treatable by Crude Marijuana.
- According to Bill Walluks, Center for Effective Drug Abuse Research & Statistics, “from 1999 to 2001, seven of the nine medical marijuana states had a monthly marijuana use rate percentage change for 18-25 year olds that was above the national percentage change.” Monthly marijuana use by 18-25 year olds in Oregon rose by 30% in that time span, in contrast to a national increase of only 3%.
- The 10 plants plus 1 pound allowable marijuana equate to a total of 12,936 marijuana cigarettes (joints). This permitted number of joints would be equivalent to smoking 1 1/2 joints every hour of every day in the year.
- What costs, including police protection, are involved for the State to license and regulate dispensaries? Will dispensaries become victims of thefts, burglaries and robberies?
- Will dispensaries be permitted on properties adjacent to schools or in areas frequented by young people?

According to Dr. Robert DuPont, President, Institute for Behavior and Health and first Director of the National Institute on Drug Abuse (NIDA) the governments principal agency researching marijuana, “more people need to see ‘medical marijuana’ for what it is: a cynical fraud and a cruel hoax. It is not about medicine; it is about the political exploitation of the public’s compassion for suffering sick people. Legitimizing smoked marijuana as a “medicine” is a serious threat to the health and safety of all Americans.”

Oregon has the fifth highest monthly marijuana use rate among states in the Nation, according to the Federal Government. Defeat this initiative to prevent further drug abuse and associated problems. Enough is enough!! **VOTE NO** on any legalization of Marijuana.

(This information furnished by Shirley Morgan, Oregon Against Legalization of Marijuana.)

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Argument in Opposition

The Oregon Medical Association Urges a NO vote on Measure 33

The Oregon Medical Association (OMA) representing 7,200 physicians urges voters to vote NO on Measure 33 because it is first a thinly disguised effort to legalize the use of marijuana without any medically scientific justification. It is bad public health policy because:

- The British Lung Foundation reports smoking three marijuana joints are as bad for your lungs as twenty tobacco cigarettes.
- The National Institutes of Health reports marijuana contains fifty percent to seventy percent more cancerous substances than tobacco smoke.
- The British Medical Journal reports that the medical literature has shown an association between marijuana smoking and illnesses such as depression, schizophrenia, and

Measure 33 Arguments

suicidal ideation.

Ballot Measure 33 is bad public policy because it creates new government bureaucracies such as:

- The Oregon Department of Health and Human Services to conduct medical research.
- A new Government Commission of Marijuana.
- A new government indigent program to pay for marijuana to indigent patients and a new government licensing program.
- In some instances requires County Health Departments to dispense marijuana.

Ballot Measure 33 is a thinly disguised attempt to legalize marijuana because FDA approved medications with the very substance (THC) that is in marijuana already is available to patients. In addition, the measure allows “caregivers” to sell marijuana to “patients”. In expanding the use of marijuana for new unspecified purposes, it allows “patients” to possess up to six pounds of marijuana.

The Oregon Medical Association believes the real purpose of Measure 33 is to legalize marijuana under the medically unsubstantiated guise of medical need.

OMA urges you to vote NO on Measure 33

John C. Moorhead, M.D.
President
Oregon Medical Association

(This information furnished by John C. Moorhead, M.D., President, Oregon Medical Association.)

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Argument in Opposition

LIBERTARIANS SAY VOTE NO ON MEASURE 33

The Libertarian Party of Oregon reluctantly urges a NO vote on measure 33. For all the good intentions the measure represents and for all the goals it tries to achieve, Measure 33 falls short of bringing true drug policy reform to Oregon.

There are many good and necessary elements of measure 33 that need to be dealt with, most importantly adding Naturopaths and Nurse Practitioners to the list of health care professionals allowed to recommend cannabis to their patients. But Measure 33 puts government where it doesn't belong, between the health care professional and their patients.

Measure 33's requirement that the medical records of individual patients be kept and maintained is alone enough to reject this measure. It is a violation of patient privacy and personal choice - no place for government to tread.

The Libertarian Party opposes any government program forcing Oregonians to register with the State to gain “special privileges,” particularly those that are not applied to all Oregonians equally - whether they are using cannabis for medicinal reasons or not.

The Libertarian Party of Oregon urges Oregonians to elect Libertarians to office so that drug policies can be enacted which will protect society, reduce drug abuse and protect the individual rights of all Oregonians as provided for in our Constitution.

VOTE NO ON MEASURE 33

www.lporegon.org

1-800-829-1992

(This information furnished by Richard P. Burke, Executive Director, Libertarian Party of Oregon.)

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Argument in Opposition

I want Oregonians to know the truth about our medical marijuana program and how Measure 33 puts patients in harms way! The Oregon Medical Marijuana Act, OMMA, is the best medical marijuana program in the United States. Patients can eat. Patients with Glaucoma have kept their sight. OMMA has meant a better quality of life for both patients and their families.

At first, this program had little help. For the patient that assigned a caring compassionate caregiver, the patient got the help and medicine they needed. Unfortunately, some patients assigned dishonest caregivers that assumed the garden was theirs. Patients were told how much medicine they could have and in some cases at what price. If Measure 33 was to pass, these dishonest practices would become legal.

Measure 33 would change our current “patient based” program to allow non-patients to own and sell marijuana to patients. Law officers would no longer be able to protect OMMA and patients. Today's illegal black-market would become tomorrows dispensaries and be in control of our medical marijuana.

How dare Measure 33 put personal agendas, ahead of the welfare of Oregon's patients endanger our program. This is my medicine! I've spent years helping with the development of Oregon's medical marijuana program. No one has the right to jeopardize our program.

The spirit of, “patients helping each other” has empowered many to do extraordinary thing, including reaching beyond their own sickness to help others. Measure 33 would destroy the heart of OMMA.

Patients grow their medicine and medicate for their needs. We've learned how to cut marijuana plant clones for garden stock, and how to network with other registered cardholders. Caregivers can assist patients, but the plants and medicine always belong to the patients. OMMA has NO BUYING and NO SELLING of marijuana in Oregon.

My goodness, why couldn't they have written a legalization bill that said what it really was, so Oregonians could vote.

Vote No on Measure 33!

God Bless

(This information furnished by Stormy Ray, Chief Petitioner for Measure 67 that became OMMA.)

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Measure 34

Proposed by initiative petition to be voted on at the General Election, November 2, 2004.

Ballot Title

34

REQUIRES BALANCING TIMBER PRODUCTION, RESOURCE CONSERVATION/PRESERVATION IN MANAGING STATE FORESTS; SPECIFICALLY ADDRESSES TWO FORESTS

RESULT OF "YES" VOTE: "Yes" vote requires managing state forests balancing, as equally beneficial, conservation/preservation and timber production; manages Tillamook, Clatsop forests half for restoration, half for production.

RESULT OF "NO" VOTE: "No" vote retains current law allowing mixed use state forest management; rejects: requiring management that values conservation and production equally, separately managing Tillamook, Clatsop Forests.

SUMMARY: Current law directs that Board of Forestry manage all state forests to maximize "permanent value" (defined by board) through mixed use, including timber sales, mining, protecting, conserving, utilizing forests. Measure requires management defining "permanent value" as balancing sustainable timber production with water, wildlife, watershed protection, recreation, forest restoration, considering resource conservation equally beneficial to timber production. Manages Tillamook, Clatsop Forests half for forest restoration, prioritizing drinking water, habitat, fish protection; half for sustainable timber production, with restoration management steps recommended by restoration science team. Addresses using timber revenues for common School Fund, forest restoration management (board providing additional funding as needed); continues current local school funding levels. Measure declares it replaces any other management plan for Clatsop, Tillamook Forests adopted in 2004 election. Other provisions.

ESTIMATE OF FINANCIAL IMPACT:

With respect to the Tillamook and Clatsop State Forests: The measure is estimated to increase state expenditures by \$1.5 million to \$6.3 million per year; The measure is estimated to decrease state revenue by \$4.2 million to \$10.3 million per year; The measure is estimated to require approximately \$2 million of one-time state expenditures; The measure is estimated to decrease revenues for local governments by \$17.2 million to \$19.4 million per year; and There is no financial effect on local government expenditures.

The impact of the measure on other state forests cannot be determined.

Text of Measure

Whereas, individuals and businesses are attracted to Oregon because of its natural beauty and quality of life; and,

Whereas, the vast majority of the Tillamook and Clatsop State Forests will be logged unless Oregon citizens act to protect them; and,

Whereas, voters in 1948 approved financing to rehabilitate the Tillamook and Clatsop State Forests and Oregonians from all walks of life, including generations of Oregon school children, planted 72 million trees; and,

Whereas, the restoration of the Tillamook and Clatsop State Forests after the Tillamook Burn is an Oregon success story that we and future generations will take pride in; and,

Whereas, a forest management plan developed by a team of independent scientists must be favored over the current

untested and controversial management plan.

Whereas, the Tillamook and Clatsop State Forests are the property and heritage of all Oregonians and Oregonians favor balance between timber harvests and environmental protection; and,

Whereas, a portion of the revenue derived from all timber harvests in the Tillamook and Clatsop State Forests should be dedicated to the Common School Fund to benefit all Oregon schools and families; and,

Whereas, the Tillamook and Clatsop State Forests provide clean, abundant drinking water for hundreds of thousands of Oregon's citizens; and,

Whereas, there must be a preference for sustainable, highly skill, family wage jobs for workers in Oregon's forests; and,

Whereas, the restoration of native forests is our legacy to future Oregonians; and,

Whereas, the Tillamook and Clatsop State Forests are the largest contiguous unprotected temperate rainforest in the lower 48 states; and,

Whereas, the Tillamook and Clatsop State Forests provide a wide range of high quality recreational opportunities including, but not limited to hiking, bird watching, fishing, biking, camping, kayaking, hunting, archery, muzzle loading, and motorized recreation; and,

Whereas, the streams and rivers of the Tillamook and Clatsop State Forests are one of the best strongholds for wild salmon in the Pacific Northwest; and,

Whereas, an abundance of fish, wildlife, recreational opportunities and non-timber forest products in the Tillamook and Clatsop State Forests support the local and state economies; and,

Whereas, balanced management of the Tillamook and Clatsop State Forests will help prevent forest fires and Swiss needle cast disease through re-establishment of the native forest tree species and by limiting overcrowding through restorative thinning.

NOW THEREFORE BE IT ENACTED BY THE PEOPLE OF THE STATE OF OREGON:

SECTION 1. PRODUCING THE GREATEST PERMANENT VALUE FROM OREGON'S STATE FORESTS

The Oregon Department of Forestry, the Oregon Board of Forestry and the State Forester while managing and making management decisions in order to secure the greatest permanent value for the State of Oregon from its Board of Forestry Lands shall:

(a) Balance the protection of drinking water, conservation of wildlife and salmon habitat, expansion and protection of recreational opportunities, restoration of native forests, and watershed preservation with sustainable timber harvests to provide the greatest economic, social, environmental, and health benefits to the people of the State of Oregon.

(b) Consider the conservation of land for drinking water, recreation, and fish and wildlife habitat to be as beneficial to the state as timber harvests.

SECTION 2. BALANCING THE MANAGEMENT OF THE TILLAMOOK AND CLATSOP STATE FORESTS.

The Oregon Department of Forestry, the Oregon Board of Forestry and the State Forester following the advice of the Independent Restoration Science Team, as closely as practicable, shall in compliance with Section One of this Act:

(a) Manage the Board of Forestry Lands in the Tillamook and Clatsop State Forests to facilitate the permanent restoration of a native old growth forest on 50 percent of those lands over time. The priority for management shall be the protection of current and future drinking water supplies and critical fish and wildlife habitat. Thinning of trees and other forest management of this

Measure 34

area must be consistent with the goal of restoring a native old growth forest.

(b) Manage the remaining 50 percent of the Board of Forestry Lands in the Tillamook and Clatsop State Forests with the goal of sustainable timber and revenue production for the state, counties, and schools where the forests reside, creation of family wage jobs, and re-establishing forest tree species ecologically and genetically adapted to those areas. The management regime used shall not be less protective of clean drinking water, recreational opportunities, fish and wildlife habitat than the Northwest Oregon State Forests Management Plan.

(c) Manage the forests to prevent catastrophic damage from fires, floods, erosion, severe Swiss Needle Cast disease, forest pathogens and pests.

SECTION 3. SELECTION AND DUTIES OF THE INDEPENDENT SCIENCE TEAM

An Independent Restoration Science Team shall make management recommendations to the Oregon Board of Forestry, the Oregon Department of Forestry and the State Forester.

(a) The Selection Committee for the Independent Restoration Science Team shall be solely composed of the Biology Department Chairperson from Portland State University, Oregon State University and the University of Oregon. If the Departmental Chair is unavailable he or she may designate a substitute professor from their respective department to serve on the Selection Committee. The Selection Committee will choose members of the Independent Restoration Science Team based on the individual's expertise in the scientific fields necessary to achieve the goal of this Act. Members will be selected through a majority vote of the Selection Committee. The Independent Restoration Science Team shall have at least 9 and no more than 13 members. The team shall have expertise in at least 9 of the following: restorative forestry, wildlife biology, silvicultural science, soil science, geology, limnology, hydrology, ecological restoration, forest ecology, salmon biology, forest planning, environmental management, geographic information systems and any other appropriate scientific field.

(b) The Selection Committee shall be reimbursed for reasonable expenses related to the duties specified by this Act.

(c) The Selection Committee shall select the Independent Restoration Science Team within six months after the passage of this Act.

(d) The Independent Restoration Science Team's goal shall be to guide the permanent restoration of a native old growth forest on 50 % of the Board of Forestry Lands in the Tillamook and Clatsop State Forests over time, using the best available science. The Independent Restorative Science Team will review and recommend changes to the current management plan to meet the 50 % restoration goal. The Independent Restorative Science Team shall determine those areas best suited for the permanent restoration of a native old growth forest based on the following standards, protection of areas that contain current or potential drinking water sources, protection of critical fish and wildlife habitat, protection of areas of important native biodiversity, protection of current or potential forest recreational opportunities that are consistent with restoring or protecting Oregon forest structure, protection or creation of corridors for wildlife movement, protection of groups of trees 70 years and older, protection of current and future hunting and fishing opportunities, protection of threatened and endangered species habitat, protection of cultural heritage, protection of natural wetlands, protection for areas with high landslide risks, especially where they occur upstream of productive spawning and rearing habitat for anadromous fish, protection of riparian corridors to return this habitat to a viable functioning ecosystem, protection of areas with the lowest existing and abandoned road densities, and any other criteria that does not directly conflict with these listed standards or with the goal of this Act.

(e) The Independent Restoration Science Team will submit their recommendations for changes to the current management plan for the Tillamook and Clatsop State Forests to the Oregon Board of Forestry within two years after the passage of this Act.

The Oregon Board of Forestry shall explain in a written report and at public hearings how it intends to implement the recommended changes to the current management plan for the Tillamook and Clatsop State Forests and give the rationale for any departures from those recommendations.

(f) The Oregon Board of Forestry will adopt a new balanced forest management plan for the Tillamook and Clatsop State Forests within three years of the passage of this Act. Review of the restoration area will be in 20-year intervals. Review shall be only to determine if the standards of restoration are being met. Changes in the management of the restoration area are allowed if necessary to meet the goal of this Act.

(g) The Oregon Department of Forestry shall monitor and evaluate the ongoing restoration work. Restoration work that conflicts with the standards for the selection of areas to be restored must be modified or improved to reduce or eliminate conflicts between the standards.

(h) Members of the Independent Restoration Science Team shall be compensated for their services and are eligible for reimbursement of travel and other reasonable expenses related to their duties under this Act.

(i) The Oregon Department of Forestry, the Oregon Board of Forestry and the State Forester shall provide administrative support and services to assist the Independent Restoration Science Team.

(j) The Independent Restoration Science Team's service shall end after it produces the recommendations required by this Act.

SECTION 4. FUNDING FOR SCHOOLS, RESTORATION AND RELATED PROGRAMS.

(a) The initial management of the restoration area and the modification of the current management plan for the Tillamook and Clatsop State Forests will be funded with 10% of the timber revenues over 10 years from the Board of Forestry Lands in the Tillamook and Clatsop State Forests. An equivalent amount of revenue will be provided from timber revenue collected by the State Department of Forestry if the affected counties do not agree to the change in revenue distribution. This dedicated initial funding will pay for the development of an apprenticeship program for restorative forestry, road decommissioning, tree thinning, underbrush clearing, the storm-proofing of existing roads and railroad grades, the execution and monitoring of the restoration and any other work that is required to meet the goal of this Act. The Oregon Board of Forestry shall provide additional and continuing funding as needed to accomplish the goal of this Act in a timely manner.

(b) The Oregon Common School Fund shall receive 5% of all timber receipts from the Board of Forestry Lands in the Tillamook and Clatsop State Forests. The local public school districts shall not receive less funding than the revenue represented in their 2002/03-budget period from timber harvests in the Tillamook and Clatsop State Forests.

SECTION 5. QUALITY JOBS, LIVING WAGES AND SKILLED LABOR

(a) After the adoption of the new state forests management plan for the Board of Forestry Lands in the Tillamook and Clatsop State Forests, prospective bidders for restoration forestry work must document that they are an active participant in a registered apprenticeship program in restorative forestry to be considered a responsive bidder. Budgets for work in the Tillamook and Clatsop State Forests shall include apprenticeship-training set-asides.

(b) After the adoption of the new state forests management plan, any restoration work or timber harvests on the Board of Forestry Lands in the Tillamook and Clatsop State Forests shall be considered a public work. All timber sales and restoration forestry work in the Tillamook and Clatsop State Forests shall pay a prevailing rate of wage. If the current occupations, descriptions of scope of work, or trade classifications are inadequate the Oregon Bureau of Labor and Industries Commissioner shall make the appropriate changes or additions and determine the appropriate prevailing rate of wage.

Measure 34

(c) The State Forester, Oregon Board of Forestry and the Oregon Department of Forestry shall develop and implement programs to encourage bidding by and the awarding of contracts to local contractors for restoration projects on the Board of Forestry Lands in the Tillamook and Clatsop State Forests. Cost effective approaches including, but not limited to best value contracts with preference for local hiring and employer participation in a state approved apprenticeship training program, and the bundling of multiple restoration projects over longer periods of time with a preference for highly skilled labor shall be developed and implemented.

SECTION 6. FULL IMPLEMENTATION OF THE ACT

(a) This Act supercedes any existing law that may be construed to reduce or restrict the full implementation of this Act, and this Act shall be construed so as to best implement the intent of this Act.

SECTION 7. RETENTION IF ANY PORTION VOIDED

(a) If any portion of this Act is invalidated for any reason, all remaining portions of this Act shall remain in place and shall be given full force and effect.

SECTION 8. SUPREMACY OF THIS ACT

(a) The management plan created by this Act for the Tillamook and Clatsop State Forests shall replace any other Act creating a management plan for the Tillamook and Clatsop State Forests passed by voters in the 2004 General Election.

SECTION 9. COURT REVIEW SHALL BE EXPEDITED

(a) If any person brings a state court challenge to any portion of this Act, or challenges passage of this Act, asserting that the Act or any portion of the Act violates the Oregon Constitution or the United States Constitution, or asserting any other legal challenge to passage or implementation of this Act, that action shall be filed in Marion County Circuit Court and shall be given expedited attention by the Court; the decision of the Circuit Court shall be subject to direct review by the Oregon Supreme Court, which shall give expedited attention to such appeal.

SECTION 10. CAPTIONS

(a) The section captions used in this Act do not become part of the statutory law of this state.

SECTION 11. ACT TAKES EFFECT ON PASSAGE.

(a) This Act takes effect on its passage.

Explanatory Statement

Current law directs the State Board of Forestry to manage state forestlands to secure the “greatest permanent value” (defined by the board) of the lands to the state. The board is given authority to protect, manage, utilize and conserve forestlands. The board may sell forest products from the lands as well as seek the protection of fish and wildlife, recreation and water supply. The statutes provide no ranking or preference for one use over another.

The measure requires management of state forests by defining “permanent value” as a balance between sustainable timber production and water, wildlife, watershed protection, recreation, and forest restoration to provide the greatest economic, social, environmental and health benefits to the people of this state.

Measure 34 requires the Board to manage the Tillamook and Clatsop State Forests specifically for the purpose of restoring native old growth forests in half of those two forests. The other half would be managed for sustainable timber and revenue production in a way that is at least as protective as what is required under the current State Forest Management Plan.

An Independent Restoration Science Team is created to review and recommend necessary changes to the current forest plan to comply with the standards in the measure. Team members will be selected by the chairs of the biology departments at Oregon’s three largest universities. The team must determine the areas best suited for permanent restoration of native old growth forest. The team shall submit its recommendations to the board, which may reject them after a public hearing. The measure requires the board to adopt a new forest plan for the Tillamook and Clatsop State Forests, with a periodic review to ensure that restoration standards are being met.

Current law distributes revenues derived from the timber harvest in the Tillamook and Clatsop State Forests under a formula. If the counties agree to modification of the formula, 10 percent of the revenue over 10 years will be used to pay for forest management of the restoration area and for amendment of the forest plan. If the counties do not agree, the State Forestry Department will provide management funds from other state timber revenue.

Public schools in the affected counties shall not receive less revenue than received in 2002-2003 because of any formula modification. The measure directs an additional five percent of the timber harvest revenue from the Tillamook and Clatsop State Forests to the Common School Fund.

The measure requires an apprenticeship program in restorative forestry, and requires bidders for restoration forestry work to participate in such apprenticeship programs. The measure encourages the Department of Forestry to support bidding by and contracts awarded to local contractors. Restoration work and timber harvesting on the Tillamook and Clatsop State Forests will be considered a public work requiring payment of prevailing wages.

Any challenge to passage or implementation of the measure shall be given expedited attention by the courts with appeal directly to the Supreme Court.

Committee Members:

Mari Anne Gest
Lyndon Ruhnke
Commissioner Tim Josi *
Ray Wilkeson *
Kathleen Beaufait

Appointed by:

Chief Petitioners
Chief Petitioners
Secretary of State
Secretary of State
Members of the Committee

*Member dissents (does not concur with explanatory statement)

(This committee was appointed to provide an impartial explanation of the ballot measure pursuant to ORS 251.215.)

Measure 34 Arguments

Argument in Favor

A Legacy for Our Children

Tillamook; A special place

The Tillamook holds a special place in our hearts. It belongs to all Oregonians. After a series of logging caused fires in the 1930's, Oregonians voted in a statewide election, to replant the Tillamook with tax dollars. 40 plus years ago, thousands of Oregonians and school children planted 72 million trees in the Tillamook. Governor Tom McCall dedicated the Tillamook as a "state forest" in 1973. Now that the forests have grown up, there is a debate about whether this land should be logged or preserved.

Require Balance

As a mother, a grandmother and former Governor of Oregon I hope that Oregonians will choose a balanced approach to management of our state forests. We can protect our natural resources for generations to come while also providing jobs and dollars for local economies through timber production.

Greatest Permanent Value

Current law requires the Tillamook and Clatsop State forests to be managed for the Greatest Permanent Value of the citizens of this state. That means for you, me, our children, and their children. Decisions concerning the Tillamook need to be made with both economic and environmental concerns in mind.

That is why I am supporting Measure 34.

Will the forests be "locked up"? No, measure 34 keeps the forests open for the benefit of all Oregonians.

What about forest fires? Measure 34 manages the forests to protect against wildfires across the entire forestland. We already know that old growth forests used for recreational purposes provide the lowest fire threat level compared to actively harvested forestland.

Measure 34 is a balanced plan – that puts logging on an equal footing with clean water and protecting our fish and wildlife, for today and tomorrow.

Protect our jobs today and into the future while leaving our children a legacy we can be proud of.

Vote Yes on 34!

Governor Barbara Roberts

(This information furnished by Governor Barbara Roberts.)

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Argument in Favor

Yes on 34 – Good for Schools

- Measure 34 provides \$6.5 million more for local schools in the 4 affected counties of the Tillamook and Clatsop State Forests than they received last year.
- Measure 34 requires additional revenue for all public schools. Requires annual deposits of timber revenue from OUR State Forests to the Common School Fund.
- Measure 34 makes Oregon Forests work for YOU...rather than just benefiting special interest groups such as a few timber corporations.
- Measure 34 requires managing our forests equally between timber production and conservation - 50 -50. Do the math - It is balanced! This will bring in a sustainable amount of revenue from timber for the schools and assure that Oregon remains attractive as a state to new business and workers

who help drive our economy.

- Oregon schools receive 70% of their funds from State Income tax dollars. Measure 34 recognizes that "livability and quality of life" are key components of Oregon's future economic growth. Recreation and tourism are one of the fastest growing sectors of the Oregon economy bringing in millions for Oregon's schools.

It's time to make our State Forests work for us!

We have reviewed the ballot measure and have determined that the Tillamook measure which requires "balance" between timber production and protection of water, fish and wildlife habitat and recreation in the Tillamook and Clatsop State forests is in the long-term benefit of Oregon Schools.

Vote Yes on 34 – Good for Schools

Submitted by Oregon School Employees Association which represents thousands of education workers across the state.

(This information furnished by Ed Edwards, Oregon School Employees Association.)

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Argument in Favor

Washington County benefits from our quality of life By Dick Schouten

Washington County Commissioner

Vote Yes on 34, Protecting Oregon's livability means protecting our economic health.

Washington County's economy depends on our quality of life to attract and retain businesses and households to our region. The Tillamook and Clatsop State Forests are critically important to residents in Northwest Oregon for drinking water, outdoor recreation and fish and wildlife habitat. Many of our current residents were drawn here because of the abundance of natural amenities in Northwest Oregon. **Balancing protection of these amenities with timber harvest on OUR state forests not only makes good sense, but also makes long term economic sense.**

Vote Yes on 34, Protecting our water source means protecting our economy.

Over time, the most important product produced in the Tillamook and Clatsop forests will not be timber--it will be clean drinking water. Oregon's high-tech industry, located not far from these forests is a major consumer of water and will be a key sector of the Oregon economy far into the future. **Over 250,000 residents of Washington County get their drinking water from watersheds in the Tillamook and Clatsop State Forests and that number is expected to double in less than 50 years.** Balancing watershed protection with timber harvests in OUR state forests makes economic sense.

Vote Yes on 34, Balancing conservation and timber production protects our economy.

Tourism and recreation are the fastest growing economic sectors in Oregon. While logging remains an important part of our economy, employment in that sector continues to decline while wages and employment in the recreation and tourism industries continue to increase. **Protecting the growth areas of our economy and creating new family wage jobs in the wood products industry and restoration forestry is an approach all Oregonians can support.**

**Please join me in voting YES on Measure 34
Measure 34 is good for the environment, good for the economy and good for schools!**

Measure 34 Arguments

(This information furnished by Dick Schouten, Washington County Board of Commissioner, District 1.)

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Argument in Favor

State forests should not be managed in back rooms behind closed doors by special interests.

Vote Yes on 34

After years of public testimony – and even a vote that failed in the Oregon Legislature to increase timber harvesting in our State Forests, State Forester Marvin Brown made a decision to increase clear-cutting by over 50% in the Tillamook and Clatsop State Forests.

When asked on April 8, 2004 by a sub-committee of the Emergency Board of the Legislature why the Oregon Department of Forestry (ODF) was increasing clear-cuts after an agreement had been reached on timber harvests levels, Brown said (according to *The Oregonian* on April 10, 2004) that he was trying only to satisfy the Legislature's demand for more state logging revenue –clearly a false statement.

According to *The Oregonian* article, the State Forester met with former Rep. Lane Shetterly, a Republican from Dallas and sponsor of the unsuccessful bill to boost state forest logging and Ray Wilkeson a lobbyist for the timber industry to discuss increasing the cut in the Tillamook.

Senator Joan Dukes, from Astoria, said that Brown had not discussed the added logging with all sides. Dukes: "I don't know at this point who you are going to cut the next side deal with, and that scares me." (April 8th Legislative hearing tapes of General Government subcommittee)

Dukes continued according to *The Oregonian* article; "I don't know how you (ODF) manage land that a lot of people have an interest in without having everybody involved in the discussion. A lot of people were left in the dark."

Measure 34 is a balanced and scientifically supported approach to managing OUR State Forests. The law states that State Forests are to be managed for the "Greatest Permanent Value" of the State of Oregon, not by 3 people in a back room who make money off the forests.

Support the Public Debate

Say No to Back Room Deals

Yes on 34

(This information furnished by Mari Anne Gest, Oregonians for a Balanced Tillamook.)

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Argument in Favor

Oregon Business Needs Measure 34
By Steven McGeady

Today's Oregon economy depends as much on high-tech jobs as it does on forestry jobs. Clean water, forests, and recreational opportunities create economic opportunity in Oregon. As an executive at Intel, Tektronix, and other high-tech companies for more than 20 years, I have recruited over 500 engineers, scientists, and businesspeople to Oregon. **Our biggest selling point is livability and quality of life.** We attract

and retain these entrepreneurs, businesses, and employees because Oregon **balances** the needs of its historical economy with those of new industries.

The Tillamook Forest is the source of the Silicon Forest's Clean Water

While Portland gets its drinking water from Bull Run, Washington, Tillamook, and Clatsop Counties get theirs from the Tillamook forest. **Nothing is more important to the business climate than clean, plentiful water, but the current plan to log 85% of the Tillamook puts that water at risk.** High-tech manufacturing depends on water as much as on science. **The current plan for clear-cutting the Tillamook delivers nothing to Oregon's technology businesses, and a landscape of stumps and slash encourages current and potential employees to look elsewhere.**

The Tillamook Belongs to ALL Oregonians – Now and For the Future

After the Tillamook Burn and the subsequent salvage logging, Oregonians came together to restore the devastated landscape. Hundreds of schoolchildren planted trees in the bare hills, and today that forest supports millions of dollars in family-wage jobs in recreation and tourism as well as forestry. **Measure 34 sends the message that we value both jobs and the natural beauty found in our backyard, we want to Balance timber needs with all others.** A balanced approach that harvests what we need today while preserving our future is the only plan that will ensure that there are trees and streams and wildlife and water for our children and grandchildren to use.

For Business and for our Children

Vote Yes on Measure 34

Sincerely,

Steven McGeady

(This information furnished by Steven McGeady.)

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Argument in Favor

Dear Oregon Voters:

I am writing to let you know about the benefits of Ballot Measure 34 - the Tillamook 50/50 initiative. The initiative language is limited to state-owned forest lands totaling less than 3% of the forest land in Oregon.

As a former gubernatorial advisor on workforce issues, the Tillamook 50/50 initiative requires new apprenticeship training programs in restoration forestry for the Tillamook and Clatsop State Forests. For every \$1 invested per year in apprenticeship by government, a study shows that apprentices pay back an average of \$20.60 in State and Federal income taxes. **It is my belief that the Tillamook 50/50 plan is good for Oregon's economy. By investing in our workforce, the return on the dollar is significant for our schools, government programs and our state's economy.**

Measure 34 also requires any restoration work or timber harvests on the Board of Forestry Lands in the Tillamook and Clatsop State Forests to pay a prevailing wage rate. The Bureau of Labor and Industries would determine the appropriate prevailing wage rate. In addition, Measure 34 directs the Oregon Department of Forestry to encourage bidding by and the awarding of contracts to local contractors for forest restoration programs. For rural Northwest Oregonians this is an extremely important building block to create stable family-wage jobs.

After studying Measure 34, I am confident it will help retain

Measure 34 Arguments

and create long-term jobs in the wood products industry and help spur economic growth in Oregon. The Tillamook 50/50 plan provides the proper balance between protection of water quality, fish and wildlife habitat and recreation values while ensuring that timber production will continue to supply a reliable revenue stream to the counties and school districts of Northwest Oregon

I strongly support Measure 34.

It is good for Oregon's forests.

It is good for Oregon's economy.

And, most importantly, it is good for Oregon's working families.

Annette Talbott

(This information furnished by Annette Talbott.)

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Argument in Favor

Dear Oregon Voters,

My name is Pete Sorenson, an elected Lane County Commissioner. I grew up in Coos County, graduated from the University of Oregon, ran a private law firm, and served as an elected Oregon State Senator. I've been a licensed Oregon attorney for 22 years. As a County Commissioner, I am committed to protecting our state forestlands. All Oregonians should have a role in the administration of our state forests.

I'm writing to urge you to vote YES on the Tillamook 50/50 measure. This measure is fair and balanced measure that will protect the Tillamook State Forest while providing quality family wage jobs.

This ballot measure represents a fair balance between forest uses. Under the measure, 50% of the Tillamook and Clatsop State Forest will be devoted to protecting drinking water, fish and wildlife habitat and recreation while the other 50% will be used for sustainable timber supplies.

This ballot measure will improve the economic viability of the Tillamook State Forest. Through preservation and management, this measure will create jobs in sustainable logging, restoration forestry, and increase tourism and recreational uses of the forest.

This measure will help Oregon Schools. Under this measure, schools in the Clatsop and Tillamook areas will receive guaranteed stable funding. In addition to this funding, a portion of the revenues collected from timber sales will be dedicated to the Common School Fund.

This measure is fair and balanced approach to managing and protecting the Tillamook State Forest. Please join me in voting YES on Ballot Measure 34, the Tillamook 50/50 measure.

Thank you,

Pete Sorenson

PS - If you have any questions about the seriousness of this measure and why I favor it, please contact me Pete Sorenson PO Box 10836, Eugene, Oregon 97440 or by calling me at (541) 485-6726 or by sending me an email at sorenson2004@juno.com

(This information furnished by Peter Sorenson.)

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Argument in Favor

Local Businesses Urge a Yes Vote on Measure 34

Recreation and Tourism bring as much as \$877 million annually to the North Coast economy, including over 15,000 jobs. This is the fastest growing industry in Oregon. We need a forest plan that encourages economic growth in our communities!

As local business owners in Tillamook and Clatsop County, we know better than anyone how important our forests are for the local economy. **It's time that we adopted a balanced management plan that looks out for small business as well as logging.**

The coastal economy is growing largely because of an influx of retirees and second home owners. These people move here because of the area's natural beauty and quality of life, and they always visit before they move. We need to adopt policies that **attract** home buyers to our area, rather than turn them away.

Logging 85% of the State Forests is too extreme!

Everyone has seen the nasty clear-cuts on the way to the coast. Now, the government wants to log 85% of our State Forests over the next 25 years. It's too extreme! We need a plan that keeps the Oregon Coast a beautiful place to visit, live, work, and play!

Standing Forests help control flooding, which costs local businesses thousands of dollars each year.

Every year, Tillamook County businesses lose thousands of dollars because of flooding. Now, over two years time, clear-cutting in the Tillamook and Clatsop State Forests will rise by over 50%, drastically increasing run-off. Who is going to help pay to repair the increased flood damage?

Frankly we are sick and tired of paying for the costs of poor decisions made by short-sighted politicians and bureaucrats. These forests are supposed to benefit all Oregonians, including small coastal businesses.

Measure 34 continues to supply timber to our local economy while helping local businesses through increased recreation and tourism and reduced flooding.

Support Local Businesses. Vote YES on Measure 34

(This information furnished by Peter and Janet Weidman, Astoria Real Estate; Susan Tone, Realtor, Manzanita; Pam Selway Birmingham, realtor, Seaside; Cliff and Judith Taylor, Clementine's Bed & Breakfast; Daryl Hank Johnson, Wave Crest Inn; Wayne Curtis, Wayne Curtis Construction; Peter C. Sroufe, Peter Sroufe Hauling; James M. Kingwell, Icefire Glassworks; Watt Childress, Jupiter's Rare & Used Books.)

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Argument in Favor

Oregon's Sport and Commercial Fishermen Strongly Urge You to Vote Yes on Measure 34.

Ballot Measure 34 is critical for the survival of the coastal fishing industry.

Many Oregon residents don't realize how much our wild salmon populations have declined over the last few decades. Sport and commercial fisheries for 5 of our 6 wild salmon species have been closed on the Northern Oregon Coast due to population declines. These reductions have meant a big loss in jobs and revenue to the state and local counties. The only way to restore our wild salmon runs and strengthen the fishing economy is through balancing timber harvest with watershed health when managing our forests.

Measure 34 Arguments

Restoring fisheries means restoring jobs. In 2001, sport-fishing contributed more than \$1 billion to Oregon's economy, including \$733 million in retail sales, \$300 million in wages and salaries, and nearly 13,000 jobs.

As recently as 1988, commercial salmon fishing contributed more than \$89 million to the Oregon economy, and supported 4,450 family wage jobs. Though many jobs have since been lost, protecting the last, best salmon habitat in the Tillamook and Clatsop State Forests is a key to restoring these jobs.

Ballot Measure 34 will strengthen our local economy. These forests are home to the few remaining runs of wild salmon in Oregon, and they are also a great place to harvest timber. The best part is that they are on public lands!

Measure 34 dedicates 50% of the two State Forests for watershed protection and healthy fish and wildlife, and 50% for logging. **This is just the balance that Oregon's economy needs.**

We don't have to choose between fishing and timber.

Support Oregon's Fishing Industry with a Balanced Forest Management Plan. Vote Yes on Measure 34

(This information furnished by Glen H. Spain, Northwest Regional Director, Institute for Fisheries Resources, Pacific Coast Federation of Fishermen's Associations; Robert Rees, Bob Rees' Fishing Guide Service, www.NorthwestGuides.com; Nancy Paysinger, Fishing Guides Northwest; Trevor Storlie, Red's Guide Service of Oregon; Rob Russell, Firstwater Outfitters; Dan Christopher, Quality Fishing Adventures.)

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Argument in Favor

Conservation Groups Support Measure 34

The Tillamook and Clatsop are OUR State Forests. Oregonians from across the state came together to replant these forests after the Great Tillamook Burn. **These forests should be managed to benefit ALL Oregonians,** not just a few special interest groups.

85% of the Tillamook and Clatsop State forests will be logged within 25 years unless we pass Measure 34. **The Government's plan is too extreme!**

Over 350,000 Oregonians get their drinking water from the Tillamook and Clatsop State Forests, including almost the entire city of Hillsboro and parts of Beaverton. **Measure 34 will protect drinking water.**

The Tillamook is the largest contiguous expanse of **unprotected coastal temperate rainforest** in the lower 48 states. We don't have to go to South America to find rainforests, they are right here, in our backyard.

The current government plan rejected the advice of two scientific panels. There are **no permanent reserve areas for fish and wildlife** in the Tillamook and Clatsop State forests.

No watersheds are permanently protected to save our wild salmon populations. The only protections provided are 25-ft no-cut buffers on some streams. **The Tillamook and Clatsop nurture some of last healthy runs of Wild Salmon in Oregon**

Measure 34 offers a balanced approach that will protect and restore watersheds, wild salmon, wildlife habitat and recreational opportunities while allowing for sustainable logging.

Join the thousands of concerned Oregonians across the state who know that we can do better for OUR State Forests

Support Balanced Forest Management

Vote Yes on 34

(This information furnished by Jay Ward, Oregon Natural Resources Council Action; Meryl Redisch, Audubon Society of Portland; Paula Del Giudice, National Wildlife Federation; Guido Rahr, Wild Salmon Center; Carol Porto, Sierra Club; Tom Wolf, Oregon Council Trout Unlimited; Xander Patterson, Oregon Physicians for Social Responsibility; Kelli J. Van Norman, President, Native Plant Society of Oregon; Chuck Willer, Coast Range Association; Doug Terra, President, Oregon Shores Conservation Coalition.)

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Argument in Favor

Fact: Increased clear-cut logging does not create new jobs.

Timber giants and bureaucrats who profit from logging the Tillamook will say it's about jobs, but really it's about corporate profits.

- When harvest levels on the Tillamook State Forest nearly doubled during the late nineties, Tillamook County reported an increase of only 8 jobs in the number of forestry and lumber jobs created from 1995 to 2000. *Economic Realities in the Tillamook and Clatsop State Forests – January 2003*
- In the meantime, profits skyrocketed for a few special interests.

Technology, not ecology, results in job loss.

Howard Sohn, former Chair of the Oregon Board of Forestry and owner of Lone Rock Timber explained this situation in written testimony before the Legislature on 7-1-03. In the context of discussing House Bill 3632-A, a bill that would increase timber harvesting in the Tillamook and Clatsop State Forests, he said:

- "Conditions in the economy and the industry are very different than when the multipliers (additional jobs per million board feet) were developed in the 1990's." "In the context of overall harvest in Oregon, the increase envisioned is small and will be absorbed by slack in the existing production infrastructure." "Efficiencies and excess capacity will absorb most of the increase volume, without substantial additional employment."
- "While higher state land harvests may yield some benefit to manufacturer and employment in the short run, the effect will not be large. In addition, too aggressive a harvest level will merely steal from the future."

In other words, mechanization in timber production has eliminated thousands of timber related jobs.

And just as important, logging 85% of our forests will result in a loss of long term jobs—not only in forestry but also fishing, tourism, and recreation.

Measure 34 assures continued jobs in logging and forestry and creates new sustainable family wage jobs in restoration forestry.

Support Jobs today and for tomorrow

Vote Yes on 34

(This information furnished by Mari Anne Gest, Chief Petitioner, Oregonians for a Balanced Tillamook.)

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Measure 34 Arguments

Argument in Favor

Tree Planters Support Measure 34

The Tillamook has a special place in the history of Oregon and the hearts of many Oregonians. Beginning in 1933, a series of fires now known as the Tillamook Burn, destroyed much of what is today, the Tillamook and Clatsop State Forests. These fires created a huge plume of smoke that could be seen from the middle of the Pacific Ocean and left a desolate moon-scape in their wake.

Oregonians Pull Together To Rebuild a Forest

In response to this devastation, Oregon voters came together by passing a state bond measure that funded the replanting of these forests. Replanting the Tillamook Burn depended on the volunteer work of thousands of Oregon students, Boy and Girl Scout troops, and church and community groups. When all was said and done, Oregon volunteers came together to plant over 72 million trees.

Oregonians helped protect our quality of life

As Oregonians who replanted these forests, we were told that we were restoring the Tillamook Burn, and helping to make the state a better and more beautiful place. We proudly recognize that these forests now contain some of the last healthy runs of salmon and steelhead; provide habitat for bear, elk and bald eagles; bring hundreds of millions of dollars into northwestern Oregon; and provide drinking water to over 300,000 Oregonians statewide. The Tillamook and Clatsop forests are now one of the largest rainforests in the lower 48 states. The current plan to open 85% of the forest to commercial logging would undo much of what has been accomplished by Oregon voters and volunteers. With this huge investment of money and time, we believe the people of Oregon should have a say how the Tillamook and Clatsop Forests are managed. Join us.

Require Balance & Vote Yes on Ballot Measure 34

(This information furnished by Robert Sims, Michael Munk, John Bates, Louis Jaffe, Doug Myers.)

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Argument in Favor

Vote Yes on Measure 34 to Keep Oregon's Way of Life

Abundant close to home opportunities to fish, hunt, boat, hike and camp with our families and friends are part of what defines Oregon's way of life. **As people of faith, we value this Northwest corner of creation for both its economic benefits and outstanding recreational opportunities that build strong families and inspire our souls.** The Tillamook and Clatsop State Forests are Oregon treasures that contribute to our way of life. Measure 34 will ensure that close-to-home recreation is not jeopardized while allowing a reasonable level of timber harvest.

Vote Yes on Measure 34 for Safe Drinking Water

We are blessed in Oregon by clean, safe drinking water from forest watersheds for our towns and cities. Faithful and wise stewardship of this gift now will protect it for our children. **Measure 34 ensures the entire forest will be managed to protect against fires, floods, forest diseases and pests while ensuring that drinking water is kept safe and clean.**

Vote Yes on 34 for Jobs and Conservation

Measure 34 proposes a reasonable level of timber production to maintain jobs and local economies around the Tillamook and Clatsop State Forests. It will also conserve and restore some of

this special place using a common sense approach. **Measure 34 preserves our outdoor way of life and leaves our timber economy intact.**

Stewardship is Central

As Jewish and Christian religious leaders, we share the understanding That humankind is to "till and to tend" creation, both using it and caring for it in a way that ensures its continued fruitfulness from generation to generation. Stewardship is central to responsible use and care of our forests.

Psalm 24:1 The earth is the Lord's and the fullness thereof, the world and those who dwell therein.

Ecumenical Ministries of Oregon

Restoring Eden/Christians for Environmental Stewardship

Rabbi Joseph Wolf

(This information furnished by Jenny Holmes, Ecumenical Ministries of Oregon; Rabbi Joseph Wolf; Peter Illyn, Restoring Eden/Christians for Environmental Stewardship.)

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Argument in Favor

Protect our Drinking Water-Vote Yes on Measure 34

Clean and plentiful water is a vital resource in Northwest Oregon. Residential, industrial, and agricultural users all depend on clean water for their families, to supply their businesses, and grow their crops. Much of the water for Northwest Oregon's residents originates in the Tillamook Rainforest. These public lands are owned by all Oregonians and are currently threatened by an aggressive logging plan that does not protect water quality. The Oregon Department of Forestry is already clear cutting thousands of acres a year in and around watersheds, and plans to drastically increase the cutting in the next few years.

Over 350,000 Oregonians get drinking water from the Tillamook and Clatsop State Forests, including much of Washington, Tillamook, Clatsop and Columbia County. In the next 50 years, the demand for clean drinking water in these areas will double.

We can do better-Vote Yes on Measure 34-Require Balance

Measure 34 will balance sustainable timber harvests with protection for our drinking water, recreational opportunities and fish and wildlife habitat. **The current government plan will cut over 85% of OUR State Forests in just 25 years.**

An award winning plan for Forest Grove's watershed provides 200 foot buffers on streams and prohibits clear cutting while providing for sustainable timber harvests. In contrast, the State's plan provides only 25 foot "no cut" buffers and aggressively uses clear cutting, even on steep slopes in our watersheds. **Clean water is a precious resource, we must do better.**

Our Quality of Life is Threatened-Vote Yes on Measure 34

The state's aggressive logging plan threatens drinking water quality, recreational opportunities and wild salmon populations in OUR State Forests. Measure 34 will balance timber production with conservation, protecting OUR drinking water, recreational opportunities, and fish and wildlife habitat while providing healthy revenue streams to local counties and schools.

Join Us, Vote Yes on Measure 34

Tualatin Riverkeepers

Columbia Riverkeeper

Measure 34 Arguments

Oregon Citizens for Safe Drinking Water

(This information furnished by Lynne Campbell, Oregon Citizens for Safe Drinking Water; Sue Marshall, Executive Director, Tualatin Riverkeepers; Cindy deBruler, Columbia Riverkeeper.)

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Argument in Favor

A message from anglers to Oregonians who love healthy rivers and wild fish – Vote yes on Measure 34

Oregon's North Coast mountains birth the headwaters of some of Oregon's healthiest rivers. We love these places.

Wilson.
Trask.
Little North Fork of the Wilson.
Kilchis.
Miami.
Nehalem.
North Fork Nehalem.
Salmonberry.
North Fork Trask.

These rivers run through public lands we call the Tillamook and Clatsop State Forests. These rivers are home to important runs of wild fish including spring, summer, fall and winter chinook salmon, coho and chum salmon, as well as winter steelhead and cutthroat trout.

Wild fish and healthy rivers are the products of a healthy forest. They come from special places in these state forests.

Not every acre of these forests is created equal. Not every acre should be harvested. Coastal rainforests need to grow big trees that make a difference when they fall in the rivers. Big trees create big fish which create big dollars for the local and regional economy.

The Tillamook produces many sustainable resources including wild fish, wood products, recreation and clean water. Oregon Department of Forestry's current plan will conduct timber harvests across 85 percent of the landscape over the next 25 years. This means increased roads and increased clear cuts. Measure 34 has a different vision of the future.

Measure 34 will bring balance to the management of these public lands, instill credible science into the process, protect important non-timber products like wild salmon and clean water, and still allow plenty of timber harvests.

Measure 34 does not seek a lock up, but simply balanced management of public resources. Help us shift the scales towards a balanced and sustainable future for over 500,000 acres of public land for all Oregonians.

Vote Yes on Measure 34.

David Moskowitz	Brian Posewitz	Robert Sheley
Mark McCollister	Ted Gresh	John Tyler
Larry Palmer	Les Helgeson	

(This information furnished by Dave Moskowitz; Les Helgeson; John Tyler; Larry Palmer; Robert Sheley; Brian Posewitz; Edward S. Gresh; Mark McCollister.)

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Argument in Favor

Help Strengthen Our Economy. Vote Yes on Measure 34!

Recreation and tourism is the fastest growing sector of Oregon's economy.

In 2001 the sport-fishing industry generated over \$733 million in retail sales and provided nearly 13,000 jobs.

Wildlife viewing is the number one activity in the Tillamook and Clatsop State Forests. Wildlife viewing, which includes bird watching and outdoor photography, generated \$770 million in sales and over 21,500 jobs in Oregon in 2001

Camping, hiking, and biking are the three most popular outdoor activities in the United States, and kayaking is the fastest growing sport in America. **Outdoor recreation brings as much as \$877 million to the North Coast economy annually.**

Over half of the healthy runs of wild salmon in Oregon are located the Tillamook and Clatsop State Forests. The forests are some of the best places to fish for wild salmon in the world. **Other than meager 25-ft. no cut buffers on some streams, there are no permanent protections for fish or our waterways under the current state plan.**

Over 85% of OUR state forests will be logged in the next 25 years. It's too extreme.

Regardless of what some land managers might tell you, people don't hike or bike through clear-cuts, and they don't kayak or cast in muddy water. The truth is that people don't buy boats, tackle, rods, and bait if they don't have places to fish and float. There are huge economic benefits to protecting our natural amenities, and with people taking more frequent trips closer to home, we need great places to enjoy right in OUR backyard! Its time to adopt a forest plan that reflects Oregon's changing economy.

Some bureaucrats might not know much about the value of a standing forest, but we sure do.

Oregon Businesses Rely on Recreation and Tourism

Support Oregon's Economic Future. Vote Yes on Measure 34!

(This information furnished by Marty Sherman, ClackaCraft Drift Boats; Frank W. Amato; Andy Hardwick, Outdoor Supply Company, Tuf-Cat Pontoon Boats; Christopher Conaty, Idylwilde Flies; Vicki Grayland, Photographer; Sam Drevo & Kristin Dahl, eNRGKayaking.com.)

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Argument in Favor

Enjoy Camping, Fishing, Hiking, Biking, Kayaking, 4-wheeling, or Wildlife Viewing in Northwest Oregon? Vote Yes on Measure 34!

The Tillamook and Clatsop State Forests are important for timber, but they are equally important as a place for recreation close to Oregon's booming population centers.

The government currently plans on logging off over 85% these forests over the next 25 years, leaving little for the benefit of most Oregonians who know them for their stunning beauty and abundant recreational opportunities. It is time that we adopted a balanced plan that considers both our need for timber revenue and the importance of recreation and quality of life to the residents of Oregon.

Measure 34 requires balance. If we pass Measure 34, **recreation, clean water, and fish and wildlife habitat will be**

Measure 34 Arguments

considered as equally beneficial as logging on OUR State Forests

We understand that some politicians and bureaucrats don't see the value of running the Wilson River, fly fishing the Trask, hiking the Elk-King Traverse, or 4-wheelin' at Brown's Camp, but we sure do. **That is why we are all voting yes on Measure 34.**

Wildlife viewing is the most popular activity in the Tillamook and Clatsop State Forests, and it is one of the best places in the world to fish for Wild salmon. The area is also popular for off-road vehicle use. Hunters know the Tillamook and Clatsop for their abundance of Roosevelt Elk, and kayakers love to paddle on the Wilson River.

Measure 34 prioritizes all forms of recreation, including biking and motorized recreation.

Measure 34 isn't about locking the forest up, it's about keeping it open for all Oregonians—especially outdoor enthusiasts who would rather hike or ride through Old-growth than clear-cuts. **Its simple—50% for the values that we all cherish—clean streams, abundant fish and wildlife, and tons of recreational opportunities—and 50% for logging**

Let's keep our state forest open for all Oregonians to enjoy

Vote Yes on 34

(This information furnished by Sam Drevo & Kristin Dahl, eNRGKayaking.com; James Monteith, Backcountry Hunters and Anglers.)

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Argument in Opposition

The Oregon Society of American Foresters STRONGLY OPPOSES Ballot Measure 34. We agree with Governor Kulongoski's recent (June 28) assessment of the **current plan** for the Tillamook Forest: "Oregon's economic, environmental, and community well-being are inextricably intertwined with the State's forests across all ownerships. We have the chance to show how to provide for that well-being through the implementation of this management plan for the Tillamook State Forest."

The current plan was developed publicly over several years by state forestry professionals using substantial input from many agencies, conservationists, academics, county officials, recreation groups, and other interests. The plan identifies a variety of management methods to meet diverse needs, including the goal of a healthy forest environment today and for future generations. Ballot Measure 34 replaces this thoughtful, broadly based plan with the views of narrow interests.

Oregon law clearly gives the Oregon Board of Forestry and the State Forester the leadership for planning and management of state forests. Measure 34 inappropriately removes this vital authority.

Measure 34 incorrectly asserts that the current plan neither "protects" resources nor "balances" economic values with non-economic values. In fact, it uses advanced practices to protect watershed and wildlife values throughout the forest, and pointedly gives single priority to these resources over about 30% of the total area.

Measure 34 ignores the risks of vast unmanaged areas, including outbreaks of insects, disease, and catastrophic wildfire. The current plan applies new science and active forest management to maintain and improve forest health, reducing hazards.

Oregon Society of American Foresters has over 1000 members, including foresters, scientists, administrators and educators who contribute to the management of public and private forestlands throughout Oregon. We support professional, conscientious management of Oregon's forest resources, including state lands. Ballot Measure 34 drastically shifts vast areas of state forests to unmanaged status, the same approach that currently is failing to provide environmental, economic, and social sustainability over extensive areas of federal lands.

(This information furnished by John Herbst, CF, Chairman, Oregon Society of American Foresters.)

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Argument in Opposition

The forester responsible for restoring Oregon's Tillamook Forest speaks out against Measure 34.

After huge wildfires, called the Tillamook Burn, torched Coast Range forests in the 30s and 40s, cash-strapped counties transferred ownership of the barren lands to the state. As a young forester, I was assigned to lead the team restoring these forests. The state agreed to undertake the most massive reforestation project ever. In exchange, counties agreed to repay bonds and take a share of timber revenues when the forests matured.

Measure 34 breaks that bargain. It would cost more than 2,600 Oregonians their jobs. Rural communities would be hit hardest. Sponsors call it balanced, but their arithmetic doesn't add up.

Harvests from state forests provide revenue for all schools in Oregon. Measure 34 would reduce funding for schools and local

Measure 34 Arguments

governments by more than \$25 million a year. Oregonians, you and I, would give up more than \$1 billion of timber value that would otherwise be used to support our schools, local governments and our economy.

I join with foresters across the state who worry that Measure 34 would significantly increase the risk of massive forest fires, insect infestations and the spread of disease in these forests.

The state's current forest plan already provides strict protections for watersheds and wildlife. Putting more land off limits adds no environmental benefits. Curtailing harvests, however, cuts money for fish restoration, recreation and clean water projects on the forestlands. Worse, it cuts funds for forest health protection and forest firefighting.

The Tillamook Burn taught an earlier generation the price paid for poor forest management. Measure 34 would replace the current science-based management plan, developed in a seven-year public process, with a rejected plan that trusts the future of our forests to environmental activists and the courts. It endangers the health of our forests and damages Oregon's economy.

Please join me in voting NO on Measure 34. Let's not get burned again.

(This information furnished by Edward Schroeder, Oregon State Forester, Retired.)

This space purchased for \$500 in accordance with ORS 251.255.

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Argument in Opposition

CHILDREN AND PUBLIC EDUCATION CANNOT AFFORD MEASURE 34

The Oregon Education Association Urges You to Vote No

Sometimes a ballot measure goes much farther than what it looks like on the surface. Measure 34 is one of those with unintended consequences – this time affecting your public schools and community services. Why? Because if Measure 34 were to pass, schools and local governments stand to lose \$25 million per year due to losses from timber revenue.

In the last two years, the state's school budget has been cut by more than \$500 million. At this point, \$25 million will make a big difference in the education of students in your local schools.

The Oregon Education Association--representing teachers, education support professionals and community college faculty in more than 1,200 schools in Oregon--says no to Measure 34. Measure 34 is not fair to Oregon's students, whether they come from Tillamook and Clatsop counties or from other districts across the state. That's because revenue losses from timber harvest areas must be backfilled by the state's school budget, which spreads the loss across all 198 school districts.

It's no secret that Oregon's public schools suffer from inadequate and unstable funding. This measure compounds the problem. Our public schools simply can't afford it.

The top priority of the Oregon Education Association is to ensure that every student in Oregon has access to a full curriculum and high standards of public education. We cannot support a ballot measure with unintended consequences that risks millions of dollars of funding for our public schools.

In a time of hard choices, I ask that you support your local schools. Please join teachers and other education professionals who work wonders every day in our classrooms with limited resources. Say no to more school cuts. Vote NO on Measure 34.

Kris Kain, President
Oregon Education Association

(This information furnished by Kris Kain, President, Oregon Education Association.)

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Argument in Opposition

THE OREGON FARM BUREAU RECOMMENDS YOU VOTE NO ON MEASURE 34

Some extremists are at it again – pushing their special interest agenda at the expense of Oregonians.

They are pushing for a ban on timber harvesting on more than half of the Tillamook and Clatsop State Forests despite the fact the forests have been successfully and fairly managed since 1973 under already strict plans.

When you factor in the wooded areas the state has already set aside to preserve water and natural wildlife habitat, the new harvesting ban would cover more than 60 percent – NOT an equal 50 percent. Mandating so much forest acreage off-limits to responsible harvest causes greater vulnerability to fire and disease.

The Oregon Department of Forestry has done a good job managing the Tillamook and Clatsop state forests, balancing timber harvesting, recreational use and habitat preservation. With successful management the state has generated revenue, benefiting Oregonians through responsible forest use for decades.

Why suddenly place half the forest off limits?

Measure 34 is too extreme for state forests, the state economy and the thousands of Oregonians who could lose their jobs.

Oregonians are at risk of losing \$1 billion of timber value that would otherwise support schools, local government and the state's economy. Timber harvesting provides essential revenue for:

- Schools throughout the state;
- Local governments;
- Fish and wildlife habitat improvement projects;
- New recreational opportunities; and
- Funds to fight forest fires.

We can't afford Measure 34. Don't allow the extremists to push their narrow agenda.

Measure 34 will not benefit Oregon. We urge you to VOTE NO.

(This information furnished by Barry Bushue, Oregon Farm Bureau.)

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Argument in Opposition

Measure 34: It Doesn't Add Up for Oregon.

I'm K. C. VanNatta. For over 60 years my family and I have owned and operated healthy forestland in Columbia County. Although I live in the Northwest corner of the state, I feel a bond with all of rural Oregon whose communities and livelihood are being destroyed by urban and out-of-state special interest groups.

Timber jobs matter and Oregon relies on families like mine to maintain the healthy renewable forests that provide economic stability to this state. It isn't nice scenery that creates healthy forests, but rather responsible, scientifically proven harvest and planting practices.

Measure 34 Arguments

Oregonians need to understand that this measure not only dooms the Tillamook and Clatsop State Forests to disease and fire, but that 2,600 people will lose their jobs.

NOTHING in this plan adds up to a better Oregon. Vote NO on Measure 34.

(This information furnished by K.C. VanNatta.)

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Argument in Opposition

MEASURE 34 IS UNFAIR TO OREGON

60 years ago, after devastating fires ravaged their forestlands, Tillamook and Clatsop Counties transferred ownership to the state for replanting and management. The state agreed to sell bonds to fund restoration of the forests and the counties agreed to repay the costs from timber revenues. Thousands of Oregonians pitched in to help with replanting so future generations could enjoy timber harvest revenues from these forests to support schools and counties.

Measure 34 would disregard the state's agreement with the counties and dramatically cut revenues for schools, counties and the state.

The Tillamook and Clatsop State Forests have been intensely managed in an exemplary fashion for the sustained production of timber in a cost-effective and environmentally sound manner. Salmon, wildlife, watersheds and endangered species are already explicitly protected under standards that greatly exceed the Oregon Forest Practices Act.

The state forests are some of the most productive forestlands in the world today. They are important to Oregon's economy and provide revenues shared among counties, school districts and local governments.

Oregon has been successful balancing the state forests for environmental and economic benefit. Measure 34 is bad policy. **Please vote NO.**

(This information furnished by Tim Josi, Chair, Council of Forest Trust Land Counties.)

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Argument in Opposition

TILLAMOOK COUNTY SHERIFF URGES YOU TO VOTE NO ON MEASURE 34

I'm Todd Anderson, the Tillamook County Sheriff, and I'm voting NO ON MEASURE 34.

If Measure 34 passes, public safety in Tillamook and Clatsop counties will face budget cuts. Timber revenues in our area provide money not only for schools, but also for our local governments, which run our public safety programs. Local governments and schools will lose \$25 million per year. Why sacrifice our public safety for an untested forestry plan?

When the Sheriff's Office loses funding, you lose, too. Less timber revenue means less protection for our community. It means fewer officers protecting our citizens. It means less access to emergency services when our neighbors need it most. It means less money to keep criminals in jail.

The Oregon State Sheriff's Association has publicly denounced Measure 34 because of the negative effects it will have on public

safety in Tillamook and Clatsop Counties. Sheriffs all over Oregon know that this plan doesn't add up to safer communities.

The "50-50" plan is an untested forestry proposal that would ban timber harvests on more than 60 percent of the Tillamook and Clatsop State Forests. The state has analyzed the plan and concluded that people will lose their jobs and public safety and other local programs will lose millions. Why support that? How many jobs are you willing to cut? Oregon's economy still struggles, and we need to save every job and every dollar we can.

Fellow Oregonians, join me in voting down a proposal that will make our communities less safe.

Help me maintain the safety of my community. Vote NO on Measure 34.

(This information furnished by Todd Anderson, Tillamook County Sheriff, Tillamook County Sheriff's Office.)

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Argument in Opposition

Fishermen for Common Sense Say "NO ON 34!"

A July 27, 2004 Tillamook County *Headlight-Herald* editorial said:

"Proponents of the 50-50 plan also list 'protection of drinking water, conservation of wildlife and salmon habitat, expansion and protection of recreational opportunities' among their prime goals.

But, once again, measures to ensure just that protection are already in place under the existing ODF plan. Although this plan has been in place only three years, scientists already are reporting that water quality in the Tillamook is the best its been since the '30s and '40s, and wild Coho salmon have rebounded significantly from their threatened condition."

We couldn't agree more.

As a group of commonsense fishermen, we know that the current forest management plan protects our wild salmon and drinking water. We're not willing to let the special interests behind Measure 34 dictate what happens in our fishing communities.

This plan is a radical idea that the Legislature soundly rejected last fall. We're urging other voters to join us in saying, "If it ain't broke, don't fix it!" The current management plan takes care of fish and the water they live in without damaging our rural communities by cutting jobs, reducing money for police, fire departments and schools.

Fishermen for Common Sense cares about fish because we make our living from this precious natural resource. The new plan would not provide significant safeguards to fish that aren't already there in the current plan. We are standing with our neighbors to fight this unfair measure that will cut jobs and hurt our state. Like they say: It doesn't add up.

We're asking our fellow Oregonians to vote no on Measure 34 because it will damage Oregon—not improve it.

"IF IT AIN'T BROKE, DON'T FIX IT!"

Vote No on Measure 34.

(This information furnished by A.D. "Gus" Meyer, Fishermen for Common Sense.)

Measure 34 Arguments

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Argument in Opposition

YEARS OF RESEARCH PROVE THE "50-50" PLAN ISN'T BEST FOR OREGON'S FORESTS.

The current plan to manage the Tillamook and Clatsop State Forests was developed from a large body of recent scientific information. A 12-year, \$25 million research program on the management of Oregon's coastal forests, including riparian zones, fish and wildlife habitat and water quality was completed in 1998. The research program was led by scientists from OSU and the Forest Service's Pacific Northwest Research Station, with cooperation from state and federal natural resource management agencies, the forest industry, city, county and tribal governments, and local woodland owners.

The Board of Forestry incorporated this research into the current management plan after lengthy consultation with research program scientists and others. The research demonstrated the importance of active management in maintaining the long-term health and productivity of our coastal forests and streams. Banning active management of more than 60% of these lands, as proposed in Measure 34, is counter to the findings of this research effort.

The current forest management plan for the Tillamook and Clatsop state forests was developed with the best, most current scientific information available. Measure 34 would institute a plan that would discount over 12 years of careful research by some of the top forest scientists in our region and diminish funding for forest health projects.

Please join me in voting NO on MEASURE 34.

(This information furnished by Dr. George Brown, Former Dean, OSU, College of Forestry; Former Director, Oregon Forest Research Laboratory.)

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Argument in Opposition

Measure 34 Will Cripple Our County Tillamook County Commissioners

As Tillamook County Commissioners, it is our duty to try to make Northwest Oregon as productive and successful as it can be, but Measure 34 threatens the very fabric of our rural communities. We're proud that counties all over Oregon oppose this measure because of its dramatic financial and economic impacts on the ENTIRE STATE.

Here are 6 reasons why we hope you'll help us protect our community and vote no on Measure 34:

1. Local governments and schools throughout Oregon would lose \$25 million per year, which means less money for police, fire and emergency services.
2. Over 2,600 family-wage earners will lose their jobs.
3. Forest fire prevention will be cut by over \$5 million per year.
4. Out-of-state environmental groups are funding the measure.
5. Schools all over Oregon will foot the bill for the millions lost in our area due to less timber revenue.
6. Revenues available for fish and wildlife habitat improvement projects and new recreational opportunities on state forestlands would be reduced.

Measure 34 weakens our rural communities and at the same time reduces timber revenues that are distributed throughout

Oregon. Timber revenues make it easier for the state to send money to places where timber harvests aren't conducted. Therefore, taxpayers all over Oregon pay less when timber revenues are used to support our schools and police and fire departments.

Timber harvests have a place in our economy. The timber industry supports jobs, supports schools and supports local governments that provide fire protection and public safety. Measure 34 is just another nail in the coffin of this already ailing industry. Oregon needs to preserve jobs, not cut them.

Let's work together to save Oregon jobs and say NO to special interests that don't care about jobs in rural Oregon.

Vote no on Measure 34.

(This information furnished by Paul Hanneman, Charles Hurliman, Tim Josi; Tillamook County Board of Commissioners.)

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Argument in Opposition

Don't Lock Up More Oregon Forests

We oppose Measure 34 for six reasons:

1. The family forest owners of Oregon represented by the Oregon Small Woodlands Association support a balanced approach to the management of Oregon's forests. Measure 34 significantly reduces that balanced management approach and polarizes the use of the forests owned by all the citizens of Oregon.
2. If Measure 34 is passed, local governments and schools would lose \$25 million a year. State funds to fight forest fires will be cut by more than \$5 million a year, and state forest management budgets will be cut by more than \$9 million a year.
3. Land use conversion is more likely without long-term local timber markets. The significant reduction of available harvest from state-owned timber will lead to reduced milling capacity in Northwest Oregon, which will have a negative impact on the opportunity for family forest owners to manage and market their forest resources.
4. Oregon's unemployment rate is one of the highest in the nation. Under the Measure 34 plan we will lose more than 2,600 jobs, and Oregon can't afford that right now.
5. Measure 34 will dramatically increase the danger of massive forest fires, insects and the rapid spread of disease in the Tillamook and Clatsop State Forests. This in turn threatens neighboring family forests.
6. Harvesting and replanting forests in compliance with Oregon Law shows the world we are serious about sustainability. Wood in general, is a "green" product; local Oregon wood is better. We won't stop using wood in our everyday lives when forests are locked up. We either import it or use a substitute such as plastic or steel. Let's not live in a "state of denial" where our sustainability talk is cheap.

Oregon Small Woodlands Association urges you to vote NO on Measure 34.

Oregon just can't afford it!

(This information furnished by Mike Gaudern, OSWA.)

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Measure 34 Arguments

Argument in Opposition

Tillamook County 9-1-1 Center
Protect Public Safety in Tillamook County.
Vote No on Measure 34

The 9-1-1 Center dispatches all police, fire and emergency medical services in Tillamook County. We know that timber harvests provide essential funding in our area, and make it easier for us to protect our community in life-or-death situations.

If Measure 34 passes, local governments and schools all over the state will lose \$25 million per year. That includes public safety, and the people you call for help when it matters most.

Not only will public safety suffer, but over 2,600 rural Oregonians will lose their jobs. Those of us in Tillamook County cannot sit idly and watch our neighbors lose their jobs because an untested plan to ban logging on more than 60 percent of the Tillamook and Clatsop State Forests.

This ban would also cut \$5 million from the Oregon Department of Forestry's fire prevention budget. Oregon cannot afford less fire protection, especially with the devastation we all watched occur in Southern Oregon last summer.

The Tillamook County 9-1-1 Center urges you to support your emergency services and reject the out-of-state special interests supporting Measure 34. Less timber revenue means less funding to help protect our friends and neighbors.

Help us keep Tillamook County safe and VOTE NO ON MEASURE 34.

(This information furnished by Stan Sheldon, 9-1-1 Center Board Chair.)

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Argument in Opposition

State Representatives
Dave Hunt (D-Oak Grove) and Mike Schaufler (D-Happy Valley)
Ask You to Vote NO on Measure 34

As state representatives, it's our job to look out for our constituents. Measure 34 would cut over \$25 million to schools and local governments every year—and that isn't good for anyone in Oregon.

It's a fact that timber revenues provide funding for schools and for basic government services like public safety, fire fighting, community-based health care. We know Oregon is in a tough financial spot today, and we can't afford more cuts in services on which our constituents depend.

Furthermore, the "50-50" plan was already rejected twice. An Oregon Department of Forestry panel of scientists, environmental and timber industry advocates, economists and forest management experts rejected this plan over a seven-year planning process. Then, last legislative session, legislators refused to act on the 50-50 plan because of its clearly economically devastating consequences.

Measure 34 would cost our state 2650 lost jobs and \$1 billion in timber revenue. This isn't acceptable to us, and it isn't right for Oregon. Backers of this measure are attempting to circumvent the public process and sell this idea to the voters in a series of sound bytes that don't tell the whole story.

Perhaps the worst part of Measure 34 is the fact that \$5 million would be cut from the ODF's fire fighting budget. It is irresponsible and unacceptable to leave our forests even more vulnerable to devastating fires and disease. Let's not let the Tillamook and Clatsop State Forests end up like the federal

forestlands that burned for months in Central and Southern Oregon last summer.

Oregon can't afford to pass Measure 34. It cuts money for schools, local governments, and fire prevention. This isn't acceptable to us, and we hope it's not acceptable to you.

Join us in voting NO ON MEASURE 34.

(This information furnished by Rep. Dave Hunt and Rep. Mike Schaufler.)

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Argument in Opposition

Paul McCracken
Former Oregon Fish and Wildlife Commission Chairman
FISH AND WILDLIFE ARE ALREADY HEAVILY PROTECTED

Vote **NO** on Measure 34—It just doesn't add up.

