

# ANNOTATED MINUTES

Tuesday, November 12, 1996 - 9:30 AM  
Portland Building Second Floor Conference Room C  
1120 SW Fifth, Portland

## CITY/COUNTY JOINT WORK SESSION

*Chair Beverly Stein and Mayor Vera Katz convened the meeting at 9:35 a.m., with Commissioner-Elect Jim Francesconi, Commissioner Dan Saltzman, Auditor Barbara Clark, Commissioner Sharron Kelley, Commissioner Gretchen Kafoury, Commissioner Gary Hansen, Commissioner Mike Lindberg, Commissioner Tanya Collier, Commissioner Charlie Hales and Commissioner-Elect Erik Sten present.*

- WS-1      The Multnomah County Board of Commissioners and the Portland City Council Will Meet to Discuss the Impact of Measure 47. Presented by Mayor Vera Katz, Chair Beverly Stein, Multnomah County Budget and Quality Office and the City of Portland Bureau of Financial Planning.

**CHAIR STEIN AND MAYOR KATZ COMMENTS REGARDING PLANS TO ADDRESS BUDGET CUTS IN A POSITIVE WAY AND TO WORK COLLABORATIVELY WITH STATE, COUNTY AND CITIES. CHAIR STEIN ANNOUNCED THAT THE ASSOCIATION OF OREGON COUNTIES APPOINTED COMMISSIONER GARY HANSEN TO A COMMITTEE WORKING WITH GOVERNOR KITZHAUBER REGARDING THE IMPACT OF MEASURE 47. DAVE WARREN AND DAVE AGAZZI PRESENTATIONS REGARDING MEASURE 47 IMPACT; LEGAL AND LEGISLATIVE ISSUES IN RELATION TO COUNTY AND CITY BUDGETS; REVENUE FORECASTS, AND RESPONSE TO BOARD AND COUNCIL QUESTIONS AND DISCUSSION. EAST COUNTY CITIES TO BE INVITED TO SHARE IN FUTURE MEASURE 47 DISCUSSIONS. CITY STAFF TO ATTEND COUNTY WORK SESSION TO DISCUSS A POTENTIAL JOINT PUBLIC INPUT PROCESS. MAYOR KATZ DISCUSSED CITY HIRING CHILL AND PUTTING PROGRAM STARTUPS ON HOLD PENDING BUDGET REVIEW. CHAIR STEIN DISCUSSED**

**IMPORTANCE OF KEEPING SIGHT OF VISION,  
DESCRIBING THE BIG PICTURE REALISTICALLY  
AND BEING INNOVATIVE WITH SHORT AND  
LONG TERM SOLUTIONS.**

*There being no further business, the joint meeting was adjourned at  
10:07 a.m.*

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Tuesday, November 12, 1996 - 10:45 - 11:45 AM and 1:00 - 3:00 PM  
Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland

**COUNTY WORK SESSION**

*Chair Beverly Stein convened the meeting at 10:33 a.m., with Vice-Chair  
Dan Saltzman, Commissioners Sharron Kelley, Gary Hansen and Tanya Collier  
present.*

WS-2      The Multnomah County Board of Commissioners Will Meet to Discuss  
the Community Process, County Revenue Forecast, Immediate  
Administrative Review and Next Steps in Connection with the Impact of  
Measure 47. Presented by Chair Beverly Stein, Bill Farver, Barry Crook,  
Dave Warren and Mark Campbell.

**MARK MURRAY EXPLAINED CITY PUBLIC INPUT  
PROCESS AND RESPONDED TO BOARD  
QUESTIONS AND DISCUSSION. BOARD  
CONSENSUS THAT A TEAM CONSISTING OF  
THREE CITY AND THREE COUNTY STAFF,  
INCLUDING MARK MURRAY AND CAROL FORD,  
CONVENE TO WORK ON A MEASURE 47  
COMMUNITY INPUT PROCESS FOR THE PROCESS  
OF OBTAINING SUGGESTIONS ON LONG TERM  
SOLUTIONS, ALTERNATIVE REVENUE STREAMS,  
AND PROVIDING PUBLIC EDUCATION OF ISSUES.  
BILL FARVER DISCUSSED SCHEDULING JOINT  
COMMUNITY INPUT MEETINGS IN DECEMBER,  
JANUARY AND FEBRUARY; WORKING WITH  
DEPARTMENT MANAGERS TO IDENTIFY  
IMMEDIATE CUTS AND JULY 1 CUTS TO REPORT  
BACK TO THE BOARD IN DECEMBER; AND  
RESPONDED TO BOARD QUESTIONS.  
FOLLOWING DISCUSSION, BOARD CONSENSUS**

**TO CONTINUE FOCUS ON THE THREE COUNTY BENCHMARKS WHICH ARE TO INCREASE HIGH SCHOOL COMPLETION RATE; REDUCE CHILDREN LIVING IN POVERTY; AND REDUCE CRIME.**

*The meeting recessed at 11:03 a.m. and reconvened at 11:10 a.m.*

**IN RESPONSE TO A BOARD REQUEST, BARRY CROOK PROVIDED THE COMMISSIONERS WITH COPIES OF THE ATTORNEY GENERAL OPINION ON BALLOT MEASURE 47 AND DISCUSSED BALLOT MEASURE 30. MARK CAMPBELL BUDGET PRESENTATION. MR. CROOK, DAVE WARREN AND MR. CAMPBELL EXPLANATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION REGARDING NATIONAL, STATE AND LOCAL ECONOMIC OUTLOOK, COUNTY GENERAL FUND, AND OTHER REVENUE PROJECTIONS AND ISSUES.**

*The meeting recessed at 11:48 a.m. and reconvened at 1:08 p.m.*

**BOARD CONSENSUS THAT CHAIR STEIN AND BILL FARVER MEET WITH DEPARTMENT MANAGERS TO IDENTIFY IMMEDIATE CUTS AND JULY 1 CUTS AND REPORT BACK TO BOARD WITH RECOMMENDATIONS IN EARLY DECEMBER. (9:30 AM, TUESDAY, DECEMBER 10, 1996.) BOARD DISCUSSION, BRAINSTORMING AND CONSENSUS BUILDING REGARDING QUESTIONS TO CONSIDER IN SUGGESTING REDUCTIONS BASED ON BALLOT MEASURE 47. COMMISSIONER HANSEN DISCUSSED THE TWO COMMITTEES HE HAS BEEN APPOINTED TO IN CONNECTION WITH BALLOT MEASURE 47. COMMISSIONERS TO LOOK AT BUDGET AND SUBMIT MEMOS OUTLINING THEIR IDEAS ON PRELIMINARY CUTS. CHAIR STEIN TO COME BACK WITH PROPOSED PROCESS FOR POSSIBLE JOINT MEETING WITH CITIES, SCHOOLS AND COUNTY. CHAIR STEIN TO DEVELOP AND IMPLEMENT IMMEDIATE HIRING REVIEW PROCESS.**

*There being no further business, the meeting was adjourned at 1:42 p.m.*

Thursday, November 14, 1996 - 9:30 AM  
Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland

## **REGULAR MEETING**

*Chair Beverly Stein convened the meeting at 9:35 a.m., with Commissioners Sharron Kelley, Gary Hansen and Tanya Collier present, and Vice-Chair Dan Saltzman arriving at 9:40 a.m.*

### **CONSENT CALENDAR**

***AT THE REQUEST OF CHAIR STEIN AND UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, CONSENT CALENDAR ITEMS C-1 AS AMENDED, THROUGH C-5 WERE UNANIMOUSLY APPROVED.***

### **NON-DEPARTMENTAL**

- C-1      Re-Appointments of Steve Fulmer, Lee Coleman, Muriel Goldman, Kay Lowe, Sharon McCluskey, Luther Sturtevant, Cornetta Smith and Beverly Stein and Appointments of Alcena Boozer, Maureen Casterline, Ruth Ann Dodson, Paul Drews, Barbara Friesen, John Lim, Larry Norvell, Eric Parsons, Lorenzo Poe, Tom Potter, James Sanger and ~~Miltie Vega-Lloyd~~ to the MULTNOMAH COMMISSION ON CHILDREN AND FAMILIES

***AT CHAIR STEIN'S REQUEST, THE BOARD APPROVED THE REMOVAL OF MILTIE VEGA-LLOYD FROM RE-APPOINTMENT TO THE COMMISSION DUE TO EMPLOYMENT RELOCATION; AND APPROVED THE APPOINTMENT OF MARK ROSENBAUM AS CO-CHAIR OF THE COMMISSION.***

### **SHERIFF'S OFFICE**

- C-2      ORDER Acknowledging Unclaimed Property and Authorizing Transfer for Sale or Disposal

***ORDER 96-201.***

- C-3            Package Store Liquor License Renewal for ORIENT COUNTRY  
STORE, 29822 SE ORIENT DRIVE, GRESHAM

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

- C-4            CU 9-96/HV 11-96/SEC 15-96 Report the Hearings Officer Decision  
Regarding an Approval, Subject to Conditions, of a Conditional Use  
Permit, a SEC Permit and a Minor Variance for a Template Dwelling in a  
Commercial Forest Use District, on Property Located at 14633 NW  
ROCK CREEK ROAD, PORTLAND
- C-5            CU 11-96/HV 14-96/SEC 21-96 Report the Hearings Officer Decision  
Regarding an Approval, Subject to Conditions, of a Conditional Use  
Permit, a SEC Permit and a Major Variance for a Template Dwelling in a  
Commercial Forest Use District, on Property Located at 1111 NW 53<sup>RD</sup>  
DRIVE, PORTLAND

**REGULAR AGENDA**

**PUBLIC COMMENT**

- R-1            Opportunity for Public Comment on Non-Agenda Matters. Testimony  
Limited to Three Minutes Per Person.

***ROBERT HEISEY COMMENTS IN OPPOSITION TO  
ESTABLISHING AN OUTPATIENT ALCOHOL AND  
DRUG TREATMENT CENTER AT PROPOSED  
CORRECTIONAL FACILITY AND RESPONSE TO  
CHAIR STEIN'S ASSURANCES THAT THE COUNTY  
HAS NO INTENTION OF ESTABLISHING AN  
OUTPATIENT TREATMENT CENTER AT THE  
CORRECTIONAL FACILITY.***

*Vice-Chair Dan Saltzman arrived at 9:40 a.m.*

***JEAN RIDINGS OF INTERLACHEN ORAL AND  
WRITTEN COMMENTS IN SUPPORT OF NW FRONT  
SITE FOR PROPOSED CORRECTIONAL FACILITY.  
WILLIAM CARROL COMMENTS CONCERNING  
JAIL SITING ADVISORY COMMITTEE MEETINGS.  
PAUL MILLER COMMENTS IN OPPOSITION TO  
ESTABLISHING OUTPATIENT ALCOHOL AND  
DRUG TREATMENT CENTER AT PROPOSED  
CORRECTIONAL FACILITY; PROPOSED SITES 4, 5  
AND 6; AND LIMITED SEATING CAPACITY OF  
FACILITY FOR SITING ADVISORY COMMITTEE***

**MEETINGS. STELLA ROSSI COMMENTS  
REGARDING WILKES NEIGHBORHOOD AND  
COLUMBIA SLOUGH ISSUES. SHERRY DAHLEN  
COMMENTS CONCERNING NEIGHBORHOOD  
SAFETY IN RELATION TO OPERATION OF NORTH  
PORTLAND PAROLE AND PROBATION OFFICE.**

**NON-DEPARTMENTAL**

- R-2 Intergovernmental Agreement 500427 with the Oregon Department of Transportation, Transferring Responsibility and Funds for Managing and Completing the Historic Columbia River Highway Interpretive Sign Project

**COMMISSIONER KELLEY MOVED AND  
COMMISSIONER SALTZMAN SECONDED,  
APPROVAL OF R-2. SHARON TIMKO  
EXPLANATION. AGREEMENT UNANIMOUSLY  
APPROVED.**

**DEPARTMENT OF SUPPORT SERVICES**

- R-3 ORDER Authorizing Advance Distribution of Funds from the County General Fund to Property Taxing Districts as Allowed Under ORS 311.392

**COMMISSIONER KELLEY MOVED AND  
COMMISSIONER COLLIER SECONDED, APPROVAL  
OF R-3. DAVE BOYER EXPLANATION. ORDER 96-  
202 UNANIMOUSLY APPROVED.**

**DEPARTMENT OF COMMUNITY AND FAMILY SERVICES**

- R-4 Budget Modification CFS 8 Transferring \$50,000 from General Fund Contingency to the Office of Community Action and Development Anti-Poverty/Housing Stabilization Program Budget, to Fund Work Force Development and Services in Outer Southeast Multnomah County

**COMMISSIONER COLLIER MOVED AND  
COMMISSIONER HANSEN SECONDED, APPROVAL  
OF R-4. REY ESPAÑA EXPLANATION. HEIDI  
SODERBERG, ARLENE PALSHIKAR AND ANNETTE  
JOHNSTON TESTIMONY IN SUPPORT.  
COMMISSIONER COLLIER COMMENTS IN**

**SUPPORT. MR. ESPAÑA RESPONSE TO BOARD QUESTIONS. CHAIR STEIN TO SCHEDULE BOARD BRIEFING ON WORK FORCE DEVELOPMENT. (11:00 AM TUESDAY, DECEMBER 17, 1996.) BUDGET MODIFICATION UNANIMOUSLY APPROVED.**

*The meeting recessed at 10:20 a.m. and reconvened at 10:24 a.m.*

**SHERIFF'S OFFICE**

- R-5      Presentation and Briefing by the Multnomah County Senate Bill 1145 Working Group on its Progress-to-Date in the Following Areas: 1) Siting and Facility Design; 2) Offender Management; 3) Program Development; and 4) Budget and Finance; and Budget Staff Explanation on Request to Amend MCSO and DCC Budgets to Appropriate SB 1145 Funding to Implement the Offender Management Plan. Presented by Sheriff Dan Noelle, Tamara Holden, Dan Oldham, Bill Wood, Cary Harkaway, Dave Boyer and Dave Warren

**TAMARA HOLDEN, SHERIFF DAN NOELLE, DAVE WARREN AND BILL WOOD PRESENTATIONS AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. BOARD CONSENSUS TO HAVE SHERIFF ASK SITING ADVISORY COMMITTEE TO RECONSIDER MOVING MEETINGS TO LARGER FACILITY. DISCUSSION ON NEW FACILITY SECURITY AND PROPOSED MEASURES FOR NEIGHBORHOOD SAFETY. BOARD CONSENSUS TO PLACE A RESTRICTION ON CONDITIONAL USE PERMIT WHICH WOULD PROHIBIT OUTPATIENT ALCOHOL AND DRUG TREATMENT CENTER AT THE FACILITY. IN RESPONSE TO BOARD QUESTIONS AND DISCUSSION, SHERIFF NOELLE AND MR. WARREN EXPLAINED THAT MULTNOMAH COUNTY WILL RECEIVE \$3,167,000 FROM THE STATE AND THAT THE COUNTY'S SHARE OF STATE 1145 FUNDING IS LESS THAN THE COUNTY'S ESTIMATED \$3.8 TO \$4.6 MILLION OPERATIONAL COSTS. FOLLOWING DISCUSSION, BOARD CONSENSUS THAT SHERIFF NOELLE AND MS. HOLDEN CONTINUE WORKING WITH MULTNOMAH COUNTY JUDGES FOR ESTABLISHMENT OF STATE JUDICIARY SENTENCING GUIDELINES ON 1145 OFFENDERS;**

**SHERIFF NOELLE CONTINUE WORKING WITH WATERSHED GROUP REGARDING COLUMBIA SLOUGH ISSUE; AND THAT COUNTY COUNSEL SANDRA DUFFY BRIEF BOARD MEMBERS ON CITY OF PORTLAND LAND USE PROCESS. MR. WARREN, SHERIFF NOELLE AND MS. HOLDEN EXPLANATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION REGARDING BUDGET MODIFICATIONS.**

- R-6      Budget Modification MCSO 1 Adding \$172,886 to the Sheriff's Budget to Pay for Staff and Materials Necessary to Manage the Movement of SB 1145 Offenders through the System

**UPON MOTION OF COMMISSIONER SALTZMAN, SECONDED BY COMMISSIONER KELLEY, R-6 WAS UNANIMOUSLY APPROVED.**

- R-7      Budget Modification MCSO 2 Adding \$74,571 to the Sheriff's Budget for Staff and Supplies Necessary to Enter and Maintain SB 1145 Offenders on the Jail's Computer System

**UPON MOTION OF COMMISSIONER SALTZMAN, SECONDED BY COMMISSIONER COLLIER, R-7 WAS UNANIMOUSLY APPROVED.**

**DEPARTMENT OF COMMUNITY CORRECTIONS**

- R-8      Budget Modification DCC 4 Creating a Budget for the SB 1145 Offender Management Team (DCC Staff)

**UPON MOTION OF COMMISSIONER SALTZMAN, SECONDED BY COMMISSIONER KELLEY, R-8 WAS UNANIMOUSLY APPROVED.**

*There being no further business, the meeting was adjourned at 11:43 a.m.*

**OFFICE OF THE BOARD CLERK  
FOR MULTNOMAH COUNTY, OREGON**

**Deborah L. Bogstad**  
Deborah L. Bogstad



## MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK  
SUITE 1510, PORTLAND BUILDING  
1120 SW FIFTH AVENUE  
PORTLAND, OREGON 97204  
CLERK'S OFFICE • 248-3277 • 248-5222  
FAX • (503) 248-5262

BOARD OF COUNTY COMMISSIONERS		
BEVERLY STEIN •	CHAIR	•248-3308
DAN SALTZMAN •	DISTRICT 1	• 248-5220
GARY HANSEN •	DISTRICT 2	•248-5219
TANYA COLLIER •	DISTRICT 3	•248-5217
SHARRON KELLEY •	DISTRICT 4	•248-5213

# AGENDA

## MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FOR THE WEEK OF

**NOVEMBER 11, 1996 - NOVEMBER 15, 1996**

*Monday, November 11, 1996 - HOLIDAY - OFFICES CLOSED*

*Tuesday, November 12, 1996 - 9:00 AM - Work Session ..... Page 2*

*Thursday, November 14, 1996 - 9:30 AM - Regular Meeting ..... Page 2*

*Thursday Meetings of the Multnomah County Board of Commissioners are \*cable-cast\* live and taped and can be seen by Cable subscribers in Multnomah County at the following times:*

*Thursday, 9:30 AM, (LIVE) Channel 30*

*Friday, 10:00 PM, Channel 30*

*Sunday, 1:00 PM, Channel 30*

*\*Produced through Multnomah Community Television\**

INDIVIDUALS WITH DISABILITIES MAY CALL THE OFFICE OF THE BOARD CLERK AT 248-3277 OR 248-5222, OR MULTNOMAH COUNTY TDD PHONE 248-5040, FOR INFORMATION ON AVAILABLE SERVICES AND ACCESSIBILITY.

AN EQUAL OPPORTUNITY EMPLOYER

Tuesday, November 12, 1996 - 9:00 AM  
Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland

**WORK SESSION**

- WS-1      *The Multnomah County Board of Commissioners and Invited Guests Will Meet to Review Strategic Planning Work on Long Term Benchmarks, Financial Issues, and Issues Relating to the Impact of Measure 47, if it Passes. Facilitated by Carol M. Ford. 3 to 5 HOURS REQUESTED.*
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Thursday, November 14, 1996 - 9:30 AM  
Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland

**REGULAR MEETING**

**CONSENT CALENDAR**

**NON-DEPARTMENTAL**

- C-1      *Re-Appointments of Steve Fulmer, Lee Coleman, Muriel Goldman, Kay Lowe, Sharon McCluskey, Luther Sturtevant, Cornetta Smith and Beverly Stein and Appointments of Alcena Boozer, Maureen Casterline, Ruth Ann Dodson, Paul Drews, Barbara Friesen, John Lim, Larry Norvell, Eric Parsons, Lorenzo Poe, Tom Potter, James Sanger and Miltie Vega-Lloyd to the MULTNOMAH COMMISSION ON CHILDREN AND FAMILIES*

**SHERIFF'S OFFICE**

- C-2      *ORDER Acknowledging Unclaimed Property and Authorizing Transfer for Sale or Disposal*
- C-3      *Package Store Liquor License Renewal for ORIENT COUNTRY STORE, 29822 SE ORIENT DRIVE, GRESHAM*

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

- C-4      *CU 9-96/HV 11-96/SEC 15-96 Report the Hearings Officer Decision Regarding an Approval, Subject to Conditions, of a Conditional Use Permit, a SEC Permit and a Minor Variance for a Template Dwelling in*

*a Commercial Forest Use District, on Property Located at 14633 NW ROCK CREEK ROAD, PORTLAND*

- C-5      *CU 11-96/HV 14-96/SEC 21-96 Report the Hearings Officer Decision Regarding an Approval, Subject to Conditions, of a Conditional Use Permit, a SEC Permit and a Major Variance for a Template Dwelling in a Commercial Forest Use District, on Property Located at 1111 NW 53<sup>RD</sup> DRIVE, PORTLAND*

### **REGULAR AGENDA**

### **PUBLIC COMMENT**

- R-1      *Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.*

### **NON-DEPARTMENTAL**

- R-2      *Intergovernmental Agreement 500427 with the Oregon Department of Transportation, Transferring Responsibility and Funds for Managing and Completing the Historic Columbia River Highway Interpretive Sign Project*

### **DEPARTMENT OF SUPPORT SERVICES**

- R-3      *ORDER Authorizing Advance Distribution of Funds from the County General Fund to Property Taxing Districts as Allowed Under ORS 311.392*

### **DEPARTMENT OF COMMUNITY AND FAMILY SERVICES**

- R-4      *Budget Modification CFS 8 Transferring \$50,000 from General Fund Contingency to the Office of Community Action and Development Anti-Poverty/Housing Stabilization Program Budget, to Fund Work Force Development and Services in Outer Southeast Multnomah County*

### **SHERIFF'S OFFICE**

- R-5      *Presentation and Briefing by the Multnomah County Senate Bill 1145 Working Group on its Progress-to-Date in the Following Areas: 1) Siting and Facility Design; 2) Offender Management; 3) Program Development; and 4) Budget and Finance; and Budget Staff Explanation on Request to Amend MCSO and DCC Budgets to*

*Appropriate SB 1145 Funding to Implement the Offender Management Plan. Presented by Sheriff Dan Noelle, Tamara Holden, Dan Oldham, Bill Wood, Cary Harkaway, Dave Boyer and Dave Warren. 1 HOUR REQUESTED.*

- R-6 Budget Modification MCSO 1 Adding \$172,886 to the Sheriff's Budget to Pay for Staff and Materials Necessary to Manage the Movement of SB 1145 Offenders through the System*
- R-7 Budget Modification MCSO 2 Adding \$74,571 to the Sheriff's Budget for Staff and Supplies Necessary to Enter and Maintain SB 1145 Offenders on the Jail's Computer System*

**DEPARTMENT OF COMMUNITY CORRECTIONS**

- R-8 Budget Modification DCC 4 Creating a Budget for the SB 1145 Offender Management Team (DCC Staff)*



## **MULTNOMAH COUNTY OREGON**

OFFICE OF THE BOARD CLERK  
SUITE 1510, PORTLAND BUILDING  
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PORTLAND, OREGON 97204  
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<b>BOARD OF COUNTY COMMISSIONERS</b>		
BEVERLY STEIN •	CHAIR	•248-3308
DAN SALTZMAN •	DISTRICT 1	• 248-5220
GARY HANSEN •	DISTRICT 2	•248-5219
TANYA COLLIER •	DISTRICT 3	•248-5217
SHARRON KELLEY •	DISTRICT 4	•248-5213

# **MULTNOMAH COUNTY BOARD OF COMMISSIONERS**

## **REVISED AGENDA**

*Tuesday, November 12, 1996 - 9:30 - 10:30 AM  
Portland Building Second Floor Conference Room C  
1120 SW Fifth, Portland*

### **CITY/COUNTY JOINT WORK SESSION**

**WS-1**      *The Multnomah County Board of Commissioners and the Portland City Council Will Meet to Discuss the Impact of Measure 47. Presented by Mayor Vera Katz, Chair Beverly Stein, Multnomah County Budget and Quality Office and the City of Portland Bureau of Financial Planning.*

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*Tuesday, November 12, 1996 - 10:45 - 11:45 AM and 1:00 - 3:00 PM  
Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland*

### **COUNTY WORK SESSION**

**WS-2**      *The Multnomah County Board of Commissioners Will Meet to Discuss the Community Process, County Revenue Forecast, Immediate Administrative Review and Next Steps in Connection with the Impact of Measure 47. Presented by Chair Beverly Stein, Bill Farver, Barry Crook, Dave Warren and Mark Campbell.*

**JOINT WORKSESSION**  
**MULTNOMAH BOARD OF COUNTY COMMISSIONERS**  
**&**  
**PORTLAND CITY COUNCIL**

**NOVEMBER 12, 1996**  
**9:30 - 10:30**  
**Portland Building - 2<sup>nd</sup> Floor**  
**Meeting Room C**

<b>Start</b>	<b>Length</b>		
9:30	10 mins	<b>Opening Remarks</b> Mayor Vera Katz County Chair Beverly Stein	
9:40	20 mins	<b>What We Know About the Impact of Measure 47</b>  Multnomah County	Multnomah County Budget and Quality Office
	20 mins	City of Portland	City of Portland Bureau of Financial Planning
10:20	10 mins	<b>Closing Remarks.</b>	Mayor Katz Chair Stein
10:30		<b>ADJOURN Joint Meeting.</b>  Portland City Council to continue meeting in Room C.  Multnomah Board of County Commissioners to move to County Courthouse Boardroom.	

# MULTNOMAH BOARD OF COUNTY COMMISSIONERS

November 12, 1996

10:45 - 3:00

County Courthouse Boardroom  
Room 602

## BOARD OF COUNTY COMMISSIONERS ONLY

10:45		<b>Board Of County Commissioners - Reconvene in Boardroom</b>	
10:45	60 mins	<b>Discussion of Community Process</b> (December, January & February) Possible involvement of other jurisdictions. Link to county budget process. Potential budget processes and criteria.	Bill Farver Barry Crook Dave Warren
11:45		<b>LUNCH BREAK</b>	
1:00	30 mins	<b>County Revenue Forecast</b>	Barry Crook Dave Warren Mark Campbell
1:30	60 min	<b>Immediate Administrative Review</b> Hiring Review. Spending and service reductions review. Resolution development for December including statement of actions taken and legislative positions.	Bill Farver
2:30	30 mins	<b>Next Steps.</b>	Beverly Stein
3:00		<b>Board of County Commissioners ADJOURN</b>	

MEETING DATE: November 12, 1996

AGENDA #: WS-1

ESTIMATED START TIME: 9:00 am

(Above Space for Board Clerk's Use ONLY)

## AGENDA PLACEMENT FORM

SUBJECT: Board and Invited Guests Strategic Planning Work Session

BOARD BRIEFING: DATE REQUESTED: Tuesday, November 12, 1996  
REQUESTED BY: Chair Beverly Stein  
AMOUNT OF TIME NEEDED: 3 to 5 Hours

REGULAR MEETING: DATE REQUESTED: \_\_\_\_\_  
AMOUNT OF TIME NEEDED: \_\_\_\_\_

DEPARTMENT: Non-Departmental DIVISION: Chair Beverly Stein

CONTACT: Carol Ford TELEPHONE #: 248-3956  
BLDG/ROOM #: 106/1515

PERSON(S) MAKING PRESENTATION: Chair Beverly Stein, Carol Ford, Barry Crook, Dave Warren, Mark Campbell, Bill Farver, and Invited Elected Officials, if Measure 47 Passes

### ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☒ POLICY DIRECTION ☐ APPROVAL ☐ OTHER

### SUGGESTED AGENDA TITLE:

*The Multnomah County Board of Commissioners and Invited Guests Will Meet to Review Strategic Planning Work on Long Term Benchmarks, Financial Issues, and Issues Relating to the Impact of Measure 47, if it Passes.*

### SIGNATURES REQUIRED:

ELECTED  
OFFICIAL: \_\_\_\_\_  
(OR)  
DEPARTMENT  
MANAGER: \_\_\_\_\_

*Beverly Stein*

BOARD OF  
COUNTY COMMISSIONERS  
96 NOV - 6 AM 11:29  
MULTNOMAH COUNTY  
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277 or 248-5222

**MULTNOMAH BOARD OF COUNTY COMMISSIONERS**  
**Strategic Planning Update**

November 12, 1996  
Multnomah County Courthouse, Room 602

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**AGENDA**

**IF BALLOT MEASURE 47 DOES NOT PASS**

**9:00 - 12:00**

Also invited:

Other County Elected Officials: Sheriff, District Attorney, Auditor  
Department Heads, Budget Office, MCCF, LPSCC, Other staff

Start	Length		
9:00	15 mins	Introduction Purpose of meeting. Agenda review.	Chair Stein
9:15	60 mins	Review of strategic planning work on long term benchmarks - Followup on Oct 23 <sup>rd</sup> Retreat - Next Steps: Nov 14 & 15	Carol Ford
10:15	15 mins	BREAK	
10:30	60 mins	Financial Issues - General Fund update - Other issues (federal fund estimates, etc.) - Questions & Answers	Barry Crook Dave Warren Mark Campbell
11:30	30 min	Wrap-up & Debrief	Bill Farver
12:00		ADJOURN	

11/05/96 2:07 PM

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**MULTNOMAH BOARD OF COUNTY COMMISSIONERS**  
**Strategic Planning Update**

**November 12, 1996**  
**Multnomah County Courthouse, Room 602**

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**Agenda**

**IF BALLOT MEASURE 47 PASSES**

**9:00 - 3:00**

Also invited:

Other County Elected Officials: Sheriff, District Attorney, Auditor  
Department Heads, Budget Office, MCCF, LPSCC, Other staff

<b>Start</b>	<b>Length</b>		
9:00	45 mins	What We Know About the Impact of the Measure	Barry Crook Dave Warren
9:45	45 mins	What will happen at the State Level - Revenue Forecast and Overview of State Budget	Invited guests to include: Steve Marks Jim Scherzinger John Minnis Margaret Carter Vera Katz
10:30	15 mins	BREAK	
10:30	30 mins	Suggested Community Process for December, January & February: Possible involvement of other jurisdictions. Link to County Budgeting Process. Building two budgets. Possible criteria.	Bill Farver Dave Warren
11:00	30 min	Immediate Administrative Review Hiring Review. Spending and service reductions review Resolution development for December including statement of actions taken and legislative positions	Bill Farver
11:30	60 mins	LUNCH	
1:00	30 mins	Revenue Forecast	Barry Crook Dave Warren Mark Campbell
1:30	60 mins	Review of strategic planning work on long term benchmarks	Carol Ford
2:30	30 mins	Next Steps.	Beverly Stein

**JOINT WORKSESSION**  
**MULTNOMAH BOARD OF COUNTY COMMISSIONERS**  
**&**  
**PORTLAND CITY COUNCIL**

**NOVEMBER 12, 1996**  
**9:30 - 10:30**  
**Portland Building - 2<sup>nd</sup> Floor**  
**Meeting Room C**

<b>Start</b>	<b>Length</b>		
9:30	10 mins	<b>Opening Remarks</b> Mayor Vera Katz County Chair Beverly Stein	
9:40	20 mins	<b>What We Know About the Impact of Measure 47</b>  Multnomah County	Multnomah County Budget and Quality Office
	20 mins	City of Portland	City of Portland Bureau of Financial Planning
10:20	10 mins	<b>Closing Remarks.</b>	Mayor Katz Chair Stein
10:30		<b>ADJOURN Joint Meeting.</b>  Portland City Council to continue meeting in Room C.  Multnomah Board of County Commissioners to move to County Courthouse Boardroom.	

# MULTNOMAH BOARD OF COUNTY COMMISSIONERS

November 12, 1996

10:45 - 3:00

County Courthouse Boardroom  
Room 602

## BOARD OF COUNTY COMMISSIONERS ONLY

10:45		<b>Board Of County Commissioners - Reconvene in Boardroom</b>	
10:45	60 mins	<b>Discussion of Community Process</b> (December, January & February) Possible involvement of other jurisdictions. Link to county budget process. Potential budget processes and criteria.	Bill Farver Barry Crook Dave Warren
11:45		<b>LUNCH BREAK</b>	
1:00	30 mins	<b>County Revenue Forecast</b>	Barry Crook Dave Warren Mark Campbell
1:30	60 min	<b>Immediate Administrative Review</b> Hiring Review. Spending and service reductions review. Resolution development for December including statement of actions taken and legislative positions.	Bill Farver
2:30	30 mins	<b>Next Steps.</b>	Beverly Stein
3:00		<b>Board of County Commissioners ADJOURN</b>	

**City of Portland  
City Council Informal  
Measure 47**

**November 12, 1997  
10:30 - 11:30  
Portland Building, Room C**

10:30 - 10:45	Process and Outcomes Review	David Agazzi
10:45 - 11:15	Council Discussion Blue Ribbon Committee? Sub-committee Structure Outside Consultant - Organization Alignment Public Process - who, timing, format, number	Council
11:15 - 11:30	Recommended Immediate Response Position Vacancy Review process Freeze Transfer of Personal Services Savings Review January 1 Adds Review New Carryover Requests Review Capital Projects	David Agazzi

## **BOGSTAD Deborah L**

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**From:** CHAIR Mult  
**Sent:** Friday, November 08, 1996 8:12 AM  
**To:** BROWN Carol; AGING Fiscal; BERMAN Holly; BRANDON Jeff; BERGSTROM Julie; BOVEJOHNSON Renee; ADAMS Annette R; BROWN Chuck B; BROCKMUELLER Jolene M; AUGUSTINE Kurt G; AUGUSTINE Sheila L; BARTHOLOMEW Gary L; BOGUICKI S David; ACKER Donald A; ADAMS Dennis L; ALEDO Daniel O; ANHAACK John M; ARLING Diana L; BADER Mohammed A; BAKER Joslyn R; BARHAM LouRay E; BARRON Nancy M; BELL Iris M; BIERMAN Barb Z; BLACKMAN Catherine A; BOCKELMAN Joanne R; BOGAN Kim M; BONNERLIN Barbara J; BOOREN Jeff P; BOTSFORD Patrice A; BRANCHE Reynold J; BRODBECK Tom A; BROWN Chet N; BROWN Dana L; BRYANT Nancy A; BUCCIARELLI Jean G; BUDD Jeanne A; APANA Amy; BURKE Alafair S; ALLEN Brenda L; BAIRD Dale; BLACK Diana L; BROWN Debora L; BERGSTROM Eric J; BRADLEY John C; AZAR Joanne E; BACA Jill L; BASSETT Jan R; BACON Kelly G; BURNEY Liza A; BRUNTON Leslie L; BETZ Beth N; BUHRMASTER Sharon L; ARDEN Sheila M; ATANES Laura; BRUN Patrick; BEASLEY Charles H; BUSSE Kathy A; BLANCHARD Myrna J; BOURQUIN Phillip M; Administrator; BATTS Alan L; BJORK Bruce B; ALDRIDGE David B; BURGOYNE Esther K; BUCKNER Janice R; BAXTER Larry E; ALLEN Marilouise J; BITTNER Nils B; BRUNO Roger A; BURNS Sean S; Administrator; BYRON Amanda J; BREMER Ann M; BOWMAN Bobbie R; BRUGGER Catherine D; BRYANT Carrie E; BLOSSER Catherine G; ARNOLD-GARRETT Carolyn K; AYALA Cynthia M; ANDERSON Diana G; ANGSTROM Doris J; BANDA David O; BARTHOLOMEW Ellen A; BUTSCH Fred J; ADAMS Hilda C; BRAME Herman L; BROWN Izora J; BAKER Julia A; ANDREWS Jerry D; BAKER-JOHNSON Judy K; BAKER Janet L; BELCOURT Joy M; ANHAACK Johanna P; ALLEN Joy W; BRUNEAU Kim K; BALLER Kim R; BREWSTER Lorie A; BARON Linda E; BLATT LaVerne R; BASARAB Lyudmila V; AVOCETTE Lindy; BUSH Michael B; BREUER MariLynn; BROWN Mary M; ANDERSON Polly C; AIELLO Susan A; ADAMS Susan E; ARMSTRONG Sharon K; BLACK Sharon N; BLAUVELT Margaret J; BEBB Anita M; ALLINSON Don W; BARRETT Hugh; BERRY Benjamin L; BOWSER Patty M; BAKER Steve L; ARNOLD William M; BOWSER Bill R; ADAMS Shirley W; ANDERSON Delores J; BLETH Doug L; BROWN Jimmy D; ASHFORD John H; BRAMAN Jeanne M; BROWN Jann O; AGUIRRE J Pablo; BILLUPS Kim A; BRENNAN Kathy C; BLOCK Lee E; ARNETT Lori K; BUTLER Martin R; ARCHULETA Patti D; BEARDSLEY Pat S; BROWN Willie E; BODINE William P; BURCH Melinda; AAB Larry A; BACKSTRAND Karl A; Administrator; BAX Carolyn M; BOGSTAD Deborah L; BOWMAN JoAnn A; BALL Jan G; ARREDONDO Juana M; ALBERT Jessica P; ARMSTRONG Jeff T; BOYER Mary L; ARDEN Pam E; BOYER Dave A; ANDERSON Faye; AYERS Susan J; ARGUELLO Teri L; BYERS Wendy R; BLACKMER Gary A; BAUMGARTNER Lori M; BENNINGFIELD Joanne C; BLANCHARD Mel L; BOEGLIN Muriel L; BLOTZER Betty J; ARVIDSON Claudia J; ANDERSON Dale E; BAILEY Don M; ABRAHAMSON Ed; ANDERSON Gail D; BRICKER Scott  
**Subject:** Ballot Measure 47

**To:** Multnomah County Employees  
**Fm:** Chair Beverly Stein, Sheriff Dan Noelle, District Attorney Michael Schrunk, Commissioner Dan Saltzman, Commissioner Gary Hansen, Commissioner Sharron Kelley, Commissioner Tanya Collier.  
**Date:** November 8, 1996

While results are not yet final, it now appears very likely that Ballot Measure 47 will pass. We share your feelings of fear about the impending service reductions and grief over the deterioration of our community this measure may bring. We are very concerned about the effect on Multnomah County employees. We will all need to support each other over the next months. Our immediate plans and our current analysis are as follows:

The actual effect on Multnomah County revenue is impossible to forecast with any degree of accuracy. Measure 47 is extremely ambiguous. In his voter's pamphlet statement Bill Sizemore stated, "Measure 47 was designed, however, so that no cuts would be necessary in schools or local governments. 100 percent of the

reduction in property tax revenues can be made up from the state's abundance of state income tax and lottery dollars." Depending on the State Legislature's response we could suffer major funding reductions or only minor ones. We just don't know. The coming session of the Oregon Legislature and the Governor's response will be critical.


Our approach to responding to this problem will be collaborative. We will be seeking your ideas and suggestions as well as ideas and suggestions from the community as a whole. We will initiate discussions with all of our elected officials, leaders of other jurisdictions, our labor unions, contractors and providers, advocates and broad community groups. We need to work together to craft a response.

If it does pass, the Chair will begin a countywide short-term service reduction/expenditure review. She will ask Department Heads for ideas to immediately reduce expenditures. The Chair, Sheriff and District Attorney respectively will review all new hires and new program startups. While we face no revenue reductions in the current fiscal year, it is prudent to take steps now to increase our carryover for the next fiscal year where funding problems are more likely.

We will work together to "keep you in the loop" as decisions are made and involve you as we contemplate options. "Global Email" messages are the least expensive way for us to reach the largest number of employees. We ask for everybody's help in sharing these messages with those who are not linked to the Email system. Please feel free to send questions and comments and we will do my best to respond to your specific concerns.

We know this situation is disheartening and that the uncertainty can be distracting. In spite of that, we ask you to continue to provide excellent service to our citizens, customers and the community and to work with us to find the best solutions to our newest challenge. We need to look for new opportunities to forge partnerships with the community to maintain vital services and to advocate with State Government for a solution to this dilemma. Thank you for all of your efforts.

BM47pass.doc



## The New Property Tax Limitation Measure 47

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## What I want to do

- Review Measure 47, the Cut and Cap initiative - how it works
- Review where it will impact Multnomah County

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## The Cut and Cap Proposal

- Does not limit assessed value
- Does not limit tax rate
- Does not limit taxing authority

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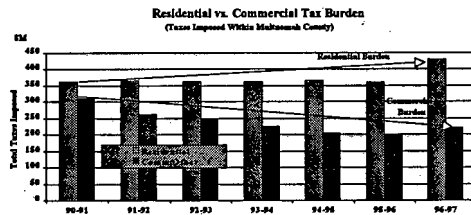
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## How it works

- Limits 97-8 taxes paid by each property to the taxes paid in 95-6 minus 10% OR the taxes paid in 94-5, whichever is LESS.
- Allows taxes paid to grow 3% annually
- Uncouples taxes from values.
- Locks in permanently the current split between residential and commercial property taxes.

## Property Tax Shift



## Example of how it works

- If you had a \$120,000 house in Portland in July 1995, you paid about \$1800 in taxes last fiscal year. In this fiscal year you pay about \$1950. For 1997-98 you will pay \$1620. For each year thereafter, you will pay an additional 3%; \$1670 in 98-9, \$1720 in 99-00, etc.
- Your assessed value might double, your taxes will grow 3%.

## Impact on tax revenue

- Overall, 97-8 property taxes in Multnomah County will be about 80% of what we would otherwise expect.
- TSCC, A&T, and the State Legislative Revenue Office estimate a reduction of between \$130 million and \$155 million for all governments in Multnomah County
- A proportionate share of this reduction will cost the County between \$32 million and \$40 million.

## Why the estimates vary so much

- M 47 does not define how to spread the pain.
- The Legislature will decide which jurisdictions take the \$150 million reduction in Multnomah County.
- In doing this, the Legislature is supposed to preserve local control.
- Public safety and public education are to be priorities; the Legislature must address this requirement.

## Other provisions

- Bonds are exempt, but they are redefined to exclude supplies or equipment and repair that could have been anticipated
- Replacement taxes and fees require voter approval (except for State Income Tax).
- Voter approval of property taxes requires a majority vote at a General Election or any election where 50% of the electorate votes.  
(We don't know if this applies to all taxes and fees.)

## Summary of what we don't know

- Total loss of revenue
- How that loss will be spread (Legislature will decide)
- What is "public safety"
- What is "public education"
- What can be included in a bond exempt from this measure

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## What part of the County budget is affected?

- A little more than 2/3 of the County budget comes from sources that are not directly affected by the measure, for example
  - ◆ Federal and State grants and entitlement payments
  - ◆ Gas Tax
- About 1/3 is in funds where we accumulate local revenues and mingle them with property taxes.

