

**SENATE MINORITY REPORT  
AMENDMENTS TO  
SENATE BILL 27**

April 28

President Courtney:

A minority of your Committee on Rules, to whom was referred Senate Bill 27, having had the same under consideration, respectfully reports it back with the recommendation that it do pass with the following amendments:

- 1       On page 1 of the printed bill, line 3, before the period insert “, 250.127 and 250.131”.
- 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 by the state, reduction
- 5 of expenditure of public money by the state, reduction of state revenues or raising of funds by the
- 6 state by imposing any tax or incurring any indebtedness, the [*Secretary of State, the State Treasurer,*
- 7 *the Director of the Oregon Department of Administrative Services and the Director of the Department*
- 8 *of Revenue*] **financial estimate committee appointed under this section for the measure** shall
- 9 estimate the amount of direct expenditure, direct reduction of expenditure, direct reduction in state
- 10 revenues, direct tax revenue or indebtedness and interest [*which*] **that** will be required to meet the
- 11 provisions of the measure if it is enacted. The estimate shall state the recurring annual amount in-
- 12 volved or, if the measure does not involve a recurring annual amount, the total amount.
- 13       “(2) The [*officials named in subsection (1) of this section*] **financial estimate committee** shall
- 14 also estimate the aggregate amount of direct expenditure, direct reduction of expenditure, direct
- 15 reduction in revenues, direct tax revenue or indebtedness and interest [*which*] **that** will be required
- 16 by any city, county or district to meet the provisions of the measure.
- 17       “(3) **For a measure that involves the raising of funds by the state by imposing any tax,**
- 18 **the financial estimate committee shall also estimate the effect of the measure on the income**
- 19 **tax liability of an individual taxpayer having the median income in this state. The committee**
- 20 **shall determine the median income based on the most recent tax year for which information**
- 21 **is available.**
- 22       “[(3)] (4) The estimates **described in subsections (1) to (3) of this section** shall be printed in
- 23 the voters’ pamphlet and on the ballot unless the measure involves only state agency expenses not
- 24 exceeding \$100,000 per year.
- 25       “[(4)] (5) If the [*officials named in subsection (1) of this section determine*] **financial estimate**
- 26 **committee determines** that the measure, if it is enacted, will have no financial effect except as
- 27 described in subsection [(3)] (4) of this section, the words ‘no financial effect on state or local gov-
- 28 ernment expenditures or revenues’ shall be printed in the voters’ pamphlet and on the ballot.
- 29       “[(5)] (6) The Legislative Administration Committee shall provide any administrative staff as-
- 30 sistance required by the [*officials named in subsection (1) of this section to facilitate the work of the*
- 31 *officials*] **financial estimate committee** under this section or ORS 250.127.
- 32       “(7) **For each measure, the President of the Senate and the Speaker of the House of**

1 **Representatives shall appoint a financial estimate committee. The President of the Senate**  
2 **shall appoint two public members and the Speaker of the House of Representatives shall ap-**  
3 **point two public members. The President of the Senate and the Speaker of the House of**  
4 **Representatives shall appoint members of the committee within a period of time sufficient**  
5 **to allow the members to satisfy the requirements of ORS 250.127. No more than two mem-**  
6 **bers of the committee may be members of the same major political party.**

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

8 **“250.127. (1)** Not later than the 99th day before a special election held on the date of a primary  
9 election or any general election at which any state measure is to be submitted to the people, the  
10 *[officials named in]* **financial estimate committee appointed under ORS 250.125 for the measure**  
11 **shall prepare and file with the Secretary of State[,] the estimates [as] described in ORS 250.125. The**  
12 *[officials named in ORS 250.125]* **financial estimate committee** may begin preparation of the esti-  
13 mates described in ORS 250.125 on the date that a petition is accepted for verification of signatures  
14 under ORS 250.105 or the date that a measure referred by the Legislative Assembly is filed with the  
15 Secretary of State, whichever is applicable.