As an Oregon Fish and Wildlife Commissioner, I've worked with numerous Oregonians with interests in the future of our state forests. I'm also an avid angler, and have succeeded in restoring forested salmon habitat on 1,400 acres of land I own in Northwestern Oregon. The wildlife in Oregon is important to me, and that's why I'm urging you to **VOTE NO ON MEASURE 34.**

The 50-50 plan doesn't add up to better stewardship for our precious fish and wildlife. Here's why:

- Oregon already has strict forest management laws that protect fish, wildlife and water quality. Decreasing timber harvest levels and replacing the state's current plan just doesn't make sense. The Northwest Oregon State Forest Management Plan was crafted through a lengthy and deliberate public process in 2001 and that plan plainly lays down restrictions to protect fish, wildlife and water quality on state lands that considerably exceed tough restrictions required by the State Forest Practice rules for private lands.

- Because the existing laws to protect the fish, wildlife and water quality have proven to be so effective, restricting logging on more than 60% (when you add riparian buffers) of these lands would have little environmental benefit.

- The state's plan already provides adequate funding for fish and wildlife habitat restoration in these areas, while at the same time allowing timber sales that benefit local and state economies.

Why sacrifice Oregon jobs, rural county services and school funding if we're already taking good care of our precious water, fish and wildlife? Let's care for ALL of Oregon.

VOTE NO ON MEASURE 34.

(This information furnished by Paul McCracken.)

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Argument in Opposition

OREGON WHEAT GROWERS LEAGUE
OPPOSES MEASURE 34

Oregon state forests are managed under strict requirements and that have benefited forest health and our economy.

Measure 34 makes no sense. The special interest groups say they want a balance, but what they want is a ban. Measure 34 would ban harvesting on more than 60% of the Tillamook and

Measure 34 Arguments

Clatsop State Forests.

Our state forests are already managed for balance. They are among the most healthy forests in the world with such strict clean water and habitat protection that additional timber set-asides would have little environmental benefit.

Measure 34 is funded by out-of-state environmental groups. **We can't allow out-of-state interests to determine what is best for Oregon.**

Measure 34 threatens valuable family-wage jobs. Oregon's jobless rate is among the worst in the nation. We can't afford to lose more family-wage jobs. If Measure 34 passes, the result will be thousands out of work and would cost Oregon's economy \$123 million of personal income per year.

Please don't allow extremism to waste the value of our state forests. Vote NO on 34.

(This information furnished by Karl Scronce, President, Oregon Wheat Growers League.)

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Argument in Opposition

Oregon's Counties Stand to Lose MILLIONS

Association of Oregon Counties Asks All Oregonians to Help Preserve Police, Fire, Emergency Services, Senior Community Services and Road Maintenance—AND VOTE NO ON 34!

Oregon's counties depend directly on timber harvest revenues for large parts of their annual budgets. **AOC is asking you to help us preserve services like emergency services, police, fire, community-based health care and road maintenance.** Without the timber harvest dollars the counties depend upon, Oregon communities can expect to experience cuts in programs that make their communities more safe and livable.

If Measure 34 passes, Local Governments and Schools will Lose \$25 million per year.

This measure doesn't add up. Estimates say over 2,600 Oregonians will lose their jobs if Measure 34 passes, which means more people dependent on your tax dollars and less people contributing to our communities. Oregon's current forest management plan was developed by a team of scientists from numerous fields over seven years with public input.

Timber revenues keep our citizens from having to pay more taxes and keep rural Oregonians at work! We trust the Oregon Department of Forestry to do what's right for all of Oregon, not just the special interests. An untested plan is not worth sacrificing the livability and safety of our communities.

Help your county maintain services for you and your neighbors. Vote No on Measure 34.

(This information furnished by Mike McArthur, Executive Director, Association of Oregon Counties.)

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Argument in Opposition

Tillamook-Based Fishing Guides Oppose Measure 34

Our communities and forests depend on it.

As residents of Tillamook County, we know it is imperative that our leaders and citizens do everything possible to defeat Measure 34. We believe that our coastal economy, our jobs, our environment, our infrastructure, our schools and the well-being of our communities could be devastated if we do not.

Measure 34 is an extreme alternative to the Oregon Department of Forestry's current plan.

Here are some reasons why:

- The 50-50 plan, which has no science to back it up, would be locked in place for 20 years before its success or failure could even be reviewed. That's far too long.

- Environmental protection plans are already at work under the ODF's current plan. Scientists are reporting that water quality in the Tillamook and Clatsop State Forests is the best it has been since the '30s and '40s, and wild Coho salmon have rebounded significantly from their threatened condition.

- The 50-50 plan has the potential to mortally wound our local economy. With Oregon's economy still on shaky ground, this is no time to gamble by cutting jobs and revenue for schools and basic government services.

- In Tillamook County we know there is no environmental crisis, except the one the Portland-based environmental groups are about to create if we do not stop Measure 34.

- Nothing in the 50-50 plan would replace logging revenue lost to local schools from the state's General Fund.

Help us stop this extreme plan. Vote NO ON MEASURE 34.

This statement has been endorsed by these Tillamook Fishing Guides:

Tim Juarez
Jack Smith
M. John Krauthoefer III

(This information furnished by M. John Krauthoefer III, Fire Fighter's Guide Service; Tim Juarez; Jack Smith.)

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Argument in Opposition

MEASURE 34 IS A STEPPING STONE

Don't be fooled. Environmentalists are using this seemingly innocent plan to begin shutting down timber harvests on all of Oregon's forests.

Even private lands.

Oregonians in Action fights to protect the rights of private property owners in Oregon. Measure 34 is obviously a huge leap for environmentalists in their crusade to ban logging on all of Oregon's forests. Their next step will be banning logging on privately owned lands.

We believe private property owners have a fundamental right to earn an honest living by responsibly harvesting timber on their own land. Oregonians in Action doesn't want to see this happen to Oregon, and Measure 34 would be a dangerous first step in the wrong direction.

Measure 34 would ban logging on more than 60 percent of the Tillamook and Clatsop State Forests. **What would stop**

Measure 34 Arguments

environmental groups from attempting to “set aside” more forestland in the future if they succeed in November?

Also, the plan would cut over \$5 million from the Oregon Department of Forestry’s forest fire prevention budget. This means that there will be less money to protect all Oregon forests from fires—even private property. Massive fires like those that burned last summer in Southern Oregon don’t discriminate against private or public lands. Everything burns. **Let’s not get burned again.**

Join Oregonians in Action and say no to this irresponsible, unfair plan.

Vote No on Measure 34

(This information furnished by David J. Hunnicutt, Executive Director, Oregonians in Action.)

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Argument in Opposition

Measure 34 Will Hurt Oregon’s Economy, Cost jobs, And Harm Forest Health

The Tillamook State Forest was planted by Oregon’s human hands and then nurtured for 50 years by Oregon Department of Forestry employees as an investment intended to benefit Oregon’s future and economic well-being. It is a shining example of forest renewability and sustainability.

The existing Tillamook Forest management plan, developed after years of professional planning, public meetings, citizen input and scientific reviews, is far better for Oregon than Ballot Measure 34. The existing plan is a scientifically-based management approach that addresses the myriad of public demands and environmental values necessary to effectively manage the Tillamook Forest for wildlife, air, and water quality, while creating jobs and revenues for schools, counties, and the State of Oregon.

Measure 34 is anything but balanced and is bad for Oregon.

- Timber harvest on the Tillamook Forest would drop to less than 25% of sustainable harvest.
- More than \$1 billion of timber would be set aside, resulting in the loss of 2,650 family wage jobs, and cost Oregon’s economy \$123 million of personal income per year.
- Each year, revenues to local governments and schools would be reduced by more than \$25 million, and the general fund budget would take an additional \$10 million hit.

Measure 34 would also do serious harm to state forest health.

- Putting most of the Tillamook Forest off limits to management would be the same flawed approach that has caused dangerous fuel buildup and damaged formerly healthy Federal forestlands with intense, uncharacteristic wildfires, such as Oregon’s 500,000 acre Biscuit fire in 2002.
- It reduces funding for fish and wildlife habitat enhancement, cuts more than \$5 million from state funds to fight forest fires and cuts forest management budgets by more than \$9 million a year.

**OREGON CAN’T AFFORD MEASURE 34.
We urge you to VOTE NO.**

(This information furnished by Rick Sohn, Chair of the Board, Oregon Forest Industries Council.)

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Argument in Opposition

CLATSOP COUNTY COMMISSIONERS URGE NO VOTE ON MEASURE 34

Clatsop County cannot afford Measure 34. The so-called 50/50 plan is an ill-conceived approach that would cost Clatsop and other counties millions of dollars in revenue. Measure 34 completely ignores the social and economic needs of the county and all of Oregon.

Passage of Measure 34 would cause the loss of valuable jobs, hurt our healthy forests, cripple our infrastructure, rob our schools and devastate the coastal economy.

Measure 34 is unnecessary and too extreme. Old-growth, drinking water and conservation of wildlife are already protected under the current management plan and the Tillamook and Clatsop forests are already among the healthiest and most productive in the world. If passed, the lack of management would dramatically increase the danger of another massive forest fire, and would allow for the rapid spread of disease.

Banning harvests on more than 60 percent of the Tillamook and Clatsop forests won’t help the environment and will wound our local economy. Not only will our residents lose jobs, but also revenues received from timber harvesting would crash from \$9.36 million to \$0.

The county would be forced to cut services and the ripple effect would be devastating. Additionally, Schools are already struggling for funding. Measure 34 doesn’t only affect Clatsop and Tillamook counties. If passed schools and local governments around the state would stand to lose \$25 million a year.

Measure 34 is not only bad for Clatsop County, but it is bad for all of Oregon.

Please Vote NO.

(This information furnished by Clatsop County Commissioners Lylla Gaebel, Richard Lee, Sam Patrick and Patricia Roberts.)

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Argument in Opposition

How Many Jobs are You Willing to Sacrifice?

The numbers don’t lie.

Over 2,600 Oregonians will lose their jobs
if Measure 34 passes.

Associated Oregon Industries, the voice of Oregon business at the Capitol, wants you to help us save Oregon jobs by voting against Measure 34.

The so-called 50-50 plan would ban timber harvesting on over 60 percent of the Tillamook and Clatsop State Forests. This ballot box forestry proposal will cripple already ailing rural communities in the northwestern part of our state. Now more than ever Oregonians need to stand together to say:

- NO TO LOSING OVER 2,000 JOBS
- NO TO CLOSING SAWMILLS
- NO TO BANNING TIMBER HARVESTS IN OREGON’S FORESTS
- NO TO CRIPPLING OREGON’S TIMBER INDUSTRY
- NO ON MEASURE 34!

Oregon needs to harvest timber. It’s a sector of our economy the backers of Measure 34 would like to slowly eradicate. We believe environmental, economic and recreational needs can exist together in Oregon, and the Oregon Department of Forestry’s current plan exemplifies this.

Measure 34 Arguments

Measure 34's supporters believe that their plan will build the economy because businesses locate in our area because of our forests and natural beauty. This is absurd. We agree Oregon is beautiful, but as the voice of business in Oregon, we know a picture on a postcard doesn't spur economic development. We also know our members value real incentives like low workers' compensation rates and quality public schools. We believe this proposal is full of flaws and falsehoods, and it will strangle Oregon's economy.

Join Oregon businesses by voting no on Measure 34. Losing jobs, closing sawmills and crippling an entire sector of Oregon's economy just doesn't add up.

Richard Butrick
President
Associated Oregon Industries

(This information furnished by Richard M. Butrick, President, Associated Oregon Industries.)

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Argument in Opposition

Oregon Building Industry Association

Vote NO on Measure 34: Less Timber = Big Consequences for Oregon

The Oregon Building Industry Association works to defend home ownership opportunities for all Oregonians. If Measure 34 passes, it will ban timber harvests on more than 60 percent of the lands in the Tillamook and Clatsop State Forests, and result in higher costs for Oregonians trying to buy homes.

Less lumber from Oregon timber resources means using more expensive, imported lumber. This costs all Oregonians more money. It would cost more when you remodel your house. Rents would rise for the apartment your son or daughter is moving into and construction costs for houses, schools, offices and stores would increase.

Responsible timber harvesting in Oregon makes sense, and keeps costs lower for prospective homeowners.

Moreover, this measure will cut over \$5 million from the Department of Forestry's fire prevention budget, which means that our forests are at risk of catastrophic fires like the ones we saw on federal forestlands last summer. Forest fires in any part of Oregon drive up the cost of building and buying a home because burned trees cannot be converted into usable lumber products.

Finally, the economic impact on the state would be extreme if Measure 34 passes. Over 2,600 hard working Oregonians will lose their jobs and the state will lose \$1 billion in timber value.

This doesn't add up to a smart choice for Oregonians.

Join Oregon's homebuilders in voting NO on MEASURE 34.

(This information furnished by Jon Chandler, CEO, Oregon Building Industry Association.)

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Argument in Opposition

**OREGONIANS FOR FOOD AND SHELTER
STRONGLY OPPOSING MEASURE 34**

The Tillamook and Clatsop State Forests are among the most healthy and productive forests in the world. Measure 34 could hurt the health and productivity of the forests – that's why we urge you to VOTE NO.

Measure 34 is not balance – it's a ban. Harvest reductions would cost more than 2,650 Oregonians their jobs and cost Oregonians fragile economy \$123 million of personal income a year.

It would have the greatest impact on rural Oregon. Since 1989, 163 sawmills have been closed, and Measure 34 would cause the closure of even more.

Ten million acres of federal forestlands in Oregon are already off limits to timber harvests. The shutdown of federal forests, costing thousands of jobs, has already been an economic disaster for rural Oregon.

Besides further damaging Oregon's economy, Measure 34 puts the Tillamook and Clatsop State Forests health at risk. The state forests are already managed under a strict plan that was seven years in the making involving citizens, scientists, environmental groups and foresters.

If the forests can't be actively managed they will be at risk of catastrophic fire, rapid spread of disease and insects.

The state forests are already healthy and balanced. Through careful and healthy management the forests contribute to Oregon's economy providing jobs, revenue for schools, local governments, environmental improvement projects and new recreational opportunities.

We urge you to vote NO on Measure 34 for the health of Oregon's forests and economy.

(This information furnished by Paulette Pyle, Oregonians for Food and Shelter.)

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Argument in Opposition

**DON'T VOTE TO ENDANGER
OUR FORESTS AND ECONOMY!**

Responsible Stewardship Means Voting NO on Measure 34

The Economic Development Council of Tillamook County
Strongly Opposes Measure 34

The Oregon Forest Management Plan provides for healthy forests that support a balanced economy. It evolved through a seven-year process that brought together people with divergent interests. The plan ensures that the forest will be appropriately managed for ALL. It provides for fish and wildlife protection, recreation opportunities, older-growth trees and intelligently managed timber harvesting without clear-cutting. This scientifically based plan is our best opportunity to achieve both a healthy forest and a healthy economy.

Over the past three years since the Forest Management Plan has been in place:

Native fish counts have increased 230% to 388%
37 Miles of new trails have been built
2,4399,000 trees have been planted in the Tillamook District Forest
Stream habitat improvements have dramatically increased.

Measure 34 Arguments

MEASURE 34 SEEKS TO DESTROY BALANCE THAT ALREADY EXISTS

When the forest was replanted after the fires of the 1930s, '40s and '50s, it was done primarily in one species. We know now that a healthy forest must be diverse. Halting the Oregon Forest Management Plan's intelligent management of these forests threatens the health of the ecosystem. And that is an economic threat to the entire state.

Measure 34 presents potential risks to the forest in the form of increased chance of forest fire, reduced forest firefighting funds, the spread of Swiss Needle Cast disease and a reduced level of funding to support infrastructure. Devastation in the forest would have a very real economic impact.

Under the Forest Management Plan's stringent guidelines, the timber harvest is good for the environment, and the revenue generated supports many more economic components than just forest product jobs. It supports our schools, roads and services.

PRESERVE THE BALANCE OF A HEALTHY FOREST AND ECONOMY.

(This information furnished by Dale Stockton, Board Member, Tillamook County Economic Development Council.)

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Argument in Opposition

Activists want more than 60 percent of the Tillamook and Clatsop State Forests off-limits to timber harvests.

Enough already!

It's a fact that of the 28 million acres of forestland in Oregon, just under 10 million have permanent bans on timber harvests. This acreage includes three million acres of wilderness areas and six million of protected old growth. Millions more have stopped producing timber due to litigation and wildfires. In contrast, the Tillamook and Clatsop State Forests were replanted decades ago for the express purpose of providing a sustainable timber yield to fund basic government services like public safety and schools.

Measure 34 is much more costly than advertised.

Legal opinions warn that most timber sales would be delayed by litigation for a period of time nobody can predict. This means that schools and local governments would take huge budget cuts if their timber revenues are halted.

Furthermore, Measure 34 requires employers to pay prevailing wages for any operations in these forests, which reduces a company's budget to bid for timber. Prevailing wages alone would cut the amount of timber revenue to the state by an average of \$35 per thousand board feet. This means the state would lose \$175,000 on a small, 5 million-board-foot timber sale. That number climbs as the volume of timber gets higher—which means more lost revenues for local governments and schools.

These forests are a valuable resource that can benefit all Oregonians if properly and fairly managed.

Measure 34 is expensive, wasteful and unnecessary.

Join me in VOTING NO ON MEASURE 34.

(This information furnished by Sean M. Smith, Vice President, Starfire Lumber Co.)

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Argument in Opposition

Rudy Fenk

Chair of the Tillamook County Soil and Water Conservation District

DON'T FALL FOR THEIR SCARE TACTICS. WATER QUALITY IS SAFE ALREADY.

As Chair of the Tillamook County Soil and Water Conservation District, I spend my days looking at ways to improve water quality for the citizens of Tillamook County. After reviewing this proposal, I'm urging my fellow Oregonians to VOTE NO on MEASURE 34.

The fact is, Tillamook County will lose MILLIONS. This means the Soil and Water Conservation District that I run will lose funding that is essential in protecting the water quality in Tillamook County. Backers of this irresponsible measure say their plan will improve water quality, but don't give a specific plan as to how cutting funding for water quality improvement in my county will benefit our residents.

Timber harvests provide funding for Tillamook County. Tillamook County provides funding for the Soil and Water Conservation District.

It isn't hard to connect the dots:

Less timber harvests in Tillamook County means less money for the County's water quality improvement projects. Period.

Measure 34's supporters are trying to scare Tillamook County residents into believing their drinking water is in danger unless their plan passes. This is completely untrue. I work every day to ensure water quality is protected for my family, my neighbors and every citizen in Tillamook County.

I find it unacceptable that Measure 34's backers are trying to scare Oregonians into voting for their proposal.

Tillamook County's water is safe and clean for our families and children. Don't let them make you think otherwise.

JOIN ME IN REJECTING THE ENVIRONMENTALISTS' SCARE TACTICS.

VOTE NO ON MEASURE 34.

(This information furnished by Rudy Fenk, Chairman, Tillamook County Soil and Water Conservation District.)

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Argument in Opposition

OREGON CATTLEMEN'S ASSOCIATION: NO on 34

We oppose Measure 34 because we care about Oregon jobs, our economy and Oregon's environmental health.

Measure 34 will cost thousands of needed jobs. More than 2,650 family wage jobs will be lost if the measure passes. More mills will close and rural Oregon will be the worst hit.

Oregonians will lose more than \$1 billion of timber value if Measure 34 passes. The Tillamook and State Forests provide needed funding through healthy timber harvests. These timber harvesting provide funding that supports schools throughout Oregon, local government and environmental program funding.

Measure 34 will harm rather than help the environment. As cattlemen we are also concerned with healthy habitats and clean water. Measure 34 would reduce funding available to pay for important wildlife habitat improvement projects. Passage of the measure would also dramatically increase the danger of massive

Measure 34 Arguments

fires and the rapid spread of disease in the forests. Millions a year would be cut from funds to fight forest fires and forest management budgets.

Measure 34 is irresponsible and extreme. PLEASE VOTE NO.

(This information furnished by Sam Cowart, Oregon Cattlemen's Association.)

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Argument in Opposition

State Senator Joan Dukes (D-Astoria)

As a State Senator whose district includes the vast majority of state timber lands, I am opposed to Measure 34. It is an extreme measure that would do harm to hard working Oregonians and to the very forests it proposes to protect.

When timber lands were turned over to the state beginning in 1939 it was with the promise that they would be well-managed, in cooperation with the counties. Future income, it was promised, would be returned to the counties and other districts in the area where trees were harvested. This has worked well for 65 years, but Measure 34 would break those promises.

The current management plan was developed by the Oregon Department of Forestry in a seven-year public process that involved hundreds of citizens, scientists, foresters and environmental groups. It works. Measure 34 would require that a new management plan be developed without public input. That circumvents everything Oregon stands for.

If passed, this measure would cause Oregonians to lose more than \$1 billion of timber value that would otherwise support schools, local government, fire and water districts, community colleges and the state's economy by banning timber harvesting on most of the Tillamook and Clatsop State Forests.

Today's plan protects sustainable forestry as well as habitat, watersheds and recreation. The Clatsop and Tillamook Forests have clean water, abundant wildlife and strong and healthy runs of fish because of the responsible way the forests are managed. It is done by experts who know these forests. Simple solutions like this initiative kill forests, they don't save them.

Please join me in telling the special interests, bankrolled by out-of-state foundations, that Oregonians don't support their agenda. We want to keep our forests healthy and we don't break our promises.

Vote NO on Measure 34.

(This information furnished by State Senator Joan Dukes, District 16.)

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Argument in Opposition

Measure 34 will lock up more than 250,000 acres of forestland!

OFPTA Opposes Measure 34, and here are some reasons why:

- **Ten million acres** of federal forestland in Oregon are already off-limits to timber harvest management. Measure 34 will lock up more than 250,000 **additional** acres of forestland in the Tillamook and Clatsop State Forests, tying the hands of responsible foresters who manage our state's timber resources. This will ultimately result in the senseless sacrifice of our forests to catastrophic fires like those that burned in southern and central

Oregon last summer.

- Since 1989, 163 Oregon sawmills have closed. Passage of Measure 34 is a guarantee that more mills will close, eliminating precious family-wage jobs in already hard hit, neighboring rural communities.

- \$5 million will be cut from the Oregon Department of Forestry's fire fighting budget. Reduced fire protection in Oregon puts public forests, private property and our fire fighters at greater risk.

- Over **\$1 Billion** in timber value will be lost. The resulting loss of tax revenue to the state will increase taxation on all Oregonians.

- This reduction in harvest also means that more than 2,000 hard-working Oregonians will also lose a direct or indirectly related job.

Measure 34 just doesn't make sense. It's bad for our forests... it's bad for our schools...it's bad for jobs...and it's bad for Oregon tax-payers!

Join the OFPTA in voting NO ON MEASURE 34!

D.E. Bridges
Oregon Forest Products Transportation Association

(This information furnished by D.E. Bridges, Oregon Forest Products Transportation Association (OFPTA).)

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Argument in Opposition

MEASURE 34 BREAKS A DEAL

Ballot Measure 34 is a breaking of faith with the people of Tillamook County. It violates the Trust Agreement under which 15 Northwest Oregon Counties deeded their forestlands to the state for management.

The counties transferred ownership of their lands to the State of Oregon because the state promised to reforest the lands, manage them to produce another "forest crop" and share harvest proceeds with the 15 counties. This was their trust-like agreement.

Once the lands were under state management the Trust Counties invested heavily in the promise of future returns in return for giving the state their lands.

In 1951, when the state needed more money to cover fire suppression costs, the Trust Counties gave up a share of their revenues to cover the expense. They did so again in the mid 1960s for additional fire protection. This was followed by additional county investments in pre-commercial thinning, fertilization and other forest management activities.

The Trust Counties also agreed to pay back the state's costs for reforestation – to date more than \$9 million of the \$13 million has been repaid to the state. The Trust Counties also regularly consent to project work, such as placing fish-friendly culverts, installing in-stream habitat and improving forest roads: all of which reduce the counties' share of the revenues.

State-owned lands don't produce property taxes and dominate 67 percent of Tillamook County. Property taxes finance local government services. Almost one-third of the county budget is funded from state forest revenues. The citizens of Tillamook County have waited many years for their county to finally secure the kind of public services that other Oregonians take for granted.

Today Tillamook County residents stand on the doorstep of reaching that goal. To break the counties' deal now through

Measure 34 Arguments

severely limiting timber revenues will be financially devastating.

Measure 34 is unfair, unethical and just plain wrong. **Please vote NO.**

(This information furnished by Paul Levesque.)

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Argument in Opposition

A Scheme Devised by “Panic Button” Environmentalists Would Needlessly Devastate Oregon’s Economy.

Citizens for a Sound Economy Strongly Opposes Measure 34!

Measure 34 is an attempt to ban timber harvesting in the Tillamook and Clatsop State Forests that is being funded by out-of-state environmentalist organizations. These radical groups don’t mind costing Oregon thousands of jobs and more than \$1 billion in timber value that would otherwise go to supporting education and other basic government services all in the name of the “environment,” despite the fact that many of the policies contained in Measure 34 could wind up hurting the environment.

In rural Oregon, less timber money means more taxes to maintain government-funded services.

Right now, timber harvests in the Tillamook and Clatsop State Forests provide funding for schools and other services in the surrounding counties, easing the burden for taxpayers in these areas. But Measure 34 would cut this funding source and create a significant budget hole that would force taxpayers all over Oregon to pick up the slack.

“Panic Button” environmentalists don’t have the facts to back up their argument.

While passage of Measure 34 would certainly cost Oregon jobs and devastate the state’s economy, there is no proof that it would necessarily help the environment. In fact, there is significant evidence that the environment would actually suffer under Measure 34 due to an increased danger of massive forest fires, and the spread of insects and disease.

Let’s say “no” to more taxes and less jobs.

Environmental groups wanting to ban timber harvests on state forestlands want to leave it up to the rest of the state to fill budget holes left by this measure.

This measure isn’t good for Oregon, and it’s not good for you.

Measure 34: Less timber revenue means more taxes for all Oregonians.

Vote NO on MEASURE 34!

(This information furnished by Russ Walker, Citizens for a Sound Economy PAC.)

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Argument in Opposition

Oregon Association of Nurseries

Oregon’s Economy Can’t Take It. No on Measure 34.

As a membership organization that represents more than 1,500 nursery stock producers, retailers, landscapers and allied companies in the nursery and greenhouse industry—we rely on our fellow Oregonians and Oregon companies to buy and enjoy

our horticultural products.

We have a special relationship with Oregonians, and we care about Oregon’s economy. This is why we’re asking our fellow Oregonians to help us defeat Measure 34, because it doesn’t add up to a good economic choice for our communities.

For example:

1. Measure 34 guarantees that over 2,600 family-wage earners in rural Oregon will be left jobless.
2. Measure 34 will ban timber harvests on over 250,000 acres of forestland.
3. Measure 34 will cause Oregon’s economy to lose \$123 million in personal income annually.
4. Measure 34 will cause schools and local governments to lose \$25 million annually without making any provision to replace those lost dollars.

Without a healthy economy, all of Oregon suffers. The Oregon Association of Nurseries cannot support a proposal that will severely damage Oregon’s economy by cutting jobs and taking money out of the hands of businesses and workers.

Oregon can’t afford Measure 34.

Join us in supporting our customers all over Oregon and VOTE NO ON MEASURE 34.

(This information furnished by Mark Simmons, Oregon Association of Nurseries.)

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Argument in Opposition

**Forests and Oregon Jobs at Risk?
You’ve Got to Be Kidding!**

By Jack Lamb

It’s true. Measure 34 would leave over 2,600 hard-working Oregonians jobless. As a Tillamook County resident and timber industry supporter, I’m asking all my fellow Oregonians to join me in voting NO ON MEASURE 34.

I have worked in the timber industry for over 20 years in Oregon. My family, friends and neighbors work in the forests of Northwest Oregon. Since 1989, we’ve seen over 163 sawmills close all over rural Oregon, and thousands of hardworking, tax paying Oregonians be forced out of their jobs.

Not only will people lose their jobs, but our forests will be put at risk.

Measure 34 will cut \$5 million from the Oregon Department of Forestry’s fire fighting budget. Less money for fighting fires puts our fire fighting professionals, forests and economy at risk.

The ODF also stands to lose \$9 million for forest management projects, which help protect the forests from insects and catastrophic disease outbreaks. We can’t afford to neglect our forests which provide jobs, recreation areas and wildlife habitat for Oregon.

It just doesn’t make sense.

This plan is just another step the urban environmentalists are taking to stop all timber harvesting in Oregon. Measure 34 would cause our state to lose \$1 billion in timber revenues. The timber industry is part of Tillamook County’s heritage and has a place in Oregon’s economy. We can’t afford to put more Oregonians out of work and risk forest health.

Help Save our Forests and Rural Oregon Jobs. Vote NO on MEASURE 34.

Measure 34 Arguments

(This information furnished by Jack Lamb, Tillamook Lumber Company.)

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Argument in Opposition

Oregon Business Association Urges NO Vote

Measure 34 Is Not the Solution!

The Oregon Business Association (OBA) is a bi-partisan organization of businesses—large and small, urban and rural—from across the state. We support a balanced approach to state public policy, and we support environmentally friendly economic development in Oregon.

We oppose Measure 34 because it is NOT a balanced approach to forest management!

The Oregon Board of Forestry, appointed by former Governor John Kitzhaber, spent seven years creating a harvest plan for the Tillamook and Clatsop Forests. During that time, many public hearings were held with all interest groups represented. Now, the supporters of Measure 34 are seeking to overturn the balanced public process with a proposal that threatens Oregon's economy, especially in rural Oregon.

OBA believes any plan for harvesting state timber should be reviewed by an independent certification program to ensure both environmental and economic sustainability. Measure 34 does not strike the right balance.

OBA believes any plan for harvesting state timber should be based on the best scientific research available, and should be guided by a collaboration of stakeholders on all sides of the issue. Measure 34 does not strike the right balance.

Measure 34 threatens the economic security of local cities and counties in the region, and the stability of school funding statewide.

Vote NO on Measure 34

(This information furnished by Lynn Lundquist, President, Oregon Business Association.)

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Argument in Opposition

Governor Kulongoski and Former Governor Vic Atiyeh Urge Oregonians to Vote NO on Measure 34

Oregon's success in stewarding its state forests provides an example of sustainable forest management that balances social, economic and environmental values important to Oregonians. Measure 34 would alter that balance and substitute "ballot box" forestry for the collaborative process that currently guides state forest management.

In 2001, the Oregon Board of Forestry developed its current plan for the management of the Tillamook and Clatsop State Forests over the next century. The plan blends scientific knowledge and advice with the practical forestry field experience of nearly 70 technical experts, independent scientists and resource specialists who took part in the planning.

Two separate citizen committees advised the Board on the development of the plan, and the draft plan was subjected to two scientific peer reviews. Public input was sought at every step in the process. More than 1,000 people participated in 36 public meetings and more than 5,000 written comments were

received on the draft plan and administrative rule. The concept embodied in Measure 34 was examined and rejected in that process. Now, proponents are trying to circumvent the process by bringing their failed plan directly to voters.

Official estimates show losses to local governments and schools could exceed \$25 million a year if Measure 34 is adopted. Funds to fight forest fires would be cut by more than \$5 million a year, and funds available to habitat restoration and recreation improvements on the forests also would be lost.

These valuable forestlands are important assets that must be carefully managed to ensure they will continue to serve the social, economic and environmental values of Oregonians for generations to come.

We urge you to reject Measure 34.

Ted Kulongoski Vic Atiyeh
Governor of Oregon Governor of Oregon, 1979-1987

(This information furnished by Ted Kulongoski, Governor of Oregon; Vic Atiyeh, Former Governor of Oregon.)

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Argument in Opposition

OREGON'S SCHOOLS CAN'T AFFORD MEASURE 34

The numbers don't lie. Oregon schools will lose money. Timber harvests in the Tillamook and Clatsop State Forests generate education dollars for the entire state. Kids everywhere in Oregon depend on the money from these resources. If Measure 34 passes, we will all suffer.

MEASURE 34 WILL MEAN MORE SCHOOL BUDGET CUTS

Oregon's legislature is facing another deficit during the next biennium. That means the possibility of more cuts to essential services and schools. **After all the cuts schools have already taken, Measure 34 guarantees that Oregon schools will lose millions more every year.** That's another blow Oregon's kids and schools can't afford!

And what does losing millions more in school funding every year mean? It means bigger classes and less attention for our children. It means less opportunities for our kids to grow and be successful. **Oregon just can't afford Measure 34.**

Join us in saying "**NO**" to this unfair, poorly-planned measure.

PROTECT OREGON'S KIDS! VOTE NO ON MEASURE 34!

Carolyn Ortman, President
Oregon School Boards Association

(This information furnished by Carolyn Ortman, President, Oregon School Boards Association.)

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Argument in Opposition

PRESERVE RECREATION OPPORTUNITIES IN THE TILLAMOOK AND CLATSOP STATE FORESTS

VOTE NO ON MEASURE 34

Currently, the Oregon Department of Forestry provides great opportunities for people to enjoy the Tillamook and Clatsop State Forests. These recreational opportunities are part of the

Measure 34 Arguments

ODF's plan to make sure Oregonians get a chance to explore and enjoy our state forestlands.

Measure 34 won't expand opportunity, it will cut funds for existing programs meant to get us out in the forests, and turn it's back on existing, historic trails and facilities.

The Board of Forestry adopted the Tillamook Forest Recreation Plan even before the current forest management plan was adopted in 2001. The recreation plan outlines how the ODF develops and manages recreational opportunities. Recreation volunteers played a key role in designing the existing plan, and have contributed thousands of hours of volunteer time to help implement it.

If Measure 34 passes the ODF will be forced to divide the forest without regard to where these current, historic trails and campgrounds are located, or which areas are best suited for future facilities. The acres that 34 will leave for recreation will be a fragmented, unworkable patchwork. Funding for recreation programs like those in the existing plan will also be cut, further decreasing opportunities for adventure-seeking Oregonians.

Today's responsible forest management gives us better access to the forests than under Measure 34.

Conditions for the two most popular sports in the Tillamook, hunting and Off Highway Vehicle recreation, will worsen.

Federal forests require recreation fees. That's not what Oregonians want for our state forests.

Measure 34 will lead to cuts in recreation budgets, forcing the State to explore access fees.

Measure 34 doesn't enhance recreation, it restricts it.

These organizations encourage you to vote no on Measure 34:

Oregon Motorcycle Riders Association
Pacific Northwest 4 Wheel Drive Association, Jim Putnam,
President
Oregon State Snowmobile Association
Motorcycle Riders Association, David Lexow, President
International Harvester Scouts & Trucks of Oregon

(This information furnished by Barrett Brown, Oregon Motorcycle Riders Association.)

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Argument in Opposition

Measure 34: Threatens critical fish and wildlife habitat.

Portland, Oregon and Santiam River Chapter's of Safari Club International

The Portland, Oregon and Santiam River Chapters of Safari Club International advocate for wildlife, wildlife habitat, and hunter's rights in Oregon. After reviewing Measure 34, we have concluded that this plan puts the Tillamook Forest at a greater risk to catastrophic wildfire and threatens critical fish and wildlife habitat.

Measure 34 is so poorly written, it ignores the current threat to critical fish and wildlife habitat that is posed by catastrophic wildfire. Current forest management practices in the Tillamook and Clatsop State Forests are some of the best in the nation. Under Measure 34 those practices and standards would be bogged down with red tape and constantly under attack by out-of-state environmental extremists who want to shut our forests down.

The groups that are proposing Measure 34 are the same ones that have continuously prevented sensible management in our National Forests which has led to millions of acres of prime

habitat being destroyed by wildfire. Make no mistake, Measure 34 is bad for fish, wildlife and their habitat. The only sure way to properly manage our forests, keep our water clean and protect critical fish and wildlife habitat is to allow the experts, not out-of-state environmental extremists to manage them.

Increasing the risk of catastrophic wildfire and threatening critical fish and wildlife habitat is something we cannot support.

Help us protect and preserve our forests in Oregon. Vote NO on Measure 34.

(This information furnished by Robert G. Deveny, President, Portland, OR Chapter, Wendell Locke, President, Santiam River Chapter; Safari Club International.)

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Argument in Opposition

Tillamook Mayor Bob McPheeters Urges a NO Vote on Measure 34

Don't Vote to Tighten the Noose on Our Economy! No on 34!

The recession of the past two years devastated Tillamook County. Businesses closed their doors. Citizens moved away. Our local services were cut and our quality of life was diminished.

Now out-of-state special interest groups want to cut more than 2,600 jobs in my area.

Measure 34's supporters think it's all right that my neighbors lose their jobs because they THINK that maybe economic development will come to Tillamook County because of our area's natural beauty. I've got news for them: Tillamook County was beautiful before, during and after the recession that crippled my community.

We can't afford to leave our forest management up to an untested plan that would cut thousands of jobs, cut \$25 million from our schools and local governments and cut \$5 million from the Oregon Department of Forestry's fire prevention budget. The out-of-state environmental groups funding this plan don't care about working families in Tillamook County, but I do.

The truth is economic development comes from real business incentives like an educated workforce, quality schools, tax breaks and a solid customer base. Measure 34 would make the state more dependent on tax dollars because of lost timber revenues and would take over \$123 million out of Oregon's economy every year.

As Mayor, I work to strengthen and develop the business community in our area. Measure 34 is simply another attempt at banning timber harvests in our forests while ruining our rural economies.

Help me say no to the out-of-state environmental groups and yes to our fellow Oregonians. NO ON 34!

(This information furnished by Bob McPheeters, Mayor, City of Tillamook.)

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Measure 34 Arguments

Argument in Opposition

Associated Oregon Loggers Says NO to Measure 34! OVER 2,600 HARD WORKING OREGONIANS WILL LOSE THEIR JOBS

If Measure 34 passes, over 2,600 Oregonians will be left jobless. This is because more lumber mills will close and over \$25 million will be stripped from our local governments and schools each year.

50-50 ISN'T FAIR AND IT ENDANGERS OUR FORESTS

The 50-50 plan sounds fair, but there are large parts of the forest that are protected by state and federal laws. If you add those lands into the equation, this measure actually puts over 60 percent of the forest off-limits to timber harvests.

In addition to banning timber harvests on over 250,000 acres of forests, the Oregon Department of Forestry will actually lose \$9 million each year for forest management programs that protect our forests from insects and disease.

MEASURE 34 WAS REJECTED TWICE BEFORE

The 50-50 plan was considered and rejected by a team of leading scientists, forestry experts and environmental and timber industry advocates. Seven years of planning produced the current forestry plan, which includes the interests of everyone in Oregon. Then, last year, the legislature refused to act on this dangerous proposal because of the potentially crippling effects on our economy.

\$5 MILLION LESS FOR FOREST FIRE PROTECTION

Measure 34 will cut over \$5 million from the ODF's forest fire fighting budget. This means less protection for our fire fighters, rural homes and precious timberlands.

FOR THE SAKE OF OREGON JOBS AND FORESTS, PLEASE VOTE NO ON MEASURE 34.

IT DOESN'T ADD UP.

(This information furnished by Jim Geisinger, Executive Vice President, Associated Oregon Loggers, Inc.)

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Argument in Opposition

Ballot Measure 34 is Not Good Public Policy

As Mayor of one of Oregon's largest cities, it's my job to consider the needs of all residents in my area. Quick fixes almost never work. Measure 34 is a short-sighted view of forest management practices that attempts to undo years of sound and well-tested policies.

The present Oregon Department of Forestry's plan took seven years to develop. It included input from three panels of world-renowned scientists from a broad cross-section of fields and disciplines. Public input was heavily solicited for the project – the plan evolved and improved because of extensive public input. From my experience serving Beaverton citizens the last 12 years as Mayor, I recognize this as sound public policy.

Measure 34 is "ballot box forestry" at its worst and no way to manage the delicate balance of our state forests. This ballot measure is an irrational plan that backers have pushed for the third time:

1. Known as the "50-50" plan, the Oregon Department of Forestry's panel of scientists, citizens, timber and environmental interests rejected this scheme;

2. Then, last year, the state legislature quickly rejected the same plan:

3. Now, as a last resort, the plan's supporters are masquerading their proposal as a "balanced" initiative and tout it as an "innocent" change to our current forest management plan.

Because the plan will so severely cut back the current well-managed and balanced timber harvesting practices, over 2,600 Oregonians will be jobless and cut \$5 million from the Oregon Department of Forestry fire prevention programs. In addition, schools and local governments in four counties will lose up to \$25 million per year without replacement revenues. This is just plain unfair and damaging for basic local services.

The Beaverton City Council joins me in asking you to vote "no" on this plan (Beaverton City Council resolution August 23, 2004) – it is an irresponsible effort at "ballot box forestry" that harms many residents and the local economy.

(This information furnished by Rob Drake, Mayor, City of Beaverton.)

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Argument in Opposition

Measure 34

A Threat to Oregon's Environment and Economy

Measure 34 Damages Oregon's Economy—Especially Rural Oregon

The timber harvest ban proposed in this measure would cost Oregon's economy \$123 million in personal income per year through the loss of 2,650 Oregon jobs. Ten million acres of federal forestlands in Oregon are already off limits to timber harvest. Now Measure 34 proposes to ban harvests on more than 250,000 more acres of state forestlands.

Measure 34 Hurts the Environment and Eliminates the Compromise

The Biscuit Fire in Grants Pass and the Bear Butte and Booth fires outside of Sisters both caused the shut down of main arteries into town, which cut down business by 60-70 percent during those months. Management and regulated harvest of forests is necessary to prevent these fires. Foresters have warned that Measure 34, will dramatically increase the danger of massive forest fires in the Tillamook and Clatsop State Forests. This would damage the environment and the economy.

The current plan, developed with public, professional and environmental input over a seven-year process, is safe and effective. Measure 34 requires that the biology department chairs at three Oregon universities pick a committee to draft a new management plan—without public input.

Measure 34 Hurts Schools and Local Governments

Oregonians would lose more than \$1 billion of timber value that would otherwise support schools, local government, and the state's economy if Measure 34 is passed. Measure 34 would reduce the amount of revenue received by all Oregon schools by \$26 million a year, and would reduce all revenues provided through timber harvesting to the state, counties and schools by \$70 million a year.

Measure 34 presents a dangerous threat to the Oregon environment and economy.

A decrease in job availability and an increase in the threat of forest fires would be devastating to the Oregon economy and environment, and must be prevented through the halt of Measure 34.

Vote NO on 34.

(This information furnished by Bill Perry, Oregon Restaurant Association.)

Measure 34 Arguments

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Argument in Opposition

SEIU, Local 503 Urges a NO vote on Measure 34

We support the following recommendations in the Oregon AFL-CIO's position paper on forest management:

- i) Maintain and enhance basic protections for the environment, water quality, key watersheds, threatened and endangered species habitat, public health, and occupational health and safety.
- ii) Move away from low-bid contracting and toward cost-effective innovations in contracting such as: a) "Best-Value" contracts with local preference criteria, b) Service contracts with an embedded timber sale, c) "Bundling" that combines multiple tasks over a longer contract period, d) Indefinite delivery indefinite quantity contracts; and e) Stewardship contracting authorities which may also include goods-for-services, and retention of receipts, and other innovations. These are cost-effective approaches that ensure quality performance, while encouraging contractors to employ a higher-skilled workforce, provide training and create jobs that are longer in duration.
- iii) Promote federal-state partnerships to gain economies of scale on projects and to tap into a variety of funding sources.
- iv) Provide standards for living wages (prevailing wages), health care coverage and participation of contractors in a certified apprenticeship program for ecosystem restoration workers. Program and project budgets should include apprenticeship-training set-asides

The state management plan for the forests in question has been in effect for just three years. We are generally supportive of that plan. Our members who work in the forests are striving to implement the existing plan in such a way that it makes the forest healthier for recreation, wildlife, and the economy.

The existing management plan was developed through a lengthy process in which labor had a voice. The plan does not satisfy everyone who has a stake in the process, but we believe that forest management should not be the result of the initiative process. We urge voters to oppose Measure 34.

(This information furnished by Arthur Towers, Service Employees International Union Local 503, OPEU.)

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Measure 35

Proposed by initiative petition to be voted on at the General Election, November 2, 2004.

Ballot Title

35

AMENDS CONSTITUTION: LIMITS NONECONOMIC DAMAGES (DEFINED) RECOVERABLE FOR PATIENT INJURIES CAUSED BY HEALTHCARE PROVIDER'S NEGLIGENCE OR RECKLESSNESS

RESULT OF "YES" VOTE: "Yes" vote limits recovery of noneconomic damages (defined) for negligent or reckless injury to patient by healthcare provider to \$500,000 (adjusted annually for inflation).

RESULT OF "NO" VOTE: "No" vote retains current law, which places no limit on jury award of noneconomic damages (defined) for injury caused by negligence, recklessness of healthcare provider.

SUMMARY: Amends constitution. Under current law, there is generally no limit on jury's award of noneconomic damages to patient, patient's legal representative, or patient's spouse for injury caused by healthcare provider. Measure limits recovery of noneconomic damages for negligent or reckless injury caused by an Oregon licensed healthcare provider or healthcare entity to \$500,000. Defines noneconomic damages to include pain; mental suffering; emotional distress; loss of society, companionship, services; loss of sexual relations; inconvenience; interference with normal and usual activities apart from employment. Specifies formula to adjust for inflation annually. Limitation applies regardless of extent of injuries, number of people entitled to damages, or number of defendants sued. Does not apply to wrongful death claims. Applies to suits filed after January 1, 2005. Other provisions.

ESTIMATE OF FINANCIAL IMPACT: There is no financial effect on state or local government expenditures or revenues.

(4) The limit of noneconomic damages under subsection (2) shall be redetermined annually for each year after the effective date of this amendment in accordance with the following formula:

$$\text{Limit of noneconomic damages} = \$500,000 + [\$500,000.00 \times ((\text{Annual CPI} - \text{Base Year CPI}) \div \text{Base Year CPI})]$$

(5) The first business day following February 1st of each year after the effective date of this amendment, the State Court Administrator shall, using the Index identified in subsection (1) and the equation set forth in subsection (4), determine the limit of noneconomic damages; and shall on the same date notify the clerks of each of the Circuit Courts what the limit of noneconomic damages shall be from that date until the date of the next annual determination.

(6) The term "economic damages" as used in this section shall mean all objectively verifiable monetary losses including but not limited to reasonable charges necessarily incurred for medical, hospital, nursing and rehabilitative services and other health care services, burial and memorial expenses, loss of income and past and future impairment of earning capacity, reasonable and necessary expenses incurred for substitute domestic services, recurring loss to an estate and damage to reputation that is economically verifiable.

(7) The term "noneconomic damages" as used in this section shall mean all subjective nonmonetary losses suffered by an injured patient, including but not limited to pain, mental suffering, emotional distress, loss of care, comfort, companionship and society, loss of consortium, inconvenience and interference with normal and usual activities apart from gainful employment.

(8) This amendment is self-executing upon passage, shall not require implementing legislation, and shall apply to all actions covered by subsection (2) that are filed on or after January 1, 2005.

Text of Measure

Section _____. (1) For purposes of this amendment, the following definitions shall apply:

(a) "Base Year CPI" shall mean the monthly Consumer Price Index for All Urban Consumers Not Seasonally Adjusted in the West Urban area, published by the United States Department of Labor for December of the year preceding the effective date of this amendment.

(b) "Annual CPI" shall mean the monthly Consumer Price Index for All Urban Consumers Not Seasonally Adjusted in the West Urban area, published by the United States Department of Labor for December of the year preceding the date of the annual determination specified in subsection (5).

(2) Notwithstanding any other provision of this Constitution, in cases not involving claims for wrongful death, an injured patient, the patient's legal representative, including a person claiming loss of consortium, shall be entitled to make a claim for recovery of all economic damages suffered, plus an amount not to exceed \$500,000 for all noneconomic damages arising from injury to any one patient that may be recoverable from Oregon licensed healthcare providers or entities. This limitation of noneconomic damages shall apply only to claims for unintended injury occurring when the healthcare providers or entities are acting within the scope of their licenses.

(3) Nothing in this section affects the right of any person to recover economic damages.

Measure 35

Explanatory Statement

The Oregon Constitution currently acts to prohibit limitations on awards of noneconomic damages in many types of civil actions.

Ballot Measure 35 would amend the Oregon Constitution to impose a limit on noneconomic damages that may be claimed in certain actions. The measure applies to claims made by injured patients and legal representatives of injured patients, including persons claiming loss of consortium (the loss of the company, affection, assistance and sexual relations of a spouse). The limitation applies only to claims made by such persons against healthcare providers and healthcare entities licensed in Oregon, for injuries incurred while the provider or entity was acting within the scope of the license. The limitation applies to claims based on negligence or recklessness, but does not apply to claims based on intentional injury. Nor does it limit claims for wrongful death.

If a claim is subject to Ballot Measure 35, the measure would impose a limitation of \$500,000 (adjusted annually for inflation) on the amount that can be claimed as noneconomic damages arising from injury to any one patient that may be recoverable from health care providers or entities. Noneconomic damages are defined as all subjective nonmonetary losses suffered by an injured patient, including but not limited to pain, mental suffering, emotional distress, loss of care, comfort, companionship and society, loss of consortium, inconvenience and interference with the normal and usual activities apart from gainful employment.

Ballot Measure 35 does not limit the recovery of economic damages, defined by the measure to be all objectively verifiable monetary losses including but not limited to reasonable charges necessarily incurred for medical, hospital, nursing and rehabilitative services and other health care services, burial and memorial expenses, loss of income and past and future impairment of earning capacity, reasonable and necessary expenses incurred for substitute domestic services, recurring loss to an estate and damage to reputation that is economically verifiable.

Ballot Measure 35 provides for adjustment in the amount of the limitation based on changes in the Consumer Price Index for All Urban Consumers Not Seasonally Adjusted in the West Urban area, as published by the United States Department of Labor. The State Court Administrator is charged with determining the amount of the limitation each year under the formula provided in the measure.

Ballot Measure 35 does not require implementing legislation and applies to all actions filed on or after January 1, 2005.

Committee Members:

Jim Dorigan
Paul Frisch
Steve Berman
Steve Novick
Jacob Tanzer

Appointed by:

Chief Petitioners
Chief Petitioners
Secretary of State
Secretary of State
Members of the Committee

(This committee was appointed to provide an impartial explanation of the ballot measure pursuant to ORS 251.215.)

Measure 35 Arguments

Argument in Favor

Oregon Medical Insurance System is in Crisis...Again!

Lack of access to health care is a major problem. In Oregon, doctors' medical insurance costs have skyrocketed. We have been in this position before and we developed a common sense solution that worked.

Oregon History Show Caps Work

During the mid-1980s, medical insurance costs were skyrocketing and endangering doctors' ability to maintain their practices, much like the current situation. I was the incoming President of the Oregon Medical Association in 1987 and led the fight to reform our medical insurance system and protect our patients' access to health care. Realizing the danger, the Oregon Legislature passed sensible reform that placed a \$500,000 cap on all non-economic damage awards. It was a bi-partisan solution addressing a crisis that **delivered results**.

From 1987 until 1999, the **system worked** exceptionally well and **lowered liability insurance premiums**, while still ensuring injured parties access to a jury trial and fair compensation for economic damages. In 1999 the limit was reversed by the Oregon Supreme Court and Oregonians once again found **their health care access in jeopardy**.

Oregon is now in the exact same crisis it was in the mid-1980s and we have come to the people to offer them the same solution that has already worked once for our state.

Caps on Non-Economic Damages Worked and Will Work Again.

Caps lower medical insurance rates, lower overall health care costs, ensure full compensation for economic hardships for victims, and ensure that the next time a baby needs to be delivered there is a doctor there to do it.

Your Help is Needed to Save Oregon's Quality Health Care System

As the former President of the Oregon Medical Association and an OB/GYN that has never been sued in 30 years of practice, I know how badly this is hurting our health care system. Please support Measure 35 and help keep doctors in Oregon.

Richard Allen, M.D.
Former President, 1988-1989
Oregon Medical Association

(This information furnished by Richard Allen, M.D., Former President 1988-1989, Oregon Medical Association.)

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Argument in Favor

Measure 35 is Just What the Doctor Ordered

As President of the Oregon Medical Association, representing over 7,000 Oregon doctors, I urge you to please VOTE YES ON MEASURE 35.

Oregon's medical insurance system is in a state of crisis. Skyrocketing medical insurance rates are causing doctors to leave Oregon and/or limit the services they provide. We are having great difficulty recruiting new doctors into our state. The result is that all Oregonians are having difficulty accessing health care services. If we want to maintain our high level of care, we must take action now.

Measure 35 will help Oregon avert a pending disaster by reinstating a \$500,000 cap on non-economic damages that

previously worked in Oregon for over a decade. If passed, Measure 35 will:

- **Ensure** all Oregonians have access to **affordable and reliable health care**
- Allow doctors to continue practicing
- **Limit only non-economic damages** to \$500,000
- **Reinstate** a cap system that **worked in Oregon**
- Discourage frivolous lawsuits
- **Maintain** every Oregonian's **right to a jury trial**
- Places no limits on jury awards for **economic damages**
- **Save taxpayers millions** of dollars each year

If we do not act now, Oregonians will continue to lose access to medical care. Here is what will happen if we allow greedy personal injury lawyers, and their misinformation, to maintain the status quo:

- Patients will **not have access to critical health care** all over the state
- Oregon will continue to **lose doctors**
- **Health care costs will continue to rise**
- **More and more frivolous lawsuits** will be filed as lawyers try to hit the "medical insurance jackpot"

Supporting Measure 35 is just a clear cut case of "common sense." Vote to protect patient access, vote to protect the Oregon health care system...VOTE YES ON MEASURE 35!

John Moorhead, M.D.
President
Oregon Medical Association

(This information furnished by John Moorhead, M.D., President, Oregon Medical Association.)

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Argument in Favor

Doctors, Nurses, Hospitals and Senior Services Providers Support Measure 35

Our organizations represent doctors, nurses, hospitals and senior service providers...that is over 7,000 doctors, 10,000 nurses, 59 hospitals, and 500 senior care facilities that serve over 24,000 elderly and disabled individuals. We are urging you, on behalf of our members, to support Measure 35.

Medical Insurance Rates Driving Doctors Out Of Business

Right now Oregon is experiencing a medical insurance crisis. Medical insurance rates are skyrocketing and driving doctors and some nurse practitioners out of business. This means that the next time a baby needs to be delivered, a head trauma needs to be treated or someone is injured in rural Oregon, there may not be a health care professional there to help.

One way to regain control of the situation is to pass Measure 35 and reinstate a \$500,000 cap on non-economic damages, a cap that worked in Oregon for over a decade.

Measure 35 Works in Oregon

- Will protect patient access and ensure that doctors are available.
- Reduced doctor insurance rates and will work again.
- Will reduce medical insurance rates for all health care providers.
- Will reduce overall health care costs.
- Allows juries to award unlimited economic damages.
- Ensures fair compensation while preventing outlandish jury awards.
- Will help control frivolous lawsuits.

Oregon Health Care Community Supports Measure 35

Measure 35 Arguments

Oregon's health care providers have come together to protect our patients' access to health care and to make sure that our providers can continue to practice in Oregon. Please support our medical health care system by voting for Measure 35.

Jo Bryson, Executive Director Oregon Medical Association	Susan King Oregon Nurses Association
Ken Rutledge Oregon Association of Hospitals and Health Systems	James Carlson Executive Director Oregon Health Care Association

(This information furnished by Ken Rutledge, Oregon Association of Hospitals and Health Systems.)

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Argument in Favor

There are some things we take for granted: eyesight is one of them. Another is having access to a physician. Like our eyesight, we probably won't miss our doctors until they are gone.

Don't let the current crisis become a disaster.

CAN YOU SEE THE PROBLEM?

- **Between 1999 and 2003 medical liability premiums have increased 75%!**
- **Since the cap on non-economic damages was removed jury awards have risen 65% while cases settled out of court have increased exponentially.**
- **Doctors are being forced out of practice: reducing patient access to care and proving that the current system is in need of reform.**

IS IT CLEARER NOW?

The problem is coming into focus...

Unfortunately, medical malpractice laws favor lawyers over both patient and physician. We can correct this by capping non-economic damages at \$500,000.

- **Installing a cap on non-economic damages will allow for just compensation while protecting the medical community from frivolous and capricious lawsuits.**
- **A cap will remove the incentive for lawyers to drive up the plaintiff's claims in order to pad their own paycheck.**
- **Caps once worked in Oregon and will work in Oregon again.**

Oregonians deserve the best possible eye care from the best-trained professionals. Help keep these professionals in practice and in state,

VOTE YES ON 35!

Here at the Oregon Optometric Physicians Association we know the value of clear vision. We can clearly see that the medical tort system in Oregon is being abused by trial lawyers blind to the impact their greed has had on the quality of health care in Oregon. We have watched as our friends and colleagues have been forced to stop high risk procedures because the cost of malpractice insurance is so high. Don't take your physicians for granted because, like your eyesight, they are too dear to lose!

THE OREGON OPTOMETRIC PHYSICIANS ASSOCIATION

(This information furnished by Wayne Schumacher, Executive Director, Oregon Optometric Physicians Association.)

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Argument in Favor

County Medical Societies Across Oregon Supports Measure 35

Right now, patients throughout Oregon are in danger of losing access to critical health care services because doctors are being driven out of practice at an alarming rate. Skyrocketing medical insurance rates, caused by outrageous jury awards, are making it difficult for doctors to continue practicing...depriving you of vital care.

Measure 35 helps solve the problem by reinstating a cap system that worked in Oregon before...and will work again. The \$500,000 cap enacted by this measure will help ensure reasonable jury awards for subjective items, like emotional pain and suffering, while ensuring fair compensation for all economic hardships. Measure 35 is just common sense.

The County Medical Societies of Oregon represent the practicing doctors of Oregon, we urge you to **VOTE YES ON MEASURE 35!**

**Central Oregon Medical Society
Clackamas County Medical Society
Clatsop County Medical Society
Curry County Medical Society
Lane County Medical Society
Malheur County Medical Society
Marion-Polk County Medical Society
Medical Society of Metropolitan Portland
Washington County Medical Society**

(This information furnished by Jim Kronenberg, Oregon Medical Association.)

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Argument in Favor

Oregon Association of Hospitals and Health Systems Support Measure 35

Help Medical Providers Protect Your Access to Health Care
Oregon's hospitals support Measure 35. You should, too.

Measure 35 would help protect your access to health care by placing a \$500,000 limit on non-economic damages, which include things like emotional pain and suffering.

Measure 35 does nothing to take away a jury's ability to award compensation to victims for their economic hardships, such as lost wages, medical expenses, child care costs and any other future costs that must be incurred because of an injury.

The question of medical insurance is complex and confusing. The opposition is doing everything possible to confuse the issue by making it appear that Measure 35 would limit any awards in medical insurance cases to \$500,000. They continue to do this even though they know the facts just do not support their claims.

Juries Still Important

Economic and non-economic damages are both involved in every malpractice case but each has a very specific role. Measure 35 ensures that every Oregonian can receive fair compensation for any medical injury by protecting a jury's ability to

Measure 35 Arguments

award any economic compensation they deem necessary. The opposition wants you to think that Measure 35 would take away the necessities of life for people who have been injured.

Measure 35 would restore sanity and stability to a system that has been steadily deteriorating, while still ensuring that injured patients are fairly compensated for their losses. Soaring compensation awards are seriously impacting our state's ability to provide health care access – especially in rural areas -- as more doctors choose to limit their practice or simply relocate out of state. It is also negatively affecting our ability to recruit new doctors to our state.

As Chairman of the organization representing Oregon's Hospitals, I urge you to join us in supporting Measure 35.

**Larry A. Mullins, DHA
Chairman
Oregon Association of Hospitals and Health Systems**

(This information furnished by Larry Mullins, DHA, Chairman, Oregon Association of Hospitals and Health Systems.)

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Argument in Favor

Oregon Nurses Association Supports Measure 35

The Oregon Nurses Association represents over 10,000 nurses across the state.

After lengthy debate, an open forum and extensive research, the Oregon Nurses Association has endorsed Ballot Measure 35. This is a critically important matter and we studied it with the seriousness that it deserved.

The ONA Extensive Research Found:

It is important to restore the \$500,000 cap on non-economic medical malpractice awards.

This is a reasonable first step that helps return stability to the medical insurance system while ensuring that victims are properly protected in cases of malpractice.

The unpredictability of future costs can be expected to cause further reduction in access unless reforms are instituted.

Escalating medical malpractice premiums, including those for physicians and some nurses, are causing providers to restrict the services they offer or to leave practice altogether.

Both of these outcomes negatively impact access to health care for many Oregonians.

Measure 35 is the First Step Towards a Larger Solution

ONA expects that a cap on non-economic damages alone will not entirely solve the problem but will become one part of a package of solutions to reduce the cost of medical insurance premiums for health care providers. We are asking for you to support Oregon's nurses by voting **YES on Measure 35**.

**Debbie Cassell
President of the Oregon Nurses Association**

(This information furnished by Debbie Cassell, President, Oregon Nurses Association.)

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Argument in Favor

OREGON'S ELDERLY AND DISABLED NEED A YES VOTE ON BALLOT MEASURE 35

The Oregon Alliance of Senior & Health Services is the statewide association of not-for-profit, mission-directed organizations dedicated to providing quality housing, care and services to the elderly and disabled. Alliance members – nursing homes, residential care, assisted living, housing and continuing care retirement facilities, as well as senior service agencies -- serve more than 13,000 older Oregonians.

Measure 35 Helps Ensure Elderly Access To Comprehensive Health Care

The Alliance endorses measure 35. Since the 1990s nursing homes have become one of the fastest growing areas of health care litigation. Extensive and unabated litigation against providers of aging services and heavy losses on liability insurance policies have resulted in skyrocketing insurance premiums. The lawsuits and rise in insurance rates have led to the absurd situation where resources are drained away from resident care in facilities with no or little history of claims. This isn't right – limited dollars should go to resident care.

This **crisis was averted once before** with a \$500,000 cap on non-economic damages. The Alliance recognizes that this common sense solution worked before. The good news for us is that it WILL work again.

Measure 35 simply restores the \$500,000 cap (adjusted for inflation) on non-economic damages. We will see lower premiums, we will see resources being spent where it should – on resident care – instead of skyrocketing premiums!

Exercise Your Right To Affect Real Change With Your Yes Vote

Our main goal is providing the highest quality of life for seniors and the disabled...we feel strongly that Measure 35 will help us accomplish this by bringing health care reform back to Oregon.

This ballot measure is a critical first step to addressing a health care system that for all of us is spiraling into a tailspin. **Help protect vital health care for our seniors by voting YES on 35.**

**Ruth Gulyas
Oregon Alliance of Senior and Health Services**

(This information furnished by Ruth Gulyas, Oregon Alliance of Senior and Health Services.)

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Argument in Favor

Oregon Is Losing Doctors

Doctors' malpractice insurance rates are becoming so expensive that many doctors, especially those in rural areas and high-risk practices, are being forced to relocate or stop providing risky services.

My Personal Story

"My family doctor was forced to stop delivering babies by insurance rates. I live in Reedsport, Oregon, and recently had my second child. In order to get the prenatal care I needed, I was forced to travel over 60 miles round trip. I had to make the same trip while I was in active labor. It's ridiculous to have to bypass my local hospital because insurers wouldn't let them care for me.

"Ironically, I am also a doctor who had to give up delivering babies. Two years ago, all deliveries and prenatal care in Reedsport ended because it became impossible to find a doctor

Measure 35 Arguments

who could afford the insurance to perform an emergency caesarian section. Without the necessary emergency coverage, all deliveries were forced to stop. Skyrocketing insurance rates prevent me from getting and giving needed care locally.”

Janet Patin, MD
Recent Mother, Family Physician

Measure 35 is Critical

If we pass Measure 35, we will reinstate a \$500,000 cap on non-economic damages. Isn't that enough? This cap worked exceptionally well in Oregon for over a decade, and it will work again.

Everyone Pays if Measure 35 Fails

Huge jury awards don't weed out bad doctors, they just raise insurance premiums for everyone. Fewer doctors are willing to work here or provide high-risk services. Don't you expect excellent care if you have an accident on vacation? Don't you expect to get in to see a doctor when you need to? That could all go away if we don't pass Measure 35.

Vote YES on 35

As both a mother and doctor forced to stop delivering babies, I urge you to vote "YES" on Measure 35...because without 35, access to the care of a local doctor may end.

(This information furnished by Janet E. Patin, MD.)

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Argument in Favor

RURAL OREGONIANS ARE HARDEST HIT BY MEDICAL ACCESS CRISIS

Right now rural Oregonians are in danger of losing adequate access to critical medical care because of doctors' skyrocketing medical insurance rates. Access for some has already become an issue. If we do not address this access problem more rural Oregonians will be forced to travel sixty or more miles just to see a doctor.

MEASURE 35 PROTECTS THE FAMILIES OF FARMERS, RANCHERS, AND LOGGERS

The people who will be most devastated will be Oregon's farmers, ranchers, loggers and anyone else who makes a living where there are already very limited options for medical care.

MEDICAL CARE OPTIONS CONTINUE TO SHRINK

It is the critical specialties that are losing doctors at the most alarming rates. This includes doctors who deliver babies, neurosurgeons and trauma doctors. If we do not act now to address this problem, we will have turned our back on every rural Oregonian.

DO YOU EVER TRAVEL IN RURAL OREGON?

Rural Oregonians deal with this growing medical dilemma on a continual basis, but how often do you travel east of Portland or south of Eugene? Next time you're driving outside a major city, think about what would happen should you have a medical emergency or accident in rural Oregon. What will **you** do if there are no medical specialists left to help you, your spouse or children if critically injured?

MEASURE 35 IS PART OF THE SOLUTION TO MEDICAL INSURANCE REFORM

MEASURE 35 IS A STEP IN THE RIGHT DIRECTION

MEASURE 35 RESTORES A SYSTEM THAT LOWERED MEDICAL PREMIUMS FOR OVER A DECADE

MEASURE 35 WILL KEEP DOCTORS PRACTICING IN SMALL COMMUNITIES ACROSS THE STATE

Show your support of our ranchers, farmers, and loggers **and protect your family by VOTING YES ON MEASURE 35.**

**Oregonians for Food and Shelter
Oregon Farm Bureau Federation
Associated Oregon Loggers, Inc.
American Forest Resource Council**

(This information furnished by Terry Witt, Oregonians for Food and Shelter.)

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Argument in Favor

Communities are being forced to sacrifice health care

Who is it that you trust with your health? For many in Oregon, it is their **family physician**. Possibly even the same one they have seen since they were children. Unfortunately, for many Oregonians, their choice of who will be available to provide for their health care needs is being limited.

Oregonians are offered a solution NOW

Since the cap on non-economic damages was removed in 1999 physician insurance premiums have increased at an alarming rate, forcing some doctors to limit their services or leave their practices altogether. Ultimately, this means that **communities have to make sacrifices on their health care options** – leading to an access crisis.

- Oregon's system is in jeopardy. Without common sense steps toward reform, we are at risk of losing access to vital health care.
- A cap on non-economic damages is a reasonable step toward returning stability to the medical insurance market.
- This is a solution that has worked before while protecting patients, the jury system and stabilizing the insurance market.

Only caps non-economic damages

Economic and non-economic damages are **not** interchangeable: each has its own special role in compensating the plaintiff.

Economic damages have a measurable impact such as lost wages, related medical expenses, future medical expenses, and other related costs. **Non-economic damages include considerations like pain and suffering** which are totally subjective.

These are two distinctly separate award categories, and anyone that tells you otherwise is simply attempting to confuse the facts.

Now is the time to vote for a change

Oregon voters have a chance now to reform the current system and to ensure that all patients have access to critical health care when they need it. This is why the Oregon Academy of Family Physicians encourages a **YES vote on Measure 35**.

Measure 35 will restore the system that once worked in Oregon and will work in Oregon again.

Oregon Academy of Family Physicians

(This information furnished by James Chesnutt, MD, Oregon Academy of Family Physicians.)

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Measure 35 Arguments

Argument in Favor

Oregon Small Business Coalition Supports Measure 35

The Oregon Small Business Coalition, which is made up of thousands of businesses from across the state, support Measure 35 and urges you to VOTE YES ON 35.

Measure 35 is Good for Business

- Employers pay millions of dollars each year to insure themselves and their employees.
- Skyrocketing medical liability insurance rates are forcing doctors to limit their practice or leave the state which restricts Oregon's workers access to care.
- Restricting access to health care affects the productivity of a business and its employees, hurting everybody's bottom line.
- The same rising insurance rates are adding to the increasing cost of medical care.
- Medical liability insurance rates began to rise in 1999 because the \$500,000 cap on non-economic damages was removed.
- **Reinstating the \$500,000 cap on non-economic damages will rein in the ever increasing awards for emotional pain and suffering.**
- **A study by the U.S. Health and Human Services Department noted limiting these large awards on non-economic damages will reduce overall health care costs by at least 5%.**
- **A minimum of a 5% decrease will save small businesses millions of dollars in medical expenses each year.**

Measure 35 is the First Part of a Greater Solution

Measure 35 will not cure all the ills of Oregon's health care system, but it is a great start. This is just the beginning of a larger discussion regarding complete reform of our health care system. However, if we can not agree to return to a system that has already worked for our state, what hope do we have for truly reforming our system. **Measure 35 is the right thing to do, please remember that when you cast your vote on November 2nd.**

OREGON SMALL BUSINESS COALITION

(This information furnished by Darrell Fuller, Oregon Small Business Coalition.)

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Argument in Favor

PROTECT ACCESS TO HEALTH CARE

At 15, I decided to become an obstetrician/gynecologist when I grew up. Yet, five years after launching the medical practice I'd dreamed of, I became part of a statewide trend. Despite never being named in a lawsuit, I stopped delivering babies. Soaring malpractice insurance rates and fear of litigation have forced more than 125 Oregon physicians and midwives to make the same decision. Another 250 plan to stop delivering babies within five years.

Physicians in high-risk specialties are being forced to limit essential services or leave Oregon. Despite inflated figures cited by Measure 35 opponents, Oregon has a critical doctor

shortage. Many believe that only "bad" doctors need to be concerned about being sued. The truth is 75% of all Ob/Gyns will be sued during their careers – not because they are bad doctors but because they provide high-risk services.

This crisis affects all Oregonians:

- **Access to health care has been greatly reduced.** High-risk procedures are especially hard to come by. In fact, a vast majority of Oregon is without neurosurgeons, requiring patients with severe head injuries to be transferred greater distances for trauma care, compromising chances for recovery and survival.
- **Fewer physicians providing high-risk services means higher health care costs.** Even those who can still afford health care may not find physicians to provide it.

Measure 35 provides a common-sense solution:

- Fair compensation for lost wages, future earnings, medical bills and actual expenses in medical malpractice cases.
- A \$500,000 cap only for "pain and suffering" awards. Since such caps were removed in 1999, insurance rates have skyrocketed as jury awards have increased 65% while the number of patient complaints has stayed about the same.