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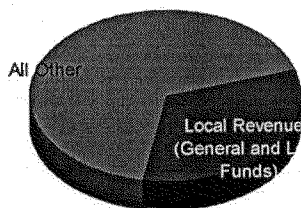
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## County Funds directly affected



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What share of local revenue is property tax

About 60%

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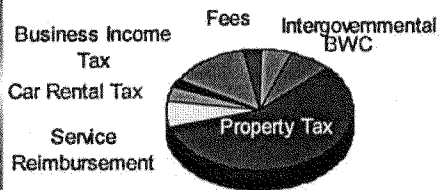
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Property taxes / Local revenues



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## County Agencies Funded by Property Tax Revenue

Includes General Fund, Library Serial Levy Fund and Public Safety Levy Fund

Agency	General Fund and Levy Expenditures	Property Tax Funding
<b><u>Criminal Adjudication, Custody, and Supervision</u></b>		
Community Corrections	9,096,244	5,843,142
District Attorney	9,158,379	5,609,742
Corrections Health	4,588,617	2,751,705
Juvenile Justice	16,031,326	9,492,178
Sheriff	48,319,530	29,669,702
Court facilities	1,920,415	1,288,750
<b><u>Law Enforcement</u></b>	12,444,183	7,770,728
<b><u>Library</u></b>	23,594,124	18,359,100
<b><u>Social Services</u></b>		
Aging	4,459,997	2,076,190
Behavioral Health	7,679,958	5,153,858
Community Action	1,706,170	1,144,975
Children, Youth, & Family	6,892,670	4,625,525
Developmental Disabilities	2,188,397	1,468,587
<b><u>Public Health</u></b>	7,285,146	3,244,457
<b><u>Medical/Dental Services</u></b>	23,725,425	15,911,763
<b><u>Departmental Administration</u></b>	9,567,511	6,096,226
<b><u>Central Administration</u></b>		
Elected	2,883,374	1,854,061
County Counsel	675,194	453,108
Support Services	10,394,643	6,584,505
<b><u>A&amp;T and Elections</u></b>		
A&T	8,688,685	4,136,498
Elections	3,053,915	1,300,363
<b><u>All Other</u></b>		
Facilities Mgmt	1,452,515	974,752
Animal Control	2,879,909	952,706
Records	260,949	175,117
Transportation	346,209	232,334
Planning	1,040,606	427,593
<b><u>Nondepartmental</u></b>		
Support to other governments	15,996,407	1,643,746
other	1,903,985	1,277,724
<b><u>Contingency/Balance</u></b>	12,051,955	3,960,677
	<b>\$ 250,286,438</b>	<b>\$ 144,479,813</b>

# Measure 47

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Office of Finance and Administration

Bureau of Financial Planning

November 1996

# Overview of Financial Impact

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- ▶ Property tax revenue loss estimate is \$39.9 to \$59.2 million
- ▶ FPD&R first year impact = \$9 million
- ▶ Revised forecast by December 6, 1996

# Overview of Strategy

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- ▶ Joint Public Hearings
- ▶ Legal Issues
- ▶ Legislative Issues/Approach
- ▶ Service Review Process

# Process Description

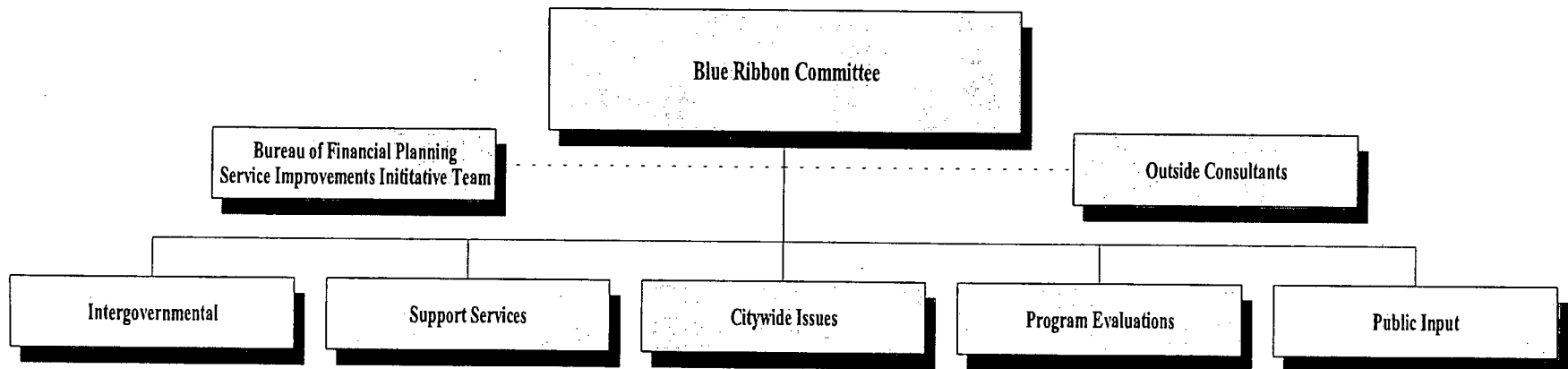
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## General Overview

- ▶ Appoint a Blue Ribbon Committee to advise Council
- ▶ Staff committee with Service Improvement Initiative team, BFP and outside consultant
- ▶ Recommendations will guide budget process
- ▶ Establish five teams to recommend outcomes to the committee
- ▶ Involvement from all levels of personnel

# SERVICE REVIEW STRUCTURE

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NOTE: Assignments within the 4 review areas (e.g. Consultant/BAG) indicate who has primary responsibility for completion of the effort



# Multnomah County Economic & Revenue Outlook

November 12, 1996

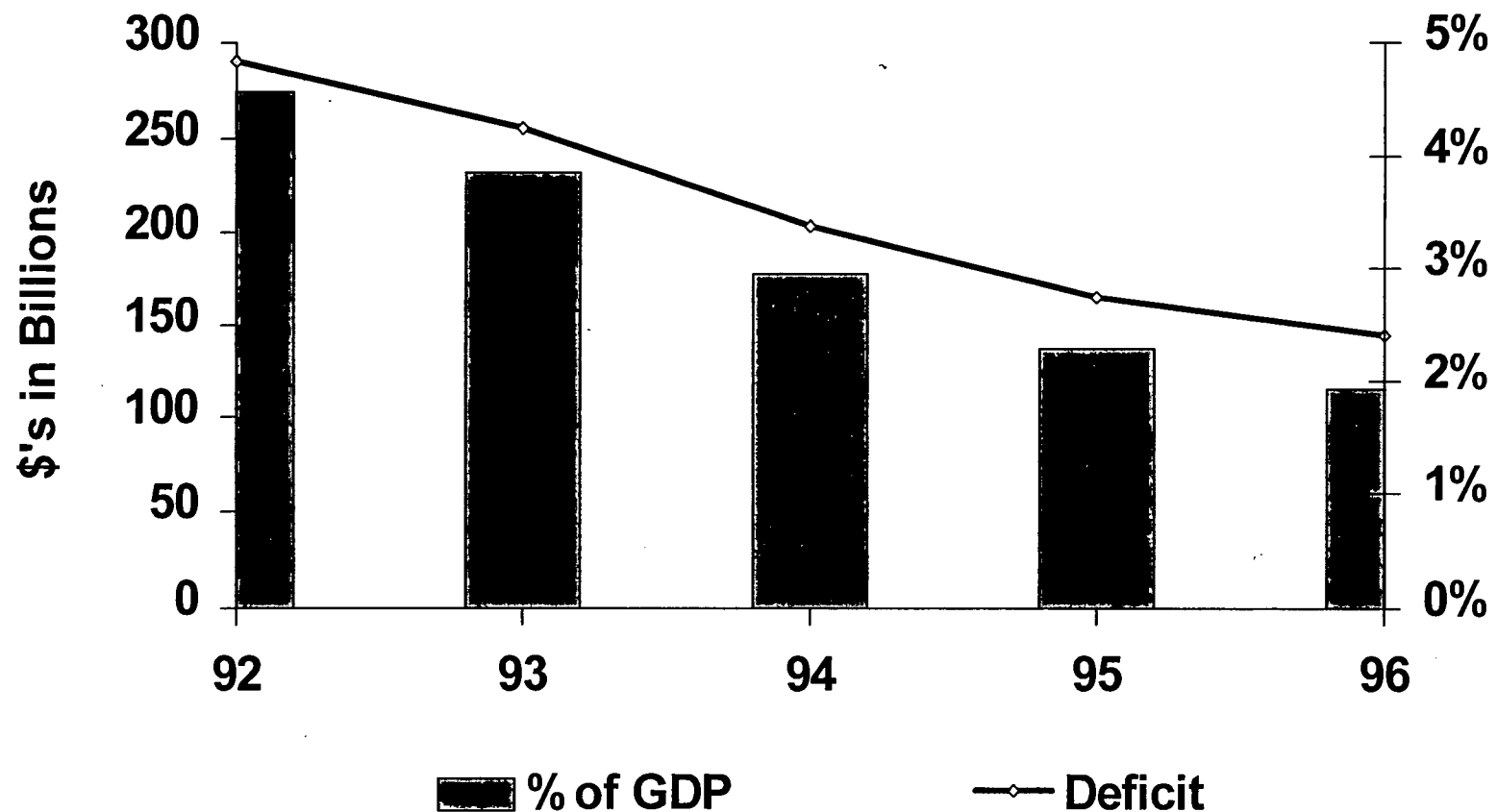
# What I Want to Talk About

- ◆ The National Economy
- ◆ State, Regional and Local Economy
- ◆ General Fund Revenue (Post "47")
- ◆ Uncertainties and Areas of Concern

# National Outlook

- ◆ Federal Reserve Has Utilized Monetary Policy Effectively to Regulate Economic Growth
- ◆ Gross Domestic Product (GDP) Growth Expected to Average 2-2.5% Over Next Five Years
- ◆ Inflation Will Remain Moderate (3-3.5%) Over Next Five Years
- ◆ Federal Budget Deficit Declining - Both in Nominal Dollars and as a % of GDP

## Deficit Declining as % of GDP



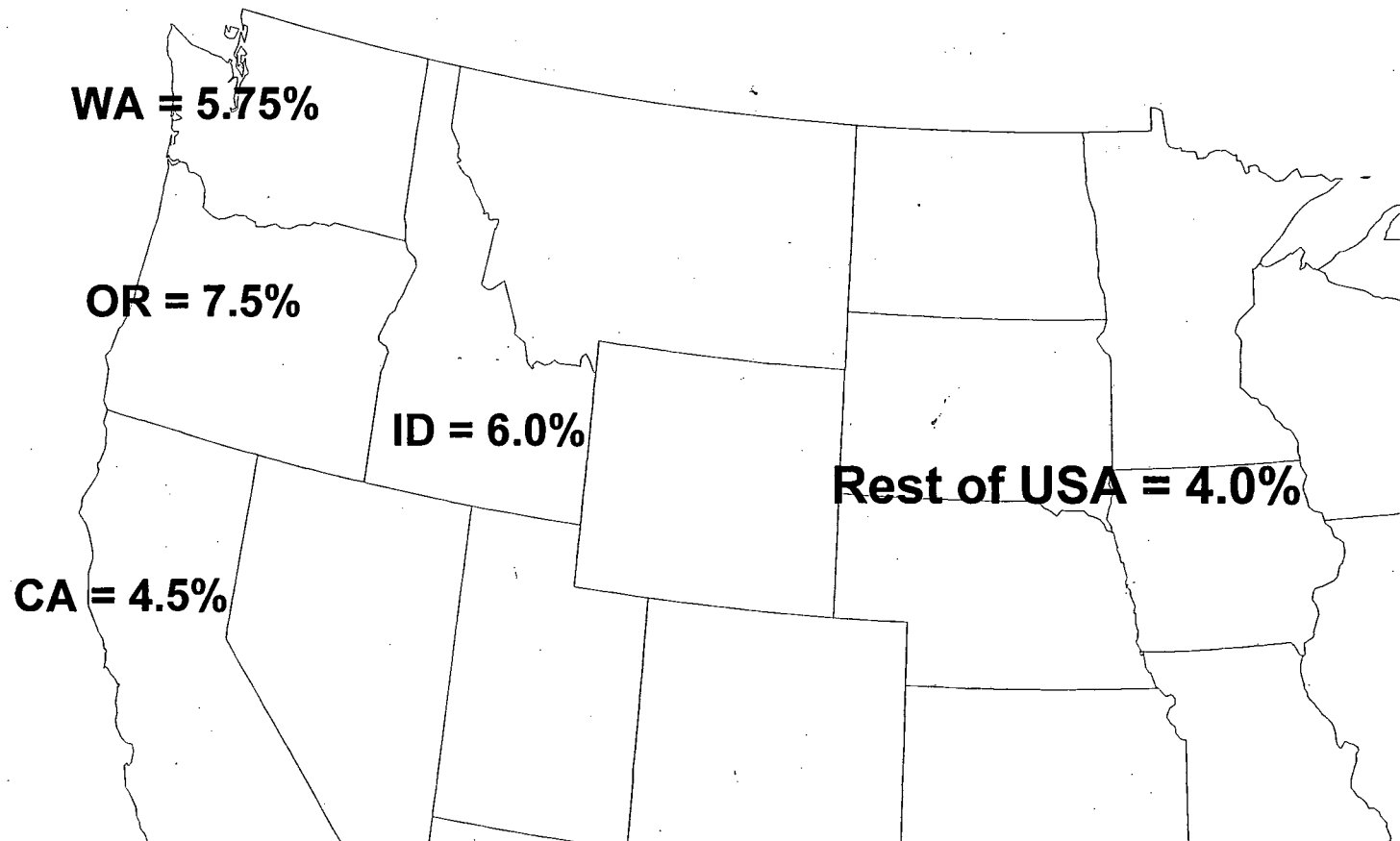
# Clinton Budget is Balanced by 2002

- ◆ Three Major Components of Federal Budget: Defense, Entitlements and Debt Payments
- ◆ Strategy Employed by President Attempts to Control Growth in Entitlement Spending
- ◆ Increased Likelihood That Something Close to Clinton's Plan Will Be Enacted in the Aftermath of Congressional Elections
- ◆ Slowing in Entitlement Growth a Pre-emptory Action

# State & Regional Economy

- ◆ State Economist Forecasts Slower Growth; Oregon Should Continue to Outperform Rest of Nation
- ◆ Job Growth - 5th Highest Among 50 States
- ◆ Personal Income Growth - 2.5% Higher Than National Average
- ◆ Housing Starts - Annual Increase of 13.5% Statewide

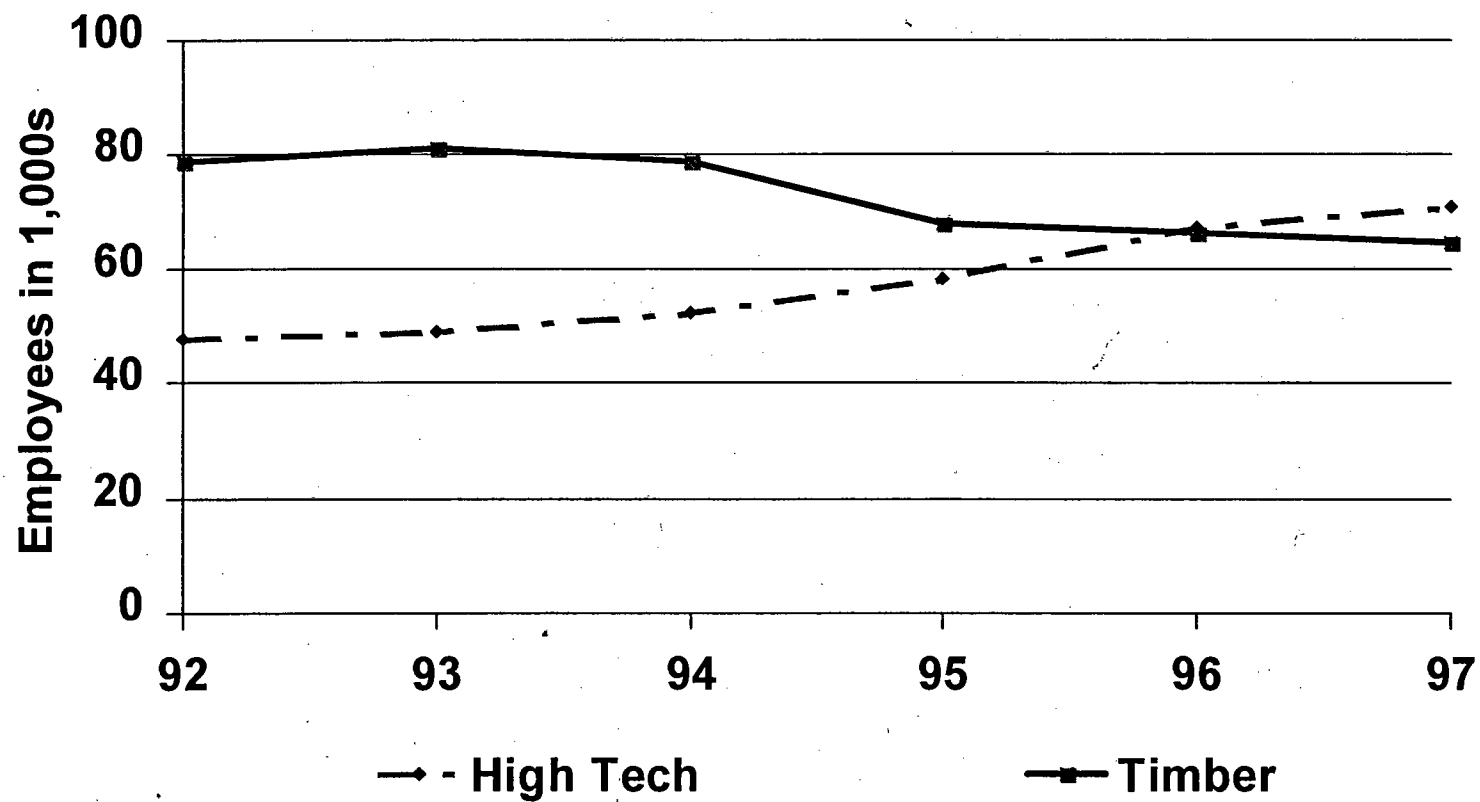
# Forecast Growth Rates Selected Western States



# Economic Diversification

- ◆ Business Activity (as Measured by Corp Income and Business Income Taxes) Growing @ Roughly 15% Annually
- ◆ Unemployment - Averaging 4% Over Past 18 Months
- ◆ Growth in Construction and Services Highlights Economic Shift Which Has Occurred in Oregon and NW
- ◆ High Technology Has Passed Timber as Leading Employer in Oregon

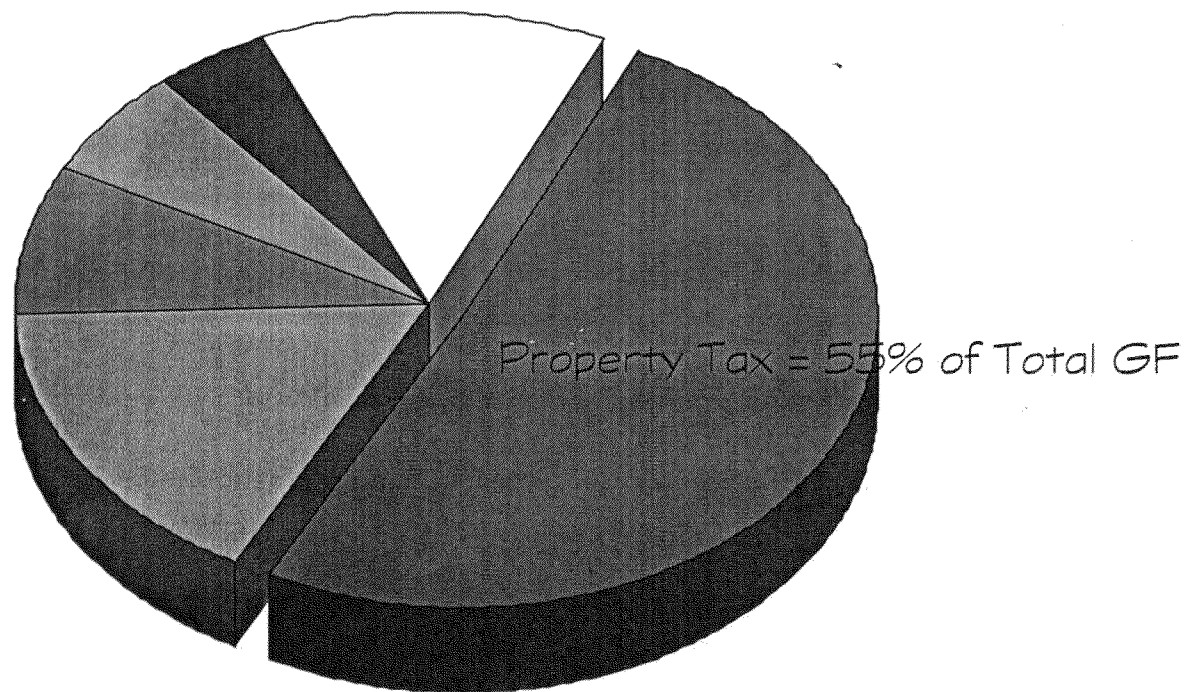
# High Tech Passes Timber as Leading Employer in Oregon



# General Fund Revenue

- ◆ Property Tax
- ◆ Estimate of Revenue Loss Due to M47
- ◆ Business Income Tax
- ◆ Other Revenue

# Property Tax as % of General Fund

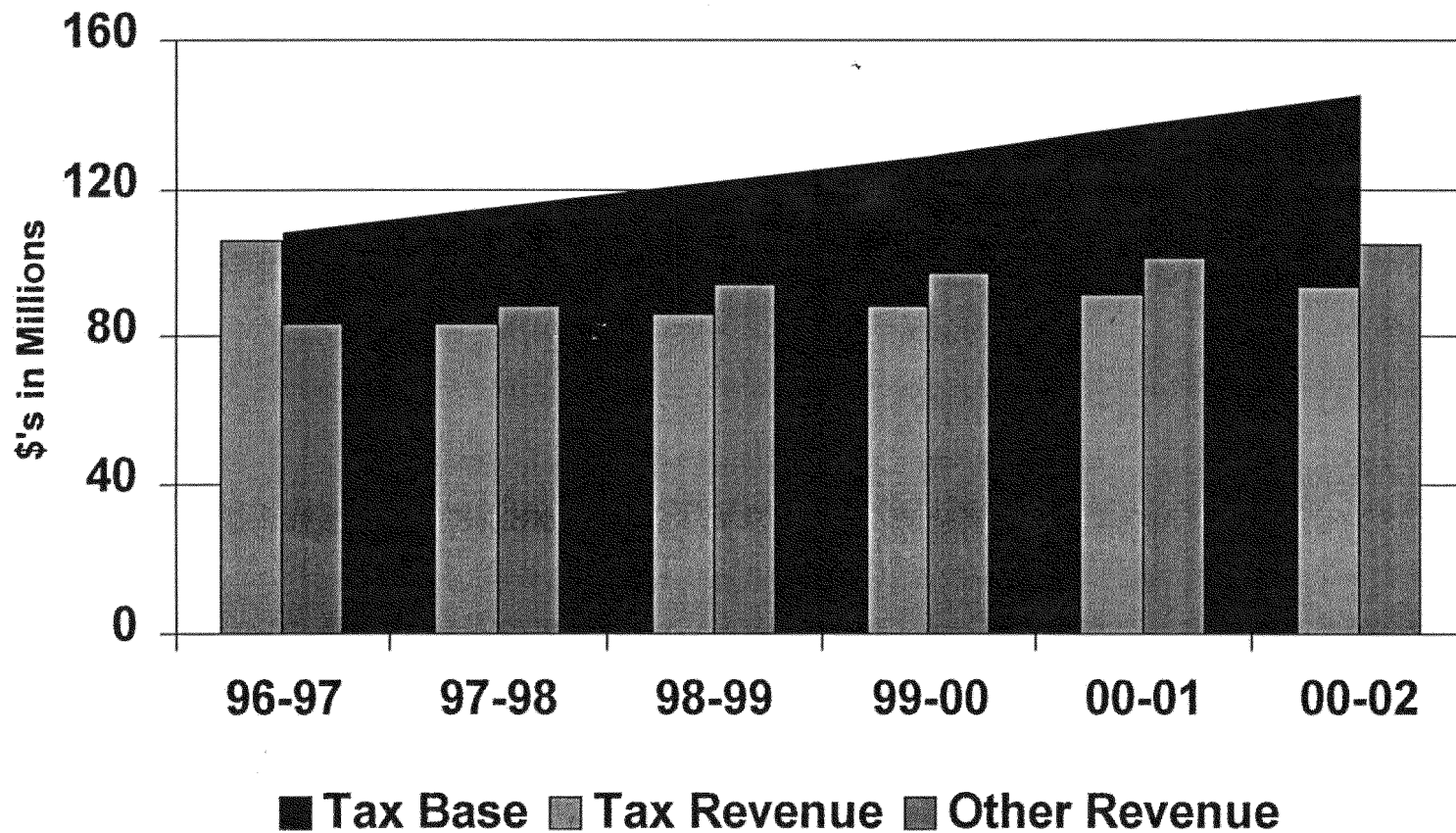


■ Property Tax   ■ BIT   ■ BWC   ■ Int'gov'l   ■ Vehicle Rental   □ All Other

# Estimated General Fund Revenue Shortfall

<u>General Fund</u>	<u>FY 97-98 Pre M47</u>	<u>FY 97-98 "Worst Case"</u>	<u>FY 97-98 LRO Estimate</u>
Property Tax	\$110,788,608	\$ 83,057,648	\$ 89,680,463
Other Ongoing Revenues	87,695,200	87,695,200	87,695,200
Subtotal	\$198,483,808	\$170,752,848	\$177,375,663
"Current Service Level" Expenditures	197,543,615	197,543,615	197,543,615
Projected Shortfall	\$ 940,193	(\$ 26,790,767)	(\$20,167,952)

# We Won't Be Able To Grow Out of Measure 47

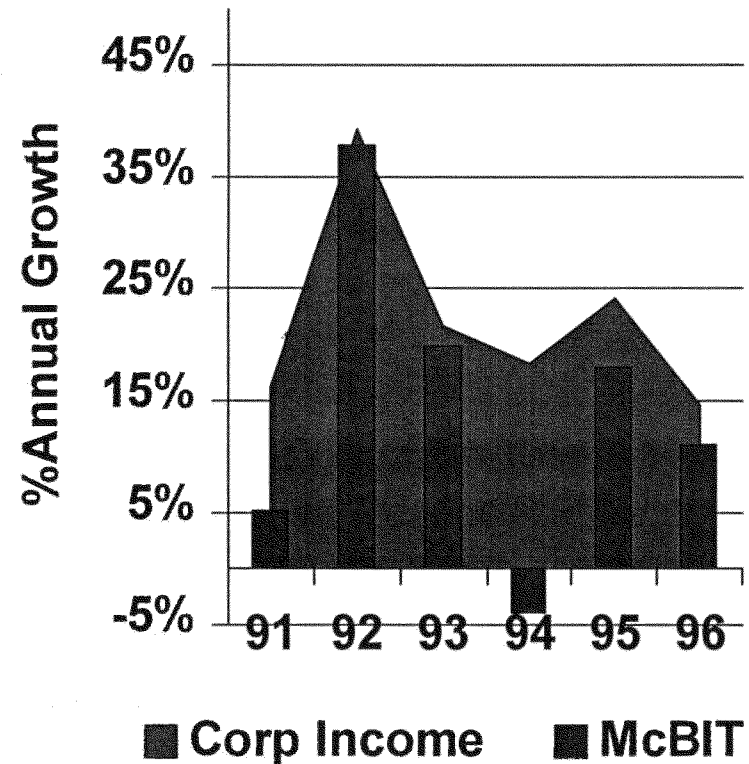


## Other General Fund Revenues

- ◆ Business Income Tax - Average Growth Has Been 16% Last Four Years
- ◆ Motor Vehicle Rental Tax - Average Growth Has Been 13% Last Four Years
- ◆ State Shared Revenues - Cigarette, Liquor and Video Lottery - Likely to Grow at Slower Rates Than Past Four Years
- ◆ Fees/Licenses - Measure 47 Limits Us From Raising Existing Fees w/out Voter Approval

# Business Income Tax

- ◆ Indicator of Business Activity in Multnomah County
- ◆ Parallels Growth in Corp Income Tax
- ◆ Current Year Tax Receipts Have Grown by More Than 10% in Each of Past Four Years



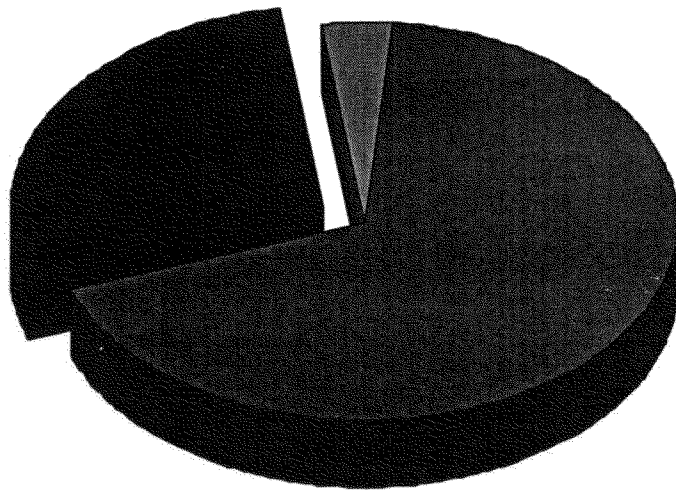
# Business Income Tax

- ◆ State Economist Forecasts Corporate Income Tax Growth @ 6.5% Over Next Two Biennia
- ◆ McBIT Forecast to Grow by 8% Through FY 2000; 6.5% Following Years
- ◆ One Percent of Current Collections = \$20 M
- ◆ Each Percent Increase in Growth = \$350,000

# Uncertainties and Areas of Concern

- ◆ Intergovernmental Revenue and Increasing General Fund Support of Federal/State Fund Programs
- ◆ What Will Federal Budget Balancing Mean to States and Local Governments?
- ◆ Impact of State Budget Shortfall on Local Programs
- ◆ Measure 47 Raises Many Questions Which the Legislature Must Address - Revenue Forecast Makes No Provision for Legislative Relief

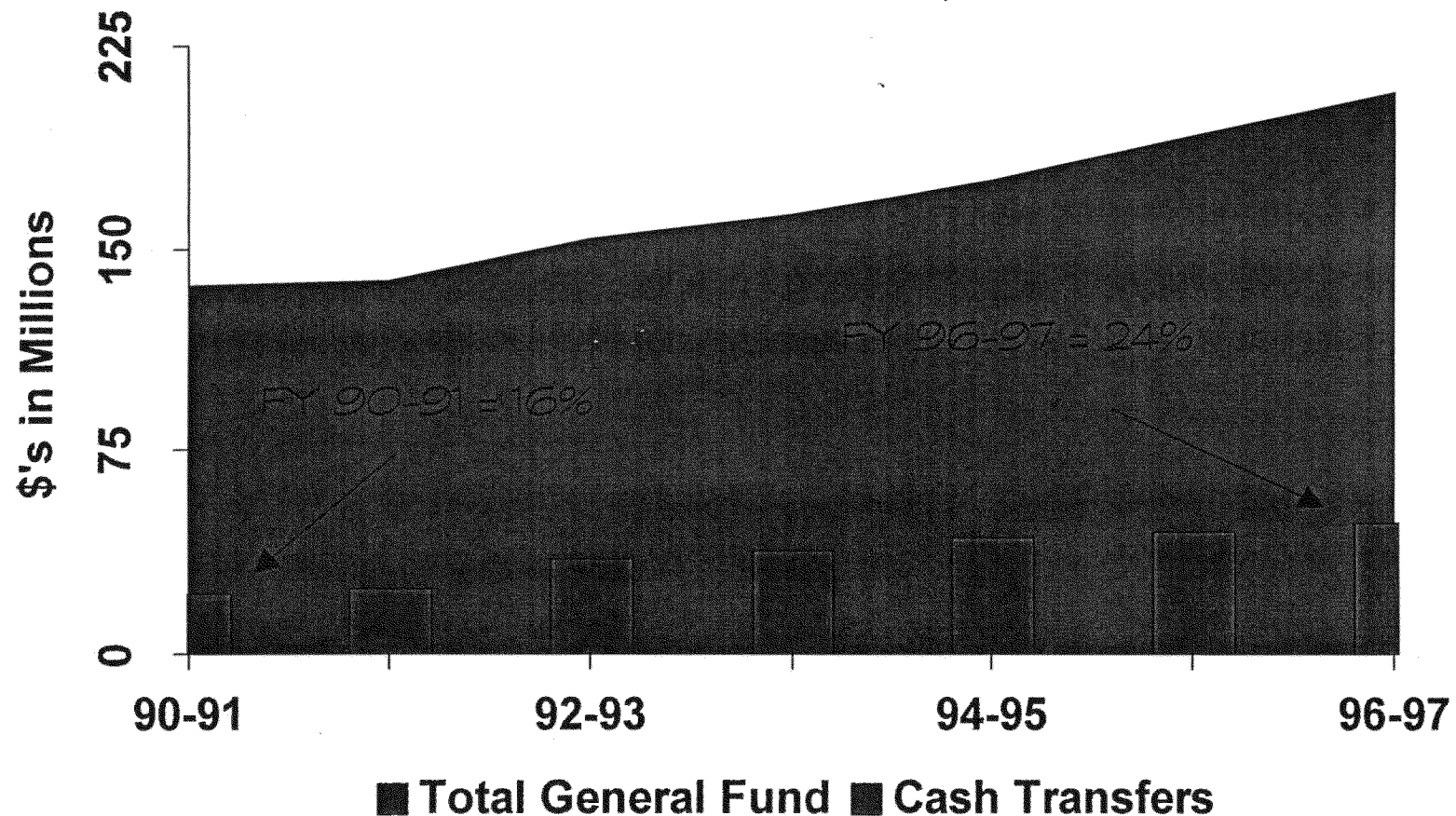
# Federal/State Fund Revenue



- Intergovernmental
- GF Support
- Program Revenue

- ◆ Intergovernmental Revenues Account for 68% of Fed/State Fund
- ◆ Largest Sources - Medicaid and State Mental Health Grant - Have Grown on Average by 12.5% Over Past Four Years

# Cash Transfer to Federal/State Fund as % of Total GF Expenditures



# Revenue Issues

- ◆ State Budget - Current Forecast Assumes a \$350 M Shortfall in FY 97-99 Biennium
- ◆ Implementation of SB 1145
- ◆ Community Corrections Funding
- ◆ What Will Entitlement Reform Mean for Local Government Programs?

## Conclusion

- ◆ Measure 47 is Estimated to Reduce General Fund Revenue Available in FY 97-98 by Between \$21 and \$27 M
- ◆ M 47 Raises A Number of Questions; Legislature Will Have to Address; It Is Likely We Will Not Be Able to Accurately Forecast Revenue Loss Until June
- ◆ Replacement Revenue?
- ◆ Silver Lining - Economic Growth Forecast to Remain Strong in Portland and Oregon; Inflation Will Remain Moderate



DEPARTMENT OF JUSTICE

1162 Court Street NE  
Justice Building  
Salem, Oregon 97310  
Telephone: (503) 378-4401  
TDD: (503) 378-5936

October 17, 1996

No. 8243

This opinion is issued in response to questions presented by Richard Munn, Director, Oregon Department of Revenue, concerning the effects, if enacted, of Measure 47 (the Measure), an initiative measure that will appear on the ballot at the November 5, 1996, general election. The Measure would amend the Oregon Constitution by adding new sections to Article XI that would "cut," then "cap," ad valorem taxes on property. For tax year 1997-98, the amendment would limit the amount of taxes that could be imposed to the lesser of the amount imposed on the same property for the tax year ending June 30, 1996, reduced by 10 percent, or the amount imposed on the same property for the tax year ending June 30, 1995. After tax year 1997-98, ad valorem property taxes on each property generally could not exceed the tax of the previous year, plus three percent. The Measure also provides for exceptions and includes other general provisions."

FIRST QUESTION PRESENTED

The Measure provides that, if it is necessary to allocate revenue reductions resulting from its property tax limitations, it shall be done in a manner so as to prioritize public safety and public education and to minimize loss of local control of cities and counties to state government. How are these objectives to be accomplished?

- a) Who would decide how to prioritize public safety and public education and how to minimize the loss of local control of cities and counties?
- b) What minimum legal standard would be required to assure the decisions made on prioritizing public safety and education and minimizing the loss of local control of cities and counties would be upheld by a court?
- c) Since the Measure would reduce the property taxes on each property, who would decide which districts' revenues will be cut?

d) Could the decision maker meet the minimum legal standard by requiring schools to absorb all the loss, or cities to absorb all the loss, or counties to absorb all the loss, or special districts to absorb all the loss?

e) Could the decision maker determine which individual department, section or program of a school or a city or a county or a special district must absorb the loss?

#### ANSWER GIVEN

The Measure does not prescribe how the expenditure reductions resulting from the property tax limitations are to be made, or define what is meant by "prioritize public safety and public education" or "minimize any loss of local control of cities and counties" in reducing expenditures and redistributing revenues. However, the Measure delegates to the legislature the power to adopt and amend legislation necessary to implement its provisions.

a) The legislature would have the power to enact legislation either directing local governments concerning how to prioritize public safety and public education in making expenditure reductions required by the Measure or by delegating such power to them. State legislation, however, must minimize the loss of local control of cities and counties.<sup>2/</sup>

b) The courts probably would uphold any legislation that is reasonably designed to achieve these objectives. Such legislation should "prioritize" expenditure reductions in public safety and public education resulting from the Measure by assuring that cuts in those programs are less than cuts in other government programs. However, the public safety and public education "priorities" need not be equal to each other. Implementing legislation also must "minimize the loss of local control" of cities and counties. We believe this means that it should not unduly limit city and county powers to make internal decisions on how to allocate the expenditure reductions resulting from the Measure.

c) Only the legislature would have the power to allocate among taxing units revenue reductions resulting from the Measure. If the legislature did not do so, presumably the taxes available would be distributed in accordance with the priorities and formulae of existing laws.

d) The legislature could not meet the minimum legal standards of the Measure by requiring schools (or educational or public safety districts) to absorb most or all of the resulting revenue losses. The legislature could require cities and counties to absorb most or all of the losses, provided that it "prioritizes" public safety and education in doing so, as required by Section 11g(7). See discussion. The legislature could require special districts, other than school, educational and public safety districts, to absorb most or all of the resulting revenue losses.

e) The legislature probably could not determine which individual department, section or program of a city or county must absorb the revenue loss, because this approach would not "minimize" the loss of local control. However, it could make such "internal" determinations for other local governments.

## SECOND QUESTION PRESENTED

Which existing bond levies would be outside the property tax limitation? Are taxes to pay bonds that are not usually voter approved, such as refunding bonds, special assessment bonds or tax increment bonds, outside the scope of this limit?

### ANSWER GIVEN

Neither the Measure's one time "cut" in ad valorem property taxes for tax year 1997-98, under Section 11g(1), nor the three percent limit on the growth of property taxes for tax years following 1997-98, under Section 11g(2), would apply to the portion of the tax "levied" to pay "bonded indebtedness" and interest thereon. This exemption encompasses only forms of indebtedness that are commonly understood as "bonds." On the other hand, it would apply to all forms of bonds.

After its effective date, December 5, 1996, the Measure would prohibit, with certain exceptions, any "new or additional" property tax levies, including but not limited to tax levies to pay bonded indebtedness, unless those taxes were voter approved. Voter approval would not be required for taxes to pay for these bonds: (a) Bonds that had been approved by the voters before the effective date of the Measure; (b) refunding bonds to pay off other bonds that were approved by the voters before the Measure took effect; and (c) refunding bonds to pay off other bonds that have been approved by the voters in accordance with the requirements of the Measure before or after the effective date of the Measure. "Special assessments" to pay local improvement bonded indebtedness are not part of "ad valorem property tax levies" for purposes of the voter approval requirements. However, voter approval would be required to raise tax increment revenues to pay for urban renewal bonds and other expenses because this is a form of ad valorem taxation on property.

## THIRD QUESTION PRESENTED

Assuming that Section 11g(8)(a) would require voter approval to shift government funding of products and services from property taxes to fees and other charges, how could a local elected board, commission, city council, or the state legislature determine if a particular product or service had been funded with ad valorem property tax revenues if that funding had been through the government's general fund, which consists of both property taxes and other sources of undedicated revenues?

### ANSWER GIVEN

It would not be possible to trace the source of revenues used to finance government products and services without special accounting, such as a special fund within the general fund, or a separate fund apart from the general fund, for property tax revenues. Absent such special accounting, if the general fund was funded at all from property taxes, we believe it would be presumed that each expenditure from the general fund was funded from property taxes in the same proportion that the general fund itself was funded from property taxes.

## FOURTH QUESTION PRESENTED

How could a local elected board, commission, city council, or the state legislature determine if a shift of funding from lost property taxes to fees or other charges had occurred

or would occur as a result of their action? What actions are encompassed by the words "shifted, transferred, or otherwise converted"? Would it include:

- a) Eliminating the property tax funding of a service, so that the service is fully funded by an existing fee, with no change in the amount of the fees assessed?
- b) An increase in an existing fee that funds a service, without any increase in property taxes?
- c) A reduction in property taxes, without a change in an existing fee?
- d) Community college tuition, library fines, building permits, school lunch, and athletic fees under the three examples a to c, above?

#### **ANSWER GIVEN**

On and after June 30, 1995, without voter approval, no government could take any action to shift, transfer or convert the funding of products or services that had been wholly or partially paid from ad valorem property taxes to fees, assessments or other charges, except for state income taxes. Generally, such a "shift" would occur if the governing body increased the funding of the product or service from fees, assessments or charges to offset a reduction in funding from property taxes due to the Measure.

a) The Measure's prohibition against shifting, transferring, or otherwise converting the financing of government products and services from property taxes to fees, assessments, or other charges would not be violated if: (i) The service was originally funded from both property taxes and fees, assessments or other charges; (ii) the property tax component was eliminated, so that the service was thereafter fully funded from the fees; and (iii) there was no increase in the amount of fees assessed.

b) The Measure's prohibition against shifting property tax financing to fee financing would not be violated by a government action that increased an existing fee that funded a service, but did not change the property taxes that funded that service. The prohibited "shifting," "transferring" or "converting" must result from some affirmative act of the government that is directed at replacing property taxes lost due to the Measure with fees, assessments or other charges. It would not reach increases in fees, assessments or other charges that arise from causes other than government action, such as increases in the population, increases in demand of the fee paying-public, and the like.

c) The Measure's prohibition against shifting property tax financing to fee financing would not be violated merely by a reduction in property taxes, assuming that there was no increase in an existing fee that funds the service.

d) The answers to a) to c) apply as well to community college tuition, library fines, building permits, school lunches and athletic fees.

#### **FIFTH QUESTION PRESENTED**

Could the state legislature use any tax revenue other than personal or corporate income taxes to offset the loss resulting from the Measure?

### **ANSWER GIVEN**

No, not without voter approval.

### **SIXTH QUESTION PRESENTED**

Pursuant to Section 11g(4)(e)(A), who would be entitled to vote in the election on an annexation of property to a taxing district needed before the property is placed in a different code area? How does the Measure change annexations of property either with or without voter approval?

### **ANSWER GIVEN**

The voters referred to in Section 11g(4)(e)(A) are those who reside in the area to be annexed. Ad valorem property taxes could not increase above the three percent per year limit, unless the annexation was approved by a majority of the voters voting in a general election or other election in which not less than 50 percent of the registered voters eligible to vote cast a ballot.

### **SEVENTH QUESTION PRESENTED**

The uniformity provision of the Oregon Constitution requires that all taxes be levied uniformly upon the same class of taxpayers. How does the Measure change the uniformity clause? Would any degree of nonuniformity cause some aspect of this tax provision to be unconstitutional?

### **ANSWER GIVEN**

To the extent that the Measure conflicts with the uniformity provision of the Oregon Constitution, the Measure would override that provision. Nonuniformity of taxation is likely to result from implementation of the Measure.

### **EIGHTH QUESTION PRESENTED**

The method for determining the tax on improved properties, rezoned properties, subdivided properties, annexed properties, and properties disqualified from exemption or special assessments or omitted from the tax roll depends on the average ad valorem taxes paid on similar properties valued in the same tax code area. What does the Measure require if there are no similar properties in the same tax code area?

### **ANSWER GIVEN**

Subject to any other limitations of the Measure that might apply, we believe that property tax increases above the three percent limitation would be permitted if there are no "similar" properties in the same code area, because there would be no taxes on such properties to "average." The legislature would have the power to prescribe criteria of comparison for purposes of determining what properties, if any, are similar. Without such legislation, we assume that determinations would be made in terms of categories of property currently found in property tax law.

## NINTH QUESTION PRESENTED

What constitutes a "request" by an owner to rezone a parcel of property under Section 11g(4)(b)? What if the owner consents to a request by someone else (developers, etc.), as is commonly provided in local ordinances? Would a petition to annex be considered a de facto property owner's request for a zone change under Section 11g(4)(b), assuming the zone change from county to city zoning is required upon annexation?

### ANSWER GIVEN

A "request" for purposes of this exception to the limitations of the Measure would include any writing submitted by the parcel's owner that asks in any way that the parcel be rezoned and that is delivered to the local government before the rezoning. A "request" would also include any written consent by the parcel's owner to a developer to act on the owner's behalf in requesting a rezoning. It probably would also include an owner's written request for annexation because rezoning is a normal consequence of annexation.

## TENTH QUESTION PRESENTED

How would the definition of improvements in Section 11g(4)(a) apply to additions and deletions to an industrial plant or to utility properties? Is there a difference in the way real and personal property would be treated?

### ANSWER GIVEN

Because deletions cause a reduction in real market value, they have no relationship to the treatment of improvements under the Measure. The treatment of additions for industrial plants and utilities under current law is consistent with the treatment of "improvements" under Section 11g(4)(a) except for the term "minor construction." Additions would be added to the roll at their real market value and subject, after tax year 1997-98, to the three percent limit on the growth of taxes. It would not be lawful under Section 11g(4)(a) to increase ad valorem property tax increases above the three percent cap for improvements defined as "minor construction," although under current law such improvements would be treated as an addition that, under most circumstances, would increase market value and, thereby, taxes on the property.

Although our conclusion is not certain, we believe that the exception to the "cap" on ad valorem taxes on property due to increases in value from "improvements," provided in Section 11g(4)(a), applies to improvements of real property, not personal property.

## DISCUSSION

This Measure, by imposing direct limits on the amount of taxes that may be collected on each parcel of property, departs significantly from other provisions of Article XI of the Oregon Constitution that limit the ad valorem property taxes that governments may levy. Accordingly, we have little guidance from other sources in interpreting the Measure.

Because we have recently restated the cardinal principles that govern the construction of initiative measures, we see no need to discuss them at length here. See 47 Op Atty Gen 90, 100-102 (1994). These principles may be summarized as follows: The objective is to determine the probable intent of the voters who pass the Measure. The best evidence of that

intent is the text and context of the Measure itself, interpreted not upon narrow technical principles, but upon broad general lines, in order that the object intended may be accomplished.

It is appropriate to remember the caution expressed by the Oregon Supreme Court in *Northwest Natural Gas Co. v. Frank*, 293 Or 374, 381, 648 P2d 1284 (1982), where the court stated:

The requirement that we give effect to the words of an enactment is doubly applicable when the law in question is a constitutional amendment adopted by the voters. There is no reliable record of what the voters intended beyond the language of the amendment itself. There are no official committees, no minutes, no formal debates. Given the fact that it is the electorate, the ultimate sovereign, which has adopted the amendments to our Constitution, we are slow to go beyond the face of the enacted language into materials not presented to the public at large.

