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Oregon 2023: Entering the Post-COVID World

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Abstract

The political and budget landscape of Oregon once again can be characterized by incivility and polarization as exemplified by the 6-week walkout of Senate Republicans denying the chamber a quorum to conduct business including the 2023-25 budget. Eventually the Republicans returned, and a budget was passed after the Democrats made concessions on abortion, gender affirming care, and gun bills. The 2023 economic forecast was surprisingly positive given the Federal Reserve's reaction to persistent inflation, the governor and legislature chose three very difficult issues as their priorities: (1) homelessness and housing affordability, (2) mental health and addiction services, and (3) improved early literacy and K-12 education outcomes. There have been major state leadership changes in 2022 and 2023, although the shifts featured familiar faces in new positions more than any deep change. As the 2022 elections demonstrated, the rural-urban split festers. Meanwhile, the federal spigot from COVID funding slowly dries out, although federal infrastructure and economic development programs advance. In sum, the state's steadiness could be on thin ice, especially with Oregon's infamous "kicker" law returning a record \$5.6 billion of tax revenue back to taxpayers.

Politics

The more things change the more things remain the same in Salem. While losing the supermajority that theoretically enabled them to pass new taxes over Republican opposition, Democrats retained strong majorities in the House (35-25) and the Senate (17-12+ one non-affiliated ally). The legislative leadership changed, however. In the House, Corvallis Democrat Dan Rayfield became Speaker in 2022 when Tina Kotek (D-Portland) chose to run for governor after a record-setting 9 years in that position. Meanwhile in the Senate, the departure of another record-breaking leader, Senator Peter Courtney (D-Salem) who served as Senate President for 20 years (and 38 years total in the Legislature), opened the way for Senator Rob Wagner (D- Lake Oswego) to become the top Senate leader in 2023.

However, even though the Democrats maintained majorities in both chambers, Oregon's quorum rules require two-thirds of members be present to conduct business in both chambers. Ten Senate Republicans and one conservative Independent decided to walkout due to proposed bills concerning abortion, transgender healthcare, and enhanced gun control measures. Even though Oregon voters passed Measure 113 in 2022 punishing legislators for unexcused absences by

eliminating their ability to run for reelection, the Senators walkout lasted 6 weeks. It wasn't until Democrats conceded on two bills that Republicans opposed that the walkout ended. House Bill 2002 addressed issues related to abortion access and medical treatments for both transgender adults and minors. Originally, the bill permitted minors below the age of 14 to undergo abortion without parental consent. However, in a compromise, minors retained that option but were required to undergo an evaluation by a healthcare provider. The compromise bill also eliminated funding provisions for reproductive healthcare and abortion access centers in rural areas and on public university campuses. Notably, the sections concerning medical treatments for transgender adults and minors remained largely unchanged. House Bill 2005 focused on firearm legislation. Initially, it forbade the production of unserialized and untraceable firearms, increased the minimum age for firearm purchases in many instances from 18 to 21, and granted local governments the authority to restrict firearms in public areas. In the compromise, the prohibition on manufacturing unserialized and untraceable firearms was upheld.

The biggest political news that affected the politics of budgeting was the 2022 gubernatorial election. The race appeared to give Republicans a legitimate shot at their first Oregon governorship since 1986 when a three-way race developed between Democrat Tina Kotek, Republican House Leader Christine Drazen (R-Canby), and a well-financed independent candidate, former Democratic State Senator Betsy Johnson. Johnson received the most attention at first when Phil Knight, the Nike billionaire, gave her \$1 million in April 2022 and another \$2.75 million by September 2022. Public support for Johnson's effort to walk the middle through her pro-choice, pro-gun, pro-business campaign declined by the Fall and ultimately Knight chose to spend his last \$1 million in the race on Drazen (Vanderhart 2022). Both Johnson and Drazen ran campaigns that centered on the need to reject Portland-based Kotek, highlighting the city's recent troubles with homelessness and political riots. Ultimately the attacks were in vain, and Johnson's calling Oregon's biggest city the "city of roaches" did not improve her poll standings (Borrud, 2022). In November 2022, Kotek outpolled Drazen 47.1% to 43.4%, with Johnson receiving 8.6% of the vote.

