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Policy Advice for Oregon's Next Governor

By John A. Charles, Jr.



As this is being written, three leading candidates are vying to become the next Oregon governor. Each is trying to distinguish herself as the person who will pull us out of the ditch that Kate Brown drove us into. Even Tina Kotek, the Democratic nominee who worked hand in glove with the Governor for seven years as Speaker of the House, has furiously tried to distance herself from Kate Brown's track record.

While it's nice to know that all the candidates acknowledge the need for change, what's more important is the substance of their proposed solutions. Here are some suggestions that would make Oregon a better place to live.

Provide parents with more educational options for their children. Between the school shutdowns of 2020-21 and the hijacking of curriculum by special interests, many parents are desperate to get their kids out of the government school monopoly. The next governor should promote a three-pronged strategy to address this.

First, lift the regulatory cap on charter schools that limits student enrollment to no more than 3% of the student population within specific districts. The current enrollment cap is an explicit acknowledgment by Kate Brown that the government monopoly has failed, and students are trying to escape. Locking the doors is not an intelligent response.

Second, support legislation that Cascade Policy Institute has prepared allowing any student 16 years or older to take the GED test and receive a high school diploma if test scores are high enough.

Many students, especially those who are high achievers, find the last year or two of high school to be a waste of time. Establishing the GED as an actual diploma would give it more prestige and allow students to advance to college, vocational school, or the workplace if they are ready.

Third, the legislature should create a "money-back guarantee" that would allow parents to use a portion

of school funding (the funding provided by the state, not the federal or local governments) to pay for private school tuition, home schooling, or other educational options. This would give all parents the option of leaving, which by itself would provide a powerful motivation for the faculty of every school to improve their product.

These changes are necessary because the government school system is inherently political. Local school districts have a monopoly on both tax funding and service, which prevents parents from having any leverage over the quality of services. Until parents are empowered to act like real consumers and walk out the door, nothing will change.



Many states, including Florida, Indiana, Tennessee, and Idaho, have passed significant school choice reforms in the past two years. Recently, Arizona passed the first universal money-back guarantee, known as Empowerment Scholarship Accounts (ESAs). The Arizona law will give all parents a “Plan B” if they are not satisfied with their assigned public school. The next Oregon governor should embrace these or similar school choice reforms.

Reverse Kate Brown’s war on affordable energy. The modern global economy is based on reliable energy sources including oil, coal, natural gas, and nuclear. In the Pacific Northwest, we also have substantial hydropower resources for electricity generation. Yet, for the past seven years, Gov. Brown has been taking a sledgehammer to this infrastructure because of her bizarre fear of carbon dioxide emissions, a byproduct of burning fossil fuels. If this damage is not reversed, we will find ourselves with rising costs to heat our homes, drive to work, or produce goods and services. We also will begin experiencing regular electricity blackouts.

The legislature, even when dominated by Democrats, limited some of the Governor’s more extreme measures, such as her demand that we impose an absolute limit on anthropogenic carbon dioxide emissions. The Governor responded to this by simply ignoring legislative intent. She implemented her radical agenda through an executive order, including programs to increase residential densities, reduce the carbon intensities of motor vehicle fuels, and prohibit the sale of traditional gasoline-powered cars after 2034.

The Brown strategy of taxing and regulating fossil fuels will have zero effect on global climate but will impose significant costs on Oregonians. The next governor should repeal all of these programs and replace the bureaucrats who enacted them.

Improve management of public lands. The State of Oregon is a steward of significant public resources including all waterways, submerged and submersible lands, the State Park system, the State Forest system, and Common School Trust Lands. Each category has a different legal mandate for management, and the

governor can play a key role in deciding how those mandates are interpreted.

Kate Brown has done a terrible job of providing leadership in this regard. She appoints the seven members of the Board of Forestry, who in turn decide what the legal phrase “greatest permanent value” means with regard to management of State Forests. A long-standing dispute over the meaning of that phrase led to a lawsuit by Linn County and others against the state in 2016, resulting in a billion-dollar jury verdict in favor of the counties. That verdict was overturned on appeal.

The Oregon governor is also one of three voting members of the Land Board, which has oversight of Common School Trust Lands that must be managed for the financial benefit of public schools. The Trust Land portfolio consists of 741,000 acres of agricultural, timber, and commercial properties, plus the sub-surface rights to 767,000 acres of energy and mineral resources.