If available, however, we may consider the relevant ballot title and Voters' Pamphlet material, but should be discriminating and cautious when considering the arguments of proponents and opponents of the Measure.

We also may resort to statutory and judicially developed rules of construction to the extent they are germane. One such rule is that we should ascribe to words their plain, ordinary meaning, unless they have an established or prescribed legal or technical meaning. *See id.* and 46 Op Atty Gen 388 (1990) for citations supporting these principles.

The meaning of portions of the Measure is unclear. In interpreting other initiative measures that contain ambiguities, we have cautioned against excessive reliance on our interpretation, noting that in interpreting the measure the courts could be influenced by materials in the voter's pamphlet. *See* 47 Op Atty Gen at 100-102 (addressing Measure 5 (1994)). We are not certain how the courts would treat all of these issues.

#### **I. Prioritizing Public Safety and Education and Minimizing Loss of Local Control**

Your first question asks about the mandate to "prioritize public safety and public education" and "minimize loss of local control of cities and counties" in allocating any expenditure reductions and revenue redistributions that result from the Measure. The Measure would require that the amount of ad valorem taxes on each property be "rolled back," beginning with the tax year 1997-1998. Thus, your first question assumes, and the Measure itself contemplates, that the Measure will reduce property tax revenues for local government. Section 11g(7) prescribes objectives that must be met in allocating expenditure reductions and redistributing the available tax revenues in that event, stating:

If it is necessary to allocate among political subdivisions of the state, or departments or agencies within those political subdivisions, any revenue reductions resulting from this Act, redistribution of revenues shall be done in a manner so as to (i) prioritize public safety and public education, and (ii) minimize any loss of local control of cities and counties to state government.

## A. Who Would Decide

You ask who would decide how to prioritize public safety and public education and how to minimize the loss of local control of cities and counties under the Measure. The proposed measure requires that priority be given to public safety and public education if revenue losses must be allocated among and within local governments, but does not define what is meant by the phrases "prioritize public safety and public education" or "minimize any loss of local control of cities and counties to state government." However, the general intent seems clear enough. Such decisions must give some form of special treatment to public safety and public education, and whatever implementing legislation there is must minimize the loss of power of cities and counties to state government.

The Measure does not specifically identify which governments would decide how to make these priorities. However, it expressly authorizes the legislature (and only the legislature) to adopt or amend legislation to implement Section 11g. Section 11i. In any event, it is well settled that the legislature has the plenary power to enact laws, unless that power is limited by the state or federal constitutions. *Brusco Towboat v. State Land Bd.*, 284 Or 627, 589 P2d 712 (1978); see also *Kinney v. Astoria*, 108 Or 514, 523-24, 217 P 840 (1923).

Thus, the legislature would have the power to enact general laws that prescribe how local governments are to prioritize public safety and public education in making expenditure reductions resulting from the Measure, or that delegate to local governments such powers. However, subject to the Measure's general objectives of prioritizing public safety and public education and any state legislation establishing guidelines or standards for such prioritization, local governments also would have authority to enact ordinances prioritizing public safety and public education expenditure reductions within their respective budgets. See further discussion below.

## B. Minimum Legal Standards

You next ask what minimum legal standard would be required to assure the decisions made on prioritizing public safety and education and minimizing the loss of local control of cities and counties would be upheld by a court. The decisions of the legislature and local governments in prioritizing public safety and education would be subject to review by the courts to determine whether they were consistent with the language of the Measure. Thus, the question is what standard the courts would apply in making that determination.

The word "prioritize," in the expression "prioritize public safety and public education" is not defined in the Measure or, indeed, in our reference, WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY (unabridged 1993) (WEBSTER'S). However it does not appear to be a technical term and probably would be interpreted as the verb form of the common word, "priority." See *Jones v. Hoss*, 132 Or 175, 178, 285 P 205 (1930). The most apt definition of "priority" is "superiority in rank, position, privilege, or other quality." To "prioritize," then, would be to "rank in terms of some quality." Using this definition, the word "prioritize" itself does not indicate what the criteria for ranking should be.

The absence of such guidance suggests that the policy of the Measure concerning prioritization is not complete. The courts have described three classes of statutory terms that the legislature uses to grant authority to state agencies. Those classes of terms are "exact," "inexact" and "delegative" terms. See *Springfield Education Assn v. School Dist.*, 290 Or

217, 621 P2d 547 (1980). "Delegative terms" are those that express non-completed legislative policy that must be refined by a state agency. The courts use principles of statutory interpretation in interpreting constitutional provisions. See *PGE v. Bureau of Labor & Industries*, 317 Or 606, 612 n 4, 859 P2d 1143 (1993). Because the Measure expressly authorizes the legislature to adopt implementing legislation, we believe that the courts would treat indefinite terms of the Measure, such as "prioritize," as "delegative" terms because they call for decision on policy and defer to the legislature's judgment in implementing the Measure, unless that judgment appeared unreasonable.

There appear to be at least four general formulations of "prioritize" that would satisfy the general definition of that term -- "rank in terms of some quality." First, the legislature simply could rank expenditure reductions for all government programs without reflecting any preference for public safety or public education. Under this approach, all that would be required is that *some* priority be established, regardless of how high or how low, for reductions in expenditures for public safety and public education. Second, the legislature could provide that expenditure cuts in all public safety and public education programs be less than total cuts in all other programs. Third, the legislature could provide that cuts in each current public safety and public education program be less than cuts in any other individual program. Fourth, the legislature could provide that there be no expenditure reductions in public safety and public education programs unless, after cutting expenditures in all other programs, there were insufficient property taxes as a consequence of the limitations of the Measure to fund these programs without expenditure reductions.

We believe that only the first of these formulations would not satisfy the minimum legal standard implied by the word "prioritize." The Measure identifies "public safety and public education" among all government programs that must be given a "priority." This strongly implies that public safety and public education are to be given some greater protection than other government programs in allocating expenditure reductions resulting from the tax revenue reductions caused by the Measure. Each of the other formulations provides greater protection to public safety and public education programs.

We also believe that any expenditure reductions in public safety and public education need not be equal. This conclusion is implicit in the fact that the Measure does not state or suggest that public safety and public education are to have equal priority. All that Section 11g(7) implies is that public safety and public education have some priority over other programs when expenditure reductions are necessary due to any revenue reduction resulting from the Measure.

### C. Cutting Districts' Revenues

You also ask who would decide which districts' revenues will be cut. Section 11g(7) refers to allocation of revenue losses both among political subdivisions and within the departments or agencies of individual political subdivisions, but does not specify how those allocations are to be made. In a previous opinion analyzing a proposed tax limitation measure, we concluded that neither the state nor federal constitution limited the legislature's authority to change or statutorily restrict the taxing authority of municipal corporations. 44 Op Atty Gen 85 (1984). At that time, we were asked whether the legislature has the authority to apportion taxing authority among taxing units, and whether that authority included the power to prohibit some districts from levying property taxes. We answered affirmatively, stating:

Most types of municipalities are pure creatures of the legislature. What the legislature has the power to create, and to grant taxing powers, it also has the authority to dissolve, or to limit taxing powers it has granted. There is nothing in the state or federal constitutions that limit the power of the legislature to change or statutorily restrict the taxing authority of most municipal corporations.

*Id.* at 93.

We acknowledged that home rule cities are protected from some acts of the legislature by Article XI, section 2, of the Oregon Constitution. *See also* Or Const Art VI, § 10 (relating to county home rule powers). However, we concluded that the orderly extension of taxes under that measure would be a general law addressed primarily to substantive social, economic, or other regulatory objectives of the state, and that in any conflict between the state law and a charter ordinance of a home rule city or county, state law would prevail. 44 Op Atty Gen at 94-5. *See also LaGrande/Astoria v. PERB*, 281 Or 137, 576 P2d 1204 (1978), *aff'd on rehearing* 284 Or 173, 586 P2d 765 (1978). *See also Stovall et al v. State of Oregon*, 324 Or 92, \_\_\_ P2d \_\_\_ (slip op, August 29, 1996), *petitions for rehearing pending*.

We adhere to the analysis in our 1984 opinion. There are no limits in the state or federal constitutions on the legislature's authority to change the taxing power of units of local government, *except those that would be established in the Measure itself*. The legislature has the power to decide which taxing districts' revenues will be reduced if the Measure is enacted. This power includes the authority to prohibit certain taxing districts from levying property taxes or to assign the loss disproportionately among taxing districts.

However, the limits of the Measure on the legislature's power are significant. Any legislation prescribing how expenditure reductions and revenue redistributions are to be made must "prioritize public safety and public education" over other functions of government and "minimize the loss of local control of cities and counties to state government," as discussed below.

If the legislature failed to make such allocations, we presume existing law would control and that property taxes would be distributed on the basis of the ratios computed under ORS 311.390.<sup>34</sup> However, it is not at all clear that existing law would apply in this situation.

#### **D. Absorbing the Loss While Meeting Public Safety, Education and Local Control Objectives**

You next ask whether requiring schools, or cities, or counties, or special districts to absorb the entirety of any revenue loss would meet the minimum legal standards necessary to satisfy the Measure's public safety, public education and local control objectives. Requiring school and educational districts and public safety districts to absorb all, or even most, of the revenue reductions resulting from the Measure would not appear to satisfy the requirement of Section 11g(7) that government give priority to public safety and public education when allocating expenditure reductions and revenue redistributions resulting from the effects of the Measure. *See* discussion of "prioritize" above.

Cities and counties devote a significant portion of their budgets to public safety. Thus, while we believe that the legislature could require cities and counties to absorb some of the revenue reductions resulting from the Measure, in setting the level of those revenue reductions for cities and counties, the legislature must also be guided by the Measure's directive to "prioritize public safety and education." The Measure assures cities and counties no priority in making expenditure reductions required by the Act. It does require, however, that such reductions prioritize public safety and education and minimize loss of local control by cities and counties to the state. We believe that the legislature could, for example, specify or limit the percentage of reduction cities and counties could make in their public safety expenditures, but that it could not direct cities and counties in how they allocate funding for their other programs. Thus, state legislation could prescribe general standards for interpreting the measure, establish guidelines or standards for giving priority to public safety and public education in making expenditure reductions and allocate among local governments expenditure reductions, without giving cities or counties any priority, except for their expenditures for public safety and education. However, apart from this, such legislation probably could not direct where or how cities and counties are to make their expenditure reductions without violating the requirement that the reductions minimize the loss of local control to the state.

Legislation requiring other units of local government, such as special districts, to absorb all or most of the revenue reductions resulting from the Measure or prescribing how or in what programs, activities, etc., the expenditure reductions should be made would not appear to violate the requirements of the Measure, except for those special districts that are primarily devoted to providing public safety or educational services.

#### E. Allocation of Revenue Reductions

Finally, you ask whether the decision maker could determine which individual department, section or program of a school or a city or a county or a special district must absorb the loss. As discussed above, the legislature would have the primary, but limited, power to decide how revenue reductions resulting from the Measure will be allocated *among* units of local government. This question focuses on the legislature's power to determine the allocation of such reductions *within* local government.

The "home rule" provisions of the Oregon Constitution limit to some extent the legislature's authority to make internal policy decisions of the cities and counties that have home rule charters. "Local control" is a concept that may have a variety of meanings in different contexts. Under current law, the governing bodies of cities and counties are locally elected. The budgetary process by which cities and counties establish their spending priorities is a process that state law requires be open to, and involve the participation of, its citizens. See ORS 294.305 to 294.565 (Local Budget Law). The residents of cities and counties that have home rule charters have the power to determine the form of their local government. See Or Const Art VI, § 10, and Art XI, § 2. At the same time, the legislature routinely requires cities and counties to implement statewide programs that are subject to statewide standards, such as health and environmental laws.

In any event, the legislature retains the power to enact "general law" that is addressed primarily to substantive social, economic or other regulatory objectives of the state. See *LaGrande/Astoria v. PERB*, 281 Or at 156. Being a statewide limit on property taxes, the Measure is clearly a "general law" and state legislation implementing the Measure, likewise,

should be considered "general law," not subject to "home rule" powers of cities and counties.

Nevertheless, the legislature's power over local governments is limited by the requirement of Section 11g(7) that any revenue reductions or redistribution of revenues "minimize loss of local control of cities and counties to state government." In light of this mandate, as we discussed above, the legislature lawfully could establish guidelines or standards for cities and counties for giving priority to public safety and education. It also could limit property tax revenues available to cities and counties, limited only by the requirement to prioritize public safety and public education. However, it probably could not direct how or where cities and counties were to make reductions for other programs.

In contrast, the legislature would have broader authority with respect to other forms of local government such as special districts. It could either establish general standards and delegate powers to the local government, or it could by legislation direct the local government to make general or specific reductions in expenditures for specified programs and redistribution of revenues required by ad valorem property tax reductions resulting from the Measure.

## II. Bond Levies

Your second question concerns bond levies. You ask first which bond levies would not be subject to the limits of the Measure and then ask us to address bonds that are not usually voter approved. We assume that the question is limited to existing bond programs. Because of the number and complexity of these programs, we do not discuss their specific characteristics, except where necessary to address the question.

Your question identifies three specific kinds of bonds that are commonly issued without voter approval, and for which taxes or assessments are collected. You identify, as examples, refunding bonds, special assessment bonds and tax increment bonds. Tax increment bonds are authorized by Article IX, section 1c, of the Oregon Constitution and ORS 457.420 to 457.450. Taxes on property located within urban renewal areas are used to pay these bonds. Bancroft bonds are authorized by ORS 223.205 and 223.210 to 223.295. They are used by cities of over 100,000 population to finance local improvements, and may be paid from a tax levy or from assessments against benefitted property. Finally, there are several statutes that permit local governments to finance specific local improvements by issuing bonds. They are: ORS 223.387 to 223.399 (local improvements generally), ORS 223.805 to 223.845 (parking facilities), ORS 223.851 (street lighting, maintenance and cleaning), ORS 223.878 (street improvements), ORS 223.880 (sidewalks), ORS 224.010 to 224.170 (sewers), and ORS 376.705 to 376.825 (pedestrian malls). These statutes do not require the local government unit to obtain voter approval before issuing the bonds. Except for bonds that are voter approved, bonds issued under these statutes are secured by the payment of assessments against the property that is benefitted by the improvements.

In answering your question, we first discuss the roll back and three percent limitation and then the voter approval requirement.

#### A. Tax Roll Back and Three Percent Limitation

Taxes to pay bonded indebtedness would not be subject to the Measure's property tax roll back and three percent limitation on growth. The relevant subsections of Section 11g are the following:

(1) Except as provided in subsections (3), (4), and (5) of this section, the ad valorem property tax on each property for the tax year 1997-98, excluding the portion of the tax that is levied to pay bonded indebtedness or interest thereon, shall not exceed the lesser of the following: [the property tax roll back provisions]

\* \* \* \* \*

(2)(b) The portion of the property tax that is levied on each property for the payment of bonded indebtedness or interest thereon is exempted from the three percent (3%) annual increase limitation set forth in (a) of this subsection.

The Measure clearly provides that taxes already "levied" on the 1997-98 tax roll at the time the Measure takes effect to pay "bonded indebtedness," or interest thereon, are not subject to the "roll back" of taxes. Section 11g(1). In addition, for tax years following 1997-98, the portion of any property tax levied for the payment of "bonded indebtedness" is exempt from the three percent growth limit. Section 11g(2)(b). For these two purposes, the Measure does not distinguish between voter-approved and nonvoter-approved bonded debt.

Because the Measure does not define the expressions "levied" or "bonded indebtedness," we believe that these terms would be interpreted in accordance with their usual, common meanings. In Oregon, "levy" has been construed to mean "the political decision to raise an amount of revenue from taxpayers by a specified formula." *Dennehy v. Dept. of Revenue*, 305 Or 595, 602, 765 P2d 13 (1988); see also *Dept. of Rev. v. Co. of Multnomah*, 4 OTR 133, 147-48 (1970). Although the state also has the authority to levy property taxes to pay bonded indebtedness, see, e.g., Or Const Art XI-A, § 4, only local governments routinely levy taxes for such purposes. It might be said that tax increment revenues for urban renewal are "levied" by the government body that decides to create the redevelopment agency and to undertake redevelopment with those revenues, see *Dennehy*, 305 Or at 603, it does not follow that tax increment revenues are property taxes.<sup>4</sup> See discussion below.

Because the intent of the Measure is to limit the growth of property taxes, we believe that exceptions, like the one for "bonded debt," would be construed strictly. Therefore, the exception for "bonded debt" would apply only to debt that arises from instruments commonly recognized as "bonds." A "bond" is defined as an "interest-bearing document giving evidence of long-term debt and issued by a government or corporation sometimes secured by a lien on property and often designed to take care of a particular financial need." WEBSTER'S *supra*, at 250. It does not encompass other instruments of indebtedness, such as certificates of participation, see ORS 283.085 to 283.092, 286.515 and 286.525, which in any case are rarely if ever financed directly from property tax revenues.

On the other hand, because the Measure does not appear to limit the kinds of "bonded indebtedness" to which it refers, we believe it would be interpreted as including all kinds of

bonds, including but not necessarily limited to general obligation and revenue bonds. Thus, the Measure would apply to bonded indebtedness, irrespective of whether that indebtedness was authorized by a specific provision of the Oregon Constitution. The "bonded indebtedness" exception in this Measure, in contrast to the exemption found in subsection 3(a) of Ballot Measure 5 (1990), (now Article XI, section 11b(3)(a) of the Oregon Constitution) is not limited by the words "authorized by a specific provision of this Constitution." See *City of Portland v. Smith*, 314 Or 178, 184-93, 838 P2d 568 (1992).

## **B. Voter Approval Requirement**

The Measure would also require voter approval of new or additional property taxes. Section 11g(3)(a) provides:

On and after the effective date of this section, there shall be no new or additional ad valorem property tax levies against real property unless the question of the levy has been approved by not less than fifty percent (50%) of voters voting in a general election in an even numbered year, or other election in which not less than fifty percent (50%) of the registered voters eligible to vote on the question cast a ballot.<sup>[5]</sup>

Thus, the Measure would require voter approval of all "new or additional" ad valorem property tax levies unless an exception applied.

The voter-approval requirement would apply to all property tax levies, including levies to pay bonded indebtedness, and regardless of whether that debt was incurred before or after the effective date of the Measure. Below, we discuss the exceptions to the voter approval requirement (previously approved bonds and refunding bonds) and the applicability of the requirement to special assessments and tax increment financing.

### **1. Taxes to Repay Previously Approved Bonds**

Under specified circumstances, Section 11g(3)(b) would exempt taxes to pay bonds from the voter-approval requirement. It reads:

Nothing in this subsection shall affect taxes levied for the repayment of bonded indebtedness approved by voters in an election held prior to the effective date of this Act, or the issuance of refunding bonds to pay such bonded indebtedness. This subsection shall not require voter approval for the issuance of, or the levy of taxes to pay, bonds issued to refund bonds issued in conformance with this subsection.

Thus, the Measure's voter-approval requirement would not apply to taxes to pay the principal and interest on bonds approved by the voters before the effective date of the Measure.

### **2. Taxes to Repay Refunding Bonds**

The Measure also would treat differently taxes levied after the effective date of the Measure to pay certain refunding bonds, that is, bonds whose proceeds are used to pay off existing bonded indebtedness.

In addition to the exemption discussed above, Section 11g(3)(b) provides that nothing in "this subsection" shall affect "the issuance of refunding bonds to pay such bonded indebtedness."<sup>6</sup> Because Section 11g(3), relates primarily to special voting requirements for property taxes, we interpret the quoted provision to mean that those voting requirements would not apply to taxes to pay the debt on bonds that are to be used to refund other bonds that were approved by the voters before the Measure took effect. Thus, this provision simply extends the exemption for previously approved bonds to bonds used to refund those previously approved bonds.

Section 11g(3) also provides that it "shall not require voter approval for the issuance of, or the levy of taxes to pay, bonds issued to refund bonds issued in conformance with this subsection." We interpret this to mean that the special voting requirements of Section 11g(3) would not apply to taxes to pay the debt on refunding bonds, the proceeds of which are to be used to pay off (refund) other bonds if the refunded bonds were approved in accordance with the special voting requirements of Section 11g(3)."

### 3. Special Assessments to Pay for Local Improvements

The Measure limits "ad valorem property taxes" and requires voter approval of "taxes levied to pay bonded indebtedness," but it does not define those terms. The courts have distinguished between "taxes" and "assessments" in interpreting related provisions of the Oregon Constitution. In *Dennehy v. Dept. of Rev.*, 305 Or 595, 603, 756 P2d 13 (1988), the court restated the principle that assessments of abutting landowners for street improvements was not a "tax" subject to the tax base limitation of Article XI, section 11 of the Oregon Constitution. The court quoted from *Northern Pac. Ry. Co. v. John Day Irr. Dist.*, 106 Or 140, 211 P 781 (1923), in sustaining a challenge under Article XI, section 11, against tax increment financing:

The difference existing between taxation for general governmental purposes by the state or its political subdivisions, and assessment for local improvements, was well understood by the people of the state for a period of half century [sic] prior to the adoption of the Six Per Cent Tax Limitation Amendment.

In *Dennehy*, the court held that tax increment financing of urban renewal districts was not subject to the tax base limit of Article XI, section 11, of the Oregon Constitution, because that funding mechanism was more akin to a "special assessment" imposed for the benefit of property in the area than it was to a property tax. 305 Or at 605-606.

Another constitutional tax limitation provision, Article XI, section 11b, enacted as Measure 5 (1990), also distinguishes general "taxes" from "assessments." That provision defines "tax" to include "any charge imposed by a governmental unit upon property or upon a property owner as a direct consequence of ownership of that property *except* incurred charges and *assessments for local improvements*." (Emphasis added.) We conclude that since the proposed Section 11g uses terminology that is commonly understood to refer to general taxes, but not to special assessments, it does not affect bonds that are to be paid from assessments against benefitted property.

Therefore, any bonds issued by a local government that are not financed through the governmental power to tax, but only through the assessment of benefitted property owners, would not be affected by the Measure. Bonds financed through the imposition of ad valorem

property taxes on all property within the boundaries of the government unit imposing the tax are subject to the voter-approval requirement of the Measure.

#### **4. Taxes to Pay "Tax Increment" Bonds**

Tax increment financing presents a special case and merits separate discussion. ORS chapter 457 authorizes financing of urban renewal projects by using ad valorem taxes on the increase of property values in a redeveloped area to pay bond and other expenses incurred for the project. In an earlier opinion analyzing Article XI, section 11b, of the Oregon Constitution (then proposed Measure 5 (1990)), we described the manner in which tax increment revenue is collected from the taxes imposed on property located within an urban renewal district and the permissible uses of that revenue. 46 Op Atty Gen 388, 429-30 (1990). Tax increment revenue may be used to pay bonded indebtedness or other expenses of the urban renewal agency. We concluded that tax increment revenue was a "tax" subject to the limits of Article XI, section 11b, unless the revenue was to be used to pay bonded indebtedness.

In 1991, the legislature amended the statutes to require urban renewal agencies to certify to the assessor the amount of funds to be raised each year for the payment of principal and interest on bonded indebtedness. ORS 457.440(2)(a). To the extent that tax increment revenues collected during 1997-98 and thereafter are to be used to pay bonded indebtedness incurred before the effective date of the Measure, we conclude that those revenues are not subject to the roll back or three percent growth limits of the Measure. To the extent that tax increment revenues will be used to pay for bonded indebtedness that have not been previously approved by the voters (as discussed above), we conclude that the bonds must be voter approved as provided in the Measure.

### **III. Determining Whether Products or Services Are Funded from Ad Valorem Property Tax Revenues**

Your next two questions relate to Section 11g(8)(a) and (b). These provisions would generally prohibit, without voter approval, governments from funding, with fees or other charges, products and services that were previously funded with property tax revenues. Question three asks how governments could determine whether government products or services were paid for by ad valorem property taxes, when the product or service was originally funded from that government's general fund.

Section 11g(8) reads as follows:

(a) No government product or service that on or after June 30, 1995 was wholly or partially paid for by ad valorem property taxes, shall be shifted, transferred, or otherwise converted so as to be wholly or partially paid for by a fee, assessment, or other charge except state income taxes, without prior voter approval. If such a shift, transference or conversion of a property tax to a fee, assessment, or other charge except state income taxes, occurred without voter approval after June 30, 1995 and prior to the effective date of this Act, for tax year 1997-98 and subsequent years, the ad valorem property tax on each such property, the owner or user of which continues to be subject to such a fee, assessment, or other charge except state income taxes, shall be decreased by an additional amount equal to the portion of the fee, assessment,

or other charge which was formerly paid through property taxes until such time as voters approve the fee, assessment, or other charge.

(b) The limitations of (a) of this subsection shall not apply to a new or increased fee, assessment or other charge, the imposition or enactment of which directly results in an equal or greater offsetting reduction in property taxes levied in the same taxing district, providing that the reduction is in addition to the reductions and limitations set forth elsewhere in this Act.

In government accounting, a "general fund" is used "to account for all financial resources except those required to be accounted for in another fund." *Governmental Accounting and Financial Reporting Standards*, Section 1300.401 (1995). We are informed that typically property taxes do not finance dedicated funds, or funds restricted to paying for a specific good or service. Municipal governments may use separate accounts for different types of revenues and expenditures, but generally do not maintain separate accounts for all revenues and expenditures. They also do not debit each expenditure to a specific revenue account. Without these or other similar methods to trace a specific type of revenue to a specific expenditure, it is not possible to determine the particular revenue source of an expenditure.

The inability to trace funds may not prevent a court from characterizing expenditures or transfers as representing specific revenues, if the constitution or statutes require such a result. In *Smith et al. v. Colton School Dist. No. 53*, 10 OTR 295 (1986), the court "deemed" transfers from the school district's general fund to its debt service fund to be from property tax revenues. The defendant proposed to transfer funds from its general fund to its debt service fund, resulting in a reduction or elimination of its debt service levy. The plaintiffs objected because the procedure enabled the defendant to inflate its general levy and increase its tax base beyond that contemplated in Article XI, section 11, of the Oregon Constitution. In addition to the constitutional limitation to the tax base, the court's holding was based on statutory requirements to levy a property tax to pay interest and principal on bonded indebtedness, in addition to all other taxes. ORS 328.260(1). However, this opinion does not hold that administrators or legislators may classify the source of an expenditure for a product or service as being property taxes without the existence of accounting methods that permit tracing.

Oregon's Local Budget Law, ORS 294.305 to 294.565, was enacted to establish standard procedures for the preparation, presentation, administration and appraisal of budgets of most municipal corporations and to enable the public, taxpayers and investors to be apprised of the financial policies and administration of the municipal corporations. ORS 294.321. Similarly, Oregon's Municipal Audit Law, ORS 297.405 to 297.555, requires municipal corporations to prepare and submit reports of financial operations. Such reports include a statement of property tax transactions which, if deemed desirable, must disclose designated statistical information. OAR 162-10-150.

Pursuant to these statutes and rules, municipal corporations may prepare and, generally, are required to prepare budgets and financial reports disclosing the major types and amounts of revenues, e.g., property taxes, and expenditures in each of their funds. See, e.g., ORS 294.352 to 294.391, 294.416, 294.418, 294.356, 294.361 and OAR 162-10-190. See also *Governmental Accounting and Financial Reporting Standards*, Sections 1800.115 and 1800.116 (1995).

Under most current practices, it should be possible to determine, at any time an expenditure is made, the portion of the general fund revenues from property tax revenues and the portion from all other sources. It may be reasonably assumed that each expenditure from the general fund represents revenues from all sources in their relative proportions. With the additional accounting practice of debiting the property tax revenue account for specific expenditures, it would be possible to trace expenditures from the General Fund to property tax revenues. However, we are informed that such practice is unconventional because it creates a form of dedicated property tax fund within the General Fund. As a result, it may present unforeseen complications. There may be other methods of tracing property tax expenditures.

#### IV. Shifting of Financing

You next ask what changes in the financing of government products or services violate the Measure's prohibition against the shifting of financing from lost property tax revenues to fees and charges without voter approval. Section 11g(8)(a) states that

[n]o government product or service that on or after June 30, 1995, was wholly or partially paid for by ad valorem property taxes shall be shifted, transferred, or otherwise converted so as to be wholly or partially paid for by a fee, assessment or other charge, except state income taxes, without prior voter approval.

As with other provisions of the Measure, we believe that the words "shifted, transferred, or otherwise converted" would be given their plain, ordinary meaning, construed upon "broad general lines, rather than upon narrow technical principles." *See School Dist. No. 1, Mult. Co. v. Bingham*, 204 Or 601, 611, 283 P2d 670, 284 P2d 779 (1955). The dictionary definitions for these words are:

shift - "to exchange for or replace by another of the same category : CHANGE"

transfer - "to carry or take from one person or place to another : TRANSPORT"

convert - "alter in form, substance, or quality : TRANSFORM."

WEBSTER'S, *supra*, at 2094, 2426-27 and 499, respectively. Literally, the provision prohibits replacing property tax revenues as a source of payment for a product or service with fees, assessments or other charges.

Moreover, both the context, i.e., a general restraint on governments' taxing powers, and the words themselves suggest that the prohibition bars government from acting to replace lost property tax funds with other revenues, except state income taxes. It does not bar changes in funding that may occur due to non-governmental causes, such as increases in population, increases in demand for services from the fee paying public, and other causes that are not the product of the voluntary and foreseeable actions of government. Thus, the apparent intent of this provision is to bar government from replacing funding of government products and services from "lost" property taxes with funding from fees, assessments and other charges, except state income taxes.

As discussed above, absent the debiting of expenditures to specific revenue accounts, it should be assumed that each expenditure from a general fund is financed pro rata from all

revenue sources of that fund. Accordingly, government action increasing fees, assessments or other charges (other than state income taxes) for goods and services that offset tax reductions resulting from the Measure would violate the finance "shifting" prohibition of the Measure. Such deliberate action could include, but would not necessarily be limited to: a) Increasing the amount of a fee used to finance the service; b) broadening the category of persons to which the service fee applied; or c) increasing how often the service fee was due. This prohibition does not apply to state income taxes that are used to replace reduced or limited property taxes. See Section 11g(8)(a).

#### **A. Eliminating Property Tax Funding of a Service**

You ask whether the words "shifted, transferred or otherwise converted" would include eliminating the property tax funding of a service, so that the service is fully funded by an existing fee, with no change in the amount of the fees assessed. We conclude that they do not.

Section 11g(8)(a) prohibits only government action aimed at shifting the funding of government products and services from property taxes to fees, assessments or others charges, except state income taxes. If there is no change in the amount of fee assessed due to the government's action, there necessarily has been no shift of the financing of the service from property taxes to the other revenue sources. It cannot be said that those fees, assessments or other charges are taking the place of the property tax revenues unless fees, etc., increase, in some way, as property tax revenues are lost or limited. A prohibited "shift," "transfer" or "conversion" does not occur merely because there is a reduction or limitation in the property tax; the fees, etc., must also be increased to replace the lost property tax revenues.

#### **B. Increase in Existing Fee That Funds a Service**

You ask whether the words "shifted, transferred or otherwise converted" would include increasing an existing fee that funds a service, without any increase in property taxes to fund that service. We conclude that it would not, except to the extent that property taxes are limited by the Measure.

For there to be prohibited "shifting" of financing of government products and services from property taxes to fees, assessments or other charges, the latter revenues must in some way replace the former. In other words, property taxes cannot be replaced unless they are, in some way, "lost." In your question, you ask us to assume only that there was no increase in property taxes. Of course, that is the opposite of one form of loss, a property tax reduction. However, property taxes can also be said to be "lost," if the amount of the taxes are reduced or their increase is limited by law.

Thus, we must consider whether the finance shifting prohibition would be interpreted to apply to property taxes eliminated by any provision of law, for example, Article XI, section 11b, of the Oregon Constitution, or only the limitations of the Measure itself. Although not entirely without doubt, we conclude that Section 11g(8)(a) is intended to apply to property taxes lost by reason of the Measure itself. There is nothing in the text of the Measure that indicates that its effect is intended to depend on the operation of other law. To the contrary, section 11g begins with the words "[n]otwithstanding Section 32, Article I, Section 1, Article IX, Section 11, Article 11, or any other provision of this constitution." Moreover, it seems evident that the intent of Section 11g(8)(a) is merely to prevent

government from circumventing the effects of the property tax limitations of the Measure, not to place broader restraints on government. Therefore, property taxes are not "lost" for purposes of this prohibition if they are limited only by other provisions of law.

To conclude, a fee increase without a change in property taxes would not violate section 11g(8)(a) unless property taxes were "lost" because of the limitations of the Measure and, then, only to the extent of such loss.

### C. Reduction in Property Taxes

You also ask whether the words "shifted, transferred or otherwise converted" would include a reduction in property taxes, without a change in an existing fee. We conclude that they do not. Following the analysis stated above, existing fees cannot be said to "replace" property taxes if those fees do not replace "lost" property tax revenues. In your question, we cannot infer that the fees have "replaced" "lost" property taxes because the fees have not changed. Only government action that provides new or additional fees to pay for government services, following a property tax reduction, could be said to "replace" the lost tax revenues.

### D. Tuition, Library Fines, Building Permits, School Lunch and Athletic Fees

Next, you ask whether our answers in examples A to C, above, would apply to community college tuition, library fines, building permits, school lunch, and athletic fees. The phrase "fees, assessments and other charges" in Section 11g(8)(a) would include college tuition, library fines, building permits, lunch and athletic fees.

### V. Offsetting Revenue Losses

Your fifth question asks whether tax revenues other than personal or corporate income taxes may be used to offset revenue losses resulting from the Measure. This question appears to arise from Section 11g(8)(a), which states:

No government product or service that on or after June 30, 1995 was wholly or partially paid for by ad valorem property taxes, shall be shifted, transferred, or otherwise converted so as to be wholly or partially paid for by a fee, assessment, or other charge except state income taxes, without prior voter approval.

We cannot state with certainty how the courts will interpret the above provision. It appears that the legislature would be permitted to use only state income taxes to offset the loss resulting from the Measure.

The above provision refers to "state income taxes," not personal and corporate income taxes. Accordingly, any taxes that would qualify as "state income taxes" would be expressly permitted as a source for replacement funds. The Measure does not define "state income taxes." The term would very likely include the Personal Income Tax (chapter 316), the Corporation Excise Tax (chapter 317) and the Corporation Income Tax (chapter 318) because those taxes are based on (or, in the case of the Corporation Excise Tax, measured by) income. It would not include the Motor Vehicle and Aircraft Fuel Tax (chapter 319), the Amusement Device Tax (chapter 20), Timber and Forestland Tax (chapter 321),

Cigarette and Tobacco Products Tax (chapter 323) or the Oil and Gas Tax (chapter 24) because those taxes are not based on income.

In addition, any revenue not constituting a "fee, assessment or other charge" as meant by Section 11g(8)(a) would also be permitted as a source of replacement funds. However, this phrase appears to be very broad. Although we have not researched whether any present state or local government revenue source would fall outside the definition of "fee, assessment or other charge," it appears unlikely.

Finally, any fee, assessment or other charge that was approved by the voters would qualify as a source for replacement funds.

## **VI. Eligible Voters and Effect of Voter Approval**

### **A. Eligible Voters**

You next ask who would be entitled to vote in an election of annexation of property.<sup>8/</sup> The question appears to assume that the Measure places a restriction on the annexation of property before it can be placed in a different tax code area. There is no such restriction. There is no language in the Measure that sets limits on the procedures of annexation before property can be placed in a different code area. The Measure only affects the taxes that would be paid. Increases in ad valorem property taxes resulting from an annexation may be in excess of the three percent limitation imposed by the Measure if two conditions are met. One of these conditions is approval of the annexation "by a majority of voters casting a ballot in a general election in an even numbered year or other election in which not less than fifty percent (50%) of the registered voters eligible to vote in the election cast a ballot." Section 11g(4)(e)(A).

Section 11g(4)(e)(A) does not define what voters make up the class of voters for which a majority approval is required. Thus, we look to the context of the Measure for guidance. Similar language is used in Section 11g(3)(a) as part of a requirement for new or additional levies. Both sections appear to reflect concern for loss of control by the taxpayers affected by an increase in their property taxes. Consistent with that intent, it is reasonable to conclude that the voters referred to in Section 11g(4)(e)(A) are those who reside in the area to be annexed.<sup>9/</sup> Only the ad valorem tax on "that property" may be increased in excess of the three percent limitation. See Section 11g(4)(e)(A). In this manner, the property owners affected by the tax increase would have some measure of control over the resulting increase in property taxes.

### **B. Voter Approval**

You also ask how the Measure would change the annexation of property both with and without voter approval. As discussed above, the Measure has no effect on the annexation of property other than excluding property from the exception to the three percent limit for annexation, if certain voting requirements are not met. An annexation that occurred with no voter approval would not meet the requirement of a majority of voters. There can be no majority when there are no voters. Lack of voter approval also would conflict with the intent that property taxpayers have some control over their property tax destiny. Without voter approval, any increase in ad valorem property taxes resulting from annexation would remain subject to the three percent limit.<sup>10/</sup>

## VII. Uniformity of Taxation

Your seventh question asks what effects the Measure would have on the constitutional requirement of uniformity of taxation. Article I, section 32, of the Oregon Constitution ("the uniformity clause") requires that all taxation be uniform on the same class of subjects within the territorial limits of the taxing district. The question assumes the possibility that implementation of the Measure could result in taxation that otherwise would violate the uniformity clause.

The introductory clause of Section 11g addresses this issue, albeit indirectly and generally:

Notwithstanding Section 32, Article I, Section 1, Article IX, Section 11, Article 11 [XI], or any other provision of this Constitution: \* \* \*

The Measure itself would not alter the uniformity clause. Instead, it would effectively "override" the uniformity clause where conflicts occur by creating an exception to the effect of that clause for any tax affected by Section 11g. The uniformity clause would continue to apply to all other taxes and tax computations. Nonuniformity, no matter how egregious in degree, arising from the implementation of Section 11g would not constitute a violation of the uniformity clause or any other clause of the Oregon Constitution.<sup>11</sup>

## VIII. Average Ad Valorem Taxes on Similar Properties

You next ask how the "average ad valorem taxes paid on similar properties valued in the same tax code area" would be determined if there are no similar properties in that tax code area. This question refers to Section 11g(4) and (5), which provide exceptions to the three percent cap on increases in ad valorem property tax resulting from improvements to the property, rezoning, subdividing, annexation, disqualification from exemption or special assessment, and addition as omitted property. Each of these exceptions is subject to the condition that the resulting tax increase not exceed, among other things,

the average ad valorem property taxes paid on similar properties similarly valued and located in the same taxing code area.<sup>12</sup>

Section 11g(4) and (5).

One problem with the quoted language is that the Measure provides no definition of the term "similar." Thus, we must consider whether "similar," as used in the Measure, has a technical or a plain, ordinary meaning. The Measure neither provides nor implies a special meaning. Therefore, as we have with other terms of the Measure discussed in this opinion, we conclude that its plain meaning will control.

The dictionary definition of "similar" is "having characteristics in common : very much alike : COMPARABLE." WEBSTER'S, *supra*, at 2120. This definition provides no meaningful guidance for actually determining whether one thing is similar to something else, particularly the properties called for in the Measure. Obviously, to make a meaningful comparison of "similar" properties, there must be some criteria of comparison. Thus, in order to give effect to this subsection, it will be necessary for the legislature to provide such criteria. See discussion of "delegative" terms on page 9 above. Obviously, the criteria of comparison also must be meaningful. For example, grouping all single family residences

together as a comparison class would likely be too broad a category since the average tax on all single family residences would have little relevance to any particular house.

In developing criteria of comparison for these purposes, the legislature could initially prescribe categories of property such as those found in current tax law: Single family residence, multi-family residence, commercial and industrial property. Then, for each category, the legislature could prescribe other units of comparison, such as building size, quality of construction, architectural style, building materials, age, condition, functional utility, site size, attractiveness and amenities, and on-site environmental conditions. The units of comparison would likely be different depending on the category of property.

In addition, the elastic nature of the term "similar" itself must be addressed; there must be some useful standard for determining whether property is similar enough to be part of the comparison class. The standard would need to set sufficient parameters so that it was clear which properties were within the comparison class.

One alternative, depending on how the criteria of comparison are defined, is to allow for some reasonable variance in the exactitude of similarity, in order to bring properties into the comparison class that might not otherwise fit. One way the legislature could address this is to prescribe a hierarchy of criteria from most general to most specific. For example, a single family residence might be the most general distinction for that class of property. The next criterion might be specified ranges of square footage. The points of comparison could continue in increasing specificity. When there were no properties in the code area within the same hierarchy of the general class of property, the enabling legislation could permit comparison properties from the next more general hierarchy in the comparison class.

In the absence of any legislation specially implementing this provision of the Measure, we assume that the comparison of properties to determine which were "similar" could be done in the light of categories of property that are currently recognized in the property tax statutes and rules. However, this conclusion is not certain.

Given any set of criteria of comparison, however, there could be instances when there are no properties within the same tax code area that are "similar." This certainly could occur with respect to utility and transportation properties. Because the condition of the Measure is based upon "average taxes of similar properties similarly valued in the same taxing code area," it would not be lawful to consider the taxes of properties in other tax code areas.

Assuming that there were no similar properties within a tax code area, would it nevertheless be lawful to impose tax increases, due to a change in the property? As always, the general intent of these exceptions, if discernable, is controlling. The Measure, while significantly reducing taxes, does not overtly attempt to create separate property classifications subject to different treatment. To the contrary, the exceptions in Section 11g(4) and (5), which allow for tax increases above the three percent cap, generally work to avoid the creation of disparate taxation. Instead, the intent of these provisions is only to assure that the taxes on a property, after a tax increase, are still in line with taxes on similar properties in the same code area.

Given this intent of tax uniformity, it is reasonable to infer that the three percent cap would not apply if there were no other similar properties in the tax code area. In that instance, the taxes due to the increase would not "exceed" the average taxes paid on similar

property similarly valued and located in the same taxing code area, because no similar properties exist.

Tax uniformity is assured, in any event, by Section 11g(6), which restricts any increase in assessed value to no more than the property's real market value. This would prevent any tax from being based on a different standard of market value than that applied to other properties. Thus, without similar properties to compare, it would be lawful to increase property taxes above the three percent cap due to increases in value arising from one of the listed changes in the property, but only up to the real market value.

## **IX. Request to Rezone**

You next ask what constitutes a request by an owner to rezone property. As noted above, in the event that a property is rezoned, resulting in a higher assessed valuation, ad valorem property taxes on that property could be increased in excess of the three percent cap, but not in excess of the average tax paid on similar properties. See Section 11g(4)(b). However, in this instance there is an additional condition: The increase could not take effect until the first tax year after property is actually used in a manner or for a purpose consistent with the rezoning, "unless the zone change was requested in writing by the property owner(s)."

Consideration of the general intent of these requirements helps us understand what is meant by an owner's "request." Obviously, the requirement that the property be actually used in a manner, or for a purpose, consistent with the rezoning protects the property owner against tax increases due to a zoning change made without the owner's consent. On the other hand, this protection is not necessary if the owner requested the change. Finally, the apparent purpose of the requirement that the request be in writing is to minimize disputes concerning whether the owner did, in fact, consent. Thus, the general intent of Section 11g(4)(b) is to provide some protection to property owners from governmental changes that are outside the property owner's control. It follows that any action in writing in the nature of a request by a property owner for rezoning, which is consistent with this reservation of control by the property owner, likely would comply with this exception.

A written consent by a property owner to a developer to act on the owner's behalf in requesting a rezoning would be another example of an exercise of this reservation of control. Since it meets this intent of the subsection, it also likely would be deemed a request by a property owner.

A written petition for annexation signed by a property owner, in which rezoning was a required condition of the annexation, also likely would fulfill the requirement of a request by the property owner because the owner would have given an implied consent to the rezoning.

## **X. Improvements**

### **A. Additions and Deletions to Industrial Plant or Utility Properties**

Your final questions concern improvements. You ask first how the definition of improvements would apply to additions and deletions to an industrial plant or to utility properties. As noted above, taxes on improved property may be increased above the three

percent cap, under specified conditions. Section 11g(4)(a). "Improvements" are specifically defined as

new construction, reconstruction or major additions, remodeling, renovation or rehabilitation of real property including siting, installation or rehabilitation of manufactured structures, but shall not include minor construction or general, on-going maintenance and repair.

Section 11g(4)(a).

The Measure does not refer to, let alone define, "deletions." By "deletions," we assume the question refers to "retirements" under the Oregon statutes relating to industrial plants and utility property. ORS 308.522, 308.290(4)(e). While retirements are not specifically defined in these statutes, the context of the use of the term indicates its meaning. For industrial property, the book cost or book value of the retirement is indicated on the report filed on or before July 15 of the tax year. ORS 308.290(4)(e), (2)(b). For utility property, retirements are referred to as "retirements of property." ORS 308.522. This indicates that retirements means the removal of the property from the list of assets assessable. This list is used to adjust the real market value of the industrial plants between physical appraisals that occur every six years. ORS 308.234. For utilities, retirements are taken into account by the Department of Revenue in determining real market value. ORS 308.522. Since retirements lower the book cost of the property, and thus its real market value, they have no relationship to improvements as used in Section 11g(4)(a), which concerns the addition of property that increases real market value.

