

SENATE AMENDMENTS TO SENATE BILL 27

By COMMITTEE ON RULES

April 28

1 On page 1 of the printed bill, line 3, before the period insert “, 250.127, 250.131 and 251.185”.

2 Delete lines 5 through 28 and delete page 2 and insert:

3 “**SECTION 1.** ORS 250.125 is amended to read:

4 “250.125. (1) When a state measure involves expenditure of public [*money*] **moneys** by the state,
5 reduction of expenditure of public [*money*] **moneys** by the state, reduction of state revenues or
6 raising of funds by the state by imposing any tax or incurring any indebtedness, the [*Secretary of*
7 *State, the State Treasurer, the Director of the Oregon Department of Administrative Services and the*
8 *Director of the Department of Revenue*] **financial estimate committee created under this section**
9 shall estimate:

10 “(a) The amount of direct expenditure, direct reduction of expenditure, direct reduction in state
11 revenues, direct tax revenue or indebtedness and interest [*which*] **that** will be required to meet the
12 provisions of the measure if it is enacted[. *The estimate shall state the recurring annual amount in-*
13 *volved or, if the measure does not involve a recurring annual amount, the total amount.*]; **and**

14 “[2] (b) [*The officials named in subsection (1) of this section shall also estimate*] The aggregate
15 amount of direct expenditure, direct reduction of expenditure, direct reduction in revenues, direct
16 tax revenue or indebtedness and interest [*which*] **that** will be required by any city, county or district
17 to meet the provisions of the measure **if it is enacted.**

18 “(2) **For a state measure for which an estimate is required to be prepared under sub-**
19 **section (1) of this section, the financial estimate committee may also estimate the amount**
20 **of direct expenditure, direct reduction of expenditure, direct reduction in revenues, direct**
21 **tax revenue or indebtedness and interest that will result for the state or any city, county**
22 **or district if the measure is not enacted. The financial estimate committee may make an**
23 **estimate under this subsection if the Legislative Assembly has enacted a law that will apply**
24 **only if the measure for which the estimate is prepared is not enacted.**

25 “(3) The estimates **described in subsections (1) and (2) of this section** shall be printed in the
26 voters’ pamphlet and on the ballot [*unless the measure involves only state agency expenses not ex-*
27 *ceeding \$100,000 per year*]. **The estimates shall be impartial, simple and understandable and**
28 **may include, but are not limited to, the following information:**

29 “(a) **A statement that the measure will have no financial effect on state or local gov-**
30 **ernment expenditures, revenues or indebtedness;**

31 “(b) **A statement that the effect on state or local government expenditures, revenues or**
32 **indebtedness will not exceed \$100,000;**

33 “(c) **A statement of the amount of financial effect on state or local government expen-**
34 **ditures, revenues or indebtedness, expressed as a specific amount or as a range of amounts;**

35 “(d) **A statement of the recurring annual amount of financial effect on state or local**

1 **government expenditures, revenues or indebtedness; or**

2 **“(e) A description of the most likely financial effect or effects of the adoption or defeat**
3 **of the measure.**

4 *“(4) If the officials named in subsection (1) of this section determine that the measure, if it is en-*
5 *acted, will have no financial effect except as described in subsection (3) of this section, the words ‘no*
6 *financial effect on state or local government expenditures or revenues’ shall be printed in the voters’*
7 *pamphlet and on the ballot.]*

8 **“(4) In addition to the estimates described in subsections (1) and (2) of this section, if the**
9 **financial estimate committee considers it necessary, the committee may prepare and file**
10 **with the Secretary of State an impartial, simple and understandable statement explaining the**
11 **financial effects of the measure. The statement may not exceed 500 words. The statement**
12 **shall be printed in the voters’ pamphlet with the measure to which it relates.**