Last year 22 states passed tort reform. Oregon must be next!

VOTE YES ON MEASURE 35!

Melissa Edwards, M.D.
Women's Care Physicians & Surgeons

(This information furnished by Melissa D. Edwards, M.D., Women's Care Physicians & Surgeons.)

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Argument in Favor

BABIES IN RURAL OREGON ARE MORE LIKELY
TO HAVE LOW BIRTH WEIGHT.

THE DEATH RATE IN RURAL AREAS IS 20% HIGHER THAN
THE REST OF OREGON.

Shocking, isn't it? But despite these dire facts, Oregon doctors are trying harder than ever to practice in rural Oregon. The rising cost of medical malpractice insurance has been driving physicians away from the areas where they are needed most: leaving nearly half of Oregon's population in the lurch. Even when there are doctors that want to practice in rural Oregon, they are having a hard time of getting one of the two insurers in the state to issue them a policy. The Oregon Rural Health Association has witnessed the impact of the epidemic of frivolous lawsuits and as it stands:

- Rural doctors work longer hours than their urban counterparts.
- The ratio of population to doctors is nearly 7 times that of an urban setting.

AND IT IS GETTING WORSE

- 29.2% of the remaining doctors in rural areas are being forced to stop providing high-risk services due to rising insurance rates.
- This means fewer doctors delivering babies and fewer doctors performing life saving surgeries.

THE KEY TO PROPER TREATMENT IS ACCESS

And there can be no access when doctors continue to be driven away by the outrageous malpractice insurance rates that result from the frivolous lawsuits filed by greedy trial lawyers.

Measure 35 Arguments

What can you do to help? You can vote **YES on 35.**

- Measure 35 will **restore reason to the system** by putting a \$500,000 cap on non-economic damages.
- Measure 35 will **protect the patient's access** to health care.
- Measure 35 will **protect injured patients' right** to just compensation.

The situation has already gotten out of hand, we need to act NOW to protect health care for all Oregonians. We need to vote "YES" on 35.

Oregon Rural Health Association

(This information furnished by E.E. "Ed" Patterson, Executive Director, Oregon Rural Health Association.)

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Argument in Favor

MEASURE 35 IS GOOD FOR OREGON'S SMALL BUSINESSES

A Bad Situation

Skyrocketing costs for medical malpractice insurance isn't just hurting doctors, it's hurting patients and Oregon's small businesses.

Rates have increased dramatically since the \$500,000 cap on non-economic damages was removed in 1999.

More and more doctors are being forced to either stop practicing or curtail high risk services because they just can not afford the insurance costs.

Increasing Health Care Costs Hurt Oregon's Businesses

Unlimited non-economic awards place tremendous upward pressure on overall health care costs and rates for small business.

Health insurance is becoming more costly every day and is placing a larger burden on the shoulders of every small business in our state.

It has gotten to the point that some employers are no longer able to offer health insurance to their employees at all.

Lack of Access Hurts Oregon's Businesses

Many smaller communities across the state are losing access to critical health care services. People in need of care are forced to travel increasing distances to receive it.

This means that employees have to take more time off work for medical care, which is hard on both employee and employer.

Measure 35 Good for Oregon's Businesses

A recent U.S. Department of Health and Human Services study estimates that limiting unreasonable jury awards for non-economic damages, which is exactly what Measure 35 does, could reduce health care and insurance costs by 5-9% without adversely affecting quality of care.

Oregon's Small Business Urge You to Pass Measure 35

Measure 35 helps to lift the burden of health care costs that are impacting Oregon's small businesses. NFIB/Oregon urges you to support Measure 35 because it is a first step down the road to positive health care reform.

VOTE YES ON MEASURE 35!

J.L. Wilson
National Federation of Independent Business - Oregon

(This information furnished by J.L. Wilson, National Federation of Independent Business/Oregon.)

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Argument in Favor

IT COULD HAPPEN TO YOU

You're in a serious accident. Your ambulance is diverted to an ER hours away and valuable time is lost. No trauma specialist is on call at your hospital, because medical liability insurance is no longer available.

You're expecting a baby. But you'll have to drive over 100 miles for delivery. Only a handful of doctors are left who practice obstetrics, the rest driven out by skyrocketing liability costs.

A family member has a serious medical problem. You'll have to wait weeks or months to see a specialist, or go out of state. Many of Oregon's best physicians can no longer afford to practice here, because of liability costs.

These scenes are not imaginary. Oregon is losing doctors.

Access to medical care is threatened by frivolous lawsuits and unreasonable non-economic damage ("pain and suffering") awards. You pay for it by losing access to medical care. Ballot Measure 35 stops the loss.

IF IT HAPPENS TO YOU

If an injury occurs due to medical negligence, you should receive the economic award to which you are entitled.

This means recovery of all current and future medical, hospital, nursing, rehabilitative and other health care services, all lost income, expenses for domestic service, and more.

No limits. Period. That is the way it should be, and that is exactly what Ballot Measure 35 ensures.

DON'T LET IT HAPPEN TO YOU

This is not a partisan issue; it is a patient issue. We simply cannot afford to lose more doctors and access to the local medical care we need. It doesn't matter where you live: Portland, Medford, Pendleton or Lakeview. The issue is about all Oregonians' access to medical care. **A YES vote on Ballot Measure 35 will assure that YOU get help in time of need.**

Medical Society of Metropolitan Portland

(This information furnished by Keith I. Marton, M.D., President, Medical Society of Metropolitan Portland.)

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Argument in Favor

Associated Oregon Industries Supports Ballot Measure 35

AOI represents over 20,000 member companies, which employ almost one third of Oregon's private workforce. On behalf of our members, we implore all Oregonians to **vote YES on Measure 35.**

MEASURE 35 WILL SAVE OREGON TAXPAYERS MILLIONS!

Recently, Regence BlueCross BlueShield estimated that Ballot Measure 35 will save the three governmental agencies they insure over **\$27 million in tax payer dollars** due to overall savings in health care costs. If \$27 million represents the savings for only three governmental agencies, just imagine the overall tax savings when every government employee is taken into account!

Measure 35 Arguments

MEASURE 35 IS GOOD FOR BUSINESS OWNERS AND EMPLOYEES

The cost of insuring employees is steadily increasing and is steadily becoming a larger problem for all employers, big and small. Unfortunately, the burden is proving too much for a large number of businesses, forcing them to **either reduce health care benefits or eliminate them** all together.

Ballot Measure 35 will help to reverse this trend. A recent U.S. Department of Health and Human Services study estimated overall health care costs could be reduced by at least 5% by simply capping non-economic damage awards to reasonable levels. A 5% saving on health care costs will **save Oregon businesses millions** of dollars each year, helping them continue to keep their employees insured.

MEASURE 35 IS PART OF THE SOLUTION

Measure 35 will restore the cap on non-economic damages that held medical malpractice insurance costs and outrageous jury awards in check for over a decade. This measure is not new or unknown, we have had it before and we know **a cap will work again**.

Ballot Measure 35 will not solve every problem in Oregon's health care system, but it takes a first step down the path to greater reform. We urge you to join Associated Oregon Industries in supporting a common sense solution for Oregon...**VOTE YES ON MEASURE 35!**

Richard M. Butrick
President
Associated Oregon Industries

(This information furnished by Richard M. Butrick, President & Chief Executive Officer, Associated Oregon Industries.)

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Argument in Favor

OREGON IS LOSING DOCTORS

The Marion-Polk County Medical Society represents doctors across two counties and, on behalf of our members, we are urging you to support Measure 35.

From 1987 to 1999 Oregon had a system that worked. During that time, a \$500,000 cap on non-economic damages reduced and stabilized medical malpractice insurance premiums. That stability kept premiums reasonable and allowed doctors to focus on their practice. Once that cap was removed, our medical malpractice insurance system went haywire.

THE RESULTS OF REMOVING THE CAP ON NON-ECONOMIC DAMAGES

**Malpractice insurance rates have increased
an average of 175%.**

**Doctors are being forced to either reduce their
services or leave the state.**

**This limits access to adequate health care
for many Oregonians.**

Jury awards have increased over 60%.

THE RESULTS OF PASSING MEASURE 35 **Doctors will be able to continue practicing. Access to medical care will improve.**

**Jury awards will return to reasonable levels.
The jury system will be protected
while discouraging frivolous lawsuits.**

Restoration of a system that worked well for over a decade.

Measure 35 would restore the \$500,000 cap on non-economic damages that served this state so well. This measure is a

reasonable solution to a problem that impacts all of us. It will serve to protect doctors and their patients while ensuring that injured patients are adequately taken care of.

Measure 35 is right for Oregon and that is why the Marion-Polk County Medical Society asks you to **vote YES on Measure 35.**

Marion-Polk County Medical Society

*(This information furnished by William "Bud" Pierce, Ph.D., M.D.,
President, Marion-Polk County Medical Society.)*

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Argument in Favor

LANE COUNTY MEDICAL SOCIETY SAYS "YES" TO MEASURE 35

Oregon's Medical Insurance System Needs Treatment

Oregon's medical malpractice insurance system is in trouble. That is **bad news for everyone who needs health care**, which means **it's bad news for all Oregonians.**

Diagnosis of the Problem

- The cap on non-economic damages was removed in 1999, which led to a **65% increase in the size of jury awards.**
- These increased jury awards led to an average **increase of 175% in the cost of medical malpractice insurance** for all doctors in Oregon.
- Rates have increased so much that it is becoming difficult for many doctors to continue their practice, especially doctors in **high risk services like delivering babies and performing brain surgery.**
- As doctors are forced to cut these critical services, like the **125 providers who have stopped delivering babies since 2000**, patients lose access to health care because there is no longer a doctor available to treat them.
- Oregonians are **forced to travel ever-increasing distances** for care.

This is a bad situation for both doctor and patient. Fortunately, we can treat this problem.

Recommended Treatment Plan: PASS MEASURE 35

- Restores a \$500,000 cap on only non-economic damages in medical malpractice cases that has worked before and will work again. No cap on economic damages.
- Provides full and just compensation to injured patients while stabilizing a system the rest of us depend on for our health care.
- The stability created by the newly reinstated caps will lead to lower insurance premiums for doctors.
- Lower premiums mean that doctors can get back to the business of helping patients.
- More doctors practicing means more access to care for all Oregonians.

We can help cure this problem by simply passing Measure 35 and bringing back a system that has already proven itself in Oregon. On behalf of all my members, I urge you to **VOTE YES ON 35!**

(This information furnished by Raymond N. Englander, Lane County Medical Society.)

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Measure 35 Arguments

Argument in Favor

Clackamas County Medical Society Needs You to Vote Yes on Measure 35

The issue is simple: **Our Citizens' Access to health care is being compromised.** We are confident Measure 35 moves all of Oregon in the right direction toward addressing this health care access crisis.

Without Measure 35, the following problems we are **now** facing in Clackamas County will **only** get worse:

- Our physician population is not keeping pace with the general population.
- Increasing numbers of primary care medical practices are now **closed to new patients.**
- Family practice physicians who once delivered babies are no longer providing these services - **because of sky-rocketing medical insurance premiums.**
- Some OB/GYN physicians are cutting obstetrical services for the same reason - they **cannot afford** to perform these high risk services!
- We now have cases of an orthopedist and an OB/GYN being forced to quit their practices in Clackamas County **due to high insurance rates.**
- Many physicians **have limited the number, or no longer accept new** Medicare or Oregon Health Plan patients because low reimbursements **fail to cover the cost of increasing insurance premiums.**
- Waiting periods for appointments are increasing.
- Emergency room visits are increasing, which **results in higher insurance costs for everyone.**

These critical, life-giving and life-saving services should not be limited for any individual - especially when returning to a system that existed in Oregon for more than a decade would help avert an access crisis. All we are asking is to return to a system that worked. Please help us restore the \$500,000 cap on non-economic damages.

Ultimately, the health care you protect could be yours or that of your family.

Please make your vote count and vote YES on Ballot Measure 35.

CLACKAMAS COUNTY MEDICAL SOCIETY

(This information furnished by Janet M. Hochstatter, Executive Director, Clackamas County Medical Society.)

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Argument in Favor

Chambers of Commerce from throughout Oregon are joining together to urge a YES vote on Measure 35

As the representatives of thousands of businesses across Oregon, **we urge you to support Measure 35.** Some may not understand why Chambers of Commerce from every corner of the state are interested in a measure that addresses a problem with Oregon's medical malpractice insurance system.

We are interested because this system affects everyone

- Skyrocketing malpractice insurance rates are **forcing doctors to restrict their practices** or leave the state; that hurts access to health care for everyone.

- Skyrocketing malpractice insurance rates place an upward pressure on overall health care costs; that **makes care more expensive for everyone**, employees and employers alike.

- Lack of access **hurts our communities**, and ultimately **hurts the businesses** that we represent.

Measure 35 addresses those problems by restoring a \$500,000 cap on non-economic damages in medical malpractice cases, a cap that worked in Oregon for over a decade. This measure will not solve all our health care problems, but we know it will solve one huge problem by keeping our doctors practicing. Measure 35's solution has worked before in Oregon and will work again for all Oregonians.

Measure 35 is a common sense solution that has already worked once.

Please VOTE YES ON 35

Portland Business Alliance
The Chamber of Medford/Jackson County
Jacksonville Chamber of Commerce
Joseph Chamber of Commerce
Oregon City Chamber of Commerce
Seaside Chamber of Commerce
Dallas Area Chamber of Commerce
Bay Area Chamber of Commerce
Milton-Freewater Area Chamber of Commerce
North Clackamas County Chamber of Commerce
Madras-Jefferson County Chamber of Commerce
Salem Area Chamber of Commerce
Tillamook Chamber of Commerce

(This information furnished by Brad Hicks, President & CEO, The Chamber of Medford/Jackson County.)

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Argument in Favor

Medical Malpractice Insurance Crisis for Oregon

The rising costs of medical malpractice insurance and the increasing difficulty in getting adequate malpractice insurance for many surgical subspecialists is causing a large number of surgeons to question their ability to continue providing emergency surgery and trauma care.

- The malpractice premium cost for neurosurgeons that perform high-risk operations, like brain surgery, is \$30,000 more than standard medical practice insurance premium for neurosurgeons.
- Because of these high costs, some Oregon neurosurgeons no longer perform those services, forcing patients with severe brain bleeding to be transported great distances to trauma centers.
- The delay in care affects survival and disability for patients with brain injuries.

Most surgeons are willing to provide emergency surgery but many are hesitating because of the malpractice insurance crisis.

Physicians and surgeons have had such difficulty getting malpractice insurance coverage since the cap on non-economic damages was removed because of the amount of uncertainty inherently involved in unlimited awards for pain and suffering. Personal injury lawyers' pursuit of unlimited non-economic damages and the corresponding outrageous jury awards they can produce are a big part of the cause of the medical insurance crisis.

Should the "lottery" for unlimited medical malpractice non-economic damages continue? Should we allow a situation where

Measure 35 Arguments

surgeons can't afford to provide emergency care and patients can't receive timely emergency care when they need it? Injured patients should be fully compensated and with Measure 35 they will be. Patients will receive full compensation for all economic hardships and up to \$500,000 for non-economic damages.

Vote YES on Measure 35 and restore stability to the Trauma and Emergency Medical System

William Long, M.D., FACS
Medical Director of Trauma Services
Legacy Emanuel Level 1 Trauma Center

Chris Kaufman, M.D., FACS
Associate Trauma Director

Seth Izenberg, M.D., FACS
Associate Trauma Director

(This information furnished by William Long, MD, Medical Director of Trauma Services, Legacy Emanuel Level 1 Trauma Center.)

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Argument in Favor

Oregon's doctors and patients are in the same, dangerous, boat.

Medical malpractice insurance rates are going through the roof due to the removal of the cap on non-economic damages. Doctors are being forced out of practice by these enormous premiums. The situation is not good for patients, in fact it's compromising their access to health care. As physicians who provide anesthetic care for such critical care as labor and delivery and to gravely ill and injured patients, we see the effects of this crisis every day as the number of neurosurgeons and other trauma specialist dwindles.

Oregon needs a cap on non-economic damages. To prove that, you need only look to what has happened in the last five years since the cap was removed:

- 1) Awards have increased from an average of \$870,000 to \$3.6 million, that is **65%**!
- 2) The average obstetric claims have risen to an amazing **\$9.5 million**.
- 3) The number of patients **complaints have not grown**, it's the awards that have grown.
- 4) The average doctor's medical insurance costs have **risen over 170%**.
- 5) **22%** of all those practitioners delivering babies in Oregon have stopped.
- 6) Oregon is losing anesthesiologists and, without stable insurance rates, it is becoming very difficult to recruit new physicians.

Those are some very frightening statistics. And without Measure 35, things are only going to get worse.

BALLOT MEASURE 35 will lower malpractice insurance rates which will help keep Oregon's doctors practicing in Oregon.

BALLOT MEASURE 35 will restore balance to the system by ensuring that injured patients receive fair compensation for all economic hardship while protecting patient access to care.

BALLOT MEASURE 35 will make sure that the next time you need the services of an anesthesiologists, on will be there to help you.

Ballot Measure 35 is too important for Oregon's future and we can not afford to let it fail. Please **VOTE YES ON MEASURE 35!**

Angela Kendrick, M.D.
President

Oregon Society of Anesthesiologists

(This information furnished by Angela Kendrick, M.D., President, Oregon Society of Anesthesiologists.)

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Argument in Favor

Measure 35 Solution to Controlling Health Care Costs

Measure 35 is a solution to a serious problem facing Oregon's health care system: increasing costs of medical malpractice insurance is causing small business insurance costs to increase. In 1999, a court action lifted the cap on non-economic damages in medical malpractice cases, creating a crisis in liability insurance coverage for Oregon physicians and hospitals, and Oregon's employees' are paying the bigger share of these increases.

Lawsuits and resulting costs to doctors and patients are spiraling out of control due to the unpredictability in the insurance market. This unpredictability is a direct result of the lifted cap on non-economic damages in medical malpractice cases. Since the cap was lifted in 1999, medical liability premiums have skyrocketed—as much as 400 percent for some high-risk specialists. Jury awards have increased by 65 percent in just three years, with the average claim rising from \$870,000 to \$3.6 million and the average demand for an obstetric claim rising to a staggering \$9.5 million.

Small- and medium-sized businesses are being hit heavily with the effects of lifting the cap on non-economic damages. As the costs to small business increase, these higher costs are passed on through higher insurance rates, co-pays and deductibles. As the cost of providing health care insurance to employees continues to go through the roof, businesses' benefits plans are forced to be less comprehensive and less competitive. This affects everyone's pocketbooks as businesses are forced to pay more.

Other states have seen the results of reform, with premium increases remaining significantly lower due to a cap on non-economic damage awards (including Oregon when the cap was previously in place). Through Measure 35's \$500,000 limit for non-economic damages, costs will decrease and availability will increase, once again stabilizing Oregon's healthcare system. Stability in the medical liability system is desperately needed, and with the passing of Ballot Measure 35, Oregon's critical healthcare condition will be remedied.

Vote YES on 35.

(This information furnished by Bill Perry, Oregon Restaurant Association.)

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Argument in Favor

Oregonians are being needlessly put at risk by a medical tort system in need of reform.

It Costs Doctors

Medical malpractice insurance costs are increasing so rapidly that many physicians are forced to leave their practices and move to other states, leaving thousands of Oregonians with little or no access to adequate health care. The situation has become

Measure 35 Arguments

a crisis: one that will not solve itself.

It Costs You

Doctors are forced to practice “defensive medicine” in order to protect themselves from medical malpractice claims. These extensive and sometimes invasive tests sometimes not medically necessary, and also passed on to you in the form of higher insurance premiums and co-pays.

And It Gets Worse

Doctors are leaving Oregon at an alarming rate. What will become of the health of you and your loved ones when something as simple as a routine physical becomes a burden to schedule? Let alone a catastrophic health emergency requiring the skills of a specialist: a specialist who can no longer provide critical medical procedures or who no longer practices in Oregon because of skyrocketing rates.

SAVE OREGON'S DOCTORS!

- Measure 35 will restore balance to the system by capping non-economic damages.
- Measure 35 will stabilize malpractice premiums: keeping malpractice insurance affordable in Oregon.
- Measure 35 will protect the health of Oregonians by ensuring their access to critical specialty services

VOTE YES ON 35!

American College of Obstetricians and Gynecologists
Oregon Academy of Family Physicians
Oregon Academy of Ophthalmology
Oregon Academy of Otolaryngology, Head and Neck Surgery, Inc.
Oregon Association of Orthopaedists
The Oregon Chapter of the American College of Surgeons
Oregon Chapter, American College of Cardiology
Oregon Chapter, American College of Physicians
Oregon Council of Child and Adolescent Psychiatry
Oregon Dermatology Society
Oregon Psychiatric Association
Oregon Radiological Society
Oregon Society of Allergy, Asthma and Immunology
Oregon Society of Anesthesiologists, Inc.
Oregon Society of Physical Medicine and Rehabilitation
Oregon Urological Society
Southwestern Oregon Medical Society

(This information furnished by John Moorhead, M.D., President, Oregon Medical Association.)

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Argument in Favor

It is Time to Look Beyond the Smoke and Mirrors

There are a handful of personal injury lawyers spreading misinformation about Ballot Measure 35. We are a statewide organization representing over 300 practicing emergency physicians in Oregon and we feel it is important to let the facts speak for themselves.

THE CRISIS:

- **Doctors are leaving Oregon because of the high cost of malpractice insurance.**
- **Many doctors have stopped performing high-risk procedures because of these high rates.**

THE MISINFORMATION:

Opponents to Measure 35 claim that it would take away your right to a jury trial, they claim it will not reduce medical insurance rates and they say it will not lower health care costs. However, none of their claims hold up when you review the facts.

THE FACTS:

- **Measure 35 protects your right to a jury and will allow unlimited economic and punitive damages.** Measure 35 caps non-economic damages at \$500,000. This is only **one** of three types of awards juries can determine!
- **Measure 35 will reduce medical insurance rates by restoring predictability and stability to the insurance market.** You only need to look to Oregon's recent past for all the evidence you need that caps work.
- **Measure 35 will lower your health care costs by at least 5%: according to a recent study by U.S. Department of Health and Human Services.**

DON'T BUY THE LIES

If Measure 35 fails there will be two losers: Oregonians and their health care providers. Oregonians will lose access to care and physicians will lose the ability to practice in Oregon. The only winners will be profiteering trial lawyers.

As emergency physicians we are on the front lines of medicine every day and we understand the importance of preserving patient access...and Measure 35 will ensure that we all have access to medical care when and where we need it.

VOTE YES ON 35

Oregon Chapter of the American College of Emergency Physicians

(This information furnished by Janet D. Paquette, MD, FACEP, President, Oregon Chapter of the American College of Emergency Physicians.)

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Argument in Favor

Medical Injuries Should Be Compensated

The facts are that sometimes people get hurt when doctors make mistakes. When that happens, people SHOULD be paid for their losses. Measure 35 guarantees that they will, but some attorneys don't want you to know that.

Don't Let the Personal Injury Lawyer's Misinformation Fool You!

The approximately 30 personal injury lawyers that are supporting the opposition claim Measure 35 would limit all awards in medical insurance cases to \$500,000, even though they know that is just not true.

Jury's Still Decide Damages

Measure 35 ensures that you can receive full and fair compensation for any medical injury. Measure 35 guarantees that juries can make the decision to compensate you for ALL economic damages, such as lost wages, medical expenses, childcare costs and future costs that are a result of an injury. Measure 35 will only place a \$500,000 limit on extra, non-economic damages, things like emotional pain and suffering.

Why Do Personal Injury Lawyers Oppose Measure 35?

It's a matter of greed. Measure 35 limits the amount of potential income attorney's can make in a lawsuit. Measure 35 can cut their income by 40%. That's their main motivation for opposing Measure 35.

Physicians Want To Protect Your Access To Health Care

Who do you think has your best interest at heart, the 30 personal injury lawyers who are trying to protect their pocketbooks, OR YOUR PHYSICIAN? Measure 35 will restore sanity to a system that has run amok and is hurting the people of Oregon. It

Measure 35 Arguments

will help guarantee that physicians will keep delivering babies in rural areas, performing the complicated surgeries and keeping their doors open to all patients.

VOTE YES ON MEASURE 35 to bring back a system that worked.

Osteopathic Physicians and Surgeons of Oregon

(This information furnished by Jeff Heatherington, Osteopathic Physicians and Surgeons of Oregon, Inc.)

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Argument in Favor

Dear Voter:

I am an attorney and a member of the Oregon State Bar. I am currently retired after several years in private mediation practice. Prior to becoming a lawyer I was engaged in several other professions. I believe I bring a somewhat unique breadth of knowledge and experience to certain legal issues.

In my view the present system of litigation of personal injury claims is seriously flawed. It tends to promote lawsuits that are little more than lotteries for plaintiffs and their attorneys, who often receive one-third or more of jury awards.

Few would dispute the premise that if an injury is truly the result of negligence, the injured party should be reimbursed for the economic loss he or she sustains. In contrast, I believe the area of so-called "non-economic" damages is one in which the legal system encourages abuse. Such injuries actually exist, but it is typically impossible to place a definitive value on them, while the dollar value of economic damages must be substantiated objectively. This too often encourages outrageous requests of millions of dollars to be added to otherwise legitimate claims; and also encourages the filing of lawsuits whose merits are at best marginal.

The public should be aware that although the costs of disproportionate jury awards fall first upon defendants and their insurers, eventually everyone pays. This Measure is a first step in correcting this important problem.

Please join me in supporting Measure 35.

Robert B. Johnson, J.D., Ph.D.

(This information furnished by Robert Johnson, J.D., Ph.D.)

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Argument in Favor

PATIENT ACCESS IS BEING RESTRICTED

Getting a doctor's appointment when you want one is becoming difficult in this state.

Patients are waiting months to see a physician and injured patients are often forced to travel great distances to find a certain specialist.

Pregnant women are having a difficult time finding obstetricians, especially in rural areas of Oregon.

Skyrocketing medical insurance rates, caused by flaws in Oregon's medical liability system, are creating the delays in appointments and care.

Doctors cannot even get insurance to cover the huge amounts being awarded.

DOCTORS ARE FORCED TO STOP PROVIDING SERVICES

Many doctors have quit their profession or left the state because of the cost of malpractice insurance in Oregon.

Many have stopped performing high-risk procedures, like back surgery and delivering babies, because of our medical liability insurance crisis.

Skills once used to heal patients, skills that doctors spent tens of thousands of hours in training to acquire, have been abandoned by physicians because of the risk of multi-million dollar lawsuits.

The end result is that access to sophisticated health care services has become more difficult for Oregonians because of this medical liability insurance crisis.

Your health may be at risk because of decreased access to care in our state.

Unfortunately, you may not realize this until it is too late.

MEASURE 35 WILL HELP CORRECT THIS CRISIS

Measure 35 will once again make Oregon attractive for new doctors.

Measure 35 will allow doctors to continue providing high quality care to Oregonians.

Measure 35 does not cap potential lost wages or medical expenses in a malpractice case.

Please vote YES on Measure 35 to protect health care access for all Oregonians.

McMinnville Physicians Organization

Erik E. Swensson, M.D., F.A.C.S., Vascular & General Surgery
Michael P. Jaczko, D.O., Family Practice
Matthew J. Bliven, M.D., Family Practice
John B. Neeld, M.D., Obstetrics & Gynecology

(This information furnished by Kathie Oriet, McMinnville Physicians Organization.)

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Argument in Favor

Local Medical School Student May Be Forced to Leave Oregon

I am currently a medical student in my third year at OHSU. After graduation, I hope to set up practice medicine in Oregon. Unfortunately, I don't know if that will be possible. The reality is that I may likely be forced to move out of Oregon and practice in another state where I can afford my medical liability insurance.

Unfortunately, it is not just about patient care anymore

Today in Oregon, we have a system that has gotten so far out of hand that, along with learning leading edge procedures and practices, I learn about defensive medicine in an effort to protect against frivolous lawsuits. I understand the potentially devastating impact of even one lawsuit. A lawsuit that has the ability to shatter my dreams of serving my patients, force me to close a practice, and compel me to look at other avenues of medicine. These are costs that will ultimately impact patients through higher insurance premiums, lack of access, and lack of choices in medical care.

Measure 35 Will Allow Student to Study and Practice in Oregon

Measure 35 will restore a cap that worked in Oregon to stabilize the system, allow doctors to practice and protect patients' rights. Measure 35 is a strong first step in the right direction for

Measure 35 Arguments

Oregon. This is a problem that must be addressed because if Oregon's own medical students won't stay in Oregon – who will serve your community?

I, like my fellow students, have not yet been threatened by the soaring costs of practicing, frivolous lawsuits, or closing practices. We see a bright future of serving patients who need our skills and services. **That is why I support Measure 35.**

Now is the time for a change...VOTE YES ON 35.

Cody Evans
OHSU Medical Student

(This information furnished by Cody Evans, OHSU Medical Student.)

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Argument in Favor

OREGON IS LOSING NEUROSURGEONS

Neurosurgery (surgery of the brain and spine) is a critical part of any health care system. Unfortunately, neurosurgeons have recently become an endangered species in Oregon because of skyrocketing medical insurance premiums that are driving them out the state or out of practice. That means the next time there is a serious brain or spine injury, brain tumor, or brain hemorrhage (stroke), there may not be a neurosurgeon available.

Some of the key factors driving medical insurance premiums through the roof:

- Excessive jury awards for non-economic damages.
- Many frivolous lawsuits.

WHAT'S CHANGED

Between 1987 and 1999, malpractice insurance rates dropped by 50%, which ensured that doctors were able to practice their craft and care for patients. From 1999 onward, insurance rates for neurosurgeons have increased approximately 400%, which has forced many neurosurgeons to stop providing this high risk care. Some insurance carriers are unwilling to cover neurosurgeons in this high risk environment. Without malpractice insurance, neurosurgeons are not able to provide care. What caused this huge change? The \$500,000 cap on non-economic damages was removed in 1999. Now, awards for non-economic damages (pain and suffering) can reach millions of dollars.

WHY WE NEED MEASURE 35

Measure 35 would reinstate the \$500,000 cap that has worked in Oregon in prior years. We need Measure 35 because we need practicing neurosurgeons in Oregon. We need Measure 35 because we need to restore a fair system that protects doctors and patients in Oregon.

Measure 35 will not solve every problem in our medical system. However, Measure 35 will ensure that our neurosurgeons may continue to practice in Oregon and that Oregonians will have access to neurosurgical care. That is why the Oregon Neurosurgical Association encourages a **YES vote on MEASURE 35.**

Dr. Jeff Chen

Dr. Frank Soldevilla

Dr. David Adler

(This information furnished by Dr. Jeff Chen, Oregon Neurosurgical Society.)

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Argument in Favor

IS THERE A DOCTOR IN THE HOUSE!?

There soon won't be enough doctors for all the houses in Oregon if frivolous lawsuits continue to drive up the cost of malpractice insurance. We are groups of independent physicians throughout the state and we know how hard physicians work to provide quality care to Oregonians. We also know how hard skyrocketing insurance rates in Oregon have impacted both patients and doctors:

- **Oregonian's access to critical health care services is being severely compromised.** Doctors are being forced to quit certain services or leave the state at an alarming rate.
- **Everyone pays!** High premiums are passed on to YOU in the form of higher health care costs.

Opponents of measure 35 try to pull the wool over your eyes, telling you that a cap on non-economic damages will hijack the jury's control over awards. This is patently untrue.

- **Non-economic damages are only one piece of the puzzle.** There are two other types of damages: economic and punitive. Neither will still be affected and juries will be able to provide just compensation.
- **Unlimited non-economic damages give personal injury lawyers every incentive to drive up awards.** Personal injury lawyers' extreme monetary demands make it more likely insurance companies will settle to avoid costly litigation and unlimited jury awards for non-economic damages. So why not work fewer hours and still get paid handsomely.

Keep health care accessible and affordable for all Oregonians. Stand together with physicians from across the state and vote YES ON 35!

Names of IPAs to be listed here

PrimeCare
McMinnville Physicians Organizations
Columbia Pacific I.P.A.
Central Oregon IPA
Mid Rogue Independent Physicians Association
InterHospital Physicians Association – The Portland IPA
Association of Northwest Physicians
Lane Individual Practice Association
Oregon Primary Care, Inc.
Pacific IPA, Inc.
Quality Care Associates, Inc.

(This information furnished by Mike Bond, CEO, PrimeCare.)

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Argument in Favor

The Oregon Association of Orthopedists urges a YES vote on Measure 35.

Our Association numbers close to 200 orthopedic surgeons across the state. We take pride in providing quality care for patients with injuries to bones, joints, tendons, and nerves.

Oregon's Medical Liability Crisis

Oregon's medical liability crisis is responsible for a growing threat to Oregonian's access to quality healthcare. The cost of medical liability insurance has become so expensive that many orthopedic surgeons have been forced to limit their practice, relocate to a different state, or withdraw from government programs such as the Oregon Health Plan and Medicare where reimbursement rates fail to adequately cover the rising insurance

Measure 35 Arguments

premiums.

Medical Liability Insurance is Necessary

Medical liability insurance is necessary for those injured by medical errors to receive payment for their economic and non-economic losses. Examples of economic losses include medical bills, lost wages, disability and job retraining benefits. Non-economic losses, such as pain and suffering, are real but not measurable.

Oregon's Medical Insurance System is Broken

Throughout the 1990's medical liability insurance remained affordable because of a cap on non-economic awards in medical liability lawsuits. Since removed in 1999 there has been no fiscally responsible or consistent formula for calculating non-economic awards. This has resulted in exorbitant awards for non-economic losses and skyrocketing medical liability insurance premiums. Clearly our current "system" is broken and represents an unsustainable burden to all Oregonian's.

Measure 35 is a Common Sense Solution

Measure 35 will restore a cap on non-economic awards in medical liability lawsuits of \$500,000 with provisions to increase with the cost of living. Measure 35 will still allow anyone who has suffered injury due to medical error to sue for full compensation of economic damages. Measure 35 is a common sense and proven solution that will help protect access to quality healthcare for all Oregonian's.

Oregon's orthopedic surgeons urge you to **VOTE YES ON 35.**

Mark D. Peterson, M.D.

2004 President

Oregon Association of Orthopaedists

(This information furnished by Mark D. Peterson, M.D., 2004 President, Oregon Association of Orthopaedists.)

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Argument in Favor

Economic damages are protected.

Make no mistake, we believe that those patients harmed as a result of medical negligence should be made as whole again as possible. This means that you should receive your **full economic damages** including lost earnings, future earnings, past and future medical care and any supportive care necessary. This measure **only proposes to cap non-economic damage**, such as pain and suffering, to \$500,000.

Juries will be protected.

This ballot measure is not about juries or disempowering juries. It is about a system full of frivolous suits filed in hope of hitting the jackpot. These jackpot awards cost all of us, and the majority of the money does not go where it should-----to the patient. Some reasonable limits need to be placed on pain and suffering awards or we all will pay and only very few will benefit.

This is not an insurance industry investment problem.

The opposition will attempt to confuse you with meaningless numbers. The reality is that the insurance industry has had to increase rates to recoup substantial losses they have incurred due to jackpot pain and suffering awards since the Oregon cap on non-economic damages was lifted in 1999. Insurers are trying to make up for losses incurred due to jackpot medical liability awards, not due to their investments.

The current system is full of frivolous cases, costs all of us significantly, and results in the majority of the money awarded going to the trial attorney. It is a broken system that is already unfair.

This is not a "bad doctor" problem.

It is not the same small number of doctors year in and year out who are causing the bulk of awards in medical liability suits. In fact, the number of cases filed has remained steady, it is just the awards that have gone through the roof.

Please vote yes on Measure 35.

Michael B. Vessely, M.D.

American Academy of Orthopedic Surgeons

(This information furnished by Michael B. Vessely, M.D., American Academy of Orthopedic Surgeons.)

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Argument in Favor

OREGON NURSE-MIDWIVES SUPPORT MEASURE 35

Nurse-Midwives support consumer protection

Certified Nurse-Midwives (CNMs) believe women and their families should be justly compensated for harm as a result of practitioner error. Measure 35 guarantees a citizen's right to a jury trial for injury resulting from medical negligence, and to compensation for medical costs, lost income, future impairment of earning capacity and other economic damages. Measure 35 further supports compensation for pain, suffering, inconvenience and other subjective non-economic losses up to \$500,000.

Nurse-Midwives serve the women of Oregon

Nurse-Midwives have been practicing in Oregon for over 30 years and attend almost 15% of all births in Oregon. They practice in a variety of settings: public health departments, migrant health clinics, private practices and HMOs. They provide health care to women of all ages, with a focus upon pregnancy and birth. Over 70% of nurse-midwives include vulnerable populations of women in their care.

Nurse-Midwifery practice is threatened by high liability premiums

Like physicians, CNMs are facing ever increasing insurance rates for liability insurance. In some areas this has resulted in the actual closure of practices. In all practices, these higher rates have a direct impact upon the quality of care provided. The skyrocketing rates require CNMs to see more patients to cover the increased cost of premiums, decreasing the time that can be spent with an individual patient. Time to listen, educate and counsel patients is a hallmark of nurse-midwifery care.

CNMs are committed to ensuring access to high quality and affordable health care for all women.

CNMs are a part of the solution to the high cost of health care. For example, their low-tech, high-touch approach has been shown to result in fewer Cesarean births. Access to nurse-midwifery services is threatened by the current liability crisis. We urge a Yes vote on Measure 35.

(This information furnished by Catherine F. Pelosi, CNM, Oregon Chapter of the American College of Nurse-Midwives.)

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Argument in Favor

SOUTHERN OREGON DESERVES DOCTORS TOO

Doctors and health care providers in Jackson County treat within a ten county region in southern and central Oregon. Our doctors provide critical care and high-risk services, such as delivering babies and neurosurgery, but many doctors are finding it

Measure 35 Arguments

impossible to continue services because of rapidly raising medical insurance rates. These doctors may not be here the next time they are needed unless a reasonable solution to the problem can be reached.

Measure 35 is a Common Sense Solution to a Growing Problem. Measure 35 will:

- Keeps doctors practicing, ensuring **patient access**.
- Protect the jury system and **protect injured patients**.
- Discourage the filing of lawsuits that lack merit.
- Restore a system that **worked for over a decade**.
- Allow for **unlimited award for economic damages**.
- Cap non-economic damages in medical malpractice cases at **\$500,000**.

Measure 35 is a reasonable solution to an escalating problem. We urge you to say **YES** to Oregon's doctors and say **YES** to Measure 35.

Jackson County Medical Society

(This information furnished by Debra McFadden, Jackson County Medical Society.)

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Argument in Favor

Oregon Optometric Physicians Association Supports Measure 35

There are some things we take for granted: eyesight is one of them. Another is having access to a physician. Like our eyesight, we probably won't miss our doctors until they are gone.

Don't let the current crisis become a disaster.

CAN YOU SEE THE PROBLEM?

- **Between 1999 and 2003 medical liability premiums have increased 75%!**
- **Since the cap on non-economic damages was removed jury awards have risen 65% while cases settled out of court have increased exponentially.**
- **Doctors are being forced out of practice: reducing patient access to care and proving that the current system is in need of reform.**

IS IT CLEARER NOW?

The problem is coming into focus...

Unfortunately, medical malpractice laws favor lawyers over both patient and physician. We can correct this by capping non-economic damages at \$500,000.

- **Installing a cap on non-economic damages will allow for just compensation while protecting the medical community from frivolous and capricious lawsuits.**
- **A cap will remove the incentive for lawyers to drive up the plaintiff's claims in order to pad their own paycheck.**
- **Caps once worked in Oregon and will work in Oregon again.**

Oregonians deserve the best possible eye care from the best-trained professionals. Help keep these professionals in practice and in state,

VOTE YES ON 35!

Here at the Oregon Optometric Physicians Association we know the value of clear vision. We can clearly see that the medical tort system in Oregon is being abused by trial lawyers blind to the impact their greed has had on the quality of health care in Oregon. We have watched as our friends and colleagues have been forced to stop high risk procedures because the cost of malpractice insurance is so high. Don't take your physicians for granted because, like your eyesight, they are too dear to lose!

THE OREGON OPTOMETRIC PHYSICIANS ASSOCIATION

(This information furnished by Wayne Schumacher, Executive Director, Oregon Optometric Physicians Association.)

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Argument in Favor

Measure 35 is a Step in the right direction

OREGON'S MEDICAL INSURANCE SYSTEM IS IN TROUBLE

Doctor's medical malpractice insurance rates are skyrocketing and forcing many doctors to leave the state, stop actively practicing medicine or stop providing certain high risk services. As more and more doctors are forced out, Oregon's communities face a growing health care access crisis.

OUR COMMUNITIES NEED HEALTH CARE ACCESS

Communities across Oregon are losing doctors, and that is not good for anybody. Patients are forced to travel long distances from their homes for specialized care, and in cases of emergency that travel time can sometimes make the difference between life and death. This places a strain on families, businesses, the economy and ultimately the entire community.

Measure 35 will make a difference by:

- **Allowing doctors to continue practicing in their communities**
- **Ensuring that all Oregonians have access to quality, local health care**
- **Limiting non-economic damages to \$500,000**
- **Discouraging frivolous lawsuits**
- **Protecting every Oregonian's right to a jury trial**
- **Allowing juries complete discretion in awarding economic damages**
- **Saving taxpayers millions of dollars each year**
- **Reinstating a cap that worked in Oregon before and will work again**

Measure 35 is not a silver bullet that will solve every problem that Oregon's health care system faces, but it is an important first step. Measure 35 is the best choice for Oregon's patients, communities, and health care system.

As the Mayors of numerous communities around the state, we urge you to do what is best for Oregon...We urge you to vote **YES ON MEASURE 35!**

Edward J. Gormley
Mayor of McMinnville

Jim Torrey
Mayor of Eugene

Keith Tymchuk
Mayor of Reedsport

Lou Ogden
Mayor of Tualatin

Robb E. Van Cleave
Mayor of The Dalles

(This information furnished by Edward J. Gormley, Mayor of McMinnville.)

Measure 35 Arguments

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Argument in Favor

We are the Chief Petitioners for Measure 35.

We are Oregonians, doctors, and surgeons. We have cared for our fellow citizens for years and hope to do so in the future. We want you to know that our health care system is in jeopardy.

We are leaders in promoting patient safety and providing excellent medical care.

We are all members of the Oregon Medical Association. We have helped to create the organization's Patient Safety Committee, taking the lead in the development of Oregon's model patient safety legislation.

We are fighting to protect your access to health care.

Sick or injured people need access to quality, timely medical care. But rising liability insurance premiums are driving doctors out of Oregon.

Measure 35 will bring down those premiums, and maintain access to medical care while fairly reimbursing those who are truly injured.

- Measure 35 protects the patient by promoting unlimited economic damages
- Measure 35 restores a cap of \$500,000 only on non-economic damages
- Measure 35 maintains the jury system

Personal injury attorneys will distort the goals of Measure 35.

They have to if they want to continue to get rich off of pain and suffering awards. You pay for this by losing access to your doctor. So just remember this - Measure 35 returns Oregon to the stable medical liability climate that we experienced from 1987 - 1999. Nothing more and nothing less. Keep your doctor. Keep access to health care. And keep working with us to make medicine safer.

Vote YES on Measure 35

Colin Cave, M.D.
ENT - Head and Neck Surgeon, Beaverton

Monica Wehby, M.D.
Pediatric Neurosurgeon, Portland

Peter A. Bernardo, M.D.
General Surgeon, Salem

(This information furnished by Colin Cave, M.D., ENT-Head and Neck Surgeon, Beaverton.)

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Argument in Favor

YOUR LOCAL COMMUNITY HOSPITAL SUPPORTS MEASURE 35

Oregon's community hospitals understand the importance of returning our state to a system that worked before. Measure 35 does just that by restoring a \$500,000 cap on non-economic damages in medical insurance cases.

Oregon's hospitals are facing escalating malpractice rates that cut into the revenues that, otherwise, would have been available for health care services. Hospitals are also having a difficult time keeping their physicians and recruiting new ones, due to the

skyrocketing insurance rates health care providers must pay. Without reform, these costs will just continue to increase and continue to impair the ability of Oregon's community hospitals to provide the best care for the lowest costs possible.

Oregon's Local Community Hospitals Ask You to Vote YES on Measure 35.

Columbia Memorial Hospital
Holy Rosary Medical Center
Legacy Health System
Merle West Medical Center
Peace Harbor Hospital
Providence Hood River Memorial Hospital
Providence Medford Medical Center
Providence Milwaukie Hospital
Providence Portland Medical Center
Providence St. Vincent Medical Center
Providence Newberg Hospital
Providence Health System
Salem Hospital Regional Health Services
Silverton Hospital
St. Elizabeth Health Services
Tuality Healthcare
Mercy Medical Center
Peace Health, Oregon Region
Adventist Medical Center
Good Shepherd Health Care System
Asante Health System
Kaiser Sunnyside Medical Center
Ashland Community Hospital
McKenzie-Willamette Medical Center
Willamette Falls Hospital
Santiam Memorial Hospital
Willamette Valley Medical Center
Grande Ronde Hospital
Mid-Columbia Medical Center
Cascade Healthcare Community

(This information furnished by Ken Rutledge, President, Oregon Association of Hospitals and Health Systems.)

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Measure 35 Arguments

Argument in Opposition

Measure 35 Argument in Opposition

AARP, with 456,000 Oregon members over the age of 50, recommends a "NO" vote on Measure 35.

AARP opposes this measure because:

- It creates unreasonable limits on damage awards for pain and suffering;
- It would reduce the ability of courts and juries to determine damage awards free from all forms of age bias, including devaluation of the quality of an older person's life;
- The courts already have the authority to decide whether a lawsuit is frivolous;
- The limit on noneconomic damages is overly broad and applies not only doctors but to all licensed healthcare providers and facilities including nursing homes.

Rather than arbitrary limits on damage awards, AARP supports reform that would promote access to the courts for all legitimate claims and accelerate the resolution of cases; alternative dispute resolution for medical malpractice cases that could better serve injured patients; and insurance reform that provides for malpractice insurance rates that fairly and accurately reflect claims experience. AARP also supports efforts to eliminate all preventable medical injuries and accidents due to procedural errors or inadequacy.

Proponents of Measure 35 have suggested that it will limit frivolous lawsuits, reduce insurance premiums, and attract physicians to rural areas. There is nothing in the language of this measure that guarantees those results.

For these reasons, **AARP opposes Measure 35 and urges Oregonians to vote "NO".**

(This information furnished by Gerald Cohen, State Director, AARP Oregon.)

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Argument in Opposition

A DECEPTIVE DIAGNOSIS

Our state Constitution guarantees Oregonians the fundamental right to a civil trial by a jury of neutral, unbiased Oregon citizens. On a case by case basis, juries weigh all the evidence and decide the appropriate amount of damages, if any.

Measure 35's "one size fits all" revision to our Constitution is unfair, misguided and will drastically limit the rights of every citizen. **Make no mistake:** studies have shown that seniors, women, children and those who have suffered the most severe injuries will be hurt the most by caps on non-economic damages.

Why doesn't 35's explanatory statement mention that it will "reduce medical liability insurance rates" and "improve patient access to medical care?" **Because it won't!** Other states have shown that just limiting injured patients' rights has had little effect on either of these issues.

Oregon's largest medmal insurer is Northwest Physicians Mutual, which happens to be owned by its physician policyholders. Just this June they stated, "**Our forecast is that our rates are at a correct level, and that in 2004 we should return to profitability.**" In fact, OB/GYN rates here are lower than California, which has had caps on damages for decades! Crisis?

In truth, the real healthcare crisis is a hidden epidemic of preventable medical mistakes. Oregonians suffer from 10,000 to

13,000 medical errors annually, some causing a lifetime of pain and medical problems. Of these, between 700 and 1,800 will likely result in death. It's hardly "frivolous" or "a jackpot lottery" when these victims or their families seek compensation for such tragedies. They're simply asking that healthcare professionals be treated the same as all of us and every other Oregon business – **that they accept full responsibility for the consequences of their mistakes.**

The next life at risk may be your own. Please do what's right:
VOTE NO!

Americans Mad and Angry!

an Oregon non profit organization focusing on patient safety, disclosure and accountability in healthcare
"The Other AMA"

americansmadandangry.org

(This information furnished by Tom & Deandra Vallier, Americans Mad and Angry!)

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Argument in Opposition

Dear Oregon Voter,

My name is Pete Sorenson, an elected Lane County Commissioner. I grew up in Coos County, graduated from the University of Oregon, ran a private law firm, and served as an elected Oregon State Senator and member of the Senate Judiciary Committee. I've been a licensed Oregon attorney for 22 years. I have represented both injured workers and professionals such as veterinarians and doctors. **It is as a former practicing attorney that I am speaking to you on this issue and why I oppose Constitutional Amendment 35. This measure aims to prevent victims of malpractice from seeking fair awards.**

This measure aims to reduce the amount of compensation that an Oregon jury can award for injuries and pain suffered as the result of doctor negligence. It doesn't prevent "frivolous lawsuits." This measure doesn't lower the cost of health care.

Passing this measure will not lower insurance premiums. In fact studies show that states without caps on jury awards have lower premiums. To lower insurance premiums requires reform of the insurance industry, an industry where in the first nine months of 2003 profits increased by 437% for health and life insurance companies.

In 2000, Oregonians voted three to one against a Constitutional Amendment to limit a jury's ability to decide damages. This measure is just another attempt to go against the will of the people of Oregon.

The solution is not to deny people their day in court and a fair award made by a jury of their peers, but to lower insurance premiums. Please join me in voting NO on Constitutional Amendment 35.

Pete Sorenson

P.S. - If you have any questions about the seriousness of this Constitutional amendment and why I oppose it, please contact me at Pete Sorenson PO Box 10836, Eugene, Oregon 97440 or by calling me at (541) 485-6726 or by sending me email at sorenson2004@juno.com.

(This information furnished by Peter Sorenson.)

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Measure 35 Arguments

Argument in Opposition

Protect Patients — Not Insurance Company Profits Vote NO on Constitutional Amendment 35

Public Citizen is a 160,000-member non-partisan organization with 35 years experience fighting for patients' rights and quality medical care, and against health care and insurance company profiteering.

Insurance companies and HMOs will always work to boost their bottom line and to maximize insurance profits. But that doesn't mean patients should have to pay the price by limiting their right to hold doctors, HMOs and hospitals accountable for carelessness or negligence.

Wrong Approach for Oregon Consumers

The "remedy" proposed by the insurance industry is to put a \$500,000 limit on so-called non-economic damages, no matter how severe the case. That's bad medicine. Such a limit would only **restrict patients whose quality of life has been dramatically affected** – those suffering from severe brain damage, paralysis, blindness or loss of a limb. These are the patients who need the most protection – not the least!

The sponsors of Constitutional Amendment 35 claim it's needed to prevent doctors from leaving Oregon or retiring. But state records show that the number of active Oregon doctors rose 12 percent from 2000 to 2004, the same rate of increase as from 1995 to 1999, before insurance companies claim the "crisis" began. Doctors in rural Oregon also increased 12 percent from 2000 to 2004. And key medical specialists, such as those practicing OB/GYN, emergency medicine and general surgery, increased at a faster rate from 2000 to 2004 than from 1995 to 1999, state records show.

The real "crisis" in Oregon is the considerable amount of medical malpractice that is committed by a small number of doctors, many of whom go undisciplined. It would be a huge mistake to restrict patients' jury rights and make it more difficult to hold doctors, hospitals and insurance companies fully accountable for serious injuries.

Public Citizen Urges a NO vote on Amendment 35

Sincerely,

Joan Claybrook
President, Public Citizen

Frank Clemente
Director, Public Citizen

(This information furnished by Joan Claybrook, President, Public Citizen; Frank Clemente, Director, Public Citizen's Congress Watch.)

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Argument in Opposition

GOVERNOR KULONGOSKI SAYS "VOTE NO" ON MEASURE 35. WE DON'T NEED TO AMEND THE OREGON CONSTITUTION.

I urge Oregonians to "Vote No" on Measure 35.

You'll hear from the proponents of Measure 35 that high medical malpractice insurance costs are driving doctors out of Oregon. They argue that doctors in rural Oregon cannot afford the high cost of malpractice insurance and must either quit their practice or move somewhere else. The proponents of Measure 35 claim that the only way to resolve this issue is to amend a provision of the Oregon Constitution that has been in effect since 1859, when Oregon became a state.

We can solve this problem without amending the Oregon Constitution—and we've already made a great start.

When I took office as Governor, one of my major concerns was how to provide Oregonians with access to doctors in rural Oregon. I was particularly concerned that women in rural Oregon were losing access to obstetrical care. With broad bi-partisan support in the 2003 legislature, we passed House Bill 3630, which established a program to provide medical malpractice insurance relief to rural doctors.

Through this program, SAIF—our state-owned workers' compensation insurance company—is providing low-cost malpractice insurance to rural doctors, thereby making sure that rural Oregonians have access to health care.

We now provide low-cost malpractice insurance to over 1,000 doctors who practice in rural Oregon.

Our new program has cut the malpractice insurance rates for obstetricians by 80 percent. Family practitioners who provide obstetric services have seen malpractice insurance rates cut by 60 percent, and malpractice insurance rates for all other types of rural doctors have been cut by 40 percent.

We don't need to amend the Oregon Constitution to solve this problem by damaging our system of jury trials. Let's preserve our ability to create flexible solutions to the ever-changing world of health care costs.

I urge you to vote NO on Measure 35.

Theodore R. Kulongoski
Governor

(This information furnished by Theodore R. Kulongoski.)

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Argument in Opposition

Family Doctor Warns Oregonians:

Constitutional Amendment 35: The wrong prescription for a misdiagnosed problem.

As a family physician, my mission is to care for my patients, not limit their rights. And as a veteran who has fought for my country, I am deeply opposed to any effort to limit our freedom and Constitutional rights.

That's why I'm urging my patients to vote No on Amendment 35. It's too drastic and goes too far.

The vast majority of my colleagues are excellent physicians. I would trust them with my life. But there are a small handful of bad practitioners out there- five percent according to the National Practitioner's Database- who create 55% of all cases of terrible negligence and error. And this **amendment does nothing to improve the safety of our patients or crackdown on negligent physicians creating problems for the rest of us.** Even making physicians use a computer to write down prescriptions could save a lot of lives.

I've been an active member of the Oregon Medical Association since 1976, and would like nothing more than to see premiums go down. **But Constitutional Amendment 35 attacks the victims of bad medicine, instead of an out-of-control insurance industry that continues to hike rates for everyone.** Instead of targeting patients, we should make insurance companies open their books and shed light on ever increasing rate hikes.

Don't be fooled by the insurance and pharmaceutical companies' slick ad campaign. This amendment would limit patients' rights and do nothing to control health care costs. And Constitutional Amendment 35 asks Oregonians to give up a basic, fundamental right. Once you lose that right, it won't be easy to ever get it back. So exercise another right:

Measure 35 Arguments

VOTE NO ON CONSTITUTIONAL AMENDMENT 35

(This information furnished by Dr. Thomas Sadoris.)

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Argument in Opposition

MOM WHOSE SON SURVIVES MEDICAL MALPRACTICE URGES "NO" VOTE ON 35

My name is Kathy Brooks and I want to urge Oregonians to consider how this Constitutional Amendment would hurt real people like my son, Jerry.

I personally experienced the trauma of medical negligence while giving birth to my son. Jerry's 7-years-old and he's a beautiful, blond-haired, blue-eyed boy. But he's also a quadriplegic because of a health provider's negligence. Jerry's unable to sit, stand, crawl, or even raise his head. He can't speak. He'll never even say "Mommy."

When I went to the hospital to deliver him in August of 1997, I asked for a Caesarian, but my doctor said she didn't believe in it for the comfort of the mother. She said I had to "buck up" and go through labor.

I was kept in labor over 48 hours.

I found out later there were clear signs my baby was in distress. My baby had been suffocating in the womb. Emergency procedures saved his life. But I was told he would never speak or move, and that he probably would not live to the age of 2.

My husband and I hired an attorney because it was the only way to find out what really happened. Until we pursued this in court, we were given the same insurance company run-around.

Jerry will require a lifetime of care, and it will be hard. The insurance company "experts" suggested we only deserved money to cover Jerry's two years of projected life. Today he's seven, and while I can't disclose the terms of the settlement, I can tell you that we would have never been able to get adequate compensation to pay the bills if this amendment was in effect.

Don't give your rights away. Please join me and vote "No" on 35.

Kathy Brooks, mom

(This information furnished by Kathy Brooks.)

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Argument in Opposition

OREGON FIRE FIGHTERS: CONSTITUTIONAL AMENDMENT 35 WILL HURT OREGONIANS

Fire Fighters Urge a NO Vote on Constitutional Amendment 35!

Oregon's firefighters are on the front lines of our communities every day. It is our mission to protect the public's health and safety.

We take our mission seriously and we want Oregonians to know that **Constitutional Amendment 35 won't do anything to make Oregonians safer.**

- Constitutional Amendment 35 won't fix the problem of medical negligence.

- Constitutional Amendment 35 won't improve access to health care.
- Constitutional Amendment 35 won't lower the price of prescription drugs.
- Constitutional Amendment 35 won't control health insurance costs for providers or patients.

Firefighters are constantly reminded of what happens when things go terribly wrong. We know from experience what it is like for families to lose everything, to lose loved ones, to lose their quality of life. We want Oregonians to know that Constitutional Amendment 35 will hurt Oregonians by taking away their rights to pursue justice when faced with losses caused by severe medical negligence.

Instead of limiting our basic rights, we should first look at real solutions:

- Let's reform the insurance industry and shed more light on how they set rates. A good place to start is to require insurance companies to go through public hearings before rates can be increased.
- We should do more to give patients and families better information about whether their health care provider has a history of negligence.

Firefighters are the first line of defense when protecting Oregon families from tragedy. The right to pursue justice is a protection Oregonians should never vote away.

Oregon Fire Fighters urge Oregonians to **protect our rights and vote No on Constitutional Amendment 35.**

Bob Livingston
Oregon State Fire Fighters Council

(This information furnished by Bob Livingston, Oregon State Fire Fighters Council.)

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Argument in Opposition

An Important Message from United Seniors of Oregon, Gray Panthers, Association of Retired Citizens and the Oregon Alliance of Retired Americans:

CONSTITUTIONAL AMENDMENT 35 UNFAIRLY TARGETS OREGON'S SENIORS

We should always be very careful before we allow anyone to take away a basic constitutional right. In the case of Constitutional Amendment 35, seniors should be especially concerned.

That is because Constitutional Amendment 35 unfairly threatens Oregon seniors.

Medical mistakes are a genuine problem – between 700 and 1,800 people die from them every year in Oregon, according to the Patient Safety Commission. Many more suffer injuries that change their life forever.

Constitutional Amendment 35, **bankrolled by the pharmaceutical and insurance industries**, would put a tight limit on what a victim could receive in what are called "non-economic" damages.

Seniors are the most cruelly targeted by this limit. Non-economic damages are often the only way that older people who do not earn big paychecks can receive adequate compensation for their injury.

Why? Because loss of future income is used to calculate

Measure 35 Arguments

“economic” damages. If you are older, it is assumed that you have little or no future earning power.

The bottom line for seniors:

The effect of Constitutional Amendment 35 is to say if you are a victim of medical malpractice, and you are older, you just aren't worth as much.

What could be more unfair than that?

The other cruel irony of this limit of one of our constitutional rights is:

- It will do **nothing to lower the cost of prescription drugs.**
- It will do nothing to reduce medical errors or insurance rates.
- It will actually reduce accountability for those who practice negligent or reckless medicine.

It is clear why the insurance and drug companies are bankrolling this measure.

It is even clearer why Oregon's seniors should firmly reject it.

**VOTE NO ON CONSTITUTIONAL AMENDMENT 35
Unfair to Seniors. Wrong for Oregon.**

(This information furnished by Michael Arken, President, Oregon Alliance for Retired Americans; James (Jim) Davis, Oregon Association for Retired Citizens, Portland Gray Panthers, United Seniors of Oregon.)

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Argument in Opposition

An important message from John Wish, Economic Professor:

**READ THE DATA
REJECT CONSTITUTIONAL AMENDMENT 35**

Here in Oregon, we've seen a lot of attempts to amend our Constitution. We've learned we've got to be smart about them and examine the facts beyond the claims of sponsors.

As voters contemplate this Constitutional Amendment, I would stress to them what I've worked hard to teach my students: **the importance of independent research and review.**

For Constitutional Amendment 35, the data are clear: limiting jury awards do not control insurance premiums for providers or patients.

Jury Limits Don't Provide Rate Relief

According to the leading insurance industry analysis firm Weiss Ratings, for the nineteen states that have enacted jury limits, premiums rose 48.2 percent over the 11 year period from 1991 to 2002. This increase was at a higher rate than states without jury limits.

Source: www.weissratings.com

Doctors Are Not Fleeing Oregon

According to a new study by the nonpartisan Public Citizen, physicians are not fleeing Oregon. Government data from the Oregon Office of Rural Health show the total number of doctors has increased from 2000 to 2004, active rural doctors have increased, and specialists in rural Oregon have increased.

Source: www.citizen.org

Malpractice Limits Won't Lower Health Costs

There is no statistically significant difference in per capita health care spending between states with and without malpractice caps, according to the Congressional Budget Office. The study finds “even large savings in premiums can have only a small direct impact on health care spending.”

Source: www.cbo.gov

Medical Errors Kill Up to 195,000 Patients a Year

A new study by Healthgrades, a leading health care quality rating firm, finds that up to 198,000 people are killed annually from preventable medical error. That means **between 700 and 1,800 patients in Oregon die each year from negligence.** Amendment 35 does not even address this problem.

Source: www.healthgrades.com

**ONCE YOU CHECK THE FACTS, YOU WILL VOTE NO ON
CONSTITUTIONAL AMENDMENT 35.**

(This information furnished by John R. Wish, Ph.D.)

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Argument in Opposition

An important message from Erin Brockovich

**Don't give your rights away to the insurance lobby.
Vote NO on Constitutional Amendment 35**

Four years ago, I wrote to you urging you not to let the insurance industry take away your right to ask a jury for justice when you have been injured. Well, they are at it again.

I know something about what happens to real people when they have to go up against insurance companies and other powerful groups. You may remember the movie about my work on behalf of people whose community was recklessly poisoned. The constitutional right to a trial by jury was the only reason they were able to get justice.

Now, Constitutional Amendment 35 would limit your rights if you have been injured by a reckless or negligent medical mistake. And it is designed to put health care profits ahead of the health and safety of Oregon families.

Who would benefit? An out of control insurance industry.

Insurance rates aren't just high for doctors – they are high for all of us. And there are far more reasonable solutions to the problem than limiting our right to a trial by jury.

- How about making insurance companies go through a public hearing process before they can raise their rates?
- How about giving the public more information about doctors who have a bad record? According to the National Practitioners' Database, less than 5% of doctors in the U.S. are responsible for 55% of medical malpractice payouts. Yet you can find out more about a contractor working on your house than you can about a doctor who is treating you or your loved ones.

The terrible injuries caused by negligent medical errors can tragically change a life forever. Hopefully, it will never happen to you, or someone you love. But it could. **Don't limit our greatest protection- the right to trial by jury.**

Sincerely,

Erin Brockovich

(This information furnished by Erin Brockovich.)

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Measure 35 Arguments

Argument in Opposition

Victim who had penis mistakenly removed urges “NO” vote:

**This may be a difficult for you to read.
It is certainly difficult for me to tell.**

If you think that Constitutional Amendment 35 can't hurt you, or someone you love, please think again.

My name is Hurshall Ralls. A few years ago, I was diagnosed with cancer of the bladder and prostate. When I went into surgery, they went over different things that might happen. But when I woke up afterwards, I found out that the doctor decided to do something he never talked about to me or my wife.

During the surgery, this doctor made a visual inspection, and decided that the cancer had spread to my penis. So he removed it. He was wrong. There was no cancer. He didn't even test it.

It was devastating – to both me and my wife. I considered suicide. My life will never be the same. The only thing that kept me going was that I could get justice from a jury, and that the doctor who did this terrible thing could be held fully accountable.

But under Amendment 35, **you will lose that accountability.** The loss of my penis, the damage it has caused me, my wife and our life together is all considered “non-economic.” **Sometimes even \$500,000 for ruining a person's life is just not enough.**

What makes me most upset about Amendment 35 is that it considers me the problem, instead of the practitioner of dangerous medicine. Believe me, I'm not the only case like this.

I know that most doctors are good. Laws and rights aren't there to protect us from good people, but bad ones. And if Amendment 35 passes, a lot of that protection will disappear.

Please, learn from what happened to me. **Don't let the insurance and pharmaceutical industries blame victims, just to increase their profits. And never, never give up your constitutional rights.**

VOTE NO ON CONSTITUTIONAL AMENDMENT 35

(This information furnished by Hurshall Ralls.)

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Argument in Opposition

An important message from Republican Legislator Rep. Bob Jenson:

Let Oregon's New Bipartisan Reform Work. Vote NO on 35.

Last Legislative session, a bi-partisan group of legislators got together to work for meaningful solutions to address rural medical malpractice rates. By working together, we enacted reforms that lower rural doctor's premiums without taking away the rights of victims of grievous medical error and negligence.

This new innovative program just started a few months ago and holds great promise. Let's give our homegrown common-sense reform a chance to work.

Our bi-partisan approach under House Bill 3630:

- Reduces rural malpractice insurance premiums by as much as 80%.
- Provides millions in malpractice insurance relief over the next four years.
- Is already helping the vast majority of rural doctors, with over 1,000 enrolled since January.

- Works to make sure that rural Oregonians have access to quality health care from Pendleton to Reedsport.
- Created the Patient Safety Commission, who's mission it is to improve medical care and prevent the estimated 700 to 1,800 deaths in Oregon each year from preventable mistakes and other “adverse events.”

But **Constitutional Amendment 35** would hurt Oregonians instead of giving this program time to work. It's **too drastic and it's too early.** Constitutional Amendment 35 would:

- Weaken the power of juries to hold HMOs, insurance companies accountable for their actions.
- Do nothing to fix the very real problem of medical negligence.

There are better solutions to the problem of medical negligence and the high insurance rates that are going up for all of us.

But Constitutional Amendment 35 is the wrong approach for Oregon health providers and patients. **Instead, let's give our bipartisan approach time to deliver results.** And let's not let special interests take away one of most basic, fundamental rights.

Vote no on Constitutional Amendment 35.

(This information furnished by Representative Bob Jenson.)

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Argument in Opposition

**OSPIRG and OREGON CONSUMER LEAGUE
Urge a “No” vote on this constitutional amendment**

As Oregon's leading consumer rights groups, we believe that the solution of high insurance rates shouldn't be to increase the profits of the insurance industry and huge pharmaceutical corporations.

And we don't think that the solution to medical negligence should be to take away the rights of the injured victims.

These are what Constitutional Amendment 35 does. And it's Oregon consumers that will pay the price.

Constitutional Amendment 35: the wrong approach

WILL NOT lower insurance rates. It hasn't in the other states that have taken these rights away from victims.

- It **WILL make insurance companies and HMOs less accountable**, simply increase their control over your healthcare and their profits.

WILL NOT protect patient rights or patient safety.

- It **WILL prevent Oregon consumers from obtaining just compensation** for injuries caused by “reckless or negligent” health care providers. Read the Amendment: that's actually what it says.

There are better solutions:

Open the insurance industry to the public

- We need real insurance reform, such as a public hearing process to prevent rate gouging.

Instead of punishing victims, accountability for negligent or reckless medicine.

- According to the National Practitioner Database, only 5% of physicians create 55% of all medical malpractice cases. Constitutional Amendment 35 actually reduces accountability!

Measure 35 Arguments

Better Patient information

- It's easier to learn about the contractor doing repairs to your kitchen than it is to find out about the background of the surgeon about to operate on you.

We urge you to vote "No" on this unnecessary and dangerous change to the Constitution.

**Maureen Kirk, OSPIRG
Jason Reynolds, Oregon Consumer League**

(This information furnished by Maureen Kirk, Oregon State Public Interest Research Group; Jason Reynolds, Oregon Consumer League.)

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Argument in Opposition

**AFT Oregon and the President of
It's Health Care Affiliate, local 5017
Oregon Federation of Nurses and Health Professionals
Urges a NO Vote on Constitutional Amendment 35**

Protect Patients, Not the Insurance Industry

Nurses and health care professionals work on the frontlines of medicine every day. It's not just a job to us: there is nothing more important than the health, safety and well-being of our patients. We also respect and value the good doctors that we work with.

We believe that high insurance rates are a problem for patients and doctors. **But Constitutional Amendment 35 will do nothing to control insurance rates.**

The evidence for this is clear: states that have established limits on what a person can receive as compensation for their injuries have not seen reductions in insurance rates for anyone. All these limits do is increase the bottom line for insurance companies and hurt our patients.

We need insurance reform. There are many things we can do to improve patient care and reduce insurance rates. But taking away the rights of people who are the victims of tragic circumstances isn't one of them.

One of the most basic credos of medicine is "First, do no harm." Constitutional Amendment 35 will harm the people we have promised to help.

**For the sake of our patients and
the good doctors we work with:**

PLEASE VOTE NO ON CONSTITUTIONAL AMENDMENT 35.

**Kathleen Geroux, RN
President, Oregon Federation of Nurses and Health
Professionals Local 5017**

**Richard Schwarz,
Executive Director, American Federation of Teachers -
Oregon**

(This information furnished by Kathy Geroux, President, Oregon Federation of Nurses and Health Professionals; Richard Schwarz, American Federation of Teachers-Oregon.)

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Argument in Opposition

Health Care Coalition Opposes Drug and Insurance Industry Campaign to Weaken Patients' Rights

Oregonians for Health Security strongly opposes Constitutional Amendment 35. Our coalition of consumer groups, health organizations, caregivers, seniors and small business owners are working on three main objectives: controlling health care costs, lowering prescription drug prices, and winning coverage Oregonians can count on. This amendment fails to address any of these critical challenges.

Oregonians deserve quality, affordable, and reliable health care. But Constitutional Amendment 35 is not the solution- it will only let pharmaceutical and insurance companies continue to make millions in profits while 511,000 Oregonians remain uninsured.

Who's bankrolling Constitutional Amendment 35?

- Pharmaceutical Companies
- Insurance Companies
- HMOs

Those who already have too much control over our health care.

Read the ballot title: Measure 35 limits the rights of patients who suffer "injuries caused by healthcare provider's negligence and recklessness."

Instead of limiting our rights, we should do more to lower the cost of health care. Improving patient safety and reforming the insurance are reasonable places to start.

- **Provide better information to patients:** Oregonians deserve transparency around the true cost of health care, from hospital charges to insurance premium increases.
- **Shedding more light on insurance companies** by holding hearings on any rate increases.
- **Lower the cost of prescription drugs** by expanding Oregon's Prescription Drug Pool to include all businesses and the 780,000 Oregonians without prescription drug coverage.