The term "additions," like retirements, is not defined in any statute regarding industrial plants or utilities. However, it is used in the same statutes as the term retirements that relate to reporting requirements for industrial plants and utilities. ORS 308.290(4)(e), 308.522. Similar to retirements, additions refer to "book cost" and "of property" related to industrial plants and utilities. ORS 308.290(4)(e), (2)(b) and 308.522. The requirement of book cost and the modifier "of property" indicate that these items are capital improvements and not maintenance or repair items. Therefore, changes to property considered additions for industrial plants and utilities under ORS 308.290 and ORS 308.522 would be considered improvements under Section 11g(4)(a).

There is one exception, relating to the term "minor construction." Section 11g(4)(a) expressly excludes "minor construction" from the definition of improvements. Minor construction is not defined in the Measure. In construing this term, the first issue is whether the term "minor construction" is a technical term or whether a plain, ordinary meaning is intended. We conclude that the term "minor construction" is not technical since there is no technical definition given, nor is it used in a way suggesting a technical meaning. Therefore, its plain meaning will control.

The common meaning of "minor" is "inferior in importance : comparatively unimportant." WEBSTER's, *supra*, at 1439. The term implies a comparison is made from one object to another. The term also is elastic since it is imprecise when something, by the nature of being less, becomes minor. Therefore, in order to give effect to the Measure, it will be necessary for the legislature to provide a definition for this term. The courts probably would defer to any legislative definition of "minor construction" that was not inconsistent with the general meaning of the words "minor" and "construction."

Regardless of the legislative definition, any construction related to industrial plants that had a book cost, even if "minor," must be reported under current law. ORS 308.290(4)(e). Likewise any addition of property, no matter how "minor" would be reported for utility property. ORS 308.522. Therefore, regardless of what definition is provided, there would be a conflict between the Measure and current law concerning the treatment of "minor construction" for these properties. Section 11g(4)(a) would bar ad valorem property taxes above the three percent cap resulting from minor construction. Under current property tax law, "minor construction" normally results in an increase in real market value of the property, thereby increasing the tax on the property. Because constitutional limitations control statutory provisions, *see Ladd & Tilton Bank v. Frawley*, 98 Or 241, 251-52, 193 P 916 (1920), the Measure would limit the effect of current law as it applies to minor construction.

## B. Differences in Treatment of Real or Personal Property

Finally, you ask if there is a difference in the way real and personal property are treated. The word "improvements" relates to the expression "[i]n the event a property is improved." The terms "property" and "improved" are not defined as real or personal property in this phrase. Again, given the absence of technical definitions or a context implying a technical meaning, we conclude that the words would be given their plain, ordinary meaning.

The common meaning of "improved" is "to increase the value of (land or property) by bringing under cultivation, reclaiming for agriculture or stock raising, erecting buildings or other structures, layout out streets or installing utilities." WEBSTER'S, *supra*, at 1138. This definition strongly suggests that the term applies only to real property.


Moreover, in the definition of "improvement" in Section 11g(4)(a), the words "of real property" follow the words "new construction, reconstruction or major additions, remodeling, renovation or rehabilitation." While generally qualifying words, such as "of real property," apply to the last antecedent, this rule is not inflexible even when there is a slight indication of the legislative intent to extend the relative term to a more remote antecedent. *Johnson v. Craddock et al.*, 228 Or 308, 316-17, 365 P2d 89 (1961).

Here, some of the preceding words *do* suggest that the words "of real property" are intended to apply to all of the listed kinds of improvements. "Construction" is defined as "something built or erected : STRUCTURE." WEBSTER'S, *supra*, at 489. Most buildings are considered a form of real property. "Remodel" is defined as "to model anew : RECONSTRUCT." *Id.* at 1921. It is common usage to refer to remodeling of a house or other building, which are forms of real property. It is unusual to speak of remodeling personal property. Moreover, none of the forms of "improvement" suggest forms of personal property.

Therefore, we believe the courts would conclude that the exception in Section 11g(4)(a), to the "cap" on tax increases that is allowed "[i]n the event a property is improved," applies only to improvements to real property, but not to personal property.<sup>13/</sup>

To illustrate the effects of the three percent limitation on personal property, we will consider the hypothetical property of an airline. For this purpose we will assume that, in each tax year in question, the tax rate remains at \$0.15 per \$1,000 of real market value and that depreciation and inflation are not factors affecting the values. During tax year 1997-98,

the year before the three percent limitation takes effect, one of the airline's aircraft is valued at \$10,000,000. Therefore, the resulting tax is \$150,000, the product of \$10,000,000 and \$0.15 per \$1,000 of real market value. During the same tax year the airline acquires two replacement engines, valued at \$2,000 each, one of which is installed in an aircraft and the other is retained in inventory. Being "new" property, the engine that is not installed would not initially be subject to any limitations of the Measure. Thus, in the following tax year, it would be added to the tax roll at its real market value, \$2,000,000. However, the engine that is installed in the aircraft becomes an enhancement to existing property, increasing the aircraft's value to \$12,000,000. If the installed engine were an "improvement" for purposes of the Measure, it would not be subject to the three percent limitation. The tax for year 1999-2000 would be \$180,000, the product of \$12,000,000 and \$0.15 per \$1,000 of real market value. However, because the engine enhances personal property i.e., the aircraft, it is not an "improvement for purposes of the Measure. The added value due to the new engine is subject to the three percent limitation that is applicable to the aircraft itself. Therefore, the tax on the aircraft could increase by only three percent of the previous year's tax of \$150,000 (or \$4,500) to a total tax of \$154,500.<sup>14</sup>

  
THOMAS A. BALMER  
Deputy Attorney General

TAB:JAL:JCW:JPD:ESH:DCA:RWM:AV:rgs:clr/JGG0E9FF

<sup>14</sup> In its entirety, the Measure provides:

Paragraph 1. The Constitution of the State of Oregon is amended by creating new sections 11g, 11h, 11i, and 11j to be added to and made part of Article XI and to read:

Section 11g. Notwithstanding Section 32, Article I, Section 1, Article IX, Section 11, Article 11, or any other provision of this Constitution:

(1) Except as provided in subsections (3), (4), and (5) of this section, the ad valorem property tax on each property for the tax year 1997-98, excluding the portion of the tax that is levied to pay bonded indebtedness or interest thereon, shall not exceed the lesser of the following: (i) the ad valorem property tax on the same property for the tax year ending June 30, 1996, reduced by ten percent (10%), or (ii) the ad valorem property tax on the same property for the tax year ending June 30, 1995.

(2)(a) For tax years following tax year 1997-98, except as provided in subsections (3), (4), and (5) of this section, the ad valorem property tax on each property shall not exceed the tax for the previous year, plus three percent (3%).

(b) The portion of the property tax that is levied on each property for the payment of bonded indebtedness or interest thereon is exempted from the three percent (3%) annual increase limitation set forth in (a) of this subsection.

(3)(a) On and after the effective date of this section, there shall be no new or additional ad valorem property tax levies against real property, unless the question of the levy has been approved by not less than fifty percent (50%) of voters voting in a general election in an even numbered year, or other election in which not less than fifty percent (50%) of the registered voters eligible to vote on the question cast a ballot.

(b) Nothing in this subsection shall affect taxes levied for the repayment of bonded indebtedness approved by voters in an election held prior to the effective date of this Act, or the issuance of refunding bonds to pay such bonded indebtedness. This subsection shall not require voter approval for the issuance of, or the levy of taxes to pay, bonds issued to refund bonds issued in conformance with this subsection.

(c) For purposes of this Article, capital construction and improvements for which bonded indebtedness may be authorized shall not include maintenance and repairs, the need for which could reasonably be anticipated, supplies and equipment which are not intrinsically part of the structure, but shall include public safety and law enforcement vehicles with a projected useful life of not less than five years or the period established for the repayment of the bonds, whichever is greater.

(c) The ballot title of a bond measure which is subject to this section shall include a reasonably detailed, simple and understandable description as to the use of the proceeds and the approximate percentage each use is of the whole.

(d) If an election is conducted by mail and includes a question, the approval of which would result in a new or additional ad valorem property tax levy against real property, the front of the outer envelope mailed to electors shall be clearly and boldly printed in red with the following statement: **CONTAINS VOTE ON PROPOSED TAX INCREASE.**

(e) When an election includes a question regarding a new or additional ad valorem property tax levy, elections officers shall provide a timely notice of deadlines for the filing of voters pamphlet statements to each person who has requested in writing that they receive such notices.

(4)(a) In the event a property is improved during or after the 1994-1995 tax year, the ad valorem property taxes on that property may be increased, by reason of such improvements, in excess of the three percent (3%) limitation of subsection (2) of this section, except that the tax shall not exceed the lesser of (i) the average ad valorem property taxes paid on similar properties similarly valued and located in the same taxing code area, or (ii) the ad valorem property taxes on the property without regard to the new or additional improvements, plus the ad valorem property taxes on the improvements at the same dollar to value ratio as paid on the property without the improvements.

Once the new improvements are added to a property and the ad valorem property tax attributable to the new or additional improvements is determined, the ad valorem property tax attributable to the improvements may be increased in subsequent tax years in the manner allowed under subsection (2) of this section.

For the purposes of this subsection, "improvements" mean new construction, reconstruction or major additions, remodeling, renovation or rehabilitation of real property including siting, installation or rehabilitation of manufactured structures, but shall not include minor construction or general, on-going maintenance and repair.

(b) In the event a property is rezoned, resulting in a higher assessed valuation, ad valorem property taxes on that property may be increased in excess of the limitation set forth in subsection (2) of this section, except the tax shall not exceed the average ad valorem property taxes paid on similar properties similarly valued and located in the same taxing code area, and the ad valorem property tax increase exceeding three percent (3%) per annum shall not be in effect until the first tax year after the property is actually used in a manner or for a purpose consistent with the new zoning unless the zone change was requested in writing by the property owner(s).

If prior to the effective date of this Act the ad valorem property taxes on a property have been increased due to a zone change not requested by the owner of the property, and the property has not been used in a manner or for a purpose consistent with the new zoning, and there has not been a transfer of ownership, the property shall be reassessed for the tax year 1997-98 consistent with the zoning effective immediately prior to the unrequested zone change or the actual use of the property, whichever results in the greater tax. Thereafter, the tax may be increased only within the limitations of this Act until there is a transfer of ownership or the property is used in a manner consistent with the new zoning. transfer of ownership by inheritance shall not be considered transfer of ownership for purposes of this subsection.

(c) If a property is subdivided into two or more separate parcels, the tax on each newly created parcel shall not exceed the average tax paid on property similarly valued to the newly created parcel and located in the same taxing code area.

(d) If there is a lot line adjustment between existing, adjacent properties that does not create a new lot of record, the tax on each newly created parcel shall be adjusted according to any increase or decrease in value, but the combined ad valorem property tax on the properties shall not be increased more than is permitted under subsection (2) of this section for the tax year in which the lot line adjustment is taken into account.

(e) If a property is placed in a different taxing code area, the ad valorem property tax on that property may be increased in excess of the limitation set forth in subsection (2) of this section if:

(A) The taxing district annexation that resulted in the property being placed in the different taxing code area was approved by a majority of voters casting a ballot in a general election in an even numbered year or other election in which not less than fifty percent (50%) of the registered voters eligible to vote in the election cast a ballot, and

(B) the increased tax on the property does not exceed the average ad valorem property tax paid on similar property similarly valued in the same taxing code area.

(5) For the first year following disqualification for exemption or special assessment, or in the event a property is added to the assessment and tax rolls as omitted property, ad valorem property taxes on that property may be increased in excess of the three percent (3%) increase limitation set forth in subsection (2) of this section, except the tax shall not exceed the average ad valorem property taxes paid on similar property similarly valued in the same taxing code area.

(6) In no case shall the assessed valuation of any property exceed its real market value.

(7) If it is necessary to allocate among political subdivisions of the state, or departments or agencies within those political subdivisions, any revenue reductions resulting from this Act, redistribution of revenues shall be done in a manner so as to (i) prioritize public safety and public education, and (ii) minimize any loss of local control of cities and counties to state government.

(8)(a) No government product or service that on or after June 30, 1995 was wholly or partially paid for by ad valorem property taxes, shall be shifted, transferred, or otherwise converted so as to be wholly or partially paid for by a fee, assessment, or other charge except state income taxes, without prior voter approval. If such a shift, transference or conversion of a property tax to a fee, assessment, or other charge except state income taxes, occurred without voter approval after June 30, 1995 and prior to the effective date of this Act, for tax year 1997-98 and subsequent years, the ad valorem property tax on each such property, the owner or user of which continues to be subject to such a fee, assessment, or other charge except state income taxes, shall be decreased by an additional amount equal to the portion of the fee, assessment, or other charge which was formerly paid through property taxes until such time as voters approve the fee, assessment, or other charge.

(b) The limitations of (a) of this subsection shall not apply to a new or increased fee, assessment or other charge, the imposition or enactment of which directly results in an equal or greater offsetting reduction in property taxes levied in the same taxing district, providing that the reduction is in addition to the reductions and limitations set forth elsewhere in this Act.

Section 11h. Whereas some property owners may prefer not to have their property taxes reduced by this Act, and voluntarily would provide support for public schools in excess of the limitations of this Act; to facilitate their doing so, the state legislature shall adopt legislation to implement a mechanism whereby a property owner may conveniently make an annual, voluntary contribution in conjunction with property tax payments, and designate the school or other public entity to which the additional revenue shall be disbursed as a voluntary contribution.

Section 11i. The Legislative Assembly may adopt and amend legislation to implement the provisions of sections 11g and 11h of this Article.

Section 11j. SEVERABILITY of Sections 11g, 11h and 11i of this Article. If any portion, clause or phrase of Sections 11g, 11h and 11i of this Article is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, the

remaining portions, clauses or phrases shall not be affected but shall remain in full force and effect.

<sup>2/</sup> Our answers to the questions are based on existing state law and the language of the proposed measure. We are unable to speculate how the legislature will actually respond if the Measure is enacted.

<sup>3/</sup> The text of ORS 311.390 is not included here because it is lengthy and adds nothing to the discussion of the effects of the Measure.

<sup>4/</sup> In *Dennehy*, the plaintiff contended before the Tax Court that levy amounts certified by the taxing units in Multnomah County violated the tax base limitation, of Article XI, section 11, of the Constitution, because they included tax increment revenues collected pursuant to ORS 457.440, which had not been approved by the voters. 11 OTR 348, 356. Initially, the Tax Court concluded that these revenues were levied by the state, not the local governments. 11 OTR at 358. However, upon rehearing, the court concluded that, irrespective of who "levied" this revenue source, the charges in question were really special "assessments" for the benefit of properties in the urban renewal area, not property taxes for purpose of Article XI, section 11. *Id.* This latter view was sustained by the Supreme Court, on review of the Tax Court decision. 305 Or at 603.

<sup>5/</sup> The "super majority" voting requirements for elections other than general elections in even numbered years would be an exception to that of ORS 254.065, which provides that a majority of those voting is sufficient to approve a measure or to nominate or elect a candidate for office.

<sup>6/</sup> "Refunding bonds" are bonds the proceeds of which are used to pay off the remaining debt due on other bonds. See ORS 288.592 ("A public body may issue bonds to refund outstanding bonds.").

<sup>7/</sup> In contrast to the other exemption for refunding bonds, which is tied to refunded bonds that were approved before the Measure took effect, this provision likely will affect principally, if not entirely, taxes for payment of bonds to refund other bonds approved after the effective date of the Measure. However, by its terms, it is tied to approval of refunded bonds that were approved in accordance with Section 11g(3), whether before or after the Measure took effect.

<sup>8/</sup> Although you have not asked us to address it, the analysis of this opinion raises the question whether the Measure's "voter approval" requirement applies to real property.

<sup>9/</sup> It should be noted that this restriction of the Measure, however, would not preclude other constitutional or statutory constraints imposing greater restrictions on, or voter requirements before, an annexation is approved.

<sup>10/</sup> Even if the voter approval requirements for tax increases above the three percent limit are met, the Measure further limits any increase in taxes in the annexed territory to "the average ad valorem property tax paid on similar property similarly valued in the same taxing code area." See Section 11g(4)(e)(B).

<sup>11/</sup> This opinion does not address whether implementation of the Measure might violate provisions of the United States Constitution.

<sup>12/</sup> Tax increases resulting from improvements are also limited by "the ad valorem property taxes on the property without regard to the new or additional improvements, plus the ad valorem property

taxes on the improvements at the same dollar to value ratio as paid on the property without the improvements." Section 11g(4)(a).

<sup>13</sup> Of course, it follows that the exception to the three percent limitation on taxes arising from improvements to "property" does not apply to improvements to **personal property**.

<sup>14</sup> The Measure's three percent per year limitation on the growth of taxes applies to each property. Therefore, whether there is an "improvement" depends, not only on the definition of "property," but also on "the unit of property" for purposes of the imposition of taxes. The Measure implicitly assumes that the composition of "property" is defined, perhaps because current statutes do define the unit of property, but the Measure itself neither provides such a definition, nor appears to limit in any way what the unit of property may be. Thus, we conclude that the legislature has the power to define what the unit of property is, for purposes of implementing the Measure.



## Beverly Stein, Multnomah County Chair

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### MEMORANDUM

TO : Board of County Commissioners  
FROM : Bill Farver *BF*  
DATE : 12 November, 1996  
RE : Questions to Consider in Suggesting Reductions Based on BM 47

1. How do we continue to focus energy and effort on the long term benchmarks?
2. Where does the County spend large amounts of general fund?
3. What areas could be potentially returned to the state for their funding and administration?
4. What services can be made entirely fee or program revenue supported. (We will need to vote on past fee increases anyway)
5. In what areas can we consolidate our operations with other jurisdictions and find economies in the present and future?
6. What administrative or policy changes could be made which would reduce the cost of doing county business?
7. In what areas can we stop planned expansions that may not be supportable in the long term?
8. In what areas can we explore ways to save personnel costs?

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7. In what areas can we stop planned expansions that may not be supportable in the long term?
8. In what areas can we explore ways to save personnel costs?

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## QUESTIONS TO CONSIDER IN SUGGESTING REDUCTIONS

Board of Commissioners discussion, November 12, 1996.

1. How do we continue to focus energy and effort on the long term benchmarks?
2. Where does the County spend large amounts of General Fund?
3. ~~What areas could be potentially returned to the state for their funding and administration?~~
4. What services can be made entirely fee or program revenue supported? (We will need to vote on past fee increases anyway).
5. In what areas can we consolidate our operations with other jurisdictions and find economies in the present and future?
6. What administrative or policy changes could be made which would reduce the cost of doing county business? What administrative or policy changes at the State or Federal level would reduce the cost of county functions?
7. In what areas can we stop planned expansions that may not be supportable in the long term?
8. In what areas can we explore ways to save personnel costs?
9. In what areas could cost be reduced by changing the way we do business? (For example, mail ballot, reduced number of elections, property valuation, etc.)
10. What can we shift to the State so that total combined costs can be reduced?
11. In what existing program areas can we make reductions where existing programs may not be supportable in the long term?
12. What services could we consolidate with Portland and reduce costs? What criteria do we need to set before we begin this process again?
13. How can we use evaluations to see what is or is not working to achieve our goals on a program by program basis?
14. How do State mandates rank in comparison with priorities we have established at the local level?
15. What new strategies could we pursue to secure funding for services using resources available elsewhere but not being tapped now? (For example, tying health programs more closely to the Oregon Health Plan).

November 15, 1996

TO: Direct Report Managers

FROM: Beverly Stein

SUBJECT: HIRING REVIEW PROCESS

I have decided to opt for a "hiring review" process rather than a hiring freeze in the wake of M47.

I believe you will need as many tools as possible during these difficult times, and a freeze would make arbitrary program priority decisions rather than the thoughtful analysis I envision us going through.

I urge that you make very judicious and careful hiring decisions over the coming months. Any hiring decision you make should be tied to your long-range objectives, bear a direct relationship to departmental mission and/or three long-term benchmarks, and be "absolutely necessary" to continuance of a priority program.

Remember, a person you hire at this time may potentially not survive cuts that will need to be made in coming months, so we need to be especially mindful of the effect of our decisions on people's lives.

I am providing you with the attached guidelines. Please contact Curtis Smith (248-2206) or Melinda Petersen (248-3971) if you have any questions.

By copy of this memorandum, I am also encouraging other elected officials to adopt this policy.

cc: All Elected Officials  
Employee Services

## **HIRING REVIEW PROCESS**

Effective immediately, the County will have in place a "Hiring Review" process where all County departments are charged with monitoring vacancies and restricting hiring.

### **REASONS FOR A HIRING REVIEW PROCESS**

- minimizes disruption to public of needed services
- allows managers to make critical staffing decisions and focus resources where they are most needed
- lets employees know we're trying to save as many employees as possible
- provides flexibility for final budget decisions in June
- continues to minimize the impact on employees of M47 layoffs
- continues high quality of priority services
- gives managers greater flexibility in managing their departments

### **FINAL APPROVAL NEEDED FOR HIRING DECISIONS**

I am interested in trying the following process of delegation to see how it works. It would be my inclination to entrust final authority for all hiring decisions to managers. However, we have a particular opportunity to review program policy and organizational direction in the event of vacancies in higher level management positions, and therefore I need an opportunity to have a dialogue with you before hiring in those levels. The following pertains to all hiring decisions for permanent positions or temporary hires of at least 2 weeks duration.

Division level manager (reports directly to department manager) or above:	Chair's Office approval required
General employees & supervisors	Department Manager approval required

### **REVIEW and MONITOR OF THIS PROCESS**

- This is a pilot process which may be modified by the Chair at any time
- Direct Report managers continue to be responsible for all hiring actions in their departments
- Departments must submit on the 15<sup>th</sup> of each month a list of current vacancies and new hires to Employee Services, along with rationale for hiring decisions; send to Hiring Review, Employee Services, 106/1430 (first submission due on 12/15/96)
- Hiring requests for Division manager level or above must be submitted to Chair's Office prior to initiating a recruitment process
- Employee Services will advise Chair's Office of all hiring actions

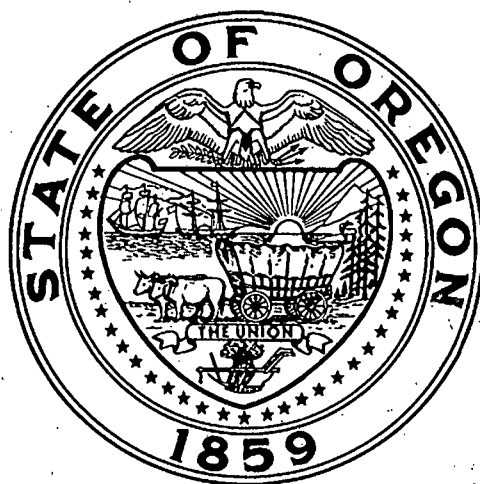
# voters' pamphlet

VOLUME 1 OF 2

## MEASURES

State of Oregon  
General Election  
November 5, 1996

The Secretary of State must produce two Voters' Pamphlet volumes due to the large number of measures to be voted on in the 1996 General Election. Volume 1 includes measure information only. Volume 2 includes candidate information and will be mailed to you in approximately seven to ten days.



Compiled and distributed by

*Phil Keating*

Secretary of State

This Voters' Pamphlet is the personal property  
of the recipient elector for assistance at the polls.

PHIL KEISLING  
SECRETARY OF STATE  
MICHAEL GREENFIELD  
DEPUTY SECRETARY OF STATE



STATE OF OREGON  
SECRETARY OF STATE  
136 STATE CAPITOL  
SALEM, OREGON 97310-0722  
(503) 986-1500

Dear Oregonian:

**THIS IS VOLUME 1 OF THE 2-VOLUME 1996 GENERAL ELECTION VOTERS' PAMPHLET.** What you hold in your hands is the result of the unusually high number of measures filed by initiative (16) and referendum (1) petition for the November, 1996 General Election. Combined with the six measures referred by the 1995 Legislative Assembly for voter approval, your ballot will contain 23 statewide measures for your consideration. With the ballot titles, text, fiscal impact and explanatory statements, and the arguments in favor and in opposition, this volume alone, at 248 pages, is the largest Voters' Pamphlet ever published by the Secretary of State.

In reading the information about each ballot measure, you will notice that some will have a ballot title outlining the results of a "Yes" vote and of a "No" vote. Those ballot titles which do not have this language were filed before the statute requiring that information was enacted.

Volume 1 contains important information about registering to vote, updating your voter registration and obtaining absentee ballots from your county elections official. If you, or any eligible member of your household, are not now registered to vote, please seriously consider doing so. With the critical decisions facing our national, state and local communities this election, your personal participation will increase the probability that the right choices are made and will strengthen the safeguards provided by an informed and active electorate.

Volume 2 of the 1996 General Election Voters' Pamphlet will contain the list of state measures and candidates, polling place locations, voting instructions, political party statements and the statements filed by individual candidates. In addition, your county may have chosen to publish its County Voters' Pamphlet in combination with Volume 2. Some counties may be mailing a County Voters' Pamphlet separately.

Volume 2 will be mailed to every Oregon household the week of October 16.

As you acquaint yourself with the measures in this volume, you will be reading fiscal impact statements that have been prepared by a committee of state officials. Under state law, the committee is allowed to estimate only the "direct impact" on state and local governments. These are **estimates** based on the best information readily available; indirect consequences or costs which are too conjectural are **not** included. Other potential impacts—to businesses, families, the economy, etc.—are not included in these estimates. You will need to derive that information from the arguments of the proponents and opponents and your own calculations.

Make sure you are registered and please vote on November 5.

Best,

Phil Keisling  
Secretary of State

# Information

## GENERAL

Your official 1996 General Election Voters' Pamphlet is divided into two separate volumes: This is a result of having 23 statewide measures on the ballot and 365 arguments filed in support of or in opposition to these measures. The amount of information to be included in the voters' pamphlet was too large to be bound into one book in a cost-effective manner.

This is Volume 1 and contains information on the statewide ballot measures, as well as information on registering to vote and obtaining an absentee ballot. Volume 2 will include the list of state measures and candidates, statements submitted by state candidates, political party statements, polling place locations, voting instructions and other miscellaneous voting aids. It may also include your county voters' pamphlet if your county chooses to produce a voters' pamphlet in combination with the state. Volume 2 will be mailed the week of October 16:

For each of the 23 statewide measures in this voters' pamphlet you will find the following information:

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

The ballot title is 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 Oregon Department of Administrative Services and the Director of the Department of Revenue. The committee estimates only the direct impact on state and local governments.

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.

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 2,500 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.

Additionally, measures 26 through 31 were referred to Oregon voters by the 1995 Legislature and you will find a "Legislative Argument in Support" for each of these measures. Oregon law allows the Legislature to submit, at no cost, an argument in support of each measure it refers to the people.

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 election offices.

## ATTENTION:

The State of Oregon prints measure arguments 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.

## TABLE OF CONTENTS

	Page		Page
Absent Voter.....	245	State Measure No. 38 .....	115
State Measure No. 26 .....	4	State Measure No. 39 .....	131
State Measure No. 27 .....	9	State Measure No. 40 .....	140
State Measure No. 28 .....	17	State Measure No. 41 .....	152
State Measure No. 29 .....	19	State Measure No. 42 .....	158
State Measure No. 30 .....	22	State Measure No. 43 .....	163
State Measure No. 31 .....	29	State Measure No. 44 .....	181
State Measure No. 32 .....	38	State Measure No. 45 .....	200
State Measure No. 33 .....	65	State Measure No. 46 .....	206
State Measure No. 34 .....	68	State Measure No. 47 .....	213
State Measure No. 35 .....	78	State Measure No. 48 .....	238
State Measure No. 36 .....	90	Voter Registration.....	247
State Measure No. 37 .....	107		

**ELECTION DAY IS TUESDAY, NOVEMBER 5, 1996**

**Polls are open from 7 a.m. to 8 p.m.**

# Measure No. 26

# Measure No. 26

Senate Joint Resolution 32—Referred to the Electorate of Oregon by the 1995 Legislature to be voted on at the General Election, November 5, 1996.

## BALLOT TITLE

### 26 AMENDS CONSTITUTION: CHANGES THE PRINCIPLES THAT GOVERN LAWS FOR PUNISHMENT OF CRIME

**RESULT OF "YES" VOTE:** "Yes" vote repeals vindictive justice prohibition, adds responsibility, accountability, societal protection to criminal punishment principles.

**RESULT OF "NO" VOTE:** "No" vote retains constitutional provision basing laws for criminal punishment on reformation, not vindictive justice.

**SUMMARY:** This measure amends the state constitution. The constitution now provides that laws for the punishment of crime must be based on principles of "reformation, and not of vindictive justice." The measure would delete that language. It would insert language stating that laws for the punishment of crime must be based on these principles: "protection of society, personal responsibility, accountability for one's actions and reformation."

**ESTIMATE OF FINANCIAL IMPACT:** No financial effect on state or local government expenditures or revenues.

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

**PARAGRAPH 1.** Section 15, Article I of the Constitution of the State of Oregon, is amended to read:

**Sec. 15.** Laws for the punishment of crime shall be founded on [the] **these principles:** [*of reformation, and not of vindictive justice.*] **protection of society, personal responsibility, accountability for one's actions and reformation.**

**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

Currently, the Oregon Constitution provides that laws for the punishment of crime must be based on reformation and not on vindictive justice.

This measure deletes this provision of the Oregon Constitution and provides instead that laws for the punishment of crime must be based on protection of society, personal responsibility, accountability for one's actions and reformation.

### Committee Members:

Senator Randy Miller\*  
Representative Jane Lokan  
Lowen Berman\*  
David Schuman  
Henry Drummonds

### Appointed by:

President of the Senate  
Speaker of the House  
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 No. 26

## LEGISLATIVE ARGUMENT IN SUPPORT

Ballot Measure 26 amends the Oregon Constitution to provide, that laws for the punishment of crime must be based on protection of society, personal responsibility, accountability for one's actions and reformation.

The daily newspaper carries stories about random crimes against innocent bystanders and we are continually shocked by the reports that on today's streets, children are killing children. Remember the horrific story of a teenage boy who purposely ran over a young girl simply for the thrill of doing it. The current system of criminal justice can no longer handle today's criminal... adult or juvenile.

Currently, the Oregon Constitution provides that "laws for the punishment of crime shall be founded on the principles of reformation, and not of vindictive justice." This means that reforming the criminal's behavior is the highest and only guiding principle for criminal laws.

We believe that this 136-year-old provision of the Oregon Constitution no longer is adequate in dealing with the type of criminal that stalks our citizenry.

People are terrorized by criminals that in many cases cannot be reformed because they are blinded to their own violent behavior... criminals that demonstrate a lack of empathy and remorse for their victims... criminals that have not been held accountable or taken responsibility for their actions by the criminal justice system.

Until now.

You have the opportunity to vote for the protection of your families and your neighbors. The people who break the laws must be held personally accountable for their actions and the damage they have done to their victims; and only then does a change in the criminal behavior begin.

We ask for your vote to help make Oregon a safer place for all. Please vote yes on Measure 26.

### Committee Members:

Senator Gordon H. Smith  
Representative Chuck Carpenter  
Representative Beverly Clarno

### 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 1993 Or. Laws 811 §10.)*

# Measure No. 26

## ARGUMENT IN FAVOR

Any Constitutional Amendment deserves solemn consideration. This amendment points up our true enemy: SATAN - that fallen archangel - and his demonic spirits. They enter people and they cause the people to do harm. Jesus said:

"I beheld SATAN as lightning fall from heaven" LUKE 10:18  
SATAN beguiled Eve and procured the entrance of sin into the world. With sin came evil in all its forms and including premature death.

SATAN knows that his destination is the Lake of Fire - where the fire is not quenched and the worm turneth not. It is a place where there is grinding and gnashing of teeth. His plan is to take as many persons with him as he can. He is vindictive.

To thwart him we must abandon VINDICTIVENESS

Each person has been allotted the power of choice. This amendment points up the power of choice by the insertion of the words "personal responsibility"

Our divine and holy God has given us choice which is brief, and yet endless:

"Behold, I set before you this day a blessing and a curse."  
Dueteronomy 1:1:26

*(This information furnished by Bartlett Field Cole.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 26

## ARGUMENT IN FAVOR

**Read what Attorney General Ted Kulongoski, our highest elected law enforcement official says about Measure 26:**

"...In my recent service as chair of the Governor's Task Force on Juvenile Justice, it became clear to me that reformation alone is not enough to combat crime in Oregon. Certain types of criminals, whether adults or juveniles, are beyond reformation. We need to ensure that criminals are personally responsible for their crimes."

"When a citizen agrees to abide by the laws of this state, that person has a reasonable expectation that lawmakers will protect him of her from those who decide to live outside the law. If we expect law-abiding citizens to continue to have confidence in government, we must restore balance within the criminal justice system."

"Measure 26 will restore balance by providing that laws for the punishment of crime shall be founded on the protection of society, reformation and that criminals be held personally responsible and accountable for their actions."

"It is imperative that government re-establish credibility with its citizens. We need to let Oregonians know that we are on the side of law-abiding citizens. A vote in favor of this resolution is a step in that direction."

The Attorney General went on to say:

"One of the problems the public has is that they do not think that the system is fair and balanced, for the protection of society, for the victim, for you and me. What I believe we will do by putting this out to a vote of the people is give them the opportunity to put their mark on a spot that says, you know I agree with this, this is what the system is supposed to be about...I think if you were writing the constitution today you would put this clause in the constitution. There is no doubt in my mind."

Attorney General Kulongoski,  
House Judiciary Committee, 4/21/95

*(This information furnished by Bob and DeeDee Kouns, Crime Victims United.)*

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# Measure No. 26

## ARGUMENT IN FAVOR

Measure 26 is straight forward. It is meant to be nothing less than a cornerstone upon which we may build a more civil society. Great care was taken to make the words simple and to accurately reflect desired values.

We see Measure 26 as the yardstick against which statutory legislation will be tested. Does the proposed legislation protect the public? Does it hold offenders accountable and personally responsible for what they have done? Does it provide an opportunity for reform?

We see Measure 26 affecting institutional policy. The many sides of corrections, parole and probation as well as rule making should be held to these same principles.

The values of personal responsibility and accountability are those of a free people in a free society. Only if we are responsible for our acts, can we maintain our freedom.

Regardless of our many social ills, we must never use them to justify the taking of someone's property, their body or their life. If one is not responsible for their acts then the state must take responsibility. We cannot say that my poverty, my abuse, my addiction, my race, my neighborhood makes me do crime. Assuming victimhood is not an excuse for crime.

Some complain that the phrase "and not of vindictive justice" should be left in. But they forgot that when we left in that phrase in a 1989 proposal, they still opposed it. Their real reason is that they don't want people to be personally responsible. They want society to be responsible.

This measure is a statement about what our system should be. It is not about what it ought not be. Only Oregon and Indiana make reference to vindictive justice. Does that mean that Washington and Kansas and Minnesota have vindictive laws? Hardly.

Measure 26 passed the Senate 24 to 3 and the House 54 to 1.

Let's just do it!

Bob and DeeDee Kouns,  
Crime Victims United

*(This information furnished by Bob and DeeDee Kouns, Crime Victims United.)*

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# Measure No. 26

## ARGUMENT IN FAVOR

### ARGUMENT IN FAVOR MEASURE 26

On the Senate Floor: 4/11/95

Randy Miller, (R)

"This is a change in our Constitution that is long, long overdue. It is a product of much thought, much debate, and it is good policy for the state of Oregon."

Paul Phillips, (R)

"If there is one criminal law measure that we are able to work on this session that will be a hallmark for this session and something the public has been crying out for, for the last 20 years in this state, this is the measure that does it! I encourage you all to vote for it."

Letter To House Judiciary, 4/21/95

Rick O'Dell Program Manager, J. Bar J. Youth Services:

"I've worked directly with offenders in a rehabilitative/treatment setting as a counselor, treatment coordinator and program manager for 15 years. I feel unequivocally that these changes for our Constitution would be helpful, not hurtful to the treatment of offenders. Accountability is the cornerstone of treatment."

House Judiciary Hearing: 4/21/95

Bryan Johnston, (D)

"This should be the policy of the State of Oregon."

House Floor: 5/4/95

Chuck Carpenter, (R)

"If voters approve, Oregon will take the first step in laying a new cornerstone for our criminal justice system."

Lisa Naito, (D)

"This is a statement of the principles on which our system should be founded. There are many things we could list as to what a criminal justice system should not be based on. It should not be based on discrimination, for instance. It should not be vindictive. It should not be mean-spirited. The list could go on and on. The intent is that there can be no justice that is vindictive."

John Minnis, (R)

"All I can say, 'it's about time!'"

Floyd Prozanski, (D)

"It makes the playing field even."

*(This information furnished by Bob and DeeDee Kouns, Crime Victims United.)*

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# Measure No. 26

## ARGUMENT IN FAVOR

Dear Fellow Oregonian,

Ballot Measure 26 is a proposed constitutional amendment that would help this state re-balance the scales of justice.

This measure is relatively straightforward. Currently, the Oregon Constitution states that laws relating to the punishment of a crime be founded solely on the principle of reforming the criminal. Ballot Measure 26 simply states that our criminal justice system should reflect other priorities—priorities such as protecting citizens of this state and holding criminals responsible and accountable for their actions.

While reforming the criminal should be one goal of our criminal laws, it should not be our highest and only priority. We are living in a society that is being terrorized by a criminal element that in many cases can't be reformed. A fundamental responsibility of the state should be to protect its citizenry.

Our citizens are disenchanted with the criminal justice system, and their disenchantment is justified. We have a system that in many ways focuses on helping criminals and not on protecting our neighborhoods and our families. We have a system that in some respects is out of balance; but, we have at hand a solution that will re-tip the scales of justice so all of our citizens are protected by the Constitution.

If you, the voters of Oregon, approve this amendment to the Oregon Constitution we will take the first step in laying a new cornerstone for our criminal justice system—a criminal justice system with new priorities.

At every stage of the criminal justice system—in the courts, in the parole system, in the sentencing process—we would have a new base for how we treat criminals, and law abiding citizens.

Ballot Measure 26 is not about politics, it is not about Democrats or Republicans, liberals or conservatives. Ballot Measure 26 is about justice.

Please join me in voting yes on ballot measure 26.

Sincerely,

Bev Clarno  
Speaker of the House

*(This information furnished by Bev Clarno, Speaker of the House.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 26

## ARGUMENT IN OPPOSITION

### THE AMERICAN CIVIL LIBERTIES UNION OF OREGON ASKS YOU TO VOTE NO ON MEASURE 26

Although Measure 26 will add some worthy concepts to the Oregon constitution, it will also remove a very important principle that is unique to the Oregon Bill of Rights.

In 1859, Oregon adopted its own Bill of Rights which purposely differed from the federal Bill of Rights in many ways. It gives Oregonians greater protection from government intrusions into our private lives than the federal constitution.

### REFORM, NOT VENGEANCE

Article I, Section 15 of the Oregon Bill of Rights currently provides that "laws for the punishment of crime shall be founded on the principles of reformation **and not of vindictive justice.**" There is no comparable principle in the federal Bill of Rights.

Measure 26 will amend the Oregon Bill of Rights to say that laws for the punishment of crime will be based on the following principles: "protection of society, personal responsibility, accountability for one's actions and reformation."

Those are sound additions to the constitution. In fact, the Oregon legislature has used those principles when creating punishments for crimes.

However, it is very disturbing that **Measure 26 will delete the prohibition against vindictive justice** from our constitution. This prohibition against revenge says something very important about who we are as Oregonians and how we will deliver justice.

### UNIQUE OREGON RIGHTS ENDANGERED

Measure 26 is one of a series of measures this year that seek to repeal important parts of the Oregon Bill of Rights.

In addition to Measure 26, Measures 31 and 40 attempt to bring Oregon into lock-step with the federal constitution as it has been interpreted by unelected federal judges. All of these measures should be opposed by Oregonians who cherish their freedom.

### SAVE THE OREGON BILL OF RIGHTS.

### DON'T REMOVE OREGON'S BAN ON VENGEANCE.

### VOTE NO ON MEASURE 26.

*(This information furnished by David Fidanque, American Civil Liberties Union of Oregon.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 27

Senate Joint Resolution 12—Referred to the Electorate of Oregon by the 1995 Legislature to be voted on at the General Election, November 5, 1996.

## BALLOT TITLE

### 27 AMENDS CONSTITUTION: GRANTS LEGISLATURE NEW POWER OVER BOTH NEW, EXISTING ADMINISTRATIVE RULES

**RESULT OF "YES" VOTE:** With "yes" vote, new administrative rules expire unless legislature approves; committee may veto existing rules.

**RESULT OF "NO" VOTE:** "No" vote retains current system, allowing administrative rules to stay in effect without legislative approval.

**SUMMARY:** Amends constitution. State agency rules now may be adopted and stay in effect without legislative approval. Legislature may require agency to change rules by adopting new statutes, subject to governor's veto. Measure would require agencies to file new rules with legislative committee. Rules would expire after legislature adjourns unless legislature approves rule by joint resolution. Upon qualified request, committee may review any new or existing rule and, upon review, must take public testimony. If committee rejects rule, rule expires unless legislature approves by joint resolution.

**ESTIMATE OF FINANCIAL IMPACT:** Start up costs are estimated at \$584,000. Based on the last six years experience, for each 10% of rule changes adopted by agencies that are reviewed under this measure, annual operating costs are estimated at \$823,000.

**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 5 to be added to and made a part of Article III and to read:

**SECTION 5. (1)** An administrative rule adopted by a state agency after the effective date of this section has no further force and effect after the next adjournment sine die of the Legislative Assembly following the adoption of the rule unless the Legislative Assembly adopts a joint resolution approving the rule.

**(2)(a)** Upon adopting an administrative rule, a state agency must file the rule with the joint committee established under subsection (3) of this section.

**(b)** Upon the request of a member of the Legislative Assembly or the request of a person affected by an administrative rule, the joint committee established under subsection (3) of this section may review any administrative rule adopted by a state agency, without regard to when the rule was adopted. The joint committee shall take public testimony regarding any rule reviewed under this section. The state agency shall provide to the joint committee the record on which the state agency relied, including any testimony received at public hearings held by the state agency.

**(c)** If the joint committee established under subsection (3) of this section approves the administrative rule after review, the rule shall continue in effect. If the joint committee does not approve the administrative rule, the administrative rule shall have no further force and effect unless the Legislative

# Measure No. 27

Assembly adopts a joint resolution approving the administrative rule.

**(3)** The Legislative Assembly shall establish by law a joint committee on administrative rule oversight composed of members of both houses of the Legislative Assembly. The members of the committee from the House of Representatives shall be the Speaker of the House and members of the House appointed by the Speaker of the House. The members of the committee from the Senate shall be the President of the Senate and members of the Senate appointed by the President of the Senate. The committee shall exercise, during the interim period between sessions of the Legislative Assembly, the powers described in this section in addition to such powers as may be conferred upon it by law.

**(4)** As used in this section:

**(a)** "Administrative rule" means any state agency directive, standard, regulation or statement of general applicability that implements, interprets or prescribes law or policy or describes the procedures or practices of a state agency, but does not include agency internal management directives, regulations or statements which do not substantially affect the interests of members of the general public.

**(b)** "State agency" means any elected or appointed state officer, board, commission, department, agency or institution, except those in the legislative and judicial branches, any of which is authorized by law to adopt administrative rules.

**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.

# Measure No. 27

## EXPLANATORY STATEMENT

This proposed amendment to the Oregon Constitution would give the legislative branch greater authority over administrative rules adopted by state agencies in the executive branch of government. Administrative rules are defined to include agency actions that implement, interpret or prescribe law or policy.

If this amendment is approved, all administrative rules adopted by state agencies after the effective date of the amendment would have to be approved at the next session of the Legislative Assembly. In order to approve new rules, the Legislative Assembly would have to pass a joint resolution. If a rule is not approved, the rule would have no force and effect after the adjournment of the Legislative Assembly.

The proposed amendment would also require that the Legislative Assembly create a joint legislative committee on rule oversight. The membership of the committee would consist of the Speaker of the House of Representatives and the President of the Senate, along with members of both houses appointed by the Speaker and the President. The committee would function between legislative sessions.

The joint committee on rule oversight would have the authority to disapprove administrative rules. This authority would extend to all administrative rules, without regard to when they were adopted. The committee may review a rule upon the request of any legislator or person affected by a rule. The committee would receive information from the agency that adopted the rule. The committee is required to take public testimony on the rule. If the committee approves the rule, the rule would continue in effect. If the committee does not approve the rule, the rule would have no further effect unless the Legislative Assembly subsequently adopts a joint resolution approving the rule.

**Committee Members:**

Senator Marylin Shannon  
Representative Lynn Snodgrass  
Senator Ron Cease  
Senator Dick Springer  
Bonnie L. Hays

**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 No. 27

## LEGISLATIVE ARGUMENT IN SUPPORT

The Legislative Assembly frequently gives state agencies broad rulemaking authority for the purpose of implementing laws. The rules adopted by state agencies pursuant to this authority have the force and effect of law. Unfortunately, some state agencies have exceeded this authority.