Kotek started her governorship without the majority vote her predecessor Kate Brown had, and she won only 7 of Oregon's 36 counties, emphasizing Oregon's ongoing rural-urban divide. Kotek therefore inherited the office from 2022's "most unpopular governor," Kate Brown, another female Portland Democrat, and in Winter 2023 faces the challenge of winning over a public that has a 43% negative view of her (Goldberg and Borrud, 2023).

The rural-urban split and the political impact of Portland's problems were demonstrated by a wide range of other notable voting outcomes in 2022-23. First, dissatisfaction within Portland itself led to passage of a major charter reform that established a ranked-choice voting system and will over time replace its idiosyncratic "commission" model of government with a strong mayor-council system. Second, Oregon's division was glaringly demonstrated by the razor thin passage of two state-wide ballot measures. Measure 111, which passed by a 50.7% made Oregon the first state to establish a constitutional right to "cost-effective, clinically appropriate and affordable health care," although that law has a major budget escape clause that declares that state funding for health care must be balanced against funding for public schools and other essential public services (Templeton, 2022). Measure 111 has no revenue component, so it is essentially an

unfunded mandate whose implications for the state budget will be determined in the legislature and courts later.

Two other types of local votes illustrate the state's split. Similar to the initiative that legalized recreational marijuana, many rural areas of Oregon voted to disallow the medical use of psilocybin, demonstrating a reluctance of rural areas to follow the urban counties' lead in this nascent policy. This included four rural counties who had favored the policy when it was approved by nearly 56% of Oregon voters in 2020 (Jefferson Public Radio, 2022). Finally, Morrow and Wheeler Counties approved measures to investigate the possibilities of leaving Oregon to join a "Greater Idaho."

The Greater Idaho Movement had suffered a setback when two southern Oregon counties had rejected measures to consider breaking away in May 2022, leading the movement to trim the geography of its proposal to eastern Oregon. President of the Greater Idaho Movement Mike McCarter had to acknowledge that sustaining interest in the movement is difficult. In October 2022, a hearing on Greater Idaho in very rural Union County had only about six people show up, leading McCarter to comment, "... you would think that if this is an important issue that the room would be packed. So, there's some resistance out there" (Sierra, 2022a). The intention remains clear, however. Before the November vote, McCarter declared, "Even if we elect a Republican governor, she will only be a temporary pause on the leftward progress that the Democrat Legislature has been forcing" (Sierra, 2022b).

Oregon's Budget

Unlike the typical federal process and the situation for many years in Oregon, Governor Kotek's proposed budget was taken very seriously in Salem and ultimately passed with few changes, reflecting her close ties to the House Democrats and many legislative leaders. The priority and strategy of her budget were made clear in her press release:

Governor Tina Kotek unveiled her budget recommendations for the 2023-25 biennium, titled "Mission Focused" because of its focus on three top priorities: building more housing and reducing homelessness; improving access to mental health and addiction services; and improving outcomes in early literacy and K-12 schools.

...

Oregon is entering a challenging and complex budget environment with about \$3.5 billion of one-time funding, spurred by resources from the federal government, about to expire. The recommended budget still includes a path to make targeted investments because of prudent budget management to build historic reserves in recent years. Governor Kotek recommends keeping the existing \$2 billion of reserve funds in place and then redirecting \$765 million that would have been automatically added to these reserves into targeted investments aimed at better serving Oregonians in these three key areas (Governor's Recommended Budget, 2023).

Besides noting the concern about the federal retrenchment as the COVID spending begins to decline, the above passage also demonstrates that despite significant economic uncertainty in

2023, the governor was bullish on the idea that the state will do well enough that reserves are not a concern.

In her “Mission-Focused” supporting budget document, the Governor expanded on her three foremost concerns. The issue of housing affordability and homelessness is highly visible in Oregon, as in many states. The state has approximately 18,000 residents experiencing homelessness, with 11,000 of those unsheltered (Mission Focused, 2023: 8). For these folks, the budget would provide immediate spending of \$130 million for providing shelter and emergency responses, a longer-term proposal of addressing homelessness incorporates \$409 million for emergency shelter and services for the homeless or, very notably, those on the brink of losing their homes. The core specific elements of these programs are to build and preserve temporary shelters, to help those at risk of losing their housing, and to support organizations serving those populations (Mission Focused, 2023: 9-10). The governor’s second major strategy in this area was to increase housing construction by 80% to reach a total of 36,000 units per year. This initiative is budgeted for \$1.02 billion, primarily through general obligation bonds of \$770 million to be spent on building affordable homes for renters and homeowners (Mission Focused, 2023: 10).