13 **“(5) The Legislative Administration Committee shall provide any administrative staff assistance**
14 **required by the [officials named in subsection (1) of this section] financial estimate committee to**
15 **facilitate the work of the [officials] financial estimate committee under this section or ORS**
16 **250.127.**

17 **“(6) The financial estimate committee is created, consisting of the Secretary of State, the**
18 **State Treasurer, the Director of the Oregon Department of Administrative Services, the Di-**
19 **rector of the Department of Revenue and a representative of a city, county or district with**
20 **expertise in local government finance. The representative of a city, county or district shall**
21 **be selected by the four other members of the financial estimate committee and shall serve**
22 **for a term of two years that begins on March 1 of the odd-numbered year.**

23 **“SECTION 2.** ORS 250.127 is amended to read:

24 **“250.127. (1) Not later than the 99th day before a special election held on the date of a primary**
25 **election or any general election at which any state measure is to be submitted to the people, the**
26 **[officials named in] financial estimate committee created under ORS 250.125 shall prepare and**
27 **file with the Secretary of State[,] the estimates [as] described in ORS 250.125 and, if the committee**
28 **considers it necessary, a statement explaining the financial effects of the measure as de-**
29 **scribed in ORS 250.125 (4). The [officials named in ORS 250.125] financial estimate committee**
30 **may begin preparation of the estimates [described in ORS 250.125] and statement on the date that**
31 **a petition is accepted for verification of signatures under ORS 250.105 or the date that a measure**
32 **referred by the Legislative Assembly is filed with the Secretary of State, whichever is applicable.**

33 **“(2) Not later than the 95th day before the election, the Secretary of State shall hold a hearing**
34 **in Salem upon reasonable statewide notice to receive suggested changes to the estimates or state-**
35 **ment or to receive other information. At the hearing any person may submit suggested changes**
36 **or other information orally or in writing. Written suggestions or other information also may be**
37 **submitted at any time before the hearing.**

38 **“(3) The [officials named in ORS 250.125] financial estimate committee shall consider sug-**
39 **gestions and any other information submitted under subsection (2) of this section, and may file re-**
40 **vised estimates or a revised statement with the Secretary of State not later than the 90th day**
41 **before the election.**

42 **“(4) Except as provided in subsection (5) of this section, the original estimates and statement**
43 **and any revised estimates or statement shall be approved by [at least three] a majority of the [of-**
44 **ficials named in ORS 250.125] members of the financial estimate committee. If [an official] a**
45 **member does not concur, the estimates or statement shall show only that the [official] member**

1 dissents. The Secretary of State shall certify final estimates **and a final statement** not later than
2 the 90th day before the election at which the measure is to be voted upon. All estimates **and**
3 **statements** prepared under ORS 250.125 and this section shall be made available to the public.

4 “(5) If [*two or more*] **a majority** of the [*officials named in ORS 250.125*] **members of the fi-**
5 **ncial estimate committee** do not approve the estimates **or statement**, the Secretary of State
6 alone shall prepare, file and certify the estimates **or statement** not later than the 88th day before
7 the election at which the measure is to be voted upon with the data upon which [*it*] **the estimates**
8 **or statement** is based.

9 “(6) The support or opposition of any [*official named in ORS 250.125*] **member of the financial**
10 **estimate committee** to the original or revised estimates **or statement** shall be indicated in the
11 minutes of any meeting of the [*officials*] **committee**. Meetings of the [*officials*] **financial estimate**
12 **committee** shall be open to the public. Designees of the [*officials named in ORS 250.125*] **members**
13 **of the financial estimate committee** may attend any meetings of the [*officials*] **committee** in the
14 place of the [*officials*] **members**, but the designees may not vote to approve or oppose any estimates
15 **or statement**.

16 “(7) A failure to prepare, file or certify estimates **or a statement** under ORS 250.125, this sec-
17 tion or ORS 250.131 [*shall*] **does** not prevent the inclusion of the measure in the voters’ pamphlet
18 or placement of the measure on the ballot.