Most state agencies are run by appointed administrators, directors or commissions that are not directly accountable to the electorate for the rules they adopt. Measure 27 proposes a constitutional amendment that would return to citizens and legislators the responsibility for rules passed by state agencies. Measure 27 accomplishes this in two ways.

First, Measure 27 would require the Legislative Assembly to pass a joint resolution at each legislative session approving rules adopted since the last legislative session. Any rule not so approved would cease to have effect. A rule will remain in effect only if the Legislative Assembly affirmatively approves the rule passed by a state agency.

Second, Measure 27 directs the Legislative Assembly to form a joint legislative committee on rule oversight. This committee will operate during the interim between legislative sessions and will provide an avenue for Oregonians to challenge burdensome rules. State agencies will be held accountable for how a rule is administered. After receiving information and taking testimony in a public hearing, the committee would have the authority to disapprove of a rule. If the full Legislative Assembly wished to reinstate the rule, they could do so by adopting a joint resolution at a subsequent session.

Measure 27 will return responsibility and control over the rules process to the citizens of Oregon. This measure shifts power from government bureaucrats to the people. We strongly recommend the adoption of the constitutional amendment proposed by Measure 27.

**Committee Members:**

Senator Randy Miller  
Representative Lynn Lundquist  
Representative Lynn Snodgrass

**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 1993 Or. Laws 811 §10.)*

# Measure No. 27

## ARGUMENT IN FAVOR

**Oregon Farmers and Ranchers Urge a YES vote on # 27**

**Strengthen control of State Agencies by  
OUR ELECTED Legislature.**

### Better Review by Elected Representatives

Some State agencies have written rules that go beyond the intent of the legislature. This measure will reestablish the authority of the elected representatives to make the policies that affect us all!

### Executive Branch Is Too Powerful

The executive branch of state government already has checks over the legislative branch: the veto, executive appointments of policy-level boards and commissions, appointment of administrators to head government agencies.

### Bring Oregon Government Back Into Balance

Each year fewer laws are enacted, but many more administrative rules are written by unelected agencies which govern many aspects of our lives and livelihoods. Today the state bureaucracy grows with more power and authority. This amendment brings back the power to the citizens' elected representatives.

### Strengthen Our Citizen Legislature

Farmers and ranchers support a review process which brings agency rules back to assure compliance with legislative intent. This will strengthen our citizen Legislature and create a government more in the consent of the governed.

**We, the board of directors of the Oregon Farm Bureau, urge you to VOTE YES on Measure 27. Please Join us in making Oregon government more responsive to the people.**

*(This information furnished by Board of Directors, Oregon Farm Bureau: John Rossner, President; Stan Hendy, Rick Miller, Daryl Hawes, Debbie Scott, Vice Presidents; Larry Lear, Norm Pratt, Joan Silver, Tracey Liskey, Camille Hukari, Barry Bushue, Jack Burkhardt, Dean Freeborn, Kathy Smith, Keith Nelsen, Neil Westfall, Charlie Barlow, Edmund Duyck, Doug Krahmer, Howard Sand, Board Members; Andy Anderson, Greg Leo, Don Schellenberg, Pete Test, Staff.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 27

## ARGUMENT IN FAVOR

It is time to stop government waste and to improve government accountability.

In order to streamline government, we need to reduce the number of rules and regulations placed on all Oregonians. That is why the legislature referred Measure 27, Administrative Rule Reform, to the voters.

In Oregon, 203 state agencies and commissions have the authority to write rules and regulations. Even though the 1995 legislature passed fewer laws, administrative agencies have produced more rules. These rules are without appropriate legislative oversight. Since 1975, the number of new and amended rules added to the books has increased each year at an alarming rate. In 1975, agencies adopted 433 rules. In 1994, they adopted 6,868. That is an increase of 1,450%

Excessive rules and regulations cost each of us in higher prices and lost opportunities. There are simply too many of them. That is why it is important to act now.

Currently there is no effective check on unjust rules or quick solutions to contradictory rules from different agencies. Measure 27 will provide for needed accountability. It will allow for review of administrative rules by those who are elected, not governmental agencies.

On November 5th, you have the opportunity to put some common sense back into the administrative rule process. This referrals requires approval by the full legislative assembly before agency rules become final. And it allows those who are affected by a rule to petition an interim legislative committee to temporarily suspend the rule until the next legislative session.

Agencies are not required to face elections, so they do not always face the true frustrations of citizens. Input is often limited, and agencies make rules that cost Oregon taxpayers millions of dollars.

Join us in reducing government waste and increasing accountability. Vote YES on Measure 27.

*(This information furnished by Brady Adams, Senate Majority Leader and Neil Bryant, Senate Majority Whip, Ballot 96 Committee.)*

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# Measure No. 27

## ARGUMENT IN FAVOR

### Support Administrative Rule Reform

#### Over 30,000 state government regulations since 1985!

In 1994 and 1995 alone, state government adopted nearly 12,000 new rules, which are in effect laws adopted by state agencies that Oregonians must live by. To give you an idea of the volume produced per year, in 1975 state agencies adopted 443 administrative rules compared to 5,098 new rules in 1995. It's just too much!

Oregon Administrative Rules establish penalties in numerous agencies, require automobiles to go to DEQ test stations, determine the location on an electrical outlet in a new home, and establish the details on your state income tax form. There are thousands and thousands of pages of administrative law in Oregon.

Administrative law is usually proposed by a state agency and adopted by the same agency, sometimes without a public hearing.

There presently is no effective way to review those administrative rules. Asking the agency that just proposed the rule and adopted it, usually is not productive.

Ballot Measure 27 changes this. It provides that the legislature must review these administrative rules.

This provides the checks and balances that has made American democracy so enduring.

It is entirely consistent with the Oregon system of government. The Oregon Small Business Coalition on behalf of its 40,000 small business members in Oregon urge you to vote YES on Ballot Measure 27.

Member associations urging you to vote YES include:

Oregon Grocery Industry Association  
National Federation of Independent Business  
Oregon Restaurant Association  
Independent Employer Association  
Oregon Lodging Association  
Oregon Petroleum Marketers Association  
Oregon Building Industry Association  
Oregon Independent Auto Dealers Association  
Manufactured Housing Communities of Oregon  
Oregon Retail Liquor Agents  
Oregon Concrete and Aggregate Producers Association  
Northwest Payphone Association  
Associated Builders and Contractors  
Oregonians for Food and Shelter  
Oregon Farm Bureau

*(This information furnished by Fred VanNatta, Board Member, Oregon Small Business Coalition.)*

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# Measure No. 27

## ARGUMENT IN FAVOR

Vote yes on Measure 27.

The number of laws passed by the legislature have been decreasing in recent years. The 1989 legislature passed 1108 bills, in 1991 there were 983, and the bills dropped to 831 in 1993. That is good. However, in the same time period the number of administrative rules increased by 10 a month or an increase of 240 over last two year period. That is bad.

In the past six years, efforts have been made to try and control run away state government. Too many administrative rules have caused fees from state agencies to go through the roof. You will understand if you have tried to apply for a permit to do anything lately.

Measure 27 allows rules to be implemented. Measure 27 allows the legislature to review the laws. That is what the legislature is elected to do is review laws. Administrative agencies were established to implement legislation, Measure 27 will ensure that the implementation was done correctly, and allows a forum for citizens and their representatives to oversee the implementation.

This could be the most important yes vote you make all year; Vote yes for Measure 27.

*(This information furnished by Bill Perry, Oregon Restaurant Association.)*

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## Measure No. 27

### ARGUMENT IN FAVOR

The Oregon Lodging Association would urge you to vote Yes on Measure 27.

Measure 27 puts the people back into the administrative rule process. Recent actions by Oregonians have proven they want to be more involved in the policy making process. We now have term limits for Legislators. We now have campaign finance reform for candidates. The law makers in the state legislature also have to face the people when they run for re-election. In the legislature the power of the people is gaining strength.

When dealing with administrative rules their actions have the same power and effect on Oregonians as the laws passed by the legislature. People who make these laws do not get elected by the people, do not have term limits and campaign finance reform does not have anything to do with them.

If the citizens of Oregon want to try and make the policy makers more responsive to their concerns, they should address all policy makers. If the effect of administrative rules, is the same as laws passed by the legislature, than shouldn't representatives in the legislature be able to review those laws.

If a legislator passes a regulation or fee on to the citizens, then that legislator will have to face the voters during the election process. If a state agency passes a regulation or fee on to the citizens, you have to appeal to a state agency. This country was built on a system of checks and balances. Measure 27 brings balance to administrative laws.

Vote yes on Measure 27.

*(This information furnished by Larry Harvey, Oregon Lodging Association.)*

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## Measure No. 27

### ARGUMENT IN FAVOR

Laws should only be enacted by those who have to answer to the voters. This is becoming the exception rather than the rule. For whatever reason, successive legislatures have essentially given state agencies enormous powers to affect the lives of our citizens and their businesses, by allowing them to implement statutes by writing "administrative rules".

They may call them rules, but they have the force of law. These rules allow bureaucrats to impose arbitrarily large fees, severe penalties and restrictions to which citizens have virtually no recourse.

There are countless stories of Oregonians who have been hit with rules which are often necessary ... but also as often, unreasonable, unfair, intrusive, counterproductive, or just plain stupid.

The current legislature has come to the conclusion that things have gotten out of hand, and they have wisely given us Measure 27. The measure will require systematic review and approval by the legislature of new agency rules.

Measure 27 gives our elected officials true oversight and ultimate responsibility for administrative rules, and it also gives citizens a workable avenue of appeal when they are unfairly abused by the bureaucracy.

End the tyranny of the heavy-handed faceless bureaucrats ...  
They are unaccountable to the taxpayer who pays their salary.

Vote Yes on 27.

*(This information furnished by Don McIntire.)*

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# Measure No. 27

# Measure No. 27

## ARGUMENT IN OPPOSITION

Measure 27 Puts an End to Open Government, Upsets the Constitutional Balance of Power, Makes State Agencies Less Accountable, Increases Paperwork and Bureaucratic Red Tape, Gives Even More Power to the Legislature, and Makes it Harder for Everyday Citizens to Influence the Legislature.

### THE LEGISLATURE DOESN'T NEED MORE POWER!

Measure 27 is a power grab by the same legislators that already have weakened consumer rights, underfunded our roads, and attacked our environmental heritage. This ill-considered measure would create an as-of-yet unnamed "supercommittee" of the Legislature with the power to overturn any rule, regulation, or policy of state government—even those that have been passed by the voters!

Don't let the Legislature get away with taking power away from the voters!

We voted against this bad government measure. Here's why:

- \* Measure 27 threatens Oregon's tradition of open government! It is a power grab by some legislators. We need an open system to protect the environment, consumer rights, and health and safety laws.
- \* Measure 27 makes state agencies less accountable! It gives more authority to agencies because they could operate without any rules. There would be no notice, no hearings, no public testimony on agency actions. Measure 27 would prevent judicial review of agency rules.
- \* Measure 27 upsets the constitutional balance! It gives unprecedented blank-check authority to the Legislature by creating a "supercommittee" of the Legislature with the authority to undercut laws by simply denying one rule after another.
- \* Measure 27 could require hundreds of additional legislative measures! That might be easy for lobbyists from well-funded big money interests to track, but it is already hard for everyday citizens to follow the usual 3000 bills each session. Measure 27 adds more government to an already overloaded system.

Senators Ron Cease, Dick Springer, and Cliff Trow

Representatives Lee Beyer, George Eighmey, Bryan Johnston, Kitty Piercy, Anitra Rasmussen, and Barbara Ross.

### VOTE NO ON MEASURE 27

*(This information furnished by Ron Cease, Committee for Responsible Government/No On Ballot Measure 27.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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 OPPOSITION

### IF IT'S NOT BROKE, DON'T FIX IT!

From the Desk of Governor John Kitzhaber, M.D.

Dear Oregon Voter:

Ballot Measure 27 would give the Oregon State Legislature the power to review and approve every single rule needed to implement Oregon's laws. And it allows the Legislature to reject these rules simply by refusing to act on them. That's unaccountable and it's much more power than the Legislature needs to do its job. There is no reason to make this drastic change. Vote **no** on a constitutional change we **don't** need.

### We already have checks and balances in our constitution.

Some legislators want more authority over state agency rule-making. They want to review every rule – every time they're in session. They want to be able to reject regulations during the interim without justification.

But the Legislature already has oversight over agency rule-making. If the Legislature doesn't like a rule, it can **change or clarify a statute** so the agency must correct its regulations.

If this passes, legislators would have to review about 12,000 rules during each six-month session. Last session they reviewed 2,900 potential laws. I've been in the legislature; I know there's no time to duplicate work on 12,000 rules.

### If you don't know why we need it, then don't vote for it..

The balance between the Legislature and the state agencies on rule-making has worked throughout Oregon's history. We don't know what the consequences of this change might be — and it could be worse than we've bargained for.

Oregon faces many challenges in the coming year: improving our roads, our schools and our environment. Let's focus our energy on solving those problems instead of this type of unnecessary ballot measure.

### Vote no on Measure 27. We don't need it.

Sincerely,

John A. Kitzhaber, M.D.

*(This information furnished by Governor John A. Kitzhaber, M.D.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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## Measure No. 27

### ARGUMENT IN OPPOSITION

#### MEASURE 27 PUTS COMMUNITIES AT RISK

Ballot Measure 27 could allow elimination or delay of critical health and safety rules — without even a vote of the full Legislature. A "No" vote will help protect the quality of life and health for all Oregonians.

#### WE MUST PROTECT HEALTH AND SAFETY

Each year, state agencies -- and the citizen boards and commissions that oversee their activities -- establish rules to clarify, enhance and protect our quality of life. From health care to safe drinking water, from protection of our children to protection of our rivers and forests, rules and regulations clarify and establish standards that keep Oregonians safe and healthy.

In Oregon, state regulations protect us all — consumers, business men and women, workers, patients, people with disabilities, senior citizens and children. They protect Oregon's air and protect our public beaches. They help assure that the quality of water you drink in Astoria is the same high quality as in Burns.

#### MEASURE 27 LETS THEM THROW OUT RULES — ARBITRARILY

Under Measure 27, a committee of legislators — who could all belong to the same political party — could throw out important regulations agreed on by scientists and citizens. All it would take would be a request by one person.

They won't need a full vote of the Legislature. They won't need the governor's approval. They could simply throw out the hard work of knowledgeable people who had the best interest of Oregonians in mind. And put all of us at risk.

As Oregon faces dramatic growth and dramatic change, we need a responsive state government. Don't put our quality of life on hold.

#### VOTE NO ON 27!

*(This information furnished by Cliff Bentz, Former Member and Chair, Water Resources Commission.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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## Measure No. 27

### ARGUMENT IN OPPOSITION

#### LET EXPERTS BE EXPERTS

Oregon relies on persons with experience in their fields to develop rules and regulations about health, safety and other technical issues. Now, Oregon legislators think they need to do the job themselves. Do you think they can?

Neither do we. **That's why Oregonians should vote NO on Measure 27.**

#### CITIZENS WORKING TOGETHER

Today, Oregon has a thorough, effective system for setting regulations. Agency scientists, health care specialists and technicians implement laws set by the Legislature. Together with citizen volunteers — professionals in the field and consumer representatives — agency staff develops rules that keep our communities safe and working well.

They spend months holding public hearings, considering written comments and revising the regulations accordingly. They weigh scientific, economic and social issues. They listen to testimony of the people who will be affected by these rules.

#### LEGISLATORS WANT SHORTCUTS!

Now, the Legislature wants to skip the process and make all the rules. During the interim between sessions, a single committee without any special knowledge of the subject could strike down any rule. And during the short Legislative session, they want to evaluate **all the rules** — even though each rule may have taken months to prepare. That's just another layer of bureaucracy. What's worse, it will cost all of us a lot more money -- \$1 million in the first year and \$800,000 every year after. Surely, there are better ways to spend our tax dollars.

#### THEY'RE NO EXPERTS

Unless your Legislator knows all about air quality, pharmaceuticals, building codes, diseases of cattle, flu epidemics, occupational health and safety, and extracting teeth —

#### Vote NO on Ballot Measure 27.

*(This information furnished by Susan King, Administrator, Professional Services, Oregon Nurses Association.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 27

## ARGUMENT IN OPPOSITION

### Ballot Measure 27 Is Bad Medicine

As members of the health care community, the Oregon Optometric Association has major concerns with this amendment. We urge you to vote no.

If Ballot Measure 27 is passed, we could see a small group of politicians deciding health care issues best made by health care providers - such as which medications your eye doctor can use to treat eye infections.

The Oregon legislature is already leaving considerable amounts of important work undone because of time constraints. Passage of Ballot Measure 27 would only add to the workload.

Ballot Measure 27 would create an unstable environment for state boards to operate within, slowing those boards responses to public concerns and to the professions they now regulate.

Oregon's administrative procedures already have extensive requirements for hearings, public involvement, and legislative oversight. The legislature has the ultimate agency oversight in place through passage of legislation and agency budgets.

Ballot Measure 27 is unnecessary and burdensome.  
VOTE NO ON MEASURE 27!

*(This information furnished by Wesley N. Vorpahl, OD., Oregon Optometric Association.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 27

## ARGUMENT IN OPPOSITION

### The Former Deans Committee

We believe Measure 27 presents serious constitutional questions.

The Legislature referred this measure to the voters. The proposal establishes a special legislative committee that has sweeping veto authority.

Under this measure, this proposed legislative committee could delay or reverse decisions of the Executive branch of Government. This broad authority could even reverse or delay an interpretation of duty made by the Governor.

The measure defines our Governor as a "State Agency". Almost all of our Governor's Executive acts are defined as an "administrative rule". Thus, even in emergencies the Governor's actions would be covered by this measure and therefore subject to veto by the legislative committee.

This appears to be an unlawful delegation of authority from one independent branch of our government to another.

The appointed legislative committee could never equally represent the citizens of Oregon and therefore the measure appears to violate the "one person one vote" rule established by the United States Supreme Court. We believe the separation of powers guarantee of our United States Constitution would require a court to strike down this measure since no appointed legislative committee can constitutionally prevent our elected Governor from performing faithfully his/her authority or duty to execute our laws.

We provide this information to help fellow voters in understanding this measure. Our comments are designed only to provide objective and careful constitutional analysis of the measure. Collectively, we take no position on the other merits of this measure.

Prof. Leroy Tornquist (Chair), Former Dean  
Willamette University College of Law

Prof. Emeritus Chapin Clark, Former Dean  
University of Oregon School of Law

President David Frohnmayer,  
University of Oregon  
Former Dean University of Oregon School of Law

Prof. Maurice Holland, Former Dean  
University of Oregon School of Law

Robert Misner, Former Dean  
Willamette University College of Law

*(This information furnished by Bob Cannon, The Former Deans Committee.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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.

# Measure No. 28

# Measure No. 28

Senate Joint Resolution 3—Referred to the Electorate of Oregon by the 1995 Legislature to be voted on at the General Election, November 5, 1996.

## BALLOT TITLE

### 28 AMENDS CONSTITUTION: REPEALS CERTAIN RESIDENCY REQUIREMENTS FOR STATE VETERANS' LOANS

**RESULT OF "YES" VOTE:** "Yes" vote repeals certain residency requirements now in constitution for veterans' home and farm loans.

**RESULT OF "NO" VOTE:** "No" vote retains all residency requirements now in constitution for veterans' home and farm loans.

**SUMMARY:** This measure amends the Oregon Constitution. The constitution now provides that state veterans' home and farm loans may be made only to persons who were Oregon residents when they entered military service or who have resided in Oregon five years since discharge or separation from active duty. This measure repeals those eligibility requirements. The measure would not change other eligibility requirements, or the current residency requirement that such loans may be made only to persons who are Oregon residents when they apply for the loan.

**ESTIMATE OF FINANCIAL IMPACT:** No financial effect on state or local government expenditures or revenues.

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

**PARAGRAPH 1.** Section 3, Article XI-A of the Constitution of the State of Oregon, is amended to read:

**Sec. 3.** No person shall receive money from the Oregon War Veterans' Fund except the following:

(1) A person who:

(a) Resides in the State of Oregon at the time of applying for a loan from the fund;

(b) Served honorably in active duty in the Armed Forces of the United States for a period of not less than 210 days, any part of which occurred between September 15, 1940, and December 31, 1976 or who was, prior to completion of such period of service, discharged or released from active duty on account of service-connected injury or illness;

[(c) Was a resident of the State of Oregon at the time of enlistment, induction, warrant or commission or has been a bona fide resident of the State of Oregon for at least five years since the date of discharge, separation or release from active duty;]

[(d)] (c) Has been honorably separated or discharged from the Armed Forces of the United States or has been furloughed to a reserve; and

[(e)] (d) Makes application for a loan either within the 30-year period immediately following the date on which the person was released from active duty in the Armed Forces of the United States, or not later than January 31, 1985, whichever occurs last.

(2)(a) The spouse of a person who is qualified to receive a loan under subsection (1) of this section but who has either been missing in action or a prisoner of war while on active duty in the Armed Forces of the United States even though the status of missing or being a prisoner occurred prior to completion of the minimum length of service or residence set forth in subsection (1) of this section, provided the spouse resides in this state at the

time of application for the loan.

(b) The surviving spouse of a person who was qualified to receive a loan under subsection (1) of this section but who died while on active duty in the Armed Forces of the United States even though the death occurred prior to completion of the minimum length of service or residence set forth in subsection (1) of this section, provided the surviving spouse resides in this state at the time of application for the loan.

(c) The eligibility of a surviving spouse under this subsection shall terminate on his or her remarriage.

**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

Measure 28 amends Article XI-A of the Oregon Constitution to change the residency requirements for obtaining a veteran's loan under Oregon's farm and home loan program for veterans. If approved, Measure 28 will eliminate all residency requirements for obtaining a veteran's farm or home loan except for the requirement that the loan applicant be a resident of Oregon at the time of applying for the loan. The Oregon Constitution now requires a loan applicant, in addition to being a resident of Oregon at the time of applying for the loan, to be a bona fide resident of Oregon for five years since the date of separation from military service or to have been a resident of Oregon prior to entering military service.

Measure 28 is submitted in order to avoid possible court challenges to the current residency requirements. In other states with veterans' home loan programs, residency requirements other than the requirement that the veteran be a resident of the state at the time of applying for a loan have been declared invalid by the courts.

Measure 28 will increase the number of veterans eligible for the farm and home loan program. The veterans who will become eligible to receive farm and home loans under the changed residency requirements are primarily Vietnam era veterans who have come to Oregon from other states and who have lived in Oregon for fewer than five years.

### Committee Members:

Senator Bill Kennermer  
Representative Lynn Lundquist  
Dave Barrows  
Representative John Schoon  
Betty Roberts

### 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 No. 28

## LEGISLATIVE ARGUMENT IN SUPPORT

Ballot Measure 28 brings needed equity to an otherwise successful Veterans' Farm and Home Loan Program. In other states courts have ruled that veterans of every state must be treated equally and Ballot Measure 28 simply puts this sound principle into law.

Currently, Vietnam era veterans who moved to Oregon were ineligible for the program until meeting a five-year residency requirement. That principle is not only bad policy, it now puts Oregon squarely at odds with widespread judicial policy. There is no need for Oregonians to spend our scarce resources supporting bad policy against the tide of state judiciaries across the country. Veterans fought for our whole country, not for one state or another.

Let's honor them from coast to coast. Let's make sure that all are eligible equally for this veteran's loan. It will stimulate the economy by creating new jobs through the purchase and improvement of farms and homes. It will bring capital into the state through the sale of self-liquidating bonds to acquire the loan funds. It will make property taxpayers out of more veterans.

The privilege of owning a safe and secure home has been ours since this great country was founded. Nobody is more deserving of that worthy goal than those who fought to keep it alive.

Vote YES for Ballot Measure 28.

### Committee Members:

Senator John Lim  
Representative Eldon Johnson  
Representative Larry Wells

### 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 1993 Or. Laws 811 §10.)*

**NO ARGUMENTS IN OPPOSITION TO THIS BALLOT MEASURE WERE FILED WITH THE SECRETARY OF STATE.**

# Measure No. 28

## ARGUMENT IN FAVOR

### United Veterans' Groups of Oregon (UVGO) Argument in Favor of Ballot Measure 28

At a time when some government institutions and programs are coming under fire, it's nice to find an agency exhibiting the leadership and foresight that we, as citizens and taxpayers, deserve. It's not new for this agency, the Oregon Department of Veterans' Affairs. This is the same leadership that brought that agency back from the brink of financial collapse in the mid-1980s.

The issue this time is Ballot Measure 28. Changes are required in the Oregon Constitution relative to the residency requirements for participation in the department's Veteran Home Loan Program. The changes, if accepted by the voters, will preclude the possibility of the agency being forced to spend large amounts of money defending a position that has already been found to be unconstitutional.

The U.S. Supreme Court has already decided that state residency requirements for a benefit based on federal military service discriminates unfairly against others who had similar service. Last year, the Oregon Department of Veterans' Affairs requested the Oregon Legislature to place this question on the ballot and the Legislature agreed.

If this proposed change is not accepted by the voters, the agency faces the prospect of having to spend large amounts of time and money to fight a battle they know they would not win. Estimates for legal costs run as high as \$100,000.00.

As an umbrella organization representing Congressionally Chartered veterans' service organizations in the state of Oregon, we heartily recommend a "YES" vote.

F. David Parker, Chairman  
United Veterans' Groups of Oregon

### Member Organizations:

Air Force Sergeants' Association  
American Ex-Prisoners of War  
American Legion  
Disabled American Veterans  
Korean War Veterans Assn.  
Marine Corps League  
Military Order of the Purple Heart  
The Non Commissioned Officers' Assn.  
Paralyzed Veterans of America  
The Retired Enlisted Assn.  
The Retired Officers' Assn.  
Veterans of Foreign Wars  
Veterans of World War I of the USA  
Vietnam Veterans of America

*(This information furnished by F.D. Parker, Chairman, United Veterans' Groups of Oregon.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 29

Senate Joint Resolution 37—Referred to the Electorate of Oregon by the 1995 Legislature to be voted on at the General Election, November 5, 1996.

## BALLOT TITLE

### 29 AMENDS CONSTITUTION: GOVERNOR'S APPOINTEES MUST VACATE OFFICE IF SUCCESSOR NOT TIMELY CONFIRMED

**RESULT OF "YES" VOTE:** "Yes" vote requires Governor's appointees to vacate office if successor not confirmed within 90 days.

**RESULT OF "NO" VOTE:** "No" vote retains law allowing Governor's appointees to serve until successor is appointed and confirmed.

**SUMMARY:** Currently, an official appointed by the Governor and subject to Senate confirmation may continue in office until the official's successor is appointed and confirmed. This measure amends the Oregon Constitution to provide that such an official may not hold office longer than 90 days after the end of the official's term. The measure could cause an appointed office to be vacant until the official's successor is confirmed. This could preclude some state agencies from issuing orders or conducting other business during such a vacancy.

**ESTIMATE OF FINANCIAL IMPACT:** No financial effect on state or local government expenditures or revenues.

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

**PARAGRAPH 1.** Section 1, Article XV of the Constitution of the State of Oregon, is amended to read:

**Sec. 1. (1)** All officers, except members of the Legislative Assembly and incumbents who seek reelection and are defeated, shall hold their offices until their successors are elected, and qualified. **Persons who are appointed by the Governor who are subject to Senate confirmation as provided in section 4, Article III of this Constitution, shall hold their offices until their successors are appointed and confirmed or 90 days from the end of their terms, whichever comes first.**

(2) If an incumbent seeks reelection and is defeated, *[he]* the incumbent shall hold office only until the end of *[his]* the term of the incumbent; and if an election contest is pending in the courts regarding that office when the term of such an incumbent ends and a successor to the office has not been elected or if elected, has not qualified because of such election contest, the person appointed to fill the vacancy thus created shall serve only until the contest and any appeal is finally determined notwithstanding any other provision of this Constitution.

**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.

# Measure No. 29

## EXPLANATORY STATEMENT

The Oregon Constitution now allows a person who is appointed to an office by the Governor for a specific period to remain in office after the period ends if the Governor has not reappointed the person or selected a successor or the person appointed by the Governor has not been confirmed by the Senate.

If approved, this amendment to the Oregon Constitution will provide that, when an appointment by the Governor is required to be confirmed by the Senate, the Governor must appoint a successor and the Senate must confirm the successor within 90 days. The 90 days begins after the end of the prior appointment's expiration. If the appointment of the successor is not made by the Governor within 90 days, the office is vacant. If the appointment of the successor is made by the Governor but not confirmed by the Senate within 90 days, the office is vacant. The office will be filled at the time the Governor appoints a person and the person is confirmed by the Senate.

### Committee Members:

Senator Gene Derfler  
Representative John Watt  
Representative George Eighmey  
Bill Wyatt  
Sue Miller

### 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.)*

**NO ARGUMENTS IN FAVOR OF THIS BALLOT MEASURE WERE FILED WITH THE SECRETARY OF STATE.**

# Measure No. 29

# Measure No. 29

## LEGISLATIVE ARGUMENT IN SUPPORT

The Oregon Constitution now allows a person who is appointed to an office by the Governor for a specific period to remain in office after the period ends if the Governor fails to reappoint the person or select a successor.

If approved, this amendment to the Oregon Constitution will provide that, when a person is appointed by the Governor and the appointment is by law subject to confirmation by the Senate, the Governor must appoint a successor and the Senate must confirm the successor within 90 days after the end of the term of the earlier appointment. If the appointment of the successor is not made and confirmed within 90 days, the office is vacant. The office will be filled at the time the Governor appoints a person and the person is confirmed by the Senate.

The proposed change will greatly improve the efficiency of the appointing process by prompting the Governor and the Senate to act quickly.

**Committee Members:**

Senator Eugene Timms  
Representative Bob Repine  
Representative John Watt

**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 1993 Or. Laws 811 §10.)*

## ARGUMENT IN OPPOSITION

**VOTE NO ON MEASURE 29.**

From the Desk of Governor John Kitzhaber, M.D.

Dear Oregon Voter:

**If Ballot Measure 29 passes, legislators could shut down the state's essential role -- protecting safety, health and quality of life.**

More than 200 volunteer citizen committees help state agencies with critical functions that keep us safe, healthy and proud to be Oregonians.

Under Measure 29, the Legislature could shut down a board or commission by refusing to confirm replacement members. The board would be unable to do the work required by statute or the constitution.

In some cases, the state would be unable to respond to emergency health and safety issues.

**We need citizen advisory groups.**

At every level, Oregon's governments rely on citizen groups, many appointed by the governor. For example:

- The Public Health Advisory Board
- The Agriculture Commission
- The port commissions of cities like Arlington, Coos Bay and Portland
- The Drinking Water Advisory Committee
- The Governor's Commission on Senior Citizens.

These groups respond to public health crises, such as contamination in food and water. They insure airport safety. They make decisions daily that are vital to local economies. They respond to the needs of seniors — and many other vital health and safety issues.

**Measure 29 is a back door to closing down these committees.**

If the Legislature wants to eliminate a board or commission, it should do it openly, through the legislative process, not through the back door.

There is no need for this ballot measure -- but if it passes, it could seriously affect our ability to protect ourselves and our most dependent citizens.

Oregon faces many challenges in the coming year: improving our roads, our schools and our environment. Let's focus our energy on solving those problems instead of this type of unnecessary ballot measure.

**Vote No on Measure 29. It's dangerous.**

Sincerely,

John A. Kitzhaber, M.D.

*(This information furnished by Governor John A. Kitzhaber, M.D.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 29

## ARGUMENT IN OPPOSITION

### VOTE NO ON MEASURE 29

Some Oregon legislators want you to approve a measure that could shut down citizen committees throughout state government. Say no to government gridlock. Vote **NO** on Measure 29.

### DON'T SHUT DOWN CITIZEN COMMISSIONS

Ballot Measure 29 gives the Oregon Legislature the power to shut down citizen committees simply by refusing to fill positions. Many boards and commissions could be left without enough members to do business — either because the Legislature is too busy to consider appointments or because the members are playing politics with the citizen involvement process.

### CITIZEN INVOLVEMENT IS CENTRAL TO OREGON GOVERNMENT

Each year, thousands of citizens volunteer their time to protect other Oregonians. Some of them advise the Legislature and governor -- suggesting policy and new laws. Others do the hard work of putting together fair, reasonable rules and regulations.

They are involved in a wide range of issues — from health care to drinking water quality, from juvenile and family issues to standards for podiatrists and acupuncturists.

Many of the committees are small. It wouldn't take very many stalled appointments before these groups didn't have enough members to make any decisions.

Measure 29 puts citizen volunteers at risk of becoming pawns of political maneuvering. It puts good government at risk of partisan politics. And that isn't the way to solve our problems.

### PROTECT OUR SYSTEM — AND RESPECT OUR CITIZENS

Measure 29 is an unnecessary swipe at citizen participation. It won't improve our government. All it will do is give the politicians another chance to play politics.

Keep Oregon government open to citizen involvement.

**Vote no on Ballot Measure 29.**

*(This information furnished by Robert S. Walsh, Member, Port of Portland Commission.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 29

## ARGUMENT IN OPPOSITION

### BALLOT MEASURE 29 PLAYS POLITICS WITH OUR CITIZEN COMMITTEES

#### Vote against it!

If you're a legislator, how do you get rid of opposition voices?

Simply don't appoint them to committees, then watch the committees go out of business.

That's what could happen with Ballot Measure 29.

### An Invitation to political fights and government gridlock.

State law dictates the composition of many citizen committees. For example, the Public Utility Commission, which assures the state's utility customers of safe, reliable service, only has three members. The law states, "No more than two members can be of the same political party."

What if a Legislature dominated by one party refused to approve the appointment of a member of the opposite party? The PUC would be shut down.

The same thing could happen with the five-member Workers' Compensation Board, which requires two employee and two employer representatives. If the Legislature didn't want to appoint any employees, it could refuse to. And injured workers would be without recourse to appeal decisions of hearings officers in their contested cases.

### Many Boards and Commissions are at Risk

Groups like the Oregon Investment Council, the Lottery Commission, the Environmental Quality Commission and many more are required to appoint people fitting certain criteria. If legislators don't like what the law says, they can get around it — and close down essential committees.

### Don't Let State Government Become Hostage to Petty Politics

The work of our state is too important to let political winds blow it off course. We can't let political feuding get in the way of good government.

**Say No to Measure 29.**

*(This information furnished by Ken Allen, Director, If It Ain't Broke, Don't Fix It Committee.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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.

# Measure No. 30

# Measure No. 30

House Joint Resolution 2—Referred to the Electorate of Oregon by the 1995 Legislature to be voted on at the General Election, November 5, 1996.

## BALLOT TITLE

### 30 AMENDS CONSTITUTION: STATE MUST PAY LOCAL GOVERNMENTS COSTS OF STATE-MANDATED PROGRAMS

**RESULT OF "YES" VOTE:** "Yes" vote requires the state to pay local governments for costs of state-mandated programs.

**RESULT OF "NO" VOTE:** "No" vote rejects requirement that state pay local governments for costs of state-mandated programs.

**SUMMARY:** Amends constitution. Measure would require legislature to pay local governments for costs of new state-mandated programs or increased level of services for state-mandated programs. If funds are not paid, local governments need not comply with law or rule requiring program or service. Contains exceptions. Requires 3/5 vote of each house of Legislature to take certain actions reducing state revenues that are distributed to local governments. If adopted, measure would be repealed on June 30, 2001, unless approved again at general election in year 2000.

**ESTIMATE OF FINANCIAL IMPACT:** No financial effect on state or local government expenditures or revenues.

**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 new sections 15 and 15a to be added to and made a part of Article XI and to read:

**SECTION 15. (1)** Except as provided in subsection (7) of this section, when the Legislative Assembly or any state agency requires any local government to establish a new program or provide an increased level of service for an existing program, the State of Oregon shall appropriate and allocate to the local government moneys sufficient to pay the ongoing, usual and reasonable costs of performing the mandated service or activity.

(2) As used in this section:

(a) "Enterprise activity" means a program under which a local government sells products or services in competition with a nongovernment entity.

(b) "Local government" means a city, county, municipal corporation or municipal utility operated by a board or commission.

(c) "Program" means a program or project imposed by enactment of the Legislative Assembly or by rule or order of a state agency under which a local government must provide administrative, financial, social, health or other specified services to persons, government agencies or to the public generally.

(d) "Usual and reasonable costs" means those costs incurred by the affected local governments for a specific program using generally accepted methods of service delivery and administrative practice.

(3) A local government is not required to comply with any state law or administrative rule or order enacted or adopted after January 1, 1997, that requires the expenditure of

money by the local government for a new program or increased level of service for an existing program until the state appropriates and allocates to the local government reimbursement for any costs incurred to carry out the law, rule or order and unless the Legislative Assembly provides, by appropriation, reimbursement in each succeeding year for such costs. However, a local government may refuse to comply with a state law or administrative rule or order under this subsection only if the amount appropriated and allocated to the local government by the Legislative Assembly for a program in a fiscal year:

(a) Is less than 95 percent of the usual and reasonable costs incurred by the local government in conducting the program at the same level of service in the preceding fiscal year; or

(b) Requires the local government to spend for the program, in addition to the amount appropriated and allocated by the Legislative Assembly, an amount that exceeds one-hundredth of one percent of the annual budget adopted by the governing body of the local government for that fiscal year.

(4) When a local government determines that a program is a program for which moneys are required to be appropriated and allocated under subsection (1) of this section, if the local government expended moneys to conduct the program and was not reimbursed under this section for the usual and reasonable costs of the program, the local government may submit the issue of reimbursement to nonbinding arbitration by a panel of three arbitrators. The panel shall consist of one representative from the Oregon Department of Administrative Services, the League of Oregon Cities and the Association of Oregon Counties. The panel shall determine whether the costs incurred by the local government are required to be reimbursed under this section and the amount of reimbursement. The decision of the arbitration panel is not binding upon the parties and may not be enforced by any court in this state.

(5) In any legal proceeding or arbitration proceeding under this section, the local government shall bear the burden of proving by a preponderance of the evidence that moneys appropriated by the Legislative Assembly are not sufficient to reimburse the local government for the usual and reasonable costs of a program.

(6) Except upon approval by three-fifths of the membership of each house of the Legislative Assembly, the Legislative Assembly shall not enact, amend or repeal any law if the anticipated effect of the action is to reduce the amount of state revenues derived from a specific state tax and distributed to local governments as an aggregate during the distribution period for such revenues immediately preceding January 1, 1997.

(7) This section shall not apply to:

(a) Any law that is approved by three-fifths of the membership of each house of the Legislative Assembly.

(b) Any costs resulting from a law creating or changing the definition of a crime or a law establishing sentences for conviction of a crime.

(c) An existing program as enacted by legislation prior to January 1, 1997, except for legislation withdrawing state funds for programs required prior to January 1, 1997, unless the program is made optional.

(d) A new program or an increased level of program services established pursuant to action of the Federal Government so long as the program or increased level of program services imposes costs on local governments that are no greater than the usual and reasonable costs to local governments resulting from compliance with the minimum program standards required under federal law or regulations.

# Measure No. 30

(e) Any requirement imposed by the judicial branch of government.

(f) Legislation enacted or approved by electors in this state under the initiative and referendum powers reserved to the people under section 1, Article IV of this Constitution.

(g) Programs that are intended to inform citizens about the activities of local governments.

(8) When a local government is not required under subsection (3) of this section to comply with a state law or administrative rule or order relating to an enterprise activity, if a nongovernment entity competes with the local government by selling products or services that are similar to the products and services sold under the enterprise activity, the nongovernment entity is not required to comply with the state law or administrative rule or order relating to that enterprise activity.

(9) Nothing in this section shall give rise to a claim by a private person against the State of Oregon based on the establishment of a new program or an increased level of service for an existing program without sufficient appropriation and allocation of funds to pay the ongoing, usual and reasonable costs of performing the mandated service or activity.

(10) Subsection (4) of this section does not apply to a local government when the local government is voluntarily providing a program four years after the effective date of the enactment, rule or order that imposed the program.

(11) In lieu of appropriating and allocating funds under this section, the Legislative Assembly may identify and direct the imposition of a fee or charge to be used by a local government to recover the actual cost of the program.

**SECTION 15a.** (1) Section 15 of this Article is repealed on June 30, 2001, unless, at the general election held in 2000, a majority of the electors voting on the question of whether or not to retain section 15 of this Article as part of the Oregon Constitution vote to retain the section. If the electors vote to retain the section, section 15 of this Article remains in effect. If the electors do not vote to retain section 15 of this Article, then that section is repealed on June 30, 2001. The Legislative Assembly may provide for the disposition of any matters remaining unresolved with respect to the appropriation and allocation of moneys under section 15 of this Article.

(2) By appropriate action of the Legislative Assembly and the Secretary of State, the question described in subsection (1) of this section shall be submitted to the people for their decision at the statewide general election held in 2000.

(3) This section is repealed on January 1, 2002.

**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.

## EXPLANATORY STATEMENT

Measure 30 amends the Oregon Constitution to require state financing of state programs imposed on local governments after January 1, 1997. Affected programs are those programs, projects or services imposed by the legislature or by state agency rule or order under which a local government must provide administrative, financial, social, health or other specified services to persons, government agencies or to the public generally. For purposes of this amendment, "local government" means a city, county, municipal corporation or municipal utility operated by a board or commission.

# Measure No. 30

The state is required to pay the usual and reasonable costs of such programs and costs of the state's increasing the level of services under existing programs after January 1, 1997. The legislature must continue to provide at least 95% of these costs each year.

If there is a dispute over the issue of state funding, a local government may submit the dispute to nonbinding arbitration or to judicial determination. The arbitration panel shall consist of one representative from the Oregon Department of Administrative Services, one representative from the League of Oregon Cities and one representative from the Association of Oregon Counties. The local government must show that moneys provided by the state are not sufficient to cover the usual and reasonable costs of the program or services.

If the legislature fails to provide moneys to local governments to pay at least 95% of the cost of the program or service imposed after January 1, 1997, the local government is relieved of its duty to provide that program or service. The duty of the local government also ends if the legislature requires it to spend more than one-hundredth of one percent of its budget for the required program or services, not including the costs met by the state.

Under Measure 30, the required money for local governments may come from state appropriations or from a legislative requirement that local governments collect fees or charges to pay the costs.

Measure 30 requires that at least 18 of the 30 state senators and 36 of the 60 state representatives approve any bill that reduces the amount of money that is distributed to local governments from proceeds of a specific state tax.

Measure 30 does not apply to any of the following:

- Any law approved by at least 60 percent of the members of each house of the legislature.
- Requirements imposed by state or federal courts.
- Laws enacted or approved through the initiative or referendum process.
- Programs that inform citizens about activities of local governments.
- Other programs and laws specified in the measure.

When a local government is not required to comply with a state requirement relating to a program under which the local government sells products or services in competition with a private entity, then the private entity is also not required to comply with that state requirement.

Measure 30 will be repealed June 30, 2001, unless the voters at the 2000 General Election vote to keep the measure in effect.

### Committee Members:

Senator Gene Derfler  
Representative Lynn Lundquist  
Representative Tony Corcoran  
Senator Peter Sorenson  
Kathleen Beaufait

### 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 No. 30

## LEGISLATIVE ARGUMENT IN SUPPORT

Measure 30 amends the Oregon Constitution to require the state government to pay for services that it requires local governments to provide.

Currently, the state government or a state agency may compel a local government to provide financial, social, health and other services to the public, but does not have to provide any money to the local government to pay the cost of those services.

The state government and state agencies therefore have the power to impose their policy preferences on local governments and to have the local governments pay the bill with money obtained by local taxpayers.

Measure 30 eliminates the power of state government and state agencies to demand that local money be used to pay for state required programs.

Under Measure 30, if the state government does not pay for services required by the state government or state agencies, local governments need not provide the services.

Measure 30 restores control of their budgets to local governments and local taxpayers and ensures that local revenues will be used only for those programs preferred by and needed by local governments.

As an added safeguard for local governments, Measure 30 requires 60 percent of each house of the legislature to approve any bill that reduces the amount of money that is distributed to local governments from the proceeds of a specific state tax, such as the cigarette tax.

In addition, the measure does not apply to laws adopted by the people by initiative.

Finally, Measure 30 allows the voters to determine over the next four years whether the measure improved the operation of government. If the voters decide that Measure 30 does not benefit them or their local governments, the voters are given the opportunity to repeal Measure 30 in November 2000.

This measure reduces the power of state government, allows local governments to set their own budgetary priorities and grants a greater share of fiscal control to local voters.

A "yes" vote on Measure 30 is urged.

**Committee Members:**

Senator Bob Kintigh  
Speaker of the House Bev Clarno  
Representative Ken Strobeck

**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 1993 Or. Laws 811 §10.)*

# Measure No. 30

## ARGUMENT IN FAVOR

Eliminate Hidden Costs and Hidden Taxes

Yes on Measure 30

It's time to slow the growth of hidden taxes! State government should pay for the programs it enacts. Ballot Measure 30 puts this principle of accountability into practice right up in front.