The Oregon legislature went beyond the governor’s request when it passed a \$200 million bill to support emergency services for the homeless on March 21, 2023 (Shumway 2023a). The commitment of such large funds so early in the budget session is extraordinary and reflects the highly visible and politically potent nature of the homelessness issue.

Recognizing that homelessness is related to more than housing, the governor’s second priority was to improve access to mental health and addiction services. Her specific goals in this area were to: (1) address the harmful and expensive homelessness-jail-hospital pipeline, (2) decrease preventable deaths related to a person’s substance use or behavioral health, and (3) stabilize and support the behavioral health workforce. Among the motivating factors is the fact that, “In 2019, the Oregon Health Authority estimated that 60% of aid and assist patients admitted to the Oregon State Hospital were homeless prior to their arrest” (Mission Focused 2023: 15).

Two preceding policies are notable here. First, Oregon passed Ballot Measure 110 by 58% in 2020 that essentially decriminalized possession of minor amounts of drugs, including methamphetamines and heroin, and dedicated significant revenues from the cannabis tax to create a better system for addiction services. The basic concept was to apply a medical model to drug use rather than a criminal model, preventing the long-term sentencing of users whose minor possession fines could be suspended if the users sought treatment. Unfortunately Measure 110 had a poor start as very few users sought services and the funding and operation of the services were delayed. An audit of the program, which is administered by the Oregon Health Authority (OHA) and not a law enforcement office, found that the over \$300 million in accumulated funds were not broadly released to county programs until September 2022. Launching such novel programs is difficult but faith in the program is complicated by facts such as how the Recovery Center Hotline that Measure 110 required OHA to establish had only 116 calls by June 2022, at a cost of \$7,000 per call. Of those calls, only 27 related to drug treatment services (Parfitt and Dooris, 2023).

Beyond the need to improve the implementation of Measure 110, Kotek sought to build upon the programs funded by the over \$1 billion dedicated to mental health programs she shepherded through as Speaker of the House in 2021. But, hindered by staffing problems and organizational complexity, the governor's budget itself conceded that, "Despite many innovative programs and people who work tirelessly to serve their clients, Oregon's patchwork of funding and revolving strategic direction has left Oregonians with a confusing conglomeration of services and a hopeless outlook" (Shumway, 2023b). The 2023-2025 budget features a complex mix of proposals that seeks to improve integration and implementation, increase incentives for people to enter the fields of health and addiction services, and to support the increased compensation of service providers created in 2022 (Mission Focused, 2023: 14-16).

Governor Kotek's third budget priority was pre-school and K-12 education. While her proposal to increase the basic school fund that supports all K-12 districts from \$9.5 billion to \$9.9 billion, the Oregon Education Association sought \$10.3 billion (Miller, 2023). Education is a persistent concern in the state, with less than one-half of its third graders reading at grade level in 2021-2022 and the state remaining in the bottom half in high school graduation rates despite recent progress (Miller, 2023). The governor also proposed spending more than \$200 million for programs in early childhood education and childcare, including \$62.5 million for increasing pay for pre-school teachers (Miller, 2023).

Concerning the higher education budget, \$933.2 million was appropriated to the seven state universities for instruction, public services, operations, and research. Public universities serve about 96,590 graduate and undergraduate students. This amount of money is a 1.4% increase from the previous 2021-22 higher education budget of \$920.2 million dollars. The funding falls short of the Oregon Council of Presidents' \$1.05 billion request, reflecting a 14% increase. This funding shortfall perpetuates the trend of students shouldering a significant portion of their educational expenses.

In 1990, state government covered roughly 61% of the cost of higher education with students covering 39% through tuition and fees. By 2021 students were covering 65.3% of higher education costs while the state covers 26.1%. The 2023-25 budget will increase the portion paid by students to 68.5% while the state's portion will decrease to 23.4%. Oregon now ranks 45th nationally in per-student funding averaging \$5,580 per student, which is far below the national average of \$8,859 (Pate, 2023).

Budget Resources for 2023-2025

Overall, the 2023-2025 budget calls for a total general funds expenditure of \$32.1 billion allotted with the typical top three categories of education (42%), social services/ health (33%), and public safety (14%) (Oregon Governor's Budget, 2023). The general funds budget exceeds the legislatively approved 2021-2023 budget of \$26.8 billion by over 19.7%.