The **high cost of health care** is crippling our economy. Instead of limiting our rights, patients, providers, business, and government should work together to bring down the cost of health care. We need real reform, **not insurance and pharmaceutical company attacks on our rights.**

PLEASE VOTE NO ON CONSTITUTIONAL AMENDMENT 35!

(This information furnished by Maribeth Healey, Oregonians for Health Security.)

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Argument in Opposition

OREGON AFL-CIO: MEASURE 35 WON'T REDUCE HEALTH COSTS UNFAIRLY PENALIZES VICTIMS

Constitutional Amendment 35 will do nothing to lower the cost of health care in Oregon.

Constitutional Amendment 35 will not fix the problem of soaring health insurance costs. And, studies show that limiting compensation to victims will do nothing to reduce health insurance premiums.

For our analysis of the impacts of this measure, go to www.oraficio.org.

Measure 35 Arguments

We don't need to change our justice system; we need to deal with doctors who have a history of malpractice.

We need open public databases that make it easier to identify the small percentage of doctors who are responsible for the majority of malpractice cases. Right now it's easier to see how many mistakes a building contractor has on his record than to find out which doctors have a history of negligence.

There are other reasonable solutions that should be tried before we limit our constitutional right to justice from a jury.

Insurance companies should be forced to disclose how they set their rates and how little their profits are affected by malpractice cases. We should require insurance companies to go through a public hearing process and get approval from the Insurance Commissioner before they hike rates.

Constitutional Amendment 35 is backed by the pharmaceutical and insurance industries to boost their profits and make it more difficult for working Oregonians to hold them accountable.

Insurance and drug companies already have too much control over our healthcare. Now they're trying to gain more control at our expense. They want to make it harder for the victims of medical malpractice to pursue justice and seek compensation for their losses.

Don't let insurance and pharmaceutical companies take away the right of working families to have their day in court.

We recommend a No vote on Constitutional Amendment 35.

Tim Nesbitt
President,
Oregon AFL-CIO

Brad Witt
Secretary/Treasurer,
Oregon AFL-CIO

(This information furnished by Tim Nesbitt, President, Oregon AFL-CIO)

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Argument in Opposition

Pendleton mom asks:

**Before voting on
Constitutional Amendment 35, please read my story.
Because this could happen to your family.**

My name is Theresa Booth, and I live in Pendleton, Oregon. I remember the day I found out I was pregnant – I was so excited and happy. I wanted to make sure I did everything right: I took all the tests, went to the doctor and did what he instructed.

The tests showed that my baby was due in December. But the doctor **mistakenly set the due date two months ahead of schedule**. Later we learned the signs were everywhere that he had made a terrible mistake, and the doctor repeatedly ignored all of them. I didn't go into labor, so he scheduled a C-section. An ultra-sound was done which showed that my baby was nowhere near full-term, but he performed the surgery anyway.

Because **Michael** was born two months early he **has profound birth defects**. His lungs weren't fully formed. He has cerebral palsy. He has undergone multiple surgeries. He will never be able to care for himself.

Constitutional Amendment 35 is very simple. It is a measure that **would protect the doctor who did this, instead of protecting Michael**.

The insurance and pharmaceutical companies behind this measure will tell you, "Oh, don't worry about them. \$500,000 is plenty to take care of Michael's pain." I'm glad it is so easy for them to put a price on a lifetime of suffering.

But even \$500,000 for forever affecting a family's quality of life sometimes just isn't enough.

But this isn't about money. **Amendment 35 will take away the only accountability** that will force insurance companies – and yes, the medical profession – to do what it takes to stop the kind of reckless and negligent behavior that destroyed my son's life.

It is too late for Michael. But it's not too late for others. The power is in your hands.

VOTE NO ON CONSTITUTIONAL AMENDMENT 35

(This information furnished by Theresa Booth.)

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Argument in Opposition

**The Brain Injury Association of Oregon Opposes
Constitutional Amendment 35:**

The Brain Injury Association represents Oregonians who have suffered a traumatic brain injury and their families.

Our members strongly oppose this constitutional amendment because it asks us to give up our rights in exchange for vague promises about future cost reduction.

Jury Limits Hurt Victims

The lifetime cost of care for a survivor of a severe brain injury can easily exceed \$5 million. And this does not include lost earnings of the survivor or the value of the time and foregone earnings of family members who care for a person with brain injury. Nor does it take into account the devastation that severe brain injury cases bring to a family's quality of life.

Put yourself in the victim's place. If your life had been catastrophically changed by the action of a health care provider who is negligent or reckless, how would you feel about a "one size fits all" limit on damages? This is what this constitutional amendment would permit.

Trust Juries Not Insurance Companies

Too often, survivors of a brain injury need to recover damages through our civil justice system in order to pay for rehabilitation and long-term care. All these people ask is that their case be judged fairly, based on evidence and facts. All they ask is that a jury sort out the critical decisions for care. These decisions should not be left to insurance companies and HMOs.

The Brain Injury Association of Oregon believes judges and juries are much better equipped than private insurance companies to render justice.

Let's leave our constitution alone. Vote no on constitutional amendment 35 and protect Oregon's Bill of Rights.

Kristi Schaefer RN
Past President, Brain Injury Association of Oregon

(This information furnished by Kristi Schaefer, RN, Past President, Brain Injury Association of Oregon.)

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Measure 35 Arguments

Argument in Opposition

An Important Message from Former Supreme Court Justice Betty Roberts:

**Protect Case-by-Case Justice.
Vote NO on Constitutional Amendment 35**

Our Constitution states, **“In all civil cases the right of Trial by Jury shall remain inviolate.”**

When our nation was founded, the right to jury trial was considered fundamental to American liberty. The Bill of Rights guarantees that Congress cannot interfere with the common law right to jury trial. The Oregon legislature cannot interfere with that right. But this Amendment to our Constitution would limit that **basic, fundamental right**.

When Oregonians serve on juries, we decide disputes based on the specific facts of each case. In my experience on the Oregon Supreme Court, Oregon juries take their job seriously. Oregon juries act generally with fairness and common sense. But **Constitutional Amendment 35 seeks to take power away from juries**; that’s a radical break from Oregon’s heritage and tradition.

This Constitutional Amendment would undermine Oregonian’s long-standing traditions of justice and individual responsibility by setting arbitrary, pre-determined limits designed not for fairness, but to protect medical industry profits.

Who should we trust with justice: **independent Oregonians serving on juries, or a few negligent health providers who would limit their own responsibility and put profits ahead of the health and safety of Oregon patients?** There is no need to change Oregon’s Constitution in such a drastic manner.

We need to protect case-by-case justice.

Please vote “No” on Constitutional Amendment 35.

(This information furnished by Former Supreme Court Justice Betty Roberts.)

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Argument in Opposition

**CONSTITUTIONAL AMENDMENT 35:
UNFAIR TO OREGON WOMEN AND FAMILIES**

The cost of healthcare and prescription drugs have skyrocketed in Oregon, but Constitutional Amendment 35 will do nothing to lower the cost of health care.

So why would the big drug companies, HMOs, and insurance companies spend hundreds of thousands of dollars to pass Constitutional Amendment 35 in Oregon?

Constitutional Amendment 35 protects the profits of health care providers. And Amendment 35 limits the ability for working women and stay-at-home moms to hold health care providers accountable for their mistakes.

It’s unfair to let insurance and drug companies predetermine a compensation limit to victims who’ve been terribly injured without knowing the specific facts of an individual case.

What medical negligence means to women:

- Theresa Booth of Pendleton had her pregnancy due date mistakenly set two month ahead of schedule. Theresa was given an emergency C-section, and her child was born with profound birth defects, cerebral palsy, and will require a lifetime of care.

- Linda McDougal was diagnosed with breast cancer when none existed. Because the hospital switched her tests with another patient’s, Linda had both breasts removed unnecessarily.

Sometimes even \$500,000 for ruining a person’s life is just not enough.

By arbitrarily limiting “non-economic” damages- or “quality of life” money- this measure unfairly hits those like stay-at-home moms, who might not earn big paychecks, but still contribute to society.

Being injured unnecessarily is hard enough. Being told you just aren’t worth as much is just not fair.

Constitutional Amendment 35 is the wrong solution and would do nothing to improve our safety or address the very real problem of medical malpractice.

Insurance Companies already have too much power over our health; please vote no on Constitutional Amendment 35 and protect our health and our access to justice.

Governor Barbara Roberts

**Laura Bridges
Chair, NARAL Pro-Choice Oregon**

(This information furnished by Governor Barbara Roberts, Laura Bridges, President, NARAL Pro-Choice Oregon.)

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Argument in Opposition

**Health Care Industry Lobbyists Admit:
Jury Limits Won’t Lower Insurance Premiums**

Some campaigns will promise just about anything to change our Constitution. The insurance and drug companies behind this amendment are no exception.

But when proponents go “on the record,” the story becomes clearer. But don’t take our word for it, hear what jury limits advocates say themselves:

“We wouldn’t tell you or anyone that the reason to pass tort reform would be to reduce insurance rates.”

-Sherman Joyce, American Tort Reform Association, President. *Liability Week*, July 19, 1999.

“I don’t think we would argue that the premiums are likely to go down. We believe it will have the effect of reducing the increases in the future. And one of the reasons the premiums won’t go down is that even if noneconomic damages are capped, the losses for economic loss, medical expenses, for example, are still in this current environment escalating at, medical inflation is running in the double digits. I forget exactly what it was last year. **So even if you were to cap noneconomic damages, the economic damages will still cause acceleration in the premiums. So it would not go down, I want to clarify if I misspoke and said I thought the premiums would go down.”**

-Cliff Webster, representing the Washington State Medical Association & Chairman of the Washington Liability Reform Coalition, testifying before the Washington State Legislature, House Judiciary Committee, Feb. 21, 2003.

“[M]any tort reform advocates do not contend that restricting litigation will lower insurance rates, and I’ve never said that in 30 years.”

-Victor Schwartz, General Counsel of the American Tort Reform Association, as quoted in “Tort Reforms Don’t Cut

Measure 35 Arguments

Liability Rates, Study Says,” published in *Business Insurance*, July 19, 1999.

(This information furnished by Charlie Burr, Coalition for Real Insurance Reform.)

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Argument in Opposition

**CENTER FOR JUSTICE AND DEMOCRACY:
Pick common sense over false promises of savings
from Insurance Industry**

Laws that restrict the rights of injured consumers to go to court do not produce lower insurance costs or rates, and insurance companies that claim they do are severely misleading the public.

The insurance industry claims that enactment of Constitutional Amendment 35 will cause insurance rates to stabilize and even fall.

So the question is, have insurance rates dropped in states that have enacted “tort reforms?” Does enactment of “tort reform” lead to lower insurance rates?

The answer is unequivocally no, according to a report released by our organization, **Premium Deceit -- the Failure of “Tort Reform” to Cut Insurance Prices.**

The study finds without question that laws that restrict injured consumers’ rights to go to court have failed to cut insurance costs or rates.

The report found, “Despite years of claims by insurance companies that rates would go down following enactment of tort reform, we found that **tort law limits enacted since the mid-1980s have not lowered insurance rates in the ensuing years.** States with little or no tort law restrictions have experienced approximately the same changes in insurance rates as those states that have enacted severe restrictions on victims’ rights.”

In our history, there has probably never been anything like the current corporate assault on our civil jury system. Over the last 20 years, the nation’s largest businesses have been advancing a legislative agenda to limit their liability for causing injuries. Now they are out to change Oregon’s Constitution at the expense of your Bill of Rights.

Vote NO on Constitutional Amendment 35.

Joanne Doroshov
Executive Director, Center for Justice and Democracy
Co-Author, Premium Deceit

(This information furnished by Joanne Doroshov, Center for Justice and Democracy.)

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Argument in Opposition

**Oregon’s Attorney General Urges Voters to
Protect Our Constitutional Jury Rights**

As your Attorney General, I have worked hard to protect Oregon consumers from anti-competitive and deceptive conduct and to ensure access for all to civil justice.

I believe we can work for a sound health care system for

providers and patients without amending our Oregon Constitution to limit Oregonians’ right to a jury trial in cases of medical negligence. Constitutional Amendment 35 would make it more difficult for Oregonians to have our day in court and would limit Oregonians’ right to case-by-case justice.

Our jury system works. Oregonians are fundamentally fair people and can be trusted with the decisions we ask them to make as jurors. And Oregonians harmed by negligence, whatever its source, should always have complete and open access to our justice system. Each case should be decided on its individual merits by an impartial jury, not by an arbitrary, pre-determined limit.

When our nation was founded, the right to jury trial was considered fundamental to American liberty.

Thomas Jefferson once wrote, “The wisdom of our sages and the blood of our heroes has been devoted to the attainment of trial by jury.”

And the founding fathers were deeply suspicious of efforts to take away this basic, fundamental right.

“Trial by jury is the best appendage of freedom. Guard with jealous attention the public liberty. Suspect anyone who approaches that jewel.” -Patrick Henry, 1788

Once we vote away that “appendage of freedom” even in part, it will be hard to restore it.

We should protect our right to a complete, impartial jury trial. Please join me in voting no on Constitutional Amendment 35.

— Attorney General Hardy Myers

(This information furnished by Attorney General Hardy Myers.)

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Argument in Opposition

No on Measure 35

Insurance companies and HMOs already have too much power and influence over the medical care we receive. But now they want more.

Read the ballot title: Measure 35 denies rights to those who suffer “patient injuries caused by healthcare provider’s negligence and recklessness.”

Health care costs are out of control. But lawsuits filed by patients injured due to negligence and recklessness contribute only 1/3 of 1% to overall health care costs.

We need to get health care costs under control. Vote NO on 35.

**SEIU: Leading the fight
For lower health care costs
For Oregon workers and taxpayers.**

SEIU helped lead the fight to establish a prescription drug purchasing pool for Oregon. The pool needs to be broadened.

Our representatives on the Public Employees’ Benefit Board have helped to keep state worker health care costs below the state average.

Our in-home caregivers care for the elderly and disabled in their own homes. This care saves taxpayers’ dollars and allows Oregon seniors to live independently at home with dignity.

Our nursing home workers successfully lobbied for more federal funding for long-term care so that the medically frail would not be shut out of skilled nursing facilities.

Measure 35 Arguments

Health care costs won't decrease if Measure 35 passes. Working families in states that have adopted similar laws still suffer from health care hyperinflation.

Some Oregonians want to blame the victims of out-of-control health care costs and make workers pay more for premiums, co-pays, and deductibles. They want to limit our right to protect ourselves from unscrupulous healthcare providers.

- **Let's rein in the greed of the insurance industry.**
- **Let's force insurance companies to justify rate increases.**
- **Let's use our state's purchasing power to lower drug costs.**
- **Let's examine hospitals charges to see if patients are subsidizing elaborate, frequently unnecessary, expansion.**

**Vote NO on Measure 35.
Join SEIU in finding real solutions
to rising health care costs.**

www.SEIU503.org

(This information furnished by Arthur Towers, Service Employees International Union Local 503, OPEU.)

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Measure 36

Proposed by initiative petition to be voted on at the General Election, November 2, 2004.

Ballot Title

36

AMENDS CONSTITUTION: ONLY MARRIAGE BETWEEN ONE MAN AND ONE WOMAN IS VALID OR LEGALLY RECOGNIZED AS MARRIAGE

RESULT OF "YES" VOTE: "Yes" vote adds to Oregon constitution declaration of policy that only marriage between one man and one woman is valid or legally recognized as marriage.

RESULT OF "NO" VOTE: "No" vote retains existing constitution without a provision declaring that only marriage between one man and one woman is valid or legally recognized as marriage.

SUMMARY: Amends constitution. Oregon statutes currently provide that marriage is a civil contract entered into in person between individuals of the opposite sex, that is, between males and females at least 17 years of age who solemnize the marriage by declaring "they take each other to be husband and wife." The existing Oregon Constitution contains no provision governing marriage. Currently, the State of Oregon recognizes out-of-state marriages that are valid in the state where performed, unless the marriage violates a strong public policy of Oregon. Measure adds to Oregon Constitution a declaration that the policy of the State of Oregon and its political subdivisions is that "only a marriage between one man and one woman shall be valid or legally recognized as a marriage."

ESTIMATE OF FINANCIAL IMPACT: There is no financial effect on state or local government expenditures or revenues.

Explanatory Statement

Ballot Measure 36 amends the Oregon Constitution to declare that the policy of the State of Oregon and its political subdivisions is that "only a marriage between one man and one woman shall be valid or legally recognized as a marriage."

Under state statutes, a marriage is a civil contract entered into by a male and a female who solemnize the marriage by declaring "that they take each other to be husband and wife." There is ongoing litigation concerning whether the current marriage statutes are valid under the Oregon Constitution. Ballot Measure 36 adds to the Oregon Constitution a statement of policy that only a marriage between one man and one woman is valid or legally recognized as a marriage.

Committee Members:

Kelly Clark
Tim Nashif
Roger Gray
Maura Roche
Kathleen Beaufait

Appointed by:

Chief Petitioners
Chief Petitioners
Secretary of State
Secretary of State
Members of the Committee

(This committee was appointed to provide an impartial explanation of the ballot measure pursuant to ORS 251.215.)

Text of Measure

The Constitution of the State of Oregon is amended as follows:

It is the policy of Oregon, and its political subdivisions, that only a marriage between one man and one woman shall be valid or legally recognized as a marriage.

NOTE: **Boldfaced** type indicates new language; *[brackets and italic]* type indicates deletions or comments.

Measure 36 Arguments

Argument in Favor

CULTURE WAR!

Traditional values are under attack, and **sexual perverts** are attempting to strain the definition of **marriage** far beyond what God has ordained. The Word of the Lord must be legislated as Oregon public policy.

In the **Holy Bible**, Saint Paul says that Christians should remain single and **abstain from sex**. The **New Testament** says that people should get married only if they are too **weak-willed** to abstain from sex:

"It is well for a man not to touch a woman.... It is well ... to remain single as I do. But if they cannot exercise **self-control**, they should marry. For it is better to marry than to be **afame** with passion." (I Corinthians 7:1, 8-9)

Marriage is **not** sacred. Marriage is for **wimps and sissies!**

Oregon public policy should define marriage in accordance with divinely inspired **Scripture**. Therefore, marriage licenses should be granted only to those persons who have been certified by **professional psychiatric examination** to be too weak-willed to abstain from sex.

Oh, by the way, although **Jesus** never said a single word condemning **homosexuality**, if heterosexuals can't get married, homosexuals shouldn't be allowed to marry either—well, unless they're too weak-willed to abstain. Sissies!

The sissy institution of marriage must not be perverted by **sinners** who are capable of abstaining! The **sacred union of church and state** must prohibit the immoral union of men and women capable of the discipline of sexual abstinence. We are not saved by either faith or good works. We are saved by religious-right legislation!

Freedom of religion and equal treatment under law is simply the **special right to sin**, because our tradition is the **one and only truth!** And our tradition (that is, our personal moral opinions) should become **law**.

AGREE WITH US OR BURN IN HELL!

(This information furnished by M. Dennis Moore, Traditional Prejudices Coalition.)

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Argument in Favor

MARRIAGE IS SACRED!

The **Bible** says that marriage is for procreation. **God** made Adam and Eve, and **Adam and Eve made Cain and Abel**, not an empty nest.

Marriage is for **procreation**. If you're not pro-Creation, you're anti-God. And once a marriage has been solemnized, **sex is serious business**. The solemnity of **sex** must not be abused for sinful pleasures. **Sex** is for procreation, not recreation. And marriage is for **breeding purposes**.

Therefore, it should be **Oregon public policy** that

- Homosexuals may not marry.
- **Infertile persons** may not marry.
- Men with vasectomies may not marry.
- Women with hysterectomies may not marry.
- Post-menopausal women may not marry.
- Persons planning to use birth control may not marry.
- Non-virgins may not marry (Deuteronomy 22:13-21).
- Inter-racial couples may not marry (Deuteronomy 7:3).

And couples who fail to **conceive** within two years ought to have their marriage licenses revoked.

Additionally, the **Bible** says that

- Divorced persons may not marry (Luke 16:18).
- And if a man dies without leaving a male heir, it is his brother's responsibility to **impregnate** the widow (Genesis 38:6-10). If he refuses, he shall be fined **one shoe** (Deuteronomy 25:5-10).

This is the sacred word of the Lord, steadfast and unchanging.

Traditional morality must become Oregon public policy. All of it. And the **older** the tradition, the better. **The separation of church and state be damned**. In order to protect the sanctity of marriage and the sacred institution of heterosexual procreation, **unequal treatment and discrimination** must be legislated consistently against all persons who cannot or will not **breed** as God intended. It is God's will that we multiply and fill the Earth and finally subdue it when the population explosion self-implodes. Praise God!

Love is not good enough a reason to marry, because marriage is only for

HETEROSEXUALBREEDING.COM

(This information furnished by M. Dennis Moore, Defense of Heterosexual Breeding Coalition.)

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Argument in Favor

THE TRADITIONAL FAMILY IS UNDER ATTACK!

Frightening new unprecedented social changes are threatening **old traditional values**. And these attacks on tradition have been escalating--for millennia!

First there was **Original Sin** when Eve disobeyed God! Then the **Flood!** Then Abraham abandoned the traditional practice of **human sacrifice!** Then Jews instituted the modern covenant of **circumcision!** Then Moses brought down from Mount Sinai a bunch of **new-fangled Laws** on stone tablets! And later Jesus abolished them and preached instead the **radical new Golden Rule!**

Polygamy fell out of favor! Women were no longer mere pieces of property belonging to **men!** Next these uppity women demanded the right to **vote!** Families could no longer own **slaves!** Prohibition saved the family from destruction by **Demon Rum!** The nineteenth-century extended families on American farms were destroyed by the **1950s social engineering** of the "Leave It to Beaver" suburban cookie-cutter nuclear families! Blacks refused to ride in the back of the bus! Women demanded equal pay for equal work! Single parents demanded respect! Gays and lesbians demanded an end to hatred and oppression! Flower children protested **traditional mass-murder warfare** and genocide! Divorce skyrocketed! The silence surrounding child abuse was broken!

Frightening social changes continued! And then the religious right began a **righteous backlash!** First they accused gays and lesbians of being promiscuous! And when this failed, they began accusing them of having long-term committed monogamous relationships and wanting to get **married!**

Where will it all end? After 6,000-some years of frightening attacks on old traditional values, **will history never cease to unfold?** Will God never stop throwing all of these radical social changes at us?

My friends, there is a **simple answer**. All you have to do is

VOTE TO TURN THE CLOCK BACK!

Measure 36 Arguments

It's really that simple!

Now, **which one** of these radical social changes will this measure turn the clock back to? Oh, come on, let's just

LEAVE IT TO BEAVER!

(This information furnished by M. Dennis Moore, The Beaver State Defense of Beaver Coalition.)

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Argument in Favor

As you know, Oregon once again is in the spotlight on an issue that has national implications---the definition of marriage.

I am very concerned about what has taken place in Multnomah and Benton Counties regarding same-sex marriage. Clearly, the institution of marriage is being challenged and we must stand up as citizens to protect traditional marriage in Oregon and America.

I strongly urge you to vote yes on Ballot Measure 36 and defend the definition of marriage as a union between one man and one woman. Without the passing of this measure, I am afraid that the actions of Multnomah and Benton Counties will lead to an unfortunate conclusion by the Oregon Supreme Court.

This issue cuts to our core values. Defining marriage is so important that a huge number of Oregonians joined together in successfully qualifying this measure for the ballot in a very short time. Clearly, Oregonians want an issue of this significance to be decided directly by voters, not Supreme Court Justices.

Measure 36 is on your ballot. It is now time to vote. Your yes vote will change Oregon's constitution, defining marriage as the union between one man and one woman. This will strengthen the historical definition that is in Oregon statute, and protect our traditional idea of marriage by adding it to the Oregon Constitution.

Our core values are too important. Don't let them be defined by the courts, behind closed doors. Let YOUR voice be heard. Vote yes on Measure 36.

(This information furnished by State Representative Susan Morgan.)

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Argument in Favor

Measure 36 - Why Does It Matter?

The Children

A mother and a father are necessary for a child's emotional well-being and development. Many of us know the pain of not receiving a father's or a mother's love and attention. In same-sex marriage, this is not even a possibility.

If we "normalize" homosexual marriage, the state will be forced to place foster children in same-sex households. Schools, and society, will be teaching the next generation the "equality" of same-sex marriage, changing our views of the importance of gender and the nature of the family. It will cause kids to question their sexual identity, and increase experimentation with a behavior that is neither emotionally nor physically healthy.

Marriage between a man and a woman provides the best environment for our children's success.

Societal Structure

The basic ties in relationships that keep our society together, are found in the family. Where the family struggles, so does the society. Changing our view of this important "building block" will affect us all!

We need to reserve the approval of society for those behaviors that further its success. If we must affirm every behavior, then disorder is the ultimate result.

Measure 36 affirms society's ability to support those behaviors that lend it stability and coherence.

Measure 36 is not about denying "rights".

The real issue is about approval, and gaining the respect of society. Homosexuals already have the same individual rights as everyone else, and can live as they please without threat from the law.

Measure 36 is not about hate.

We continue to interact with, be friends with, and live in the community with those who follow a different sexual orientation.

Measure 36 is about promoting the common good.

This is best for society, and best for our children.

Vote Yes on Measure 36!

(This information furnished by Jeff Roth.)

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Argument in Favor

A Timeless Institution

Throughout history there has been one consistent outlook for civilization: mom and dad. It's possible for unforeseen circumstances to defy people's original intent. My father died very young. Despite the hurdles it presented for my heroic mother, we all knew the context of our family's origin.

A missing father or mother frequently sends children on a journey to find or learn about their parent. These natural inclinations remind us of the unique role both mother and father have in a family.

Men and women have distinct approaches to most issues. These distinctions give parenting incredible balance for the health and development of children. Research continues to document this. In truth, the further we go down the road of both experience and social understanding, the more we confirm the uniquely powerful contribution that fathers and mothers make in their child's life.

Many well-intended social experiments in the past 35 years have left us short-changed in the end. Change is not always good just because it's new. It's possible at the end of a dramatic proposal to find many unsuspected consequences. This clearly would be the case if we were to dramatically alter the reserved design for marriage between a husband and wife.

Traditional marriage doesn't reduce anyone's value or impinge on anyone's rights. One man's inability to bring the unique benefits of mothering to a marriage doesn't reduce his significance anymore than it would for two men. It's simply true that the beautiful manner of motherhood is uniquely performed by mom, and fatherhood by dad. Otherwise we must recognize all proposals for marriage on the basis of equal significance.

Redefining marriage will not enhance anyone's worth, but will reduce the rights of children to live in a culture that by design affirms the role of marriage to give them a mom and dad.

Measure 36 Arguments

We urge you to vote yes on measure #36.

Michael Howden
Executive Director
Stronger Families for Oregon

(This information furnished by Michael Howden, Executive Director, Stronger Families for Oregon.)

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Argument in Favor

Marriage Created, Not Contrived

Marriage is not a convenient contrivance of man but **the creation of God** for the well-being and happiness of mankind. It is intended by God to be a lifelong unity of loyalty and love between a man, a woman, and God—the natural offspring of that unique, God ordained relationship being children—in a safe and healthy God centered family.

Marriage between a man and a woman is **the fundamental institution** of any society. It provides the only healthy context for procreation and the development of normal, healthy, and godly human relationships.

The physical, emotional, spiritual, intellectual and moral development of children, parents, and the larger society, is best provided in this context.

To radically and fundamentally change the definition of marriage to include what God considers an “abomination” is to reject God’s purpose in marriage for men, women, children, and a nation; to “exchange the Glory of God for a lie”, and to reject the “eternal rules of order and right” which God has ordained.

Providing equivalent legal standing to unnatural relationships will force **devastating and irreversible changes** to our society. The rights of conscience, and the accompanying freedom to make moral distinctions will be severely curtailed. Public schools and curriculum will be required to teach that homosexual ‘marriage’ is the moral equivalent to traditional marriage. Religious freedom, healthcare, and Social Security will all be negatively impacted.

“**Professing to be wise, we become fools**” (Romans 1:18-32) if we believe judges and elected officials can arrogate to the state the right to change what God has ordained, for light, temporal, personal or political agendas.

Vote “YES” to amend the Oregon Constitution to preserve marriage between a man and a woman only. Traditional marriage must be protected from those who disdain it’s origin, purpose, and Creator.

(This information furnished by David Crowe, Restore America.)

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Argument in Favor

Oregonians, Not Judges and Liberal Multnomah County Commissioners Should Define Marriage in Oregon

Most Oregonians thought marriage was already concretely defined in the Constitution. We were all shocked when four liberal Multnomah County Commissioners decided to circumvent the public process and engage their County Legal Counsel to redefine marriage in Oregon’s Constitution. It was wrong, and Oregonians should be outraged.

Marriage Laws Defined as Being Between One Man and One Woman Have Been on the Books in Oregon Since 1862

No where in the United States is same sex marriage legally recognized. In Oregon, statutes have been in place since 1862, defining marriage as being between one man and one woman. Here is what the statute reads;

According to Chapter 106 of the Oregon Revised Statutes, marriage can only be between males of 17 years of age and females of 17 years of age. This law has been in place since 1862.

Children do Better With a Mom and a Dad

All research is conclusive. Children do better with a mother and a father. Kyle Pruett, a clinical professor of psychiatry at Yale, explains that fathers have distinct style of communication and interaction with children. Infants, by 8 weeks, can tell the difference between a male and female interacting with them. This diversity in itself provides children with a broader, richer experience of various relational interactions- more so than for children who are raised by only one gender.

We Don’t Want Oregon to be the Only Place in America Where Same Sex Marriage is Allowed

Few issues are more important than protection marriage in Oregon. By not passing measure 36, and affirming what everyone thought was already in the constitution, we will redefine the culture of Oregon in ways we can not see or predict.

Please, Defend Marriage in Oregon, Pass Measure 36

(This information furnished by Representative Wayne Krieger, House District 1.)

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Argument in Favor

Our nation’s laws are excellent teachers for young people. All laws attempt to draw a line, to say something is good, or something is not good and should be discouraged. Oregon’s laws have always limited marriage to a union between one man and one woman, establishing a policy that only male-female marriage is proper.

Now, some are calling for Oregon to put its stamp of approval on same-sex marriage, a practice that God in the Bible clearly calls wrong. Obviously, this would be a significant change in public policy that would influence the values of many young people.

The proponents of same-sex marriage have used activist judges in their attack on traditional marriage. But the problem is not ultimately activist judges. If Oregonians decided that stealing was good, we would approve of judges overturning the will of the people, because God says stealing is wrong. If our culture was traditionally homosexual, we would call for overturning a tradition that is wrong.

The question is, should the State of Oregon put its stamp of approval on what God has clearly said is wrong? Right and wrong are not ultimately determined by people, but by the God who created them. Rulers are to rule in a way that pleases Jesus Christ. When they do, they act in the best interests of all people. Youth thinking about entering into same-sex intimate relationships should not be encouraged by the government, but discouraged from something that brings God’s displeasure.

There is no automatic right to marry. You have to be of age, you can’t marry a close relative, you can’t marry more than one person at a time, and you must marry someone of the opposite sex. This is the line we have always drawn here in Oregon, and it is the right line. It pleases God and helps our youth.

Measure 36 Arguments

Dennis Tuuri for the Parents Education Association
Box 847, Canby, OR 97013 503-263-8337 peapac.org

(This information furnished by Dennis Tuuri, Executive Director, Parents Education Association.)

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Argument in Favor

BALLOT MEASURE 36 AFFIRMS STATE LAW

Ballot Measure 36 affirms what Oregon law and our citizens have long held as true. State law currently defines marriage in Oregon Revised Statute 106.010 as being “entered into, in person by males at least 17 years of age and females at least 17 years of age.” The law was created in 1862, only three years after we became a state. Unfortunately, the courts think those who wrote the Oregon Constitution and our marriage law were not clear enough in their intent.

JUDGES AND MULTNOMAH COUNTY COMMISSIONERS SHOULD NOT BE ABLE TO CHANGE THE DEFINITION OF MARRIAGE FOR THE ENTIRE STATE

Never before had people questioned the intent of our marriage law. If it had not been for activists on the Multnomah County Commission meeting secretly and without public input this matter would not be before us. Today we are faced with letting a questionable opinion stand or standing up and making our opinion known.

IF MEASURE 36 FAILS AT LEAST 350 STATUTES MUST BE CHANGED

If Oregonians don't pass Ballot Measure 36 the legislature will be confronted with changing at least 350 statutes. Laws ranging from insurance, divorce, child custody, and taxes would need to be changed. There will be plenty for the legislature to do in the next session, without having to rewrite all the statutes that in any way affect marriage. The task of rewriting more than 140 years of marriage laws would be a daunting challenge by itself, without having the other duties of a regular legislative session.

I URGE YOU SUPPORT OF BALLOT MEASURE 36

ROGER BEYER
STATE SENATOR
DISTRICT 9

(This information furnished by Senator Roger Beyer.)

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Argument in Favor

A Career Educator Urges Yes Vote on Measure 36

Measure 36 Is Essential to Quality Education

Oregonians have consistently demonstrated a deep commitment to the welfare and education of children. In other words, in Oregon kids come first! That is a commitment we can all be proud of.

But successful education does not begin in the classroom. It begins at home. Educators discovered long ago that the greatest contributor to student success is parental involvement.

The Breakdown of Marriage Hurts Kids

The breakdown of marriage and family in recent years has taken its toll on children. It has contributed to increased emotional,

behavioral, and health problems that have resulted in lower academic achievement.

Certainly, there are exceptional parents in even the most challenging family circumstances, and these families deserve our support and admiration. But on the whole, students do best when living in a home with a married mother and father.

Measure 36 will benefit Youth Today and Tomorrow

School has always been more than reading, writing, and arithmetic. Next to home, it is where most students develop the character and values that will shape their lives. Marriage between one man and one woman is the ideal, is what the community expects, and that is what should be upheld!

Without Measure 36, it is possible that non-traditional relationships will have to be presented as an option equal to marriage between one man and one woman. This will lead to confusion for students and a conflict with what is taught at home resulting in a breakdown of trust in the local school.

That is why Measure 36 is essential for education, because more important to education than stable funding is a stable and healthy family! Please vote **YES on 36!** It is the most important investment you can make to a child's education.

Please vote YES on Measure 36

Clark Brody
Retired Deputy Superintendent, Oregon Department of Education
Education Consultant

(This information furnished by Clark Brody, Retired Deputy Superintendent, Oregon Department of Education, Education Consultant.)

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Argument in Favor

Oregon Teachers & Educators Vote Yes on 36

As teachers and educators across the state of Oregon, we love kids and we've dedicated our lives to their education. We also understand just how much teachers and educators can help shape the character and values of their students. It happened for us as children, and we see it every day in our schools and classrooms.

That's why as teachers and educators, we are urging all Oregonians to join us in voting YES on Measure 36. Measure 36 sends a simple, positive message to children that marriage should be between a man and woman. It just makes sense.

Please vote Yes on 36.

Christopher W. Alsop	Mindy Cornett	Wendi Manthey
Linda Thornton	Donald Lentz	John Dracon
Mark Dorr	Shirley Burrows	Deborah L. Bush
Gerald Christenson	Rodney Bragato	Janet Crossan
Lauralee Furse	Karyn Lentz	Connie Thrush
John Nimmo	Thomas Stuch	Carol Funk
Ronald Suchanek	Kenneth Bush	Kevin Keeney
Ruth Wilhelm	Michael Davis	Gwen Hatt
Barbara Precechtill	Patricia Gerig	Timothy Zietlow
Allison Hart	Reyna Butterfield	Scott Ball
William McLaughlin	Nancy Jacobson	Mary Kuraspediani
Michael Quinn	Elaine Hardman	Nancy Womersley
Susan Akers	Colleen Corcoran	Kelly Benjamin
Gayle Nelson	Rita Kenniston	JoLynn Miller
Randall Law	Cherry Binder	Becky Blakely
Larry Verdoorn	Connie Franklin	William Suminski
Mary Jo Law	Janice Hotrum	Steve Smith
Marla King	Linda Quinn	Paul Boring
Gary Kelley	Edward Guenther	Rick Harris

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Marv Walker	Raymond Garboden	Linda Verdoorn
Tom Demarest	Ella Garboden	Loren Gerig
Robin Manning	Dale Robbins	Joe Amsberry
Ben Cornelius	Linda Nimmo	Donna Basting
Elaine Hall	Mark Manthey	Oscar Stenberg
Ronald Lepp	Sara Beyer	Betsy Brown
Kim Bates	Elaine Suminski	Eldon Andres
Judy Huber	Mary Lau	Karen Callison
Pamela Robinson	Mary Heaney	Marcia Robbins
Brian Gerards	Pamela Hardy	Norm Scott
Eric Fuchs	Shirley Mann	Nancy Cornett
Charles Felton	James De Young Th.D.	Nina Rapp
Bob Callison	Joanne Nelson	Sharon Erck
Mary Ann Holloway	David Bradshaw	Ellen Demarest

Due to word limitations, this is a partial list.

(This information furnished by Christopher W. Alsop.)

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Argument in Favor

Support Measure 36 -- Support Marriage

We all know what marriage is – the union of one man and one woman. Oregon law has recognized this historical definition since 1862. But a few activist county commissioners in Multnomah County decided they were going to take advantage of a perceived loop-hole in the Oregon Constitution, and redefine marriage on their own.

Process subverted

They didn't hold any public hearings. They didn't give any advance warnings. They simply began issuing marriage licenses that were in clear violation of state law and what we all know marriage to be. Their actions were arrogant and wrong.

We never thought we'd have to defend marriage through a citizen initiative. But because the Multnomah County Commission purposefully subverted the public process to redefine the law – we have no other choice.

Measure 36 ensures the law continues as we've understood it

The Commissioners' goal was to force this issue into the courts. But we all know that marriage shouldn't be defined by judicial action. Marriage has already been defined in the law and through countless years of tradition.

This measure is about protecting an institution that has been a foundation of our society for centuries. It is about ensuring that the law continues to reflect the values and beliefs that the overwhelming majority of Oregonians already believed were enshrined in the law.

Overwhelming support

Earlier this year, 270,000 Oregonians signed petitions to put this measure on the ballot. Those signatures were collected in only five weeks – a record show of support for the institution of marriage.

Thirty-nine other states have a similar definition of marriage as would be enacted under this measure. It is sensible, mainstream and ensures that marriage will continue to be what we have always understood it to be: the union of one man and one woman.

(This information furnished by House Speaker Karen Minnis.)

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Argument in Favor

Marriage Laws Were Defined in 1862.

Most People don't realize that in Oregon, marriage laws have been on the books since 1862 defining marriage as being between one man and one woman. If you were to look up the statute, Chapter 106 of the Revised Statutes states, marriage can only be between males of 17 years of age and females of 17 years of age. The statute couldn't be more clear.

39 States Have Already Established Marriage Laws

39 states have established either through their constitution, or through statute the meaning of marriage as being between one man and one woman. No where in America is same sex marriage legal, and it shouldn't be made legal in Oregon.

Over 350 Oregon Statutes Would Have to be Rewritten if Measure 36 Fails

At least 350 Revised Oregon Statutes would have to be rewritten or thrown out placing future legislatures in a quagmire of confusion and litigation. Marriage laws, insurance laws, probate, child custody and many many more laws would have to be rewritten to acknowledge same sex marriage.

The ACLU Will Demand More

If measure 36 fails, there will be mass confusion over the definition of marriage in Oregon. The ACLU will surely force costly litigation on the state and school districts demanding that same sex marriage become a normal component of school curriculums. Teachers will be forced to teach sex education to middle school children based on the new interpretation of marriage in Oregon.

Measure 36 Deserves Your Support

It is important to affirm what we all thought was already in the Oregon Constitution—marriage is a sacred covenant between one man and one man.

House Majority Leader Wayne Scott

(This information furnished by House Majority Leader Wayne Scott.)

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Argument in Favor

Measure 36 Doesn't Change Oregon's Constitution...It Affirms What We All Thought Was Already There

Because of the actions of some renegade County Commissioners, we are faced with the battle over the meaning of marriage in our great state. Personally, I am outraged by the arrogance of four county commissioners who thought they alone could rewrite over 140 years of Oregon law.

The average person on the street thought Oregon's constitution was clear and without compromise. But times have changed, and open democracy has been replaced with judicial activism and political backroom deals. I believe most Oregonians are as outraged as I am about the actions that have brought us to this place in time.

The ACLU and Basic Rights Oregon are the Leaders Behind the Scenes

Four Multnomah County Commissioners, the ACLU and Basic

Measure 36 Arguments

Rights Oregon are the ones who made this happen and who forced us to collect over 270,000 signatures in just five weeks to allow citizens of this state to have our say on the issue of defining marriage in Oregon. Their radical agenda went forward without a single public hearing or open meeting discussing the implications of rewriting Oregon's sacred marriage laws, which date back to 1862.

Now, Oregonians Can Have Their Voices Heard

Given just five weeks to gather the necessary signatures, Oregonians have already spoken with a loud voice by submitting record numbers of signatures to qualify this measure for the ballot, but now that voice must be heard on election day.

Recently, Missouri passed their amendment with over 70% of the vote, and now it is time for Oregon to do the same, if not stronger.

**Take a stand: Vote Yes on Measure 36.
Defend the greatest institution we have left standing.**

State Representative Linda Flores

(This information furnished by State Representative Linda Flores.)

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Argument in Favor

An Open Letter from Senator Ben Westlund

I have worked hard in my career to open and balanced as I have deliberated on important public policy issues. At times, I have been at odds with my own party about various issues ranging from tax policy to healthcare reform. I am proud of my independence.

Recently, I have had long meaningful discussions about Measure 36, the constitutional amendment defining marriage as being between one man and one woman. While many people might expect me to break once again from my party and oppose Measure 36, they will be interested to know that I am a strong supporter of Marriage being defined as being between one man and one woman.

First of all, most of us believe that the Constitution intended for marriage to be defined as being between one man and one woman. In fact, an early Oregon statute dating to 1862 reinforces this fact. Most people, if they were being honest with themselves would agree that the culture of 1859 and the legislature of 1862 had no other intention.

More importantly however is my own strong personal beliefs about how important it is to our culture and society that we hold on and reinforce this very important institution we know as marriage. Study after study and psychiatrist and psychologist alike point to the value and the importance of children having both a mother and a father as role models.

Measure 36 is simple. If it passes, and I hope that it does, it will simply confirm what most of us thought already to be true—Marriage in Oregon is legally defined as being between one man and one woman. Of all our cultural institutions, few are more important and more worth protecting than marriage.

Please, Vote Yes on 36.

Senator Ben Westlund

(This information furnished by Senator Ben Westlund.)

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Argument in Favor

Measure 36 is the Only Way to Protect Marriage

Oregonians expect much more of their elected officials.

Our nation has the finest system of government in the world. It's the reason I've dedicated so much of my life to public service. It's also the reason I was deeply grieved when members of the Multnomah County Commission authorized same-sex marriage licenses without any public hearings, testimony or debate.

When dealing with matter as dear to the public as marriage it's imperative to hold fair, honest and open debate. With an issue this big, every one deserves a chance to be heard.

It also gives policy makers the chance to weigh critical research and understand the lasting ramifications of their decisions. In the case of marriage, the evidence is very strong.

The Evidence Supports Historic Marriage

Children do best when raised in a home with a married mother and father. That evidence is indisputable. They enjoy better health, and experience fewer social, emotional, and behavioral problems. They even score better as a group in school.

That doesn't mean children in other family arrangements can't succeed, of course they can. And usually that's the result of a dedicated parent or parents. But taken as a whole, marriage is very good for children, for families and for the community. It's an institution that deserves our support.

Measure 36 Is the Only Way to Protect Marriage.

The actions of the Multnomah County Commissioners speak very loudly. There is a small extreme group that will try to change marriage anyway they can. They will even skirt clear laws that have been on the books for years.

That's why it's critical to vote Yes on Measure 36. Because amending the State Constitution is the only effective way to protect marriage.

Marriage has always been a special relationship only between a man and a woman. Let's keep it that way. **Please Vote Yes on Measure 36.**

State Representative Gordon Anderson

(This information furnished by State Representative Gordon Anderson.)

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Argument in Favor

Vote YES on Measure 36 It Just Makes Sense

Marriage has always been between a man and a woman. In 1863, the Oregon Legislature authorized marriage only between members of the opposite sex. This statute reads:

Marriage is a civil contract entered into in person by males at least 17 years of age and females at least 17 years of age ..."

Oregon now has over 350 laws recognizing marriage as between a man and a woman.

The Laws of Nature

Of course this 141-year-old law isn't surprising. From the earliest annals of recorded history, marriage has always been between a man and a woman.

As a State Senator in rural Oregon representing hundreds of

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ranchers and farmers, the historic record makes perfect sense. It takes a male and a female to produce offspring. It's just a law of nature.

This does not mean that only married people make good parents. Both history and our own neighborhoods are filled with wonderful examples that prove otherwise. But they aren't called marriage. Marriage has always been a unique relationship between one man and one woman.

40 States Recently Passed Laws Like Measure 36

To my knowledge, every state in the nation defines marriage as a union between a man and a woman. Like Oregon, these laws were thoughtfully debated and overwhelmingly passed. Then in 1996, because some of these laws were being challenged in the Courts, the Federal Government, under President Clinton passed the Defense of Marriage Act. This allowed states to protect their marriage laws. In the last 8 years, 40 states have done so. And this election, 10 states are pursuing Constitutional marriage amendments like Oregon's Measure 36.

Measure 36 is the only way to preserve marriage. Without Measure 36, marriage will always be just one court decision away from becoming history.

Please vote Yes on Measure 36

Gary George
State Senator

(This information furnished by Gary George, State Senator.)

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Argument in Favor

Seven Reasons to Vote YES on Measure 36

Vote YES on 36, Because Oregon Laws Deserve Open, Honest Debate. Tell elitist Multnomah County Commissioners that Oregonians don't make laws in secret meetings with powerful special interest groups.

Vote YES on 36, Because Children Do Best with Both a Mom and Dad. The research is overwhelming, children with a married mother and father consistently do better in every measure of well-being. It's more important than race, economic status, educational background or neighborhood.

Vote YES on 36, Because Oregon Law Already Says Marriage Is Between a Man and a Woman. Measure 36 is not a new concept in Oregon. Over 350 Oregon statutes affirm what most people have always believed: marriage is a union between one man and one woman.

Vote YES on 36, Because It's the Way Nature Meant it to Be. A Marriage between a man and woman is more than just about a loving relationship, it's also about the laws of nature. Every species requires a male and a female to produce offspring.

Vote YES on 36, Because 40 States Already Have Defense of Marriage Acts. In the past eight years, 40 states have passed new laws protecting marriage between one man and one woman. This election ten states have Constitutional marriage amendments on their ballots.

Vote YES on 36, Because It's Our Last Chance to Preserve Marriage. Oregon laws are already clear about marriage; it's between a man and a woman. But one activist Judge could change that with a single decision. That's why Measure 36 is so important. Because even a Judge cannot change the Constitution.

Vote YES on 36, Because Preserving Marriage Is Not Discrimination. Measure 36 does not prevent anyone from

having a committed relationship and does not hinder benefits. It just preserves marriage as a unique relationship between a man and a woman, that's not discrimination.

Please Vote YES on Measure 36

(This information furnished by Michael White, Executive Director, Defense of Marriage Coalition.)

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Argument in Favor

A Look Back Should Lead to 'Yes' Vote.

In the midst of important arguments about the meaning of marriage, it is important to remember **how we got here.**

Prior to March, 2004 there had never been any doubt about the meaning of the Oregon marriage laws, or their constitutionality. Then four members of the Multnomah County Commission decided, without any public notice or hearing, to take the law into their own hands and begin issuing same sex marriage licenses—making a mockery of the Oregon Open Meetings Law and basic principles of good government.

Multnomah County also claimed that same sex marriage licenses are **required** by the Oregon Constitution—although no court had ever so ruled, no Legislature had ever so voted, and no citizen input had ever been heard on the question! In the ensuing litigation over these actions, it became clear that the County, and the special interest groups urging them on, wanted the courts, not the People, to create a new constitutional right for same sex marriage. Indeed it became clear that they desperately wanted to **avoid giving the People a vote.** These groups apparently do not believe that we are smart enough, fair enough, or wise enough to decide such an important question. And they wonder why citizens no longer trust their government? But this subtly elitist view of government is not the view that was held by our founders. Jefferson said, "I know of no safe repository of political power but in the hands of the people, and if we think them not enlightened enough to hold it, the remedy is not to take it from them, but to enlighten them."

If Multnomah County succeeds in this ill-conceived move, they will not only have stolen an important constitutional question from the People, but they will have further eroded citizen confidence in our government. They are apparently willing to pay that price. I am not.

(This information furnished by Kelly Clark, Attorney at Law, Defense of Marriage Coalition.)

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Argument in Favor

Uncovering the Myth of Same-Sex Marriage

Advocates of same-sex "marriage" use a number of arguments that can best be described as "myths." The reality is often quite different. For example:

MYTH: Defining marriage as the union of one man and one woman is "discrimination."

REALITY: Everyone has access to marriage on exactly the same terms and same set of restrictions. Age, family ties, marital status and gender all affect the ability to marry.

MYTH: Homosexuals suffer serious harm because they're

Measure 36 Arguments

denied the protections of marriage.

REALITY: Many of the “protections” granted by marriage are already available to same-sex couples through the use of private contractual arrangements, such as wills, durable power of attorney, health care proxies, and life insurance policies.

MYTH: Homosexual relationships are the same as heterosexual ones.

REALITY: Research shows that homosexuals are less likely to enter into long-term partnerships, be sexually faithful to a partner, and have relationships last a lifetime. Granting legal recognition to same-sex couples in the Scandinavian countries led to a weakening of society’s commitment to marriage across the board.

MYTH: A “one man and one woman” definition imposes a religious definition of marriage on civil society.

REALITY: The definition of marriage is rooted in nature itself. The sexual union of a man and a woman is what reproduces the human race. The durable commitment of that man and woman to one another is what provides children with a mother and father. Overwhelming evidence shows that this family structure makes children happier, healthier, and more prosperous than any alternative family form.

The real “myth” is that the benefits of marriage for society, couples and their children can continue apart its timeless definition of a union between one man and one woman. The “reality” is that redefining marriage could bring unintended consequences on the next generation.

Peter Sprigg
Director, Center for Marriage and Family Studies
Family Research Council

(This information furnished by Peter Sprigg, Director, Center for Marriage and Family Studies, Family Research Council.)

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Argument in Favor

Considering the Children in the Marriage Debate
Glenn T. Stanton

Why should Oregon keep marriage between males and females? Because to say “yes” to same-sex marriage is saying “yes” to same-sex families.

An Untested Social Experiment

No society has ever raised a generation of children in same-sex homes. To do so is a vast, untested social experiment on children. Two doctors admit publicly in their *Lesbian Parenting Book*, “It will be interesting to see over time whether lesbian sons have an easier or harder time developing their gender identity than do boys with live-in fathers.” We all use products where we are assured that “no animals were harmed in the testing of this product.” But the warning label on the same-sex parenting experiment reads: “It will be interesting to see...” It is never wise or compassionate to intentionally subject children to social experimentation.

And what drives this experiment? Not the needs of children, but rather the desires of adults. Lesbian mother, Rosie O’Donnell, told Diane Sawyer in a *Primetime* interview that her son asks why he can’t have a father. When asked what she tells little Parker, Rosie responded, “...because I’m the kind of mommy who wants another mommy.” Parker doesn’t get a daddy because Rosie has certain emotional and sexual desires. And the growth of gay and lesbian families will intentionally deny thousands of children their mothers and fathers.

While compassionate societies always come to the aid of motherless and fatherless families, wise societies should never intentionally create them. But that is what the same-sex family does. Marriage should remain between men and women because children need mothers and fathers.

Glenn T. Stanton is the author of *Why Marriage Matters: Reasons to Believe in Marriage in Postmodern Society*.

Sources:

D. Merilee Clunis and G. Dorsey Green, *The Lesbian Parenting Book: A Guide to Creating Families and Raising Kids*, 2nd ed. (New York: Seal Press, 2003), p. 243.

ABC News: Primetime (March 14, 2002)

(This information furnished by Glenn T. Stanton, Director, Social Research & Cultural Affairs, Focus on the Family.)

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Argument in Favor

A Legal Perspective and the Need for Measure 36

We are Oregon attorneys involved in defending the definition of marriage as “one man, one woman”, which has remained substantially unchanged since territorial times. We urge a “yes” vote on Measure 36 so Oregon’s Supreme Court cannot alter the definition of marriage.

Limiting marriage to one man and one woman is not a discriminatory practice that violates either the Oregon or U.S. Constitutions. The United States Supreme Court determined in *Baker v. Nelson* there is no federal constitutional right to same sex marriage. In the states where courts have decided their state constitutions require same sex marriage (Hawaii, Alaska), voters later rejected that conclusion by amending the constitution. The only exception to date is Massachusetts, and they may do the same soon after its legislature next meets.

The Supreme Court may or may not agree with our argument a proper interpretation of the history and purposes of Oregon’s Privileges and Immunities Clause requires it to uphold Oregon’s marriage statutes as they now exist. Measure 36 allows the people rather than the Supreme Court to decide.

If the Supreme Court concludes the Oregon Constitution requires two individuals of the same sex be able to marry simply because they want to, it is difficult to argue larger groups of individuals of any sex (polygamy or “polyamory”) should not also be able to join in group marriage. When accommodating personal sexual preferences is the touchstone for constitutional analysis, all consensual relationships among adults become entitled to the same dignity. Litigation is now underway in Utah to overturn that state’s ban on polygamy, and the Utah plaintiffs use the same arguments now being used in Oregon to attempt judicial rewriting of our marriage statutes. We disagree with an agenda already on record as favoring state approval of all private consensual sexual activity as equally dignified and appropriate.

We urge you to vote “yes” on Measure 36.

Herbert Grey

Kelly Ford

(This information furnished by Herbert Grey, Kelly Ford.)

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Measure 36 Arguments

Argument in Favor

DEFENDING TRADITIONAL MARRIAGE ON BEHALF OF THE CHILDREN

I want to speak as a father in defense of traditional marriage. As a father, I have helped raise three healthy, happy children and it did not come about by accident. It happened as a result of hard work on the part of their mother and me. Anyone who insinuates that healthy children don't need both a mother and a father have little understanding of what is required to develop healthy families. I know the immeasurable importance of their mother in the lives of my three kids. I now understand from experience the importance a father can make in the lives of his children.

A father-child relationship more than any other, defines a child's entire life. It affects their dating and marriage relationships, their identity, their sexuality, their work performance, how they express emotion, and how they become independent. A child's relationship with dad shapes their view of God, their significant life decisions, and ultimately who they turn out to be as individuals.

Marriage between a man and a woman was an institution designed with a purpose in mind. That purpose was to create an environment to enhance the development of healthy children.

Numerous studies have concluded that kids do best when they are raised by loving and committed mothers and fathers. They are less likely to be on illegal drugs, less likely to be held back in a grade, less likely to drop out of school, less likely to commit suicide, less likely to be in poverty, less likely to become juvenile delinquents, and for the girls, less likely to become teen mothers. They are healthier both emotionally and physically, even thirty years later, than those not so blessed with traditional parents.

Please vote Yes on Measure 36.

Kent L. Walton, Chief Petitioner, Measure 36

(This information furnished by Kent L. Walton, Chief Petitioner, Measure 36.)

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Argument in Favor

Portland Area Pastor's Urging Oregonians to Vote YES on 36

As pastors, we rarely speak out on political issues. But this election is different because Oregonians will decide one of the most important decisions ever placed on a ballot. It is Measure 36, the Defense of Marriage Amendment. And the outcome of Measure 36 will affect marriage and family for years to come.

We, as pastors -- who collectively minister to tens of thousands of people of virtually every color, nationality, age and gender -- are doing everything within our power to keep marriage defined as being between one man and one woman.

We love, support, and help care for almost every family arrangement conceivable, but marriage is a relationship like none other. Marriage is the way God designed nature to bring children into the world. And marriage provides the ideal environment to raise a child where each of the unique qualities of a man and a woman blend together for the balanced development of their offspring.

It doesn't mean married people are any more special than non-married people; it's the relationship of marriage itself that's special. This is why we strongly encourage every person to vote YES on Measure 36. It's simple; it's right; it's the way marriage should be defined -- one man and one woman.

Frank Damazio
Pastor, City Bible Church

Raymond Cotton
Pastor, New Hope Community
Church

T. Allen Bethel
Pastor, Maranatha Church

David Stevens
Pastor, Central Bible Church

Stu Weber
Pastor, Good Shepherd
Community Church

James Martin
Pastor, Mt. Olivet Baptist Church

Dale Ebel
Pastor, Rolling Hills Community
Church

Carl Palmer
Pastor, Cedar Mill Bible Church

Kelly Boggs
Pastor, Valley Baptist Church,
McMinnville

Randall Sanford
Pastor, Sunnyside Foursquare
Church

(This information furnished by Frank Damazio, Pastor, City Bible Church.)

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Argument in Favor

Traditional Marriage Is Not a Civil Rights Violation

Defining marriage as between one female and one male does not violate anyone's civil rights. The civil rights battle African Americans faced was about basic human rights; the right to be treated as a full human being, the right to an education, to vote, to live where one chose and not to be limited due to the color of one's skin.

These true human rights violations however, cannot be compared to the issues posed by the same sex marriage community. The right to marry whomever one chooses is not fully given to any person. For example, no one can marry their sister, brother, mother or father. A parent cannot marry his or her children. And it's not considered discrimination to forbid marrying a child or having two spouses. These limitations apply to all people equally and make good moral and common sense.

Certainly, the dignity of human rights must be afforded every human being, but we cannot invent civil rights were there are none. Regarding key civil rights indicators, like access to education, employment and housing, gay Americans score above the national averages. And gay and lesbian citizens are not prohibited by law from having a relationship. It just isn't marriage.

I have been questioned about past laws that prevented members of an African-American community to marry into the white community. While it definitely was discriminatory, the issue concerned "ethnicity" and not same-sex marriages. The two are as different as oranges are to apples.

The same-sex marriage community wishes to appeal to voters who rightly say, "what happened to African-Americans should not happen to anyone else." With this I agree. However, I and the majority of African-Americans, do agree that keeping marriage between one man and one woman is not discrimination.

Rev. T. Allen Bethel
President, Albina Ministerial Association

(This information furnished by Rev. T. Allen Bethel, President, Albina Ministerial Association.)

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Argument in Favor

Bend Area Church Support Measure 36

The Bend Ministerial Association representing a majority of churches in Bend urges voters to vote "Yes" on measure 36. Both church and state have a common interest in affirming marriage to be the union of one man and one woman.

First and foremost, the church recognizes the authority of our creator, God, to govern His creation and to require certain behaviors and to prohibit certain behaviors. In the very act of creation, God created two very similar but different human beings: man and woman. Man and woman are the very foundation of the family; incomplete in themselves, but together achieving the ability to create and nurture a family.

Jesus Christ affirmed marriage between a man and a woman when he asked: "Have you not read, that He who created them from the beginning made them male and female, and said, 'Therefore a man shall leave his father and his mother and hold fast to his wife; and they shall become one flesh'?" (Matthew 19:4-5 ESV)

As ministers of the Word of God we are required by our Lord to teach and affirm that sex is a wonderful gift from God to be enjoyed by husband and wife within the sacred bond of marriage. We are also required by our Lord to teach that all sexual relations outside of marriage between one man and one woman are morally wrong and sinful. As pastors, we speak daily of God's love, compassion, and healing power to individuals and families who suffer the consequences of sexual sin: broken marriages and families, sexual addictions, poverty-stricken single mothers and sexually transmitted diseases, all of which increases the burden of civil government and public and private social agencies.

For these reasons, both the church and civil government have an interest in affirming marriage as the union of one man and one woman.

Dave Miller, President

Terry Cowan, Secretary

(This information furnished by Dave Miller, President, Terry Cowan, Secretary; Bend Ministerial Association.)

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Argument in Favor

United Methodist Statement in Support of Measure 36

The understanding of the 10-Million Member United Methodist Church is that Marriage is a God-defined Covenant between one man and one woman.

"We affirm the sanctity of the marriage covenant that is expressed in love, mutual support, personal commitment, and shared fidelity between a man and a woman. We believe that God's blessing rests upon such marriage, whether or not there are children of the union. We reject social norms that assume different standard for women than for men in marriage."

Paragraph 161.C (Social Principles, 2000 Book of Discipline)

Our Christian community administers/supports this exclusive Covenant only according to the definition given by the Biblical God. Our stewardship of the Marriage Covenant within the United Methodist Church is based upon Scripture's teaching concerning the origins of Marriage found in the Creation

Narrative of Genesis, the Old Testament Prophetic Revelation (which uses Marriage as a picture of Covenant faithfulness with God) and the Teaching of Jesus in the Gospels of Matthew and Mark that Marriage is exclusively between one man and one woman.

This understanding presents a living witness to the larger society of what faithful living is. We are not given the authority to redefine the nature of this Covenant, doing so would be an encouragement to engage in sinful behavior, a liberty that Scripture never condones.

United Methodist Christians have historically rejected the practice of homosexual behavior while seeking to uphold the God-given worth/dignity of all persons. The 2004 General Conference continued a two-decade affirmation of this understanding as United Methodist Church policy. The delegates also affirmed by a wide margin that same-sex marriage is not recognized or to be practiced in our denomination.

We urge you to join with us in supporting Oregon Measure 36.

Sincerely,

Rev. Rand D. Sargent
Marquam, OR

Bob Youngman
Newberg, OR

(This information furnished by Rand D. Sargent, Robert M. Youngman.)

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Argument in Favor

The Value of Preserving Marriage

Relationships involve personal decisions. But the institution of marriage is a public agreement, a foundation for how families relate to their communities in Oregon. Marriage brings order to social life within the diversity of our many private customs and practices.

Marriage contributes immeasurably to the human and economic health of society. Marriage helps nurture children into responsible citizens.

So the people of Oregon are right to be concerned about establishing fair rules determining who can marry. Our state sets a minimum age for marriage. It licenses certain people to perform wedding ceremonies, bans polygamy and the marriage of near relatives. The state promotes healthy and stable marriages that benefit everyone.

This public aspect of marriage reflects the shared values of the people of our state. While individuals are free to form households and domestic partnerships as they wish, marriage is the basic institution that the state registers and regulates. This amendment would not restrict people in their private relationship choices. Rather it would give clear support for the basic institution that has contributed to happiness and prosperity throughout the ages.

Until recently Oregonians routinely agreed that marriage is defined as a life-long commitment of one man and one woman. Recent challenges to this definition introduced a knot of confusion into our courts and into our lives.

An amendment to the state constitution is necessary to preserve the meaning of marriage. Passing Measure 36 would support the orderly regulation of marriage and protect the people of Oregon from the confusion of a radical redefinition of marriage. It would give clear direction to government officials as they determine public policy for marriage.

Marriage between one man and one woman has been the foundation of strong and healthy communities for thousands of

Measure 36 Arguments

years. Vote "Yes" on Measure 36 to preserve a stable understanding of marriage for the well-being of all.

Rev. Richard P. Zimmerman
Rev. Bruce Sexton
Rev. Gilbert Gleason

(This information furnished by Rev. Richard P. Zimmerman.)

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Argument in Favor

LET'S VOTE!

The recent OCA signature drive for the "**Divine Sovereignty Life Amendment**," if successful, would have given Oregonians the extraordinary opportunity to **vote on the existence of God**, yes or no. Religious dogma would have been decided democratically by **popular vote**--essentially creating an official state religion with **GOD ALMIGHTY** enshrined in the Constitution as

Oregon State Deity!

Although this initiative drive failed, the "Christian" Coalition has now created a **Commandment Amendment** to the Constitution! Measure 36 ordains us to

VOTE ON THE THEOLOGICAL BELIEF of whether churches, synagogues, and temples "shalt not" be permitted to marry gays and lesbians.

And this election thus establishes the glorious precedent for democratic electioneering on **ALL** of the

Official Oregon State Dogma!

COMING SOON

TO A THEOLOGY BALLOT NEAR YOU:

- Shall churches, synagogues, and temples be permitted to marry **divorced persons** (Luke 16:18)? Let's vote!
- Shall **baptism** be by sprinkling, pouring, or dipping? Let's vote!
- Shall the Lord's Prayer be translated "forgive us our **debts**" or "forgive us our **trespasses**"? Let's vote!
- Shall adulterers be **stoned to death** (Leviticus 20:10)? Let's vote!
- Shall **obnoxious religious-right hypocrites** be allowed to marry? Hell no! Let's vote!
- How many **angels can dance** on the head of a pin? Hey, let's just vote!

This is democracy! Religious beliefs belong on the ballot, and winning beliefs become public policy in the **Constitutional Catechism!** Minority adherents, straight and gay, should have the statesmanship to accept that **religious freedom does not protect losing beliefs in a theological election.**

Your **special right** to practice your moral beliefs (including marriage) is subject to the whims of popular vote!

It's not discrimination, it's electoral theology.

In Oregon, democratic dogma is inspired by initiative and referendum--in the

Holy Marriage

of the

One Official Oregon Church and State!

VOTE FOR OREGON:

State beaches, the bottle bill, land-use planning, and now
THE OREGON DOGMA!

www.oregondogma.org

(This information furnished by M. Dennis Moore, God for Oregon Deity--PAC (GOD-PAC) and Family Alliance of God.)

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Argument in Favor

Same-sex marriage proponents argue this initiative amendment violates the civil rights of gays. For clarity, examine issues from a civil perspective.

Common ground

The right to marry exists.
A civil marriage union is a contract.

Problems

By its very nature, legal advocacy limits issues. Equal protection has provided an especially beneficial strategy for same-sex marriage proponents.

It has focused on the right rather than on the source of the right, marriage, the contract. It has forced opponents to counter within this legal delimiter. It has resulted in a highly divisive debate on an erroneous foundation of equal protection versus marriage.

The issue proves more complex, like the story of the 5 blind men describing the elephant. One blind man describes elephant by the tail, another by the foot, and so forth.

First, rights emanate from the institution from which they are derived. The institution (marriage/government/etc.) establishes the rights. Rights do not establish nor do they create the nature of the institution.

Therefore, we must understand the institution/source. We must consider contract law because that is the nature of marriage. The 4 elements are 1) mutual assent 2) consideration, promise for a promise,...the right to consensual reproductive sex 3) legality subject matter...not prostitution, bigamy 4) legal subject...of age? not incest, etc..

Second, legal confusion also occurs because equal protection focuses on individuals/equality whereas contract law focuses on two or more parties/exclusion...specifics of the contract.

Third, contractual elements direct us to the nature of marriage which is based upon the nature of man (m & f), the union of a man and a woman. For the nature of man, consider statistics (the norm, the bell-shaped curve), the natural law, and Aristotelian philosophy.

Solution

Vote for this initiative amendment.

You say it isn't your business? It doesn't matter?

It does. Why? Because truth is the scale upon which justice is based. Truth must prevail.

(This information furnished by Ann Lackey.)

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Argument in Opposition

Marriage saved my spouse's life

Two months after my husband David and I wed this Spring, David suffered a devastating stroke.

When I was notified at my office of David's condition, I rushed to be with him, not stopping to contact my lawyer for a copy of our power of attorney. When I arrived at the hospital, I was told that his particular condition required a quick decision from next of kin in order to approve a course of treatment that had to be administered within three hours of the stroke.

Medical personnel needed a family member to authorize his medical treatment. Waiting for his mother, who lives two hours away, to reach the hospital would have wasted valuable time. When the doctor asked who could sign the forms, for the first time, I was able to say "I am his husband." Those four words allowed me to sign the necessary paperwork, authorize medical treatment and stay by David's side.

With that move, according to my doctor, I may have become the first person in Oregon to sign a consent form for a same-sex spouse. David is now well on his way to a full recovery because I was able to authorize treatment so quickly.

David and I are both private people who have never played such a public role in a campaign. But knowing that our marriage saved David's life motivated us to step forward and speak out against Constitutional Amendment 36.

If this amendment passes, countless Oregonians will be denied the right to make life-saving medical decisions for their loved ones. That's not healthy for families and it's not right for Oregon.

Reasonable people may disagree about social issues such as marriage, but amending unequal treatment into our constitution – and hurting families – goes too far.

We urge you to Vote NO on Constitutional Amendment 36

Chris B. and David B., Portland

(This information furnished by Rebecca Lee, No on Constitutional Amendment 36.)

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Argument in Opposition

VOTE NO ON CONSTITUTIONAL AMENDMENT 36

Putting Unequal Treatment In Our Constitution Will Hurt Thousands Of Oregonians.

Our Constitution is for protecting our most basic and important rights. It should never be used to settle partisan, religious or ideological disputes. And it should never be changed in a way that will hurt many of our fellow Oregonians.

Constitutional Amendment 36 may seem that it simply defines marriage. But its impact goes far beyond gay marriage. Constitutional Amendment 36 will hurt thousands of our fellow Oregonians: gays and lesbians, certainly. It will also hurt their families, their children and our communities.

Constitutional Amendment 36 will

- Put unequal treatment for gay and lesbian families into our Constitution.
- Deny many Oregon families and children access to health care and insurance coverage. That hurts them, and is costly for all of us.

- Block inheritance protections– even leading to people losing their family home.
- Prevent the ability to make life-saving medical decisions in emergency situations.

These aren't theoretical problems. They are real problems. They hurt real people. Constitutional Amendment 36 would put those hurts in our Constitution – permanently.

Please read the next several pages of this Voters' Pamphlet to see many specific facts and examples.

We Can Disagree About Gay Marriage Without Putting It In the Constitution

We can disagree about gay marriage. Many people do. But we should never use the constitution to settle this kind of disagreement. **Putting unequal treatment in our Constitution – and hurting people – goes too far.**

Marriage is about so much more than who gets married: It's about love and commitment. Respect and responsibility. Benefits and protections. All people share these needs and emotions, including gays and lesbians. It is just wrong to use our Constitution as a weapon against them.

Vote NO on Constitutional Amendment 36

Because our Constitution is designed to protect people.
Not hurt them.

(This information furnished by Rebecca Lee, No on Constitutional Amendment 36.)

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Argument in Opposition

Oregon Parents urge you to vote no on constitutional amendment 36

We are each the parents of two adult children – one who is straight and one who is gay or lesbian.

Like all parents, we have dreamed that one day each of our children would know the joy of marriage. Like all parents, we have dreamed that one day each of our children would know the joy of parenthood.

Like all parents, we have worried about the challenges their lives would bring.

Unlike many parents, though, we have also worried that one of our children would be singled out for unequal treatment and that one of our children would have opportunities and rights from which our other child would be excluded.

Each of our children should be allowed to protect their loved ones in times of medical emergency, **each of our children** should be able to provide health insurance coverage for their spouse and their children, **each of our children** should know that if their spouse dies, they will not lose their nest egg or the family home.

But if this Constitutional Amendment passes, those things may be forever denied to our gay and lesbian children.