Hidden costs result when the state government makes your counties and cities deliver state programs without providing money to pay for them. By their very nature, hidden costs grow and grow with no accountability and no control. As consumers, you know hidden costs get translated into higher prices.

Hidden costs also become higher taxes for you as a local taxpayer. It's like giving the State unlimited credit authority to charge state programs against your local property taxes **without your approval.**

You have a chance through Ballot Measure 30 to **re-establish accountability.**

You can bring together the responsibility for enacting government programs and paying for them.

You can **stop the illusion that people are getting something for nothing.**

**Slow the growth of hidden taxes.**

**Vote YES on #30.**

*(This information furnished by Richard M. Butrick, President, Associated Oregon Industries.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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.

# Measure No. 30

## ARGUMENT IN FAVOR

Dear Fellow Oregonian,

Have you ever wanted to tell state government to be accountable? To stop passing the buck to someone else?

That's what Ballot Measure 30 is all about. It's an opportunity to tell state government that, if you're going to require local governments to do a job, the state is going to have to pay the bill. It's that simple.

You see, far too often, it's easy for the politicians in Salem to pass the cost of providing services on to local government. They require that counties and cities provide certain services, but they don't give the counties and cities the money to get them done.

Keeping criminals behind bars is a great example. Starting next January, a lot of criminals who would normally go to state prisons will be housed in county jails.

Now, the state is helping to provide funds to expand jail space to meet the increased needs. That's only right since it is the state's responsibility to house these criminals. But there is no guarantee of continued operating funds from the state. That means the counties could be on the hook for the whole tab, if the state was to discontinue funding.

That's just not right. And it's why the Legislature is putting Ballot Measure 30 to a vote of the people.

Ballot Measure 30 simply says that if the state says to counties and cities that they have to provide a service, the state has to foot the bill. If the state is not paying the price, the county or city can decline to provide the service.

Doesn't that make sense? Don't you think the politicians who decide a service is worth providing should figure out how to pay for it?

Please join me in voting yes on Ballot Measure 30.

Sincerely,

Bev Clarno  
Speaker of the House

*(This information furnished by Bev Clarno, Speaker of the House.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 30

## ARGUMENT IN FAVOR

What is wrong with this picture? **If the legislature wants to create more programs than it has money, it can force local communities to come up with the funding instead!** Here is how it works now. The state legislature passes a law requiring a program to be provided at the local level but does not budget any state tax dollars to pay for running it. Communities are then in the position of having to increase their taxes, cut local programs or break the law. **Unfunded mandates force a choice to be made that violates local control.**

**Ballot Measure 30 is a constitutional amendment that will bring some certainty to the local control principle.** It is a practical way to make a distinction between what is the responsibility of the state legislature to fund and what should be determined at the community level. Communities in Oregon are as varied as its landscape and citizens know what their most important local problems and issues are and how best to address them.

**Ballot Measure 30 is about accountability and community self determination.** It forces the legislature to set priorities for spending the funds they control. It provides an incentive for them to pay for the services and programs they provide and lets local communities select the services and programs that will best meet their needs.

**Ballot Measure 30 will be voted on again in four years.** This measure has been worked on for 7 years and three legislative sessions. We are confident that if you pass it now, based on these arguments and the impact we say it will have, you will pass it again in the year 2000 because it worked. What could be more open and fair than that?

*(This information furnished by Kim Katsion, Commissioner, Washington County; Gary Hansen, Commissioner, Multnomah County; Tanya Collier, Commissioner, Multnomah County; Ed Lindquist, Commissioner, Clackamas County.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 30

## ARGUMENT IN FAVOR

### **STOP UNFUNDED MANDATES — SUPPORT MEASURE 30**

While reaching agreement on issues these days is very difficult, one issue facing Oregon voters this November 5 is not. The concept is really quite simple. When the State of Oregon approves new programs that cost more money, the State of Oregon shall provide full funding for those programs. **VOTE YES ON MEASURE 30** - stop the long list of unfunded mandates placed on local government and local property taxpayers.

### **WHAT IS A UNFUNDED MANDATE?**

- A program enacted by the state legislature or agencies and given to local government **WITHOUT** adequate funding!

### **WHO PAYS FOR UNFUNDED MANDATES?**

- **YOU DO**, local taxpayers through higher property taxes!

### **CAN WE STOP THESE MANDATES?**

- **Vote YES on Measure 30**

Now is a very important time to enact this constitutional referral. The federal and state governments are shifting responsibility for services to local government, often times without long term adequate funding. Local taxpayers deserve the assurances that Measure 30 provides. The state will not have the ability to withdraw funding and leaving local property taxpayers on the hook for picking up the costs. A **YES VOTE on Measure 30**, will keep the State from shifting the tax burden to the local level.

Fifteen (15) states already have constitutional amendments limiting unfunded mandates. This year Congress passed a bill limiting federal unfunded mandates. The results have been greater accountability for decisions they make and less hidden taxation. Oregon voters deserve the same too. Local government is willing to provide funding for its programs, lets make the state of Oregon do the same. Join us and **VOTE YES On Measure 30.**

### **STOP UNFUNDED MANDATES - VOTE YES!**

*(This information furnished by Richard Allen, Chair, Jefferson Co. Commission; Judge Dale White, Harney Co. Court; Steve McClure, Union Co. Commission.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 30

## ARGUMENT IN FAVOR

### **Ballot Measure 30**

An unfunded mandate is a binding directive from one level of government to another to accomplish something without providing money to pay for it. Ballot Measure 30 would change this practice. It requires the State to provide money to local governments for costs of mandates. Local governments are often amenable to receiving responsibilities for services when there is adequate state funding or fiscal flexibility to pay for them. We also accept responsibility for state programs when we can participate in setting standards to which we will be accountable. But when we are mandated responsibilities without fiscal assistance, the impact often results in protecting the state budget at the expense of local budgets. As a result, we are blamed for higher property taxes, fees and charges to cover costs for which the state legislature should be accountable.

In placing Measure 30 on the ballot, legislators recognized a partnership must exist between each level of government and fiscal impact discussions must take place before mandate legislation is passed. This measure acknowledges that communities must maintain local control to provide the best services possible. In 1995 when the legislature approved this issue for the ballot, it also passed several concurrent resolutions which they sent to Congress, petitioning the federal government to mandate sparingly. They recognized this issue has far reaching implications for all level of government.

This measure does not eliminate all mandates nor will it stop the state government from legislating in areas of state wide significance. It does say that if the state shifts responsibilities to local government, the state must do so with a higher standard of accountability and sensitivity to local control. Issues and concerns in our communities, such as having appropriate public safety and quality education, can not be addressed adequately unless the state is sensitive to the impact of mandates and how they affect us. **Vote for State accountability and for local control. Vote yes on Ballot Measure 30.**

*(This information furnished by Judge Laura Pryor, President, Association of Oregon Counties; Mayor Alice Schlenker, President, League of Oregon Cities; Police Chief Charles Stull, Oregon Police Chiefs for Safer Communities; Undersheriff Alvin Allen, Sheriffs of Oregon.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 30

## ARGUMENT IN FAVOR

### **Measure 30 is good news for taxpayers.**

When the state government requires local governments to provide a particular service, but doesn't provide money to pay for that service, an unfunded mandate is created. This hidden shift of financial responsibility happens on a regular basis when the Oregon Legislature makes demands on counties and cities.

**It's as if someone else had the ability to write checks from your personal bank account for purchases you might not necessarily approve of or choose for yourself.**

Unfunded mandates drain the limited checkbooks of local governments. Unfunded mandates reduce local government's ability to pay for services requested by its citizens as dollars required to fund mandates must be allocated first. Local services such as fighting crime, running jails and reducing juvenile crime are funded last, or not at all.

Federal law now requires Congress to pay up front or take a separate vote to impose the cost of mandates on state and local taxpayers. Laws protecting civil and constitutional rights of individuals, national security and emergency assistance are exempt from this requirement.

**While relief from federal dipping in our local checkbooks is now in place, the legislature continues to micro-manage county and city budgets from the State Capitol.**

Measure 30 would change Oregon's Constitution and require that state funds cover the expense of future state mandates. The purpose is not to eliminate desirable programs, but to require that priorities and money be allocated together.

**In these tough economic times it makes no sense for the state legislature to decide how a local government's funds are spent. If a service is important enough to become law, it should be funded from the state's resources.**

**State government should pay for state programs and local government should pay for local programs. Unfunded mandates have plagued local planning efforts for years, always at the expense of local taxpayers.**

**Vote "yes" on measure 30 and stop unfunded mandates.**

Randall "Randy" Franke  
Commissioner  
Marion County, Oregon

*(This information furnished by Randall "Randy" Franke, Commissioner, Marion County, Oregon.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 30

## ARGUMENT IN FAVOR

### **"State Must Set Priorities"**

Jackson County has serious financial problems. We are losing millions of forest revenue dollars each year. Often citizens are not able to choose services they want due to "unfunded mandates" coming from the state. An unfunded mandate occurs when the state requires the county to perform tasks and does not provide funding to pay for it.

Some examples that effect our citizens in Jackson County include:

**Elections**-the state requires some elections be conducted at polling places, causing inconvenience for citizens and great expense for the taxpayers. An election at polling places costs Jackson County more than \$113,000. Vote-by-mail for the same election costs only \$34,000.

**Land use planning**-the state, through LCDC, has required the county to complete tasks which are projected to cost the county \$277,842. In return the state has provided the county with a \$40,000 grant.

**Property assessment and taxation**-the state requires counties to assess all properties and collect taxes for all cities, schools, fire districts etc. in the county. The process and budget for this service is totally regulated by the state. In return the state provides the county with a grant which covers approximately 18% of the \$2,214,400 cost.

**Right-of-ways**-state law guarantees telephone, power, and gas companies free access to county right-of-ways for which the county spends \$110,000 each year to acquire. Additionally the county must spend \$133,000 each year to locate and inspect utilities right-of-way work free of charge. Counties, unlike cities, are not permitted to franchise public utilities so no cost recovery is possible.

It is time the legislature began to set priorities and provide **FULL** funding with their mandates. Our county does not have money to enact every mandate the state sends us.

**Vote yes on Measure 30 and force the legislature to set priorities!**

*(This information furnished by Jack Walker, Jackson County Commissioner; Sue Kupillas, Jackson County Commissioner; John Harmon, Jackson County Budget Committee.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 30

## ARGUMENT IN OPPOSITION

**IF MEASURE 30 PASSES, IT WON'T BE THE SAME OREGON**  
Vote no if you like Oregon

From the Desk of Governor John Kitzhaber, M.D.

Dear Oregon Voter:

Measure 30 would create a confusing jumble of laws about who pays for what services in Oregon.

Over the years, state mandates have required schools to provide education for handicapped children, local governments to enforce building and fire codes, and counties to provide flu shots to senior citizens. Throughout Oregon, we benefit from uniform standards and uniform protections. They help us as individuals and as communities.

If Measure 30 had been law during the last 50 years, Oregon would probably be a different -- and less healthy -- state than the one you know today.

For example:

- Many parents wouldn't be able to send their children to public kindergartens.
- Every city in the state might still be sending raw sewage into rivers and streams.
- We might have an unbroken stream of buildings from Portland to Eugene — on the best farmland in the nation.

**Sometimes, it just takes leadership.**

Historically, Oregonians have benefited from far-sighted state leadership. We don't need state mandates very often. But when they are enacted they often mean a leap of progress for Oregon as a state.

The mandates put in place 15 and 20 years ago are what has made Oregon one of the most desirable places to live in the nation.

**Vote no on Measure 30 — and keep Oregon "Oregon".**

Oregon faces many challenges in the coming year: improving our roads, our schools and our environment. Let's focus our energy on solving those problems instead of this type of unnecessary ballot measure.

Sincerely,

John A. Kitzhaber, M.D.

*(This information furnished by Governor John A. Kitzhaber, M.D.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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.

# Measure No. 30

## ARGUMENT IN OPPOSITION

**IT'S UNNECESSARY — AND IT COULD BE HARMFUL**

Ballot Measure 30 is a confusing set of unnecessary restrictions and requirements.

It will lead to more political bickering and government gridlock. It might cost us more than it saves. It could lead to inequity among Oregon residents. It could lead to a loss of local control. And we don't need it.

Vote **NO** on Ballot Measure 30.

### WHAT DOES IT MEAN?

Ballot Measure 30 contains a host of clauses, conditions and exemptions having to do with state mandates. It leaves open the opportunity for court fights, interpretations and long debates over the meaning of mandate. It complicates state law and the interaction between the state and other jurisdictions.

### THERE'S TOO MUCH FINE PRINT

Ballot Measure 30 has layers of alternatives and options — but we don't know what the consequences **really** are. Do we want the state of Oregon telling our local governments to raise taxes on its residents? Do we want legislators costing us more in the long run? Do we want to further gridlock the legislative process that already gets bogged down? Do we want Washington, D.C. bureaucrats, such as the EPA, to take over enforcing safety standards?

- It will give us more gridlock and political fighting.
- It could force the federal government to take over.
- It could lead to more expensive legal battles.

**Keep it simple. Vote no on Measure 30.**

*(This information furnished by Ken Allen, Director, If It Ain't Broke, Don't Fix It Committee.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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.

# Measure No. 31

# Measure No. 31

Senate Joint Resolution 41—Referred to the Electorate of Oregon by the 1995 Legislature to be voted on at the General Election, November 5, 1996.

## BALLOT TITLE

### 31 AMENDS CONSTITUTION: OBSCENITY MAY RECEIVE NO GREATER PROTECTION THAN UNDER FEDERAL CONSTITUTION

**RESULT OF "YES" VOTE:** "Yes" vote limits free speech protection for "obscenity, including child pornography" to federal constitution's level.

**RESULT OF "NO" VOTE:** "No" vote retains Oregon Constitution's current right to speak freely on any subject, including obscenity.

**SUMMARY:** Amends Oregon Constitution. Oregon Constitution now protects the "right to speak, write, or print freely on any subject." The Oregon Supreme Court has held that provision protects obscenity. United States Constitution's free speech provision does not currently protect obscenity. Measure would state that "obscenity, including child pornography," may receive no greater protection than under United States Constitution. Measure thus would remove Oregon Constitution's current protection for obscenity. Measure would limit state judges' authority to interpret free speech provision as applied to obscenity, including child pornography.

**ESTIMATE OF FINANCIAL IMPACT:** No financial effect on state or local government expenditures or revenues.

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

**PARAGRAPH 1.** Section 8, Article I of the Constitution of the State of Oregon, is amended to read:

**Sec. 8. (1)** No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this right.[-]

**(2)** **Obscenity, including child pornography, shall receive no greater protection under this Constitution than afforded by the Constitution of the United States.**

**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

This measure amends the Oregon Constitution's free speech provision. Currently, Article I, section 8 of the Oregon Constitution provides that "no law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this right."

In interpreting this provision, the Oregon Supreme Court has held that obscenity is protected speech.

This measure amends the Oregon Constitution to provide that obscenity shall receive no greater protection than is provided by the Constitution of the United States. Under the Constitution of the United States, obscenity is not protected speech. This measure defines obscenity to include child pornography.

### Committee Members:

Senator Marilyn Shannon  
Representative Charles Starr  
Representative Kate Brown  
Charles F. Hinkle  
Kelly Clark

### 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 No. 31

## LEGISLATIVE ARGUMENT IN SUPPORT

This Measure will bring Oregon back in line with the rest of the United States, in terms of the opportunity to protect our homes, businesses, children and neighborhoods from sexual predators. It will reverse a controversial 1987 Oregon Supreme Court decision that any material, no matter how obscene, was protected under the "free expression" provisions of the Oregon Constitution, and could not be regulated. This meant that Oregonians could not use zoning and alcohol laws to control the location and activities of adult sex shops and nude dancing establishments, and left open the question whether we could even protect children from distribution of obscene materials.

This Measure will allow communities to zone sex shops away from churches, schools, and residential neighborhoods, and to use alcohol control laws to regulate obscene "entertainment" presented in some bars and taverns. It will also make it clear that Oregonians may restrict the distribution of obscene materials to children.

This Measure will not allow censorship of the arts or literature. The U.S. Supreme Court has ruled that the sale and distribution of "obscene" material can only be restricted if all three of the following tests are met:

1. The average person, applying contemporary community standards, would find that the work, taken as a whole, appeals to the prurient interest;
2. The work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law; and
3. The work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

With this Measure, the people of Oregon will enjoy freedom of expression, as they enjoyed it from 1859 to 1987, but they will also have the ability to protect their children and neighborhoods. We urge you to vote yes on this Measure.

**Committee Members:**

Senator Shirley Stull  
Representative Ray Baum  
Representative Kevin L. Mannix

**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 1993 Or. Laws 811 §10.)*

# Measure No. 31

## ARGUMENT IN FAVOR

**VOTE YES ON MEASURE 31 TO PROTECT YOUR NEIGHBORHOOD**

**YOUR WORST NIGHTMARE** is to have an adult sex shop move into your neighborhood — or next to your child's day care center, school, park or playground.

"Without this amendment, topless bars, adult book and video stores, and tanning businesses catering to men only can be located in any part of the city adjacent to homes, churches, community centers, and schools. Many of the [Portland] outer southeast neighborhoods are economically fragile and ripe for undesirable businesses taking advantage of lower commercial costs. Adult oriented businesses promote negative imagery and gender roles to children and adults. They have **TREMENDOUS DESTRUCTIVE POTENTIAL FOR NEIGHBORHOODS** on the brink of deterioration."

Mary Davis, Co-Chair, Brentwood-Darlington Neighborhood Association

These shops are presently exempt from zoning on the basis of being a sex shop, because it interferes with the "free expression" of sex shop owners. No other state in the continental United States has such an interpretation of "free speech" protections. **MEASURE 31 WILL BRING OREGON IN LINE WITH THE REST OF THE UNITED STATES** and allow us to write effective zoning laws and alcohol-license laws to control adult sex shops and nude dance bars.

**MEASURE 31 IS ENDORSED BY NEIGHBORHOOD GROUPS:**

Ash Creek Neighborhood Association  
Brentwood-Darlington Neighborhood Association  
Community Livability Coalition  
Kerns Neighborhood Association  
Lents Neighborhood Association  
Madison South Neighborhood Association  
Mt. Scott Park/Arlita Neighborhood Association

**MEASURE 31 IS ENDORSED BY BUSINESS GROUPS:**

Hollywood Boosters  
St. Johns Business Boosters  
Sandy Boulevard Business Association  
The Executive Club

**FORMER GOVERNOR VICTOR ATIYEH** supports Measure 31.

"The [LEAGUE OF OREGON CITIES] Board's elected officials took a position of support of...Ballot Measure 31."

*League of Oregon Cities Newsletter/August, 1996*

**OTHER CIVIC AND RELIGIOUS ASSOCIATIONS ENDORSE MEASURE 31:**

Parents Education Association  
Interstate Baptist Association  
Oregon Catholic Conference  
Oregon Family Council  
Oregon Association of American Mothers, Inc.  
Holy Trinity Greek Orthodox Church  
Oregon Women's Leadership Task Force

*(This information furnished by Susan M. Marshall, Executive Director, Safe Neighborhoods.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 31

## ARGUMENT IN FAVOR

### PORNOGRAPHY CAUSES CRIMES AGAINST WOMEN AND CHILDREN

It is legal in Oregon to sell, buy or rent adult hard-core pornography right over the counter which graphically depicts women being exploited and degraded through rape, bondage, group sex, torture, incest and bestiality.

Experts who study the effects of pornography have made some startling discoveries. The National Coalition for the Protection of Women and Children published these findings in *Research on Pornography: The Evidence of Harm*, 1989:

**FACT:**

86% of rapists studied admitted regular use of pornography, with 57% admitting actual imitation of pornography scenes in commission of sex crimes. (Dr. William Marshall, Professor of Psychology, Queens University, Ontario, Canada, 1983)

**FACT:**

Research conducted involving 36 serial murderers revealed that 81% reported pornography as one of their highest sexual interests, making it one of their most common profile characteristics. (FBI, 1985)

**FACT:**

Rapists are 15 times as likely as non-offenders to have had exposure to "hard-core pornography" during childhood or between 6 to 10 years of age. (Goldstein, Kant, and Harman, 1973)

**FACT:**

87% of molesters of girls and 77% of molesters of boys – molesters studied at Kingston Penitentiary – admitted to regular use of hard-core adult pornography. (Marshall, 1983)

**FACT:**

The number one consumer of adult hard-core pornography is adolescent boys between 12 and 17 years of age. (U.S. Attorney General's Commission on Pornography, 1986)

### THE EVIDENCE IS IN. PORNOGRAPHY HURTS WOMEN AND CHILDREN.

"[P]ornography conveys a message which is degrading to women and an affront to human dignity. Commercial pornography promotes the misuse of vulnerable people and can be used by either a perpetrator or a victim to rationalize sexual violence." (Working Group, Minnesota Attorney General's Report, Appendix B)

### VOTE YES ON MEASURE 31 TO ENSURE THAT OREGON WOMEN AND CHILDREN HAVE ALL THE PROTECTION ALLOWED BY THE U.S. CONSTITUTION.

(This information furnished by Olive Hodson, Executive Director, Oregon Women's Leadership Task Force.)

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# Measure No. 31

## ARGUMENT IN FAVOR

### LAW ENFORCEMENT SUPPORTS MEASURE 31

**MEASURE 31 WILL HELP FIGHT CRIME** in our neighborhoods. Under Oregon's current interpretation of "free expression," our officials cannot regulate adult sex shops, to the point that these businesses are virtually exempt from zoning laws. Sex shops draw sex offenders, prostituted women and "johns" into the neighborhoods.

It is not unusual to find used condoms, used syringes and sex toy packaging littering the neighborhood streets around these sex shops. This is evidence of crimes that do not even make it into the official police department statistics.

Measure 31 will assist our law enforcement officials in their efforts to control the illegal effects of the pornography industry.

**MEASURE 31 IS ENDORSED BY OREGON LAW ENFORCEMENT:**

Oregon District Attorneys Association  
Oregon Council of Police Association  
Oregon State Police Officers Association  
Sheriffs of Oregon  
Oregon Police Chiefs For Safer Communities  
Oregon Peace Officers Association  
Multnomah County Sheriff Dan Noelle

**MEASURE 31 IS ENDORSED BY OREGON COUNTY DISTRICT ATTORNEYS:****COUNTY**

Baker  
Clackamas  
Columbia  
Coos  
Deschutes  
Douglas  
Grant  
Harney  
Hood River  
Jackson  
Josephine  
Klamath  
Lane  
Linn  
Malheur  
Marion  
Morrow  
Multnomah  
Polk  
Tillamook  
Union  
Wallowa  
Wheeler

**DISTRICT ATTORNEY**

Gregory L. Baxter  
John S. Foote  
Martin A. Sells  
Paul R. Burgett  
Michael T. Dugan  
Jack L. Banta  
Edward M. Holpuch, Jr.  
Timothy J. Colahan  
John T. Sewell  
Mark Huddleston  
Timothy R. Thompson  
Edwin I. Caleb  
Doug Harderod  
Jason Carlile  
Patricia Sullivan  
Dale W. Penn  
Earl R. Woods Jr.  
Michael Schrunck  
Fred E. Avera  
William Bryan Porter  
Russell B. West  
Daniel Ousley  
Thomas W. Cutsforth

(This information furnished by Susan M. Marshall, Executive Director, Safe Neighborhoods.)

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# Measure No. 31

## ARGUMENT IN FAVOR

### WHY DO BUSINESS ASSOCIATIONS SUPPORT MEASURE 31?

We on Sandy Boulevard are painfully aware of the effects of non-regulation of hard-core pornography, obscene nude dancing and the like.

Illegal prostitution activities, used hypodermic needles, citizens being harassed by prostituted women and "johns" have been a daily occurrence on our street. Why? The glut of adult-oriented businesses in our business districts and neighborhoods.

### SINCE 1987, OREGON HAS BECOME A TARGET FOR THE LEGAL AND ILLEGAL SEX INDUSTRY.

"We rank No. 1 nationally in the type of sexual contact we allow, in the number of businesses per capita, and in the number who participate in the industry."

Retired Portland Detective Daryl Dick, *The Oregonian*, May 7, 1995

"Portland has more than 100 nude bars....Los Angeles, in contrast, has five nude bars."

Tom Bates, *The Oregonian*, May 7, 1995

"...a number of adult business-people from all over the country read our little article and either packed up, lock, stock and barrel, and moved their business to Oregon, or decided to open a branch office there."

Mark Kernes, *Adult Video News*, Issue 142, October, 1994

### OREGON HAS LAID OUT A WELCOME MAT TO ADULT BUSINESSES!

Oregon is the only state in the continental United States to interpret obscenity as "free speech". This measure would bring us in line with the federal constitution and the rest of the continental United States.

Based on our Oregon constitution, the Oregon Supreme Court threw out Portland's adult business zoning laws in 1988. As a result, we have not had the zoning laws that exist in the rest of the continental United States.

**REASONABLE AND EFFECTIVE REGULATION OF ADULT BUSINESSES IS NOT CENSORSHIP!** It is just good law for businesses and residents.

We support chronic nuisance laws, prostitution-free zones and enforcement of criminal laws. However, it is not enough.

### MEASURE 31 IS REASONABLE AND NECESSARY.

(This information furnished by Ed Baldwin, President, Sandy Boulevard Business Association.)

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# Measure No. 31

## ARGUMENT IN FAVOR

### LOCAL OFFICIALS SUPPORT MEASURE 31

Businesses and jobs are very important to communities. The last thing we want to do is to hurt business. At least 14 major **LAND USE STUDIES** across the country have **DOCUMENTED** the **HARM** that the **LOCATION OF SEX SHOPS** have on healthy business districts and livable neighborhoods. Commercial and residential property values decrease as crime increases.

**MEASURE 31 IS NOT ABOUT GOVERNMENT CENSORSHIP.** Our key protection against censorship is the First Amendment of the United States Constitution. By bringing Oregon in line with the federal constitution, we are guaranteed that U.S. First Amendment standards will be honored in Oregon.

Measure 31 simply **ALLOWS OREGON TO USE THE SAME STANDARDS** as the rest of the **UNITED STATES** in regulating obscene material in adult sex shops.

"The [Tigard City] Council agreed by consensus to endorse Ballot Measure 31."

*Tigard City Council Meeting Minutes, May 14, 1996*

### THE OREGON MAYORS ASSOCIATION ENDORSES MEASURE 31.

#### MAYORS ENDORSE MEASURE 31:

##### CITY/TOWN

Athena  
Aumsville  
Beaverton  
Brookings  
Florence  
Grants Pass  
Gresham  
Hillsboro  
Huntington  
King City  
LaGrande  
Medford  
Milwaukie  
Milton Freewater  
Springfield  
Talent  
Tualatin  
Troutdale  
Umatilla  
Vale  
West Linn  
Wilsonville

##### MAYOR

Mark R. Seltmann  
Harold L. White  
Rob Drake  
Tom Davis  
Roger W. McCorkle  
Gordon S. Anderson  
Gussie McRobert  
Gordon Faber  
Billy E. Howland  
Jack Kloster  
Gary O. Hathaway  
Jerry Lausmann  
Craig J. Lominicki  
Mary Nicholson  
Bill Morrisette  
Frank D. Falsarella  
Lou Ogden  
Paul Thalhofer  
George A. Hash  
Rhonda L. Bernard  
Jill Thorn  
Gerald A. Krummel

### VOTE YES ON MEASURE 31

(This information furnished by Susan M. Marshall, Executive Director, Safe Neighborhoods.)

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# Measure No. 31

## ARGUMENT IN FAVOR

### OREGON LEGISLATORS SUPPORT MEASURE 31

**MEASURE 31 IS GOOD FOR ALL OF OREGON – URBAN, SUBURBAN AND RURAL.** The only people it will hurt are adult sex shop owners who insist on the unrestricted right, under "free expression" arguments, to locate their shops next to churches, synagogues, schools and playgrounds; drive down property values; and attract sexual predators and prostitution activities into neighborhoods.

Since 1987, Oregon courts have struck down obscenity and zoning restrictions, all under the guise of "greater" free speech protection in Oregon. **NO OTHER STATE** in the continental United States **SUFFERS FROM SUCH A LIMITATION** on its ability to protect neighborhood livability.

Measure 31 will bring a balance back to Oregon. **FREE SPEECH WILL BE PROTECTED** under the Oregon and U.S. Constitutions while still allowing us the same regulatory powers of zoning and alcohol licensing laws, as to adult sex shops and nude dance bars, that are available in other states.

**A BI-PARTISAN MAJORITY** of Oregon's state representatives and senators **REFERRED MEASURE 31** to the people for a vote, to return our constitution to reasonable standards which existed in Oregon until 1987.

### THE FOLLOWING STATE LEGISLATORS ENDORSE MEASURE 31:

<b>SENATORS</b>	<b>REPRESENTATIVES</b>	<b>REPRESENTATIVES</b>
Ken Baker	Ron Adams	Lisa Naito
Gene Derfler	Ray Baum	Carolyn Oakley
Lenn Hannon	Chuck Carpenter	Eileen Qutub
Tom Hartung	Bev Clarno	Lynn Snodgrass
Bill Kennemer	Tony Corcoran	Ken Strobeck
John Lim	Bill Fisher	Veral Tarno
Gordon Smith	Kevin Mannix	Liz VanLeeuwen
Shirley Stull	Randy Miller	John Watt
Greg Walden	Bob Montgomery	Larry Wells
Mae Yih		

(This information furnished by Kevin L. Mannix, Treasurer, Safe Neighborhoods.)

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# Measure No. 31

## ARGUMENT IN FAVOR

### WE NEED MEASURE 31 TO BETTER PROTECT WOMEN AND CHILDREN

"I've lived in prison for a long time now and I've met a lot of men who were motivated to commit violence just like me and without exception every one of them was deeply involved in pornography. Without question, without exception, deeply influenced and consumed by addiction to pornography."

Serial Killer Ted Bundy, *Fatal Attraction* video, 1989

"[E]xposure to sexually violent materials has indicated an increase in the likelihood of aggression. Research shows a causal [i.e. cause-and-effect] relationship between exposure to this material and aggressive behavior toward women."

*Final Report of the Attorney General's Commission on Pornography*, 1986

### OREGON'S CONSTITUTION PREVENTS US FROM DOING ANYTHING ABOUT THIS DANGEROUS INDUSTRY.

The 1987 *State v. Henry* ruling contradicted the U.S. standard and protected obscenity as free speech in Oregon, thus denying Oregonians the right other states have to regulate it. Here are some results:

"[A]bsolute free speech did not bring an influx of free thinkers or an artistic revolution. It produced an avalanche of smut."

Tom Bates, *The Oregonian*, May 7, 1995

"Oregon is known for its livability. It's also known for its sleaze. In fact, some refer to our green state as 'the sleaze capital of the U.S.'"

*Southeast Examiner*, May 1994

"Portland's raunch is prolific, profitable and protected by law.... Though there are no official statistics, local police and industry experts say there are more nude dancing bars per capita in Portland than in any other city in the United States."

Rachel Zimmerman, *Willamette Week*, April 28, 1993

**IT IS ABSOLUTELY ESSENTIAL** that the Oregon Constitution be restored to its pre-1987 standard and the standard of the U.S. Constitution.

**VOTE YES ON MEASURE 31** to ensure reasonable regulation of a dangerous industry.

(This information furnished by Louise R. Shaw, Assistant Director, Oregon Women's Leadership Task Force.)

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# Measure No. 31

## ARGUMENT IN OPPOSITION

### LIBRARIANS OPPOSE MEASURE 31

Measure 31 would wreak havoc on Oregon libraries and their ability to serve their users. That is the best professional judgment of the Oregon Library Association.

By restricting the Oregon Constitution's present strong free-speech protections, Measure 31 would allow our state's 240 cities and 36 counties to define, individually, their own obscenity laws based on their local standards.

Acceptable legal language in one community might be rejected as unsuitable by Oregonians in another part of the state. The resulting anarchy in laws governing free speech would cast a shadow of confusion and uncertainty over library services throughout Oregon.

Our public libraries and their services to patrons have been built over the years on a bedrock of free speech protections in Article 1, Section 8 of the Oregon Constitution.

Oregon's founding fathers believed deeply in free speech, and the Bill of Rights they drafted is even stronger than the federal protections. They believed that an informed citizenry is the essential element of a democracy, and that unhampered access to information was, therefore, absolutely vital.

On that premise, Oregon libraries have planned their collections to serve the widest possible population of Oregonians. Because of that breadth, though, every library has some materials that might upset someone. We are a diverse people.

But that very diversity--now a strength--could become a fatal weakness without strong free speech protections. Splinter groups in our society would be free to challenge books in a library that didn't agree with their particular moral view. Interlibrary lending would suffer from uncertainty because of differing local laws governing obscenity. Selection of new books and other materials would be subject to influence from narrow pressure groups.

Whatever its intended purpose, Measure 31 poses a deep and serious threat to the integrity and democratic mission of our public libraries. We in the Oregon Library Association urge our friends and patrons to protect our traditional values and vote no on Measure 31.

*(This information furnished by Edward House, Oregon Library Association.)*

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# Measure No. 31

## ARGUMENT IN OPPOSITION

### **NO ON MEASURE 31**

### **PROTECT KIDS AND RIGHTS**

A broad based coalition has formed to defeat Measure 31. Endorsements for the No on Measure 31 campaign include elected officials of both political parties from statewide office, city and county commissioners, and state senators and representatives; arts organizations, human rights advocates, booksellers, librarians, music retailers, film and video stores, publishers, galleries, writers, religious leaders, business people and newspapers throughout the state.

Measure 31 will do nothing to protect our children. Measure 31 is about censorship.

### **RULING REMOVES NEED FOR MEASURE**

"Oregon's prosecutors do not have to stand by passively as pornographers profiteer on sex crimes against children. That is the essence of the Oregon Supreme Court's welcome decision in State v. Stoneman.

"Oregon voters wisely rejected Measure 19 in 1994. That was an effort to overthrow the Oregon Constitution's free-speech provisions, protections and precedents in favor of local control in each of the state's 240 cities and 36 counties.

"...Oregonians accurately saw through the campaign's shallow fear tactics to conclude that we don't have to gut the Oregon Bill of Rights to fight child pornography

"Measure 31, a successor to Measure 19, will be on the November ballot.... Suffice it to say, the major reason many of the measure's supporters backed it two years ago -- fear of child pornography running wild --has disappeared.

"What is left reeks suspiciously of the culture police prowling book shops, art galleries and video-rental stores searching for anything that trips across fuzzy, shifting lines of local moral purity and tolerance"

--*The Oregonian*, July 20, 1996

**"We should thank the court, reject the measure, and keep the constitution uncluttered and clean."**

--*Albany Democrat Herald*, August 20, 1996

### **NO CENSORSHIP - NO ON MEASURE 31**

*(This information furnished by David Factor, No Censorship - No On Measure 31 Committee.)*

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# Measure No. 31

## ARGUMENT IN OPPOSITION

### MEASURE 31 IS ABOUT CENSORSHIP

#### DON'T BE FOOLED

Measure 31 is deceptive: it sounds so simple. **It would, however, permit all 276 cities and counties in Oregon to adopt local restrictions on "obscenity"**, potentially creating a huge number of local censorship laws, **each one different from the other.**

This measure would leave arts organizations and businesses open to criminal and civil prosecutions should any of their material be alleged to be obscene.

The threat of self-appointed guardians of public virtue is as real today as it was in 1947, when police censor Charles Snyder said, "Lady, I don't care what kind of prize he's won, he can't put on a dirty show in my town." The "he" was Eugene O'Neill; the prize was the Nobel Laureate for Literature; and, the show was *A Moon for the Misbegotten*. **Our scarce police resources should not be used investigating allegations of "dirty" words and pictures.**

Measure 31 suggests that it is a measure designed to curtail child pornography -- a noble cause that we support. **However, the Oregon Supreme Court recently upheld Oregon's tough child pornography laws.** Repealing a portion of the Oregon Bill of Rights is not necessary to solve any child pornography problems -- but it would have a chilling effect on the arts and business by encouraging challenges to books, music, plays, and art.

#### WE OPPOSE CENSORSHIP IN ANY GUISE

Government should not be in the position of deciding what artists can and cannot express and what audience members can and cannot see.

Join us in voting NO on Measure 31.

Oregon Shakespeare Festival; Tom Potter, Former Portland Police Chief; Sen. Ron Cease; Sen. Shirley Gold; Right To Privacy PAC; Cheryl Perrin; Rep. Kate Brown; Rep. Kitty Piercy; Rabbi Emanuel Rose, Temple Beth Israel; Beverly Stein, Multnomah County Chairperson; Ellen Lowe; Commissioner Mike Lindberg; Rep. Avel Gordly; Rep. Floyd Prozanski

(This information furnished by David Factor, No Censorship - No On Measure 31 Committee.)

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# Measure No. 31

## ARGUMENT IN OPPOSITION

### SUPPORT THE ARTS VOTE NO ON MEASURE 31

Ballot Measure 31 imperils artistic freedom in Oregon. Measure 31 allows the government to decide for citizens what is "obscene". Government has a history of censorship. Here are some titles which have been attacked:

**BOOKS:** *One Flew Over the Cuckoo's Nest, Canterbury Tales, The Grapes of Wrath, Oliver Twist, Lysistrata, A Farewell to Arms, The Color Purple, Paradise Lost.*

**MOVIES:** *Gone With the Wind, Howard's End, Pretty Woman, Romeo and Juliet, Splash, Cape Fear, Birth of a Nation, Maltese Falcon.*

**THEATRICAL WORKS:** *A Midsummer's Night Dream, M. Butterfly, Equus, Angels in America.*

**ARTWORK:** Michelangelo's statue of *David* and fresco *Last Judgment*, Goya's *Maja Desnuda*, Manet's *Olympia*, Rodin's *Thinker*.

Should it be a crime for Oregonians to read, see or hear these works? Measure 31 would allow all 276 Oregon cities and counties to define what has redeeming artistic merit, and what is obscenity.

**The government -- not you, and your family -- will decide what you can see, read or hear, even in the privacy of your own home!**

Oregonians would get nothing in return for the sacrifice of this constitutional right, not even better protection of our children. We support the state's strict laws against child pornography, which were recently upheld by the Oregon Supreme Court.

**Decide for yourself what you and your family may read, see or hear.**

#### VOTE NO ON MEASURE 31

Oregon Advocates for the Arts, Regional Arts and Culture Council, Portland Repertory Theatre, Portland Center Stage, Video Software Dealers Association (Oregon/SW Washington), James Canfield, Elizabeth Leach, Kristy Edmunds, Victoria Frey Quartersaw Gallery

(This information furnished by David Factor, No Censorship - No On Measure 31 Committee.)

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# Measure No. 31

# Measure No. 31

## ARGUMENT IN OPPOSITION

### ORGANIZATIONS FIGHTING FOR WOMEN'S RIGHTS OPPOSE MEASURE 31

As organizations who care about women and children, we oppose Measure 31.

Oregon already has strict laws against child pornography. Measure 31 will do nothing to strengthen these laws.

Measure 31 will create the kinds of censorship laws that do not help women and children. Instead they have a long history of being used against women. Measure 31 is about government censorship.

- Books for and about women, such as *Our Bodies Ourselves*; *Are You There, God - It's Me, Margaret*; *The Color Purple*; and *The Diary of Anne Frank* are the target of censorship in places with obscenity laws like Measure 31.
- Information about birth control has been banned under "obscenity" laws. Margaret Sanger (founder of Planned Parenthood) is just one woman who was arrested for discussing birth control.
- Pornography critic Andrea Dworkin supported a new law in Canada which censors certain materials deemed obscene. She has since had her own books seized by customs officials under the new law.
- Men who use the excuse "porn made me do it" for their crimes should be held fully accountable for their actions and not pass off the blame.

### CENSORSHIP HURTS WOMEN

The personal experiences of women and their efforts to improve their lives have been censored for decades as obscene or pornographic.

Personal accounts of women and children who are victims of sexual and physical violence are the most frequently censored. One example is Maya Angelou's book *I Know Why the Caged Bird Sings* which censors tried to ban in 6 different states last year.

**Join Us in Protecting Women's Rights  
Don't Open the Door to Widespread Censorship  
VOTE NO ON MEASURE 31.**

ACLU of Oregon  
American Association of University Women of Oregon  
Feminists for Free Expression  
The Lesbian Community Project  
Judith Armatta, Legal Counsel, Oregon Coalition Against  
Domestic and Sexual Violence

(This information furnished by David Factor, No Censorship - No On Measure 31 Committee.)

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## ARGUMENT IN OPPOSITION

### DEFEND YOUR RIGHTS TO FREE SPEECH DEFEAT CENSORSHIP IN OREGON!

"No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this right."

*Article I, section 8, Oregon Constitution*

### MEASURE 31 TAKES AWAY YOUR RIGHTS TO FREE SPEECH

For 137 years the Oregon Constitution has protected the rights of its citizens to speak, write, and print their ideas. If passed, Measure 31 will take away your current constitutional guarantee of free speech. It will allow every Oregon city and county --all 276 of them-- to enact different laws about what you can read, write, say, print, paint, photograph, film, look at, sing, or dance - EVEN IN YOUR OWN HOME.

### MEASURE 31 AUTHORIZES TAXPAYER FUNDED GOVERNMENT CENSORSHIP.

Your tax dollars will pay for the enactment and enforcement of new censorship laws, just as your tax dollars are being spent on this ballot measure now. Do you want to pay for the government to censor what materials you can access?

### MEASURE 31 DOES NOTHING TO STOP CHILD PORNOGRAPHY

Measure 31 will do NOTHING to strengthen Oregon's current forceful laws against child pornography. The 1995 legislature strengthened Oregon's already tough laws against the distribution, sale, manufacture, and possession of child pornography. The Oregon Supreme Court recently confirmed that there is nothing in the free speech provision of the Oregon constitution which prevents the vigorous prosecution of child pornographers.

### OREGON DOESN'T NEED CENSORSHIP.

### VOTE NO ON MEASURE 31.

Michael Powell, Powell's Books  
Pacific Northwest Booksellers  
Association  
PEN Northwest  
Caryn Brooks, Borders Books  
and Music  
Sheila Burns, Bloomsbury Books

Tower Books  
Hungry Head Books  
J. Michaels Books  
The Book Mark

(This information furnished by David Factor, No Censorship - No On Measure 31 Committee.)

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# Measure No. 31

## ARGUMENT IN OPPOSITION

### VOTE NO ON CENSORSHIP

### VOTE NO ON MEASURE 31

If Measure 31 passes, the government -- not the individual -- could decide what Oregonians read, see, hear and say, even in the privacy of their own homes.

### **Oregonians will be stripped of 137 years of free expression rights.**

Measure 31 can make possession of "obscene" materials a felony crime. Under this kind of law, adults reading *The Diary of Anne Frank*, *One Flew Over the Cuckoo's Nest*, *To Kill a Mockingbird* or even the children's book *In the Night Kitchen* -- books already labeled obscene in states with similar laws -- can be **charged with a crime for reading them in their own homes.**

Here are the facts about Measure 31:

- Oregonians are asked to surrender their own good judgment to the government.
- Police could be allowed to intrude on the sanctity of private homes in Oregon if possession of obscene materials is made a crime.
- Each city and county government in Oregon could establish its own definition of obscenity.
- Censorship would be enforced at taxpayer expense.

**Measure 31 would erode Oregon's Bill of Rights without strengthening the state's already strict child pornography laws.** Our present laws already prohibit anyone using a child in a display of sexually explicit conduct, encouraging child sex abuse, visually recording sexual conduct by a child, possessing these kinds of depictions, transporting child pornography into the state, manufacturing or distributing child pornography. **The Oregon Coalition for Free Expression supports these tough laws.**

The Oregon Coalition for Free Expression, an organization comprised of individuals, and organizations representing bookseller, artists, librarians, publishers, and neighborhood video stores, urges Oregonians to hold fast to their right to be free from censorship in what they read, see, and hear.

**Say no to censorship. Vote no on Measure 31.**

*(This information furnished by David Factor, No Censorship - No On Measure 31 Committee.)*

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# Measure No. 32

# Measure No. 32

Proposed by referendum petition to be voted on at the General Election, November 5, 1996.

## BALLOT TITLE

### **32 AUTHORIZES BONDS FOR PORTLAND REGION LIGHT RAIL, TRANSPORTATION PROJECTS ELSEWHERE**

**RESULT OF "YES" VOTE:** "Yes" vote authorizes lottery bonds for Portland region light rail, transportation projects outside Portland region.

**RESULT OF "NO" VOTE:** "No" vote rejects lottery bonds for Portland region light rail, transportation projects outside Portland region.

**SUMMARY:** Permits state to issue lottery revenue bonds to fund the following, plus costs and reserves: (1) \$375 million of state's share of cost to build Portland region "South North light rail"; and (2) \$115 million of separate \$375 million "Transportation Equity Account," payable to cities and counties for transportation projects outside Portland region. \$260 million of Transportation Equity Account funded by general fund and other sources. Unobligated net lottery proceeds repay bonds. Bonds cannot be sold unless federal light rail matching funds available. Other provisions.