Approximately 15% of the anticipated general fund funding is expected to derive from unutilized revenues from the 2021-2023 budget. The remaining portion follows the usual pattern, with personal income taxes accounting for around 78% of the new revenues (Oregon Governor's Budget, 2023: 13). The 2023-25 budget also involves spending \$765 million that would have automatically been saved in the state's reserve funds to programs intended to improve education, homelessness, and mental health (Shumway, 2023c).

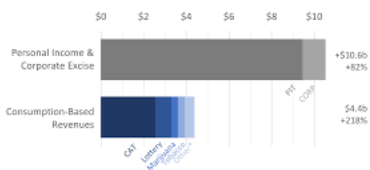
When approving Oregon's biennial budget, the Oregon legislature uses the revenue projections provided by the Oregon Office of Economic Analysis (OEA) in June of odd years. Since 2023 is a biennial budget-making year, the OEA reports in 2023 are of special interest since they indicate what the spending levels might be. Legislators were pleased by the March 2023 report. Four notable points in the OEA March 2023 are: (1) despite recent fears of a recession, the Oregon economy remains in a growth mode and general fund revenues are projected to continue increasing at this time,(2) beyond the general fund, Oregon's revenues in other areas are increasingly diverse and stable, (3) due to revenue growth far exceeding projections made for the 2021-2023 budget, Oregon taxpayers are likely to receive a record-breaking rebate of \$3.9 billion (with a "b") from the "2% kicker" program in 2023, and (4) the state's reserve funds have never been better.

State economist Mark McMullen cautioned legislators of the current economic uncertainties, but also reported in the March report that the legislature is projected to have about \$700 million more to spend in general funds in the 2023-2025 budget, for a total of \$31.5 billion. Currently, around 6% of Oregon taxpayers fall within the top bracket of 9.9%, responsible for approximately 43.5% of the total tax liability (Oregon Office of Economic Analysis, 2023: 21). Regardless of recent good times, the general fund's dependence on income taxes makes it vulnerable to rapid upward and downward shifts, hence the importance of diversification in revenues and of reserves (Shumway, 2023c).

Although Oregon's general fund revenue stream remains potentially volatile because of the dependence on personal and business income taxes, the state has developed other more consumption-based revenue streams that are slightly more stable (see Figure 1. These alternative fiscal resources are estimated to reach \$6.4 billion in the 2023-2025 budget cycle (Oregon Office of Economic Analysis, 2023: 19). The most important of these is the Corporate Activity Tax (CAT), which is a form of value-added tax paid by larger businesses. Funds from the CAT are dedicated to K-12 education and are estimated to exceed \$2.4 billion in the 2021-2023 cycle (Oregon Office of Economic Analysis, 2023: 24). Not all of these revenue streams are burgeoning, however. Over-competition, or underconsumption, have driven recreational cannabis prices to record lows and thereby reduced corresponding tax revenues (see Figures 2 and 3). The marijuana tax revenue estimates for the 2021-2023 period have been cut by \$25 million and are expected to decline another \$35.9 million (-10.8%) in the 2023-2025 period (Oregon Office of Economic Analysis, 2023: 30).

Oregon Revenues are More Diversified

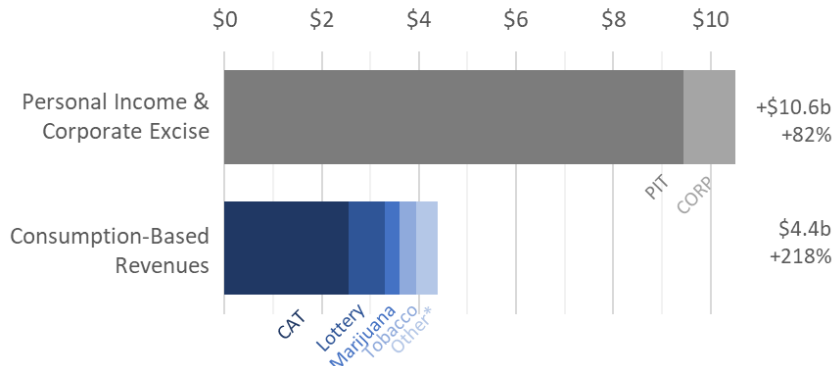
Increase in state revenues from 2011-13 to 2023-25, \$ billion