In most years, the state either loses money on these lands or barely makes a profit. When Kate Brown was Secretary of State and had a chance to sell off one of the money-losing assets—the Elliott State Forest—she voted to do so. Later, when she was Governor, she voted against it, despite receiving a cash offer of \$221.8 million, which was the exact amount the Board asked for.

Now the Elliott is losing about \$1 million annually in administrative costs, and taxpayers are paying debt service of some \$149 million on a bond sale Kate Brown engineered so we could “buy” the forest from ourselves for research purposes.

The next governor needs to play a leadership role in charting a much more coherent vision for state-owned resources. More than half of Oregon is owned by the federal government, and most of those lands are administered as museum displays that you can look at, but not really touch. The much-smaller holdings of state-owned land should be managed with a greater emphasis on sustained-yield commodity production.



Enhance electric grid reliability. Over the past 25 years, Oregon politicians have deluded themselves into believing that we could shut down coal and gas-fired electric generators and replace them with wind and solar farms. This has proven to be a huge mistake. Wind and solar are known as “intermittent” sources for obvious reasons, and they can never be counted on to provide electricity on demand.

The Pacific Northwest is already facing an electricity supply deficit, and it’s likely that sometime this winter we will be ordered to reduce our consumption on cold days. Over the next four years, the situation will get much worse due to planned shutdowns of additional coal plants. At the same time, Kate Brown is determined to force everyone to drive electric vehicles, which would add significantly to the need for more reliable power.

The next governor needs to be a bold proponent of fossil fuel infrastructure, which is the only way we can run a modern economy. She can start by cleaning house at all the relevant energy agencies, including the NW Power Council (two members appointed by the governor), the Oregon Public Utilities Commission (three members appointed by the governor), and the Oregon Department of Energy.

Reduce traffic congestion and create a vision for the next generation of Oregon highways. Many Oregonians have forgotten that for most of the state's history, everyone was stuck in the mud for half the year. During the 20th century we took bold measures to change that.

The Columbia River Highway, promoted by lawyer and entrepreneur Sam Hill, was built between 1913 and 1922 and became world-famous as both a means of modern travel and a scenic destination. Conde McCullough helped connect communities with beautiful bridges (especially along the Oregon coast) that were built between 1921 and 1936. Oregon became the first state in the nation to adopt a state gas tax, in 1919, which helped finance this infrastructure.



Fast-forward to 2022. Many elected officials, including Gov. Brown, are adamantly opposed to any highway expansion. Instead of trying to solve traffic congestion, policy makers have actively made it worse with failed strategies such as road diets, light rail, and high-density housing. Oregon hasn't opened a major new highway in 40 years, on the belief that if we stop building, people will stop driving.

We need a governor who will proudly build on the legacy of Sam Hill, Conde McCullough, and Glenn Jackson by improving the highways we have and planning for the new highways we will need over the next century.

Create more opportunities for home ownership. Most elected officials serving today seem to believe that only the government can solve the housing crisis. This is backwards. The government has largely caused the crisis by excessive regulation, and the next governor should focus on getting government out of the way.

For starters, we need to acknowledge that Oregon's system of statewide land-use regulation, which will turn 50 next year, is in need of significant reform. The 1973 vision of "managed growth" through the use of Urban Growth Boundaries (UGBs) was naive. UGBs have never been expanded adequately to accommodate growth in most cities. Instead, they have created urban land cartels, run by politicians and planners. The result of all cartels is to make the regulated commodity scarce and expensive. Mission accomplished. That's why the price of buildable land in Oregon is vastly more expensive than it should be.

There is no threat of “paving over paradise” (to quote Joni Mitchell), because roughly 60 percent of the state is in public ownership. The remaining lands need to be managed with much more flexibility than is the case today. Housing needs to be a legal use on most private lands, including those lands now zoned for “exclusive” farm and forestry production.

The foregoing is hardly an exhaustive list of all the things our next governor should address. We also need to lower the overall tax burden, reduce or repeal occupational licensing requirements, address Oregon’s soaring substance abuse rates, and stop wasting money on failed “homelessness” programs. Most policy solutions require successful negotiations with legislators, local governments, and business leaders. Kate Brown was not a negotiator, she was a petty tyrant. Oregon deserves better.

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Steps Toward Addressing Oregon’s Homeless Crisis

By Eric Fruits, Ph.D.