**ESTIMATE OF FINANCIAL IMPACT:** The measure provides \$750 million funding for transportation projects throughout Oregon. The measure authorizes the sale of Lottery-backed revenue bonds with a principal sum of up to \$490 million, plus bond issuance costs and reserves. Up to \$375 million of the bonds will be used to finance the State's commitment toward construction of the South North Light Rail Line. Total Tri-Met expenditures from all sources, including federal funds, for the South North light rail project would be up to \$1.5 billion. \$115 million of the bonds will be used to finance city and county transportation projects outside the Portland metropolitan region. The bonds, plus interest, will be repaid through a Lottery revenue allocation of \$21.8 million per year beginning in 1999, and increasing to \$33.8 million per year beginning with the year in which the South North Lottery-backed revenue bonds are sold. If issued at current interest rates, for each \$100 million in 20-year Lottery-backed revenue bonds total interest costs are estimated at \$64.4 million. In addition, state General Fund revenues of \$110 million will be available over a ten year period for city and county transportation projects outside the Portland metropolitan region. Local governments in the Portland metropolitan region will provide \$150 million from various sources, including federal transportation funds, for cities and counties outside the Portland metropolitan region to spend on transportation projects over a ten year period.

#### **A BILL FOR AN ACT**

Relating to the funding of transportation projects; creating new provisions; repealing ORS 197.587, 391.160, 391.165, 391.170, 391.175, 391.180, 391.185, 391.190, 391.195, 391.200, 391.205, 391.210, 391.215, 391.220, 391.225, 391.230 and 391.235 and sections 10, 16, 16a, 16c, 17, 18, 31a and 31b, chapter 3, Oregon Laws 1995 (special session); appropriating money; and declaring an emergency.

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

**SECTION 1. (1) The Legislative Assembly finds that:**

(a) The development, acquisition and construction of light

rail systems and their attendant rights of way, equipment and facilities in the urban and metropolitan areas of the State of Oregon do and will accomplish the purpose of creating jobs and furthering economic development in Oregon by, among other advantages:

(A) Providing an important element of the public infrastructure that provides the basic framework for continuing and expanding economic activity in this state;

(B) Increasing the economy and efficiency of public transportation, improving the attractiveness of urban and metropolitan areas to new businesses and supporting the operations and prosperity of existing businesses in those areas by making those businesses more accessible to their customers and employees;

(C) Alleviating the inefficiencies of congestion and crowding associated with, and reducing the burdens of expansion and maintenance of, existing public transportation systems and facilities, as well as reducing energy consumption and air pollution fostered by the use of motor vehicles;

(D) Creating employment opportunities in urban and metropolitan areas through the funding of projects for the development and construction of the light rail systems; and

(E) Generating significant new state and local income tax revenues through jobs and other economic development created by construction and operation of the South North Line light rail project.

(b) Additionally, the provision of state and local moneys for the proposed South North Line light rail project will encourage the contribution of otherwise unavailable federal matching grant moneys, the use of which will, for the reasons stated in paragraph (a) of this subsection, forward the purpose of creating jobs and furthering economic development in Oregon.

(c) Based on the legislative findings described in this section, the use of net proceeds from the operation of the state lottery for the support of the South North Line light rail project is an appropriate use of state lottery funds under section 4, Article XV of the Oregon Constitution and ORS 461.510.

(d) Payment of this state's share of the cost of expanding the regional light rail system constitutes this state's primary commitment to the funding from lottery revenues of economic development projects in Clackamas, Multnomah and Washington Counties with state lottery funds.

(e) The development of light rail projects in Clackamas, Multnomah and Washington Counties will reduce the need in those counties for construction of new highways funded with state highway funds.

(f) It is the intent and policy of the Legislative Assembly to ensure the funding and support of the South North Line light rail project in the manner provided in sections 1 to 25 of this Act, to the extent required for the state to realize the benefit of all federal matching funds made available for that project, and to the extent necessary to complete the project.

(g) At the May 16, 1995, Special Election, the voters of the State of Oregon approved Measure No. 21, an amendment to section 4, Article XV, Oregon Constitution, which requires the appropriation of sufficient amounts from the net proceeds of the State Lottery to pay lottery bonds before net proceeds of the State Lottery may be appropriated for any other purpose.

(h) In the autumn of 1995, the Congress of the United States commenced its legislative process for authorizing various mass transit projects throughout the nation, including the South North Line. In order to be in a position to obtain the needed commitment of federal matching funds for the South North Line, it is necessary for this state to provide, prior to the completion of such federal legislative process, for the commitment of the state lottery funds needed for this state's share of the costs of the South North Line

## Measure No. 32

and to make provision for the prompt final judicial resolution of all constitutional challenges to sections 1 to 25 of this Act.

(2) The Legislative Assembly declares that the purpose of sections 1 to 25 of this Act is to establish a state revenue bond program to provide the state's share of the cost of the South North Line. The bonds authorized by sections 1 to 25 of this Act shall be revenue bonds only, and the obligation of the state with respect to the bonds, including any interim financing obligations, and with respect to any grant agreement or pledge authorized by sections 1 to 25 of this Act shall at all times be restricted to the availability of unobligated net lottery proceeds, any appropriated funds and any other moneys lawfully credited to the South North Construction Fund and the Light Rail Bond Fund. Neither the faith and credit of the state, nor any of its taxing power, shall be pledged or committed to the payment of bonds, including any interim financing obligations, or any grant agreement, pledge or other commitment or covenant of the state authorized by sections 1 to 25 of this Act.

**SECTION 2.** As used in sections 1 to 25 of this Act, unless the context requires otherwise:

(1) "Appropriated funds" for a particular fiscal year means the funds specifically appropriated or otherwise specifically made available by the Legislative Assembly or the Emergency Board, as the case may be, acting in its sole discretion, in the fiscal year to replenish reserves established as additional security for light rail lottery bonds pursuant to the authority granted in section 7 of this Act.

(2) "Dedicated lottery revenues" for a particular fiscal year means an amount of unobligated net lottery proceeds equal to \$31.8 million until South North lottery bonds are sold and \$43.8 million thereafter minus the amount of lottery revenues that are required under ORS 391.125 (1) to be transferred in that fiscal year to the Regional Light Rail Extension Bond Account for the purpose of paying when due the principal of and interest on the Westside lottery bonds.

(3) "Department" means the Department of Transportation.

(4) "Director" means the Director of Transportation of the State of Oregon.

(5) "Financing obligations" means any bonds, notes, commercial paper or other obligations for money borrowed issued by or on behalf of Tri-Met for the purpose of financing any of the costs of designing, acquiring, constructing and equipping the South North Line, including the obligations of Tri-Met under any municipal bond insurance policy, letter of credit, line of credit, surety bond or other credit enhancement or liquidity device given to secure or provide liquidity for any such bonds, notes, commercial paper or other obligations.

(6) "Grant agreement" means any agreement entered into by the director and Tri-Met pursuant to section 3 (2) of this Act.

(7) "Light Rail Bond Fund" means the account created pursuant to section 5 of this Act.

(8) "Light rail lottery bonds" means:

(a) Any refunding lottery bonds;

(b) All South North lottery bonds; and

(c) Any bonds issued to refund any of the bonds described in paragraph (a) or (b) of this subsection.

(9) "Metro" means the metropolitan service district created under ORS chapter 268 and exercising home rule charter powers.

(10) "Refunding lottery bonds" means any bonds issued for the purpose of refunding any Westside lottery bonds.

(11) "South North Line" means the line extending Tri-Met's regional light rail system between the vicinity of the intersection of SE Sunnyside Road and I-205 in Clackamas County, Oregon, to Clark County, Washington, including each phase and each segment thereof and all portions

## Measure No. 32

thereof located within and without the State of Oregon, as set forth in the Regional Transportation Plan adopted by Metro as such plan may be amended from time to time.

(12) "South North lottery bonds" means the bonds authorized to be issued under section 7 (1) of this Act for the purposes of funding essential transportation projects through the Transportation Equity Account established under section 12 of this Act and of funding the state's share of the cost of the South North Line. The term includes any interim financing obligations issued to provide interim financing for this state's share of the costs of the South North Line pending the issuance of long-term South North lottery bonds.

(13) "Tri-Met" means the Tri-County Metropolitan Transportation District of Oregon, a mass transit district created under ORS chapter 267.

(14) "Unobligated net lottery proceeds" means all revenues derived from the operation of the state lottery except for:

(a) The revenues used for the payment of prizes and the expenses of the state lottery as provided in section 4 (4)(e), Article XV of the Oregon Constitution, ORS 461.500 (2) and 461.510 (3) and (4);

(b) The revenues required to be applied, distributed or allocated as provided in ORS 461.543; and

(c) The revenues allocated to the Regional Light Rail Extension Construction Fund pursuant to ORS 391.140 that are required under ORS 391.125 (1) to be transferred to the Regional Light Rail Extension Bond Account for the purpose of paying when due the principal of and interest on the Westside lottery bonds.

(15) "Westside lottery bonds" means the bonds issued by the state pursuant to the authority granted in ORS 391.140, but not including any refunding lottery bonds.

(16) "Portland metropolitan region" means the area within the urban growth boundary established by Metro as that boundary existed on July 1, 1995.

**SECTION 3.** (1) The South North Construction Fund, separate and distinct from the General Fund, is established in the State Treasury. The following funds are appropriated continuously to the Department of Transportation, and may be expended by the department for the purposes of paying the costs of the preliminary engineering, final design, advanced right of way acquisition or construction and acquisition of equipment and facilities of the South North Line:

(a) All moneys on deposit from time to time in the South North Construction Fund, including investment earnings thereon; and

(b) All dedicated lottery revenues in a particular fiscal year that are not required to be deposited into the Light Rail Bond Fund pursuant to section 5 (1) of this Act for the purpose of paying the principal of and interest on the light rail lottery bonds coming due in such fiscal year, including any such dedicated lottery revenues that are required to be, but have not yet been, transferred to the South North Construction Fund. Moneys in the South North Construction Fund may be expended for South North Line purposes by application of such moneys to pay amounts committed to be paid under all grant agreements entered into between the Director of Transportation and Tri-Met pursuant to this section and the expenses of the department in administering the South North Construction Fund and the Light Rail Bond Fund. If required to pay principal of or interest on light rail lottery bonds as those obligations become due and payable, moneys in the South North Construction Fund may be transferred to the Light Rail Bond Fund for the purpose of making such payments. Interest and earnings received on moneys credited to the South North Construction Fund shall accrue to and become part of the South North Construction Fund. Interest and earnings received on moneys credited to

## Measure No. 32

the Light Rail Bond Fund shall accrue to and become part of the Light Rail Bond Fund.

(2) The director may enter into grant agreements with Tri-Met that commit the department to pay anticipated funds from the South North Construction Fund to Tri-Met for the purpose of financing the costs of the first construction segment of the South North Line, including servicing any financing obligations, which grant agreements may, subject to the provisions of this section, provide for the remittance of such funds on such periodic basis, in such amounts, over such period of years and with such priority over other commitments of such funds as the director shall specify in the grant agreements. The total amount committed under such grant agreements shall be limited to the amount of \$375 million that may be made available to pay the costs of the first construction segment of the South North Line exclusive of the department's administrative expenses. Notwithstanding any other provision of law to the contrary, such grant agreements may provide for the remittance to Tri-Met of funds from the South North Construction Fund at the earliest possible dates upon which such funds are available to the department and are needed by Tri-Met to pay the costs of the South North Line, all without regard to any specified percentage of the state's share of the total South North Line project costs or the proportion of funds theretofore advanced, or to be then advanced, from the South North Construction Fund in relation to the funds advanced from other federal, state or local sources to pay South North Line project costs. Any such grant agreements, when executed by the director and accepted by Tri-Met, shall be solely conditioned upon actual funds available in the South North Construction Fund and shall be valid, binding and irrevocable in accordance with its terms, subject only to the availability of funds in the South North Construction Fund. Tri-Met may pledge its right to receive moneys under any grant agreement as security for any financing obligations issued to finance any of the costs of designing, acquiring, constructing and equipping the South North Line, which pledge shall be valid and binding upon Tri-Met, the department and all other persons from the date made, the rights so pledged shall be immediately subject to the lien of such pledge without physical delivery, filing or other act, and the lien of such pledge shall be superior to all other claims and liens of any kind whatsoever. Upon notice from Tri-Met that it has so pledged its right to receive moneys under any grant agreement, the department shall fully cooperate with Tri-Met and the pledgee to give effect to such pledge, including but not limited to acknowledging in writing to Tri-Met and the pledgee the existence and validity of such pledge and agreeing to the payment of any moneys due under the terms of the subject grant agreement into such custodian account or accounts as shall be specified under the terms of such pledge.

(3) Notwithstanding any grant agreement entered into by the director under subsection (2) of this section, no moneys shall be expended from the South North Construction Fund for the preliminary engineering, final design, advanced right of way acquisition or construction and acquisition of any segment of the South North Line unless the director determines:

(a) That all state and local approvals are in place for the segment of the South North Line for which funding is being sought;

(b) That assurances are in place for obtaining all moneys, other than moneys for which the determination is being made, necessary to enable completion of the segment of the South North Line for which funding is being sought and that Tri-Met has agreed to provide an amount of money at least equal to that being provided by the South North Construction Fund to pay the costs of the segment of the South North Line for which funding is being sought;

## Measure No. 32

(c) With respect to the segment of the South North Line for which funding is being sought, that the body of local officials and state agency representatives designated by Metro and known as the Joint Policy Advisory Committee on Transportation has certified that the segment of the South North Line is a regional priority; and

(d) With respect to construction of any segment of the South North Line, the elements of the project that are designated for state participation and an estimated total amount of the state's funding obligation.

(4) When the actual expenditures for a segment of the South North Line fall short of the estimated expenditures for such segment, those moneys that are not required for that segment of the project shall remain in the South North Construction Fund for use in completing other segments of the South North Line.

(5) On or before August 31 in each year, the director shall certify to the Governor and the State Treasurer whether or not there existed, as of the end of the immediately preceding fiscal year, an unobligated balance of dedicated lottery revenues in the South North Construction Fund. If the director certifies that there existed such an unobligated balance of dedicated lottery revenues, an amount equal to the unobligated balance of such dedicated lottery revenues as of the end of the immediately preceding fiscal year shall revert to the Administrative Services Economic Development Fund created by ORS 461.540, and the State Treasurer shall credit such amount to that fund on or before the September 15 next following the date of the certification by the director.

(6) The director shall certify the unobligated balance of dedicated lottery revenues in the South North Construction Fund, and that unobligated balance of dedicated lottery revenues shall revert to the Administrative Services Economic Development Fund if the director determines that the South North Line has been completed and such project has been accepted by the department, and all claims, suits and actions arising out of such project that could create a liability payable out of the moneys in the South North Construction Fund have been resolved.

(7) For purposes of subsections (5) and (6) of this section, dedicated lottery revenues in the South North Construction Fund shall be obligated to the extent such moneys are needed to fund the amounts committed to be paid in the current or any future fiscal year under any grant agreement entered into by the director under subsection (2) of this section, to pay debt service on any light rail lottery bonds or to pay the expenses of the department in administering the South North Construction Fund and the Light Rail Bond Fund.

(8) The department may deduct from the South North Construction Fund the costs associated with administering the South North Construction Fund and the Light Rail Bond Fund.

**SECTION 4.** Notwithstanding any other provision of law, nothing shall prevent the Legislative Assembly from subsequently dedicating other moneys to be deposited in the South North Construction Fund to be used to pay for the costs of the South North Line, including but not limited to moneys derived from:

(1) The sale of property, interests in property or development rights, including the sale of concession rights and franchises;

(2) Gifts, donations, grants, equity contributions, royalties, concession fees, franchise fees or other fees, taxes, impositions, revenues, tolls, charges, assessments, levies, surcharges, impositions, duties, tariffs or other revenues; or

(3) Moneys that under an agreement with any governmental unit or private person or entity, are required to be deposited in the South North Construction Fund.

**SECTION 5.** (1) The Light Rail Bond Fund is created as a fund separate and distinct from the General Fund. In

## Measure No. 32

connection with the issuance of any light rail lottery bonds, the State Treasurer may establish such reserves as are deemed necessary or appropriate in order to provide additional security therefor, which reserves shall be held to the credit of an appropriate account of the Light Rail Bond Fund. The State Treasurer may provide that all or any portion of the Light Rail Bond Fund, or any account therein, shall be held by a trustee, and may enter into agreements with the trustee regarding the use and application of the amounts held in the Light Rail Bond Fund and accounts therein. Subject only to the availability of unobligated net lottery proceeds, in each fiscal year in which any amounts of principal or interest are due and payable on any light rail lottery bonds, there shall be transferred to the Light Rail Bond Fund or the appropriate reserve account therein the amounts of unobligated net lottery proceeds required by section 6 (2)(a) and (b) of this Act, the net proceeds of any light rail lottery bonds or interim financing obligations issued for the purpose of refunding any outstanding interim financing obligations and any appropriated funds.

(2) All moneys on deposit from time to time in the Light Rail Bond Fund together with all investment earnings thereon, are continuously appropriated to the payment of the light rail lottery bonds. All investment earnings on moneys on deposit from time to time in the Light Rail Bond Fund shall be retained in that account and applied to pay the principal of and interest on the light rail lottery bonds.

**SECTION 6.** (1) Subject only to the availability of unobligated net lottery proceeds, in each fiscal year beginning with the fiscal year commencing July 1, 1999, there shall be allocated from the Administrative Services Economic Development Fund created by ORS 461.540 an amount of unobligated net lottery proceeds that will equal:

(a) The dedicated lottery revenues for such fiscal year; plus

(b) Such additional amount as shall be required to restore withdrawals from any reserve account for light rail lottery bonds established pursuant to the authority granted in section 5 (1) of this Act to the extent such withdrawals result in the amount on deposit in such reserve account being less than the amount the state has covenanted to maintain therein.

(2) The amounts of unobligated net lottery proceeds allocated from the Administrative Services Economic Development Fund pursuant to this section shall be transferred as follows and in the order of priority indicated:

(a) First, there shall be transferred to the Light Rail Bond Fund the portion of such unobligated net lottery proceeds that, when added to any amounts then on deposit in the Light Rail Bond Fund that are available for such purpose, will be sufficient to pay all amounts of principal and interest coming due during that fiscal year on all outstanding light rail lottery bonds;

(b) Second, to the extent any deficiency exists with respect to any reserve account established as additional security for any light rail lottery bonds and such deficiency has not theretofore been cured by appropriated funds, there shall be transferred to such reserve account such portion of such unobligated net lottery proceeds as shall be required to cure the remaining deficiency; and

(c) Third, the balance, if any, of such unobligated net lottery proceeds shall be transferred to the South North Construction Fund.

(3) The annual amounts of unobligated net lottery proceeds required to be transferred to the South North Construction Fund under subsection (2)(c) of this section and all other moneys deposited in the South North Construction Fund, together with all investment earnings on all amounts on deposit from time to time in the South North Construction Fund, are continuously appropriated only for the purposes of funding the South North Line by application

## Measure No. 32

of such moneys to the payment of amounts committed to be paid under grant agreements entered into between the Director of Transportation and Tri-Met pursuant to section 3 of this Act and to pay the expenses of the Department of Transportation in administering the South North Construction Fund and the Light Rail Bond Fund. The annual amounts of unobligated net lottery proceeds required to be transferred to the Light Rail Bond Fund under subsection (2)(a) of this section or to any reserve account under subsection (2)(b) of this section and all other moneys deposited in the Light Rail Bond Fund, together with all investment earnings on all amounts on deposit from time to time in the Light Rail Bond Fund, are continuously appropriated only for the purposes of paying when due the principal of and interest on the outstanding light rail lottery bonds.

(4) In accordance with section 4 (4), Article XV, Oregon Constitution, and notwithstanding any other provision of law, the annual allocation of unobligated net lottery proceeds made by subsection (1) of this section and the transfers thereof required to be made by subsection (2) of this section shall be satisfied and credited from the first unobligated net lottery proceeds received by the state before any other allocation, appropriation or disbursement of the unobligated net lottery proceeds is made in such fiscal year.

(5) The transfer of unobligated net lottery proceeds to the Light Rail Bond Fund and the South North Construction Fund authorized by this section shall cease when the director certifies in writing that transfers of moneys under this section no longer are necessary because:

(a) Moneys in the Light Rail Bond Fund and in the South North Construction Fund are sufficient for the payment in full of all amounts owing under all outstanding light rail lottery bonds and all grant agreements entered into between the director and Tri-Met under section 3 of this Act and for the payment in full of the expenses of the department in administering the Light Rail Bond Fund and the South North Construction Fund; and

(b) The South North Line has been completed and such project has been accepted by the department, and all claims, suits and actions arising out of such project that could create a liability payable out of the moneys in the Light Rail Bond Fund or the South North Construction Fund have been resolved. The director shall deliver a copy of such certificate to the Governor and the State Treasurer.

(6) Upon receipt of the director's written certification pursuant to subsection (5) of this section that transfer of dedicated lottery revenues to the Light Rail Bond Fund and the South North Construction Fund under this section is no longer necessary, the State Treasurer shall thereafter credit dedicated lottery revenues received by the Light Rail Bond Fund or the South North Construction Fund under this section to the Administrative Services Economic Development Fund.

**SECTION 7.** (1) In accordance with any applicable provisions of ORS chapters 286 and 288, the State Treasurer, at the request of the Director of Transportation, may issue South North lottery bonds for the purpose of financing this state's share of the costs of the South North Line, including the refunding of any interim financing obligations. South North lottery bonds issued under this section may include interim financing obligations for the purpose of providing interim financing for this state's share of the costs of the South North Line pending the issuance of long-term South North lottery bonds. Such interim financing obligations may take the form of notes, commercial paper or other obligations. To secure interim financing obligations, this state may pledge the proceeds of South North lottery bonds and the proceeds of interim financing obligations authorized by sections 1 to 25 of this Act. For the purpose of financing grants authorized by section 3 of this Act and funding of the Transportation Equity Account as provided in section 12 of

# Measure No. 32

# Measure No. 32

this Act, South North lottery bonds may be issued from time to time in one or more series in an aggregate amount not to exceed:

(a) The unobligated net lottery proceeds pledged thereto as provided in subsection (7) of this section;

(a) The principal sum of \$490 million; plus

(b) Any appropriated funds; and

(b) An amount equal to the costs incurred in connection with the issuance of the South North lottery bonds and other administrative expenses of the State Treasurer and the department in connection with the issuance of the South North lottery bonds; plus

(c) The moneys and investments on deposit from time to time in the Light Rail Bond Fund and any reserve account established as additional security for the light rail lottery bonds. The light rail lottery bonds shall not be a general obligation of this state, and shall not be secured by or payable from any funds or assets of this state other than the unobligated net lottery proceeds and any appropriated funds and other moneys and investments on deposit from time to time in the Light Rail Bond Fund. In no circumstance shall the state be obligated to pay amounts due under any light rail lottery bonds issued under this section from any source other than unobligated net lottery proceeds and the appropriated funds and other moneys and investments on deposit from time to time in the Light Rail Bond Fund. With the exception of available unobligated net lottery proceeds, in no event shall the Legislative Assembly be under any legal compulsion or obligation to appropriate or expend any other funds for the purpose of paying any amounts owing on any light rail lottery bonds. All light rail lottery bonds issued under this section shall contain a statement that this state shall not be obligated to pay bond principal, or interest thereon, from any source other than unobligated net lottery proceeds and the appropriated funds and other moneys and investments on deposit from time to time in the Light Rail Bond Fund, and that the faith and credit or the taxing power of the State of Oregon is not pledged to the payment of the bond principal or interest thereon.

(c) The amount of any reserves determined to be necessary or advantageous in connection with the South North lottery bonds; plus

(d) The amount needed to pay for the cost of acquiring any municipal bond insurance policy, letter of credit, line of credit, surety bond or other credit enhancement device obtained for the purpose of providing additional security or liquidity for the South North lottery bonds.

(6) If any light rail lottery bonds are secured by reserves, either in the form of cash, investments, surety bonds, municipal bond insurance, lines of credit, letters of credit or other similar instruments, that the state has covenanted to maintain at particular levels, and the reserves are drawn down below the level which the state has covenanted to maintain, the director shall promptly certify to the Legislative Assembly or, if the Legislative Assembly is not then in session, to the Emergency Board, the amount needed to restore the reserves to their required level. The Legislative Assembly or the Emergency Board, as the case may be, may provide appropriated funds in the amount certified by the director. Any appropriated funds so provided shall be used immediately to restore the balance in the reserves established for the light rail lottery bonds. The director may enter into covenants with the owners of the light rail lottery bonds that specify the timing and content of the director's certification. By enacting this subsection, the Legislative Assembly acknowledges its current intention to provide appropriated funds in the amount certified by the director pursuant to this subsection. However, neither the Legislative Assembly nor the Emergency Board shall have any legal obligation to provide appropriated funds.

(2) The director shall submit to the State Treasurer from time to time written requests to issue the South North lottery bonds as provided in subsection (1) of this section in amounts sufficient to provide in a timely fashion the moneys required to fund the obligations of the department under any grant agreements entered into under section 3 of this Act for the purpose of financing the state share of the costs of the South North Line.

(3) Moneys received from the issuance of South North lottery bonds, including any investment earnings thereon, may be expended only for the purpose of:

(a) Financing the costs of development, acquisition and construction of the South North Line, including paying debt service on any financing obligations or refunding any interim financing obligations issued under subsection (1) of this section;

(b) Paying the costs of issuing the South North lottery bonds and other administrative expenses of the State Treasurer in carrying out the provisions of section 5 of this Act and this section;

(c) Funding any reserves determined to be necessary or advantageous in connection with such South North lottery bonds; and

(d) Paying the cost of acquiring any municipal bond insurance policy, letter of credit, line of credit, surety bond or other credit enhancement device obtained for the purpose of providing additional security or liquidity for the South North lottery bonds and funding of the Transportation Equity Account as provided in section 12 of this Act.

(4) In addition to the South North lottery bonds authorized to be issued under this section, the State Treasurer is hereby authorized, at the request of the director, to issue from time to time one or more series of refunding lottery bonds for the purpose of refunding in whole or in part any outstanding Westside lottery bonds or South North lottery bonds. Such refunding lottery bonds shall be issued in such amount as the State Treasurer shall determine is necessary or appropriate in order to:

(a) Pay or defease the principal of, redemption premium, if any, and interest on the bonds to be refunded thereby;

(b) Pay the costs of issuing the refunding lottery bonds and other administrative expenses of the State Treasurer in issuing such bonds;

(c) Fund any reserves determined to be necessary or advantageous in connection with such refunding lottery bonds; and

(d) Pay the cost of acquiring any municipal bond insurance policy, letter of credit, line of credit, surety bond or other credit enhancement device obtained for the purpose of providing additional security or liquidity for the refunding lottery bonds.

(5) All light rail lottery bonds issued under this section shall be payable from:

(7) Notwithstanding ORS 288.855 or any other provision of law, all light rail lottery bonds, regardless of whether issued in one or more issues, shall be secured by a pledge of and lien on the unobligated net lottery proceeds and amounts in the Light Rail Bond Fund. The lien of such pledge shall be valid and binding immediately upon issuance of the light rail lottery bonds secured thereby. The unobligated net lottery proceeds and amounts in the Light Rail Bond Fund shall be immediately subject to the lien of such pledge upon receipt of the unobligated net lottery proceeds by the state regardless of when or whether they are allocated or transferred to the Light Rail Bond Fund and without physical delivery, filing or other act. The lien of such pledge of unobligated net lottery proceeds and amounts in the Light Rail Bond Fund shall be superior to all other claims, liens and appropriations of any kind whatsoever. In connection with the issuance of any light rail lottery bonds, the State Treasurer shall have the authority and discretion to provide that:

## Measure No. 32

(a) All light rail lottery bonds, regardless of series or time of issuance, shall be equally and ratably secured by the lien of the pledge of unobligated net lottery proceeds and amounts in the Light Rail Bond Fund established pursuant to section 5 of this Act; or

(b) The light rail lottery bonds of one or more particular series shall be secured by the lien of such pledge on a basis that is prior and superior, or inferior and subordinate, to the lien of such pledge securing one or more other series of light rail lottery bonds.

(8) The State of Oregon hereby makes the covenants set forth in paragraphs (a) to (d) of this subsection with and for the benefit of the owners from time to time of the light rail lottery bonds. The covenants shall constitute a contract with such owners:

(a) Except as authorized in subsection (7) of this section with respect to the lien of the pledge of unobligated net lottery proceeds that secures light rail lottery bonds, the state shall not create any lien or encumbrance on the unobligated net lottery proceeds that is equal or superior to the lien created by subsection (7) of this section;

(b) Subject only to the availability of unobligated net lottery proceeds, the state shall budget and appropriate in each fiscal year an amount of unobligated net lottery proceeds that, when added to other funds lawfully budgeted and appropriated and available for such purpose, will be sufficient to pay in full the principal and interest due and to become due in such fiscal year on all outstanding light rail lottery bonds and maintain the required balance in any reserves established for light rail lottery bonds, and will apply the unobligated net lottery proceeds and any other amounts so budgeted and appropriated to the payment of such principal and interest when due and the maintenance of such reserves;

(c) On or before the maturity date of any interim financing obligations issued under this section, the State of Oregon shall issue light rail lottery bonds or refunding interim financing obligations in an amount that, when added to other amounts available for such purpose, shall be sufficient to pay all amounts coming due on the outstanding interim financing obligations on such maturity date; and

(d) Until such time as all light rail lottery bonds have been paid in full or provision for such payment has been made by means of a defeasance in accordance with ORS 288.677, the state will continue to operate the lottery in accordance with the requirements of section 4, Article XV of the Oregon Constitution as in effect on the date of issuance of the light rail lottery bonds.

(9) The moneys in the Light Rail Bond Fund shall be used and applied by the director to pay when due the principal of and interest on any light rail lottery bonds issued under this section.

(10) The interest on all light rail lottery bonds issued under this section and on any refunding and advance refunding bonds issued under ORS 286.051 for the purpose of refunding any light rail lottery bonds is exempt from personal income taxation imposed by this state under ORS chapter 316.

(11) In connection with the issuance of any light rail lottery bonds, the State Treasurer may establish such accounts and subaccounts within the South North Construction Fund and the Light Rail Bond Fund and may establish such other funds, accounts and subaccounts as the State Treasurer shall determine are necessary or appropriate. The net proceeds derived from the issuance and sale of the South North lottery bonds issued under this section to finance the costs of the South North Line shall be deposited in the South North Construction Fund and disbursed upon the written request of the director for the purpose of funding the department's obligations under any grant agreements entered into with Tri-Met pursuant to section 3 of this Act. If

## Measure No. 32

any South North lottery bonds, including any interim financing obligations, are issued for the purpose of refunding any interim financing obligations previously issued, the net proceeds derived from the issuance and sale of such refunding South North lottery bonds or interim financing obligations shall be deposited in the Light Rail Bond Fund and used to pay when due the interim financing obligations so refunded.

(12) If, at the time of issuance of any light rail lottery bonds, a municipal bond insurance policy, letter of credit, line of credit, surety bond or other credit enhancement device is available as additional security for the light rail lottery bonds or any portion thereof at a cost effective price, the State Treasurer may acquire such municipal bond insurance policy, letter of credit, line of credit, surety bond or other credit enhancement device in order to provide additional security for the bonds or portion thereof.

**SECTION 8.** Notwithstanding section 7 of this Act, the State Treasurer shall not issue any light rail lottery bonds authorized by section 7 of this Act unless, on or before the date of issuance of the bonds, federal matching funds have been made available for the first construction segment of the South North Line light rail project.

**SECTION 9.** The allocation of lottery bond proceeds by the State of Oregon for the South North Line project in the fiscal years beginning July 1, 1999, is subject to the execution of an intergovernmental agreement among the Department of Transportation, Tri-Met, Metro and other participating local governments that:

(1) To the fullest extent permitted by law, irrevocably commits the moneys described in section 14 of this Act to the Transportation Equity Account; and

(2) Sets forth the administrative procedures for paying and disbursing moneys into and from the Transportation Equity Account.

**SECTION 10.** (1) Subject to ORS chapter 279 and any applicable prohibitions against preferences in contracts related to the construction phase of the South North Line, the managing agencies shall develop procedures that afford qualified businesses in Oregon the opportunity to compete for project contracts to the maximum extent feasible and consistent with federal laws and regulations governing Federal Transit Administration grants.

(2) The managing agencies shall seek the cooperation and assistance of contracting and construction associations in this state when establishing the contracting procedures for the South North Line. The managing agencies shall also establish and implement programs to provide contracting and construction businesses with information relating to the project.

(3) The managing agencies, to the maximum extent feasible, shall encourage disadvantaged business enterprises to bid for contracts and to otherwise participate in the construction of the South North Line.

**SECTION 11.** (1) When location, construction, relocation, reconstruction, maintenance or repair of the South North Line requires a utility to relocate any of its facilities that are located in a public right of way, the mass transit district that constructs or operates the light rail system shall reimburse the utility for 50 percent of the costs and expenses incurred by the utility in relocating the facilities.

(2) As a condition of reimbursement, a district may require a utility to participate in preparation of the federal grant application and determine the cost and expense of relocation. The utility and the district shall agree upon the manner and amount of reimbursement.

(3) As used in this section, "utility" has the meaning given that term in ORS 366.332.

**SECTION 12.** (1) The Transportation Equity Account, separate and distinct from the General Fund, is established in the State Treasury. Moneys in the account, including all

## Measure No. 32

investment earnings thereon and any revenues generated from state income taxes resulting from construction of the South North Line, as estimated in section 13 of this Act, are appropriated continuously to the Department of Transportation for the purpose of paying the costs of transportation projects located outside of the Portland metropolitan region. Moneys allocated from the Transportation Equity Account shall not be used to offset moneys distributed from the State Highway Fund for areas outside the Portland metropolitan region.

(2) The Transportation Equity Account shall consist of:

(a) Moneys provided to the account from sources described in sections 14 and 16 of this Act pursuant to an intergovernmental agreement among the Department of Transportation, Tri-Met, Metro and other participating local governments.

(b) Proceeds of the sale of South North lottery bonds as provided in this section.

(3) Upon the initial sale of South North lottery bonds, there shall be transferred to the Transportation Equity Account the sum of \$115 million obtained from the sale of the South North lottery bonds.

(4) The moneys in the Transportation Equity Account under subsection (3) of this section, together with all investment earnings on the amounts on deposit from time to time in the account, are continuously appropriated only for the purpose of distributing such moneys to cities and counties under section 17 of this Act for financing the costs of essential transportation projects.

(5) As used in this section and section 17 of this Act, "essential transportation projects" means capital projects for or operation of any land, air or water mode of transporting people and goods, including but not limited to improvements, facilities, equipment, structures and rolling stock used or useful in connection with streets, roads, highways, air transport, water transport, rail transport, bus transport, bicycles and pedestrians.

**SECTION 13.** (1) The Oregon Department of Administrative Services shall certify an estimate of the amount of state income tax revenues projected to be collected from income generated by the designing, acquiring, constructing and equipping of the South North Line. This estimate shall include an amount for incomes secondarily generated by the incomes directly earned. The Oregon Department of Administrative Services shall formulate the estimate by generally accepted estimation methodologies and with the best available data.

(2) A certified estimate as described in subsection (1) of this section shall be included in each budget report prepared by the Governor under ORS 291.202. The estimate shall reflect projected state income tax revenues for the coming biennium.

(3) The amount certified under subsection (2) of this section shall be appropriated out of the General Fund to the Transportation Equity Account for the biennium covered in the budget report.

(4) Additional appropriations out of the General Fund shall be made, if necessary, until a total amount of \$375 million has been made available for distribution to cities and counties from all sources described in sections 12, 13, 14 and 16 of this Act.

**SECTION 14.** Subject to receipt of the federal funding commitment for the South North Line project, Tri-Met, Metro and the other participating local governments shall make, or take such actions within their power to make arrangements for, the following payments into the Transportation Equity Account pursuant to the intergovernmental agreement described in section 12 (2)(a) of this Act:

## Measure No. 32

(1) In each fiscal year during the period beginning July 1, 1999, and ending June 30, 2004, \$8 million shall be paid into the Transportation Equity Account as follows:

(a) \$6 million shall be provided in accordance with federal law from federal transportation funds, commonly known as STP Flexible Funds, made available to the Portland metropolitan region through state or regional transportation improvement programs for capital projects and that would otherwise have been requested and received by Tri-Met; and

(b) The participating local governments shall jointly provide \$2 million from lottery moneys distributed to them under ORS 461.547 or other laws or from other discretionary funds available to the participating local governments. Such local governments may not provide this amount from transportation system development charges or transportation impact fees and may not increase such charges or fees to fund projects that would otherwise have been funded by the moneys transferred to the Transportation Equity Account.

(2) In each fiscal year during the period beginning July 1, 2004, and ending June 30, 2009, \$7 million shall be paid into the Transportation Equity Account as follows:

(a) \$5 million shall be provided in accordance with federal law from federal transportation funds, commonly known as STP Flexible Funds, made available to the Portland metropolitan region through state or regional transportation improvement programs for capital projects and that would otherwise have been requested and received by Tri-Met; and

(b) Participating local governments shall jointly provide \$2 million from lottery moneys distributed to them under ORS 461.547 or other laws or from other discretionary funds available to the participating local governments. Such local governments may not provide this amount from transportation system development charges or transportation impact fees and may not increase such charges or fees to fund projects that would otherwise have been funded by the moneys transferred to the Transportation Equity Account.

**SECTION 15.** Notwithstanding any other law, in each fiscal year during the period beginning July 1, 1999, and ending June 30, 2009, if the participating local governments fail to provide the moneys required under section 14 (1)(b) and (2)(b) of this Act or those governments' share of the \$75 million described in section 16 of this Act, the Director of Transportation may certify such failure and the resulting deficiency to the Oregon Department of Administrative Services, the Economic Development Department and the State Treasurer. Upon such certification, an amount equal to the deficiency shall be withheld in the following fiscal year from Clackamas, Multnomah and Washington Counties and the other participating local governments from:

(1) Lottery moneys for economic development otherwise available to those counties; and

(2) Other state shared revenues otherwise available to the other participating local governments.

**SECTION 16.** (1) Tri-Met, in cooperation with Metro and the Joint Policy Advisory Committee on Transportation of Metro, shall study, consider and develop innovative transportation funding methods that may be used by Tri-Met, Metro and Clackamas, Multnomah and Washington Counties to reduce the need in the Portland metropolitan region for long-term transportation funding by the State of Oregon.

(2) Tri-Met shall establish a public-private task force that shall:

(a) Identify and evaluate alternative funding sources or methods to reduce the need of the Portland metropolitan region for long-term transportation financing assistance from the State of Oregon.

(b) Consider innovative public-private funding mechanisms to capture the value created by transportation projects.

## Measure No. 32

(c) Prepare findings that assess the financial, administrative and policy effects of various transportation funding sources or methods.

(d) Prepare a report describing the findings of the task force and containing recommendations concerning transportation funding and the legal and administrative changes necessary to allow creation or appropriate use of recommended funding sources or methods.

(3) Tri-Met, in cooperation with Metro and the Joint Policy Advisory Committee on Transportation of Metro, shall consider the report prepared under subsection (2) of this section and recommend new transportation funding sources and methods for the Portland metropolitan region to the Sixty-ninth Legislative Assembly. The recommendations may include a proposal for distributing to the Transportation Equity Account state personal income tax revenues that are attributable to increased employment or higher wages resulting from the South North Line project.

(4) Subject to enactment of legislation by the Sixty-ninth Legislative Assembly that grants power to Tri-Met and other local governments in the Portland metropolitan region to use new sources and methods for funding transportation, Tri-Met, in accordance with the provisions of such enacted legislation, shall assume the obligation to use the new funding authority to either:

(a) Provide not more than \$75 million to the Transportation Equity Account during the construction of the South North Line; or

(b) Agree to reduce the obligation of the State of Oregon to finance the costs of the South North Line project by not more than \$75 million.

(5) In addition to the other requirements of this section, Tri-Met shall conduct a study relating to the long-term funding of the operations and maintenance of the South North Line. Upon completion of the study, Tri-Met shall prepare a report that contains the findings and conclusions of the study, recommendations for long-term funding of the light rail line and any proposals for needed legal or administrative changes. A copy of the report shall be submitted to the Seventy-first Legislative Assembly.

**SECTION 17.** (1) Beginning with the fiscal year commencing July 1, 1999, there shall be distributed in each fiscal year to the cities and counties located wholly or partly outside the Portland metropolitan region for the purpose of financing essential transportation projects all moneys credited to the Transportation Equity Account by the State Treasurer during that fiscal year. Except as provided in subsection (4) of this section, the moneys distributed under this section shall be allocated 60 percent to counties and 40 percent to cities.

(2) The sum designated in subsection (1) of this section shall be remitted by warrant to the county treasurers of the several counties. The remittance in any year shall be in proportion of the number of vehicles, trailers, semitrailers, pole trailers and pole or pipe trailers registered in each county, to the total number of such vehicles registered in the state as of December 31 of the preceding year, as indicated by motor vehicles registration records. All such vehicles owned and operated by the state and registered under ORS 805.040, 805.045 and 805.060 shall be excluded from the computation in making the apportionment. For purposes of this subsection, vehicles, trailers and semitrailers registered within the Portland metropolitan region shall not be counted when determining the amount of money to be distributed to a county under this section.

(3) The sum designated in subsection (1) of this section shall be allocated to cities so that each city shall receive such share of the moneys as its population bears to the total population, of all of the cities receiving moneys under this section. The moneys shall be remitted to the financial officer of each city.

## Measure No. 32

(4) In each year in which moneys are distributed to counties under this section, \$1.5 million from the moneys in the Transportation Equity Account that would otherwise be distributed to counties under subsections (1) and (2) of this section shall be set up in a separate account to be administered by the Department of Transportation for the counties. Moneys from the account shall be used for essential transportation projects. The department shall enter into agreements with counties upon the advice and counsel of the Association of Oregon Counties to establish the method of allocating moneys from the account.

**SECTION 18.** The authority granted by sections 9 and 12 to 17 of this Act may be exercised on and after the date on which federal matching funds are made available for the first construction segment of the South North Line light rail project.

**SECTION 19.** (1) In addition to the requirements of ORS 223.297 to 223.314, a governmental unit that has a transportation system development charge or transportation impact fee and that is required to reduce vehicle travel by land use rules adopted under any statewide planning goal related to transportation shall establish such charge or fee, or develop a system of credits, or both, based on a methodology that takes into account the effect of measures reasonably expected to reduce vehicle trip generation, including, but not limited to:

(a) Development that is transit oriented or that occurs within a pedestrian district;

(b) Development that utilizes pedestrian, bicycle or transit facilities to achieve reductions in vehicle trips;

(c) Development that incorporates transportation demand management measures; and

(d) Reduction of vehicle trips, if any, resulting from the construction and operation of light rail lines within the Portland metropolitan region.

(2) In order to maximize and encourage transit oriented development along light rail lines, governmental units shall:

(a) Provide through lowered fees or allowance of credits for the reduction of any transportation system development charges or transportation impact fees otherwise applicable by at least 30 percent for any transit oriented development constructed within one-quarter mile of a passenger station on a light rail line. For the purpose of complying with the requirement of this paragraph to provide for reduced fees and charges, a governmental unit may consider the reductions, if any, in fees or charges made under subsection (1) of this section.

(b) Not impose a new or increased transportation system development charge or a transportation impact fee other than construction inflation adjustments, on any transit oriented development within one-quarter mile of a passenger station on a light rail line.

(3) The reduction of transportation system development charges or transportation impact fees and the other restrictions on such charges and fees required under subsection (2) of this section shall be in effect only during the period of effectiveness of the Transportation Equity Account established under section 12 of this Act.

(4) A governmental unit shall not increase its transportation system development charge or transportation impact fee against residential housing to offset reductions required by subsection (2)(a) or (b) of this section.

(5) A governmental unit outside the Portland metropolitan region that has a transportation system development charge or transportation impact fee shall base such charge or fee on a methodology that takes into account capacity-increasing capital improvements, if any, financed with moneys from the Transportation Equity Account.

(6)(a) As used in this section, "transportation system development charge" or "transportation impact fee" means

## Measure No. 32

only that portion of a charge or fee adopted and assessed against development for the purpose of funding streets, roads and related improvements that principally provide for automobile circulation.

(b) "Transit oriented development" means transit oriented development as defined in land use rules adopted under any statewide planning goal related to transportation.

(c) "Pedestrian district" has the meaning given that term in land use rules adopted under any statewide planning goal relating to transportation.

(7) Nothing in this section is intended to make adoption or amendment of a system development charge a land use decision contrary to ORS chapter 223, or to require governmental units to set system development charges in a manner inconsistent with ORS chapter 223.

**SECTION 20.** (1) To assist and advise the Legislative Assembly in the performance of an oversight function relating to the construction of the South North Line, the Light Rail Oversight Committee is established.

(2) The Light Rail Oversight Committee shall consist of eight members appointed as follows:

(a) Four members shall be appointed by the President of the Senate; and

(b) Four members shall be appointed by the Speaker of the House of Representatives.

(3) The members of the committee shall be individuals with experience or training in mass transit, the financing or construction of major infrastructure projects, land use and state or local government.

(4) The appointing officers may appoint members of the Legislative Assembly to the committee. The appointing officers are ex officio members of the committee.