If this amendment passes, it will deny many Oregon families and children - like ours - health care, inheritance rights and the ability to make life-saving medical decisions.

We don't think this is fair. We don't believe unequal treatment belongs in our Constitution. We urge you, on behalf of **all of our children**, to please vote no on Constitutional Amendment 36.

Jim & Elise Self, Eugene
On behalf of their children

Measure 36 Arguments

Linda & Brian Stahl, The Dalles
On behalf of their children

Russell & Eleanor Cannon, Bend
On behalf of their children

(This information furnished by Brian R. Stahl.)

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Argument in Opposition

AFSC on Equal Civil Marriage Rights

The American Friends Service Committee (AFSC) supports equal civil marriage rights for lesbian, gay, bisexual, and transgender people equal to those for heterosexuals. We are aware that many are calling for civil unions for lesbian, gay, bisexual, and transgender people and some people wish to reserve civil marriage for heterosexual couples alone. It is our belief that government sanction should be applied equally. All couples should be granted civil union licenses or all should be granted marriage licenses.

In doing so, we are careful to distinguish between civil law, in which no single religious view should predominate, and the right of various faith traditions, denominations, and congregations to decide for themselves whether they will perform, support, or recognize the marriages of people who are lesbian, gay, bisexual, and transgender. Similarly, we wish to distinguish between the necessity for equality in the matter of civil law and coercive governmental "marriage promotion" policies that seek to enforce only one standard of worthiness for people who receive government assistance. We uphold equality in civil law and the principle of free choice in the matter of marriage while rejecting the idea that the worthiness of persons and families is determined by marital status.

Vote NO on constitutional amendment 36!

(This information furnished by Dan Stutesman, American Friends Service Committee.)

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Argument in Opposition

The YWCA of Greater Portland strives to eliminate racism and discrimination in all its forms and provides growth, education and leadership opportunities for women and families.

The YWCA works towards diversity and non-discrimination. Measure 36 will put unequal treatment based on sexual orientation into the Oregon constitution. The Oregon Bill of Rights provides: "No law shall be passed granting to any citizen or class of citizens privileges or immunities which, upon the same terms, shall not equally belong to all citizens." We can disagree about social issues, but disagreements should not be resolved in the constitution. Amending the constitution transforms one group's current views into a principle that binds us indefinitely.

The constitution should give equal protection under the law. Measure 36 specifies different rights for Oregonians, forever. Victims of this amendment would be children and families. Many families would be denied health care, inheritance rights and the ability to make decisions about their life. The amendment could restrict adoption policies, and could put children in jeopardy if a parent were to die.

In 1946 Esther E. Skelton, president of the Portland YWCA Board of Directors wrote to the membership with a resolution "...in harmony with the policy of the YWCA and steps that we have taken against discrimination." She was addressing the posting of the discriminatory signs "we cater to white trade only." She asked every member to "combat this vicious practice, and help implement our fundamental belief in the democratic way of life and in the worth and dignity of human personality." Removing the signs did not eradicate racism. It did make it possible to advance the social discourse about racism and grant basic rights to those who previously were denied them.

Voting against Ballot Measure 36 is a step we can take in 2004 to continue to fight discrimination.

Board of Directors of the YWCA of Greater Portland, 1111 SW 10th Avenue, Portland, OR 97205

(This information furnished by Adella Macdonald, Executive Director, Board of Directors, YWCA of Greater Portland.)

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Argument in Opposition

Dear Oregon Voter,

My name is Pete Sorenson, an elected Lane County Commissioner. My life and work are rooted in Oregon. I grew up in Coos County, graduated from the University of Oregon, ran a private law firm, raised two children, and served as an elected member of the Oregon State Senate. I've been a licensed Oregon attorney for 22 years. As a former member on the Senate Judiciary Committee, the committee that considers the impact of voter approved Constitutional amendments that I want to share my perspective with you.

I firmly oppose Constitutional amendment 36. Oregon's Constitution should not be amended to deny rights that citizens currently enjoy under that very document.

Although this measure does not affect me personally, it affects many people that I know. I believe that Marriage is both a religious and civil act. Our religious beliefs should be private. We must keep the legal aspects separate from the religious aspects. Oregon's constitution is a legal document designed to expand and protect the rights of Oregonians. The Constitution was not written to deny specific rights and freedoms that are enjoyed by the rest of Oregonians.

This measure will deny REAL OREGONIANS some of the most basic rights that we take for granted. Some of the basic rights include denying partners the right to make hospital visits and medical decisions, blocking inheritance rights, and denying people social security benefits after the death of loved ones.

I truly believe that women and men are created equal.

Oregon's constitution should not be amended to deny Oregonians basic rights. Please join me in voting NO on Constitutional amendment 36.

Thank you,

Pete Sorenson

P.S. - If you have any questions about the seriousness of this measure and why I oppose it, please contact me at PO Box 10836, Eugene, Oregon 97440 or by calling me at (541) 485-6726 or by sending me an email at sorenson2004@juno.com.

(This information furnished by Peter Sorenson.)

Measure 36 Arguments

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Argument in Opposition

Unsure how to vote on Constitutional Amendment 36?

Ask yourself:

Do you want unequal treatment for gays and lesbians in our Constitution?

Do you want to take away health care coverage from Oregon families and children?

Do you want to prevent people from making critical life-saving medical decisions for their loved ones?

Do you want to prevent thousands of Oregonians from fair inheritance rights when their loved one dies, even if it meant they could lose their family home?

Do you want to change our Oregon Constitution in a way that hurts real people in very real ways?

If your answer to any of these questions is “no” then your answer to Constitutional Amendment 36 MUST be “NO”

(This information furnished by Ellen Lowe, No on Constitutional Amendment 36.)

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Argument in Opposition

One Guy's View:

HERE'S ANOTHER REASON TO VOTE NO ON 36

There are a lot of clear reasons to vote against changing the Oregon Constitution to exclude gay and lesbians from civil marriage.

- First of all, there is no way around the fact that it is unequal treatment – and you don't put that in a Constitution.
- And however one might feel about same-sex marriage, it isn't a threat to anyone. When it comes to tradition, live and let live is a good strong Oregon value.

I'm a 19-year old single straight guy. Two people of the same gender getting married certainly doesn't hurt me, now or if and when I get married.

What gets me is that we have to vote on this at all.

When I look at my life and my future, here's what I'm worried about:

- Whether I will be able to get a good job.
- Whether I will be able to afford a home.
- Whether my kids (if I chose to have any) will be able to go to a decent school.
- If I am going to be able to afford health insurance.

And I'm not even going to start on what's going on overseas.

And that brings me to the other reason to vote no on Constitutional Amendment 36.

There are a lot of politicians who are psyched to see this on the ballot because it is a big, fat distraction. They would much prefer voters be thinking about gay marriage than about what a lousy job they are doing on the stuff that actually has an impact on our lives.

Vote NO because unequal treatment is wrong.

But also vote NO to send a message:

**STOP WASTING OUR TIME
AND GET TO WORK ON OUR REAL PROBLEMS!**

(This information furnished by Ernie Pearmine, Gervais.)

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Argument in Opposition

The Community of Welcoming Congregations strongly opposes Constitutional Amendment 36. We are an interfaith association of over 50 communities of faith who each have purposefully and theologically made commitments to welcoming all. We support the gay and lesbian families in our midst and recognize that changing the Constitution in this manner would have a negative impact on their lives.

While the criteria for marriage is a civil matter, we believe that equitable treatment of all people is a matter of faith. As people of faith, we believe that God has created all of us in the divine image. We hereby assert that equality in marriage is a justice issue and strongly encourage equity that crosses all barriers.

The Constitution provides protections and individual freedoms and should not be used to formally sanction different treatment for gay and lesbian families. As clergy leaders and communities of faith, we support civil marriage equality and encourage religious communities to celebrate the marriages of gay and lesbian couples and their families. The proposed Constitutional Amendment would harm gay and lesbian families by denying health benefits and other financial protections that keep families safe.

While we come from different theological perspectives regarding marriage, we agree that passing this Amendment would create unequal treatment for gay and lesbian families. Therefore, we oppose amending the Constitution in this way. We urge Oregonians to vote NO on Constitutional Amendment 36.

(This information furnished by The Rev. Tara L. Wilkins, Director, The Community of Welcoming Congregations.)

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Argument in Opposition

Constitutional Amendment 36: Not as simple as it seems.

Putting unequal treatment in our Constitution to ban gay marriage impacts more than you might think. Here are 100 of the rights, responsibilities and protections that would be denied to Oregon families.

Which would you want to be denied?

1. No automatic right to make health care decisions for partner
2. No automatic right to visit partner in the hospital
3. No right to sue for wrongful death if partner negligently killed
4. No right to consent or refuse consent to an autopsy of partner's body
5. No vested right to be buried in cemetery plot with partner
6. No automatic right to inherit cemetery plot
7. No automatic right to make arrangements for funeral or dispose of deceased partner's body

Measure 36 Arguments

8. No right to donate partner's body or organs after death
9. No automatic right to inherit deceased partner's estate
10. Required to comply with childcare facility regulations when caring only for partner's children
11. Required to comply with childcare facility regulations when caring only for partner's children
12. A prior will is not automatically revoked when the relationship ends
13. No right to be notified in a public notice before partner's will is destroyed by an attorney
14. No preference to be appointed personal representative of deceased partner's estate
15. No right to continue to live in the deceased partner's home for one year after partner's death
16. No automatic right to notice in matters involving deceased partner's estate
17. No right to support from deceased partner's estate
18. No right to demand one-quarter share of partner's estate if will leaves less than that
19. No automatic right to notice that a conservatorship or guardianship is being filed against partner unless currently living together
20. May not get highest preference by court to be appointed as guardian or conservator for incapacitated partner

Vote No on Constitutional Amendment 36.

(This information furnished by Ellen Lowe, No on Constitutional Amendment 36.)

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Argument in Opposition

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Which would you want to be denied?

- 21 No right to obtain life insurance on partner
- 22 No uninsured motorist insurance coverage for partner
- 23 No right to spousal cash surrender valuation of term life insurance on partner
- 24 No right to coverage under deceased partner's group health insurance plan.
- 25 No protection for partner's home in bankruptcy
- 26 Private conversations with partner are not protected in court
- 27 Conversations with a marriage counselor are not protected in court
- 28 No automatic education on fetal alcohol syndrome
- 29 No court-ordered counseling upon divorce
- 30 No right to crisis counseling through state crime victims' compensation fund if partner is a victim of international terrorism
- 31 Partner not responsible for family expenses

- 32 No automatic paternity for children
- 33 Must testify against partner in a court case
- 34 Must surrender home to satisfy lien for partner's unpaid medical treatment in long-term care facility
- 35 No right to sue long-term care facility that fails to discharge lien in a timely manner once overdue charges for partner are paid
- 36 No right to sell property qualified for farm use assessment to partner without disqualification
- 37 No right to avoid court appointment of a property manager during foreclosure of partner's home
- 38 No right to maintain a dwelling on EFU (exclusive farm use) property even if occupied by farm operator's partner
- 39 No right to maintain a dwelling in a farm or forest zone even if lawfully created or acquired by the owner's partner
- 40 No right as a partner to a landowner to obtain a "landowner preference tag" for hunting from the Fish & Wildlife Commission

Vote No on Constitutional Amendment 36

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Argument in Opposition

Constitutional Amendment 36: Not as simple as it seems.

Putting unequal treatment in our Constitution to ban gay marriage impacts more than you might think. Here are 100 of the rights, responsibilities and protections that would be denied to Oregon families.

Which would you want to be denied?

- 41 No right to private visits in long-term care facility
- 42 No right to receive personal effects from deceased partner's body
- 43 No access to partner's death record
- 44 No automatic right of survivorship for jointly owned real property
- 45 No right to loss of support payments from the state crime victims' compensation fund if partner killed in a crime
- 46 No right to family therapy from state crime victims' compensation fund in case of child sexual abuse
- 47 No right to crisis counseling through state crime victims' compensation fund if partner is a victim of international terrorism
- 48 No right to exclude capital gain on principal residence based on partner's ownership
- 49 No court-ordered life insurance upon divorce
- 50 No right to deduct partner's medical expenses on income tax return
- 51 No right to receive deceased partner's wages
- 52 No right to deceased partner's wage claim against non-paying employer
- 53 No right to work on partner's farm for less than minimum wage

Measure 36 Arguments

54. No eligibility for scholarship if partner is disabled or killed on the job
55. No right to sue for partner's death that was a result of an unsafe workplace
56. No right to workers' compensation benefits if partner disabled or killed on the job
57. No right to opt out of workers' compensation insurance as a family business
58. No right to sue non-employer for negligently killing partner on the job
59. No right to continue workers' compensation benefits until remarriage if partner is killed or disabled on the job
60. No right to examine or get copy of autopsy report of deceased partner

Vote No on Constitutional Amendment 36.

(This information furnished by Ellen Lowe, No on Constitutional Amendment 36.)

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Argument in Opposition

Constitutional Amendment 36: Not as simple as it seems.

Putting unequal treatment in our Constitution to ban gay marriage impacts more than you might think. Here are 100 of the rights, responsibilities and protections that would be denied to Oregon families.

Which would you want to be denied?

61. No right to receive personal effects from deceased partner's body
62. No access to partner's death record
63. No automatic right of survivorship for jointly owned real property
64. No right to sell property qualified for farm use assessment to partner without disqualification
65. No right to loss of support payments from the state crime victims' compensation fund if partner killed in a crime
66. No right to family therapy from state crime victims' compensation fund in case of child sexual abuse
67. Must pay taxes on employer health insurance benefits for partner
68. No right to exclude capital gain on principal residence based on partner's ownership
69. Must pay taxes on employer health insurance benefits for partner
70. No right to deduct partner's medical expenses on income tax return
71. No right to receive deceased partner's wages
72. No right to deceased partner's wage claim against non-paying employer
73. No right to work on partner's farm for less than minimum wage
74. No eligibility for scholarship if partner is disabled or killed on the job
75. No right to sue for partner's death that was a result of an unsafe workplace

76. No right to workers' compensation benefits if partner disabled or killed on the job
77. No right to opt out of workers' compensation insurance as a family business
78. No right to sue non-employer for negligently killing partner on the job
79. No right to continue workers' compensation benefits until remarriage if partner is killed or disabled on the job
80. A prior will is not automatically revoked when entering a new relationship

Vote No on Constitutional Amendment 36

(This information furnished by Ellen Lowe, No on Constitutional Amendment 36.)

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Argument in Opposition

Constitutional Amendment 36: Not as simple as it seems.

Putting unequal treatment in our Constitution to ban gay marriage impacts more than you might think. Here are 100 of the rights, responsibilities and protections that would be denied to Oregon families.

Which would you want to be denied?

81. No automatic right to special retirement benefit after death of partner who was a police officer or a firefighter
82. No right as unmarried couple with children to be treated as married for workers' compensation rights and benefits
83. No automatic right to partner's group insurance provided by public retirement system.
84. No right to opt out of unemployment insurance as a family business
85. No right to receive deceased partner's unemployment benefits
86. Required to comply with farm labor contractor regulations when working only with partner
87. Subjected to employment discrimination laws when hiring partner in family business
88. Employer can refuse to hire or discharge employee because it employs or has employed partner
89. No protection through emergency court orders in case of divorce
90. No tax exemption for dividing property upon divorce
91. No dividing retirement plans upon divorce
92. No automatic right to receive partner's judicial retirement pension
93. No automatic right to make retirement selection from deceased partner's public employee retirement benefit
94. No automatic right to partner's pre-Medicare insurance benefit provided by public retirement system
95. No automatic right to partner's Medicare supplemental insurance paid for by public retirement system
96. No automatic right to approve partner's public employee retirement choices
97. No automatic right to special pre-retirement public employee retirement benefit after death of partner who was a judge

Measure 36 Arguments

- 98. No right for partner of disabled or killed public safety officer to Public Safety Memorial Fund benefits
- 99. No automatic right to receive partner's public employment benefits
- 100. No right to retired partner's health insurance offered by local government employers

Vote No on Constitutional Amendment 36

(This information furnished by Ellen Lowe, No on Constitutional Amendment 36.)

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Argument in Opposition

Planned Parenthood Advocates of Oregon Oppose Constitutional Amendment 36:

PLANNED PARENTHOOD SETS THE RECORD STRAIGHT

For more than 40 years, Planned Parenthood has been a name you can trust in Oregon to provide you with medically-accurate information, education and counseling. We oppose Constitutional Amendment 36 and here's why:

MYTH: Those behind this measure are making false claims, such as, "Sex-education classes will be forced to teach homosexuality as a legitimate option." They claim that this will lead to more people being gay and therefore more people dying early from AIDS.

FACT: Constitutional Amendment 36 has nothing to do with Oregon's sex education law. ORS 336.455 requires "Promote abstinence for school age youth and mutually monogamous relationships with an uninfected partner for adults as the safest and most responsible sexual behavior. However, abstinence shall not be taught to the exclusion of other material and instruction on contraceptive and disease reduction measures."

REALITY: Planned Parenthood knows that Constitutional Amendment 36 is has nothing whatsoever to do with Oregon's sex ed classes.

MYTH: Supporters of Constitutional Amendment 36 are making false claims, such as, "Public Schools will be forced to teach that 'gay' marriage is equal to traditional marriage... beginning in kindergarten..."

FACT: Constitutional Amendment 36 has no requirements related to family life education. Using phrases like "beginning in kindergarten" is the worst kind of fear-based tactic designed to scare and mislead parents. In reality, Oregon law requires basic information we all agree on, such as, "Teach that no form of sexual expression is acceptable when it physically or emotionally harms oneself or others and teach pupils not to make unwanted physical and verbal sexual advances..."

REALITY: Planned Parenthood knows that Constitutional Amendment 36 is completely unnecessary when it comes to getting good information to our kids.

PLANNED PARENTHOOD URGES YOU TO VOTE "NO" ON CONSTITUTIONAL AMENDMENT 36, IT'S UNNECESSARY.

Bill Sheppard
President/CEO
Planned Parenthood
Southwestern Oregon

Planned Parenthood of the
Columbia Willamette

(This information furnished by Becca Uherbelau, Planned Parenthood Columbia/Willamette, Planned Parenthood Southwestern Oregon.)

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Argument in Opposition

The Central Pacific Conference of the United Church of Christ opposes Constitutional Amendment 36. We affirm that marriage's purpose and focus need always be love, wholeness, justice and equality. The right to marry is a matter of loving our neighbors and seeking justice for them. As a civil rights issue, marriage should be accessible to all Oregonians in committed, loving relationships. All couples should have access to the 1,000 plus rights and responsibilities that come with marriage.

"What doth the Lord require of thee but to do justly, and to love mercy, and to walk humbly with thy God?" Micah 6:8
"Thou shalt love the Lord thy God with all thy heart... Thou shalt love thy neighbor as thyself." Mark 12:30-31

The Central Pacific Conference of the United Church of Christ is committed to a society where love and justice abound for all people. The Oregon Constitution should not restrict civil rights and allow unfair treatment of our citizens. The amendment process should not be used to solve divisive issues of the moment. Amendment 36 dignifies unfair treatment and undermines religious liberty.

Thoughtful people of faith can and do disagree on the issue of marriage. We respect the right of each religious group to decide whether or not to sanctify any marriage. Our state Constitution should not endorse one religious definition of marriage over another. Clergy have never been forced to perform any marriages not recognized by their particular beliefs. Our Federal Constitution expressly forbids this under the First Amendment's establishment clause and its guarantee of the right to the free exercise of religion.

Respect the rights of all religions. Vote NO on Constitutional Amendment 36.

The Central Pacific Conference is composed of 40 worship communities in Oregon, with additional churches in Washington and Idaho.

(This information furnished by Joyce Liljeholm, Central Pacific Conference of the United Church of Christ.)

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Argument in Opposition

A Public School Teacher Urges a No Vote on Constitutional Amendment 36

I'm very proud to have served as a public school teacher in Oregon for twenty-two years – in Coos Bay, Albany and St. Helens – and over the years, I've really seen a lot.

There are all kinds of reasons students succeed or fail at learning in our public schools. One of the most telling signs of whether students benefit from school and gain new and improved life skills is how they are treated – by their peers, by teachers, by parents and by school leaders. Students who are treated well, and not differently than others, are more likely to succeed. Students who are deficit, even in an area that's not their fault, have a much more difficult time, because they are also treated differently by fellow students, educators and the entire school community.

Measure 36 Arguments

Constitution Amendment 36 would put unequal treatment for kids and their families into our state Constitution. It would mean some kids cannot receive health insurance coverage, just because they have lesbian or gay parents. It will mean that some children wouldn't be able to visit one of their gay or lesbian parents in the hospital. It means that some children's legal custody could be in question should something happen to one of their gay or lesbian parents.

Oregonians should not be fooled. There are a lot of protections that kids get from married parents that other kids cannot enjoy simply because they may have lesbian or gay parents.

Please join me in opposing Constitution Amendment 36. We shouldn't handicap any Oregon child with something they carry around each and every day, by allowing unequal treatment of their parents.

Elaine Mariman, Columbia City, OR

(This information furnished by Elaine Mariman, Columbia City, OR.)

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Argument in Opposition

One thing Americans agree on is that what makes our nation great is our religious freedom and religious diversity. Many of our countries founders fled Europe because they were persecuted for their religious practices. They founded a new nation with a Bill of Rights that guarantees religious freedom and protects the right of everyone to freely practice their religion (or not to practice at all).

Constitutional Amendment 36 seeks to take away that religious freedom. Churches, synagogues, and other religious organizations have different opinions about same-sex marriage. Many rabbis, ministers, priests, and their congregants, believe that their religious traditions support and honor the sanctity of marriage for all couples, including same-sex couples. We, the Religious Response Network, are a group of clergy and people of faith of many religions who share this conviction.

If Constitutional Amendment 36 passes, then the religious beliefs of those who support it will be forced upon everyone. People of faith who believe in the sanctity of same-sex marriage will have their religious convictions pushed aside by the State. That kind of government interference is un-American to the core.

Voltaire said, "I may not agree with what you say, but I will defend to the death your right to say it." The same principle at the very core of our democracy is at stake here.

We urge all Oregon voters, no matter what their personal beliefs on marriage, to be patriotic and support the genius of our nation – religious freedom. We ask those of you who personally oppose same-sex marriage to stand up for the rights of your neighbors and vote no. The same principle that protects your right to practice your religion as you wish should protect the rights of your neighbors who practice their religion differently. Please stand up for your rights and those of your fellow Americans, and keep the state from taking sides in a private, religious debate on marriage. Vote NO on Constitutional Amendment 36.

(This information furnished by Rabbi Maurice Harris, Religious Response Network.)

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Argument in Opposition

**PFLAG Oregon State Council
(Parents, Families and Friends of Lesbians and Gays)**

Urges "NO" Vote on Constitutional Amendment 36!

PFLAG Oregon State Council represents hundreds of parents, families and friends of lesbians and gays around the state. From Ontario to Coos Bay and from Forest Grove to Klamath Falls, we are your neighbors, your friends, and coworkers who love our children, gay and straight. We strive to create a society that is healthy and respectful of human diversity and inclusive of our gay and lesbian children. Oregon's constitution is sacred to the protection of our families.

Constitutional Amendment 36 will HURT our families:

- It singles out our gay and lesbian children for unequal treatment.
- It denies protections for health care, inheritance rights and the ability to make life-saving medical decisions.
- It puts our children and their children at risk.
- It is unfair to our families.

All of our children should be allowed to protect their spouses and children in times of medical emergency.

All of our children should be able to provide health care coverage for their spouses and children.

Don't deny Oregon families and children - like ours - health care, inheritance rights and the ability to make life-saving medical decisions.

VOTE NO!!

- Vote against hurting our families
- Vote against putting our children at risk.
- Vote against unequal treatment in our Constitution.

**Please Protect our Gay and Lesbian Children
and Their Families**

**PFLAG Oregon State Council
Asks You to Vote "NO" on
Constitutional Amendment 36**

Patricia Keeney, President, PFLAG Oregon State Council
(Parents, Families and Friends of Lesbians and Gays)
Elise Self, Co-Chair, PFLAG Eugene/Springfield Chapter
PFLAG Mid-Columbia Chapter
PFLAG Portland Chapter
Mark Hammer, Coordinator, PFLAG Clackamas County Chapter
PFLAG Grants Pass Chapter
Bill Hayden, PFLAG Salem Chapter
PFLAG (Parents, Family and Friends of Lesbians & Gays),
Corvallis/Albany Chapter
Dorothy Leman, Co-President, PFLAG Central Oregon Chapter
PFLAG South Coast Chapter
PFLAG Ashland/Rogue Valley Chapter
PFLAG Forest Grove Chapter

(This information furnished by Patricia Keeney, President, PFLAG Oregon State Council (Parents, Families and Friends of Lesbians and Gays).)

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Measure 36 Arguments

Argument in Opposition

**The National Organization for Women,
Corvallis Chapter**

Advocates a “NO” Vote on Constitutional Amendment 36

NOW is the National Organization for Women. We are dedicated to making legal, political, social and economic change in our society in order to achieve our goal, of eliminating sexism and ending oppression. NOW has more than half a million members with 550 chapters around the country, including Corvallis, Oregon.

Mission: The purpose of NOW is to take action to bring women into full participation in the mainstream of American society now, exercising all privileges and responsibilities thereof in truly equal partnership with men.

Why Should Oregon Voters Say “NO” to Constitutional Amendment 36?

Constitutional Amendment 36 would hurt Oregonians and their families in very real ways:

- Amendment 36 would put unequal treatment for gays and lesbians in our Constitution resulting in same-sex couples and their families being denied pension and other benefits and legal protections.
- Amendment 36 would deny many Oregon families and their children access to health care coverage, inheritance rights or the ability to make end-of-life medical decisions.

Why Should Oregon Voters Say “NO” to Constitutional Amendment 36?

The Oregon Constitution is designed to protect, not hurt Oregonians.

- Our Constitution protects our most basic and important rights. Constitutional Amendment 36 singles out some Oregon families for unequal treatment under the law. All our families should be treated fairly.
- Constitutional Amendment 36 will establish unequal treatment as a constitutional principle. Unequal treatment is always wrong, but it is doubly wrong to put it in our Oregon Constitution.

**For 38 years,
the National Organization for Women
has been dedicated to bringing
an end to unequal treatment.**

Please Vote “NO” on Constitutional Amendment 36.

(This information furnished by Tina C. Empol, President, The National Organization for Women, Corvallis Chapter.)

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Argument in Opposition

**National Association of Social Workers
Oregon Chapter**

Urges “NO” Vote on Constitutional Amendment 36!

Reject Constitutional Amendment 36:

Constitutional Amendment 36 would deny many Oregon families and children basic needs like:

- Dependent healthcare coverage
- Inheritance and parenting rights
- Emergency medical decisions

Reject Constitutional Amendment 36:

Oregon does not need Constitutional Amendment 36. Like many measures we have seen before, it has unintended consequences. We should not put amendments like this in the Oregon Constitution.

Reject Constitutional Amendment 36:

As social workers, daily we see the real threats to marriage:

- Divorce
- Chemical dependency
- Family violence
- Financial stress

Constitutional Amendment 36 doesn't do one thing to address the true threats to marriage or to families. This Amendment won't save one marriage. It will only hurt real families by permanently denying them everyday legal protections we all take for granted.

Reject Constitutional Amendment 36:

Social workers know that families these days come in all shapes and sizes. What's most important is that every child in Oregon, regardless of who their parents are, has the same safeguards under the law. Constitutional Amendment 36 puts kids at risk and would deny them basic legal protections.

Voting “NO” on Constitutional Amendment 36 protects Oregon families from hurtful and unexpected impacts.

Please Protect Oregon Families...

**Oregon Social Workers
Ask You to Vote “NO”
on Constitutional Amendment 36.**

(This information furnished by Scott Manchester, Executive Director, National Association of Social Workers, Oregon Chapter.)

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Argument in Opposition

Former Bar Presidents Say:

Unequal Treatment Does Not Belong in Our Constitution

Constitutions outline the basic principles under which governments are organized, and Oregon's Constitution clearly states that equal treatment is one of those basic principles. Article I, Section 20 of the Oregon Constitution requires government to treat us all equally. It states that all privileges and immunities provided by Oregon must be granted equally to all citizens. This statement of equal protection means that Oregonians share in equal measure all of the benefits and all of the burdens of citizenship. Marriage and its benefits are among the privileges and immunities our government must provide equally.

Constitutional Amendment 36 would be a direct violation of the spirit of our Constitution:

- Despite our Constitution's strong statement against unequal treatment, Constitutional Amendment 36 turns its back on one of our state's fundamental principles and purposefully introduces unequal treatment into our Constitution. If Constitutional Amendment 36 passes, our Constitution will say it is acceptable to treat certain Oregonians as second-class citizens. That's wrong.
- Constitutional Amendment 36 undermines the essence of the Oregon Constitution. It conflicts with the letter and spirit of Article I, Section 20. Our history has taught us that unequal treatment is wrong, and hurts not only individual citizens, but our state as well. Citizens should be able to rely on our Constitution to protect them, not to harm them.

Measure 36 Arguments

Vote No on Measure 36.

Unequal treatment does not belong in our Constitution.

Kevin K. Strever	Judy Henry
Edwin A. Harnden	Bernard Jolles
Charles R. Williamson	Angel Lopez
Mark Johnson	Robert H. Fraser
Thomas C. Howser	Dennis C. Karnopp
Lawrence B. Rew	

(This information furnished by Mark Johnson.)

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Argument in Opposition

In accordance with the historical testimonies of The Religious Society of Friends on equality and marriage, the North Pacific Yearly Meeting (NPYM) opposes all attempts to deny legal recognition of marriage of same sex couples.

This statement was agreed to in unity at the 2004 NPYM meeting representing over 50 congregations of one branch of Friends (Quakers) from the five Northwestern States. Quaker meetings in Bend, Corvallis, Eugene, Portland, Salem, and the Rogue Valley also have public statements supporting marriage equality.

Since 1989 Oregon Quakers have performed marriages of same-sex couples; a practice deeply considered from religious, moral, and personal perspectives. We believe such marriages are good and right in the eyes of God. We urge you to respect our religious freedoms and beliefs and vote NO on Constitutional Amendment 36 which would limit marriage.

Why are Quakers taking a stand contrary to social traditions? Quakers have opposed many unjust traditions, such as slavery and denying women the right to vote. Laws that enshrine unequal treatment of people are wrong. Such laws follow the worst traditions of discrimination. They are at odds with traditions of equality.

We support the tradition that marriage vows are a public statement of love and commitment between two people. Our State laws should support all marriages equally.

It is not fair that 5% of committed Oregonian couples, including those married by Quaker meetings, are excluded from the hundreds of legal benefits of marriage

Quakers are not trying to tell anyone what to believe. Similarly, the State Constitution shouldn't be rewritten making our belief in marriage equality illegal. Although religions have different views on marriage, our laws should provide equal benefits to all.

Churches aren't required to sanction marriages contrary to their beliefs. Equally, churches opposing marriage equality should not impose laws which prohibit us from celebrating marriages according to our beliefs.

Support religious freedom. Vote No on Constitutional Amendment 36.

(This information furnished by Bonnie Tinker, North Pacific Yearly Meeting of the Religious Society of Friends (Quakers).)

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Argument in Opposition

On July 12, 2004, the following resolution was passed unanimously by the Administrative Council of University Park United Methodist Church. Subsequently, the entire congregation voted unanimously to submit it to the Oregon Voters' Pamphlet.

RESOLUTION
ADMINISTRATIVE COUNCIL OF
UNIVERSITY PARK UNITED METHODIST CHURCH
JULY 12, 2004

We are United Methodists who believe that our Christian faith demands social justice and equality. We oppose any state or federal constitutional amendments or laws defining marriage as being only between one man and one woman. Such amendments treat same gender couples as less than equal, denying them equal protection under the law. This discrimination violates God's command that we love our neighbors as ourselves and denies our convictions that all humanity, including gay men and lesbians, are created in God's image. We urge the defeat of these constitutional amendments or laws at the state and federal level.

(This information furnished by Rev. Dr. Jeanne G. Knepper, Rev. Marcia J. Hauer, co-pastors; University Park United Methodist Church.)

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Argument in Opposition

Working Families Oppose Unequal Treatment and urge you to VOTE NO ON Constitutional Amendment 36

The language in this amendment is deceptively simple, but will have serious negative consequences for Oregon, for families and for business and labor.

Constitutional Amendment 36 is wrong for Oregon:

- Our Constitution was purposefully designed to provide justice and liberty, protect citizens, and to ensure all Oregon citizens receive equal treatment. In the Bill of Rights it is stated, "No law shall be passed granting to any citizen or class of citizens privileges, or immunities, which upon the same terms, shall not belong to all citizens."
- Constitutional Amendment 36, sets a dangerous precedent and is a severe deviation from what our founders intended. The constitution - a historical, inclusive and revered document, should not be permanently amended in order to attempt to settle what some may feel is the hotly debated social issue of the day, and to permanently write inequality into the Constitution. There are many other avenues to debate social issues.

Constitutional Amendment 36 is wrong for families:

- Amending unequal treatment into our Constitution would deny thousands of Oregon families access to health care coverage, inheritance rights, retirement benefits and equal protection under the law. Oregon families are stronger only when all Oregon families have fair rights and protections.

Constitutional Amendment 36 is wrong for business and labor:

- Constitutional Amendment 36 would make it impossible for labor unions and employers to offer equitable benefits packages to all their members and employees. The clear discrimination of not allowing same-sex couples' relationships to be recognized by law deprives thousands of families one of the most important attributes of their labor: the ability to take care and provide for their family members.

Measure 36 Arguments

We urge you to vote NO on Constitutional Amendment 36 Service Employees International Union Local 503, OPEU

(This information furnished by Arthur Towers, Service Employees International Union Local 503, OPEU.)

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Argument in Opposition

**These are just a few of the groups and individuals
from across Oregon**

Who urge you to VOTE no on Constitutional Amendment 36:

CAUSA, Immigrant Rights Coalition of Oregon
Oregon Education Association
The Fair Housing Council of Oregon
Columbia County Citizens for Human Dignity
Rural Organizing Project
YWCA of Greater Portland
Klamath County Coalition for Human Dignity
The Women's Resource Center of Central Oregon, Bend
Columbia Pacific Alliance for Social Justice, Astoria
Benton County Board of Commissioners
Planned Parenthood of Southwestern Oregon
Oregon Safe Schools and Communities Coalition
National Association of Social Workers, Oregon Chapter
Corvallis NOW
Kitty Piercy, Eugene
Bradley-Angle House, Portland
Harry and Merry Demarest, Corvallis
Wasco County Citizens for Human Dignity
Wallowa County Peace and Justice Network
Tillamook County Citizens for Human Dignity
Bruce Abernathy, Bend City Councilor
Linda S. Johnson, Bend City Councilor
John Hummel, Bend City Councilor
Elder Resource Alliance, Portland Metro Area
Outright Libertarians
Governor Ted Kulongoski, and Mary Oberst, First Lady of Oregon, Salem
SEIU Local 49 and SEIU Local 503
Richard Matson, Philomath City Councilor
Human Dignity Coalition, Bend
State Rep. Kelley Wirth, Corvallis
Richard P. Burke, Commissioner, Tualatin Valley Water District
State Senator Vicki L. Walker, Eugene
State Rep. Carolyn Tomei, Milwaukie
Cliff Trow, Former State Senator, Corvallis
ILWU Local 5
Deschutes County Democratic Central Committee
Dan Saltzman, Portland City Commissioner
Kathleen D. Saadat, Portland
State Senator Kate Brown, Portland
State Senator Charlie Ringo, Beaverton
Portland Women's Crisis Line
State Rep. RP Joe Smith, Portland
National Council of Jewish Women, Portland Section
James Maguire, Chairman, Beaverton Human Rights Advisory Commission
OnwardOregon.org
Peace and Justice Committee, Salem First Congregational United Church of Christ, Salem
Benton County Democrats
Wasco County Democratic Central Committee
Westside National Organization for Women, Portland
State Rep. Mitch Greenlick, NW Portland and Beaverton

For a full list of endorsers, go to www.noon36.com

(This information furnished by Ellen Lowe, No on Constitutional Amendment 36.)

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Argument in Opposition

One Oregon Family Speaks Out on Constitutional Amendment 36

Family has always been very important to my wife, our children and me. Joanne and I are third generation Oregonians and have been married 48 years. We both have grandfathers who were ministers and missionaries. We raised our children in conservative Christian churches. Among other things, my two brothers, my sister and I have had breakfast together every Tuesday for over 30 years.

Joanne and I have three wonderful children – two girls and one boy – and are a very close family. Fifteen years ago, our son told us he was gay and I had to address my personal attitude about homosexuality.

I finally realized that although my feelings were strong, they were based on misunderstanding and poor advice. By reading, learning and listening to my son, I realized that gay people have the same desires in life as everyone else. It especially touched me when my son explained that he wanted to find someone to share his life with just like Joanne and I have shared ours. His commitment was just as strong as ours.

Why should my son not receive society's respect and support just as much as his sisters? We should be encouraging stable, committed relationships for solid families even if they are different from our own. Constitutional Amendment 36 would do the opposite.

On behalf of my family, I urge you to look in your hearts and see that this amendment would hurt families, not protect them.

Please vote NO ON Constitutional Amendment 36

Donald and Joanne L. Ross, Troutdale

(This information furnished by Donald Ross.)

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Argument in Opposition

OREGON CLERGY URGE A NO VOTE ON CONSTITUTIONAL AMENDMENT 36

As clergy and as people of faith we urge our fellow Oregonians to reject Constitutional Amendment 36. We have several deep concerns about this unnecessary and divisive measure.

Putting Unequal Treatment for Gays and Lesbians in Oregon's Constitution Will Not "Protect" Marriage

We perform weddings and counsel with couples before they are wed, and afterwards. We see everyday the true threats to marriage: abuse, alcoholism, poverty, infidelity and, ultimately, divorce. This measure does nothing to address these problems. Marriage needs no protection from people who wish to enter into it in good faith to pledge their love and lifetime commitment.

A No Vote on Constitutional Amendment 36 Will Not Force Any Church or Any Person to Act Against Their Faith

This measure deals only with civil marriage – a government function. There is no threat to any religious tradition. Religious institutions cannot be told who they must or must not marry.

Measure 36 Arguments

Our Constitution Must Not Be Used to Settle Theological Differences.

Just as Oregonians may disagree over marriage, so do different religious traditions. Some accept same-sex unions, some do not. It is a very dangerous step to have our Constitution dictate theological “winners” and “losers.” When the government begins to turn one particular religious school of thought into the fundamental law of the land, every religion is at risk. The very fact that there is disagreement on this issue is an important reason not to put this into our Constitution

Please Protect the Human Dignity of All People and Protect Our Freedom of Religious Expression

VOTE NO ON CONSTITUTIONAL AMENDMENT 36

Rev. Barbara Campbell, St. Mark Presbyterian Church, Portland
Rabbi Maurice Harris, Temple Beth Israel, Eugene
Rev. J. Todd Smiedendorf
Rev. John T. Schwiebert, Metanoia Peace Community
United Methodist Church

(This information furnished by Rev. Tara Wilkins.)

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Argument in Opposition

The Following Central and Southern Oregon Clergy and Congregations Urge you to vote NO on Constitutional Amendment 36.

Catholic Loretto Women’s Network, Eugene
Temple Beth Israel, Eugene
Springfield Church of the Brethren, Springfield
Rev. Marsha Dempsey, Pastor, MCC Two-Rivers
Faith In Action
Morningside United Methodist Church
Lucy McIver, Eugene Friends Meeting (Quaker)
Rev. Ann Bowersox, Presbyterian Campus Pastor, University of Oregon
Rev. Jan Fairchild, Pastor-Springfield Church of the Brethren
Marion Malcom, Community Alliance of Lane County (CALC)
Beth Weldy, Board President, Springfield Unitarian Universalist Fellowship
Rabbi Maurice Harris, Temple Beth Israel, Eugene
Irwin H. Noparstak, MD, Jewish
Rev. Jeremy D. Hajdu-Paulen
Rabbi Yitzhak Husbands-Hankin, Temple Beth Israel, Eugene
Rev. Ryan J. Lambert
Gordie Albi, Catholic Loretto Women’s Network
Springfield Unitarian Universalist Fellowship
Rev. Elizabeth N. Oettinger
Rev. Beth Crawford
Religious Response Network, Eugene
Rev. Christine Riley, Unitarian Universalist minister
First Congregational United Church of Christ, Corvallis
Freedom Friends Church, Salem
Rev. Heather Lynn Hanson
Rev. Peggy Senger Parsons, Pastor, Freedom Friends Church
Rev. Karen E. Crooch, Morningside United Methodist Church
Jan Nelson, Morningside United Methodist Church
Rev. Richard R. Davis, Unitarian Universalist Congregation of Salem
Renee Cornwell, United Methodist Church
Rev. C. Warren Hovland, First Congregational United Church of Christ, Corvallis
Dr. Milo L. Thornberry, Pastor, United Methodist Church
Rev. Dr. Karen A. McClintock, United Methodist clergy, clinical psychologist

Peace and Justice Committee of First Congregational Church, UCC, Salem
Rev. Michael Powell
Arlene August, music minister, Congregational United Church of Christ, Klamath Falls
Susan Alberty
David Hedelman, minister, Congregational United Church of Christ, Klamath Falls
Rev. Leila A. Shepherd, United Church of Christ
Pastor Gail McDougale, Salem
Pastor Stephen Haddan, Salem
Rev. Caroline Zaworski, First Congregational United Church of Christ, Corvallis

(This information furnished by Rev. Tara Wilkins.)

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Argument in Opposition

The following Communities of Faith and Clergy urge you to vote NO on Constitutional Amendment 36.

St. Mark Presbyterian Church (PCUSA)
Koinonia Catholic Community
Rev. Susan Princehouse, Minister, United Church of Christ
Rev. Mary Anthony
St. James Lutheran Church
Rev. Mary Sue Evers
Havurah Shalom, Portland
Rev. Barbara J. Campbell
Rev. Emily A. Champagne, Unitarian Universalist
Rev. David C. Dornack
Metropolitan Community Church of Portland
Rev. Lynne Smouse López, Ainsworth United Church of Christ
Rev. Timothy Winslea, PC(USA)
Rev. Berdell Moffett-Chaney
Cascade Chapter of More Light Presbyterians
Rev. Casey Moffett-Chaney, Portland Center for Spiritual Growth
Rev. Cort D. Brumfield
Rev. Peg Pfab
First Unitarian Church Board of Trustees
Rev. Glenna T. Shepherd, Metropolitan Community Church of Portland
Rev. Judith Youngman
Rev. Cecil Charles Prescod
Rev. J. Todd Smiedendorf, Forest Grove United Church of Christ
AFFIRMATION – GLBT Mormons
Rev. Diane Dulin
Rev. Gary L. Davis, Lake Oswego United Church of Christ
Bridgeport United Church of Christ
Rev. Marcia J. Hauer
Rev. Joan L. Beck
Zion United Church of Christ
Rev. Elizabeth Winslea, PC(USA)
Rev. Sylvia J. Eagan
Rev. David Maynard, Eastrose Fellowship Unitarian Universalist
Dan Stutesman, American Friends Service Committee
Rev. Dr. Patricia S. Ross
Rabbi Daniel J. Isaak
Rev. D. Steven Witte, Oregon Farm Workers Ministry
Rev. Susan Leo, pastor, Bridgeport United Church of Christ
Rabbi Emanuel Rose
Rabbi Kim L. Rosen
Rev. Dr. Marilyn Sewell
Rabbi Joseph Wolf, Havurah Shalom
Rev. Dana Worsnop, Atkinson Memorial Church
Rev. W. J. Mark Knutson, Augustana Lutheran Church
Rev. Thomas Disrud, First Unitarian Church of Portland
Keshet Coalition
Rev. Richard F. Burdon, United Methodist Church

Measure 36 Arguments

Eunice Schroeder, Director of Sacred Journey Ministries
Rev. Denise Andersen
The Session of Southminster Presbyterian Church
Peace Church of the Brethren
Rev. David Siegel, American Baptist
Rev. Ellen L. Green, United Church of Christ
Rev. Catherine Tinker, United Church of Christ
Rev. James O. Bradford, Disciples of Christ
Rabbi David Kominsky
Rev. Robert Schaibly
Rev. Katherine Hellier
Rev. Barbara Bellus, Epworth United Methodist Church

(This information furnished by Rev. Tara Wilkins.)

This space purchased for \$500 in accordance with ORS 251.255.

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Argument in Opposition

The Oregon Business Community Opposes Constitutional Amendment 36

Oregon's businesses should oppose Constitutional Amendment because it hurts Oregon families and it hurts Oregon businesses.

Constitutional Amendment 36 is bad for businesses:

- **Constitutional Amendment 36 could harm Oregon's ability to recruit new business and attract tourism.** These spending and investment decisions are usually made by a very narrow margin. Putting unequal treatment for gays and lesbians into our constitution could tip the balance in the wrong way.
- **Constitutional Amendment 36 could make it harder for businesses to provide competitive benefits for all employees – including same sex couples –** which is an increasingly important recruitment and retention tool. Businesses want simplicity – the ability to offer the same benefits to each employee streamlines benefits and keeps costs down.
- **The next generation of entrepreneurs do not support Constitutional Amendment 36.** Local polling shows younger, well-educated voters support equal treatment for gays and lesbians and will vote to reject this measure. Allowing Constitutional Amendment 36 to pass undermines the investments Oregon has already made to recruit and retain young, creative entrepreneurs.

The following businesses and business leaders urge to Vote "NO" on Constitutional Amendment 36:

Harold Pollin
Paloma Clothing, Mike Roach and Kim Osgood
Powell's Books
Sho Dozono
Kalberer Company
Peter Bragdon
Joe D'Alessandro

For a full list of businesses supporting No on Constitutional Amendment 36, please go to www.noon36.com

(This information furnished by Joe D'Alessandro.)

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Argument in Opposition

Our family urges you to protect Oregon children.

All parents have the same worries about what will happen if their child is injured in an accident: Will he be OK? Can we get to the hospital in time? How can I comfort him?

These were just a few of the questions we asked ourselves when our son Carter, who was five at the time, fell while playing in our family home. His head met the sharp corner of a coffee table, causing a gash that required a frantic trip to the emergency room of our local hospital.

We arrived at the emergency room worried about our son and anxious for the doctors to attend to Carter. When the time came for him to receive treatment, we were told only one of us—"the parent"—could enter the room with him.

Quickly, we explained that we were both his parents. "One of you needs to stay in the waiting room," we were told again.

Not wanting to delay our son's treatment, we chose not to argue. But while waiting for him to receive stitches, a look around the waiting room made it clear that no other parents were being asked to wait outside for their child. The hospital policy to allow only one parent in the room while a child received treatment only applied to our family – all the other injured or sick children were able to have both of their parents comfort and reassure them as they received treatment.

Our son should be able to have both of his parents by his side when he is injured and frightened. Our child deserves the same protections as every other child. But if Constitutional Amendment 36 passes, it will cause unequal treatment for thousands of Oregon families and their children.

Protect Oregon children. Protect Oregon Families.
Vote No on Constitutional Amendment 36.

Nancy and Peggy Frantz-Geddes, Salem

(This information furnished by Nancy and Peggy Frantz-Geddes, Salem.)

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Argument in Opposition

As nurses, we urge you to Vote No on Constitutional Amendment 36!

As nurses, we know Constitutional Amendment 36 will jeopardize the health of gay and lesbian couples and their families:

- Constitutional Amendment 36 would deny many families the ability to quickly and easily make life-saving medical decisions in the case of an emergency.
- While some insurers allow domestic partner access to their policies, many others do not. This lack of coverage leads to delayed treatment and higher health care costs for all Oregonians.

Constitutional Amendment 36 will force nurses to be gatekeepers instead of caregivers:

- Banning same sex marriage puts nurses in the difficult position of determining who is next of kin – and deciding who can make medical decisions and who can be present with a loved one during an emergency. We want to put our efforts into our patient's healthcare, not being gatekeepers.
- Federal HIPPA laws allow us to disclose medical information to spouses and parents, but not necessarily to a

Measure 36 Arguments

domestic partner. This makes consultation difficult, and could delay proper treatment of children and adults.

As nurses, we believe in fairness and equality. On behalf of nurses and health care providers, we urge you to VOTE NO on Constitutional Amendment 36

Kathleen Sheridan, R.N.
Ursula White, R.N.
Mary Beth Yosses, R.N.
William D. Reinhardt, R.N.

Dana Welty, R.N.
Zannah Martell, R.N.
Carolyn A. Lynnes, R.N.
Madelon Lewis, R.N.

(This information furnished by Kathleen Sheridan, R.N.)

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Argument in Opposition

LIBERTARIAN PARTY OF OREGON SAYS
VOTE NO ON MEASURE 36

“Churches, not the government, should control the marriage sacrament”

When a couple commits their lives to each other, government has a legitimate role in establishing their legal rights and obligations. But government has no business meddling in the institution of marriage, which most Oregonians believe to be a holy institution ordained by God.

Libertarians believe the institution of marriage should be controlled entirely by our churches and other social institutions, not by government. That is why we oppose Measure 36 - it asks the wrong question, sets people of differing faiths against each other and sets the dangerous precedent of letting government define and control associations among people.

Instead of asking who should be able to marry, we should ask if government should be involved in marriage at all. Government should provide a legal structure, available to any couple, which would establish legal rights and obligations. Couples could then go to the church of their choice to be “married.” Individual churches would decide who they will agree to marry or not marry.

If you are a conservative supporting this measure, consider this: if Measure 36 sets the precedent of allowing government to define associations between people, the day will come when liberals will use the same tactic against you.

Scratch the surface and you will see that Measure 36 is not about marriage, it is about freedom. If Measure 36 passes, government will effectively co-opt marriage, depriving churches of the freedom to control their marriage sacrament. Individuals will lose the freedom to make important decisions in their lives. Measure 36 will set the stage for more government intrusions into our private associations.

Let’s scrap Measure 36 and start over. Let’s pass a measure that respects the rights of all individuals and ensures that government can no longer intrude into matters of faith.

VOTE NO ON MEASURE 36
1-800-829-1992
www.lporegon.org

(This information furnished by Dan Fitzgerald, Libertarian Party of Oregon.)

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Argument in Opposition

I’m Just a Kid. Don’t Hurt Me
Vote “No” on Constitutional Amendment 36

I like dancing, reading and hanging out with my friends in my neighborhood. I have two Moms that love me and want the best for me

But they are afraid, because **Constitutional Amendment 36 would leave me without protections** they say are important:

- Being sure I can get on their health insurance coverage
- Allowing both my parents to make decisions if I get hurt
- Having both my parent be able to sign permission slips or deal with emergencies at school
- Knowing that I’m going to stay with one Mom, should anything happen to the other

I’m just a kid and I just want the same protections that any other kid needs. Please don’t do something that will hurt my family and me.

Don’t Leave Kids Like Me Without Protections

Vote “No” on Constitutional Amendment 36

Henry P. Age 14

(This information furnished by Sue Kaufman & Laura Schulz, Henry’s moms.)

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Argument in Opposition

“All forms of bigotry and discrimination are equally wrong and should be opposed by right-thinking Americans everywhere... I appeal to everyone who believes in Martin Luther King Jr.’s dream to make room at the table of brotherhood and sisterhood for lesbian and gay people.”

~ Coretta Scott King
at the 13th annual Creating Change conference
Reuters, 3/31/98

Putting Unequal Treatment into Our Constitution
Would Be a Giant Step Backwards for Civil Rights

Our nation was founded on high ideals of liberty, equality, and the basic rights due to all people. While we have always lived up to those ideals, we must always strive to move forward and not backwards.

Civil rights is not always a comfortable subject. And marriage is often the place where that discomfort is first felt. Until the 1960’s, the idea of interracial marriage was as controversial among Americans as same-sex marriage is today.

Many states passed constitutional amendments to prevent people of different races from marrying to “protect the integrity of marriage.” When the Supreme Court overturned those amendments, it declared that the “freedom to marry” is a basic right.

Whenever we allow the rights of a minority to be put to a vote of the majority, we take a giant step backwards in the struggle for equality of all people.

Many of us may be uncomfortable with the idea of gay marriage, but we must not allow that discomfort to be used to place unequal treatment in our Constitution. We must not use our Constitution to deny rights to our gay and lesbian neighbors, family and friends.

Measure 36 Arguments

**Please say NO to Unequal Treatment.
Please say NO to Constitutional Amendment 36**

Sen. Avel Louise Gordly

Ramon Ramirez

Jo Ann Bowman
Vice-Chair African American Chamber of Commerce

Kathleen Saadat
Community Activist

Rev. John W. Garlington, III

Rev. Dr. Hector E. Lopez
Central Pacific Conference of the United Church of Christ

(This information furnished by Rev. Dr. Hector E. Lopez, Central Pacific Conference of the United Church of Christ.)

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Argument in Opposition

**From the Heart of Grandparents:
Vote "No" on Constitutional Amendment 36**

This year we celebrated our 55th wedding anniversary. Over the years, we've been through some wonderful times and some pretty tough times, too.

One thing we know for sure, being married isn't simple. After the wedding ceremony was over, we found out just how much we rely on each other and how much marriage protected us in times of need. Certainly we counted on each other for love and understanding, but it was the things we took for granted that mattered so much: the fact that there would always be someone who could make decisions if either one was taken to the hospital, or knowing that if one of us dies the other will keep the house and our nest-egg – no questions asked.

We've raised three daughters and have four grandchildren – that's a lot of birthdays and scraped knees. Marriage has been a blessing we hoped each of our children and grandchildren would know, because we can't imagine our lives without each other, protected by our marriage.

But Constitutional Amendment 36 would deny many of those protections – big and little things we take for granted – to two of our grandchildren. Because they have two mothers, our grandkids can't count on the protections marriage brings to a family. They can't count on both their parents being able to make immediate medical decisions on their behalf, or being able to stay with one parent if the other dies.

Constitutional Amendment 36 would not only put unequal treatment of lesbians and gays into our Constitution, it would put unequal treatment of their families – including our grandchildren – into our Constitution.

Unequal treatment doesn't reflect the Oregon values that we raised our family with and it doesn't belong in our Constitution.

Please vote "No" on Constitutional Amendment 36.

Alea and John deJung, Eugene

(This information furnished by Alea and John deJung, Eugene.)

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Measure 37

Proposed by initiative petition to be voted on at the General Election, November 2, 2004.

Ballot Title

37

GOVERNMENTS MUST PAY OWNERS, OR FORGO ENFORCEMENT, WHEN CERTAIN LAND USE RESTRICTIONS REDUCE PROPERTY VALUE

RESULT OF "YES" VOTE: "Yes" vote requires that governments pay owners, or forgo enforcement by repealing, changing, not applying restrictions, when certain land use restrictions reduce owners' property value.

RESULT OF "NO" VOTE: "No" vote rejects requiring that governments pay owners or forgo enforcement by repealing, changing, not applying restrictions, when certain land use restrictions reduce property value.

SUMMARY: Currently, Oregon Constitution requires government(s) to pay owner "just compensation" when condemning private property or taking it by other action, including laws precluding all substantial beneficial or economically viable use. Measure enacts statute requiring that when state, city, county, metropolitan service district enacts or enforces land use regulation that restricts use of private real property or interest thereon, government must pay owner reduction in fair market value of affected property interest, or forgo enforcement. Governments may repeal, change, or not apply restrictions in lieu of payment; if compensation not timely paid, owner not subject to restrictions. Applies to restrictions enacted after "family member" (defined) acquired property. Creates civil right of action including attorney fees. Provides no new revenue source for payments. Certain exceptions. Other provisions.

ESTIMATE OF FINANCIAL IMPACT: The measure would require state administrative expenditures to respond to claims for compensation of between \$18 million and \$44 million per year.

The measure may require compensation to landowners. The amount of state expenditures needed to pay claims for compensation cannot be determined.

There is no financial effect on state revenues.

The measure would require local government administrative expenditures to respond to claims for compensation of between \$46 million and \$300 million per year.

The measure may require compensation to landowners. The amount of local government expenditures needed to pay claims for compensation cannot be determined.

The effect of the measure on local government revenues cannot be determined.

Text of Measure

The following provisions are added to and made a part of ORS chapter 197:

(1) If a public entity enacts or enforces a new land use regulation or enforces a land use regulation enacted prior to the effective date of this amendment that restricts the use of private real property or any interest therein and has the effect of reducing the fair market value of the property, or any interest therein, then the owner of the property shall be paid just compensation.

(2) Just compensation shall be equal to the reduction in the fair market value of the affected property interest resulting from enactment or enforcement of the land use regulation as of the date the owner makes written demand for compensation under this act.

(3) Subsection (1) of this act shall not apply to land use regulations:

(A) Restricting or prohibiting activities commonly and historically recognized as public nuisances under common law. This subsection shall be construed narrowly in favor of a finding of compensation under this act;

(B) Restricting or prohibiting activities for the protection of public health and safety, such as fire and building codes, health and sanitation regulations, solid or hazardous waste regulations, and pollution control regulations;

(C) To the extent the land use regulation is required to comply with federal law;

(D) Restricting or prohibiting the use of a property for the purpose of selling pornography or performing nude dancing. Nothing in this subsection, however, is intended to affect or alter rights provided by the Oregon or United States Constitutions; or

(E) Enacted prior to the date of acquisition of the property by the owner or a family member of the owner who owned the subject property prior to acquisition or inheritance by the owner, whichever occurred first.

(4) Just compensation under subsection (1) of this act shall be due the owner of the property if the land use regulation continues to be enforced against the property 180 days after the owner of the property makes written demand for compensation under this section to the public entity enacting or enforcing the land use regulation.

(5) For claims arising from land use regulations enacted prior to the effective date of this act, written demand for compensation under subsection (4) shall be made within two years of the effective date of this act, or the date the public entity applies the land use regulation as an approval criteria to an application submitted by the owner of the property, whichever is later. For claims arising from land use regulations enacted after the effective date of this act, written demand for compensation under subsection (4) shall be made within two years of the enactment of the land use regulation, or the date the owner of the property submits a land use application in which the land use regulation is an approval criteria, whichever is later.

(6) If a land use regulation continues to apply to the subject property more than 180 days after the present owner of the property has made written demand for compensation under this act, the present owner of the property, or any interest therein, shall have a cause of action for compensation under this act in the circuit court in which the real property is located, and the present owner of the real property shall be entitled to reasonable attorney fees, expenses, costs, and other disbursements reasonably incurred to collect the compensation.

(7) A metropolitan service district, city, or county, or state agency may adopt or apply procedures for the processing of claims under this act, but in no event shall these procedures act as a prerequisite to the filing of a compensation claim under subsection (6) of this act, nor shall the failure of an owner of property to file an application for a land use permit with the local government serve as grounds for dismissal, abatement, or delay of a compensation claim under subsection (6) of this act.

(8) Notwithstanding any other state statute or the availability of funds under subsection (10) of this act, in lieu of payment of just compensation under this act, the governing body responsible for enacting the land use regulation may modify, remove, or not to apply the land use regulation or land use regulations to allow the owner to use the property for a use permitted at the time the owner acquired the property.

(9) A decision by a governing body under this act shall not be considered a land use decision as defined in ORS 197.015(10).

(10) Claims made under this section shall be paid from funds, if any, specifically allocated by the legislature, city, county, or metropolitan service district for payment of claims under this

Measure 37

act. Notwithstanding the availability of funds under this subsection, a metropolitan service district, city, county, or state agency shall have discretion to use available funds to pay claims or to modify, remove, or not apply a land use regulation or land use regulations pursuant to subsection (6) of this act. If a claim has not been paid within two years from the date on which it accrues, the owner shall be allowed to use the property as permitted at the time the owner acquired the property.

(11) Definitions – for purposes of this section:

(A) “Family member” shall include the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild of the owner of the property, an estate of any of the foregoing family members, or a legal entity owned by any one or combination of these family members or the owner of the property.

(B) “Land use regulation” shall include:

(i) Any statute regulating the use of land or any interest therein;

(ii) Administrative rules and goals of the Land Conservation and Development Commission;

(iii) Local government comprehensive plans, zoning ordinances, land division ordinances, and transportation ordinances;

(iv) Metropolitan service district regional framework plans, functional plans, planning goals and objectives; and

(v) Statutes and administrative rules regulating farming and forest practices.

(C) “Owner” is the present owner of the property, or any interest therein.

(D) “Public entity” shall include the state, a metropolitan service district, a city, or a county.

(12) The remedy created by this act is in addition to any other remedy under the Oregon or United States Constitutions, and is not intended to modify or replace any other remedy.

(13) If any portion or portions of this act are declared invalid by a court of competent jurisdiction, the remaining portions of this act shall remain in full force and effect.

Explanatory Statement

Ballot Measure 37 adds a new statute to ORS chapter 197. As specified in the measure, the owner of private real property is entitled to receive just compensation when a land use regulation is enacted after the owner or a family member became the owner of the property if the regulation restricts the use of the property and reduces its fair market value.

If a property owner proves that a land use regulation restricts the use of the owner’s property, and reduces its value then the government responsible for the regulation will have a choice: pay the owner of the property an amount equal to the reduction in value or modify, change or not apply the regulation to the owner’s property.

The measure allows the state, county, city or metropolitan service district to adopt procedures for processing claims for compensation, but prohibits those procedures from being treated as a prerequisite to the filing of a claim in circuit court.

The measure does not apply to commonly and historically recognized public nuisances, public health and safety regulations, regulations required to comply with federal law, and regulations restricting or prohibiting the use of a property for the purpose of selling pornography or performing nude dancing.

The measure specifies that compensation is due if the regulation remains in force 180 days after the owner makes written demand for compensation. After that time, the present owner may file an action in the circuit court in the county in which the property is located. The measure also specifies that the present owner is entitled to reasonable attorney fees, expenses, costs and other disbursements reasonably incurred to collect compensation.

The measure provides no new revenue source for payments, if any, required under this measure.

The measure defines several terms that are used in the statute including “family member” which is defined as wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild of the owner of the property, an estate of any of the foregoing family members, or a legal entity owned by any one or combination of these family members or the owner of the property.

Committee Members:

David Hunnicutt
Dale Riddle
Bernie Bottomly
Patricia McCaig
Jack Roberts

Appointed by:

Chief Petitioners
Chief Petitioners
Secretary of State
Secretary of State
Members of the Committee

(This committee was appointed to provide an impartial explanation of the ballot measure pursuant to ORS 251.215.)

Measure 37 Arguments

Argument in Favor

VOTE YES FOR MEASURE 37

"Whether you own property or not you benefit from protecting property rights, just as you benefit from free speech whether you exercise that right or not". Thomas Sowell

That is why the framers included in the Fifth Amendment to the Constitution a protection for private property.. "**Nor shall private property be taken for public use without just compensation**".

Government regulators tend to view the taking clause of the Fifth Amendment as an unfortunate obstacle. It is far easier for them to achieve their ends by taking from a few property owners than it is to tax all the voters to pay just compensation.

Government depends upon taxpayers to generate wealth and taxpayers depend upon security in their financial affairs (clear title for ownership). Therefore, **property rights need to be taken seriously and are essential to the generation of wealth upon which all government depends.**

George Washington said "Freedom and property rights are inseparable. You cannot have one without the other".

According to Saint Thomas Aquinas: "Private ownership of property is the best guarantee of a peaceful and orderly society for it provides maximum incentive for responsible stewardship". Our Oregon Century Farms are an excellent example of this.

This measure is an effort to require just compensation for government actions that diminish the value of private property. We recommend a YES vote.

Jerry A. Dyksterhuis, Farmer

Deanna Dyksterhuis, Farmer

Scott E. Dyksterhuis, Farmer

Gylan Mulkey

Gwendolyn J. Mulkey

Rita Swyers

(This information furnished by Deanna Dyksterhuis.)

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Argument in Favor

The Current System Is Broken – And It Costs Everybody Money

The Dolan family urges you to support Measure 37

In 1987, we asked the City of Tigard for permission to expand our local plumbing store. The City agreed, but they then said they would not issue a building permit unless we gave them a significant portion of our property for a bike path.

We told the City that we would sell them the land they wanted for \$14,000, which was the fair market value of the land.

But the City said no, and told us that we would not get our permit unless we turned over our land for free.

We spent the next 10 years fighting the City through a maze of legal bureaucracy -- all over a \$14,000 strip of land. We went to the Oregon Land Use Board of Appeals, the Oregon Court of Appeals, the Oregon Supreme Court, the United States Supreme Court, and back down again.

Finally, after 10 years of fighting, the City paid for an easement across our land and paid our attorney fees. **The cost --**

1.5 million of your taxpayer dollars!!!

That's 1.5 million of taxpayer dollars for land that we would have voluntarily sold to them for \$14,000. What a waste.

We support Measure 37 because it will cut down on endless litigation like ours. If Measure 37 would have been in place in 1987, the City of Tigard would have purchased our land for \$14,000, instead of fighting us every step of the way and eventually wasting \$1.5 million hard earned tax dollars.

What happened to our family is unfair --the current system forces ordinary Oregon property owners into years of costly and stressful litigation just to be compensated for what everyone agrees is fair.

Please help fix the system...Please vote Yes on Measure 37.

(This information furnished by Dan Dolan.)

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Argument in Favor

Oregon Farmers Ask That You Vote Yes On Measure 37.

People work hard for their property. Whether a home or a saving account, your property is the result of hard work and effort. No one should be able to use a legal loophole to take away your property without compensation. Especially not government.

Over the past years we have seen state and local governments take the use and value of private property by using a loophole in the law. Sure, they tell you that you can fight them in court....but it will take years and your attorney fees alone will likely exceed the value of your property. That is not fair and they know you can't afford it.

Measure 37 closes the loophole and streamlines the process.

No one has the right to take private property without compensation, not even government — that is why we need Measure 37.

Josephine County Farm Bureau asks that you vote yes on Measure 37.

(This information furnished by Keith Nelsen, President, Josephine County Farm Bureau.)

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Argument in Favor

Dorothy English

I am a Chief Petitioner for Ballot Measure 37. Some say I am the poster child for Ballot Measure 37.

My husband and I purchased our property in 1953. It was our dream to someday divide the property, give some of it to our children and grandchildren, and sell the remained for our retirement. We have always paid our taxes, and never been on any type of tax deferral.

Nevertheless, Multnomah County zoned our property as commercial forest land even though there isn't a commercial timber operation anywhere near our property. What's more, Multnomah County knows our property is mis-zoned, but refuses to do anything about it.

Oregon's land use system is supposed to be balanced and fair. It is neither. Multnomah County has made it perfectly clear to me, and many other property owners, that the county intends to

Measure 37 Arguments

be neither balanced nor fair.

Governor Kulongoski told Multnomah County that he sympathized with my problem and asked the County to work with me to help resolve my case.

But the County refused to help. Multnomah County Chairwoman Diane Linn even personally asked the Governor to veto a bill that would have restored some of the rights my husband and I had when we first purchased the property - that is how unfair Multnomah County has been.

Opponents of Ballot Measure 37 are trying to scare the voters into opposing this measure. Please do not believe their scare tactics. Ballot Measure 37 will help senior citizens like myself recover what has been stolen from us.

Oregon's land use system is in need of repair. Our elected leaders, community leaders, and newspapers, are unwilling to support the necessary changes. It's time for Oregonians to do the work ourselves. It is time we say "no" to the scare tactics and restore fairness and balance to the system.

Thank you for taking the time to read my comments. Please vote yes on Ballot Measure 37.

(This information furnished by Dorothy English.)

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Argument in Favor

THE OREGON HOMEOWNER'S ASSOCIATION ASKS FOR YOUR VOTE ON MEASURE 37

Measure 37 is Critically Needed

If you are like most Oregonians, your home and property is your most valuable asset.

What would you do if you were stripped of the value of your home by regulations that were changed overnight, without warning?

Unfortunately, this is an all too common occurrence in Oregon. Based on misguided notions of the public good, politicians and planners have created a never ending stream of new laws and restrictions that destroy your investment, your hopes, and your dreams.

This needs to stop!

Measure 37 is Homeowners' Insurance

We all buy home insurance to protect our property from floods, fires, and other natural disasters.

But you can't buy insurance to protect your home from unexpected changes in property regulations.

Measure 37 fills that gap, and doesn't cost a dime!

Ballot Measure 37 is a family's first and best line of defense for protection of their property.

No one should have to worry about their home and property being taken away by an overreaching government bureaucrat. It's your property, your hard work, and your investment.

Protect it by voting Yes on Ballot Measure 37.

(This information furnished by Leigh Foxall, Oregon Homeowner's Association.)

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Argument in Favor

Oregon Family Farmers Ask For A Yes Vote on Measure 37:

The Voters Have Already Spoken: Government Should Not Be Able To Take Property Without Compensation

In November 2000 voters overwhelmingly voted in favor of Measure 7 which required compensation to property owners when government take private property. The Oregon Supreme Court threw-out Measure 7 on a technicality....Measure 37 restores the will of the Oregon voters.

The Current System Needs to Be Fixed

Currently government and property owners are forced to spend millions and millions per year in litigation and process. Property owners should not be required to submit application after application to the government to receive what they deserve.

Measure 37 corrects this problem and streamlines the process - this will save the property owners and taxpayers money.

The Current System Only Helps A Few.... Hurts Small Farmers

The only way to be treated fairly by the current system is to have the financial means to litigate, and therefore negotiate, with the bureaucracy. That's why you may see some big and corporate farmers opposing Measure 37...the current system works for the big guys.

Measure 37 will help small farmers, small property owners and the average homeowner when they face the power of government taking private property.

All of Us Work Hard For Our Property

If state or local governments want to take your property then they should be required to pay for it.

Measure 37 Is Simple

If you have any questions about Measure 37...just read the Measure. It is simple and straightforward. Measure is about restoring fairness to an expensive, broken process.

The Oregon Family Farm Association PAC asks you to vote yes on Measure 37.

(This information furnished by Larry George, Oregon Family Farm Association.)

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Argument in Favor

Jim Watts

Until this year, I owned three parcels outside of Sisters. I paid a handsome price for each parcel, because I was able to build a house on each parcel.

Because I am disabled, and limited in the work I can do, I purchased these parcels as an investment for my retirement.

Unfortunately, with no warning or notice to me, the regulations on my property were changed. These changes took away my right to build a home on each parcel.

With the stroke of a bureaucrat's pen, my property was stolen.

And so, in 1998, I began a long odyssey to restore my rights. Finally, after five years of countless hearings, legal paperwork, meetings with lawyers, and multiple application fees, I got my rights back.

I was one of the lucky ones. Unlike so many other governments,

Measure 37 Arguments

Deschutes County worked hard to help correct the laws which stripped my property of its value.

So why did it take five years to get back what was stolen from me? Because one couple fought every effort I made to restore my rights. They even argued that my property was needed for farming because a neighbor had once grown marijuana on his property!

Opponents of Measure 37 falsely claim that Measure 37 will create a new and burdensome process. I fought for five years to restore rights that were taken from me. Isn't that a burdensome process?