*Other includes Liquor, Lodging, Vehicle Privilege and Use, and Bicycle Excise taxes
Source: Oregon Dept of Revenue, Oregon Dept of Transportation, Oregon Office of Econ Analysis

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Increase in state revenues from 2011-13 to 2023-25, \$ billion

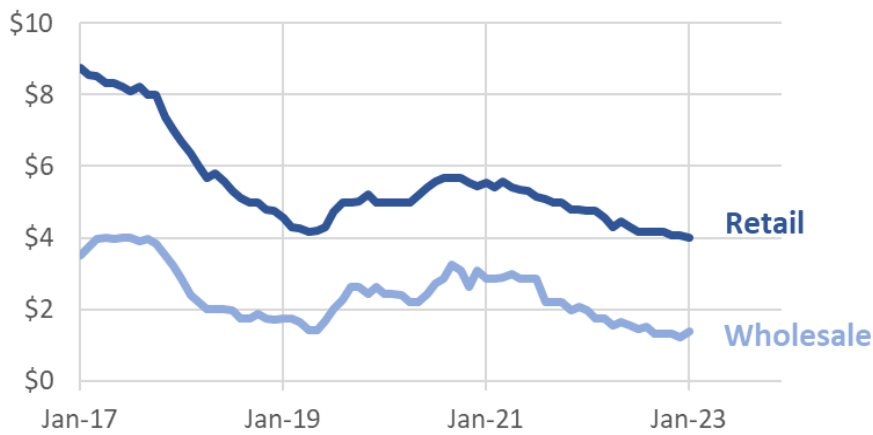


*Other includes Liquor, Lodging, Vehicle Privilege and Use, and Bicycle Excise taxes
Source: Oregon Dept of Revenue, Oregon Dept of Transportation, Oregon Office of Econ Analysis

Figure 1. Oregon Revenues from 2011-13 to 2023-25.

Oregon Marijuana Prices

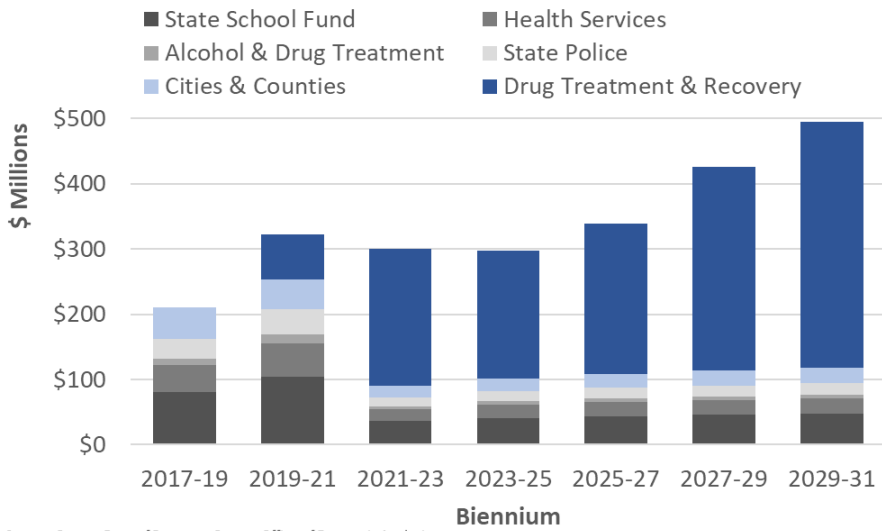
Usable Marijuana, Price per Gram



Latest: January 2023 | Source: OLCC, Oregon Office of Econ Analysis

Figure 2. Oregon Marijuana Prices 2017 to 2023.

Marijuana Resources and Distributions



Source: Oregon Dept of Revenue, Oregon Office of Economic Analysis

Figure 3. Marijuana Resources, Distributions and Projections 2017-19 to 2029-31.

The March report had some great news for Oregon taxpayers, who are now expected to get \$5.6 billion in tax credits in 2023 since personal tax revenues exceed projections by that much. Under Oregon’s “Two Percent Kicker” law, if personal income tax revenues exceed projections by more than 2%, then all the excess money goes back to taxpayers (see Figure 4). Not all taxpayers benefit equally, however, since the money goes back in proportion to the taxes the individual paid to the state.