It’s been nearly two years since Cascade Policy Institute published the report, *Homelessness in the Portland Region: Some Straightforward Solutions to a Complex Problem*. Our research demonstrated that the “housing first” approach championed by progressives does nothing to reduce the overall number of homeless people sleeping on streets, in parks, or in ramshackle vehicles.

We recommended policies that emphasize “shelter first and housing earned.” We also advocated for the creation of a near-real-time system to track shelter vacancies. Combined, these policies would help to get people off the streets, while also satisfying federal court rulings that make it harder to enforce overnight camping bans.

Since the report was published, Cascade has stayed on top of Oregon’s homeless crisis; and some progress has been made. A Portland city commissioner took our recommendation and worked—unsuccessfully—to convince the Metro regional government to use a portion of the run-down Portland Expo Center as a homeless shelter. Portland’s mayor has issued a series of executive orders to try to clear homeless camps from busy streets and routes to school. All three candidates for governor released plans to address homelessness. Now, things are getting serious, because the city of Portland is facing a lawsuit claiming that tent camping on sidewalks is a violation of the federal Americans with Disabilities Act.

For most people, homeless tents blocking sidewalks are an inconvenience. For the 12% of Portlanders with a disability, a blocked sidewalk is a dangerous problem.

That's why just after Labor Day, ten residents filed a federal class action lawsuit against the City of Portland on behalf of all disabled Portland residents. They claim the city has been in violation of the ADA and the Federal Rehabilitation Act by allowing tent encampments and associated debris to block city sidewalks for more than three years. They argue the city's failure to keep sidewalks clear of obstructions amounts to illegal discrimination against people with disabilities.

The plaintiffs don't want money; they want action from City Hall. They are asking the court to require Portland to remove tent encampments and debris from all city sidewalks. To ensure that people displaced from sidewalks have a place to go, plaintiffs are also asking the court to require the city to construct, purchase, or otherwise make available sufficient shelter space for those people. Providing this shelter space will comply with the 9th Circuit Court decisions in *Martin v. City of Boise* and *Blake v. City of Grants Pass*, which hold that cities cannot enforce anti-camping ordinances unless there are sufficient shelter beds for the local homeless population.

The lawsuit is not a cure-all for the city's homeless crisis because it focuses only on Portland sidewalks. Portland should make all parts of the city safe and accessible, and this ADA lawsuit should be seen as a starting point rather than a solution.



Cascade Policy Institute's report, *Homelessness in the Portland Region: Some Straightforward Solutions to a Complex Problem*, can be downloaded online at: <https://cascadepolicy.org/economic-opportunity/homelessness-in-the-portland-region/>.

Cascade Policy Institute has a three-point mission: to foster individual liberty, economic opportunity, and personal responsibility. Progressive policies regarding homelessness fly in the face of personal responsibility. The misguided "housing first" approach is an entitlement program that offers free housing and services with no requirement that beneficiaries take any responsibility to treat their substance use or mental health or try to get a job.

Public spaces belong to everyone—parks, streets, and even overpasses. When rows of tents block sidewalks anywhere in the city, they deny others the individual liberty to use those sidewalks. When open-air drug use and discarded needles render playgrounds unsafe, the rest of the community is denied the use of the parks their tax dollars are paying for. Business burglaries, auto theft, vandalism, and arson deny thousands the economic opportunity to get to work or to run businesses.

Cascade Policy Institute is leading the way on a free-market approach to homelessness—one that, to paraphrase the late Portland mayor Bud Clark, provides help to those who want it, is firm with those who don't, and provides an environment where we all can enjoy individual liberty and economic opportunity.

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Cascade Policy Institute Welcomes Karen Rue

Earlier this year, Cascade Policy Institute said farewell to Janet Van Gilder, our long-time Executive Assistant, who relocated closer to her family. We wish her well and miss her and her dog, Winston.



We are pleased to welcome Karen Rue as Cascade's new Executive Assistant and program assistant for the Children's Scholarship Fund-Oregon program. Prior to joining the Cascade team, Karen served Northwest nonprofits in Human Resources and Executive Assistant roles and worked in the fields of historic preservation and urban planning in the Portland-Metro area.

A lifelong Oregonian, Karen is passionate about maintaining and improving the livability of our region for generations to come. Karen received a Bachelor of Arts degree in History from the University of Oregon. Welcome, Karen!

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individual liberty, personal responsibility, and
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