Do you have five years and thousands of dollars available to fight for the right to live on your property? There is no process that is more burdensome or expensive than what we currently have in Oregon.

Measure 37 presents a streamlined process that treats all Oregonians equally. Had Measure 37 been in place when I purchased my property, I would not have had to go through five years of hell in order to restore my rights.

If Measure 37 passes, you won't have to.

Please support Measure 37.

(This information furnished by Jim Watts.)

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Argument in Favor

STATE LEGISLATORS SUPPORT MEASURE 37

As your elected state legislators, we strongly support the passage of Measure 37.

We have all heard the heart wrenching stories of Oregonians whose hopes and dreams were destroyed by land use regulations placed on their property after they purchased it.

An elderly farmer loses the right to divide his farm to give to his children. A couple lose the right to live on their lot in a subdivision because their property has a "scenic view." A young family loses the right to put a swing set in their backyard because it would "disturb the natural area."

These types of examples, and many others, are why Measure 37 is so important. People work hard to save enough money to buy property. No one should take property without compensation – not even the government.

But more than that, Measure 37 provides an economic boost that Oregon so desperately needs. By allowing state and local government to return the property rights they have taken from Oregonians instead of paying compensation, Measure 37 allows Oregonians to use their land to create jobs, boost property and income tax revenues, and help fund essential government services. And this is all accomplished not through raising taxes, but by putting more faith in people and the private sector. What a concept!

The right to own and use property is what makes America the greatest country on Earth. Measure 37 protects that right. That's why we support it. We hope you will too.

Jackie Winters, State Senator
Steve Harper, State Senator
Bruce Starr, State Senator
Gary George, State Senator
Bill Fisher, State Senator
Charles Starr, State Senator
Roger Beyer, State Senator
Tim Knopp, State Representative

Linda Flores, State Representative
Gene Whisnant, State Representative
Dennis Richardson, State Representative
Jerry Krummel, State Representative
Donna Nelson, State Representative
Cliff Zauner, State Representative
Tootie Smith, State Representative
Jeff Kropf, State Representative
Gordon Anderson, State Representative
Susan Morgan, State Representative
Wayne Scott, State Representative

(This information furnished by David J. Hunnicutt, Family Farm Preservation PAC.)

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Argument in Favor

SMALL BUSINESSES SUPPORT MEASURE 37

On behalf of the Oregon chapter of the National Federation of Independent Business (NFIB), please join me in voting yes on Ballot Measure 37.

Small businesses are the heart and soul of Oregon communities. Small business owners are community leaders, volunteer coaches, mentors, and church leaders. NFIB/Oregon is dedicated to protecting the interests of small businesses throughout the state.

But over the years, small businesses have increasingly become the focal point for new and more burdensome regulations on our right to own and use property.

These regulations are often well intentioned but they have the effect of making it difficult or impossible for our members to stay in business. This hurts every Oregon community, especially our smaller towns.

You've probably heard some of the horror stories – the City of Portland demanding \$36,000 in fees from a restaurant owner who wanted nothing more than to move his restaurant across the street, or the City of Tigard demanding a \$37,000 "traffic impact fee" from a company that wanted to improve its offices for its existing employees, but would not create any new traffic.

Making it more difficult for businesses to grow and expand hurts our economy and our public sector.

Fortunately, Measure 37 will help ease that burden. Measure 37 levels the playing field between private citizens and that small but powerful segment of state and local government that wants to impose more and more regulations on our private property.

And Measure 37 contains important exceptions to help maintain well-planned and livable neighborhoods.

Small business owners should not have to live in fear of having the rug pulled out from under their feet by new property restrictions that destroy their property's value and make it harder for their business to survive.

It's your property, it's your investment, and it's your hard earned money. Measure 37 protects that investment.

Please vote yes on Measure 37.

(This information furnished by J.L. Wilson, National Federation of Independent Business/Oregon.)

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Measure 37 Arguments

Argument in Favor

Jim Parker

My wife and I own a home on 1.5 acres located in Beaverton, Oregon. We have owned the property for 39 years. When we purchased our home, one of the unique features was a creek on the property. Approximately four years ago the City of Beaverton came up with a plan that was intended to protect wildlife habitat in the stream.

Originally, Beaverton's plan was to redirect the creek to an area of my property that was considered to be a wetland. However, the city changed its mind and diverted the creek elsewhere, along a nearby road. As a result, the creek bed on my property is now dry and the wetland is hardly wet at all. But this was just the beginning of our problems.

Despite the fact that my property no longer has an active creek running through it, nor does it have a "wet" wetland on it, Metro recently mapped our home as "wildlife habitat" and is considering placing severely restrictive environmental overlay zones on nearly all of our property.

The irony of our situation should not be lost. There is no "wildlife habitat" on our property because the City of Beaverton dried up the creek! Nevertheless, we are going to lose all of our rights because the government wants to protect wildlife habitat! If the government wants to protect habitat, the City of Beaverton shouldn't have dried up the creek.

And who is going to pay for this? My family. We are going to have to bear the burden of the cost of preserving this "habitat". We won't be allowed to "disturb" any of our property because doing so would disrupt the non-existent wildlife on the dry creek bed.

Ballot Measure 37 will protect people from ridiculous regulations by protecting the rights you had at the time you bought your property. Please join me in supporting Ballot Measure 37.

(This information furnished by Jim Parker.)

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Argument in Favor

Deschutes County Farm Bureau

Yes On Measure 37!

Measure 37 is very simple. If government takes your property, then government should pay for it.

Just because government has found a loophole, that doesn't mean that Oregon voters should allow property owners to continue to lose property without compensation. To fight these "takings" in court, it takes years of expensive litigation, which they know we cannot afford.

State and local governments realize that Oregon's family farms and ranches are already under great financial pressure and we can't fight back.

It shouldn't cost private property owners thousands of dollars in litigation and attorney fees to receive what is fair.

These "takings" are happening to farmers, ranchers, and homeowners all over Oregon...and the system needs to be fixed.

Oregon voters overwhelmingly approved Measure 7 in 2000...but the Supreme Court threw it out on a technicality. Measure 37 will make it clear that Oregon voters want property owners to be treated fairly.

Please join the Deschutes County Farm Bureau in voting YES on Measure 37.

Thank you.

(This information furnished by Matt Cyrus, Deschutes County Farm Bureau.)

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Argument in Favor

Matt Roloff

We own a 25 acre pumpkin patch and peach orchard in rural Washington County. My wife and I are limited in our ability – not by our desire but rather by our physical limitations. I am the Past-President of the Little People of America, an association dedicated to improving the lives of little people across the country. My wife and I purchased our farm with the hopes of raising our children in a rural setting.

On our farm we grow pumpkins and peaches, depending on the season. We have built some play structures including an Old West Town, a Pirate Ship, a Treehouse, and a Castle, for our kids, but they are also available to the public during the harvest season. Over the years, our farm has become a regular spring and fall destination for families who want to make a day out of selecting their pumpkins or picking peaches.

One of our competitors in Washington County filed a complaint and demanded that Washington County shut down our farm. I will not back down, and because of that, Washington County continues to try to stop our family, despite the fact that numerous farms across the county engage in exactly the type of business practices that we do.

Aren't Oregon's land use laws supposed to protect farms? Apparently not.

That's why we support Ballot Measure 37. If the government wants to apply the law to some farmers but not others, then we all need protection from the government. What happens when the government doesn't like you? Right now there is no protection in the law. Ballot Measure 37 gives you that protection.

Please join us in supporting Ballot Measure 37. Protect rights for all Oregonians, not just those the government likes.

(This information furnished by Matt Roloff.)

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Argument in Favor

OREGON EMPLOYERS SUPPORT MEASURE 37

As some of Oregon's largest employers, we support Ballot Measure 37.

Our companies employ thousands of Oregonians throughout the state. We understand that a fundamental key to a healthy economy is a respect for the ability of every citizen to own and use property.

Without this ability, our companies would not be successful, we would not have jobs for our employees, and we would be unable to serve our local communities.

Unfortunately, the ability to own and use property in Oregon is under constant attack, more so than in any other state in the

Measure 37 Arguments

United States.

The delicate balance between needed property regulations and free enterprise is skewed to the point where it is hard for Oregon companies to compete with our neighboring states, much less in a global marketplace. This is one reason why Oregon consistently ranks among the states with the highest unemployment rate.

And that is why Measure 37 is so critically needed.

Measure 37 strikes a balance between regulation and the free market. It ensures that no Oregon citizen or business, large or small, is singled out to bear the burden of property restrictions that are designed to benefit us all.

At the same time, Measure 37 does not apply to regulations to protect the public health and safety, like pollution control laws or health and safety codes.

Without Measure 37 and the additional protection for property owners it provides, there will be less opportunity for businesses to grow and expand in Oregon. That hurts us all, and hurts our schools and other vital public services, which depend on private enterprise for funding.

We are proud of our Oregon heritage and proud to endorse Measure 37. Please vote Yes on 37.

Aaron U. Jones, President, Seneca Sawmill Company
Michael A. Fahey, President, Columbia Helicopters
Robert Freres Jr., Freres Lumber Co. Inc.
Joan Austin, Executive Vice President, A-dec, Inc.
Steven D. Swanson, Swanson Group, Inc.

(This information furnished by David J. Hunnicutt, Family Farm Preservation PAC.)

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Argument in Favor

Oregon Citizens For A Sound Economy PAC
Urges You To Vote YES On Measure 37

Oregonians work hard for their property - if government wants to take private property government should pay for it.

Measure 37 Will Stop the Hidden Tax

Oregon's state and local governments have found a loophole that allows them to take private property without compensating the owner. The only option is for the property owner to sue, spending thousands of dollars in litigation fees. This is unrealistic.

Because people cannot afford to fight, government gets their property for free. That's wrong. Taking property and destroying people's investments is an unfair, hidden tax on average Oregonians.

Measure 37 Will Help the Economy and Increase Jobs

Many businesses are afraid to build in Oregon when we have a system that can take private property without compensation. Measure 37 gives security to property owners, so they know they can use their property for what it is zoned for. That will attract new businesses to Oregon and create more jobs.

Measure 37 Will Save Taxpayers Money and Streamline the Process

It costs hundreds of thousands of dollars to challenge an unfair property regulation today. These challenges clog up the judicial system, cost the taxpayers money, and create years of frustration.

And even when the local government wants to help, one dedicated obstructionist can delay the process for years. For

example, one property owner in Deschutes County asked the County to correct a zoning mistake that nearly eliminated the property owner's ability to use his land, and destroyed its value. When the County attempted to correct its error, one private citizen created roadblocks to the County efforts. It took nearly six years to fix an error that should have been fixed overnight.

Measure 37 will streamline the process and reduce costs to property owners and taxpayers. We strongly urge taxpayers to support Measure 37.

Oregon Citizens For A Sound Economy PAC

(This information furnished by Russell Walker, Oregon Citizens For a Sound Economy PAC.)

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Argument in Favor

Tim and Casey Heuker

On December 31st, 2000, we were the proud owners of a beautiful three-bedroom home with an unobstructed view of the Columbia River. On January 1st, 2001, our home burnt to the ground.

After recovering from the shock of losing our home to fire, we immediately applied for a building permit. Our permit was originally approved by Multnomah County.

We thought everything was finished. But our nightmare was just beginning.

The Columbia River Gorge Commission, along with a group calling themselves the "Friends of the Gorge," began tormenting our family in a fight which has taken three years, thousands of dollars, and placed considerable emotional strain on our family.

And why did they fight our application? Because they wanted us to plant over \$100,000 in new trees and shrubs in front of our home so that it couldn't be seen from the river.

And all we wanted to do was rebuild our family home.

It is unbelievable to us that we were treated this way. Our nightmare lasted over three years and cost us thousands of dollars. How can anyone believe that this is fair?

A simple, easy to understand, process such as such as Ballot Measure 37 will allow homeowners like us to avoid a three-year delay simply because we want to rebuild our home.

Measure 37 is homeowner's insurance from delay, stall tactics, and costly litigation.

Please join us in supporting measure 37, and protecting the rights of homeowners in Oregon.

(This information furnished by Tim Heuker, Casey Heuker.)

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Argument in Favor

Oregon Cattlemen's Association Supports Measure 37

Measure 37 is needed to help the environment and the economy

Unlike most industries, we make our living from the land. As a result, we have a keen interest in preserving our property and being good stewards of the land, so that we can provide the

Measure 37 Arguments

public with quality Oregon grown beef.

But too often, well-intentioned but misguided politicians create new laws and regulations which make it harder for us to use our land and stay in business. Rather than helping the environment, these regulations hurt the environment, as more and more beef is imported from third world countries where people don't own their land and have no incentive to protect it.

Measure 37 protects our property rights, protects our investments, and makes sure that politicians think about the impact of new regulations on all Oregonians, including property owners.

Measure 37 reduces costly litigation

Measure 37 sets-up a straightforward process to require government to pay landowners when newly created laws or regulations cause a loss in value to their private property. Presently, the Oregon Constitution states that state government must pay if it "takes" private land for the public benefit. But "takings" law is so convoluted that there is little hope of compensation when government regulations reduce the value of private property.

A restored balance that is fair.

Ultimately this state must seek to ensure a balance between environmental and economic concerns in our land use decisions. Measure 37 restores that balance and protects property owners. New land use restrictions will still be an option, but under Measure 37 landowners won't be asked to bear the entire cost of those restrictions.

Measure #37 brings much needed balance and fairness to the process.

The Oregon Cattlemen's Association urges you to support Measure #37

(This information furnished by Coy Cowart, President, Oregon Cattlemen's Association.)

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Argument in Favor

Toni Beattie

My husband and I own 31 acres in North Plains that we purchased in 2000. Our land is zoned commercial forest and it has a house on it that was built around 1961. We purchased the property with the intent to operate a horse boarding and lesson facility.

My husband and I have applied for a replacement dwelling on our property. Once our application is approved, we must disable the existing dwelling. In order to provide proper care to boarding horses, we thought it wise to turn the older dwelling on our property into caretaker house. This is where our problems began.

In order to have two dwellings on my property, we needed to rezone the property from commercial forest to farmland. And we had to show that we could make \$80,000 a year boarding horses! If I can make \$80,000 a year boarding horses, I would not have the need for caretaker. I would be able to hire people, outside employees, to come in and care for the horses.

My husband and I want to operate a small farm on our farmland with a caretaker. But Oregon land use laws are not allowing us to do so. The only a reasonable option we have left is Ballot Measure 37, which will restore our rights, and be fair for every-body. Please join me in voting yes on Ballot Measure 37.

(This information furnished by Toni Beattie.)

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Argument in Favor

OREGONIANS IN ACTION URGES A YES VOTE ON MEASURE 37

Treating people fairly is a foundation of our country.

If you are like most voters you know that government is required to pay you if they take your land - in fact, its required by the Constitution.

Most of the time, government complies with the Constitution and pays for what it takes.

But sometimes, instead of paying for what it wants, government decides that it can simply adopt a law that makes it impossible for a landowner to use his land.

This is like telling your neighbor he can't live in his house, and then offering to buy it from him at pennies on the dollar.

In order for a landowner to challenge a government regulation that takes away the value of his property, a landowner must fight a long and costly court battle. This is fine for large corporations or a few wealthy land barons.

But the thought of paying lawyers hundreds of thousands of dollars to fight a court battle for your home or land is too much for the average American family. Most people give up before they ever get started.

That's why Measure 37 is important.

Measure 37 will guarantee that you are treated fairly by the government. If they want your land, that's fine, provided they pay you for it.

Simple, understandable, and fair. That's what Measure 37 is all about.

Please vote yes on Measure 37.

(This information furnished by David J. Hunnicutt, Oregonians In Action.)

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Argument in Favor

Barbara and Eugene Prete

We are two of the chief petitioners for Ballot Measure 37. In addition to being chief petitioners, we are also victims of Oregon's land use system. We have been married for 42 years. Gene is a retired Lt. Col., having served 21 years in United States Army.

Barbara's grandfather immigrated from Norway to Oregon as a logger. In 1989, we decided to travel Oregon and visit the areas logged by Barbara's grandfather. While traveling through Sisters, we decided to retire there. In 1990, we purchased property in the Sisters area with the intent to build a retirement home for us and our horses.

The Deschutes County Hearings Officer's decision summarizes what Oregon's land use system has done to us:

The applicants purchased the property in 1990 with the intent of building a home on it. The hearings officer is aware that at the time the applicants purchased the property, the county routinely approved conditional use permits for nonfarm dwellings on these types of parcels. However, in

Measure 37 Arguments

the early 1990s, partly as a result of an enforcement order issued by the Land Conservation and Development Commission (LCDC) requiring the county to enforce more rigorous siting standards for nonfarm dwellings, approval of nonfarm dwelling conditional use permits became more difficult.

The hearings officer acknowledged that we were willing to take substantial steps toward mitigating the perceived effects caused by our home. Nevertheless because a bureaucrat in Salem decided to take away our right to build a home, only our horses are allowed to live on our property.

That was 11 years ago. We still don't have the right to build a home on our property, even though we had that right when we bought the property. Our dreams have been taken from us. All we want to do is live on our property.

Measure 37 will restore and protect the rights of Oregonians. Please join us in voting yes on Measure 37.

(This information furnished by Eugene Prete, Barbara K. Prete.)

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Argument in Favor

COUNTY COMMISSIONERS SUPPORT MEASURE 37

As County Commissioners, we support Measure 37.

Unlike other states, where local communities plan their own urban neighborhoods and rural areas, a large percentage of our planning laws are mandated by state agencies and the legislature.

As a result, we are often hamstrung by statewide, centralized planning laws and rules that have devastating impacts to the property owners in our counties.

Whether it's telling a farmer he has to make \$80,000 in order to live on his land, prohibiting a rural church from being too close to town, or watching a business leave the community because of endless permit delays, we see the "on the ground" impacts of ever increasing property restrictions in ways that state bureaucrats could never imagine.

These ever changing rules and laws create fear among the community, and discourage investment. Why would a business build a new plant or office if they knew that the rug could be pulled out from under their feet before the project is even completed?

Measure 37 will stabilize our planning system, ensure that property owners don't lose their life savings at the stroke of a pen or on the whim of a mid level manager in Salem, and give our citizens more control over their own lives.

We like that, because we believe in the private sector, and in our citizens, neighbors, and friends.

Measure 37 restores lost opportunities, and returns more control over private property to where it belongs – the people.

Please join us in voting yes on Measure 37.

John Lindsey
Harold Haugen
Jack Walker
Anna Morrison
Dan Van Slyke
Kathy George
Leslie Lewis

(This information furnished by David J. Hunnicutt, Family Farm Preservation PAC.)

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Argument in Favor

Gary Dye

I bought a 16,000 square-foot lot, zoned R-10-c, in Southeast Portland. This zoning designation requires that a lot be at least 10,000 square-feet to build a home. The "c" indicates a conservation overlay zone. When the property was first purchased, this designation didn't carry many restrictions, so building a modest home seemed pretty straightforward.

After years of hard work and saving, I eagerly went to get my building permit. The City of Portland, however, had other ideas. In the time since my purchase, the City placed more and more restrictions on the property, ultimately converting it into a wildlife habitat reserve: over 2/3 of the property set aside for the City, less than 1/3 left for me!

Conforming to the City's new restrictions, the design of my modest 3-bedroom home repeatedly underwent extensive and costly changes. Even after these changes, the property can't be fenced (protecting my home from intruders, providing my kids a safe place to play, or giving my dog some running room), there is very little front or side yard, and the back "yard" is only 5 FEET deep.

Most alarming, the City's restrictions contradict the Fire Bureau's recommendation of a 30-foot buffer between homes and dense vegetation. The City won't allow this buffer, subjecting my home and family to the threat of urban wildfires. I'm prohibited from "disturbing" trees, brush, or even WEEDS without repercussions from the City.

I would sympathize if the property contained old-growth trees, a stream, eroding slopes, or endangered species habitat, but it does not – it contains only AREA that the City wants for itself. The City seizes land for free while the property owner bears huge cost increases for design, construction, and additional regulatory fees. Yes, I must pay the City a fee for taking my land, increasing my costs, compromising my home, and endangering my family!

Approval of Measure 37 provides much-needed control over this currently abused process.

(This information furnished by Gary Dye.)

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Argument in Favor

SENIORS AND FAMILIES WITH CHILDREN – IF YOU WANT TO KNOW WHY MEASURE 37 IS IMPORTANT, JUST ASK METRO

Metro, the Portland area regional government, is currently in the process of adopting new regulations that will place thousands of acres of privately owned land into "wildlife" and "riparian area" zones, regardless of your concerns or the wishes of your city or county government.

As a property owner, should you be concerned about these new regulations? **Here's what Metro has to say:**

"Real property is one of the largest economic investments many people make and regulations affecting property are an important and sensitive social issue. For residential land in particular, a regulatory program could impact personal

Measure 37 Arguments

financial security or the expectation to maintain, develop or redevelop land within the existing regulatory framework. Regulations that result in reductions to property value may affect people's ability to draw on the equity in their homes to fund retirement, education, and other activities." (Staff Report, Resolution No. 04-3489, August 12, 2004).

Metro is right. When you bought your home, did you have any idea that the rules could be changed to take away rights that you paid for? Most people don't know until it is too late.

That is why Measure 37 is important. Measure 37 allows Metro to continue to adopt new regulations, **but only if Metro is willing to pay for what it takes.** That's only fair.

No property owner should have to worry that their retirement, their children's education, or their personal financial security will be destroyed by well-intentioned but misguided laws. Measure 37 will make sure that this doesn't happen. Please join us in voting Yes on Measure 37.

(This information furnished by David J. Hunnicutt, Oregonians In Action.)

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Argument in Favor

Robert and Marilyn Lowery

We live in Keizer, Oregon, on property that has been in the Lowery family since 1946. We have raised our family here. Our son was born in our house. We have operated our family nursery here. This property is truly our home.

Our property is located in an area that is considered prime commercial real estate. Already, the city of Keizer has approved plans to take our property and give it to a private party so they can build a Krispy Kreme donut shop on the place where our home currently stands. The master plan approved by the city of Keizer makes immediate short term plans for our property even though we did not give the city the permission to do so. Right now we are locked in and can't get out.

In other words, it is as if the city or county you live in decided the property your house currently sits on would be better used as a bank, or a restaurant, or a Krispy Kreme donut store, and the city or county tells you that the moment you disturb the property you must instead build that bank, that restaurant, or that Kristy Kreme.....

Without ever asking you!

Oregon's land use laws are being abused every day. Property owners across the state are being subjected to onerous regulations which devalue property, and in cases like ours, strip property owners of all their rights. We are being bullied by the city because the city knows we have no protection.

Yet.

Ballot Measure 37 will protect property owners from actions of the government that take your property without your permission by "freezing" the rights you had at the time you purchased your property. Ballot Measure 37 is common sense legislation that will protect you from the kinds of tactics we have been subjected to.

Please join us in supporting Ballot Measure 37.

(This information furnished by Robert Lowery, Marilyn Lowery.)

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Argument in Favor

Jackson County Farm Bureau Asks For A Yes Vote For Common Sense

Dear Fellow Voters:

Small family farmers all over Oregon depend on using their property to make a living – and we cannot afford the current system where government can take the value and use of property without compensation.

It sounds shocking to people who are not familiar with the loophole that allows government to take property without paying for it – but that is why we need Measure 37.

Measure 37 is about fairness.

We all work very hard for our property, and if government wants to reduce the values of our property then government should pay for it.

If state and local governments are allowed to continue to take advantage of this unfair loophole then every property owner and every homeowner will have to worry about the security of their investment.

Please join Jackson County Farm Bureau in supporting Measure 37.

(This information furnished by Ron Bjork, Jackson County Farm Bureau.)

This space purchased for \$500 in accordance with ORS 251.255.

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Argument in Favor

Tater Patch Quilts

We are the owners of Tater Patch Quilts, a small quilting store located in Merrill, Oregon. Our store, started in 1996, is a unique store which offers quilting supplies to customers all over the country. Our unique location allows us to market our products to Oregonians and Californians.

We own property right along the Oregon-California the border. The property is located next to a state highway.

On our own property, we decided to erect a small sign advertising Tater Patch Quilts. By the way, our sign is right next to a "Welcome to Oregon" sign.

Even though our sign is on our own property, the State of Oregon wants us to tear it down because signs promoting businesses are prohibited on our property, no matter how big or small. If the state can welcome visitors, why can't I welcome people to my store?

I can't believe how difficult the state wants to make it for Oregon businesses to survive.

What is most insulting is that the State of Oregon's sign still remains.

Ballot Measure 37 will restore rights Oregonians have held near and dear for decades. Please join us in restoring property rights. Please vote Yes on Ballot Measure 37.

(This information furnished by Lee McKoen, Diane McKoen, Robin King.)

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Measure 37 Arguments

Argument in Favor

Phillip DuFresne

I own Big Bear Market. For those of you who are familiar with the Historic Columbia River Highway, you are also likely familiar with our market.

I have been privileged to operate the market for many years. The market has been a part of the community for over thirty years. As you can imagine, over the years the business grew and it became necessary to provide additional services to my customers.

Each time we added onto our building were never informed by Multnomah County that our building actually violated the County's code. In fact, the last time we added onto our building in 1994, the County's planner said our building was in full compliance with the County's code.

And then tragedy struck Big Bear Market in 2003. Part of our building burned to the ground. When the flames were extinguished one would have thought our nightmare was over and we would be allowed to put our lives – and our business – back together. One would be wrong. The fire was only the beginning of our troubles.

Despite the fact that Multnomah County told us in the past that our building was in compliance with the County's code, a new planner at Multnomah County with a political agenda felt otherwise. Despite the fact we had received approvals for our past additions, the County was not going to let us rebuild our business because the rules had changed.

Through no fault of our own tragedy struck the business, and now the County is doing everything it can to see to it that my business remains destroyed, and they are using Oregon's land use laws as their torch.

Ballot Measure 37 will restore fairness and balance to a system dominated by fear and oppression. Ballot Measure 37 will protect small businesses like our from the political will of a few unelected bureaucrats.

Please join me in voting yes on Ballot Measure 37.

(This information furnished by Phillip DuFresne.)

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Argument in Favor

We are the chief petitioners for Ballot Measure 37. This statement is provided in order to instruct and aid the Oregon courts in determining the legislative intent behind Ballot Measure 37, and avoid misinterpretation of the intent of this law, as Oregon courts are known to do.

Voters are told that Ballot Measure 37 creates a large bureaucracy and red tape for property owners. Such claims are false. Ballot Measure 37 does not require any governmental unit to adopt any procedures for addressing Ballot Measure 37 claims. No applicant is required to follow a process conjured up by government. The measure makes this clear. All a property owner has to do is submit a letter or other communication demanding use or just compensation for his property – nothing more. There is no requirement that the state government or the local government adopt any new processes.

Second, voters are being told that the definition of "owner" is ambiguous. The term "owner" includes the current owners of the property. If the current owner sells an interest in her property, so long as the current owner still has a current possessory interest, or a reversionary interest in the property, the provisions of Ballot

Measure 37 apply using the date the current owner acquired the property. Only if a current owner sells all of her interest in a piece of property does the date of acquisition change for purposes of determining what regulations are subject to Ballot Measure 37 protections.

Finally, opponents of Ballot Measure 37 are trying to scare voters into thinking the measure will prevent the state government and local governments from enacting nuisance abatement laws. This is incorrect. Nuisance abatement laws are exempt from Ballot Measure 37 protections, but again, a law that is currently considered a regulation of land use under Oregon law cannot be re-characterized as a nuisance abatement ordinance in order to avoid Ballot Measure 37.

Please vote Yes on Ballot Measure 37.

(This information furnished by Dorothy English, Barbara Prete, Eugene Prete.)

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Argument in Favor

Ruth Pruitt

I purchased my property in Portland over ten years ago. At the time I purchased my property, it was approximately 3.47 acres of land that could be used for industrial or commercial development. My property is prime industrial and/or commercial real estate. It would seem logical, then, that the governor and the City of Portland would want to encourage development on my property.

As you can imagine, the city of Portland wants nothing to do with industrial or commercial development, especially not on my property.

My parcel is not developed. Sometime in late 1993, the City of Portland began slowly – a death by a thousand cuts – encroaching on my property, using easements, zoning overlays, and environmental overlays, taking away my ability to use my own land. Because of the regulations imposed by the city, of the original 3.47 acres of land that I own, only one-half acre of my land is actually usable.

But wait, there is more.

To make matters worse, the City of Portland requires 3.3 feet of wetland mitigation for every 1 foot of development. As a result, it will be impossible for me to do anything on my property except leave my property in "its natural state".

I have had everything taken for me. The entire value of my property has been taken from me by the city of Portland for the public's benefit, but I am being forced to pay for it by myself. The city of Portland has stolen my life savings from me.

When Enron steals your life savings, it's considered theft.

When the City of Portland steals your life savings, its called "new regulation."

Ballot Measure 37 simplifies the process, restores our rights, and most importantly protects the life savings of Oregonians. Please join me in voting yes on Ballot Measure 37.

(This information furnished by Ruth Pruitt.)

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Measure 37 Arguments

Argument in Favor

Ruth Grimsrud

My family has owned property in rural Yamhill County for several years, since 1950 to be exact. In 1997, my father passed away and my sister and I inherited the remainder of the family property. Because of the costs associated with settling my father's estate, my sister and I decided to divide the property, sell one parcel to settle the estate, and keep one parcel for each of us with the intent that we would build homes on our property.

When we divided the property in the year 2000, we specifically described the access points each new parcel would have. **The county approved our plans**, including the new access points for each parcel. We thought the matter was finished.

I was wrong. I am the last person to try to build a home on the new parcels. I have tried to sell my property, but cannot, **because a county employee won't allow me the access the county earlier approved** - he claims that the county's ordinances prevent access to the nearest road. According to the county, I must now construct a bridge by importing several thousand yards of fill dirt into a stream, across my neighbor's property, in order to gain access to my property, at an added expense of several thousands of dollars.

For those of you who are recent homeowners or property owners who don't think Ballot Measure 37 will protect your rights, consider my situation. My access was approved by the county in the year 2000, **and then less than four years later** those rights have been taken from me. If Ballot Measure 37 was the law in Oregon right now, my rights would not have been taken from me.

Please join me in supporting Ballot Measure 37.

(This information furnished by Ruth Grimsrud.)

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Argument in Favor

The Molalla Christian Church

The Molalla Christian Church is a growing church in Molalla whose membership is primarily made up of rural residents of southern Clackamas County. Our present facility has many constraints that limit our ability to grow and accomplish our religious mission, i.e. limited parking, location in a residential neighborhood with no room to expand, and very small rooms for children's classes.

More than ten years ago, the leadership of the church decided that we should locate and purchase a new property that would allow us to build a multipurpose facility that would better accommodate the congregation, and would also allow for enough space for other activities for our youth and the community. In 1997, we purchased a ten acre parcel located outside the Molalla Urban Growth Boundary.

We hired an attorney and started the long, drawn-out process with Clackamas County. The planning department and the County hearings officer denied our application because Oregon's land use system makes protecting farmland more important than religion. We appealed to the Clackamas County Commission, who approved our application based on Federal law.

In what seems to be the standard operating procedure in Oregon, a fringe group that believes "farmland" is the Holy Grail, appealed the County's decision to LUBA. Unfortunately, their appeal was granted.

After two years of litigating this issue we are back at square one. What is really difficult for us to understand is that if we built an identical structure and called it a community center there would be no problem. However, once we started talking about God in the building, we could be prosecuted.

It is unbelievable that in the land of liberty, private property owners, no matter whether you are a farmer, rural resident, or a church, we do not have the right to use our property in a manner to meet our own needs. Ballot Measure 37 will restore those rights.

Please join us in supporting Ballot Measure 37.

(This information furnished by Martin Kirk.)

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Argument in Favor

Endorsing Measure # 37

The Oregon State Grange (OSG) endorses Measure # 37. The OSG has specific policy statements that address the need for government to compensate for loss of use or value of private property. To begin with, OSG policy Le08.90 states; "We are opposed to LCDC's Goal 5, or any similar act, which virtually halts all economic use of property by setting it aside for wildlife habitat, scenic views, wetlands and other public uses without compensation to the owner. Furthermore, if state land use planning arbitrarily changes the use and value of any land, appropriate compensation for the loss of value should be given." Furthermore, policy Le02.95 states, in part; "We will work with State Legislators, the LCDC, and all other pertinent agencies to require that any public institution that condemns property for public use must pay the difference in fair market value..." The OSG's membership is made up of mostly families from smaller communities and rural areas who, know the importance of protecting private property and OSG policy Le05.95 states; "We are against the abrogation of Private property rights and will use any means necessary to return and defend private property rights."

Oregon State Grange
643 Union Street NE
Salem, OR 97301-2462

(This information furnished by John Fine, Oregon State Grange.)

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Argument in Favor

We are the chief petitioners of Ballot Measure 37. This statement is provided in order to instruct and aid the Oregon courts in determining the legislative intent behind Ballot Measure 37, and avoid a situation where the Oregon Courts misinterpret the intent of this law, as Oregon courts are known to do.

Several special interest groups are trying to confuse the voters about Ballot Measure 37. These groups are trying to make Ballot Measure 37 seem much more complicated than it really is.

For instance, opponents of Ballot Measure 37 are distorting the compensation protections of Ballot Measure 37. Through the normal condemnation process, the state government and local governments have an efficient statutory procedure already used to determine just compensation. The process is quick, clean, and extremely efficient and will be the basis for determining just compensation under Ballot Measure 37.

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Next, opponents of Ballot Measure 37 try to confuse the issue of just compensation by claiming it will be impossible to determine what regulations will trigger a property owner's rights under Ballot Measure 37. Again, any land use regulation (as that term is currently defined in Oregon law) enacted after a property owner acquired the property that has the effect of reducing the fair market value of your home will trigger Ballot Measure 37's protections. If, for instance, there are three regulations which reduce a property's value, a property owner can demand use or compensation based upon the effect of any of the three regulations, or based upon the effect of all three regulation, or any combination thereof.

What's more, subject to the statute of limitations in section (5), if a property owner submits demand for use or compensation based upon one regulation, the same property owner is not precluded from later demanding use or compensation based upon regulations that existed at the time the property owner submitted her first demand.

Please join us in voting Yes on Ballot Measure 37.

(This information furnished by Dorothy English, Barbara Prete, Eugene Prete.)

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Argument in Favor

Ollie Wilcox

My name is Ollie Wilcox. I am 75 years old and I own 8.32 acres in Colton, Oregon. I've owned this property since 1965 have always paid by taxes with the idea that in my senior years this property would provide me with a comfortable retirement, which would keep me from being dependent upon the government for support.

All of the other parcels surrounding my property are 2 to 5 acres parcels. My property has the typical urban services such as electricity, city water, access to the road, or fire protection. Further, subdividing my property is supported in my community: 39 of the citizens who live within a quarter-mile of my property signed a petition supporting my application to divide my property. There simply is no compelling reason why my property should not be divided.

My property was intended to be my retirement. And Clackamas County took it from me. When Clackamas County steals your life savings, they hide behind Oregon land use laws. The fact is that Oregon's land use laws are stealing the life savings from Oregon's seniors.

All I want to do is to enjoy the rights I had when I purchased my property nearly 40 years ago. I don't believe that I am asking for too much, nor do I believe that it is unreasonable for Oregonians to expect their property rights to be respected.

Ballot Measure 37 will restore the rights of Oregonians, rights that were taken away by an unfair, unbalanced system. I have been fighting Clackamas County for many years, and I plan to continuing the fight. Ballot Measure 37 will help families avoid losing retirement the way I lost mine. Please join me in voting yes on Ballot Measure 37.

(This information furnished by Ollie Wilcox.)

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Argument in Favor

Dean Grudzinski

I purchased a relatively small parcel in the southwest hills of Portland in 1986. At the time I purchased the property, I could have divided it into three parcels. As far as I knew, the area where my property is located – at the time I purchased the property – planned to be developed as any ordinary Portland neighborhood.

Over the next few years the city of Portland continuously “upzoned” the property across the street from me, allowing significantly higher development densities than originally planned, but beneficial to me nonetheless. After development was completed in my neighborhood, three of the four parcels surrounding my property had been developed - I went from having four neighbors to thirteen neighbors in this period of time.

Then, the city of Portland got involved.

My property was downzoned in 2001, and the city of Portland placed an environmental overlay zone on my property. “Environmental overlay zone” is government-speak for “a home for a fish is more important than a home for your family”. In fact, I received a letter from the city of Portland to that effect.

The other reason my property was downzoned? All of my new “neighbors” liked my property in its natural state and they didn't want to see it developed. These people wanted to keep my property natural so they could enjoy nature and protect their “visual sensibilities”, their “livability”, and their “community aesthetics”.

However, my neighbors don't want to pay for these benefits. They want me to pay for it. And I am.

Everything has been taken from me. Three years later I still have not recovered my rights, and the city of Portland has no intention of restoring them. The only protection homeowners and property owners in Oregon have from having everything taken from them is Ballot Measure 37, which will protect the rights you had at the time you purchased your property.

Please join me in voting Yes on Ballot Measure 37.

(This information furnished by Dean Grudzinski.)

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Argument in Favor

As chief petitioners of Ballot Measure 37, it is necessary to correct the false statements made by groups who oppose common sense reform to Oregon land use system. In addition, this statement is provided in order to instruct and aid the Oregon courts, so to avoid the courts from misinterpreting our intent behind this measure, as the Oregon courts have a habit of doing.

Despite claims to the contrary, Ballot Measure 37 does not prohibit the state of Oregon and/or local governments from adopting laws that regulate public health and safety. In fact, Ballot Measure 37 specifically excludes statutes and regulations like fire codes, building codes, health codes, sanitation codes, solid wastes or hazardous waste regulations and/or codes, pollution control regulations, traffic safety regulations, from being subject to Ballot Measure 37's protections.

It is not our intention that Ballot Measure 37 be interpreted in such a way as to allow statutes, regulations, goals, ordinances or whatever other means of regulation currently defined in statute, regulation, case law etc. as a land use regulation to be

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bootstrapped into the definition of building codes, public health and safety codes, sanitation codes, or public welfare codes, by the courts.

In other words, there currently exists a body of law in Oregon which defines what constitutes regulation of land use. It is those regulations that are subject to the provisions of Ballot Measure 37. The state government and/or local government should not be allowed to rename a land use regulation simply to avoid the protections of Ballot Measure 37.

In sum, it is likely that opponents of Ballot Measure 37 will continue to distort the intent and effect of the measure long after the measure is voted on. Hopefully we the chief petitioners have provided a clarity as to the intent of Section (3)(B) of Ballot Measure 37.

Thank you for taking the time to read our comments. Please join us in supporting Ballot Measure 37.

(This information furnished by Dorothy English, Barbara Prete, Eugene Prete.)

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Argument in Favor

TRUCK DRIVERS SUPPORT MEASURE 37

The Oregon Forest Products Transportation Association urges a yes vote on Measure 37.

Oregon has a long history of family owned timber operations. For decades, timber and agriculture formed the backbone of Oregon's economy. Rural communities and small towns were built around timber harvesting and the jobs it provided.

This proud tradition is alive today. Our members live and work in rural areas and small towns across the state. We work hard for a living, and are proud to be good stewards of the land that we own and which contributes directly to our livelihood.

Because we make our living from the land, we have a deep respect for the right of Americans to own and use their property. We know that without this right, all of our other rights are seriously weakened, and our freedoms are in jeopardy.

We support Measure 37 because it protects private citizens and their property. When regulations change after property is purchased, we suffer, and so do the families and businesses that depend on us.

Without Measure 37, we are at the mercy of extremists who file lawsuits to challenge every job we work and lobby state officials to change the rules to make it impossible for us to stay in business. When this happens, no one wins (except the lawyers).

Measure 37 will make sure that property owners are treated fairly, and that no one is forced to give his land to the state for free. That's not the way things are done in this country.

Please vote yes on Measure 37.

(This information furnished by D.E. Bridges, Oregon Forest Products Transportation Association.)

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Argument in Favor

If you are like most people, your home and property are the most valuable thing you own.

That's why most people are very careful when they buy property. You check to make sure that you can use your land before paying for it. After all, you want to be sure that the property can be used for a home, business, or farm or whatever else you had in mind.

But what happens when the government changes the rules after you purchase your land, and you can no longer use your property as you had planned? In most cases, you lose.

Why? Because a court cannot award you money for the loss of the use of your land until you have submitted enough applications to the government to prove that your land has no value. In some cases, as many as 25 separate applications must be filed.

Each of these applications costs money - in many cases, the cost to submit the applications is more than the value of the property!

In other words, you have to pay multiple application fees to the same government that changed the rules and took away all value of your property, just to get your day in court, and even if you win in court, you don't get your application fees back. What a rip off.

Measure 37 will end this ridiculous game. Rather than making a landowner submit application after application to the government, knowing full well that each application will be denied, Measure 37 sets up a simple process for making your claim for compensation.

If the government takes your land, they should pay you for it, and they shouldn't tie you up in red tape and outrageous fees just so you can have your day in court.

Please vote yes on Measure 37.

(This information furnished by David J. Hunnicutt, Family Farm Preservation PAC.)

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Argument in Favor

Protect Oregon's Family Farm Base and Schools

Rural Schools and Communities Depend on Property Values

Not only do farms and ranches depend on property values, local rural communities depend on the tax base to run local governments and local schools. When government takes private property values, everyone loses.

If it is Free, Then There is Unlimited Demand

Unfortunately, even though the Constitution requires compensation when government takes your land, some governments refuse to pay for what they take. They know that almost no landowner will have the money or stamina to fight a lengthy court battle just to recover the lost value of their land. Because there is little chance that their actions will be challenged, there are no consequences to taking land without paying for it.

We Need a Balance Between the Economy and Preservation

There are some Oregonians who want to stop all land uses on rural lands, and make Oregon one giant public park. We all cherish Oregon's public parks and beaches. But we also need to make sure that farmers, ranchers, and foresters have land to farm and harvest timber. These industries create jobs and tax revenue for struggling Oregon towns and cities.

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By allowing government to preserve areas it wants to protect, and allowing other lands to be used, we strengthen our economy, and provide help for so many Oregonians in depressed areas.

Vote Yes on Measure 37

Measure 37 clears away government hurdles to compensation, and strikes a balance between the economy and preservation. A yes vote on Measure 37 will provide much needed relief for farmers and ranchers, and will strengthen the tax base in all Oregon communities.

(This information furnished by Larry George, Oregon Family Farm Association.)

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Argument in Favor

MEASURE 37 BENEFITS TAXPAYERS

The Taxpayer Association of Oregon (TAO) urges a Yes vote on Measure 37.

Oregon taxpayers would be wise to support Measure 37. In November, 2000, the State of Oregon estimated that the state and local government property regulations took over \$5 billion per year in property value from Oregon property owners.

It doesn't take a rocket scientist to figure out what happens to property taxes when government regulations lower the value of property – the tax revenues go down. Imagine what would happen if the government restored just a fraction of what it took each year.

When state or local governments pass new regulations that lower property values, everyone loses. The property owner loses because his property's value has been destroyed. Cities and counties lose because their tax base goes down. And remaining taxpayers lose because they are asked to pay more taxes to make up the loss resulting from the adoption of the new regulations.

On the other hand, when state or local governments give property owners freedom to use their property, everyone wins. The property owner realizes his investment. Cities and counties have a new source of revenue. Jobs are created for Oregon residents. And remaining taxpayers aren't asked to support higher and higher tax increases.

It doesn't matter whether you are a renter or a homeowner. When the property tax base shrinks because more property is taken off the tax rolls by property restrictions that destroy its value, **we all pay more.** What a rip off.

We believe in Oregon property owners, and we trust that they will make wise use of their property, if they are just given the opportunity. That's why we support Measure 37.

For more information on protecting your property rights, go to www.oregonwatchdog.com.

Please vote yes on Measure 37.

(This information furnished by Jason Williams, Taxpayer Association of Oregon.)

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Argument in Favor

Private property is one of the most basic freedoms spoken of in the Bible. The 8th Commandment prohibits theft. The case laws in Exodus 21-23 require restitution to owners of property stolen or damaged by others. Deuteronomy 27:17 requires God's people to affirm private property rights or be cursed ("Cursed be he that removes his neighbor's landmark. And all the people shall say, Amen."). Clearly, private property is to be protected by the government.

This stress found its way into the formation of our country. Thomas Jefferson's inalienable rights of "life, liberty and the pursuit of happiness" were a recasting of John Locke's "life, liberty and property." Our happiness is tied to the right use of our property. So, our founding fathers placed a high wall of protection around these rights. The Bill of Rights includes the "right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures."

English common law, the basis for our national Constitution, allowed governments to take private property when needed for public purposes. This is called "eminent domain." But **it insisted that the owner be paid for the land taken.** Sometimes the government's actions don't result in a total taking of someone's property. The government may rezone your land, restrict your right to use the trees on it, etc. In these cases, this Measure would ensure that you be paid for the loss of value that you have suffered at the hands of the government.

Good men may disagree whether eminent domain is appropriate in a Christian society. But all should agree that the State should recompense the owner for property taken. **And the State should recompense the owner for whatever reduction in value the State's actions create.** We thus recommend a Yes vote on Measure 37.

Dennis Tuuri for the Parents Education Association
Box 847, Canby, OR 97013 503-263-8337 peapac.org

(This information furnished by Dennis Tuuri, Executive Director, Parents Education Association.)

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Argument in Favor

\$\$\$ MAKE MONEY FAST WITH MEASURE 37! \$\$\$

WE ARE LOOKING FOR PROPERTY OWNERS WHO WANT TO CAPITALIZE ON MEASURE 37! WHEN PASSED, THIS MEASURE WILL ELIMINATE ALL ZONING AND ENVIRONMENTAL PROTECTION IN PROPERTIES ACROSS OREGON.

We need:

1. Homes in high-income neighborhoods where we can open new **RESTAURANTS, STRIP MALLS, and NIGHTCLUBS.**
2. Homes in rural neighborhoods to locate **ADULT ENTERTAINMENT BUSINESSES** such as swingers' clubs, lingerie shows, and male-only bathhouses.
3. Homes in any area for textile-processing **FACTORIES** and medium-security **DETENTION FACILITIES.**
4. Farmland in any area for rapid development of **WASTE PROCESSING** and maximum-security private **PENITENTIARY SYSTEMS.**
5. Timberland in any area for **LOGGING, OPEN-PIT LEACH MINING, and SUB-DIVISION.**

Measure 37 Arguments

I am a land speculator originally from Southern California. My team and I can match your property with aforementioned businesses for FAST PROFIT. As Measure 37 can eliminate ALL zoning, we are interested in any property, regardless of current zoning, proximity to schools, or environmental safeguards.

Oregon residential areas offer prime targets for development of exciting "in-neighborhood" businesses, including retail, adult, small-scale industrial, and gaming & gambling. Measure 37 may open up all residential areas to such profitable ventures.

PLEASE CONTACT US ASAP AS THIS IS A LIMITED TIME OFFER. IT IS NECESSARY TO ACT BEFORE THE MONEY RUNS OUT - TAXPAYERS MUST FOOT THE BILL TO PAY OFF CLAIMANTS TO ABIDE TO LOCAL ZONING. THIS WILL COST 100s OF MILLIONS ANNUALLY (AND THIS IS WHERE WE WILL GET OUR MONEY!)

MEASURE 37: GET YOURS WHILE THE GETTING'S GOOD!

<http://www.GetRichQuickWithMeasure37.com>

<http://www.GetRichQuickWithMeasure37.com>

<http://www.GetRichQuickWithMeasure37.com>

(This information furnished by Peter Bray.)

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2. Homes in rural neighborhoods to locate ADULT ENTERTAINMENT BUSINESSES such as swingers' clubs, lingerie shows, and male-only bathhouses.
3. Homes in any area for textile-processing FACTORIES and medium-security DETENTION FACILITIES.
4. Farmland in any area for rapid development of WASTE PROCESSING and maximum-security private PENITENTIARY SYSTEMS.
5. Timberland in any area for LOGGING, OPEN-PIT LEACH MINING, and SUB-DIVISION.

I am a land speculator originally from Southern California. My team and I can match your property with aforementioned businesses for FAST PROFIT. As Measure 37 can eliminate ALL zoning, we are interested in any property, regardless of current zoning, proximity to schools, or environmental safeguards.

Oregon residential areas offer prime targets for development of exciting "in-neighborhood" businesses, including retail, adult, small-scale industrial, and gaming & gambling. Measure 37 may open up all residential areas to such profitable ventures.

PLEASE CONTACT US ASAP AS THIS IS A LIMITED TIME OFFER. IT IS NECESSARY TO ACT BEFORE THE MONEY RUNS OUT - TAXPAYERS MUST FOOT THE BILL TO PAY OFF CLAIMANTS TO ABIDE TO LOCAL ZONING. THIS WILL COST 100s OF MILLIONS ANNUALLY (AND THIS IS WHERE WE WILL GET OUR MONEY!)

MEASURE 37: GET YOURS WHILE THE GETTING'S GOOD!

Measure 37 Arguments

Argument in Opposition

Ballot Measure 37 is complex. Do not be deceived by the concept of compensation. Everyone wants government to compensate for its actions in some manner. But there are some key points in this proposal that cause us to ask for your NO vote.

It reaches back at least three generations and requires the current owner to determine what, if any, land use restrictions were in place when grandpa and grandma acquired the property. Is it even possible to go back to the early 1900's and know what land use restrictions existed? Many counties and cities do not have records that far back. It is wrong to try to go back to past generations. Yet this measure clearly defines family members of current owners and allows the current owner to go back to what was in place when their grandparents acquired the land and it has stayed in the family.

It requires the Oregon government entity to pay for loss of land value because of the restrictions they place on the land, unless they simply remove the restrictions. There is no funding provided, or mechanism for finding funding. With no money to pay the compensation, the only recourse the government entity has is to remove the restriction. So an owner can put a development on the land that is clearly not compatible with surrounding land uses, creating a hodgepodge of land use that Oregonians have tried to avoid with the concept of land use planning.

Remember also that many land use restrictions come from Federal regulations and are not affected by this measure.

The primary loss to Oregon would be farmland, forestland and open space. Currently limited in use, that protection disappears as counties are unable to compensate when the current owner wants to subdivide into small parcels and put buildings on the parcels that could have been done a hundred years ago.

(This information furnished by Fritz Ellett, Hood River County Farm Bureau, Wasco County Farm Bureau.)

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Argument in Opposition

County Farm Bureaus Oppose Measure 37

We represent hundreds of family farmers throughout Oregon who are opposed to Measure 37.

Why?

Because Measure 37 is so poorly written it will put many farmers out of business by increasing taxes and rolling back the safeguards that protect Oregon's farmland from overdevelopment.

As farmers, we are property owners who work on the land every day. We deal with government and all its processes and procedures, every day. We can't afford the additional layers of paperwork, bureaucracy, lawsuits and costs associated with Measure 37.

Measure 37 is going to make it harder for farmers to farm and more difficult for Oregonians to protect farmland from overdevelopment.

Please join us in voting No on Measure 37.

**Benton County Farm Bureau
Clackamas County Farm Bureau
Grant County Farm Bureau
Hood River County Farm Bureau
Jefferson County Farm Bureau
Lane County Farm Bureau
Linn County Farm Bureau**

**Marion County Farm Bureau
Polk County Farm Bureau
Tillamook County Farm Bureau
Wasco County Farm Bureau
Washington County Farm Bureau
Yamhill County Farm Bureau**

(This information furnished by Larry Wells, Marion County Farm Bureau.)

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Argument in Opposition

Protect Private Property Rights Vote NO on Measure 37

Homeowners from across Oregon oppose Measure 37

The single most important investment many of us ever make is buying a home. For us, our home and property are the most valuable things we own.

But what will happen to your home or your property when government can change the regulations and rules as they go along?

Measure 37 is so poorly written that it allows government to decide one thing for your neighbor's property and something totally different for yours.

And that's just wrong. Treating homeowners and property owners fairly is the foundation of our country.

What's more, Measure 37 will eliminate any notice requirement to neighbors if government decides to allow some property owners to tear down, rebuild, or develop their property. That's not fair either.

What's worse? While Measure 37 creates inequities for home and property owners, and removes notice provisions, it adds more layers of government administration and red tape.

The Secretary of State, Director of Revenue, Treasurer and Director of Administrative Services issued a Financial Impact Statement that concluded Measure 37 will cost as much as \$344 million annually, just for administration. That's before a single property owner sees a dime.

And who's going to pay for it when the measure itself provides no new revenue?

We are. Homeowners, property owners and taxpayers. That's just not fair.

(This information furnished by Morgan Allen, No on 37 - Take A Closer Look Committee.)

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Argument in Opposition

Small and Locally Owned Businesses Urge you to Vote "NO" on Measure 37

All across Oregon, small and locally owned businesses are struggling to recover from our recent economic downturn. And Oregon's economy still faces many challenges. The last thing we need is more uncertainty, more costs, and more hurdles that make it harder for our companies to do business.

If Measure 37 passes it will have serious consequences for every Oregon business.

Measure 37 Arguments

- **Measure 37 will create new layers of red tape at every level of government**

This measure is so complex and vague that it will require a new layer of government regulation and even more steps to get approval of basic things like building permits. More bureaucracy makes it tougher to do business in Oregon.

- **Measure 37 will cost taxpayers and businesses up to \$344 million dollars a year just to pay for the new paperwork, procedures and processes that this measure mandates**

And no one knows what the final price tag will be. The state's own financial impact statement concludes that the final cost to businesses and taxpayers cannot be determined.

- **Measure 37 provides no new revenues to pay for all this administration and bureaucracy**

Measure 37 will cost Oregon taxpayers and businesses too much by creating too many processes and procedures. More costs, more red tape, and more bureaucracy will discourage businesses from locating in Oregon.

Support your locally owned businesses and vote "NO" on Measure 37

BOORA Architects
Portland

Carter MacNichol
Sheils Oblatz Johnsen
Portland

Tillamook County Creamery Association

Mike Hollern
Brooks Resources
Bend

Mike Roach and Kim Osgood,
Co-Owners
Paloma Clothing
Portland

Kurt Schrader
Clackamas County Veterinary Clinic
Oregon City

Colleen French
Ozone Café
Portland

Lynn Lundquist
BarLynn Ranch
Powell Butte

Shannon Rose
Realtor
Washington County

Susan Sokol Blosser
Sokol Blosser Winery
Dundee

Sean Cruz
Real Estate Broker
Portland

Stan Amy
New Villages Group
Portland

Lonn Hoklin
Suasion
Tigard

Betsy Imholt
Time and Space Consulting
Aurora

(This information furnished by Mike Roach, Co-Owner, Paloma Clothing.)

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Argument in Opposition

Governor Ted Kulongoski (Democrat)

& Former Governor Victor Atiyeh (Republican) both agree:

"Measure 37 is Wrong for Oregon."

For over forty years we've watched Oregon grow and change. We've seen ballot measures that make Oregon a better place, and ballot measures that hurt Oregon.

Measure 37 will hurt Oregon.

Measure 37 has a simple but misleading ballot title. It implies it will protect property rights, but in reality it offers no guarantees

for property owners. It provides only one guarantee – new administrative procedures and more paperwork for property owners. The last thing Oregonians need is more useless, time-consuming and costly government rules and regulations. As Governors during some of Oregon's toughest economic times, we know first hand the costs of red tape and unnecessary paperwork.

Measure 37 is so full of fine print, and so poorly written, that the Secretary of State's financial impact statement says it could cost up to \$344 million a year for new local and state government paperwork and administration – and that's before a single property owner sees a dime.

Where will the money come from?

The measure summary itself "provides no new revenue."

We know from experience that to create more jobs and protect our quality of life, we need a government that works. Oregon's Attorney General has already warned that this initiative is full of "uncertainty," with several areas of "significant dispute." (Department of Justice memorandum, July 19, 2004.)

As Governors, we are very concerned that Measure 37 will paralyze permit processes, tie up our legal system and cost you money.

Please join us in voting NO on Measure 37.

**Governor Ted Kulongoski
Democrat**

**Former Governor Victor Atiyeh
Republican**

(This information furnished by Governor Ted Kulongoski.)

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Argument in Opposition

ESTIMATED COST TO TAXPAYERS

Measure 37 will cost taxpayers up to \$344 million per year to administer.

"The measure would require state administrative expenditures to respond to claims for compensation of between **\$18 million and \$44 million per year.**

The measure may require compensation to landowners. The amount of state expenditures needed to pay claims for compensation cannot be determined...

The measure would require local government administrative expenditures to respond to claims for compensation of between **\$46 million and \$300 million per year.**

The measure may require compensation to landowners. The amount of local government expenditures needed to pay claims for compensation cannot be determined..."

Estimate of Financial Impact, July 22, 2004

As Oregon's state auditor and chief financial officer, we serve on the Financial Impact Committee that researched the costs of Measure 37. Please consider the costs to taxpayers when voting on Measure 37.

Bill Bradbury
Oregon Secretary of State
Fiscal Impact Committee
member

Randall Edwards
Oregon State Treasurer
Fiscal Impact Committee
member

(This information furnished by Bill Bradbury, Oregon Secretary of State.)

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Measure 37 Arguments

Argument in Opposition

Former Oregon Judges Urge Voters To Take A Closer Cook At Measure 37

As former judges we know first hand how a poorly written and complicated measure can lead to lawsuits, uncertainty and increased costs.

Measure 37 is just too complex and vague. Under this measure the government gets to choose who gets paid and who does not. The measure doesn't say how government will make those decisions, who in government will make them, or that government must make the same decision for all property owners.

If this measure becomes law, government could decide one thing for your neighbor's property and something totally different for yours.

Measure 37 will cause endless lawsuits, paralyze local government permit processes, and tie up our court system. All of which will increase costs to taxpayers.

We urge your "No" vote on Measure 37.

Betty Roberts
Justice
Oregon Supreme Court
1982-1986

Jacob Tanzer
Justice
Oregon Supreme Court
1980-1983

William L. Richardson
Chief Judge & Judge
Oregon Court of Appeals
1978-1997

(This information furnished by Jacob Tanzer.)

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Argument in Opposition

THE LEAGUE OF WOMEN VOTERS OF OREGON OPPOSES MEASURE 37

MEASURE 37 IS NOT IN THE PUBLIC INTEREST

This measure forces state and local governments to make a choice they shouldn't have to make. Either pay landowners to comply with current regulations and processes that protect our neighborhoods, farmland, wildlife, and open space, OR allow landowners to violate those regulations. **TAXPAYERS LOSE EITHER WAY.**

MEASURE 37 WILL LEAD TO NON-ENFORCEMENT OF LAND-USE LAWS

Oregon's land-use system has been regarded as a model across the country for over thirty years. We only have to look at the uncontrolled development in other states to appreciate what this legacy has meant to our quality of life. As Oregonians we care deeply about managing growth, planning for development, preserving rural lands, and protecting our scenic vistas. Because Measure 37 will undoubtedly lead to non-enforcement of our land-use laws, it seeks to undo all that we have accomplished, and we become one of those "other" states. **LAND USE REGULATION PRESERVES OREGON FOR ALL OREGONIANS.**

WE CAN'T AFFORD IT

To deal with possible claims, Measure 37 will require new processes, procedures and paperwork for every governmental

entity in the state. The Financial Impact Statement estimates that Measure 37 will result in direct administrative costs of up to \$344 million per year even before paying a single claim. With budgets so tight, do we really want to make additional cuts in schools and services to add more bureaucracy to our government?

The League of Women Voters of Oregon urges you to VOTE NO on Measure 37. PROTECT OUR POCKETBOOKS AND OREGON'S LIVEABILITY.

(This information furnished by Margaret Noel, President, League of Women Voters of Oregon.)

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Argument in Opposition

Oregon Farmers & Nursery Owners Oppose Measure 37

We are property owners from all over Oregon who depend on the land for our livelihood. Our land is our single greatest investment – our families, workers, and Oregon's economy rely on us.

Measure 37 threatens our property.

How?

Measure 37 is so poorly written it will allow government to decide one thing for your neighbor's property and something totally different for yours. That means one thing – lawsuits. As farmers and nursery owners we cannot afford stalled permit processes, uncertainty and years of litigation. We believe Measure 37 will put some farmers and nursery owners out of business.

More troubling is the fact that no one knows the total cost of Measure 37. The financial impact statement estimates it could cost up to \$344 million a year just for new local and state government paperwork and administration. And, that's before a single lawsuit.

But one thing is clear, **Measure 37 provides no new revenue.**

In today's world farmers and nursery owners need predictability and certainty. Measure 37 is costly, confusing, and full of uncertainty.

We urge you to vote **NO** on Measure 37.

Oregon Agricultural Alliance

(This information furnished by Scott Ashcom, Oregon Agricultural Alliance.)

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Argument in Opposition

OREGON SENIORS ARE VOTING NO ON 37

Too Much New Government, Too Many New Costs

One of the ways you can tell good ideas from bad ideas or, in this case, good public policy from bad public policy, is to look first at the facts, and then at who comes to the table in support or opposition to a measure.

The facts in this case are pretty clear. The state fiscal impact analysis says Measure 37 will cost up to \$344 million a year just in layers of new government. and nobody can tell how much it

Measure 37 Arguments

will cost in the end.

Money's already too tight and services are already stretched too thin. The last thing we need is more costs to taxpayers and more layers of government standing between people and the services they need, and deserve, from our government.

Measure 37 is a bad idea.

It costs too much, creates too many layers of new government and will lead to too many lawsuits.

We ask Oregonians to join thousands of seniors in Voting NO on 37.

**Gray Panthers
Oregon Alliance for Retired Americans
Oregon Association for Retired Citizens**

(This information furnished by James Davis, Oregon Association for Retired Citizens, Gray Panthers.)

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Argument in Opposition

NEIGHBORHOOD ASSOCIATIONS OPPOSE MEASURE 37 It's costly, complex and unfair

We are a coalition of 20 neighborhood associations.

We oppose Measure 37 because it will cost taxpayers \$344 million in administrative costs alone. We oppose creating more government processes, procedures and paperwork. We oppose putting the interests of a few large landowners over the values of fairness and citizen involvement. We oppose making taxpayers pay others to obey the laws we all live by.

Measure 37 does nothing to protect neighbors from the harmful effects of development. In fact, if Measure 37 passes government will no longer be required to provide notice to neighbors before certain property owners build something that doesn't comply with current land use and zoning requirements.

Measure 37 will undermine our right to participate in local decisions that affect our neighborhoods. We have worked hard for over 35 years to ensure that citizens have a voice in decisions about development. Citizen participation is meaningless if governments can arbitrarily choose to waive quality-of-life protections. **Measure 37 is so poorly written that it would be bottled up in the courts for years while our property values hang in the balance.** With money so tight, we can't afford it.

Join us in saying NO to this unworkable measure and say yes to citizen involvement, accountable government, and protections for our quality of life.

WE URGE YOU TO VOTE NO ON 37!

Southeast UPLIFT Neighborhood Program
Linda Nettekoven, Co-Chair

Southeast UPLIFT Neighborhood Program,
Scott Vala, Co-Chair

Brentwood-Darlington Neighborhood Association

Sunnyside Neighborhood Association
Aaron Ernst, Chair

Buckman Community Association
Susan Lindsay, Chair

Center Neighborhood Association

Mt. Scott-Arleta Neighborhood Association
Jim Williams, Chair

Southeast Uplift Neighborhood Program
Land Use and Transportation Committee
Paul Loney, Chair

Brooklyn Action Corps
Emily McKinnon, Chair

Creston-Kenilworth Neighborhood Association,
Benjamin Hazelton, Chair

(This information furnished by Linda Nettekoven, Southeast UPLIFT Neighborhood Program.)

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Argument in Opposition

Oregon Recreation & Park Association Opposes Measure 37

The Oregon Recreation & Park Association (ORPA) strongly opposes Measure 37. ORPA is an organization with over 650 professional members, citizens and community advocates that provide park and recreation services throughout Oregon.

ORPA opposes Measure 37 for the following reasons:

1. Measure 37 is poorly written and consequently **taxpayers will have to pay costly legal fees** to clarify its meaning through the courts.
2. The state's own fiscal impact statement says **Measure 37 will cost taxpayers up to \$344 million annually**, just to process the new bureaucracy and paperwork required by Measure 37.
3. In addition, based on how Measure 37 is written, **no one knows what the cost will be to taxpayers** to fully implement it.
4. Measure 37 provides **no new revenue** to pay for the costs to taxpayers, thereby, increasing the tax burden on Oregon citizens.
5. Measure 37 severely **limits the ability of local communities to acquire land for public park development** by artificially driving up the price of land and draining local budgets.

Measure 37 will harm public parks and recreation services throughout the state. The severe budget impact caused by Measure 37 would seriously limit local citizens' ability to make decisions about their own community. It will take the important decisions about community park and recreation services from citizens and give the decision-making power to costly attorneys.

**Protect Oregon's Public Parks
Vote NO on Measure 37**

Oregon Recreation & Park Association

(This information furnished by Frank Jagodnik, Executive Director, Oregon Recreation and Park Association.)

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Argument in Opposition

Local Community Leaders Oppose Measure 37

As Mayors, we're responsible for the day-to-day details of making government work for you. We work to keep your communities healthy and safe, with family wage jobs, good schools

Measure 37 Arguments

and affordable housing.

Measure 37 will make it tougher to do our job.

Why? It's pretty simple. According to the financial impact statement done by the State of Oregon, Measure 37 will cost up to **\$344 million annually** in paperwork and administrative expenses for governments around the state. And there may be other costs that cannot be determined. So no one knows the total cost of this measure.

Where will the money come from? Measure 37 "provides no new revenue source for payments." With budgets so tight already, we can't afford Measure 37.

Please join us in voting No on Measure 37.

Alan W. DeBoer, Mayor of Ashland
Rob Drake, Mayor, City of Beaverton
Helen Berg, Mayor of Corvallis
Jim Fairchild, Mayor of Dallas
Richard Kidd, Mayor of Forest Grove
Charles Becker, Mayor of Gresham
Eugene Grant, Mayor Happy Valley
Tom Hughes, Mayor of Hillsboro
Jim Lewis, Mayor, City of Jacksonville
Todd Kellstrom, Mayor of Klamath Falls
Judie Hammerstad, Mayor, City of Lake Oswego
Lindsey Berryman, Mayor of Medford
Lori Hollingsworth, Mayor of Lincoln City
Alice Norris, Mayor of Oregon City
Vera Katz, Mayor of Portland
Linda Malone, Mayor of Sandy
Ken Hector, Mayor of Silverton
David Dodds, Mayor of West Linn
Charlotte Lehan, Mayor of Wilsonville

(This information furnished by Rob Drake.)

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Argument in Opposition

As a lifelong Oregonian, I urge you to take a closer look at Measure 37, its unanswered questions, costs and bureaucracy.

Since Governor Tom McCall appointed me to the Livable Oregon Commission, I have spent my career working with Oregonians to protect the quality of life in their neighborhoods as well as national treasures like the Columbia River Gorge and Mt. Hood. In Congress, I've been privileged to help the federal government learn from the Oregon experience how to be a better partner with local communities, working with them to manage special places and balance growth with private property rights and environmental protections that benefit us all.

I am proud of the Oregon land use planning program. Since its inception in 1973, rural and urban Oregonians have worked closely together to make it better, responding to changing circumstances and new opportunities. Now, more than thirty years later, our pioneering land use system remains one of the best in the United States, attracting world wide attention and praise.

Is it perfect? Are we finished? Absolutely not, because Oregon is dynamic and growing. But as we work to make our land use planning program better, we need to do it the Oregon way--together. What we can't afford is an expensive, complex, and bureaucratic fix that creates more problems than it solves.

I urge you to join me in rejecting this poorly-thought-out and untried proposal. One of the lessons we've learned over the past thirty years is that we need to make changes carefully, know what we are doing, and understand what the outcomes will be. Our homes, our businesses and our special places are simply

too precious to put at risk. Working together, we can continue to make craft a land use program that meets the needs of all Oregonians.

Thank you for taking a careful look. I hope you will join me in voting No on 37.

Earl Blumenauer

(This information furnished by Congressman Earl Blumenauer.)

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Argument in Opposition

Dear Oregon Taxpayer,

My name is Pete Sorenson, an elected Lane County Commissioner. I grew up in Coos County, graduated from the University of Oregon, ran a private law firm, and served as an elected Oregon State Senator. **As a County Commissioner, I am deeply involved in the administration of Oregon's land use laws. These laws, some of the most progressive in the United States, are crucial to maintaining our environment and high quality of life. It is from my experience working with these laws as a former practicing attorney and as a former State Senator, that I oppose this ballot measure.**

Passing this measure will cost Oregon taxpayers money and hurt farmers. To comply with the measure it will cost Oregon taxpayers up to \$344 million annually. These costs will result from increased government employees to research and process claims and from increased costs of litigation.

This measure provides no new sources of revenue to pay for the land. Because this ballot measure does not provide revenue, cities and counties will be forced to make cuts in places like law enforcement, drug rehabilitation, and education. With the recent cutbacks to local and state budgets, we cannot afford these cuts.

This measure means more litigation and lawsuits. The Attorney General's office has warned of "uncertainties" and ambiguities in the bill. These "uncertainties" mean more lawsuits that will cost the public money and time that could be spent in other more productive ways.

Passing measure 37 means more taxes, more red tape, and more lawsuits. Please join me in voting NO on Measure 37.

Thank you,
Pete Sorenson

PS - If you have any questions about the seriousness of this measure and why I oppose it, please contact me PO Box 10836, Eugene, Oregon 97440 or by calling me at (541) 485-6726 or by sending me an email at sorenson2004@juno.com

(This information furnished by Peter Sorenson.)

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Argument in Opposition

VOTE NO ON MEASURE 37

The American Institute of Architects Oregon Chapter is made up of individuals from throughout the state who depend on development and construction. We believe that measure 37 is an attack on the orderly development that is important for the quality of life enjoyed by Oregonians.

Measure 37 Arguments

MEASURE 37 WILL DISCOURAGE INVESTMENT IN OREGON

Taxpayers can't afford the potential costs imposed by measure 37, and the alternative under 37 is to "forgo enforcement" of our land use regulations. A business needs to know that investment in a new factory or office will be secure before that investment will be made. Our land use regulations provide this security; measure 37 takes it away.

MEASURE 37 WILL UNDERMINE HOME AND NEIGHBORHOOD VALUES

Our land use regulations provide stability for home values and neighborhood livability. Investment in home and neighborhood improvement will be discouraged if one property owner can decrease neighbors' property values by turning a home into a commercial use. Would anyone pay you as much for your home if your neighbor could decide next week to sell used cars in the front yard?

MEASURE 37 IS UNFAIR AND DECEPTIVE

Economic windfalls will go to a few large landowners while taxpayers foot the bill and face uncertainty in the value of their homes, neighborhoods and businesses. Large timber, mining and development interests will be released from protecting the environment while the rest of us face higher taxes, instability and uncertainty.

MAINTAIN THE VISION THAT MAKES OREGON SPECIAL

The citizens of Oregon have worked for many years for orderly development that protects the livability of our neighborhoods and safeguards citizens' investments in property. We can continue to improve land use regulation to serve the citizens of Oregon without using Measure 37 like a wrecking ball that would also demolish everything good about our land use regulations.