19 “(8) If the estimates are not delivered to the county clerk by the 61st day before the election,
20 the county clerk may proceed with the printing of ballots. The county clerk [*shall not be*] **is not**
21 required to reprint ballots to include the estimates or to provide supplemental information that in-
22 cludes the estimates.

23 “**SECTION 3.** ORS 250.131 is amended to read:

24 “250.131. (1) Any person alleging that an estimate [*required under*] **or statement described in**
25 ORS 250.125 was prepared, filed or certified in violation of the procedures specified in ORS 250.125
26 or 250.127 may petition the Supreme Court seeking that the required procedures be followed and
27 stating the reasons the estimate **or statement** filed with the court does not satisfy the required
28 procedures. [*No petition shall be allowed concerning the amount*] **A petition is not allowed con-**
29 **cerning the contents** of the estimate **or statement** or [*regarding*] whether an estimate **or state-**
30 **ment** should be prepared.

31 “(2) If the petition is filed not later than the 85th day before the election at which the measure
32 is to be voted upon, the court shall review the procedures under which the estimate **or statement**
33 was prepared, filed and certified, hear arguments and determine whether the procedures required
34 under ORS 250.125 and 250.127 were satisfied. The review by the Supreme Court shall be conducted
35 expeditiously to [*insure*] **ensure** the orderly and timely conduct of the election at which the measure
36 is to be submitted to the electors.

37 “(3) If the court determines that the procedures described in ORS 250.125 and 250.127 were not
38 satisfied, the court shall order the preparation of a second estimate **or statement**, to be prepared,
39 filed and certified as provided in ORS 250.125 and 250.127 except that:

40 “(a) The [*officials named in ORS 250.125*] **financial estimate committee created under ORS**
41 **250.125** shall prepare and file with the Secretary of State an estimate **or statement** not later than
42 two days following the decision of the court;

43 “(b) A hearing shall be held within two days after the estimate **or statement** is filed; and

44 “(c) An estimate **or statement** shall be certified not later than seven days after the decision
45 of the court. The procedures under which the second estimate **or statement** is filed and certified

1 may not be appealed.

2 **“SECTION 4.** ORS 251.185 is amended to read:

3 “251.185. (1) The Secretary of State shall have printed in the voters’ pamphlet for a general
4 election or any special election a copy of the title and text of each state measure to be submitted
5 to the people at the election for which the pamphlet was prepared. Each measure shall be printed
6 in the pamphlet with [*the number, ballot title and the financial estimates under ORS 250.125, if any,*
7 *to be printed on the official ballot, and with the explanatory statement and arguments relating to it*]:

8 **“(a) The number and ballot title of the measure;**

9 **“(b) The financial estimates and any statement prepared for the measure under ORS**
10 **250.125;**

11 **“(c) The explanatory statement prepared for the measure; and**

12 **“(d) Arguments relating to the measure and filed with the Secretary of State.**

13 “(2) A county measure or measure of a metropolitan service district organized under ORS
14 chapter 268, and ballot title, explanatory statement and arguments relating to the measure, filed by
15 the county or metropolitan service district under ORS 251.285 shall be included in the voters’ pam-
16 phlet described in subsection (1) of this section if required under ORS 251.067.

17 **“SECTION 5. (1) The amendments to ORS 250.125, 250.127, 250.131 and 251.185 by sections**
18 **1 to 4 of this 2005 Act apply to the preparation of any financial estimates or statements un-**
19 **der ORS 250.125 and 250.127 for which the deadline for filing the original estimates or state-**
20 **ments occurs on or after the effective date of this 2005 Act.**

21 **“(2) Notwithstanding ORS 250.125, the four members of the financial estimate committee**
22 **described in ORS 250.125 shall select, not later than January 30, 2006, the first representative**
23 **of a city, county or district to serve on the committee. The term of service for the person**
24 **selected under this subsection ends on February 28, 2007.”.**