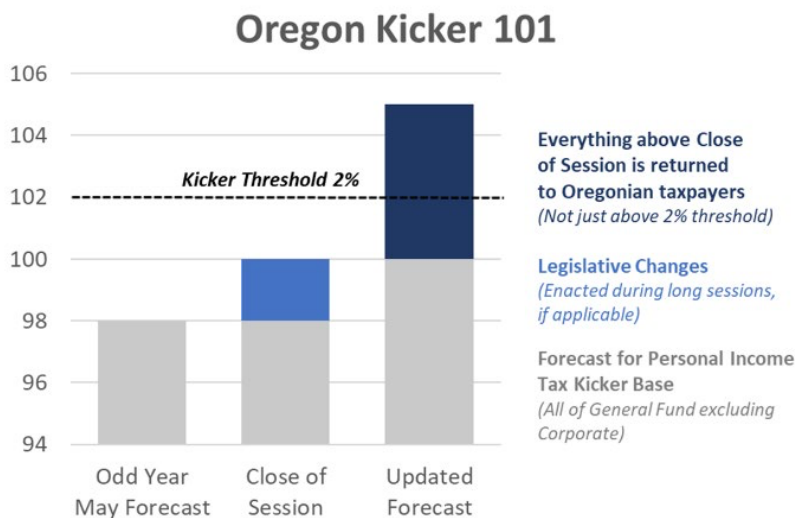


Figure 4. Oregon’s Kicker Law Explained.

Before 2012, Oregon businesses received a kicker in a similar fashion as individual taxpayers. That year Oregon voters decided that the extra income from business income taxes would be dedicated to building reserves and K-12 spending. This money is a core source for the Oregon

Rainy Day Fund (ORDF), one of Oregon’s two major reserve funds (see Figure 5). The second fund, the Education Stabilization Fund (EDF), is built from the dedication of 18% of the Oregon Lottery’s net revenues. Withdrawals from either of these reserves requires a three-fifths legislative vote plus one of three triggers: (1) a decline in employment, (2) a projected budgetary shortfall, or (3) declaration of a state of emergency. For the ORDF, withdrawals are capped at two-thirds of the balance as of the beginning of the biennium and balances are capped at 7.5% of general fund revenues in the prior biennium. The EDF has no cap on withdrawals but is not allowed to grow beyond 5% of the revenue fund revenues collected in the previous biennial budget (Oregon Office of Economic Analysis, 2023: 28). As Figure 5 illustrates, Oregon is flush with reserves, with each fund having over 20% of the existing general fund obligation.

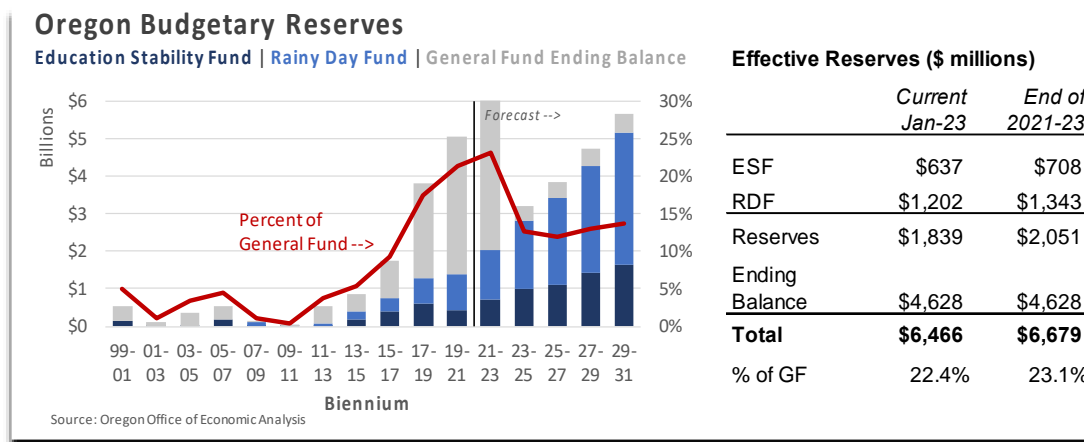


Figure 5. Oregon Budgetary Reserves and Projections 1999-01 to 2029-31.