16 **“(2)** Not later than the 95th day before the election, the Secretary of State shall hold a hearing  
17 in Salem upon reasonable statewide notice to receive suggested changes to the estimates or other  
18 information. At the hearing, any person may submit suggested changes or other information orally  
19 or in writing. Written suggestions or other information also may be submitted at any time before the  
20 hearing.

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

24 **“(4)** Except as provided in subsection (5) of this section, the original estimates and any revised  
25 estimates shall be approved by at least three of the *[officials named in ORS 250.125]* **members of**  
26 **the financial estimate committee.** If *[an official]* **a member** does not concur, the estimates shall  
27 show only that the *[official]* **member** dissents. The Secretary of State shall certify final estimates  
28 not later than the 90th day before the election at which the measure is to be voted upon. All esti-  
29 mates prepared under ORS 250.125 and this section shall be made available to the public.

30 **“(5)** If two or more of the *[officials named in ORS 250.125]* **members of the financial estimate**  
31 **committee** do not approve the estimates, the Secretary of State alone shall prepare, file and certify  
32 the estimates not later than the 88th day before the election at which the measure is to be voted  
33 upon with the data upon which *[it is]* **the estimates are** based.

34 **“(6)** The support or opposition of any *[official named in ORS 250.125]* **member of the financial**  
35 **estimate committee** to the original or revised estimates shall be indicated in the minutes of any  
36 meeting of the *[officials]* **committee.** Meetings of the *[officials]* **financial estimate committee** shall  
37 be open to the public. Designees of the *[officials named in ORS 250.125]* **members of the financial**  
38 **estimate committee** may attend any meetings of the *[officials]* **committee** in the place of the *[of-*  
39 *officials]* **members,** but the designees may not vote to approve or oppose any estimates.

40 **“(7)** A failure to prepare, file or certify estimates under ORS 250.125, this section or ORS 250.131  
41 *[shall]* **does** not prevent the inclusion of the measure in the voters’ pamphlet or placement of the  
42 measure on the ballot.

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

1 cludes the estimates.

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

3 “250.131. (1) Any person alleging that an estimate required under ORS 250.125 was prepared,  
4 filed or certified in violation of the procedures specified in ORS 250.125 or 250.127 may petition the  
5 Supreme Court seeking that the required procedures be followed and stating the reasons the esti-  
6 mate filed with the court does not satisfy the required procedures. [*No petition shall be*] **A petition**  
7 **is not** allowed concerning the amount of the estimate or [*regarding*] whether an estimate should be  
8 prepared.

9 “(2) If the petition is filed not later than the 85th day before the election at which the measure  
10 is to be voted upon, the court shall review the procedures under which the estimate was prepared,  
11 filed and certified, hear arguments and determine whether the procedures required under ORS  
12 250.125 and 250.127 were satisfied. The review by the Supreme Court shall be conducted expe-  
13 ditiously to [*insure*] **ensure** the orderly and timely conduct of the election at which the measure is  
14 to be submitted to the electors.

15 “(3) If the court determines that the procedures described in ORS 250.125 and 250.127 were not  
16 satisfied, the court shall order the preparation of a second estimate, to be prepared, filed and cer-  
17 tified as provided in ORS 250.125 and 250.127 except that:

18 “(a) The [*officials named in*] **financial estimate committee appointed under ORS 250.125 for**  
19 **the measure** shall prepare and file with the Secretary of State an estimate not later than two days  
20 following the decision of the court;

21 “(b) A hearing shall be held within two days after the estimate is filed; and

22 “(c) An estimate shall be certified not later than seven days after the decision of the court. The  
23 procedures under which the second estimate is filed and certified may not be appealed.

24 “**SECTION 4. The amendments to ORS 250.125, 250.127 and 250.131 by sections 1 to 3 of**  
25 **this 2005 Act apply to the preparation of any financial estimates under ORS 250.125 and**  
26 **250.127 for which the deadline for filing the original estimates occurs on or after the effective**  
27 **date of this 2005 Act.”.**

28 /s/ Ted Ferrioli  
29 Senator

30 /s/ Jason Atkinson  
31 Senator

32 \_\_\_\_\_  
33