PLEASE JOIN US TO VOTE NO ON MEASURE 37

American Institute of Architects Oregon Chapter

(This information furnished by Jonathan Stafford, 2004 President, American Institute of Architects Oregon Chapter.)

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Argument in Opposition

Oregon's Wineries and Grapegrowers Urge Oregonians to Reject Measure 37

Our story is a true Oregon success story. Oregon's farmland preservation laws have helped to protect the land we rely on to grow, make, and market some of the world's best wines. Oregon wines are now recognized and respected around the world, and tourists come to visit us, taste our wines, and enjoy the beauty of our state. We've created an industry that employs thousands of Oregonians and pumps millions of dollars into our state and local economies.

You don't have to be a wine drinker to appreciate the economic contributions the wine industry brings to our state.

But Ballot Measure 37 is a direct threat to the livelihood of grapegrowers, wineries and farms throughout Oregon.

Measure 37 jeopardizes our land, our industry, and puts thousands of jobs at-risk

Measure 37 creates unnecessary procedures and processes and will give government the choice of eliminating farmland protections. State and local government will need to create new procedures to process claims and research development standards that existed on land going back more than 50 years.

Measure 37 will lead to more lawsuits and litigation. There are no limits to the number of claims and lawsuits that can be filed under Measure 37. Our businesses and our lands can't afford more legal uncertainties and ambiguities.

Measure 37 puts our economic success story at risk.

Oregon's wine industry has helped create good paying jobs throughout Oregon. We're proud of our contribution to our state and local economies. But Measure 37 will make it more difficult for us to do business and continue supporting Oregon's economic recovery.

Help preserve "vintage" years for Oregon's farmlands and economy

Please join us in voting "NO" on 37

David Adelsheim
Adelsheim Vineyard

Doug Tunnell, Proprietor
Brickhouse Vineyards

Michael Etzel
Beaux Freres Winery

Harry Peterson-Nedry
Chehalem

Dick and Nancy Ponzi
Ponzi Vineyards

Eric Lemelson
Lemelson Vineyards

Eyrie Vineyard

Oregon Winegrowers Association

(This information furnished by Eric Lemelson, Lemelson Vineyards.)

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Argument in Opposition

TEACHERS, PARENTS, AND SCHOOL SUPPORTERS OPPOSE MEASURE 37

With Money So Tight Already, What's Going to Happen to Education?

We've all seen the unfortunate headlines about shortened school years and districts closing days and even weeks early. Our public schools have suffered staff reductions and program cuts across the board. As teachers, parents, and school supporters we have seen the devastating impacts these cuts have on our students and in our classrooms.

Measure 37 costs too much, will force more cuts to education, and takes needed resources out of our classrooms. Our schools and our students can't succeed with fewer school days and less money.

- **Measure 37 will drain badly needed resources from our schools**

We need our tax dollars to go directly into the classroom. We don't need more paperwork and processes that have nothing to do with educating Oregon's children. If Measure 37 passes, it will cost taxpayers up to \$344 million dollars a year and put Oregon's schools at risk for another round of budget cuts.

- **Measure 37 creates more uncertainty and instability for schools**

The last thing our schools need is more uncertainty. Oregon's schools need stability and every child in Oregon deserves a full school year and reasonable class sizes. Measure 37 jeopardizes our ability to provide a quality education for Oregon's children.

- **Measure 37 will lead to more lawsuits and litigation**

No one can say how much Measure 37 will cost in the long run. But it will lead to more litigation and lawsuits. That's money that will have to come out of other budgets like public education. The schoolchildren of Oregon will get shortchanged...again.

Measure 37 Arguments

Measure 37 costs too much and it's just too risky for education.

Vote NO on Measure 37.

Oregon Education Association
American Federation of Teachers—Oregon
Oregon PTA
Coalition for School Funding Now

(This information furnished by Chris Coughlin.)

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Argument in Opposition

Oregon's Conservation Community Opposes Measure 37

Measure 37 is a costly bureaucratic can of worms that will drain Oregon's precious tax dollars at a time we can least afford it.

Measure 37 also threatens Oregon's Conservation Legacy

For thirty years, Oregon has built a legacy of using land use safeguards to protect farmland from overdevelopment. We have promoted responsible growth in our cities, while making sure Oregon's prime farmland continues to grow food and crops – helping the economy and environment at the same time.

This measure is a sneaky way to roll back those safeguards for the benefit of a few.

How? By making it impossibly expensive for the state and cities to maintain farmland zoning.

Read the fine print. Measure 37 allows for claims based on regulations passed decades ago, so up to one-half of our prime farmland could see claims. Unless taxpayers come up with hundreds of millions of dollars – or more – we'd see strip malls and big box stores sprouting from our farmland instead of the crops that feed us.

And the measure offers no standards, so **government could decide one thing for your neighbor's property and something totally different for yours.** Big corporations and special interests would see the benefit, while ordinary taxpayers would pay the bill.

Of course, even if we let our farmland get paved over, this measure will still cost taxpayers hundreds of millions of dollars just for all the administrative costs, bureaucracy, and lawsuits it would trigger to figure out who's owed what, going back decades.

That's why conservation groups have joined with farmers, businesses, and unions to oppose Measure 37. Join us in voting NO.

The Trust for Public Land
Friends of the Columbia Gorge
Oregon Environmental Council
Coalition for a Livable Future
Oregon Council Trout Unlimited
Oregon League of Conservation Voters
Oregon Shores Conservation Coalition
Oregon State Public Interest Research Group (OSPIRG)
Sierra Club
Tualatin Riverkeepers

(This information furnished by Jonathan Poisner, Executive Director, Oregon League of Conservation Voters.)

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Argument in Opposition

AMERICAN FARMLAND TRUST OPPOSES MEASURE 37

Measure 37 Would be Costly and Unfair

American Farmland Trust works in Oregon and across the country to protect agricultural lands and to support their management in a way that is friendly to the environment. We oppose Measure 37 because:

- **Measure 37 creates uncertainty and litigation over land use issues that will make it ever more difficult for farmers to buy and own land.**
- Measure 37 will result in unfair and uneven application of the land use laws that will fragment our agricultural communities and make farming more difficult and less profitable.
- Measure 37 undermines Oregon's laws that protect farmland from overdevelopment, and thereby threatens Oregon's agricultural heritage.
- **Measure 37 creates government bureaucracy and red tape that will result in increased taxes making it even more difficult for farmers to stay in business.**

If Measure 37 becomes law, small family farms in Oregon will suffer. It will become more difficult for new farmers to enter the farming business. A few large, wealthy land-rich farmers who can work the system and hire lawyers might benefit in the short-term by selling off their holdings for development or taking advantage of Oregon taxpayers. But most smaller family farms will suffer. The long-term impact will be to destroy Oregon's wonderful agricultural economy

Please Vote NO on Measure 37

American Farmland Trust

(This information furnished by Don Stuart, American Farmland Trust.)

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Argument in Opposition

OREGON NURSERY OWNERS AND OPERATORS OPPOSE MEASURE 37

As owners and operators of nurseries, we urge you to VOTE NO ON MEASURE 37 so our industry can continue to thrive and provide jobs for Oregonians.

Nurseries in Oregon are mostly small, owner-operated firms, but our industry is making a big contribution to our state's prosperity. Oregon's fast growing nursery industry is now the largest contributor to our state's \$3.5 billion agricultural economy. In 2002 Oregon trailed only California and Florida in total horticultural production, with a record \$727 million in sales – the 12th straight year of increased sales.

Unlike many other agricultural commodities, most of Oregon's nursery products are grown in counties that also have large urban populations. The top five nursery producing counties in the state are Marion, Clackamas, Washington, Yamhill and Multnomah Counties.

By protecting our industry's land base from uncontrolled urban sprawl, Oregon's land use and farmland protection laws have enabled nurseries to flourish, even in the face of rapid population growth. These laws have been essential to maintaining the basic livelihood of thousands of Oregonians who earn their living in nurseries and other agricultural operations.

Measure 37 Arguments

MEASURE 37 WOULD HARM OREGON'S NURSERIES

Measure 37 hurts nursery operators and taxpayers by creating layers and layers of new government processes and procedures and rolling back the safeguards that protect Oregon nursery land from over-development. **That's why nursery owners and operators from across the state urge Oregonians to Vote No on Measure 37.**

Alice Doyle and Greg Lee
Log House Plants
Cottage Grove

Bob Iwasaki
Nurseryman
Washington County

Rod Park
Park's Nursery
Gresham

Blooming Nursery
Washington County

Egan Gardens
Salem

(This information furnished by Rod Park, Park's Nursery.)

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Argument in Opposition

OREGON CHAPTERS OF THE AUDUBON SOCIETY URGE YOU TO VOTE NO ON MEASURE 37

Should Oregon Taxpayers Pay Millions of Dollars to Create New Government Bureaucracy Required By a Measure that Guarantees Uncertainty and Litigation?

Ballot Measure 37 will cost as much as \$344 million annually, just for state and local governments to set up and operate the program, according to a financial impact analysis conducted by the Oregon Secretary of State, Treasurer and Directors of State Revenue and Administrative Services.

While threatening laws and regulations that protect rivers, wetlands, forests and wildlife, the measure seems bound to generate only uncertainty. The state Attorney General's Office, for example is concerned that the measure will generate legal ambiguities, uncertainty and several areas of significant dispute. (Department of Justice memorandum, July 19, 2004).

The best that anyone can say about the effect of this measure is "no one can say."

- Effect on land outside the UGB?
- Impact on established single-family neighborhoods?
- Ability of governments to pay to waive existing zoning regulations?

NO ONE CAN SAY FOR SURE!

If Measure 37 passes, we lose our ability to keep our communities good places to live--for both wildlife and people.

WE URGE YOU TO VOTE NO ON MEASURE 37

Audubon Society of Portland
Audubon Society of Corvallis
Kalmiopsis Audubon Society
Lane County Audubon Society
Salem Audubon Society
Rogue Valley Audubon Society

(This information furnished by Meryl Redisch, Audubon Society of Portland.)

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Argument in Opposition

Polk & Yamhill County Farm Bureaus Say "Vote No On 37"

If everyone in Oregon lived on a farm in beautiful Polk or Yamhill County Measure 37 would be easily voted down. In 2003, Polk County farmers sold their crops for \$119 million and Yamhill even more – \$225 million, generating these counties' largest source of private sector income. Farmers spent this income in the community to meet payrolls and pay taxes, and to buy trucks, farm equipment, fuel, seed, supplies, insurance, medical services, groceries, etc., etc. Measure 37 threatens this annual, countywide flow of dollars and the way of life and magnificent countryside that goes along with profitable farming.

Farmers need good soil, good sense, capital, hard work and luck. But farmers also need supportive laws. For 28 years Oregon has had two laws – farm use zoning and special assessment taxation – that strongly support farming. Besides generating costs and bureaucratic red tape for all Oregonians, Measure 37 will ruin these two crucially important farm laws.

Measure 37's talk about compensation is just a "come on" to fool voters into forcing counties to open up rich farmland to speculators and developers, even if a decline in farming would hurt everyone else. Counties don't have the money or the inclination to pay compensation. In either case, Measure 37 requires counties to weaken farmland protections and would be very detrimental to Oregon agriculture.

Please join us in voting "No" on Measure 37.

Dean Freeborn, President
Polk County Farm Bureau
Rickreal

Dave Cruickshank, President
Yamhill County Farm Bureau
McMinnville

(This information furnished by Dean Freeborn, President, Polk County Farm Bureau.)

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Argument in Opposition

LINN COUNTY FARM BUREAU OPPOSES MEASURE 37

Overall it will be bad law for family agriculture in Oregon and for Oregonians who have demonstrated that they prefer Oregon produced agricultural products.

Measure 37 would require compensation for land use regulations that restrict the use of private real property but provides no funding for that compensation. Governmental bodies faced with a compensation demand can opt out of applying the established land use laws to placate that demand. That is just what will happen.

Measure 37 is not about compensation, it is about severely degrading thirty years of relative stability for Oregon agriculture.

Oregon agriculture requires a stable land base. Measure 37 will destabilize that foundation. Commercial agriculture will be reluctant to commit the money, time, and equipment to continue creating food and fiber without the expectation that they will not have to deal with the problems generated by non-resource demands in resource zones.

Agriculture is more than just yearly crops. It is a multi-generation commitment. Measure 37 destroys the stability that nurtures this commitment.

Measure 37 Arguments

VOTE NO ON MEASURE 37

LINN COUNTY FARM BUREAU

Dan Thackaberry, President
Lebanon

(This information furnished by Dan Thackaberry, Linn County Farm Bureau.)

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Argument in Opposition

Oregon Family Farms Oppose Measure #37

As family farmers and ranchers from every corner of Oregon, we respectfully ask our fellow Oregonians to VOTE NO ON Measure #37 to protect Oregon's farm, ranch and forest land.

Jim Monroe
Sheep, Timber
Linn County

Kenagy Family Farm, Inc.
Benton County

David Vanasche, Owner
Vanasche Farm
Washington County

J & T Farms
Vegetable Seed, Grass Seed, Hay
Grain, Horse Stables
Marion County

Larry Pearmine
Vegetable Crops, Grass Seed, Cherries
Marion County

Judson Parsons
Timber, Hay, Grain
Jackson County

Diana Gardener
Hardwoods
Marion County

Jim and Margaret Wood
Cattle, Horses, Timber
Crook County

Richard Holcomb
Cattle, Timber
Douglas County

Gary L. Harris
Onion & Carrot Seed
Jefferson County

(This information furnished by Jim Wood.)

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Argument in Opposition

The Human Services Coalition of Oregon Urges a **NO** Vote on Measure 37

A weak economy has hurt a lot of children and families in Oregon:

- Working parents can barely afford health care and child care.
- Food pantries and soup kitchens are maxed out.
- Fewer services and programs are available for mental and chemical dependency treatment.
- Our most vulnerable citizens, the elderly and disabled, are stretched to the breaking point.

The **Human Services Coalition of Oregon** includes hundreds of human services providers, associations, county agencies and individuals working together to ensure the very basic needs of Oregon's poorest and most vulnerable residents are met.

We have studied Measure 37 and believe it is a bad deal for Oregon:

- **Measure 37 creates unnecessary government bureaucracy and red-tape.**

- **Measure 37 will mean more cuts for important health care programs, senior services, tobacco prevention and other critical services.**
- **Measure 37 will cost Oregon taxpayers and businesses up to \$344 million dollars a year just to pay for new processes and paperwork.**

It's time to make Oregon the great place we know it can be. But we can't do those things if Measure 37 becomes law.

Please vote 'No' on Measure 37.

(This information furnished by Phil Donovan, Human Services Coalition of Oregon.)

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Argument in Opposition

Measure 37 is harmful to our heritage

Oregonians are justifiably proud of our history and heritage. We've worked hard to preserve historic resources in our downtowns, neighborhoods, and in the rural areas of the state. However, Measure 37 endangers the ability to preserve and protect our cultural heritage. That's why we are opposed to it.

None of us like regulations, and Measure 37 is a regulation of the worst kind— unnecessary and harmful, wasteful and bureaucratic. Put into place, Measure 37 will burden our communities with extra costs and layers of bureaucracy and leave us nothing in return.

The tools that now help preserve Oregon's heritage resources will be undermined and irreparably harmed if Measure 37 is put into place. Cherished historic resources that have come to symbolize the identity of our communities could disappear, only to be replaced by new construction, developments, parking lots, and unchecked development. Not only could these irreplaceable historic resources be eliminated, the livability of our state, the very reason people live in and visit Oregon, could be compromised.

Despite what others may say, Measure 37 could actually endanger property values by stripping property owners of longstanding protections that help preserve our cultural heritage. Existing zoning protections could be replaced with regulations that allow uncontrolled sprawl and development, destroying the historic fabric of our neighborhoods and communities. If enacted, local governments could be faced with the prospect of either protecting our state's heritage or paying someone thousands of dollars not to build a retail superstore in your neighborhood.

Let's not saddle ourselves with unnecessary and harmful legislation that will compromise Oregon's irreplaceable cultural resources and lead to an unstable, uncertain, and costly future. Join us in voting no on Measure 37.

Michael Teskey, president
Historic Preservation League
of Oregon
www.hplo.org

Stephen Poyser, president
Oregon Preservation Alliance
www.oregonpreservation.org

(This information furnished by Michael Teskey, President, Historic Preservation League of Oregon.)

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Measure 37 Arguments

Argument in Opposition

City Club of Portland Opposes Measure 37

The City Club of Portland is a nonprofit organization established to inform the community of public matters. We strongly oppose Measure 37 based on past City Club research and recommendations. After 15 months of study by an objective research committee screened for conflict of interest, members agreed with their recommendations that certain principles should guide compensation policies developed through legislative or initiative processes. Oregon's planning program is a successful tool for accomplishing many goals that are in the public's interest. We oppose the measure because of the following as expressed in the original City Club report:

- If a compensation scheme is presented to voters, it should include a corresponding **funding mechanism**.
- If government is required to pay compensation to a property owner, it should acquire an enforceable property-related right.
- Only losses of value above a certain threshold should be eligible for compensation.
- Compensation for losses by regulatory takings should be funded, to the extent practicable, by revenue generated from property owners who benefit from changes in land use regulation.

The City Club also recommends that the Governor and Legislature begin a **public** process to identify the appropriate balance between property rights and community interests. They should use input from this process to work with interested and affected parties to craft and implement a statutory compensation program that follows the principles described above.

Measure 37 is inconsistent with the City Club's principles, particularly those requiring an **adequate funding mechanism**. No funding mechanism is associated with Measure 37. We urge the people of Oregon to vote No on this costly measure.

(This information furnished by Arnold Cogan, The City Club of Portland.)

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Argument in Opposition

Measure 37: Another Flawed Initiative

Working Oregonians have faced an incredible burden the past few years. The highest unemployment rate in the nation, higher prices for necessities like prescription drugs and gasoline, and longer hours for less pay. The last thing we need is another flawed ballot measure that makes it harder for families to get ahead

Measure 37: The Supreme Court Already Threw Out a Similar Measure

This measure is flawed and so full of loopholes and fine print that it will lead to more lawsuits and litigation. Measure 37 will bury the average Oregonian knee deep in red tape and paperwork.

Measure 37: A Costly Burden For Working Families

Don't forgot that it will cost up to \$344 million dollars a year just to pay for the paperwork associated with this measure. That's money that has to come from somewhere. Public education, health care, and public safety will face more rollbacks and reductions if this measure passes. And Oregon families can't afford that.

Measure 37: Harder to Protect the Value of Your Home

Still think this won't affect you? This measure creates new rules that say you might not receive any notice and won't have any say if the government decides to allow some of your neighbors to develop their property any way they want. And that's not fair.

Families Can't Afford Another Flawed Ballot Measure

Join us and Vote NO on 37

SEIU Local 503, OPEU
www.SEIU503.org

(This information furnished by Arthur Towers, Service Employees International Union Local 503, OPEU.)

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Argument in Opposition

AMERICAN CANCER SOCIETY AMERICAN HEART ASSOCIATION AMERICAN LUNG ASSOCIATION

Urge you to Vote "NO" on Measure 37

Measure 37 Will Harm Important Health Programs:

Programs to reduce heart disease, lung disease and cancer will be harmed by Measure 37, because the measure's high administrative costs will force cuts in important public health programs in Oregon.

Measure 37 creates layers of processes and procedures that will cost taxpayers money, but the measure "provides no new revenue source for payments."

Where's the money going to come from for more than \$300 million of administrative costs per year and even more to pay claims?

Measure 37 Will Cause More Cuts to Basic Services:
State and local agencies will be forced to make severe cuts across the board. That means:

- More cuts to the Oregon Health Plan
- More cuts to tobacco prevention
- More cuts to senior services
- More cuts to other important public health programs

ALL just to cover the new costs associated with Measure 37!

Measure 37 Lacks Clarity...Yet Another Measure that Says One Thing But Does Something Else:

Another problem with Measure 37 is a vague exemption clause for issues of public health. The clause lacks clarity with regard to whether protecting workers from the hazards of secondhand smoke would fall under this exemption.

Under Measure 37, there is the potential that businesses could file a claim due to state and local clean indoor air regulations. Case-by-case decisions that businesses are exempt from smokefree workplace laws would undermine the laws' effectiveness and complicate enforcement.

Measure 37 is bad for Public Health and bad for Oregon.

Please Join Us in Voting NO on 37!

American Cancer Society
American Heart Association
American Lung Association

(This information furnished by John Valley, American Heart Association.)

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Measure 37 Arguments

Argument in Opposition

Oregon Chapter of the American Planning Association Opposes Measure 37

The Oregon Chapter of the American Planning Association urges Oregonians to vote No on this measure:

- It will undo farmland protections
- It will take millions of dollars to implement
- The full costs are not known
- No revenue sources are identified
- It is unfair; the new rules will pit neighbor against neighbor, business owner against business owner

Attorney General Hardy Myers' office has warned that Measure 37 was fraught with "uncertainty", and would result in "significant disputes" over its effects. (Department of Justice memorandum, July 19, 2004). We agree. Measure 37 would set back years of Oregonians' efforts to protect farmland and improve housing, transportation, and economic development in our communities. Passage would be costly and create chaos.

According to official estimates, the uncertainties in this measure would **cost Oregon taxpayers** up to \$344,000,000 in the **first year alone**. This is an assault on Oregonians' quality of life and pocketbooks. No new revenue sources are identified to pay for the cost of administration and according to the state, full costs "cannot be determined".

The measure would create new sets of rules – differing for nearly every property in the state. Measures to protect property values would be waived or not enforced.

All Oregonians lose if Measure 37 passes. Decisions about how to use our property will be made by the courts after costly lawsuits instead of by the people. At a time when resources are already scarce, Oregon doesn't need this mess.

The Oregon Chapter of the American Planning Association exists to protect the legacy of our natural environment, improve the physical environment, foster social and environmental equity, and advocate for citizens' ability to participate. Our more than 800 volunteer and professional planners are dedicated to maintaining and improving the quality of life in Oregon.

Vote No on Measure 37.

(This information furnished by Robert E. Clay, Oregon Chapter, American Planning Association.)

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Argument in Opposition

No On 37 It's Bad for Oregon It's Bad for Taxpayers

Oregon's land use planning laws protect Oregon's heritage and strengthen Oregon's future. Measure 37 is a dangerous threat to those laws—a **threat we can't afford**.

Measure 37 will force communities across Oregon to choose: either pay developers not to build, or grant exemptions to the rules the rest of us follow. Either way, the choice will cost taxpayers dearly.

Worse, it will cost us all **millions** just for government to investigate claims, establish procedures, and make the decisions required by this poorly written, ill-conceived measure. The official fiscal impact analysis says Measure 37 will **cost up to \$344 million every year** for paperwork alone, before a single claim is paid.

Measure 37 is a blank check, drawing on the resources of every town and county in our State. Oregon's taxpayers can't afford that bill. And we can't afford losing our farm and forest lands, our spectacular coastline, or our own neighborhoods.

That's why we're joining with **1000 Friends of Oregon** to urge you to **VOTE NO on MEASURE 37**.

Matt Hennessee
CEO, QuikTrak, Inc.
Portland

Henry C. Lorenzen
H & C Lorenzen Farm
Member, State Board of Higher Education
Pendleton

Hector Macpherson
Bannockburn Farms
Oregon State Senator, 1971-75
Albany

Denyse C. McGriff
Board President, 1000 Friends of Oregon
Oregon City

Norma Paulus
Oregon Secretary of State, 1977-85
Portland

Dick Ponzi
Ponzi Vineyards
Gaston

Barbara Roberts
Governor of Oregon, 1991-95
Portland

Homer Williams
Williams & Dame
Portland

(This information furnished by Bob Stacey, Executive Director, 1000 Friends of Oregon.)

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Argument in Opposition

THE NATURE CONSERVANCY URGES YOU TO VOTE NO ON MEASURE 37

The Nature Conservancy is a private, non-profit land conservation organization devoted to protecting important habitats through land stewardship and cooperative partnerships

IF MEASURE 37 PASSES, THE RESULTS WILL BE:
– YEARS OF UNCERTAINTY
– COMPLEX COURT CASES
– NEW LAYERS OF GOVERNMENT BUREAUCRACY
– UP TO \$344 MILLION A YEAR IN COSTS TO TAXPAYERS

Oregon's natural heritage is at risk. The efforts of thousands of Oregonians working to save important natural treasures will be disrupted.

The Nature Conservancy believes strongly in private property rights. Through the free market we have protected over 175,000 acres at 110 places throughout Oregon.

We support fair and balanced land use planning and habitat protection laws.

Measure 37 will replace common sense rules protecting fish and wildlife with cumbersome bureaucracy and red tape.

Oregonians care about protecting our natural resources. Many

Measure 37 Arguments

are hard at work volunteering to restore habitats and conserve forests, farms and ranches. We're preserving these natural treasures in the best Oregon tradition.

Measure 37 will unravel decades of voluntary conservation work in hundreds of communities across Oregon.

Measure 37 will take conservation decisions out of the hands of the public and into the hands of the courts.

We can't take our rich natural heritage for granted. Purchasing critical parcels for protection, managing important habitats for fish and wildlife, protecting water quality, restoring rivers and wetlands, protecting our farms and forests – these are critical investments we must continue to make for Oregon's future.

Measure 37 will cost hundreds of millions of dollars, taking dollars away from schools, health care and public safety. Oregon's investments in conservation will be severely handicapped.

Our board of trustees respectfully urges voters to say NO to Measure 37.

Russell Hoeflich, Oregon Director
Tom Imeson, Chair, Oregon Board of Trustees
Robert Gootee, Vice Chair
Richard Reiten, Vice Chair
Dolorosa Margulis, Treasurer
Peter McDonald, Secretary
Carter MacNichol, Chair Emeritus

(This information furnished by Russell Hoeflich, Oregon Director, The Nature Conservancy.)

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Argument in Opposition

For goodness sakes, VOTE NO on Measure 37 and help head off a statewide disaster. If passed into law, this innocent-appearing measure could disrupt and disorganize the now quiet, peaceful residential zones by allowing factories and other uses allowed years ago but are now banned. Property that has been in the same ownership for many years will be eligible for compensation for the down zoning that has occurred or be allowed to use the property according to what was allowed at the time of purchase. There is not enough money in sight to pay off for downzoning, so the previous right would have to be allowed.

The same is true for the Exclusive Farm Use (EFU) zones. Sporadic housing and other uses now banned would spring up in the EFU zones. The only criteria here again for compensation or change of use is the length of continuous ownership – no consideration is given for availability of water, type of soil or drainage. This also could cause a shift in school populations and create problems for fire protection and police patrol. The final result would be the destruction of many of the EFU zones right in the best farming areas.

If passed, this measure would financially benefit a few and terribly damage many. Our beautiful State of Oregon would be damaged for lack of organized land use planning that goes along with civilization. What we have is not perfect, but it is certainly better than the statewide disaster that the enactment of Measure 37 into law would cause.

Jack R. Chapin

(This information furnished by Jack R. Chapin.)

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Argument in Opposition

Homeowners Oppose Measure 37

Protect Private Property Rights

What will happen to your home or your property when government can change the regulations and rules as they go along?

Measure 37 is so poorly written it allows government to decide one thing for your neighbor's property and something totally different for yours.

And that's just wrong. Treating homeowners and property owners fairly is the foundation of our country.

Please join us in voting "No" on Measure 37.

Nancy Thompson
176th Court, Beaverton

Shelly Wetherell and
Mike Wetherell
Mode Road, Umpqua

Bob Delong
Summer St. NE, Salem

Ronald A. Buel
Washington Street, Manzanita

Marcello Napolitano
SW Borwick Rd, Hillsboro

David P. Miller
NW Brugger Road, Portland

Mark Tipperman
McIntyre Road, La Grande

Liz Frenkel
NW Vista Pl, Corvallis

David Ausherman
Upper Drive, Portland

Kasandra Griffin
SE 34th Avenue, Portland

William Boyer
Jordan Rd, Sisters

Laurel Hines
Lake Drive, Salem

Douglas Holbrook
8th Street, Lincoln City

Kassetra Stevenson
North Heights Drive, Albany

Camille Hall
Mountain View Drive, Corvallis

James H. Hicks
Mason St, Portland

Julie Sterling
Myrtle Street, Portland

James Wodarczak
Ripplewood Drive, Yamhill

Henry M. Reeves and
Merilyn Reeves
Boulder Creek Lane, Amity

Betty Wodarczak
Ripplewood Drive, Yamhill

Mary Koehler
5th Avenue, Hillsboro

Jim Just
Almen Drive, Lebanon

Tonya Graham
Lit Way, Ashland

Ray Thorp
Van Pelt Drive, Brookings

Josie G. Mendoza
Terrace Drive, Lake Oswego

Cheryl Thorp
Van Pelt Drive, Brookings

Megan Knight
SW 182nd Terrace, Beaverton

Eleanor L. Pearson
SE Division Street, Portland

Cindy Deacon Williams
Pioneer Road, Medford

Lisa Hargrave
May Street, Hood River

(This information furnished by Kassetra Stevenson, Albany.)

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Argument in Opposition

Measure 37 is not about property rights or compensation for loss of use of property. This measure's sole motive is to destroy land use planning or protective zoning in all areas of the State of Oregon.

Under this measure, unless a filed claim is compensated for a perceived loss of value in their property because of its zoning,

Measure 37 Arguments

the filer, in many cases may use their property as it was zoned or not zoned when acquired by them or their forefathers. Compensation is impracticable, without large increases in taxes, so current ordinances and laws that cover that property could be waived.

A residential zone could even be infiltrated by commercial or industrial uses by property owners who held that property before it was zoned as it is now.

It is important to remember zoning gives protection and surety whether owning or acquiring new property. Oregon has developed and pioneered a valuable land use planning system. Don't let it be destroyed by this measure, which would allow certain holders of property to do as they please with their property, which may infringe on your rights. Property rights have two sides; zoning may tend to restrict but it also protects from others harmful actions.

Remember, zoning allows you full use of your property within the zone it is situated. Farmers in exclusive farm use zones are free to farm and have been compensated by property tax considerations for keeping their land in agriculture. Let us keep our environment that we all enjoy and use. Land use planning in Oregon has been upheld by courts and by statewide votes in the past. Do not destroy the system by passage of this measure.

Let's keep Oregon Oregon!

Marion County Farm Bureau

(This information furnished by Larry Wells, President, Board of Directors, Marion County Farm Bureau.)

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Argument in Opposition

Business Leaders Say NO to Measure 37

The Oregon Business Association is a bi-partisan business organization representing over 250 companies—large and small—across Oregon.

We strongly oppose Measure 37!

- **Measure 37 will create too many complex layers of new government!**

As business people, we expect state and local governments to be as streamlined and efficient as possible. Yet Measure 37 will require over 300 government entities and agencies to create new processes, new procedures and new paperwork just to deal with the bureaucracy mandated by the measure.

- **Measure 37 creates a bureaucratic nightmare, adding significant costs to taxpayers!**

As business people, we carefully evaluate the costs and risks of any new project we may undertake. After looking closely at Measure 37, we believe it is too risky. We know it will cost taxpayers and businesses up to \$344 million dollars a year just to deal with the paperwork and red tape. But the state's fiscal analysis concludes that the final cost to businesses and taxpayers "cannot be determined".

- **Measure 37 will lead to numerous lawsuits and litigation!**

As business people, we support a balanced economy in Oregon, including manufacturing, technology, natural resources, and agriculture. Measure 37 will hurt our economy because it is too complex, too vague and will result in numerous legal challenges—costing taxpayers, flooding the courts, and eliminating the safeguards that protect Oregon businesses and Oregon farmers.

Join business leaders, small business owners and County Farm Bureaus across the state working to protect and enhance Oregon's economy.

VOTE NO ON MEASURE 37!

Submitted by:

Lynn Lundquist, President, Oregon Business Association
Tom Kelly, President, Neil Kelly Construction, Inc. (founding Board Chair of OBA)

Jim Kelly
Michael Powell
Mark A. Long
John W. Russell- President, Russell Development

James A. Zehren
Kevin A. Lynch
Nik Blosser

John Emrick- President and CEO, Norm Thompson
Paul Burnet- CH2M HILL
Stephen J. Petruzelli

(This information furnished by Lynn Lundquist, President, Oregon Business Association; Tom Kelly, President, Neil Kelly Construction, Inc., founding Board Chair, OBA.)

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Argument in Opposition

Former Governor Kitzhaber warns,
"This measure was flawed before and it is flawed again."

They're back.

In 2002 while I was Governor, the Supreme Court threw out the last ballot measure drafted by the same people who bring you Measure 37.

That measure was flawed and so is Measure 37.

And just this July, the Oregon Attorney General's office wrote an analysis of the likely effects of their new initiative. That analysis found "uncertainty," "significant ambiguities" and "areas of dispute" within the new measure.
(Department of Justice memorandum, July 19, 2004).

And in their recent editorial against Measure 37 the *Medford Mail Tribune* wrote,

"It would open the floodgates to land-use lawsuits, degrade the livability of our state and force local governments to cut existing services or raise taxes to pay the costs."

Medford Mail Tribune, July 6, 2004

Measure 37 is a mess. It is poorly written and full of loopholes. It creates all sorts of uncertainties for property owners. For example, the measure says government can decide one thing for your neighbor's property and something entirely different for yours!

One thing is certain, **Measure 37 means more legal challenges, more litigation, and more lawsuits.** Local permit processes will be stopped in their tracks while our courts are tied up with lawsuits.

Please vote "No" on Measure 37.

Former Governor Kitzhaber

(This information furnished by John Kitzhaber, M.D.)

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Measure 37 Arguments

Argument in Opposition

Vote No on #37

- As farmers and ranchers we are the true stewards of the land and this measure will not benefit agriculture's land use protections. Measure 37 is all about destroying wise land use planning, and not true compensation for property rights takings. Oregon taxpayers do not have, and will not have the financial resources to fund this measure.
- Like farmers throughout Oregon, Jefferson and Grant county farmers rely on stable agricultural zones to continue to thrive and flourish. The irrigated lands have good soils, valuable water rights, and farm use taxation. If measure 37 passes farmland owners will have a different set of land use regulations, depending upon their or their ancestors date of purchase. This will result in total chaos, numerous conflicts, and endless litigation. This is exactly what measure 37 proposes. Creating a reckless, wasteful policy resulting in lawyers being the true beneficiaries, not the citizens of Oregon.
- Recently, Madras residents were opposed to a feedlot 1.5 miles away in an agricultural zone. If measure 37 passes, a feedlot could be next door. Just as farmers expect zones free of urban sprawl and conflicts, suburban home owners should demand the continuation of residential zones free from agricultural and industrial hazards and nuisances. Passage of measure 37 would jeopardize the safe guards of zoning.
- The sum total of every property owner's desires is more than society can afford. To allow a house on any hill or every parcel would quickly exhaust all public dollars for roads, mail service, school busing, fire protection, law enforcement, and utilities. The vast rangeland areas of Jefferson and Grant counties should remain working ranches!
- The compensation clause will not apply to any federal rules and/or regulations or health and safety issues.

Jefferson County Farm Bureau and Grant County Farm Bureau oppose measure 37. We encourage not only our members, but every Oregonian to vote this measure down.

(This information furnished by Mickey Killingsworth, Secretary-Treasurer, Jefferson County Farm Bureau; Grant County Farm Bureau.)

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Argument in Opposition

Oregon AFL-CIO Opposes Measure 37's Special Rights for Favored Property Owners

Don't be misled by the slick title that headlines Ballot Measure 37. We took a closer look and found that the effects of Measure 37 are far more complicated and dangerous than its title suggests.

Measure 37 Creates Special Rights for Favored Property Owners

Measure 37 will create a new class of favored property owners with special rights. Those rights include the right to challenge cities and counties that attempt to enforce zoning and land use laws and to demand payments for such enforcement. But only some property owners will gain these rights; others will not.

Measure 37 Overrides Equal Application of Our Laws

For property owners who gain these special rights, cities and counties will be forced to decide when to enforce our laws and pay what those property owners demand and when to exempt those property owners from the equal application of our laws.

Measure 37 Will Allow Big Corporations to Ride Roughshod Over Local Communities

Wealthy corporations that team up with favored property owners are certain to use Measure 37 to their advantage.

Recently, Wal-Mart tried and failed to overcome community opposition to building new super-centers in Hillsboro and Oregon City. But projects like those will be much more difficult to stop if Measure 37 becomes law.

Measure 37 will allow "big-box retailers" like Wal-Mart to partner with local landowners and challenge community zoning laws wherever they want to build new mega-stores. Once corporations like Wal-Mart can demand budget-busting payments from local taxpayers just for complying with our laws, they will be able to ride roughshod over our communities, displace local businesses and undermine good-paying jobs around the state.

Say No to special rights for favored property owners. Defend the equal application of our laws. Protect our jobs and our communities. Please join us in voting No on Measure 37.

Tim Nesbitt
President
Oregon AFL-CIO

Brad Witt
Secretary-Treasurer
Oregon AFL-CIO

(This information furnished by Tim Nesbitt, President, Oregon AFL-CIO.)

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Argument in Opposition

Protect Your Neighborhood and the Value of Your Home Vote No! on Measure 37

Like most Oregonians, you probably live in a quiet residential neighborhood—something you cherish and something the value of your home depends upon.

What is it that prevents someone from building a 24-hour mini-mart or gas station next door to you; what is it that prevents him or her from blighting your neighborhood and destroying the value of your home? The answer is reasonable zoning regulations.

That's what Measure 37 seeks to destroy: your lifestyle, your neighborhood, and the value of your home.

Measure 37 is designed to pave the way for the corporation or landowner who wants to build that 24-hour mini-mart or gas station. But what about you and your home! That 24-hour mini-mart or gas station will reduce the value of your home and ruin everything you treasure about your neighborhood. If Measure 37 is in place, you may find the zoning you rely upon won't be there to protect you. Reasonable zoning regulations are what preserve and protect our neighborhoods and the value of our homes. Don't turn our cities into Houston. Measure 37 is bad for you, your neighborhood, and Oregon.

Protect Your Neighborhood and the Value of Your Home Vote No! on Measure 37

(This information furnished by John W. Stephens.)

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Measure 38

Proposed by initiative petition to be voted on at the General Election, November 2, 2004.

Ballot Title

38

ABOLISHES SAIF; STATE MUST REINSURE, SATISFY SAIF'S OBLIGATIONS; DEDICATES PROCEEDS, POTENTIAL SURPLUS TO PUBLIC PURPOSES

RESULT OF "YES" VOTE: "Yes" vote abolishes SAIF; state must reinsure, satisfy SAIF's current obligations (including pending policyholder claims against SAIF); dedicates proceeds, potential surplus to specified public purposes.

RESULT OF "NO" VOTE: "No" vote retains law authorizing SAIF, a public corporation, to sell and administer workers compensation insurance and to administer an accident fund for that purpose.

SUMMARY: State Accident Insurance Fund (SAIF) is a public corporation selling, administering workers compensation insurance, and administering accident fund for that purpose. Measure abolishes SAIF. Requires state to assume SAIF's authority over accident fund; reinsure fund; satisfy SAIF's obligations under its existing policies; use fifty percent of any excess surplus (meaning any funds exceeding reserves and surplus necessary to satisfy future liabilities) to satisfy policyholder claims in litigation before October 2003; transfer forty percent of any excess surplus to new fund; sell SAIF's assets; transfer proceeds to same fund; and reinsure, otherwise resolve SAIF's remaining liabilities. Dedicates new fund to supporting schools, local law enforcement; providing medications to seniors, medically needy; promoting job growth. Requires certain reports to legislature regarding rates for insurance premiums. Other provisions.

ESTIMATE OF FINANCIAL IMPACT:

The measure would reduce state revenue by approximately \$405 million per year and would reduce state expenditures by approximately \$301 million per year due to the elimination of SAIF.

The measure would require additional state government expenditures of \$1.8 million to \$5.5 million per year on a recurring basis with an additional one-time expenditure of \$2.2 billion to \$2.4 billion.

There will be a one time increase of state revenues of \$32.6 million from sale of real property.

The measure would require local government expenditures of \$2.6 million to \$10.5 million per year on a recurring basis.

There is no financial effect on local government revenues.

Text of Measure

1. This Act shall be known as the Oregon Priorities Act.

2. The people recognize that the State of Oregon owns and operates an insurance business called SAIF Corporation, that it is an asset of the State of Oregon, and that another asset of the State of Oregon is the excess surplus in the Industrial Accident Fund. The intent of this Act is to use these state assets to support education, prescription medications, local law enforcement, and workforce training rather than to provide an organization to selectively sell insurance in the retail market. Use of these assets to fund these priorities fulfills a fundamental responsibility of government and reduces the pressure to increase taxes. It is the intent of the people that the State of Oregon get out of the insurance business and use the proceeds from this change to support these important government priorities.

3. The Oregon Priorities Fund is hereby established in the State Treasury, separate and distinct from the General Fund. Monies in this Fund shall be continuously appropriated to the Legislative Assembly. The use of this Fund is limited to the following priorities:

- a) to support Oregon education, covering Kindergarten through 12th grade,
- b) to help provide prescription medications to Oregon's low income senior citizens and the medically needy,
- c) to support local law enforcement programs in Oregon cities and counties, and
- d) to promote job growth through workforce training.

4. Money shall be transferred to the Oregon Priorities Fund as provided in this Act.

5. Moneys in the Oregon Priorities Fund may be invested as provided by law.

6. The State Auditor, within the Secretary of State's office, shall be assigned to oversee the establishment of the Oregon Priorities Fund, to assure the public that funds are accounted for and spent in accordance with this law. The State Auditor shall publish an annual report to the State Treasurer, Governor and Legislative Assembly to provide public accountability for the activities taken to implement this Act.

7. For purposes of this Act, "SAIF Corporation" means the State Accident Insurance Fund Corporation; "excess surplus" means the money in the Industrial Accident Fund subject to Legislative disposition pursuant to ORS 656.634; "DAS Director" means the Director of the Department of Administrative Services. "DCBS Director" means the Director of the Department of Consumer and Business Services.

8. This Act supersedes any existing law which may be construed to reduce or restrict the full implementation of this Act and this Act shall be construed so as to best implement the intent of this Act.

9. On the effective date of this Act:

- a) SAIF Corporation shall cease selling new policies of insurance;
- b) ORS 656.017 (2) is repealed;
- c) the authority of the Board of Directors of SAIF Corporation shall be transferred to the DAS Director and the Board shall be abolished; and
- d) the DAS Director and the DCBS Director shall commence preparation of a plan for the orderly exit of the State from the retail insurance business consistent with this Act. Such plan shall include reinsurance of SAIF Corporation and the Industrial Accident Fund in a manner that enables its obligations to be met with a goal of increasing its excess surplus as much as possible consistent with that purpose.

10. One year after the effective date of this Act, and in accordance with the plan of the DAS Director and the DCBS Director:

- a) SAIF Corporation shall cease renewing policies of insurance;
- b) the DAS Director shall reinsure a portion of the liabilities of SAIF Corporation and the Industrial Accident Fund;
- c) the State Treasurer shall set aside fifty percent (50%) of the excess surplus to satisfy all claims filed by or on behalf of policyholders against the State Accident Insurance Fund Corporation or the Industrial Accident Fund that were in litigation prior to the filing of the Prospective Petition which initiates this Act pursuant to ORS 250.045. The State Treasurer shall maintain such fund separate from all other funds until such time as the State Treasurer, in consultation with the Department of Justice, determines that maintenance of such fund is no longer necessary; and
- d) after the State Treasurer establishes the fund described in section 10 c, above, the State Treasurer shall transfer eighty percent of the remaining excess surplus funds from the Industrial Accident Fund to the Oregon Priorities Fund. The State

Measure 38

Treasurer may contract with independent outside persons or firms to provide advice and assistance in determining the sum eligible for the transfer, and in carrying out the transfer. The State Treasurer shall have discretion to best interpret and implement the provisions of this Section so as to fulfill the intent of the people as stated in the Act.

11. Two years after the effective date of this Act, and in accordance with the plan of the DAS Director and the DCBS Director:

- a) SAIF Corporation shall be abolished;
- b) the DAS Director shall reinsure or otherwise resolve the remaining liabilities of SAIF Corporation and the Industrial Accident Fund;
- c) the DAS Director shall sell all real and personal property of the SAIF Corporation to a private entity. All proceeds from the sale shall be paid to the State Treasurer and shall be deposited in the Oregon Priorities Fund. The Attorney General shall assist the DAS Director in negotiating the sale and shall assure that the sale includes adequate provisions to allocate responsibility between the purchaser and the state for compliance with all pertinent laws;
- d) the State Treasurer shall transfer the excess surplus in accordance with section 10 c and d, above.

12. The DAS Director may contract with independent outside persons or firms to provide advice and assistance to carry out the provisions of this Act. The DAS Director shall have broad discretion to best interpret and implement the provisions of this Act, and to fulfill the intent of the people as stated in this Act.

13. The Director of the Department of Consumer and Business Services shall not approve for use any workers compensation insurance rate that is excessive, inadequate or unfairly discriminatory. Beginning with the 2005 regular session of the Legislature, and at each regular session thereafter until 2009, the Director shall report to the Governor and the Legislature on the status of the Director's enforcement activities under this provision.

14. The Board of Directors of SAIF Corporation shall not challenge this Act or any of its provisions. Any action taken by the Board of Directors of SAIF Corporation within one year before passage of this Act, or any time after passage of this Act, is subject to being set aside or modified by court action or by specific legislation if a material element of the action by the SAIF Corporation Board of Directors undermines or otherwise weakens the full implementation of this Act.

15. If any person brings a state court challenge to any portion of this Act, or challenges passage of this Act, asserting that the Act or any portion of the Act violates the Oregon Constitution or the United States Constitution, or asserting any other legal challenge to passage or implementation of this Act, that action shall be filed in Circuit Court and shall be given expedited attention by the Court; the decision of the Circuit Court shall be subject to direct review by the Oregon Supreme Court, which shall give expedited attention to such appeal.

16. If any portion of this Act is invalidated for any reason, all remaining portions of this Act shall remain in place and shall be given full force and effect.

17. This Act takes effect on January 1, 2005.

Explanatory Statement

Ballot Measure 38 abolishes SAIF, the public corporation that sells workers' compensation insurance to and administers workers' compensation insurance for the state and other public and private entities and administers the Industrial Accident Fund for that purpose.

On January 1, 2005, SAIF must stop selling new policies of insurance. The Board of Directors of SAIF is abolished and its authority transferred to the Director of the Oregon Department of Administrative Services (DAS). The DAS Director and the Director of the Department of Consumer and Business Services (DCBS) are required to prepare a plan for the cessation of workers' compensation retail insurance business activities by the state. Such plan must include reinsurance of liabilities of the fund and satisfy SAIF's obligations under its existing policies.

On January 1, 2006, SAIF must cease renewing policies of insurance, and the DAS Director must reinsure a portion of the liabilities of SAIF Corporation and the Industrial Accident Fund. The measure requires the State Treasurer to set aside 50 percent of any funds exceeding reserves and surplus necessary to satisfy future liabilities of SAIF ("excess surplus") to be used to satisfy SAIF policyholder claims and claims against the Industrial Accident Fund in litigation prior to October 2003, which may be ultimately adjudicated. The State Treasurer then must transfer 80 percent of the remaining excess surplus to the Oregon Priorities Fund created by the measure. Moneys in the Oregon Priorities Fund are continuously appropriated to the Legislative Assembly for the purposes of supporting schools and local law enforcement, providing prescription medications to seniors and the medically needy, and promoting job growth through workforce training.

On January 1, 2007, SAIF is abolished. The DAS Director must reinsure or otherwise resolve the remaining liabilities of SAIF and the Industrial Accident Fund, and sell all of SAIF's real and personal property. The State Treasurer is required to deposit proceeds from the sale of SAIF's property and any excess surplus remaining after all the obligations of SAIF and the Industrial Accident Fund are satisfied in the Oregon Priorities Fund.

The DAS Director and State Treasurer are authorized to contract with independent outside persons or firms to provide advice and assistance in carrying out provisions of the measure.

The Board of Directors of SAIF Corporation may not challenge any provisions of the measure or take any action that undermines or otherwise weakens the full implementation of the measure.

The DCBS Director is instructed to report to the Governor and the Legislative Assembly regarding the requirement that premium rates for workers' compensation insurance set by the department not be excessive, inadequate or unfairly discriminatory.

Committee Members:

Brian Boe
Shawn Miller
Jessica Harris Adamson
Pat McCormick
Sid Lezak

Appointed by:

Chief Petitioners
Chief Petitioners
Secretary of State
Secretary of State
Members of the Committee

(This committee was appointed to provide an impartial explanation of the ballot measure pursuant to ORS 251.215.)

Measure 38 Arguments

Argument in Favor

CORRUPTION AT SAIF – OREGON'S GROWING SCANDAL

We've all seen the headlines. We've all heard the stories.

FBI Agent Looks at Documents Involving SAIF, Goldschmidt
The Oregonian, July 17, 2004

**Judge Orders Workers' Comp Insurer
Not to Destroy Records**
The Bulletin (Bend), June 4, 2004

State Police Probe Possible Destruction of Records
The World (Coos Bay), June 5, 2004

While some claim SAIF is an Oregon success story, the headlines – and the facts – paint a very different picture.

- SAIF has hidden its activities from the public, requiring action from the courts to disclose even the smallest bits of information. The Government Standards & Practices Commission, State Police, state courts and FBI are investigating SAIF and its high priced consultants.
- SAIF pushed 11,000 Oregon businesses into the more expensive assigned risk pool. Instead of supporting the very same businesses that serve as the backbone of our economy, SAIF instead placed additional financial burdens on them.
- SAIF has denied worker claims at an unacceptably high rate. It has abandoned its original mission of serving new and small Oregon businesses and protecting the Oregonians who work to make our economy stronger.
- SAIF took advantage of a legal loophole to halt benefits for disabled workers, cutting off their life lines without any notice. If SAIF had its way, disabled Oregonians would be left without benefits and forced to pay for their own medical care while it continues to amass financial reserves.

How can Oregonians put their faith in SAIF when the agency has placed more importance on serving itself than the businesses and injured workers it was created to protect?

Clearly SAIF has shown we cannot trust it to right its own wrongs.

It's time for Oregonians to take matters into their own hands and stop Oregon's growing scandal by enacting real insurance reform.

It's time for Oregon to pass Measure 38.

Oregonians for Accountability

(This information furnished by Lisa Gilliam, Oregonians for Accountability.)

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Argument in Favor

VOICES OF EXPERIENCE

As members of the Oregon House and Senate, we represent areas as different as eastern Oregon and the north Willamette Valley. One of us is a Republican and the other a Democrat. But we share an abiding interest in making sure Oregon's citizens get good information to make good decisions.

We have also served on your legislature's Ways and Means Committees and had the responsibility for making decisions about the state's budget. We are very familiar with the fiscal impact statements that estimate if and what a particular action will cost the state. They should be based on most likely

scenarios and prepared by experts in that field. That did not happen with Measure 38.

The fiscal impact statement for Measure 38 wasn't produced by the offices that usually do this specific kind of work. It came from a committee that has no budget expertise.

BOTH SIDES OF THE STORY

If Measure 38 passes, SAIF can follow a path similar to those taken in Michigan and Nevada. The legislature's lawyers assure us there is no legal reason barring us from that approach. And, we would get two years to make that happen. With this real insurance reform, private companies will be able to provide great service to Oregon's businesses, but without SAIF's conflict of interest or unfair tax advantages.

By using this option, the \$2.2 billion in one-time costs goes away. And, even the spokesperson against Measure 38 admitted, "...the one time expense of \$2.2 billion or more would be covered by a SAIF trust fund and would not come from taxpayers' pockets." *The Oregonian*, August 5, 2004

VOTE FOR THE TRUTH

With this real insurance reform, the State of Oregon, taxpayers and employers stand to actually make money. The state and taxpayers could gain \$500 million or more – just like they did in Michigan and Nevada.

Make your decision, but make an informed one.

Senator Kurt Schrader
Representative Tom Butler

(This information furnished by Representative Tom Butler, Senator Kurt Schrader.)

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Argument in Favor

THE SAIF STORY: AN INJURED OREGON WOMAN SPEAKS

I am the story SAIF doesn't want you to hear.

My name is Lorinda Gauthier and I am an injured Oregon worker.

I used to work for the Oregon Department of Transportation. I got up every morning, went to work and did my job. I never worried about what might happen if I was injured. **I had every reason to believe SAIF would meet its obligations. Right? Wrong!**

One day I was struck on the head by an 18 inch steel nozzle. I lost consciousness, was taken to the local fire department and transported to the hospital. I experienced sub-orbital nerve damage and now I have frequent extremely painful migraine headaches. To limit these attacks I need to work in a controlled environment. But, when I approached my boss at ODOT about this he said he didn't have a job for me and I was laid off. Meanwhile, **SAIF closed my claim and I was left without a job and the two years of wages I should have earned.**

SAIF did not stand by me. In fact, they walked over and past me. They never wasted a moment's thought about my injuries and my needs.

While I have been languishing in medical bills, lost wages and the ongoing effects of my injury, **SAIF was out building its financial reserves and sending kick backs to the political and trade groups who help keep it in power.**

I am by no means an expert on workers' comp insurance, but **I am an expert on being an injured worker and the additional suffering that can come at the hands of SAIF.**

Measure 38 Arguments

I, and all the injured workers of Oregon, deserve better. That is why I am voting yes on Measure 38.

Lorinda Gauthier

(This information furnished by Lorinda Gauthier.)

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Argument in Favor

Oregon at a crossroads.

I was state director for the National Federation of Independent Business for ten years, and I still believe in NFIB's core values. Our free enterprise system based upon private sector businesses competing against each other provides the best prices and services, while government-run monopolies harm our economy. Oregon is at a crossroads and this election we will make a vital decision about the future of our state. We can embrace the benefits of choice, or fall victim to a government monopoly in the making.

The best choice for Oregon's small businesses.

As an Oregon business owner, I've seen SAIF's tactics first hand. In 1990, SAIF threw my company and thousands of others into an Assigned Risk Pool where rates more than doubled. Fortunately, Liberty Northwest recognized my business was a good risk and fished me out of the pool. Today my company has grown to approximately 100 employees with over \$7 million in annual sales. If it was up to SAIF, this story would have had a very different ending.

Some say they fear loss of coverage or higher rates. But when states like Michigan and Nevada enacted real insurance reform, choice increased and rates went down.

Our last chance for real insurance reform.

I was a chief petitioner to place Measure 38 on the ballot not because it was my first choice, but because it was our last chance to stop SAIF's drive to become a monopoly. Despite numerous attempts to level the playing field with SAIF, the legislature was unwilling or unable to act. Oregonians took matters into their own hands to create real insurance reform.

If we do not act now to stop SAIF and support competition and choice in Oregon, we will be left with no choice at all.

Join me - and the Oregon success stories that have yet to be written - and vote yes on Measure 38.

Jim Bernau
Turner, Oregon

(This information furnished by Jim Bernau.)

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Argument in Favor

Who is Oregon Citizens for a Sound Economy (CSE) PAC?

Oregon CSE PAC represents tens of thousands of Oregonians, dedicated to the principles of lower taxes, less government, and more freedom. We believe that the only way to see our issue agenda enacted is through the commitment of our volunteers and supporters who are mobilized and ready to show up and demand policy change 7 days a week and 365 days a year.

You may remember us from earlier this year, when our activists

successfully led the fight to repeal the largest tax increase in Oregon's history. But, what do we have to do with SAIF?

Why does Oregon Citizens for a Sound Economy (CSE) PAC support Measure 38?

SAIF is a giant government-run monopoly in the making that is defying Oregon taxpayers, destroying the private market, and ignoring the mission it was originally created to serve. Instead of helping small businesses obtain workers' compensation insurance, it has used government funds to actively seek out low risk, highly profitable opportunities for itself. And, while SAIF has continued to rake in the profits, Oregon taxpayers have been told time and time again the state just can't survive without taking more of our hard earned tax dollars.

Measure 38 will end SAIF's unfair domination of the marketplace and stop the fleecing of Oregon taxpayers.

Join Oregon Citizens for a Sound Economy (CSE) PAC in voting YES on M 38!

We must get the state out of the business of selling insurance and interfering in the marketplace.

We must take back the excess profits SAIF has refused to share and make a stand for smaller government and private enterprise here in Oregon.

Please join Oregon Citizens for a Sound Economy (CSE) PAC in voting yes on Measure 38!

Russ Walker
Oregon Director, Oregon Citizens for a Sound Economy (CSE) PAC
www.oregoncsepac.com

(This information furnished by Russ Walker, Oregon Citizens for a Sound Economy PAC.)

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Argument in Favor

MEASURE 38 BENEFITS PUBLIC SAFETY

This election we can do something positive for our state and the people of Oregon.

We can create a long overdue rainy day fund to avoid future tax increases or cuts to vital services like jails or schools.

We can get the state out of the workers' compensation insurance business and help fund top priorities like law enforcement.

Oregon needs a rainy day fund. When state funds drop, local law enforcement officials are left scrambling to patch together insufficient funding for courts, prosecutors and officers.

Our state should be worried about our safety, not running an insurance company. We don't need a SAIF monopoly. We need more money for law enforcement and other critical services.

SAIF has hundreds of millions of dollars in excess profits while mental health services degrade, criminals are not held accountable, and our overall quality of life deteriorates.

SAIF no longer serves the public interest.

We once needed a state fund. Employers were required to provide workers' comp insurance, but the private sector couldn't cover all businesses. SAIF was created to be the insurer of last resort, so all businesses could have coverage.

That has changed. The private sector is now well positioned to handle the job, handle it better, and SAIF no longer serves as the insurer of last resort.

Measure 38 Arguments

SAIF has abandoned its mission and shot down all efforts at reform.

As a law enforcement officer, I am alarmed by the number and depth of the SAIF scandals. SAIF has lost a great deal of the credibility it once had.

Measure 38 is a positive step for Oregon. It's a win for taxpayers, for our competitive market system and for good government.

It is time for real insurance reform.

It's time to pass Measure 38.

Sheriff Jan Clements
Lane County

(This information furnished by Sheriff Jan Clements, Lane County.)

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Argument in Favor

ECONOMIST SAYS OREGON NEEDS REAL REFORM

Oregon's economic recovery requires a healthy, competitive workers' compensation system.

The first step in California's turnaround in the early 1990s was workers' comp reform. As an economist, I believe Oregon's system is heading in the wrong direction. **Measure 38 will get us back on track.**

Competition is the most powerful economic force in the history of the world. Monopolies or quasi-monopolies are not in the public interest, regardless of their stated intent. SAIF is emerging as a virtual monopoly, which makes Oregon unattractive to corporate investment and impedes our economic success.

SAIF has strayed from its mission, and has resisted all attempts at reform. It no longer serves the public's best interest.

SAIF refuses to cover certain small and start-up businesses – the very businesses that will fuel Oregon's economic recovery, that SAIF once covered.

After the Legislature made SAIF a public corporation, **SAIF dropped coverage for some 10,000 businesses**, forcing them into the more expensive assigned risk pool. Nearly 12,000 businesses remain in the pool, paying higher rates that prevent them from hiring as many workers as they should.

The solution is obvious: harness the powerful competition and permit private insurers to serve the market that SAIF has rejected. But the market cannot perform as intended as long as SAIF abuses its status as a public agency to squelch competitors.

Today Oregon has the worst of both worlds: Taxpayers are subsidizing a quasi-monopolist that acts like a private insurer when it's expedient to, but fails to fulfill its public mission.

Experience in other states demonstrates that rates go down when the state fund is made private, and real competition occurs.

Oregon will benefit if Measure 38 is approved.

It's basic economics: Competition will lower workers' comp insurance rates, which will improve our ability to create and grow businesses and jobs.

Philip J. Romero, Ph.D.
Former Chief Economist, State of California
Former Dean, University of Oregon College of Business

(This information furnished by Philip J. Romero, Ph.D., Former Chief Economist, State of California, Former Dean, University of Oregon College of Business.)

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Argument in Favor

Long term stability in Workers Compensation Rates

The driving forces behind low workers compensation rates are legislative actions, court decisions, market conditions and group performance. Competition between providers should determine what small business pays.

SAIF's business practices intimidate private competitors, causing private company competition to decrease. We have seen a decreasing amount of private insurers in Oregon's market over the past 6-8 years. SAIF's large reserve fund and tax-free advantage is ultimately eliminating competition altogether.

The lack of private competition indicates that the system is broken. Competition is the proven way to control costs as the driving force behind low rates and by eliminating competition; the guarantee of low rates is gone. SAIF has become a dictator in the insurance industry. Even if SAIF increased their premiums – which would theoretically encourage new private competitors to emerge, SAIF's large reserve fund looms as too large of a threat for private insurers.

A study commissioned by ORA in 2001 illustrates the result of this threat. "The analysis undertaken for this report shows that SAIF is engaged in a number of business practices that place SAIF in an extremely high ranking relative to other insurers. The nature of these practices is such that they inherently pose a genuine risk of limiting or even reversing progress in attracting and retaining private insurer activity in Oregon's workers compensation market" (Philip R. O'Conner, Ph.D., Eugene P. Esposito, J.D. (200). *The Oregon Worker's Compensation Market: Analysis & Prognosis*. Chicago, IL: Proactive Strategies, Inc.)

The Oregon Restaurant Association believes that independent businesses live on market conditions, not subsidies. Measure 38 will not impact the increase or decrease of rates. Measure 38 will open the market place and allow more companies to compete for workers compensation. As a business organization we support more competition, and that is what will keep rates down and benefit the consumer.

Vote YES on Measure 38

(This information furnished by Bill Perry, Oregon Restaurant Association.)

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Argument in Favor

As a representative of Accident Fund Insurance Company of America, I am not recommending how the people of Oregon should vote on the privatization of their state's workers compensation system. I am simply sharing the experiences Michigan and Accident Fund have encountered since our privatization.

Accident Fund was purchased for \$262 million in December of 1994. Historically, from 1912 until the year we were privatized, Accident Fund never exceeded 17 percent in market share. There are presently more than 250 insurers writing workers compensation policies in Michigan. Over the past five years Accident Fund has continued efforts to maintain our customer base and expand the services provided to policyholders in the state of Michigan - as well as the other states in which we now do

Measure 38 Arguments

business. We currently have a 27 percent market share in Michigan and are now one of the top 20 workers compensation insurers nationally. Four years ago we weren't in the top 50.

Since privatization, our rates have decreased approximately 35 percent overall. Even with the market increases subsequent to 2000, Accident Fund's rates continue to be below the market average.

Accident Fund, which was the workers compensation insurer of "second-to-last resort" prior to privatization, continues to write policies for small business with \$50,000 or less in annual premium. Our average policy size is only \$10,000. Net premiums written by Accident Fund climbed from \$203 million in 2000 to \$441.6 million last year. Net premiums are projected to hit nearly \$500 million this year.

Customer survey scores have been consistently higher than those received pre-privatization.

The State of Michigan produces annual [State of the Competition](#) studies, and they continue to report good competition in the marketplace.

Michigan enjoys a healthy workers compensation environment, and there looks to be no change in that regard on the horizon.

Mark R. Hogle
Executive Vice President and
Chief Operating Officer
Accident Fund Insurance Company of America

(This information furnished by Mark R. Hogle, Executive Vice President and Chief Operating Officer, Accident Fund Insurance Company of America.)

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Argument in Favor

A MONOPOLY IN THE MAKING

The State Accident Insurance Fund has been planning a takeover of Oregon's workers' compensation insurance market since 1987. That's when former Governor Neil Goldschmidt received a telling memo from former SAIF Director Stan Long. He recommended to Goldschmidt, "[You 'hold your nose' while the major private competition for SAIF, Liberty Mutual, goes insolvent.](#)"

Department of Commerce Memo from Stanton F. Long to Governor Neil Goldschmidt, February 24, 1987

The intention was obvious and the path was chosen. SAIF wanted to become Oregon's government-run monopoly.

A SIGN OF THINGS TO COME

SAIF wants you to think it is the only thing standing between our state and skyrocketing workers' compensation insurance rates. Its defenders warn that Oregon could end up like Washington if anything happens to SAIF.

[What they don't tell you is that Washington has a government-run workers' compensation monopoly. And, SAIF wants to be just like them.](#)

Washington is a sign of where our state is headed if we do not enact real insurance reform in Oregon.

HIGH RATES, POOR SERVICE AND NO HELP IN SIGHT

Under Washington's government-run monopoly, rates have skyrocketed and employers are complaining about lack of choice and poor service. A recent study of the state's system found:

- Washington has increased workers' comp rates by nearly 40% over the last two years.

- The Washington Chapter of the National Federation of Independent Business lists worker's compensation costs as one of the state's most serious problems.
- The National Foundation for Unemployment and Workers' Compensation ranks Washington as the fourth most expensive state for workers' compensation.

Reforming Washington's Workers' Compensation System Policy Brief by Washington Policy Center, Seattle, May 2004.

[Washington's government-run monopoly has wreaked economic havoc in that state. There's no reason to believe a SAIF monopoly in Oregon would be any different.](#)

We can learn from Washington's mistake and stop SAIF from becoming a monopoly in Oregon.

(This information furnished by Jeff Stone.)

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Argument in Favor

A former SAIF customer.

I was a SAIF customer for several years. The claims handling was a nightmare because of high turnover in the claims examiner ranks. I left SAIF.

Government Run Monopoly

I am a believer in privatizing as many government functions as possible. There is no need for the State of Oregon to be in the insurance business. The Nevada change from a government owned workers' comp system to a competitive market resulted in the now over 100 insurance companies competing for that business. SAIF has run off most workers compensation insurers. Once SAIF is sold, the market will be flooded with new insurers. This is because SAIF has used investment income on its huge reserves to pay dividends (selectively) to some their customers.

Corruption

The payment of huge sums to lobbyists and expensive public advertising campaigns are not the wisest use of SAIF's money. The resignation of CEO Kathy Keene, the destruction of documents, and allegedly an FBI investigation into SAIF's activities reminds me of the old saying, "Where there's smoke there's fire."

Speaking of Reserves

Under Ballot Measure 38, the dollars generated to the state would create four reserve funds, one of which would guarantee funding of K-12 education during down economies.

The people must act.

Several business people, including me, tried during the legislative session to get the state out of the insurance business. The barrage of high dollar lobbyists paralyzed the legislature. We, the people, must act.

I strongly urge a yes vote on Ballot Measure 38.

Gary Coe

(This information furnished by Gary Coe, Speed's Supertow.)

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Measure 38 Arguments

Argument in Favor

INJURED OREGON WORKER SUPPORTS REAL INSURANCE REFORM

If you work in Oregon, you should care about Measure 38.

Workers' compensation is one of those things no one pays attention to until you need it.

I needed workers' comp protection in May of 2002 when I was injured in a fall while repairing my heavy equipment. Instead of helping me recover and get back to work, SAIF has done nothing but dodge its responsibilities, delay in responding to my needs and deny its obligations.

My experience shows that **SAIF will stop at nothing to drive workers like me into poverty** to try to force an unfair settlement. I've been forced into bankruptcy. I've lost almost everything I own. This affects not only me but my wife and my children.

At a critical stage in my medical care, **SAIF fired my doctor** because she was unwavering in her medical opinion and unwilling to give in to their threats. **SAIF refused to pay for antibiotics after surgery** (agreeing to pay only for pain medication). Still my medical needs have not been met. I am totally disabled.

SAIF still has not paid my doctor or hospital for my most recent surgery in April.

SAIF has been a nightmare for me, and stories like mine are far too common.

SAIF may be good for some of its big business customers, but it's bad for the rest of us. It's more interested in making money than paying injured workers their rightful benefits.

The only way to achieve real workers' compensation insurance reform in Oregon is to pass Measure 38.

Rocky Gordon
Cottage Grove, Oregon

(This information furnished by Rocky Gordon.)

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Argument in Favor

It's the eternal last straw at which any defendant can grasp. If you cannot dispute the message, then attack the messenger.

Rather than admit its own wrongdoing, SAIF has lashed out at anyone who tries to hold it accountable. All the while it has continued to foster the systemic corruption within its own organization, eventually spreading it to other parts of state government.

SAIF's built quite a list of victims – and did nothing to help them. Left with only the courts, this group banded together, thinking the safety and strength of numbers may help them get the justice they deserve.

They aren't seeking special favors. They aren't looking to get rich. If by some chance they win, 50% of that money will be set aside for future claims. SAIF may not take care of Oregon's injured workers, but hopefully the courts will.

Should a firefighter sacrifice his salary after he saves a house?

Should a doctor tear up his bill after he saves a life?

Of course not!

Then why should the attorney in the suit against SAIF reject the

pay he would finally receive if this case is successful? The Oregon Attorney General says it's okay. Oregon state law says it's right. The only one complaining is SAIF. Could it be because SAIF's the one under investigation?

Remember the row of men in dark suits sitting in front of Congress saying nicotine is not addictive? You know, the good old boys from the tobacco industry. Do you think the attorneys who represented cancer victims should have been punished? No! That's why this policy was created. So, don't believe the stories SAIF wants to tell to save its own skin. The law is the law...they just don't want to follow it.

Don't be fooled. Don't let them finagle. Support what's legal. Support what's right.

Hear the message and defend the messenger.

Vote yes on Measure 38!

Oregonians for Accountability

(This information furnished by Lisa Gilliam, Oregonians for Accountability.)

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Argument in Favor

AN OREGON COMPANY INVESTED IN OUR FUTURE

Oregon is where we do business. It's where we work and live. We are invested in its future.

But, there is an ominous cloud on the horizon. If allowed to grow, it could cast a dark shadow on workers' compensation in Oregon.

A government-run monopoly in Oregon would bring an end to competition in our workers' compensation insurance market, and mean an absence of choice for Oregon businesses.

AN OREGON COMPANY COMMITTED TO COMPETITION

It is vital that Oregon voters act to reform SAIF and restore competition and choice to the workers' compensation market. It's imperative that state government get out of the business of selling insurance and get back to regulating it.

Real insurance reform doesn't mean one agency, or company, taking over workers' compensation insurance in Oregon. Liberty believes it would be perilous to let SAIF become a monopoly, and we aren't seeking to become one either.

AN OREGON COMPANY SUPPORTING REAL INSURANCE REFORM

Liberty is so committed to restoring competition and choice through real insurance reform that we have proposed placing a limit on how much of the workers' compensation market one company can have at any time. We are volunteering to put a cap on how much business we can do in Oregon. Have you seen this from SAIF? NO! Yet, it likes to call Liberty a predator and paint itself as the prey.

There is only one predator in this market. It has run nearly every private worker's compensation insurance provider out of the state. Now its sites are set on the last company still standing. But, it doesn't have to be this way. Together we can stop SAIF's predatory plan!

Join us in protecting competition and choice in Oregon.

Join us in protecting Oregon's businesses and injured workers.

Join us in voting YES ON MEASURE 38.

Tony Ferronato, President & CEO
Liberty Northwest

Measure 38 Arguments

(This information furnished by Tony Ferronato, President & CEO, Liberty Northwest.)