Final 2023-25 Biennial Budget

The final passed biennial budget closely resembled the Governor’s proposed budget. This resulted from the legislative time constraint caused by the walkout and the Governor’s close alignment with Democratic majorities in the House and Senate, having served as Speaker for nine years. The legislative adopted budget for the 2023-25 biennium stands at a total of \$121.261 billion in funds, marking a decrease of \$4.494 billion or 3.6% from the 2021-23 legislatively approved budget of \$125.755 billion. The reduction is primarily attributed to a lower utilization of federal funds compared to the previous biennium, which had included significant one-time federal funding to mitigate the economic and other impacts of the COVID-19 pandemic. Table 1 provides budget allocations and percent of expenditures by area for 2023-25.

Table 1. Oregon’s Final 2023-25 Budget

Area:	\$ in Millions	% of Budget
Public Safety & Judicial	\$4,741.6	14%
Human Services	\$11,274.4	34%
Dept. of Early Learning & Care	\$498.7	2%
Dept. of Education	\$708.3	2%
Post-Secondary Education	\$3,112.6	9%
State School Fund (K-12)	\$9,456.7	28%
Other State Spending	\$3,698.3	11%

Conclusion

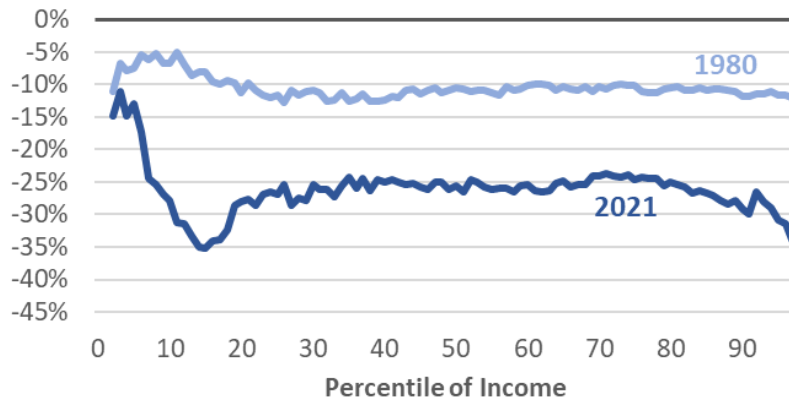
The legislative session at the Capitol unfolded as a narrative of contrasting sessions. The initial months witnessed a harmonious bipartisan effort, resulting in the swift passage of bills facilitating increased housing and the attraction of the semiconductor industry. Yet, a tale of discord unfolded in the latter part: the Senate, divided over abortion and gun proposals, experienced the lengthiest legislative walkout in the state's history. This six-week boycott heightened tensions and brought the session perilously close to collapse, with the likely consequence that 10 conservative lawmakers will be ineligible for reelection.

In a perplexing conclusion, the session, marked by chaos, concluded in a frenzied eight-day sprint. Hundreds of bills were hastily passed, many with minimal or no discussion, culminating less than eight hours before the mandated adjournment under the state Constitution. Some lawmakers, when asked to characterize the session, found little positivity. Representative Greg Smith (R-Heppner) deemed it “untidy,” while Representative Paul Evans a Democrat from Monmouth described it as, “a challenging, exasperating, impossible-to-accurately-explain kind of ride” (VanderHart and Dake, 2023). The session's legacy, shaped by acrimony and delays, tested the mettle of emerging legislative leaders. Despite the challenges, significant accomplishments emerged, ranging from record funding for schools and housing to efforts to mend a deeply flawed public defense system and grant Oregonians the right to pump their own gas.

Concerning the budget, Oregon has an ambitious agenda for 2023-2025. The core problems the governor has prioritized require more money than what is currently available, though, since they are placed within complicated legal and administrative systems and are directed at complex target groups. Nothing demonstrates this better than the governor's frustration with the slow progress on mental health issues. Other interests, such as the long-term underfunding of public higher education according to the State Higher Education Executive Officers Association (Pate, 2023), will also demand attention. As noted earlier, perhaps the most difficult issue facing the state is the rural/urban divide due to economic inequality (see Figure 6). While the governor's priorities affect the whole state, those in rural areas tend to think Salem is not recognizing their challenges adequately. One issue is the persistent economic inequality. The governor already faces criticism for how her homelessness emergency plan identified eleven mostly urban counties as priorities (Jaquiss, 2023).

Urban-Rural Economic Divide

Percent difference in rural household incomes in Oregon relative to urban household incomes



Data: 1980 Census, 2021 ACS | Source: IPUMS-USA, Oregon Office of Economic Analysis

Figure 6. The Rural Urban Economic Divide in Oregon.

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