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Argument in Opposition

WHY A FAILING PRIVATE INSURANCE COMPANY WANTS TO ABOLISH OREGON'S SUCCESSFUL NON PROFIT ACCIDENT INSURANCE FUND:

Liberty Northwest Insurance, a wholly owned subsidiary of Liberty Mutual of Boston, is a for-profit insurance company that sends its profits to the stockholders of the parent company in Boston. Instead of competing in the market, Liberty has high-jacked the initiative process to try to abolish its main competition. Their goal is to dominate the market, raise rates, and make it harder for businesses to operate in Oregon. They have spent millions of dollars trying to do this.

SAIF insures 36,000 small businesses in Oregon. SAIF is the most efficient and successful state workers' compensation insurance company in the country. It is entirely self-sufficient and does not rely on tax revenues at all. Because of SAIF, Oregon's workers' compensation rates have stayed level or gone down, while other western state's rates have skyrocketed. This is a critical factor in growing and maintaining Oregon's economy.

Why should you care? Workers who have been injured are entitled to lifetime medical benefits for their work injuries. If SAIF is abolished, the state of Oregon will have to pay a private insurance company to manage and pay benefits due on all the claims that were covered over the entire life of the state accident insurance fund. The injured worker claims will become the obligation of the state. Whoever manages all of SAIF's claims will want a profit from doing it. There will not be any money left over for the "Oregon Priorities Fund." The Oregon Priorities Fund is a pig in a poke.

Abolishing SAIF will not net any money for Oregon. Instead, it will hurt the Oregon economy and hurt injured Oregon workers. Don't let a private insurance company abolish Oregon's state-owned insurance company just so they can turn a bigger profit. VOTE NO ON MEASURE 38.

(This information furnished by Julie Masters, Committee to Keep Business in Oregon.)

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Argument in Opposition

**NATIONAL FEDERATION OF INDEPENDENT BUSINESS
The Voice of Small Business**

**Measure 38 is Bad for Small Businesses,
Their Employees and Oregon's Economy**

National Federation of Independent Business, NFIB/Oregon, is the state's largest small business organization. Nearly 70% of NFIB/Oregon's 12,000 member companies choose SAIF for their workers' compensation insurance. They oppose abolishing SAIF and they oppose Measure 38.

Statewide, SAIF insures more than 60% of small businesses and many high-risk businesses that private insurers don't want to insure (such as homebuilders, nursing homes, firefighters and farmers). If SAIF is abolished, these small and high-risk businesses would be forced to pay rates 30% to 50% higher than what SAIF charges them.

For small businesses, workers' compensation insurance costs can be significant. State law requires all employers to provide workers' compensation coverage for their employees to make sure injured workers get the medical treatment they deserve when they get hurt on the job. The legislature gave SAIF the mission to keep workers' compensation costs low while making coverage broadly available. SAIF works with employers to keep

Measure 38 Arguments

their employees safe on the job, lowering costs by lowering the number of on-the-job injuries. And SAIF responds to injured workers, handling claims with industry-leading speed.

Measure 38 is About Greed

The company behind Measure 38, Liberty Mutual Insurance of Boston, has made Oregon and its SAIF Corporation the most recent target of its national campaign to eliminate state workers' compensation funds. Liberty has spent millions to browbeat Oregonians with misleading and false information about SAIF. According to documents from the American Insurance Association (AIA), most other insurance companies object to Liberty's efforts to divert money from state funds for other public purposes, as Measure 38 would require. Measure 38 is bad for Oregon's small businesses. Make no mistake – the only entity that stands to gain from Measure 38's passage is Liberty Mutual Insurance.

**Please Join NFIB/Oregon and
Small Businesses throughout the state
in Voting NO on Measure 38.**

(This information furnished by J.L. Wilson, National Federation of Independent Business.)

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Argument in Opposition

Bruce Brunoe Logging Dumped by Liberty as Too Small Despite Clean Claims Record

Liberty Northwest ran TV ads claiming SAIF cancelled coverage for thousands of Oregon small businesses. The ads struck me as especially ironic.

In mid-May, Liberty Northwest sent me a letter notifying my company that its workers' compensation coverage would not be renewed when the current policy expired July 1.

Why was my coverage cancelled?

Not because of accidents, or payment delinquencies, or an adverse loss history. My company's claims history and experience rating are clean. A senior Liberty underwriter informed us that Liberty had to "non-renew" us because our business is too small. "Way too much exposure for this very small premium size," the underwriter wrote.

The \$10,900 annual premium I paid Liberty didn't seem small to me.

The underwriter's memo explained that the "Logging min[imum] prem[ium] is now up to \$100,000 and mechanized logging min[imum] is \$50,000." Even though Brunoe Logging has a clean claims record, the underwriter concluded the memo by instructing the consultant, "Time to get off before we get the really big loss."

The Liberty salesperson's letter makes the same point more discreetly: "This is strictly according to new underwriting guidelines and is not a reflection of your company's claims history. There are many changes that have occurred in the insurance industry in general and, unfortunately, Liberty Northwest is being affected too. We purchase re-insurance to cover catastrophic claims and re-insurers are now making demands on us regarding our underwriting."

In the wake of Liberty's cancellation, my company turned to SAIF. Our SAIF coverage began in July, at a substantial savings. But if Measure 38 had been in place, that choice would be gone. Our small business would be forced into the state's assigned risk pool and forced to pay premiums 30 to 50 percent higher.

Reason enough for me to vote NO on Measure 38.

**Say NO to Liberty Insurance
Vote NO on Measure 38**

(This information furnished by Bruce Brunoe, Bruce Brunoe Logging.)

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Argument in Opposition

OREGON NEWSPAPER EDITORS HAVE MADE IT CLEAR: ABOLISHING SAIF IF A BAD IDEA

Here's some of what Oregon newspaper editors have said about Measure 38, the Liberty Insurance initiative to abolish SAIF:

"To raid SAIF would be one of the stupidest things Oregonians could agree to. To raid it on behalf of Liberty Northwest would be grotesquely boneheaded." *Daily Astorian*, June 24, 2004

"One group likely to suffer, not benefit, if this initiative passes is the 40,000 employers served by SAIF. SAIF has kept rates low for them since the state Workers' Compensation system was reformed by legislators in 1990. Today, the system's cost is lower than those in 37 other states." *Grants Pass Daily Courier*, July 22, 2004

"Ballot Measure 38, which would abolish the public [SAIF] corporation — has the potential to set Oregon's business climate back decades and cause severe harm to the state's employers and to injured workers." *Medford Mail Tribune*, August 17, 2004

"Nearly every claim in the anti-Saif ads, including thousands of mailers sent to Oregon businesses, is deceptive or untrue." *The Oregonian*, June 13, 2004

"SAIF accounted for about 41 percent of Oregon's workers' compensation business in 2002, the latest year for which figures were available. That left 59 percent of the market to for-profit competitors — hardly evidence that SAIF is squeezing Liberty Northwest or anyone else out of business. Oregonians should see the anti-SAIF campaign for what it is: a blatant bid to vanquish a successful competitor and seize the spoils." *Statesman Journal*, August 3, 2004

"There's no compelling reason to get rid of it [SAIF]. We should keep it instead and be grateful that it's there." *Albany Democrat-Herald*, July 4, 2004

"Oregonians must fix problems with Saif that do surface, but think of the long term, too, and certainly refuse to be an accomplice in Liberty Northwest's blatant bids to kill a business rival." *Grants Pass Daily Courier*, June 8, 2004

(This information furnished by Mark Nelson, Committee for SAIF-Keeping.)

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Argument in Opposition

GOVERNOR KULONGOSKI RECOMMENDS A NO VOTE ON MEASURE 38.

I oppose Measure 38 because I believe it will severely damage Oregon's economy and limit our ability to create more jobs for Oregonian.

Because of SAIF, Oregon businesses now enjoy some of the lowest workers' compensation costs in the country. Only 12 states have lower workers' compensation insurance rates than Oregon.

Measure 38 Arguments

SAIF also makes it possible to pay injured workers in Oregon some of the best benefits paid by any state workers' compensation program in the country.

If Measure 38 passes, lower insurance costs to employers and higher benefits to injured workers may no longer be possible.

SAIF is one of Oregon's primary economic development assets.

SAIF gives Oregon a competitive advantage over other states in attracting new businesses to locate in Oregon.

SAIF makes it easier for existing Oregon companies to stay in business and to grow and create more jobs for Oregonians.

State officials have also estimated that if Measure 38 passes, it will add significant costs to state and local governments, including local school district budgets. We should not increase costs to our governmental budgets just when our economy is starting to recover.

SAIF is also working to make sure that rural Oregonians have access to health care.

SAIF provides low-cost malpractice insurance to over 1,000 doctors who practice in rural Oregon.

SAIF has cut the malpractice insurance rates for obstetricians by 80 percent. Family practitioners who provide obstetric services have seen malpractice insurance rates cut by 60 percent, and malpractice insurance rates for all other types of rural doctors have been cut by 40 percent.

SAIF is an asset to our state and belongs to all the people of Oregon. I urge you to vote NO on Measure 38 and work with me to see that SAIF continues to serve the people of Oregon and its economy.

Theodore R. Kulongoski
Governor

(This information furnished by Theodore R. Kulongoski, Governor of Oregon.)

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Argument in Opposition

SPOUSE OF DECEASED OREGON WORKER OPPOSES MEASURE 38

SAIF WORKS FOR ALL OF OREGON

My husband, Michael Vernon Stanfield, was killed on the job in a log truck collision on Highway 42S outside of Myrtle Point, Oregon on February 11, 2000. At that moment, my life changed.

SAIF was the worker's compensation carrier for my husband's employer, a small Oregon business. Upon his death, SAIF was there, helping me through a very traumatic time in my life. If I had any questions, I was able to call and get an immediate answer. They kept me informed at all times of what the process was and even helped out with most of the paperwork. Their compassion and caring shone through and continues to this day.

Think about it, what would you do if someone close to you was injured or died on the job and the employer could not afford the low rates that SAIF offers? How would you survive? What if you were injured on the job? Do you have enough money to make it through the hospitalizations, pay the doctor bills, rehabilitation, time off of work to recover? SAIF takes care of its workers, SAIF takes care of Oregon. SAIF works!

SAIF is an Oregon Corporation helping small Oregon businesses. Oregon is known for its many small businesses and without the low rates that SAIF is able to provide, many of these businesses would not be able to cover their workers.

Don't let an out of state company come in and make it hard for our small businesses to work. Losing SAIF would be bad for business and bad for Oregon's economy. But, it would be worse for those that are injured on the job and those that have to carry on after a loved one is killed on the job.

Please join me in voting NO on Measure 38.

(This information furnished by Nora Stanfield, a SAIF beneficiary.)

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Argument in Opposition

Associated General Contractors Oregon-Columbia Chapter

The Oregon-Columbia Chapter of AGC serves nearly 1,100 Oregon and SW Washington member firms in the commercial construction industry. Together, we employ over 32,000 employees with family wage jobs.

AGC firms are the companies that build your schools. We build your hospitals. We build your roads and bridges. We build your churches and parks. We build your factories, your shopping center and your corner market. We are proud members of what drives Oregon's economy, and we urge your no vote on Measure 38.

Ballot Measure 38 is damaging to the employers in the construction industry

Oregon's workers' compensation system isn't broken. In fact, its success in lowering costs made workers' compensation one of the state's most effective economic development tools. We in the construction industry face dramatic increases in nearly every other insurance premium we pay: health insurance (20%+ increases), liability insurance (60%+ increases), etc. But workers' compensation rates have decreased or held steady in 14 years. Rates in the construction industry could rise 35% if Measure 38 passes, dampening a difficult economic recovery for the commercial construction industry.

Ballot Measure 38 takes away our safety partner

The safety of our employees and jobsites is our number one goal. Together with SAIF Corporation, AGC member firms over the last 10 years have seen a **63.6% decline in claims frequency**. Those are real people who are going home at the end of the day safe instead of injured – we've prevented thousands of injuries, and we couldn't be more proud. Ballot Measure 38 abolishes SAIF Corporation, our partner in providing excellent safety services for all employers – from firms with over 100 employees to new companies with just 8.

Don't fix what isn't broken – Vote NO on Ballot Measure 38.

(This information furnished by Craig Honeyman, Executive Director, Associated General Contractors, Oregon-Columbia Chapter.)

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Argument in Opposition

AN EXPERIENCED WORKERS' COMPENSATION INSURANCE EXECUTIVE EXPLAINS WHY HE'S VOTING NO ON MEASURE 38

I have worked in the workers' compensation business most of my career. Currently I lead the workers' compensation practice for Anchor Insurance and Surety, a company that serves the insurance needs of employers throughout the West.

Measure 38 Arguments

I oppose Measure 38 and caution Oregon voters to beware of the motives of the company, Liberty Northwest (part of the workers' compensation insurance industry giant, Liberty Mutual) that is pushing the plan to abolish SAIF Corporation, the state-owned workers' compensation insurance company.

Workers' compensation insurance is a unique and challenging business. When earnings on investments of insurance reserves are strong, private insurance companies seek to expand market share by offering more competitive rates. When earnings suffer, profit pressures drive rates up.

State funds such as SAIF are intended to keep rates low and keep private carriers competitive. SAIF also benefits when investment earnings rise, but, as a nonprofit, SAIF returns its excess earnings to policyholders as dividends. Since 1990, SAIF has returned \$734 million in dividends to policyholders. SAIF's nonprofit status, efficient claims management and significant efforts aimed at workplace safety mean SAIF's rates are lower than its private competitors.

Liberty doesn't like that kind of competition. And rather than improve its own efficiencies and compete the old-fashioned way, Liberty has sponsored Measure 38 to abolish SAIF. Liberty claims that if Measure 38 passes, other insurers will come to Oregon to compete. I deal with insurance companies every day and I can tell you it's not likely other companies would enter the Oregon market because Liberty already has a sizable Oregon operation in place and Oregon is too small a market to spend money competing where industry giant Liberty already dominates.

One thing is certain. If Liberty succeeds, Oregon businesses will pay higher premiums. Measure 38 is bad for every business – except Liberty's.

**PLEASE JOIN ME IN VOTING
"NO"
ON MEASURE 38**

(This information furnished by Lynn Armstrong, Anchor Insurance & Surety, Inc.)

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Argument in Opposition

**Judge Jeanne Burch
Wheeler County Commissioner**

As a Wheeler County commissioner, I am responsible for administering Wheeler County's budget. Particularly in these economic times, which have hit rural Oregon doubly hard, it is critical that government operate efficiently. Every dollar must be allocated to the vital services local governments provide.

For years, thanks to SAIF Corporation, our workers' compensation rates have been one of the few bright spots on our budgets. SAIF has provided low-cost workers' compensation rates while providing excellent benefits to Wheeler County's valued employees.

If Measure 38 passes, that bright spot will quickly fade, giving way to higher rates and fewer dollars for roads, public safety and human services. This is something my county cannot afford.

The state's fiscal impact analysis of this measure is staggering. Measure 38 will cost taxpayers and state and local governments millions. That translates to less money for schools. State officials estimate that, if the measure passes, it would reduce state revenue by \$405 million annually.

The measure would also require additional state government expenditures of \$1.8 million to \$5.5 million per year on a recurring basis with an additional one-time expenditure of \$2.2 billion

to \$2.4 billion. On top of that, the measure would require local government expenditures of \$2.6 million to \$10.5 million per year on a recurring basis.

As a county commissioner I am painfully aware that the Oregon's budget is already expected to have a \$1 billion shortfall. This county and our state simply cannot afford to waste billions on a bad idea. We need to allocate our resources on productive endeavors for our state, not destroy our workers' compensation system, one of the few competitive advantages Oregon's economy enjoys.

**Please Join me
in Voting
"NO"
on Measure 38**

(This information furnished by Jeanne Burch, Wheeler County Commissioner.)

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Argument in Opposition

**Smith Educational Systems
Urges Oregonians to Vote
"NO"
on Measure 38**

Smith Educational Systems is a school aimed at serving families with young children. We are a small business offering educational programs focused on preparing young children for elementary school. With over 200 families in our school, we provide educated teachers to educate your children in a safe and loving environment. We believe this is a vital service for preparing Oregon's children and families for future success.

We also believe that Measure 38 would not only harm Smith Educational Systems, but more importantly it would harm the children and families. That's why Smith Educational Systems opposes Measure 38.

Workers' compensation costs are one of the primary expenditures small businesses organizations have. Low workers' compensation rates have gone along way to helping our organization keep costs low and SAIF is the major reason why. Without SAIF we would lose a key partner in maintaining first-rate benefits for our employees. We would also see our workers' compensation rates dramatically rise. It is estimated that some businesses would be forced to endure 20 to 50 percent increases in workers' compensation rates.

Measure 38 is a poor choice for Smith Educational Systems, a poor choice for small businesses and more importantly, a poor choice for Oregon children and families.

Please Join Smith Educational Systems in Voting NO on Measure 38

(This information furnished by Tim Smith, Smith Educational Systems.)

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Argument in Opposition

**ASSOCIATED OREGON LOGGERS
Oppose Measure 38**

Associated Oregon Loggers (AOL) represents logging firms and businesses. AOL is the largest loggers association (in members) in the USA.

Measure 38 Arguments

Measure 38 Damages Oregon's Economy

Measure 38 would abolish SAIF resulting in staggering increases in workers' compensation costs, especially for high-risk businesses like logging. If Measure 38 is adopted, Oregon businesses would be forced to pay over \$100 million more each year, potentially costing Oregon thousands of jobs. The average employers' workers' compensation rates would increase by as much as 20 percent. Oregon's already struggling logging industry, which provides many family-wage jobs, would potentially endure increases of 35 to 50 percent.

Measure 38 Will Cost Employees their Jobs

SAIF insures many loggers and 60 percent of Oregon's small and high-risk businesses – businesses private insurers don't want to cover. If SAIF is abolished, many companies will face dramatically higher costs and some may be forced out of business.

Injured workers currently covered by SAIF also would be harmed if SAIF were abolished. SAIF makes claims decisions in half the time it takes private carriers and makes first payments to injured workers faster.

SAIF also partners with Oregon employers and trade associations to enhance safety and preventing injuries before they take place. AOL members have seen a **XX** percent drop in injuries and workers' compensation claims since partnering with SAIF.

Measure 38 Is a Greedy Scheme to Benefit Liberty Insurance

Liberty Northwest and its Boston-based parent, Liberty Mutual, its Boston-based parent company, are the only ones that benefit from Measure 38. That's why they're willing to spend millions of dollars on ads *The Oregonian* called "dark and deceiving." (June 13, 2004) The attack on SAIF is part of Liberty Mutual's national agenda to eliminate or restrict state workers' compensation funds so it can make more money.

Say "L' NO to Liberty's greedy scheme.

Vote "No" on Measure 38

Join Associated Oregon Loggers in Keeping Oregon Strong!

(This information furnished by Jim Geisinger, Executive Vice President, Associated Oregon Loggers, Inc.)

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Argument in Opposition

A LIBERTY NORTHWEST CUSTOMER URGES A "NO" VOTE ON MEASURE 38

Our Eugene business insures its employees with Liberty Northwest, but we oppose Liberty's unfounded attacks on SAIF and the role SAIF plays in keeping Oregon's workers' compensation costs low. We also oppose Liberty's plan to abolish SAIF, Ballot Measure 38.

We chose Liberty because they wanted our business enough to offer competitive rates. But if Liberty is successful in eliminating SAIF, its low-cost competitor, we know that Liberty will raise its rates. This will hurt our employees, hurt our business and hurt Oregon's economy.

Liberty complains that it's hard to compete with SAIF on price. They can compete when they want to, like when they pitched our business. According to the Oregon Insurance Division, Liberty's market share last year among the top 25 carriers was 20 percent, up from 19 percent in 2002 and 17 percent in 2001. Liberty's share of the Oregon workers' compensation insurance market is bigger than Liberty's market share in 48 other states.

And Liberty is the nation's largest workers' compensation company. In short, there's no indication the company is struggling in the Oregon market.

Liberty has mounted its campaign for Measure 38 with misleading ads and false claims. The truth is, Measure 38 is a blatant money grab by one of America's largest insurance companies. They are asking Oregon voters to increase their profits, profits sent to the parent company in Boston, at the expense of our economy. As Liberty has proven with our firm, it can win business when it competes. That's the way the system is supposed to work.

Eliminating competition by investing millions in a deceptive campaign to convince Oregonians to vote against our best interests isn't playing fair.

I urge you to join me in voting NO on Measure 38.

(This information furnished by Alan J. Thayer, Jr., Managing Partner, Perrin & Thayer LLP.)

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Argument in Opposition

FORMER SENATE PRESIDENT GENE DERFLER URGES A "NO" VOTE ON MEASURE 38

When I entered the legislature in the 1980s, I dedicated my legislative career to repairing Oregon's ailing workers' compensation system. As a business owner, I knew the system was in desperate need of repair. Not only were costs high, but services to injured workers were deficient.

Together with a coalition of interests, we reformed Oregon's workers' compensation system throughout the 1990s. Today Oregon's system serves as a national model. While our neighbors in Washington and California have endured double-digit rate increases, Oregon has enjoyed a basic workers' compensation rate that has not increased in 14 years.

Measure 38 asks Oregon voters to destroy our workers' compensation system by abolishing SAIF Corporation. SAIF is the key factor keeping Oregon's rates low. Fiscal analysis indicates that if SAIF is abolished, the cost of workers compensation will increase by more than \$108 million a year, resulting in the loss of thousands of jobs. Average workers compensation rates would increase by nearly 20 percent, according to state data.

Most directly impacted would be the 44,000 employers who insure with SAIF, and workers they employ. SAIF insures 60 percent of Oregon's small businesses and many high-risk businesses that private insurers don't want to insure. If SAIF is abolished, many of these small and high-risk businesses would be assigned to a special high-risk pool and forced to pay rates 30 to 50 percent higher than what SAIF charges them.

Oregon businesses and employees are not promoting this measure. Indeed, they are strongly opposing Measure 38, as I do. In fact, the measure's only financial supporter is Liberty Northwest, SAIF's primary competitor. Liberty has spent millions on its campaign to eliminate the competition and dominate Oregon's workers compensation market.

Measure 38 may be what's best for Liberty Insurance, but it's not what's best for Oregon workers, Oregon employers and Oregon's economy

Please join me in voting no on Measure 38.

(This information furnished by Gene Derfler, Former Senate President.)

Measure 38 Arguments

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Argument in Opposition

Associated Oregon Industries Oppose Measure 38

Associated Oregon Industries represents over 20,000 member companies, employing almost one third of the state's private workforce.

Measure 38 Throws Oregon's Money Down the Drain

The official projection by the State of Oregon is that Measure 38 will cost at least 2.2 billion dollars.

Measure 38 Hurts the Economy

Oregon employers will be forced to pay an average of 20% more for workers compensation insurance if SAIF is abolished, according to data from Oregon Department of Consumer and Business Services. The cost of workers' compensation for Oregon employers will skyrocket by more than \$108 million every year, statewide. If SAIF is abolished, most employers will have only two choices: buy expensive insurance from a private insurance firm or close.

Measure 38 is Bad for Jobs

Abolishing SAIF will damage some 44,000 Oregon employers who insure with SAIF. SAIF insures 60 percent of Oregon's small businesses and many businesses will be assigned to an expensive high-risk pool and see their rates shoot up 30 to 50 percent. Without SAIF to keep costs competitive, rates for all companies go up. Even self-insured companies will see cost increases as their suppliers pass on their increased costs.

Measure 38 Equals Greed

The initiative to abolish SAIF is financed and pushed by Liberty Northwest, SAIF's competitor. Liberty Northwest is part of an out-of-state firm, Liberty Mutual of Boston, that paid nearly \$2 million to professional signature-gatherers to get Measure 38 on Oregon's ballot. Liberty Mutual is pursuing a national agenda to eliminate or restrict state workers' compensation funds, and Oregon is its current target.

Liberty Northwest wants profits for its eastern shareholders, not benefits for Oregon workers and low costs for Oregon businesses. Say NO to Measure 38 and "L" NO to Liberty Insurance.

Measure 38 Deserves Your NO Vote

Please join our 20,000 Oregon business members in voting NO on Measure 38

(This information furnished by Richard Butrick, President, Associated Oregon Industries.)

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Argument in Opposition

THE OREGON BUILDING INDUSTRY ASSOCIATION URGES A "NO" VOTE ON MEASURE 38

The Oregon Building Industry Association is a statewide trade organization representing all interests of the home building industry.

Measure 38 will Hurt Small Businesses and Employees

One of the largest expenses for small businesses and in particular homebuilders is workers' compensation insurance. Today, SAIF ensures 60 percent of Oregon's small businesses and

many high-risk businesses such as homebuilders. If SAIF is abolished, our industry can bank on workers' compensation rates increasing by 50 percent. The higher costs will hamper the construction industry, cause layoffs and at worst shut business down.

Measure 38 will Hurt Oregon's Economy

SAIF Corporation's success in keeping workers' compensation rates low is one of the state's most effective economic development tools. SAIF also provides some of the highest benefits in the nation. Oregon enjoys the best possible scenario, low rates for employers with comparatively higher benefits to employees. Abolishing SAIF would remove Oregon's workers' compensation advantage a key ingredient to providing family-wage jobs.

Abolishing SAIF would dramatically increase the cost of workers compensation to Oregon employers by more than \$108 million a year, resulting in the loss of thousands of jobs. Average employers' workers compensation rates would increase by nearly 20 percent, according state data. Without SAIF tempering costs in Oregon, Liberty Insurance, the sponsor of Measure 38, would be able to charge higher rates and would have less incentive to improve its claims and risk management services.

Injured workers currently covered by SAIF also would be hurt if SAIF is abolished. SAIF makes claims decisions in half the time it takes private carriers and makes first payments to injured workers faster. Future management of their claims would be in the hands of companies focused on profits that can only be made if claims costs are cut.

Please Join Oregon Builders, Employers and Employees in Voting NO on Measure 38.

(This information furnished by Scott Barrie, Oregon Building Industry Association (OBIA).)

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Argument in Opposition

Dear Oregon voter,

My name is Pete Sorenson, an elected Lane County Commissioner. I grew up in Coos County, graduated from the University of Oregon, ran a private law firm, and served as an elected Oregon State Senator who served on the Senate Judiciary Committee. I've been a licensed Oregon attorney for 22 years. My clients have included injured workers and small businesses. Because of this experience, working on insurance issues, that I want to provide you with my perspective on this important measure

I oppose ballot measure 38 to abolish SAIF Corporation, formerly the State Accident Insurance Fund. This measure will hurt small businesses through increased premiums and less accountability.

SAIF was founded in 1914 as a self-supporting agency to fill a gap in the market for affordable worker's compensation insurance. Today, SAIF serves more than 44,000 employers that represent more than 60 percent of small businesses and over half the non-profits in Oregon. Many of the businesses that SAIF insures are small and high-risk businesses that if insured by private firms would be placed in special high-risk pools that charge higher rates.

While SAIF has engaged in some excesses in lobbying, reform and increased accountability should be demanded, not abolishing this public corporation.

Passing this measure also means higher premiums and less accountability for small businesses, the very businesses SAIF was created to help. Worker's compensation insurance is very

Measure 38 Arguments

important to all Oregon workers. If SAIF were abolished, insurance rates would increase by nearly 20 percent and cost businesses up to \$108 million in increased rates. This means fewer jobs and higher costs for many of Oregon's small businesses.

Thank you,

Pete Sorenson

PS - If you have any questions about the seriousness of this measure to abolish SAIF and why I oppose it, please contact me at Pete Sorenson PO Box 10836, Eugene, Oregon 97440 or call me at (541) 485-6726 or email me at sorenson2004@juno.com.

(This information furnished by Peter Sorenson.)

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Argument in Opposition

OREGONIANS ARE NOT STUPID!

Does Liberty Northwest think Oregonians are stupid?

Why would we dismantle a successful, proven, non-profit, citizen-owned insurance company (i.e., SAIF), so that a for-profit, unsuccessful, Boston-based insurance company (i.e., Liberty Northwest) can raise rates and stay in business?

Ballot Measure 38 is just plain stupid!

Keep Oregon's dollars in Oregon, not in Boston.

Keep insurance rates low.

Keep SAIF!

Vote NO on Measure 38!

(This information furnished by James B. Northrop.)

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Argument in Opposition

The Oregon Nurses Association Opposes Ballot Measure 38

As the President of the Oregon Nurses Association (ONA) and a career nurse I am acutely aware of the importance of maintaining a safe workplace not only for our patients but also for the safety of doctors, nurses and other employees in hospitals and medical offices throughout Oregon.

The ONA believes that SAIF Corporation plays a critical role in preventing workplace injuries. The ONA works closely with SAIF to ensure the utmost level of care and attention is dedicated to maintaining and enhancing safety.

Measure 38, which abolishes SAIF, would undermine all our work and increase workers compensation costs for the medical care providers further increasing health care costs.

The ONA believes SAIF has been an Oregon success story since reforms to the insurer took place in the 1990s. Affordable worker's compensation is an important priority for Oregon's health care providers and employees. SAIF has done an excellent job keeping rates low. In fact, Oregon's basic rate hasn't increased in 14 years, largely due to SAIF's efforts.

Oregon's low workers' compensation rates are one of the best things the state's economy has going for it. Oregon's rates are much lower than those in neighboring California and Washington,

both now struggling to reform their workers' compensation systems to work more like Oregon's.

Abolishing SAIF would dramatically increase the cost of workers' compensation to Oregon employers. Estimates indicate it could raise rates for some businesses by 30 to 50 percent. That could cost Oregon employer's more than \$108 million a year and may result in the loss of thousands of jobs.

Oregon workers, businesses and our state's economy have a lot invested in SAIF. Abolishing SAIF would cause great harm to our state and most importantly undermine Oregon's future.

Please join the ONA in voting in no on Measure 38.

(This information furnished by Debbie Cassell, President, Oregon Nurses Association.)

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Argument in Opposition

EASTERN OREGON BUSINESSES OPPOSING MEASURE 38

BAKER CITY BUSINESSES:

Black Distributing, Inc.

BURNS BUSINESSES:

ACW, Inc. • Burns Building Supply

ENTERPRISE:

Alder Slope Ditch Co., Inc.

JOSEPH:

Joseph Bronze

LA GRANDE BUSINESSES:

AC&L Inc., dba Action Plumbing • Kohr Body Shop Inc. • Steven J. Joseph, P.C. • Nature's Pantry, Inc. • Rogers Asphalt Paving Co./Redi-Mix Concrete • Weaver Construction Co.

MILTON-FREEWATER:

Lyon Repair

MT. VERNON BUSINESSES:

Dakom Logging, Inc. • Oregon Telephone Corporation

NYSSA:

Fiesta Farms Inc.

ONTARIO BUSINESSES:

Blackaby Insurance Agency, Inc. • Maeda-Tuttle Construction

(This information furnished by Mark Nelson.)

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Argument in Opposition

SOUTHERN OREGON BUSINESSES OPPOSING MEASURE 38

ASHLAND BUSINESSES:

Ashland Greenhouses • Domestic Solutions LLC, Zoe Lehmann, member • Siskiyou Transportation, Inc. • Town & Country Chevrolet Oldsmobile, Inc.

CANYONVILLE BUSINESSES:

Canyon Hydraulics, Inc. • Huffman-Wright • Smokey's Pals LLC • South Douglas Saw Shop

Measure 38 Arguments

CENTRAL POINT BUSINESSES:

Grange Co-Op • Hydro-Flow Inc., Raymond W. Urton, Chairman of the Board • Interstate Battery Systems of Southern Oregon • PremierWest Bank

DRAIN BUSINESSES:

North Douglas Economy Drugs, Inc.

EAGLE POINT BUSINESSES:

Southern Oregon Tallow Company, Inc.

GRANTS PASS BUSINESSES:

Auto Tech Mfg. LLC • Copeland Sand & Gravel, Inc. • HBA of Josephine County • Henry Turk Trust • HMK Corporation dba Herb's LaCasita, Beverly C. Parker, President • Larson's Cabinet Factory Inc. • Royale Gardens Health & Rehabilitation Center • Star Automotive • Wm. R. Lovelace Construction, Inc. • Zottola's Valley of the Rogue Dairy, owner-partner Palmer Zottola

KLAMATH FALLS BUSINESSES:

AAA Discount Storage • Anderson Production Printing • Citation Upholstery • Frank Grohs Equipment Repair • Heaton Steel & Supply, Inc. • Horizon Erectors, Inc. • Klamath Basin HBA • Klamath Pacific Corp. • Liens Store • Mick Insurance Agency, Inc., Carol Mick, President • Novak's Auto Parts • Powley Plumbing Inc. • Sessler Metals, Inc. / Sessler Metals Used Steel, Inc. • Wildland Timber Falling, Inc.

LAKEVIEW BUSINESSES:

Nolte Insurance Agency, Inc., Gigi Outland

MEDFORD BUSINESSES:

The Acorn Press, Inc. • Airport Chevrolet • Bach's Camera Center • C.W. Concrete, Inc. • Color Rite Auto Body, Roy Borelli, owner • Dollar GMC-Oldsmobile • Forestglen Lumber Co. • Modern Plumbing • Morgan Pacific, LLC • Piano Studios & Showcase, Thomas Lowell, President • Profile Grinding & Machine Inc. • Silver Bell Wholesale, Barbara Burke • Southern Oregon Subaru Volvo Mitsubishi

MYRTLE CREEK

Cam Cat Tractor Inc. • SA Schuyler & Sons Inc., Sidney Allen Schuyler, President

OAKLAND

J&B Wood Products, Inc.

O'BRIEN BUSINESSES:

Mark Rehmar Studio

ROSEBURG BUSINESSES:

A-1 Auto Sales Inc. • AAMCO Transmissions • Cagle Communications, Inc. • Destiny Communications Inc., Terry L. Brown, Sec/Treasurer • Douglas Timber Operators, Robert Ragon, Executive Director • First Strike Environmental, Judith A. McLaughlin, Insurance Administrator • Roseburg Disposal Co. • Walker Bros. Auto Repair Inc. • Western Testing, Inc.

WHITE CITY

S&B James Construction Co.

(This information furnished by Mark Nelson, Committee for SAIF-Keeping.)

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Argument in Opposition

CENTRAL OREGON BUSINESSES OPPOSING MEASURE 38

BEND BUSINESSES:

Bend Heating & Sheet Metal Inc. • C.A.C. Transportation, Inc. dba Central Oregon BREEZE • Carlson Sign, Peter Carlson, President • Century Insurance Group LLC • Constructor Services, Inc., Sherry W. Rodgers • Hancock Construction Inc. • High Desert Beverage Distributors, LLC, Dave Kremers, CEO

• Hooker Creek Companies, LLC • J-R's Body & Paint Works Inc. • Ken's Ice, Ray Lakey, President • LAMCO Industries Inc., Mike Erbele, President • Mountain High Contractors, Inc. • Pine Mountain Acoustical, Inc. • Robert S. McDaniel, CPA • Round Butte Seed Growers • The Oregon Store Inc.

MADRAS BUSINESSES:

Bright Wood Corp. • Madras Builders Center, Inc. • Tiger Mart and Deli, Inc.

PRINEVILLE BUSINESSES:

Barr Groff Trucking • Cooper Electric I, LLC

REDMOND BUSINESSES:

Courtesy RV, Inc. and Courtesy RV, Inc. dba Auto Electric & Power Systems

SISTERS BUSINESSES:

Chaparral Apartments • Hinterland Ranch

(This information furnished by Mark Nelson.)

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Argument in Opposition

COLUMBIA GORGE/I-84 BUSINESSES OPPOSING MEASURE 38

BOARDMAN BUSINESSES:

Boardman Hardware, Inc.

HEPPNER BUSINESSES:

Heppner Hardware • Morrow County Grain Growers, Inc.

HERMISTON BUSINESSES:

A-Plus Connectors • Columbia Court Club, Inc. • Hermiston Home Center, Inc. • Power Pro, Inc., Jon Patterson

HOOD RIVER BUSINESSES:

Hood River Supply Assn. • Krieg Millwork & Building Supply, Ravinder K. Grover • Laraway & Sons, Inc. • Phelps Trucking Inc. • von Lubken Orchards Inc. • Your Rental & Party Center

PARKDALE BUSINESSES:

Lava Nursery Inc. • Norman L. Pratt General Contractor

PENDLETON BUSINESSES:

Hill Meat Company, William VanEtta, Controller • Obie's Import Repair, Inc. • West's Rental & Sales Inc., Sharon West, Sec/Trea.

THE DALLES BUSINESSES:

Columbia River Music, Inc. • Dahle Orchards • Orchard View Farms, Inc. • Polehn Farms Inc.

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Argument in Opposition

OREGON COAST BUSINESSES OPPOSING MEASURE 38

ASTORIA BUSINESSES:

Knappa Water Assn. • Rickenbach Construction Inc. • Wesrose's Antiques • Wilkins Construction LLC, Jim Wilkins, managing member

BANDON BUSINESSES:

Second Street Gallery

Measure 38 Arguments

BROOKINGS BUSINESSES:

Freeman Rock, Inc. • Leslie E. Hahn Inc. • ORCA, Inc.,
Marsha Geraghty

COOS BAY BUSINESSES:

Abel Insurance Agency • Bay Area Chamber of Commerce •
Blue Heron Bistro, Inc. • Coast Carpet, Inc., John Hamilton,
Pres. • Coos Bay Trawlers' Assoc., Inc. • Crook Timberlands
LLC • Doug's Industrial Machining • Ferguson Transfer •
Koontz Machine and Welding, Inc. • Lee Webster Excavating,
Inc. • Messerle & Sons • Raindance Laundry & Diaper
Services, LLC, Michael R. Watson, Owner • Thomas and Sons
Transportation • Vend West Services Inc. • West Coast
Contractors

FLORENCE BUSINESSES:

R. Scott Roberts • Ray Wells, Inc.

GOLD BEACH BUSINESSES:

Mike O'Dwyer, Lawyer

LINCOLN CITY BUSINESSES:

Halvorson-Mason Corp. • North Lincoln Sanitary Service •
Lincoln City Chamber of Commerce

NEHALEM BUSINESSES:

Ayres Construction, Inc.

NEWPORT BUSINESSES:

Anne Herff Meyer DDS, LLC • Alan Brown Tire Center, Inc. •
Associated Cleaning Svcs., Inc. • Barney & Larkin
Construction, Inc. • Orca Builders, Inc. • W.W. Construction,
LLC

NORTH BEND BUSINESSES:

Crown Roofing Co. • Donald W. Thompson, Inc., Donald J.
Thompson, President • Menasha Forest Products Corporation

PACIFIC CITY BUSINESSES:

GH Construction & Design, Inc.

RAINIER BUSINESSES:

Gary Holcomb, dba Riverside Auto Body

REEDSPORT BUSINESSES:

Gerhard Goorhuis DDS PC • Laskey-Clifton Corp.

SEASIDE BUSINESSES:

Commercial Linen Service

TILLAMOOK BUSINESSES:

Bob Wirth Motors, Inc., Robert Wirth • Denis Schmitz Cedar
Products • North Coast Door Co., Steve and Paulette Wynia

TOLEDO BUSINESSES:

KT Mitchell Trucking Co. • PMK Distributing Inc.

VERNONIA BUSINESSES:

Holce Logging Co., Inc., Randall E. Holce, President • Mike
Pihl Logging Co. Inc.

WARRENTON BUSINESSES:

Reed & Hertig Packing Co. • Sound Waves Car Stereo

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Argument in Opposition

WILLAMETTE VALLEY BUSINESSES OPPOSING MEASURE 38

ALBANY BUSINESSES:

B & D Custom Fabrication, Inc. • Brass Plumbing, Inc., Jon
Hanson, President • Filter Care • T-Plus Steel Fabricators •
W.L. Thomas Environmental LLC

CORVALLIS BUSINESSES:

Blackledge Furniture • City Limits Store • Columbia Concrete
Sawing Company • Sedlak's Shoes • Starker Forests, Inc. •
Willamette Valley HBA

EUGENE BUSINESSES:

Anchor Insurance & Surety, Inc. • Anslow & DeGeneault, Inc. •
Brothers Cleaning Services, Inc. • Central Print &
Reprographics • Chambers Construction Co. • Colburn
Painting, Inc. • Egge Sand & Gravel, LLC • Eugene Sand &
Gravel, Inc. • Frontier Resources LLC • John Hyland
Construction • Noble Lumber Inc. • Overhead Door Co. of
Eugene-Springfield • Pacific Mushroom, Inc. • Staton
Companies, Jeanne Staton, Pres.

McMINNVILLE BUSINESSES:

J.C. Compton Contractor, Inc. • High Heaven Timberlands Inc.,
Dan Grimm, President • James L. Heiser, L.P.T. • McDonald
Lane Dental Center, Celeste D. Stephans • McMinnville Manor
Mobile Home Park • Northwest Asphalt Sealing

NEWBERG BUSINESSES:

Emerick Construction • Fulcrum Technologies, Inc. • GVS
Contracting, Inc., William Dale Smith, President • K2MG
Interiors Inc. • Newberg Care Home • Pacific Coast Air
Balancing

SALEM BUSINESSES:

A. G. Sadowski Co. • Academy of Hair Design, Inc., Gene D.
Snook, President • Acoustic Panel Systems • Ankeny
Lakes/St. Maries Wild Rice Cos. • Boise Cascade Corporation
• Business Connections, Inc. • Cal's Propane • Forest
Technologies Inc., Donald M. Miller, Vice President • GSM
Constructors, Gordon McPherson, Owner • Gelco Construction
Co. • Hanard Machine, Inc. • J & J Precision Machine Inc. •
Johnson & Ray Investment Realty, Inc. • Landmark Pacific Inc.
• Marion-Polk Bldg. Ind. Assoc. • Meyer Nursery & Orchards
• Noble Mountain Tree Farm • Oregon Lock & Access, LLC •
The Papé Group, Inc., Lee Wood, Director of Human Resources
• Philco & Associates Inc. • Salem Sand & Gravel Co. •
Standard Utility Contractors, Inc. • Superfast Undercar Parts
Inc. • TimeMark Incorporated • Whitlock's Vacuum & Sewing
Center

SPRINGFIELD BUSINESSES:

General Trailer Parts, LLC • Hamilton Construction Co. •
Jensen Drilling Co. • L.R. Brabham Inc. • Olsson Industrial
Electric, Inc. • Omlid & Swinney Fire Protection and Security •
Oregon Lox Co. • Timber Products Co.

SWEET HOME BUSINESSES:

Holley Construction, LTD. • Reliable Heating & Air Conditioning
• South Fork Trading Co.

(This information furnished by Mark Nelson, Committee for SAIF-Keeping.)

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Argument in Opposition

WASHINGTON COUNTY BUSINESSES OPPOSING MEASURE 38

ALOHA BUSINESSES:

Hollenbach & Hurd, Inc.

BEAVERTON BUSINESSES:

Baker Rock Resources • BTEX Analytical, Inc. • Mountain
Trucking Co., Inc. • Rice Studio Supply, Inc., Scott Rice,
President • Royal Pines Apartments • Seabold Construction
Co., Inc., Harry W. Seabold, Vice President

CORNELIUS BUSINESSES:

Squires Electronics • TVI Power & Sports, Georgia

Measure 38 Arguments

Todd-Tiffany, President • Twigg Farm

FOREST GROVE BUSINESSES:

Hi-Tech Rockfall Construction, Inc., L. Howard Ingram, President

GASTON BUSINESSES:

Double "G" Concrete Pumping Inc. • Scroggins Creek Harvesting

GERVAIS BUSINESSES:

Fiber-Fab, Inc.

HILLSBORO BUSINESSES:

A.B. Laundry & Mat Services, LLC • Banner Furniture • Bronleewe Inc. • Cascade Tek • Columbia Corporation • Crestview Construction, Inc. • Elite Granite and Marble • The Gym-Nest LTD. • Oregon Memorials • Lakeside Industries • New Tech Electric • Scottie's Auto Body Repair, Inc.

NORTH PLAINS BUSINESSES:

Gonzales Boring & Tunneling Inc., James Gonzales, President • Rockford Corporation • Valley Machine Service

SHERWOOD BUSINESSES:

Benge Construction Co. • C&M Construction Inc. • Colamette Construction Company, Jim Hirte, President • Corvette Specialties Inc. • Disability Specialists Inc. • Westernman Developments

TIGARD BUSINESSES:

Cambridge Machine Works Inc. • Blake Enterprises and the Decorette Shop, Phillip B. Blake, President • Eagle-Elsner, Inc. • Forde Enterprises Inc., Charles Forde, CEO • Gregory Law Landscape LLC • H & A Construction Co. • Northwest Engineering Service, Inc. • Reitmeier Mechanical • Shop Equipment Co., Inc., James Havlinek, President • Snyder Roofing of Oregon L.L.C. • West Coast Masonry, Inc., Jeff Petersen, President

TUALATIN BUSINESSES:

Cascade Acoustics, Inc. • The Cleaning Solution • Construction Equipment Company • Crawford Roll-Lite Door Sales • Metro Machinery Rigging, Inc.

(This information furnished by Mark Nelson, Committee for SAIF-Keeping.)

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Argument in Opposition

CLACKAMAS COUNTY BUSINESSES OPPOSING MEASURE 38

BORING BUSINESSES:

Elte, Inc., Wes Forman • Viking Heating Inc., Larry H. Michelsen, Pres.

CLACKAMAS BUSINESSES:

A-Temp Heating & Cooling • Columbia River Contractors, Inc. • Goodman Sanitation, Inc. • Kleenair Products Co. • Milstead & Associates • Northcoast Manufactures' Agency • Parkin Electric, Inc. • R.S. Davis Recycling, Inc. • Rhino Linings of Clackamas • Righteous Clothing LLC, Alyson Salz, partner • Town & Country Fence Co. of Oregon, Dennis Fleck, President

ESTACADA BUSINESSES:

Oregon Tree Farms, Ltd.

GLADSTONE BUSINESSES:

Elting, Inc. • Hannan-Mossman Construction, Inc.

LAKE OSWEGO BUSINESSES:

American Electronics Association, Oregon Council • Employers Overload, Peter J. Szambelan, Chairman/CEO • Glazer & Associates, P.C. • Haase Industries, Inc. • Todd's Import

Automotive, Todd Weedman, owner • Turco Engineering, Inc.

MILWAUKIE BUSINESSES:

Eye Clinic of Milwaukie, P.C. • Eye Health Northwest • HVAC Incorporated • North Clackamas Chamber of Commerce, Wilda Parks, President/CEO • The Stoner Electric Group

MOLALLA BUSINESSES:

Marson Trucking Inc. • Superior Glass Works

OREGON CITY BUSINESSES:

Advanced American Construction, Inc. • Coffman Excavation, Carl T. Coffman, President • Northwest Precision Fabricators • Proturun, Inc. • R. Keith Painting Inc. • RT & Associates, Inc. • Rumbold Heating & Air Conditioning, Inc., Robert B. Johnson, Secty-Treas. • SingaporeMath.com Inc. • Vandy Farms

SANDY BUSINESSES:

Speck Enterprises • Web Steel Buildings

WEST LINN BUSINESSES:

Gamble Construction Services • Hatch Western Co., Inc.

WILSONVILLE BUSINESSES:

Columbia Development Group, Inc. • Coral Construction Company, Richard C. Morgan, Controller • Integrity Logistics • Keywest Retaining Systems, Inc., Della Wyatt • Lance's Superior Auto Service • MSE Retaining Systems, Inc., Bob Westlake • Oakleaf Park • Wilsonville Lock Works, Inc.

(This information furnished by Mark Nelson, Committee for SAIF-Keeping.)

This space purchased for \$500 in accordance with ORS 251.255.

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Argument in Opposition

PORTLAND AREA BUSINESSES OPPOSING MEASURE 38

ABC Roofing Co. Inc. • ACME Welding Inc. • Access Ability, Inc. • Altizer Enterprises, Inc., Bruce Altizer • Anderson Roofing Co., Inc. • Arctic Sheet Metal • Bill R. Scharwatt • Blackthorn Group Inc. • Bristol Woodworking • Broadway Import Auto Service, Inc. • Chemical Distributors, Inc. • Chnek's JES Grocery, Juan Chiang • Classic Chauffeur Co., Inc. • Community Management, Inc. • Couturier Tree Farm • Crank City Inc. • Curtis Trailers • Current Electrical Construction Company

Dailey's Inn Inc. • Delta Fire, Inc. • David's Appliance Inc. • E.E. Schenck Company • Emerick Construction • Ferguson Commercial Coatings Co. • Finlandia Sauna Products, Inc. • Friction Products Manufacturing Co., Inc. • G/S Associates • General Tool & Supply Co. • General Tree Service • George & Son Cutlery • Glacier Northwest, Inc. • Gordon Properties, LLC • Green Transfer & Storage Co. • Gresham Podiatry Center, LLC

Hammer and Hand, Inc. • Harmer Steel Products Company • Hasselblad Lumber Sales, Steven Hasselblad, President • Hathaway Dental Lab • The Heestand Company, William Heestand • Howard Jacobs Masonry • Industrial Craters & Packers L.L.C. • JCW, Inc. • J.E. Dunn Construction - Northwest • J.S. Perrott & Co. • Jacobs Heating & Air Conditioning, Inc. • Jarmer Electric, Inc. • Jordan Schrader PC, Attorneys at Law • Keelson Partners • Kent W. Cox & Associates, Inc. • Kuhnhausen's Furniture Showcase

Mn'M Cabinet Company • Marque Motors, Inc., Kurt Leipzig • Miles Fiberglass & Composites Inc. • Miller Mechanical • Northwest Pump & Equipment • O'Brien Constructors, LLC • Oregon Auto Dealers Association • Overhead Door Co. of Portland • P & C Construction Co. • Pacific Coast Paint Co., Inc. • Payne Construction, Inc. • Peninsula Plumbing Company • Portland Music Company • Ramsay Signs Inc. •

Measure 38 Arguments

Reese Construction Inc., Colleen M. Reese • Reimers & Jolivette, Inc. • Rey Reece Dealerships • Rubber Resource, Inc.

Schaeffers' Nursery, Scott Schaeffer, Partner • Schiller & Vroman, Inc. • Starbot Inc. • Rev. Dr. Wesley Taylor • Todd Hess Building Co. • Total Rental • Triad Mechanical, Inc. • Tri-County Industrial Parts, Inc. • Van Lom & Winge • Van Lom Concrete • W.R. Reed & Company • Walsh Construction Co. • Washman LLC • Wilhelm Trucking Co., Robert J. Wilhelm Jr., Pres. • William C. Earhart Co., Inc. • William G. Moe & Sons, Inc.

(This information furnished by Mark Nelson, Committee for SAIF-Keeping.)

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Argument in Opposition

THE Oregon Farm Bureau Urges a NO vote on Measure 38

Measure 38 is bad for farmers, bad for small businesses, and bad for employees.

One of the largest expenses for Oregon farmers and other small, high-risk businesses is workers' compensation insurance. State law requires this coverage so that injured workers get the medical treatment they need. For years, SAIF has helped Oregon's family farmers and other small business owners get the workers' compensation coverage they need to take care of employees.

SAIF insures 60% of Oregon's small and high-risk businesses, including countless family farms and ranches across the state. Private insurance is often not available to these employers because the risk of offering the coverage is too high and the profits are too low. That's why SAIF was established, and that's why we need SAIF now more than ever.

If allowed to pass, Measure 38 would abolish SAIF. If we lose SAIF, family farmers and ranchers in Oregon can expect their workers' compensation rates to be 30%-50% higher than what they pay under SAIF. After years of drought and low commodity prices and other economic pressures, this is a body blow that would needlessly endanger the survival of many of Oregon's family farms.

The effects of losing SAIF would go far beyond the family farm. Small business is the backbone of Oregon's economy and the engine that drives the economic recovery. Loading another \$108 million onto the backs of these farms and other small businesses would cost Oregon's economy jobs at a time when we can least afford to lose them.

If Oregon loses SAIF, we jeopardize Oregon's small businesses, family farms, and our economic recovery, all for the benefit of a single Boston corporation.

Measure 38 threatens Oregon family farms, small businesses, and our ability to compete and succeed. Don't let a Boston corporation ransack our state.

Please join me and Oregon's family farmers and ranchers in VOTING NO on Measure 38.

(This information furnished by Barry Bushue, President, Oregon Farm Bureau.)

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Argument in Opposition

**Measure 38 Will Give Us the Worst of Both Worlds:
Lower Benefits for Injured Workers,
Higher Rates for Oregon Employers**

If you want to understand the real agenda behind Measure 38, just follow the money to its prime sponsor, Liberty Northwest and its parent corporation, Liberty Mutual.

"Liberty Mutual, one of the most profitable workers' compensation insurance companies in America, and the admitted leader of the Measure 38 attack on Oregon's SAIF, has a history of manipulating state workers' compensation and insurance laws at the expense of injured workers and businesses..."

"Liberty's strategy of cutting benefits for injured workers and attacking state workers' compensation funds has resulted in poverty-level benefits and high prices for small businesses throughout the country."

--Robert E. McGarrah, Jr., JD PPH
Coordinator for Workers' Compensation
AFL-CIO

www.orafclcio.unions-america.com/LibertyMutual.htm

**Measure 38 Amounts to a Hostile Takeover of Oregon's
Workers' Comp Market**

Liberty is sponsoring Measure 38 to eliminate the only competitor that can keep it honest in the all-important business of providing insurance to employers and benefits to workers who are injured on the job – the State Accident Insurance Fund (SAIF).

SAIF is not perfect. It can and should be made more accountable to its stakeholders. But its record in keeping rates low is unsurpassed. And it processes claims and gets first payments to injured workers faster than its private sector competitors.

**Measure 38 Will Jeopardize Benefits Promised to Disabled
Workers and Raise Rates for Employers**

SAIF has set aside prudent reserves to fund its promised benefits to injured workers for years to come. Measure 38 would put those reserves on the auction block, jeopardize the benefits promised to Oregon's disabled workers and create a cost crisis for employers in Oregon that could undermine our fragile economic recovery.

Measure 38 is bad for Oregon's workers, bad for Oregon's employers and bad for Oregon's economy.

Please join us in voting No on Measure 38.

Tim Nesbitt
President
Oregon AFL-CIO

Brad Witt
Secretary-Treasurer
Oregon AFL-CIO

(This information furnished by Tim Nesbitt, President, Oregon AFL-CIO.)

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Argument in Opposition

**Oregon's Injured Workers Say:
Don't Put Our Fate in the Hands of
Private Insurance Companies**

On any given day you could become injured on the job and experience first-hand what happens when greedy private insurers put profits ahead of fair treatment for injured workers. This is why, as advocates for injured workers, we oppose Ballot Measure 38.

Measure 38 Arguments

Measure 38 Will Be Disastrous for Injured Workers and Employers Alike

Measure 38 will abolish Oregon's non-profit State Accident Insurance Fund (SAIF) and turn our workers' compensation system over to private insurers.

In states where private insurers have complete control of the workers' compensation marketplace, we get the worst of both worlds – rates charged to employers are higher, and benefits for injured workers are lower.

Keep Faith with SAIF for the Benefit of Injured Workers

We have always supported a public workers' compensation system that can focus on delivering benefits to injured workers and keeping premiums reasonable for employers.

SAIF is not perfect. But it is now being brought to task by a new director appointed by the governor. More importantly, as a non-profit agency, SAIF plays an important role in the workers' compensation marketplace.

SAIF's benefits for injured workers are soundly funded for the long term.

SAIF has kept employer premiums low.

Because of SAIF, we have avoided the crises that other states have experienced with their workers' comp systems – crises caused when private insurers jack up their rates to boost their profits and then blame injured workers for the increase.

Don't let corporate greed do more damage to our workers' compensation system by eliminating an organization that can be a force for good for injured workers.

For the sake of Oregon's injured workers and their loved ones, and for those who will be injured in the future, please join us in voting No on Measure 38.

Ernest E. Delmazzo
Co-founder/Executive Director
Injured Workers' Alliance

Mike Maier
Secretary
Injured Worker Coalition

(This information furnished by Tim Nesbitt, President, Oregon AFL-CIO.)

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Argument in Opposition

CISNEROS CONSTRUCTION, INC.

Ballot Measure 38 IS BAD FOR OREGON'S SMALL BUSINESSES

Oregon's workers' compensation system is critical to the success of my construction business. Low workers' compensation rates, coupled with the dividends I receive from SAIF, allow my business to grow, and provide better benefits. Without the low rates and excellent service SAIF provides, many small businesses would struggle to stay afloat.

Ballot Measure 38 WILL RAISE WORKERS' COMPENSATION RATES

My employees, currently covered by SAIF, will be harmed if SAIF were abolished. SAIF makes claims decisions in half the time it takes private carriers and makes first payments to injured workers faster. It's important to me that my valued employees get the medical care they need.

Abolishing SAIF will also dramatically increase the cost of workers' compensation in the construction industry. If SAIF is abolished, Oregon contractors could be forced to pay premiums 30-50 percent higher than with SAIF.

SAIF also partners with our industry to enhance on-the-job

safety, which helps prevent on the job injuries. On average, our industry has seen a 60 percent drop in injuries and workers' compensation claims since partnering with SAIF.

Ballot Measure 38 ENCOURAGES CORPORATE GREED

I am personally offended by the misleading and false commercials Liberty Insurance has inundated Oregonians with over the course of their campaign. I find it shocking those corporations would choose to run their business in such a predatory and unethical manner. I know first hand that small construction contractors receive first rate service from SAIF. Many of us couldn't even get insurance from Liberty because we are too small, too risky, and don't make Liberty's shareholders enough profit. SAIF is there for us, not Liberty Insurance. Liberty's greed and self interest are not what is best for Oregon business, workers and families.

PREVENT THE DEMOLITION OF OREGON'S ECONOMY VOTE "NO" on BALLOT MEASURE 38

(This information furnished by John Cisneros, Cisneros Construction, Inc.)

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Argument in Opposition

VOTE NO ON 38 PROTECT INJURED WORKERS

IF YOU LIKE WHAT THE INSURANCE INDUSTRY HAS DONE TO THE COST OF HEALTH INSURANCE, YOU WILL LOVE MEASURE 38

Service Employees International Union Local 503, OPEU opposes Measure 38. The insurance industry is bankrolling passage of this measure in order to decrease competition in the area of workers' compensation insurance.

Business and labor rely on affordable workers compensation coverage in order to make sure workers injured on the job can be treated fairly and can receive the benefits and protection they deserve.

The effect of Measure 38 would be out-of-control insurance costs. Small business in certain industries, like nursing home and long-term care, could be forced into a high-risk pool. They could see their insurance costs rise by 30% to 50%.

Measure 38 would cost taxpayers more than \$2.1 Billion, according to the official Financial Impact Committee.

Privatization of public services often has hidden costs. This time the cost is out in the open.

SEIU Local 503 is committed to fighting for lower health insurance rates, and in this case, lower workers' compensation insurance rates. Oregon's working families cannot afford profiteering by the insurance industry. Workers are already squeezed enough. Now is the time for voters to fight back against the insurance industry.

The working men and women of SEIU Local 503 urge you to say NO to profiteering by big insurance companies and VOTE NO on Measure 38.

For more information, please go to www.seiu503.org.

(This information furnished by Arthur Towers, Service Employees International Union Local 503, OPEU.)

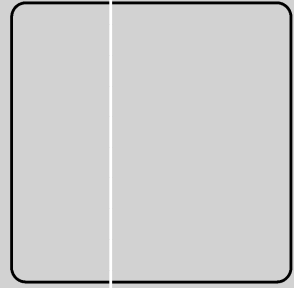
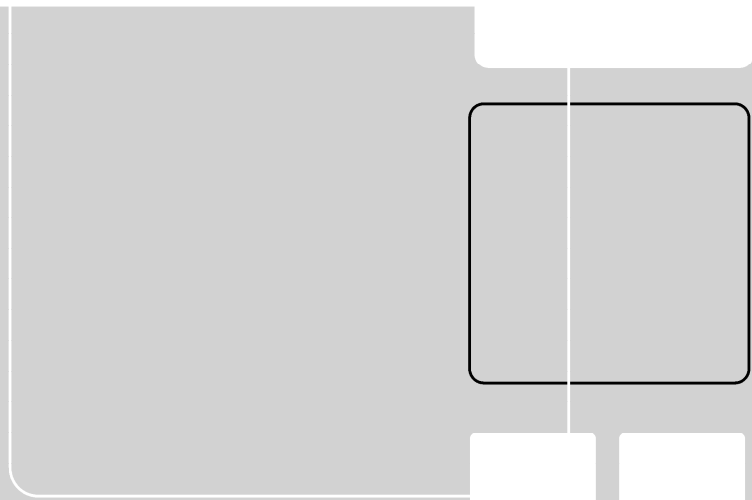
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County Elections Offices

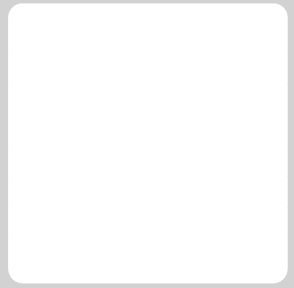
Baker	Tamara J. Green Baker County Clerk 1995 3rd St., Suite 150 Baker City, OR 97814-3398 541-523-8207 TTY 541-523-8208 e-mail: tgreen@bakercounty.org	Douglas	Barbara E. Nielsen Douglas County Clerk PO Box 10 Roseburg, OR 97470-0004 541-440-4252 TTY 1-800-735-2900 Fax 541-440-4408 e-mail: lmdilley@co.douglas.or.us
Benton	James Morales Benton County Clerk Elections Division 120 NW 4th St., Room 13 Corvallis, OR 97330 541-766-6756 TTY 541-766-6080 Fax 541-766-6757	Gilliam	Rena Kennedy Gilliam County Clerk PO Box 427 Condon, OR 97823-0427 541-384-2311
Clackamas	Sherry Hall Clackamas County Clerk Elections Division 825 Portland Ave. Gladstone, OR 97027 503-655-8510 TTY 503-655-1685 Fax 503-655-8461 e-mail: elections@co.clackamas.or.us http://www.co.clackamas.or.us/elections	Grant	Kathy McKinnon Grant County Clerk 201 S. Humbolt, Suite 290 Canyon City, OR 97820-0039 541-575-1675 TTY 541-575-1675 Fax 541-575-2248 e-mail: grantco@oregontrail.net
Clatsop	Betsy Moes Clatsop County Clerk Elections Division PO Box 178 Astoria, OR 97103-0178 503-325-8511 TTY 503-325-9307 Fax 503-325-9307 e-mail: nwilliams@co.clatsop.or.us http://www.co.clatsop.or.us	Harney	Maria Iturriaga Harney County Clerk Courthouse, 450 N. Buena Vista Burns, OR 97720 541-573-6641 Fax 541-573-8370 e-mail: clerk@co.harney.or.us http://www.co.harney.or.us
Columbia	Elizabeth (Betty) Huser Columbia County Clerk Courthouse, 230 Strand St. St. Helens, OR 97051-2089 503-397-7214 TTY 503-397-7246 Fax 503-397-7266 e-mail: huserb@co.columbia.or.us http://www.co.columbia.or.us	Hood River	Sandra Berry Director, Records/Assessment 601 State St. Hood River, OR 97031-1871 541-386-1442
Coos	Terri L. Turi, CCC Coos County Clerk Courthouse, 250 N. Baxter Coquille, OR 97423-1899 541-396-3121, Ext. 301 TTY 1-800-735-2900 Fax 541-396-6551 e-mail: elections@co.coos.or.us http://www.co.coos.or.us	Jackson	Kathy Beckett Jackson County Clerk 1101 W. Main St., Suite 201 Medford, OR 97501-2369 541-774-6148 TTY 541-774-6719 Fax 541-774-6140 e-mail: becketks@jacksoncounty.org http://www.co.jackson.or.us
Crook	Deanna (Dee) Berman Crook County Clerk 300 NE Third, Room 23 Prineville, OR 97754-1919 541-447-6553 TTY 541-416-4963	Jefferson	Kathy Marston Jefferson County Clerk 66 SE "D" St., Suite C Madras, OR 97741 541-475-4451 Fax 541-325-5018 e-mail: kathy.marston@co.jefferson.or.us
Curry	Renee Kolen Curry County Clerk PO Box 746 Gold Beach, OR 97444 541-247-3297 or 1-877-739-4218 TTY 1-800-735-2900 Fax 541-247-6440	Josephine	Georgette Brown Josephine County Clerk PO Box 69 Grants Pass, OR 97528-0203 541-474-5243 TTY 1-800-735-2900 Fax 541-474-5246 e-mail: clerk@co.josephine.or.us
Deschutes	Nancy Blankenship Deschutes County Clerk 1300 NW Wall St., Suite 200 Bend, OR 97701 541-388-6546 Fax 541-383-4424 e-mail: elections@deschutes.org http://www.deschutes.org	Klamath	Linda Smith Klamath County Clerk 305 Main St. Klamath Falls, OR 97601 541-883-5157 or 1-800-377-6094 Fax 541-885-6757 e-mail: lsmith@co.klamath.or.us http://www.co.klamath.or.us

County Elections Offices

Lake	Stacie Geaney Lake County Clerk 513 Center St. Lakeview, OR 97630-1539 541-947-6006	Sherman	Linda Cornie Sherman County Clerk PO Box 365 Moro, OR 97039-0365 541-565-3606 Fax 541-565-3312 e-mail: lcornie@sherman.k12.or.us
Lane	Annette Newingham Chief Deputy County Clerk 275 W. 10th Ave. Eugene, OR 97401-3008 541-682-4234 TTY 541-682-4320 Fax 541-682-2303 http://www.co.lane.or.us/elections	Tillamook	Tassi O'Neil Tillamook County Clerk 201 Laurel Ave. Tillamook, OR 97141 503-842-3402 Fax 503-842-1599 e-mail: toneil@co.tillamook.or.us http://www.co.tillamook.or.us
Lincoln	Dana Jenkins Lincoln County Clerk 225 W. Olive St., Room 201 Newport, OR 97365 541-265-4131 TTY 541-265-4193 Fax 541-265-4950 http://www.co.lincoln.or.us/clerk	Umatilla	Patti Chapman Director of Elections PO Box 1227 Pendleton, OR 97801 541-278-6254 Fax 541-278-5467 e-mail: pattic@co.umatilla.or.us http://www.co.umatilla.or.us
Linn	Steve Druckenmiller Linn County Clerk 300 SW 4th Ave. Albany, OR 97321 541-967-3831 TTY 541-967-3833 Fax 541-926-5109 e-mail: sdruckenmiller@co.linn.or.us	Union	R. Nellie Bogue-Hibbert Union County Clerk 1001 4th St., Suite D LaGrande, OR 97850 541-963-1006 Fax 541-963-1013 e-mail: nhibbert@union-county.org http://www.union-county.org
Malheur	Deborah R. DeLong Malheur County Clerk 251 "B" St. West, Suite 4 Vale, OR 97918 541-473-5151 TTY 541-473-5157 Fax 541-473-5523 e-mail: ddelong@malheurco.org http://www.malheurco.org	Wallowa	Charlotte McIver Wallowa County Clerk 101 S. River St., Room 100, Door 16 Enterprise, OR 97828-1335 541-426-4543, Ext. 15 Fax 541-426-5901 e-mail: wcclerk@co.wallowa.or.us http://www.co.wallowa.or.us
Marion	Sharon Ricks Marion County Elections Division 4263 Commercial St. SE, #300 Salem, OR 97302-3987 503-588-5041 or 1-800-655-5388 TTY 503-588-5610 e-mail: elections@co.marion.or.us http://clerk.co.marion.or.us	Wasco	Karen LeBreton Coats Wasco County Clerk 511 Washington St., Room 201 The Dalles, OR 97058 541-506-2530 TTY 541-506-2530 Fax 541-506-2531 e-mail: karenl@co.wasco.or.us
Morrow	Barbara Bloodsworth Morrow County Clerk PO Box 338 Heppner, OR 97836-0338 541-676-5604 TTY 541-676-9061 e-mail: bbloodsworth@co.morrow.or.us	Washington	Mickie Kawai Elections Division 3700 SW Murray Blvd., Suite 101 Beaverton, OR 97005 503-846-5800 TTY 503-846-4598 e-mail: election@co.washington.or.us http://www.co.washington.or.us
Multnomah	John Kauffman Director of Elections 1040 SE Morrison St. Portland, OR 97214-2495 503-988-3720 Fax 503-988-3719 e-mail: john.kauffman@co.multnomah.or.us http://www.mcelections.org	Wheeler	Barbara S. Sitton Wheeler County Clerk PO Box 327 Fossil, OR 97830-0327 541-763-2400 TTY 541-763-2401 Fax 541-763-2026 e-mail: bsitton@ncesd.k12.or.us
Polk	Valerie Unger Polk County Clerk 850 Main St. Dallas, OR 97338-3179 503-623-9217 TTY 503-623-7557 Fax 503-623-0717 e-mail: unger.valerie@co.polk.or.us http://www.co.polk.or.us	Yamhill	Jan Coleman Yamhill County Clerk 535 NE 5th St., Room 119 McMinnville, OR 97128-4593 503-434-7518 TTY 1-800-735-2900 Fax 503-434-7520 e-mail: elections@co.yamhill.or.us http://www.co.yamhill.or.us/clerk/elections



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visit **www.oregonvotes.org**

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Oregon Voter Registration

qualifications *If you check no in response to either of these questions, do not complete this form.*

Are you a citizen of the United States of America? yes no
Will you be at least 18 years of age on or before election day? yes no

personal information *please print*

name (required) last first middle

home address (required, include apt. or space number) city zip code

date of birth (required, month/day/year) phone number (optional) county of residence

mailing address (required if different from home address)

political party *choose one of the following:*

Constitution Democratic Libertarian Pacific Green
 Republican Not a member of a party Other _____

signature *I swear or affirm that I am qualified to be an elector, and I have told the truth on this registration.*

sign here _____ date today _____

warning: If you sign this card and know it to be false, you can be fined up to \$100,000 and/or jailed for up to 5 years.

identification *with mailed registration only*

Identification is requested **only** if you are a new registrant in this county and are mailing this form via the United States Postal Service. Identification is not required for updates within the same county or new registrations delivered in person or by means other than mail.

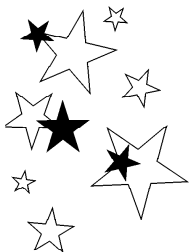
Sufficient identification is a **copy** of one of the following showing your current name and address:

- valid photo identification (such as a driver's license)
- a paycheck stub
- a utility bill
- a bank statement
- a government document

if previously registered and changing personal information, fill out this section *please print*

previous registration name previous county and state

home address on previous registration date of birth (month/day/year)

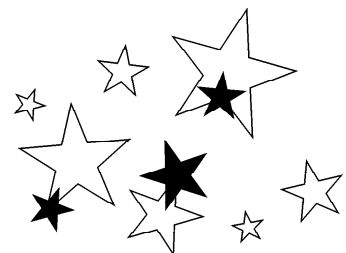


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