(5) Members of the Light Rail Oversight Committee are not entitled to compensation, but may receive actual and necessary travel or other expenses actually incurred in the performance of their duties as provided by ORS 292.495 (2).

(6) The Light Rail Oversight Committee shall consult with, and request and receive reports and other information from the public and private agencies managing the planning, financing and construction of the South North Line. The committee shall study and maintain oversight of all aspects of the planning, financing and construction of the South North Line, including costs, administration, management, compliance with applicable laws, intergovernmental relations and compliance with scheduled completion dates for separate segments of the South North Line.

(7) As the members consider it necessary or appropriate, the committee shall submit reports and recommendations to the Legislative Assembly concerning the South North light rail project.

(8) Upon completion of the South North Line, the tenure of office of the members of the committee shall cease and the Light Rail Oversight Committee is abolished.

**SECTION 21.** (1) Prior to the commencement of the regular session of the Sixty-ninth Legislative Assembly, the State Treasurer shall conduct an examination of the means by which the State of Oregon can best coordinate and maximize the benefits of using bonds that are secured by or payable from the net proceeds derived from the operation of the State Lottery for purposes consistent with section 4, Article XV, Oregon Constitution.

(2) The examination shall include, but not be limited to:

(a) The development of proposed legislation that will maximize this state's flexibility in the use of net proceeds from the operation of the State Lottery for the issuance of bonds to finance projects that are eligible for funding under section 4, Article XV, Oregon Constitution, while at the same time providing a coordinated program for the issuance and administration of such bonds;

(b) The identification of financing methods that will reduce

## Measure No. 32

the costs to the State of Oregon of borrowing moneys through the use of bonds or other obligations that are secured by or payable from the net proceeds derived from the operation of the State Lottery; and

(c) The maintenance and support of this state's current commitment to the lottery bond funding of the Westside Light Rail project under ORS 391.090 to 391.150, the South North Line under sections 1 to 25 of this Act and the Transportation Equity Account and the preservation of the security of lottery bonds issued under those laws.

(3) The State Treasurer shall report the findings of the examination and the legislative proposals required by this section to the Sixty-ninth Legislative Assembly and, if the examination and recommendations are completed prior to the commencement of the regular session of the Sixty-ninth Legislative Assembly, to the Emergency Board.

**SECTION 22.** According to the provisions of ORS 192.230 to 192.250 and beginning in 1999, Metro shall report to the Legislative Assembly by January 15 of each odd-numbered year on the implementation of the South North Line. The report shall contain information on residential housing densities in the metropolitan service district and the geographic, economic and transportation relationships between the densities and the South North Line. The report shall compare housing densities at the time of the report to density projections contained in project plans. The report shall contain information on the construction status of the South North Line, projected expenditures for complete construction and maintenance of the line, expenditures from the South North Construction Fund and the Light Rail Bond Fund, and all financial obligations incurred by Metro and Tri-Met in planning, construction and operation of the South North Line. The report also shall contain information on planned, actual and projected ridership.

**SECTION 23.** Section 22 of this Act is repealed July 1, 2019.

**SECTION 24.** If the line extending Tri-Met's regional light rail system north from Clackamas County, Oregon, is not part of a phased project that will serve both the Portland metropolitan region and Clark County, Washington, then prior to the issuance by Tri-Met of any general obligation bonds to fund its share of the line extending Tri-Met's regional light rail system north from Clackamas County, Oregon, Tri-Met shall submit to its electors the question of the issuance of such general obligation bonds.

**SECTION 25.** (1) Notwithstanding ORS chapters 28 and 34, ORS 183.400 to 183.484 or any other provision of law, exclusive jurisdiction for the determination of the constitutionality of any provision of sections 1 to 25 of this Act, including but not limited to the determination of whether the light rail lottery bonds authorized by sections 1 to 25 of this Act violate any provision of the Oregon Constitution, is conferred upon the Supreme Court.

(2) Any interested person may petition the Supreme Court for a determination of the constitutionality of any provision of sections 1 to 25 of this Act, including but not limited to the determination of whether the light rail lottery bonds authorized by sections 1 to 25 of this Act violate any provision of the Oregon Constitution. Any such petition must be filed within 30 days after the effective date of sections 1 to 25 of this Act. The petition shall name the Director of the Department of Transportation as respondent. If the petition seeks a determination of whether the light rail lottery bonds authorized by sections 1 to 25 of this Act violate any provision of the Oregon Constitution, the petition shall also name the State Treasurer as a respondent. The petition shall comply with the specifications for opening briefs set forth in the Oregon Rules of Appellate Procedure. Within 20 days following the filing of the petition, the respondents may file an answering brief, which shall comply with the specifications for answering briefs set forth in the Oregon Rules of

# Measure No. 32

**Appellate Procedure.** The Supreme Court may hear oral arguments and may provide by order for such hearings and filings as are reasonably necessary for the prompt disposition of the petition. The Supreme Court shall decide the matter with the greatest expeditiousness.

**SECTION 26.** ORS 197.587, 391.160, 391.165, 391.170, 391.175, 391.180, 391.185, 391.190, 391.195, 391.200, 391.205, 391.210, 391.215, 391.220, 391.225, 391.230 and 391.235 and sections 10, 16, 16a, 16c, 17, 18, 31a and 31b, chapter 3, Oregon Laws 1995 (special session), are repealed.

**SECTION 27.** It is the intent of the Legislative Assembly in enacting this Act that if any part of this Act is held unconstitutional, the remaining parts shall remain in force.

**SECTION 28.** This Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Act takes effect on its passage.

## EXPLANATORY STATEMENT

Measure 32 is a referral by the people of a bill passed by the legislature at a special session in February 1996. The measure provides up to \$750 million for funding of transportation projects throughout Oregon. Measure 32 is designed to do two things:

(1) To provide the state's share, \$375 million, to fund the first construction stage of the Tri-Met South North light rail project, beginning near the Clackamas Town Center.

(2) To establish a Transportation Equity Account of \$375 million to be used for transportation projects throughout the state outside the urban growth boundary of the Portland Metropolitan region. The Account may be used for capital projects for, or operation of, land, air or water modes of transporting people and goods. These may include improvements, facilities, equipment, structures and rolling stock used or useful in connection with streets, roads, highways, air transport, water transport, rail transport, bus transport, bicycles and pedestrians.

Oregon State Lottery-backed bonds are to be sold to raise the principal sum of up to \$490 million, plus bond issuance costs and reserves, to meet part of the costs of the projects. For details on paying both the principal and interest on the bonds, please refer to the Fiscal Impact statement. The State is not required to pay off the bonds and interest from any source other than lottery funds. The taxing power of the state cannot be pledged to pay off the bonds but the legislature may use other state moneys to do so.

Moneys in the Transportation Equity Account for projects outside the Portland Metropolitan region will come from the following sources:

- (1) \$110 million from the state General Fund, available over a ten-year period beginning in 1999.
- (2) \$75 million provided through new funding mechanisms to be proposed to the next legislature.
- (3) \$115 million from Lottery-backed revenue bonds, available when the South North bonds are sold.
- (4) \$75 million over ten years that would otherwise be available for projects in the Portland Metropolitan region as follows:

# Measure No. 32

(a) \$8 million per year for five years beginning in 1999, \$6 million of which comes from federal transportation funds and \$2 million of which comes from lottery funds or other local government funds; and

(b) \$7 million per year for five years beginning in 2004, \$5 million of which comes from federal transportation funds and \$2 million of which comes from lottery funds or other local government funds.

If funds for the Transportation Equity Account do not total \$375 million, the legislature would be required to make up the difference.

Measure 32 prohibits sale of the authorized bonds or the distribution of any money for transportation projects unless and until federal funds are approved, based on assurances of availability of local funding, but no moneys are to be allocated or distributed until 1999.

### Committee Members:

Don McIntire\*  
Representative Bob Tiernan\*  
Senator Ken Baker  
Tom Walsh  
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 No. 32

# Measure No. 32

## ARGUMENT IN FAVOR

From the Desk of Governor John A. Kitzhaber, M.D.

Dear Oregon Voter:

Measure 32 deserves a YES vote from all Oregonians. It affects every community.

A YES vote on Measure 32 will allow us to use a small portion of the state lottery fund to address some of Oregon's most pressing problems: traffic congestion, air quality and urban sprawl.

There is no more important issue for the future of Oregon than to maintain our quality of life in the face of the tremendous growth we know is going to occur in the next few years. Part of the solution lies in investing wisely in our transportation system.

Oregon's high quality of life is what sets us apart from other states. It is the reason we continue to live and work and raise families here. It is worth saving and we must invest now. We cannot afford to wait because transportation needs will increase and costs will only grow.

In my State of the State address earlier this year, I said that my top priorities for Oregon are education and transportation. Measure 32 is part of that plan. It is a good use of a small portion of our lottery dollars. It is fair to all parts of the state and it is critical to our future.

The Oregon Legislature has said yes to financing roads and rails twice. It's time to say YES once again.

Please join me in voting YES on Measure 32.

Sincerely,

John A. Kitzhaber, M.D.

(This information furnished by Governor John A. Kitzhaber, M.D.)

(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)

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

Vote  
YES on 32.

**Lottery dollars to ease traffic,  
build light rail and repair roads.**

### • What will Measure 32 do?

Measure 32 will use a small portion of the lottery to pay for transportation improvements all over Oregon -- from light rail in Portland to road repairs in Medford, Bend and other communities as well as in rural areas.

### • Does all of the state benefit from Measure 32?

**YES!** Measure 32 provides money for local transportation improvements throughout the state. Each area can decide how to spend the money -- on roads, bridges, airports, transportation for elderly and disabled citizens, or other local transportation needs.

### • Why do we need Measure 32 now?

In Oregon, we expect high quality and convenience from our roads, bridges and public transportation. But we are falling behind in maintenance. Recent storms damaged roads even more. Measure 32 allows us to catch up on the back log -- **before traffic gets worse and costs go higher.**

### • Is light rail cost-effective?

**YES!** Larger cities like New York need more expensive subways. In a city like Portland, light rail works well and costs much less. South/North light rail will provide twice the capacity of a six-lane freeway -- **and cost only half as much.**

### • Will there still be lottery dollars for schools?

**YES!** Measure 32 uses only a small portion -- about 5% -- of the lottery. The rest will still be available for schools and other projects.

**Mike Burrill**  
Burrill Lumber  
Medford

**Keith Thomson**  
Intel  
Hillsboro

**Mike McArthur**  
County Judge  
Sherman County

**John Whitty**  
Coos County

**Lynn Herbert**  
Herbert Lumber  
Riddle

**Andy Nasburg**  
Nasburg Insurance  
Coos Bay

**Rosetta Venell**  
Farmer  
Benton County

**Craig W. Moore**  
Pepsi Cola Bottling  
Company of Bend

**Lee Beyer**  
State Representative  
Springfield

(This information furnished by Michael Burrill, Chair, Oregonians for Roads and Rail.)

(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)

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## Measure No. 32

### ARGUMENT IN FAVOR

Vote  
**YES** on 32.

- Measure 32 uses only a small portion of the state's lottery money for roads and rail -- only about 5%.
- The rest will still be available for schools and other essential services throughout Oregon.
- Measure 32 is not a tax.

Vote  
**YES** on 32.

*(This information furnished by Nan Heim, Oregonians for Roads and Rail.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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.

## Measure No. 32

### ARGUMENT IN FAVOR

Vote  
**YES** on 32.

"Many paralyzed veterans like myself depend on light rail and good public transportation to get to work and to stay involved in our communities. Measure 32 will mean that more transportation dollars are available for Oregonians with disabilities all over the state."

**Sterling Williams, Member  
Paralyzed Veterans of America**

**Oregonians with disabilities urge  
a **YES** vote on Measure 32.**

- Oregonians with disabilities use light rail, public transit and door-to-door van services to get to work, shopping and recreation. Good public transportation means increased independence for seniors and people with disabilities.
- Outside Portland, Measure 32 provides lottery money to cities and counties all over Oregon that can be used for special transportation services for senior citizens and people with disabilities.
- People with disabilities support Measure 32's investment in a balanced transportation system all over Oregon. We need good roads and good public transportation services.

*(This information furnished by Jody Fischer, Oregonians for Roads and Rail.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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.

# Measure No. 32

# Measure No. 32

## ARGUMENT IN FAVOR

Vote  
**YES** on 32.

**Lottery money to ease traffic,  
repair roads and build light rail.**

**Ask Oregon's Mayors.**

- Measure 32 means lottery dollars for critical transportation needs in every part of Oregon, rural and urban.
- Measure 32 is a way to make some critical transportation improvements. It is not a tax.
- If we don't invest in transportation now, it will only cost us more in the future.

**Craig Lomnicki**  
Mayor, City of Milwaukie

**Jerry Lausmann**  
Mayor, City of Medford

**Chuck McLaran**  
Mayor, City of Albany

**Rob Drake**  
Mayor, City of Beaverton

**Larry Griffith**  
Mayor, City of Baker City

**Scott Taylor**  
Mayor, City of Canby

**Tom Davis**  
Mayor, City of Brookings

**Catherine Golden**  
Mayor, City of Ashland

**William Brown**  
Mayor, City of Boardman

**Eddie McCluskey**  
Mayor, City of Creswell

**Joanne Verger**  
Mayor, City of Coos Bay

**Cheryl Young**, Mayor  
City of Columbia City

**Gwen VanDenBosch**  
Mayor, City of Dallas

**Susan Roberts**  
Mayor, City of Enterprise

**David McFall**  
Mayor, City of Eagle Point

**Roger McCorkle**  
Mayor, City of Florence

**Roger Vonderharr**  
Mayor, City of Fairview

**Helen Berg**  
Mayor, City of Corvallis

**Robert Switzer**  
Mayor, City of Ontario

**Gussie McRobert**  
Mayor, City of Gresham

*(This information furnished by Craig J. Lomnicki, Mayor of Milwaukie.)*

## ARGUMENT IN FAVOR

.... More Oregon Mayors who urge a **YES** vote  
on Measure 32.

- Measure 32 means lottery dollars for critical transportation needs in every part of Oregon, rural and urban.
- Measure 32 is not a tax.
- If we don't invest in transportation now, it will only cost us more in the future.

**Mary Nicholson**, Mayor  
City of Milton-Freewater

**Gordon Anderson**, Mayor  
City of Grants Pass

**Bob McPheeters**  
Mayor, City of Tillamook

**Nancy A. Kirksey**  
Mayor, City of Woodburn

**Gordon Faber**  
Mayor, City of Hillsboro

**Dennis Koho**  
Mayor, City of Keizer

**Todd Kellstrom**, Mayor  
City of Klamath Falls

**Alice Schlenker**, Mayor  
City of Lake Oswego

**Steven Littrell**  
Mayor, City of Turner

**Paul Thalhofer**  
Mayor, City of Troutdale

**Jill Thorn**  
Mayor, City of West Linn

**Jerry Krummel**  
Mayor, City of Wilsonville

**Richard Culbertson**  
Mayor, City of Oakridge

**Joe Krenowicz**  
Mayor, City of Madras

**Randy Nicolay**, Mayor  
City of Happy Valley

**Wade Byers**, Mayor  
City of Gladstone

**Dan Fowler**, Mayor  
City of Oregon City

**Vera Katz**  
Mayor, City of Portland

**Douglas Dunlap**  
Mayor, City of Metolius

**Todd Vallie**  
Mayor, City of Prineville

**Bill Morrisette**  
Mayor, City of Springfield

**Willmer Van Vleet**  
Mayor, City of Stayton

**Ruth Bascom**  
Mayor, City of Eugene

**Oliver Vernor**  
Mayor, City of Seaside

**Roger Gertenrich**  
Mayor, City of Salem

**Donna Proctor**  
Mayor, City of Newberg

*(This information furnished by Craig J. Lomnicki, Mayor of Milwaukie.)*

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# Measure No. 32

# Measure No. 32

## ARGUMENT IN FAVOR

Vote  
YES on 32.

**Marion County farmers know that solving our traffic problems means saving prime farmland.**

- Measure 32 helps pay for road repairs all over the state, as well as for light rail in Portland. Why do farmers in Marion County care about light rail? Because it helps control the urban sprawl that threatens Willamette Valley farmland.
- Oregon farmers also need good roads. Many of our roads are in poor shape, especially after last winter's floods. If we don't repair them now, it will cost us even more in the future.
- Measure 32 uses lottery dollars to pay for transportation needs without increasing taxes. It uses only a small portion of the state's lottery revenue; the rest will still be available for schools and other projects.

**Please join us in voting YES on 32 for essential transportation throughout Oregon.**

**Larry Wells  
Jefferson**

**Doug Krahmer  
Silverton**

**Larry Pearmine  
Gervais**

*(This information furnished by Larry Wells.)*

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## ARGUMENT IN FAVOR

Vote  
YES on 32.

**The Coalition for a Livable Future  
- a coalition of 34 environmental and community groups -  
urges YES on Measure 32.**

The Coalition for a Livable Future urges the citizens of Oregon to vote "YES" on Measure 32, which provides the state's 25% share of the costs of South/North light rail, and includes an equal amount of funding for transportation projects all over the state.

Measure 32 is critical to Portland and every community in Oregon that is dealing with traffic congestion and urban sprawl.

- **Traffic Jams:** Without light rail as part of a comprehensive transit network, the road system in the Portland area will fail, costing millions of dollars in lost time for motorists and freight shippers snarled in traffic. Poor transportation in the Portland area threatens the economy of the entire state.
- **Cost:** Without light rail as part of a comprehensive transit network, the Portland region may face road and freeway expansion in Clackamas County to handle increased traffic, at much higher per-mile costs than light rail.
- **Sprawl:** Without light rail as part of a comprehensive transit network, the Portland metropolitan region will sprawl over ever greater amounts of productive farmland and precious streams, wetlands, and greenspaces. South/North light rail is an integral part of the region's plan to avoid sprawl that ruined cities like Los Angeles and Detroit. Sprawl is the most expensive form of development, requiring higher public spending on roads, sewers and infrastructure -- leaving fewer resources for important services like schools for our children.

**The Coalition for a Livable Future supports Measure 32 and South/North light rail as an investment in a more livable future.**

Vote YES  
on 32.

*(This information furnished by Zachary Semke, Coalition for a Livable Future.)*

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# Measure No. 32

# Measure No. 32

## ARGUMENT IN FAVOR

Vote  
**YES on 32.**

**Lottery money to ease traffic,  
repair roads and build light rail.**

**Oregon's timber industry says YES to Measure 32.**

- Measure 32 is not just about building light rail. Measure 32 also gives state lottery money to cities and counties outside the Portland metropolitan area for road repairs and other transportation projects.
- Traffic is a problem all over the state. So is the poor condition of our roads, especially after this winter's storms. The longer we wait, the worse the congestion will get and the more expensive it will be to repair roads.
- Light rail works in Portland. Better roads and other transportation solutions work outside the Portland region. Communities themselves will decide how to use their lottery dollars.
- Measure 32 is fair because it provides equal amounts of money for transportation in Portland and other parts of the state.

Vote  
**YES on 32.**

Lynn Herbert  
Herbert Lumber Company  
Riddle

Hank Snow  
Medite Corporation  
Medford

B. Bond Starker  
Starker Forests Inc. Company  
Benton County

Mike Burrill  
Burrill Lumber  
Medford

Bud Kaufman  
Croman Corporation  
Ashland

Richard H. Rudisile  
Boise Cascade  
Medford

John Shelk  
Ochoco Lumber  
Prineville

Howard Sohn  
Sun Studs, Inc.  
Roseburg

*(This information furnished by Thomas Markgraf.)*

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## ARGUMENT IN FAVOR

Vote  
**YES on 32.**

**To ease traffic, build light rail and  
repair Oregon's roads.**

**Portland's neighborhood leaders  
urge a YES vote on Measure 32.**

- Measure 32 will help reduce traffic on local streets -- a top priority for Portland's neighborhoods.
- Light rail works in Portland. MAX ridership is at an all time high -- up by 33% in five years. With South/North, light rail ridership will increase to 44 million rides per year.
- Measure 32 will use only about 5% of the state lottery. There will still be money left over for schools and other important needs.

Tom Markgraf  
North Portland

Amy Alice Hammond  
Southeast Portland

Charlotte Uris  
Northeast Portland

Tom Gruenfeld  
Southeast Portland

Deborah Gruenfeld  
Southeast Portland

Steven Rogers  
Northeast Portland

Stanley T. Lewis  
Southwest Portland

J.E. Bud Clark  
Goose Hollow

Michael McLafferty  
Northwest Portland

Sharon A. McCormack  
North Portland

Lisa Horne  
Southwest Portland

Geri Ethen  
North Portland

Marjorie J. Newhouse  
Northwest Portland

Bruce Crest  
Northeast Portland

Sandi Hansen  
North Portland

Kay Collier  
Southeast Portland

Connie L. Hunt  
North Portland

Betsy Radigan  
North Portland

Cameron McCredie  
Southeast Portland

Pauline Bradford  
Northeast Portland

Sonya Kazen  
Southwest Portland

Laurel Butman  
North Portland

*(This information furnished by Thomas Markgraf.)*

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# Measure No. 32

## ARGUMENT IN FAVOR

Vote  
**YES** on 32.

To ease traffic in our neighborhoods.

- As people who live in the Milwaukie area, we support South/North light rail. Traffic from commuters and shoppers in our neighborhoods has grown tremendously in the last few years making many of our neighborhood streets unsafe for children. When South/North light rail is finished, it is expected to attract an estimated 17,000 people out of their cars each weekday.
- At the local level, voters have strongly supported a bond measure for the local share of funding South/North light rail. Measure 32 will fund the state's share and the rest will be federally funded.
- As Oregonians, we wouldn't think it was fair for a state transportation measure to fund only light rail in our area. Measure 32 is fair because it allocates lottery dollars for transportation needs all over the state. Your community may have a traffic problem which Measure 32 could help solve too.

Vote **YES** on Measure 32.

**It's a fair way to help communities  
and neighborhoods solve traffic problems.**

Donna M. Lomnicki  
Shawn L. Hall  
Benjamin L. Riverman  
Michael South  
Gabriel Rubio  
Carol Limon  
Charles Stoudt  
Janet L. Koch  
Kimberly Peckover  
Patrick Morgan  
Mary L. Kulm  
Suzan Beam  
Anna O'Guinn  
John W. Littlehales  
Christopher M. Locke  
Lettie Molzan  
Walter K. O'Dowd  
Susan Trotter  
Clarence Worthington  
Floyd Bennett

Kathy Locke  
Deanna Graves  
Cheryl Rubio  
Irene D. Mossman  
Harold H. Kulm  
Thomas E. Walker  
Judith F. Duncan  
Mary E. Blue  
Sandra Peckover  
Kindra Morgan  
Lucinda M. Watrous  
Gordon Van Tyne  
Sally Moncrieff  
Thomas L. Bean  
Bryan K. Cosgrove  
Madelyn Antinucci  
Karen O'Dowd  
Don Trotter  
Patricia L. Lent  
Anne Nickel

(This information furnished by Charles Stoudt.)

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# Measure No. 32

## ARGUMENT IN FAVOR

Vote  
**YES** on 32.

**For road repairs &  
Willamette Valley passenger rail improvements  
for Eugene and Willamette Valley communities.**

Measure 32 allocates a portion of the state lottery to cities and counties all over Oregon for critical transportation projects.

Measure 32 is not just about light rail in Portland!

- Measure 32 means funds for transportation needs all over Oregon, including over \$150 million in lottery and other funds for transportation projects in Lane, Linn, Marion and Benton Counties.
- Measure 32 is not a tax. It uses only a small portion of the lottery for transportation. The rest will still be available for schools and other projects.
- City Councilors and County Commissioners in the Willamette Valley have pledged a portion of the money from Measure 32 to capital improvements for valley passenger rail.
- Measure 32 lottery dollars can be used for road repairs, road improvements, bridges, local airports, bicycle paths, and transportation for seniors and people with disabilities.
- Local communities will decide how to spend their Measure 32 money.

**Ruth F. Bascom**  
Mayor  
City of Eugene

**Mary Pearmine**  
County Commissioner  
Marion County

**Charles A. McLaran**  
Mayor  
City of Albany

**Helen Berg**  
Mayor  
City of Corvallis

(This information furnished by Ed Grosswiler, Oregonians for Roads and Rail.)

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# Measure No. 32

# Measure No. 32

## ARGUMENT IN FAVOR

Vote  
**YES** on 32.

Citizen organizations all across Oregon say:

**SAVE FARM AND FOREST LANDS.  
SAVE COMMUNITIES.  
VOTE YES ON MEASURE 32.**

Jackson County Citizens League  
Alliance for Responsible Land Use in Deschutes County  
Hood River Valley Residents Committee  
Citizens for Orderly Development (Curry County)  
Friends of Eugene  
Oregon Shores Conservation Coalition  
Friends of Yamhill County  
1000 Friends of Oregon

...urge you to vote **YES** on Measure 32 as a way to protect Oregon's communities and our priceless farm and forest lands.

- Measure 32 improves the quality of life in Oregon by providing funds for transit, high-speed rail, and road improvements -- not just in Portland, but all across the state.
- Without Measure 32, traffic congestion will increase. The quality of life in our towns and cities will decline.
- Increased congestion will lead city residents to look to Oregon's farm and forest lands for places to live, and will increase pressure to expand city urban growth boundaries.
- As the number of houses on farm and forest land increases, more farms and forested areas are consumed and the land needed for Oregon's farming and forest industries disappears.
- As growth moves outward, the hearts of our towns and cities will decline and our sense of community will be lost in a sea of sprawl and polluted air.

Keep our state's towns and cities livable.  
Save Oregon's farm and forest lands.

Vote **YES** on 32!

(This information furnished by Keith Bartholomew, 1000 Friends of Oregon.)

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## ARGUMENT IN FAVOR

Vote  
**YES** on 32.

Southern Oregon gets critical lottery dollars  
for transportation from Measure 32.

- **Measure 32 is more than light rail for Portland!**  
It provides an equal amount for communities throughout Oregon take care of our own local transportation problems, such as road repairs. If we don't repair our roads now, it will cost us even more in the future.
- **Measure 32 is not a tax.**  
It uses lottery dollars to pay for transportation needs. Measure 32 will use only a small portion of the state's lottery money, the rest will still be available for schools and other projects.
- **Measure 32 lets us decide locally how to spend the money.**  
In Jackson and Josephine Counties, we may choose to spend it on road repairs. Coastal communities may choose to spend it on port facilities or bridges. **It's up to us.**

**Please join us in voting YES on 32  
for transportation throughout Oregon.**

**Samuel O. James, Jr.**  
Medford

**Anne F. Decker**  
Ashland

**Floyd V. Martin**  
Medford

**Pete Naumes**  
Medford

**James M. Wright**  
Medford

**Jerry S. Lausmann**  
Medford

(This information furnished by Michael Burrill, Tradco.)

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# Measure No. 32

## ARGUMENT IN FAVOR

Vote  
**YES** on 32.

**Measure 32 makes good sense --  
for Washington County and for all of Oregon.**

- **Light rail works in the metropolitan area.**

Over eight million rides a year are taken on the Eastside MAX line. When Westside and South/North are finished, MAX ridership is expected to jump to 44 million rides a year! These light rail lines will link major communities in Washington County to downtown and to neighboring communities in Clackamas County.

- **Measure 32 will help reduce traffic congestion.**

South/North light rail will attract up to 17,000 riders out of their cars each weekday. That means less traffic and reduced travel time for commuters, shoppers and students.

- **Light rail helps reduce air pollution.**

By the year 2015, South/North light rail is expected to reduce air pollution by over 300 tons a year.

- **Measure 32 is fair.**

Measure 32 is more than light rail in the metropolitan area. It also provides an equal amount of lottery dollars for transportation projects in the rest of the state. Measure 32 uses only a small portion of the state's lottery revenue. The rest will still be available for schools and other projects.

**To expand light rail,  
ease traffic and reduce air pollution,  
vote YES on Measure 32.**

**Senator Jeannette Hamby (R-Hillsboro)**

**Senator Tom Hartung (R-Beaverton)**

**Representative Tom Brian (R-Tigard)**

**Representative Ken Strobeck (R-Beaverton)**

*(This information furnished by Senator Jeannette Hamby.)*

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# Measure No. 32

## ARGUMENT IN FAVOR

Vote  
**YES** on 32.

**To repair roads statewide, and  
to build South/North light rail  
to ease traffic congestion.**

**The North Clackamas County Chamber of Commerce  
urges YES on Measure 32.**

- **Measure 32 is fair.**

The entire State of Oregon will benefit from lottery money for much needed transportation repairs, and the Portland metropolitan area will get the South/North light rail phase completed.

- **Measure 32 will help reduce traffic congestion.**

South/North light rail will attract up to 17,000 riders out of their cars each weekday. That means less traffic, cleaner air and reduced travel time for commuters, shoppers and students.

- **Light rail works in the Portland region.**

Over 8 million rides a year are taken on the Eastside MAX line. When Westside and South/North are completed, MAX ridership is expected to jump to 44 million rides a year.

- **Light rail is cost effective.**

Construction costs will be paid for with a mix of federal transportation funds, state lottery dollars and funds which local voters have already approved by over a 60% vote of the people.

*(This information furnished by Demi E. DeSoto, North Clackamas County Chamber of Commerce.)*

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# Measure No. 32

## ARGUMENT IN FAVOR

Vote  
**YES** on 32.

**Lottery money to ease traffic,  
repair roads and build light rail.**

**Oregon's county road engineers know their local  
road needs. They urge a YES vote on Measure 32.**

- Measure 32 uses lottery dollars to help pay for light rail in Portland -- plus an equal amount that can be used in cities and counties outside Portland for roads and other transportation needs.
- Many of Oregon's roads are in poor shape today. We need to repair them now, or it will only cost more in the future. Measure 32 is a chance to use some lottery money to make critical road repairs.
- Measure 32 will use only a small portion of the state lottery for roads and light rail. The rest will remain available for schools and other needs.

**Hal Phillips**  
Public Works Director  
Umatilla County

**Randy Stroh**  
Director of Public Works  
Wallowa County

**Bob Hansen**  
Director, Public Works  
Marion County

**Jon A. Oshel**  
Public Works Director  
Tillamook County

**Tom VanderZanden**  
Director of Transportation  
Clackamas County

**Randy Trevillian**  
Public Works Director  
Clatsop County

**Larry Rice**  
Public Works Director  
Deschutes County

**Daniel P. Bolot**  
Director, Public Works  
Wasco County

**James E. Blair**  
County Road Engineer  
Benton County

**Norman Thompson**  
County Road Engineer  
Crook County

**James F. Lyon**  
Director, Public Works  
Hood River County

**Jim Walker**  
County Road Engineer  
Grant County

**Mike McHaney**  
Gilliam County Roadmaster

*(This information furnished by Jody Fischer, Oregonians for Roads and Rail.)*

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# Measure No. 32

## ARGUMENT IN FAVOR

Vote  
**YES** on 32.

**To help local communities and rural areas  
solve traffic and transportation problems.**

In the last two years, many Oregonians have testified to House and Senate Committees about traffic and transportation problems all over the state. By strong majorities, the Oregon Legislature passed the transportation package that is now Measure 32. As chairs of the House and Senate committees that considered transportation, we concluded:

- **Communities outside Portland have different, but equally critical, transportation needs.**

That is why Measure 32 includes lottery and other funds for transportation needs throughout the state, as well as for light rail in Portland. Communities can choose to use the money for a variety of transportation needs, such as road repairs, bridges, airport improvements, and special transportation for elderly and disabled citizens.

- **Light rail works in Portland and cost projections are reasonable and accurate.**

For Portland, the best option for easing traffic is light rail. Ridership on light rail continues to increase. More than half of MAX riders are new riders to the transit system. Light rail provides the highest corridor transit ridership and the best opportunity to limit urban sprawl and save farmland.

- **The opponents of light rail offer no viable alternative for easing traffic and reducing urban sprawl in our state's largest metropolitan area.**

"I support the transportation package for two reasons. One, light rail is critical for Portland to handle 500,000 new people in the next 15 years. Two, Measure 32 helps the rest of the state with our own local transportation problems."

**State Representative Bob Repine (R-Grants Pass)**  
Chair, House Task Force on South North Light Rail

"Traffic is not just a Portland concern. Communities all over Oregon need transportation help. Measure 32 is balanced, fair and a good investment of lottery dollars."

**State Senator Ken Baker (R-Clackamas)**  
Chair, State Senate Transportation Committee

Vote **YES** on 32.

*(This information furnished by Robert Repine and Ken Baker.)*

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# Measure No. 32

# Measure No. 32

## ARGUMENT IN FAVOR

Vote  
**YES** on 32.

For roads, rail  
and Oregon's economy.

**The Oregon Building and Construction Trades Council  
urges a YES vote on Measure 32.**

- Measure 32 is good for Oregon's economy.

Measure 32 will help repair roads, build light rail and solve other local transportation problems around the state. Better roads make it easier and less expensive to move freight throughout Oregon.

- Measure 32 will create jobs.

Light rail construction will create over 32,000 family-wage jobs. That means \$119 million in state income tax revenue for Oregon.

- Measure 32 is a sound use of lottery dollars.

Measure 32 is not a tax. It will use a small portion of the lottery for transportation. Up to 95% of the lottery will still be available for schools and other projects.

- Measure 32 is a chance to invest in transportation now -- before traffic gets worse and costs go higher.

We all know it is not going to get cheaper to repair roads or build light rail. We should take advantage of lottery dollars now before the costs of transportation improvements skyrocket.

**To ease traffic and help Oregon's economy.**

Vote **YES** on 32.

*(This information furnished by Bob Shiprack, Oregon Building and Construction Trades Council.)*

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## ARGUMENT IN FAVOR

Vote  
**YES** on 32.

**United Seniors of Oregon  
Oregon State Council of Senior Citizens  
National Council of Senior Citizens  
urge a YES vote on Measure 32.**

- Measure 32 will invest lottery funds in transportation improvements that will help Oregon's senior citizens remain independent and in their own homes.
- Measure 32 takes only a small portion of the lottery fund. There will still be money left for other services.
- The lottery dollars in Measure 32 will be used to expand light rail and an equal amount of money will go to cities and counties and can be used for transportation services like door-to-door van service for the frail elderly.
- Measure 32 is not a tax or a tax increase.

Vote **YES** on Measure 32.

**Jim Davis for the  
United Seniors of Oregon,  
Oregon State Council of Senior Citizens,  
and National Council of Senior Citizens**

*(This information furnished by Nan Heim, Oregonians For Roads and Rail.)*

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# Measure No. 32

# Measure No. 32

## ARGUMENT IN FAVOR

Vote  
**YES** on 32.

Lottery money  
for roads and light rail.

Chambers of Commerce in all parts of Oregon  
urge a **YES** vote on Measure 32.

- **Measure 32 is fair.** It means light rail for Portland and an equal amount for roads and transportation projects for the rest of the state.
- Measure 32 contains \$375 million in lottery and other funds for badly needed transportation projects in communities outside Portland.
- Measure 32 uses only a small portion of Oregon's lottery dollars. There will still be money left over for things like education and economic development.
- Measure 32 is a way to solve some transportation problems and it is not a tax!

Gary Capps  
Bend Area  
Chamber of Commerce

Dave Hauser  
Eugene Area  
Chamber of Commerce

Dan Hern  
Roseburg Area  
Chamber of Commerce

Donald. S. McClave  
Portland Metropolitan Area  
Chamber of Commerce

Patrick M. Vance  
Woodburn Area  
Chamber of Commerce

Demi DeSoto  
North Clackamas  
Chamber of Commerce

William R. Hass  
The Chamber of  
Medford/Jackson County

Kathi Joy  
Bay Area Chamber  
of Commerce (Coos Bay,  
North Bend, Charleston)

Mike McLaren  
Salem Area  
Chamber of Commerce

Dan Abeng  
The Greater Hillsboro Area  
Chamber of Commerce

(This information furnished by Jody Fischer, Oregonians for Roads and Rail.)

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## ARGUMENT IN FAVOR

Vote  
**YES** on 32.

To benefit all of Oregon,  
not just Portland.

"Air pollution, traffic congestion, and population growth are all problems that can't be solved by more people riding in cars. Public transportation is an important part of solving these problems. The light rail appears to be reasonable way to move into the 20th century."

**Burns Times-Herald**, July 26, 1995

"Light rail could be one time rural and urban interests mesh...Funding for extending Portland system includes money for other projects that would help southern Oregon."

**The News Review, Roseburg**, July 21, 1995

"Not once, but twice the voters in metropolitan Portland have overwhelmingly supported bond measures to finance light rail. There is no more visible symbol of this city's commitment to orderly growth than its train system. And our current prosperity is due in part to investment in rail and roads to handle a growing population."

**The Business Journal**, June 9, 1995

"Why should those of us a good hour's drive from Portland even care about light rail? The answer is obvious: most of us travel in the metro area and become a part of the traffic community there when we do."

**Hood River News**, July 26, 1995

"The light rail line will create thousands of new jobs and millions in state income tax dollars. It would spur economic development."

**The Tigard Times**, July 20, 1995

"Portland is the state's biggest city, and much of Oregon's vibrancy depends on it. If it's going to be a city that works, it needs transportation that works. No one in Oregon will benefit if Portland becomes as hostile or hopeless or gridlocked as other U.S. big cities."

**Medford Mail Tribune**, July 19, 1995

(This information furnished by Nan Heim, Oregonians for Roads and Rail.)

(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)

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# Measure No. 32

# Measure No. 32

## ARGUMENT IN FAVOR

Vote  
**YES on 32**

To preserve farmland, ease traffic  
and repair roads.

The Oregon Farm Bureau Federation  
urges **YES** on Measure 32.

- Oregon farmers need good roads. Measure 32 means lottery dollars for roads and transportation projects all over Oregon. If we don't take care of our roads now, it will cost us even more in the future.
- Measure 32 helps pay for light rail as well as for road repairs. Why do farmers in the Willamette Valley care about light rail? Because it helps control the urban sprawl that threatens farmland and rural communities.
- Measure 32 uses lottery dollars to pay for transportation needs without increasing taxes. It uses only a small portion of the state's lottery revenue; the rest will still be available for schools and other projects.

Please join us in voting **YES** on 32  
for essential transportation all over Oregon.

*(This information furnished by Board of Directors, Oregon Farm Bureau, John Rossner, President; Stan Hendy, Rick Miller, Daryl Hawes, Debbie Scott, Vice Presidents; Larry Lear, Norm Pratt, Joan Silver, Tracey Liskey, Camille Hukari, Jack Burkhardt, Dean Freeborn, Kathy Smith, Keith Nelsen, Neil Westfall, Charlie Barlow, Edmund Duyck, Doug Krahmer, Howard Sand, Board Members; Andy Anderson, Greg Leo, Don Schellenberg, Pete Test, Staff.)*

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## ARGUMENT IN FAVOR

Vote  
**YES on 32.**

Experts agree -- light rail works for Portland.

- **Light rail ridership is an all time record high and growing.** MAX now provides eight million rides a year. South/North is expected to attract 17,000 people out of their cars each week-day.
- **Light rail helps prevent sprawl and keep the region livable.** It is estimated that between 500,000 and 700,000 more people will live in the Portland metropolitan area by the year 2015. Light rail helps manage that growth.
- **Light rail helps reduce air pollution.** By the year 2015, South/North light rail is expected to reduce air pollution by over 300 tons a year.
- **Light rail helps keep freight moving and Oregon companies productive.** There will be a \$5 million to \$6 million savings per year in congestion costs for freight movement from South/North light rail.
- **Light rail helps build communities.** Over \$1 billion has been invested along the MAX line, including health clinics, apartments and the Blazer arena.
- **Light rail is cost-effective and less expensive than the alternative.** A six lane freeway alternative to light rail would cost \$3.2 billion -- twice the cost of South/North light rail with only half of the capacity.

Vote **YES** on Measure 32.

Sy Adler, Ph.D.  
Professor of Urban  
Studies and Planning

William Becker, Ph.D.  
Professor of Science  
Education

Steven N. Brenner, D.B.A.  
Professor of Business

Ron Cease, Ph.D.  
Professor of Political Science  
and Public Administration

Daniel M. Johnson, Ph.D.  
Professor of Geography

Walter G. Ellis, Ph.D.  
Professor of Political Science  
and Public Administration

David A. Johnson, Ph.D.  
Professor of History

Howard McGinn, M.B.A.

Morgan D. Pope, President  
MDP Associates, Inc.

James R. Pratt, Ph.D.  
Professor of Environmental  
Science

Ethan Seltzer, Ph.D., Associate Professor  
of Urban Studies and Planning

*(This information furnished by Ed Grosswiler, Oregonians for Roads and Rail.)*

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# Measure No. 32

## ARGUMENT IN OPPOSITION

**VOTE NO:** On Measure 32 so we can have money for statewide equal educational use. Why do we need to vote almost **\$ 2 Billion Dollars for Lite Rail**, when our children's education is a higher priority?

**VOTE NO FOR YOUR KIDS AND GRANDCHILDREN SAKE**

**VOTE NO:** Measure 32 creates a dangerous taxing system whereby Portland Region Light Rail taxpayers taxes are to be given to the other 33 Counties in the amount of **\$150 MILLION.**

**IS THIS GOOD EDUCATIONAL FINANCING?**

**VOTE NO:** ASK YOUR STATE LEGISLATOR WHY THEY VOTED FOR RAILROADS INSTEAD OF EDUCATIONAL FUNDING.

**VOTE NO:** REMEMBER, THIS IS A BOND MEASURE OF \$490 MILLION, WE BELIEVE THE TOTAL COST IS SHORT OF FUNDING.

**536 Million including State Lottery Funds with interest**

**240 Million from State Lottery Funds**

**110 Million from State of Oregon General Funds, OR MORE.**

**150 Million from Portland Metro Area Taxpayers to be given away to induce Eastern & Southern Oregon to vote for the light-railroad. As a Citizen you cannot offer money to vote. Total of above \$1.036 Billion. Tri Met says it will cost \$1.5 Billion. WHO PAYS THE SHORTAGE OF \$464 MILLION?**

**VOTE NO:** Send a message to your State Legislators to put this much effort into educational funding, not **railroad tracks. Children are more worthy** of these funds than a **cold steel railroad track.**

**VOTE NO:** We believe State Legislators have authorized the State Treasurer to **issue more bonds, without your vote**, if \$1.5 Billion is not enough for **THE PORTLAND REGION LIGHT RAIL RAILROAD.**

*(This information furnished by Clyde V. Brummell, President, Oregon Homeowner's Association, Inc.)*

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# Measure No. 32

## ARGUMENT IN OPPOSITION

State Bureaucrats, Building Contractors, Bankers and Consultants---the people profiting from the proposed North/South Light Rail projects---are pushing for a proposal that will waste our tax dollars.

Experts on Public transportation from Harvard, USC, Portland State, and other colleges, testified to our Legislature and told them the North/South Light Rail project is a "waste of taxpayer dollars".

The legislature did not listen to the experts and so concerned taxpayers gathered enough signatures to refer this \$3 billion, pork barrel project to you, the voter.

Let us review the facts, as presented by the experts, why the North/South Light Rail Project is a waste of our tax dollars:

1. Light rail does not reduce traffic and congestion;
2. Over 90% of the light rail users will be former bus riders;
3. Light rail will cost 65 times more than the bus service;
4. Light rail is nothing more than a permanent bus line that can't be moved;
5. 8 miles of light rail will cost billions to construct;
6. The estimated taxpayer subsidy for one person taking one ride on the light rail is over \$38.00 (Again, that's one person, one way, one ride);
7. Light rail does not attract new commuters, only bus riders;
8. The new Light Rail project will only serve downtown Portland and, according to experts, will not reduce pollution or conserve energy;
9. Light rail costs billions-taking money away from our roads and other needed transportation projects that serve everyone;

**DON'T WASTE TAXPAYER DOLLARS. DON'T VOTE FOR PORK BARREL PROJECTS. DON'T LISTEN TO GOVERNMENT BUREAUCRATS AND SPECIAL INTEREST GROUPS.**

**VOTE NO, NO ON THE NEW LIGHT RAIL LINE**

Paid for by Oregonians for Schools and Efficient Transportation.

*(This information furnished by Bob Tiernan, Oregonians for Schools and Efficient Transportation.)*

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## Measure No. 32

### ARGUMENT IN OPPOSITION

The newly proposed Portland "North/South" light rail line, the largest public works project in the history of the state, is going to cost taxpayers billions of dollars to build and hundreds of millions in operating subsidies to maintain.

Oregonians can't afford to waste money on a project that:

1. will cost billions of dollars to build;
2. cost millions in taxpayer subsidies;
3. only 1% of the Portland area will ride; buses are much cheaper and more efficient.

If light rail was "free," it would be a good idea. Unfortunately, it is not.

Oregonians need to spend lottery dollars on education---giving our children and young adults a better education. Our State colleges need to offer Oregonians the best higher education possible. We need to provide every Oregon High school graduate, who wants to attend college, a tuition assistance program.

Light rail will suck-up huge amounts of taxpayer dollars to build and maintain - taking money from our schools and our children.

Light rail will not relieve Portland area congestion. However, a better bus system, car pool lanes, repairing interchanges, bypasses, etc., for fractions of the cost, can relieve Portland area congestion.

Our taxpayer money must be spent on a true investment in the future - better schools, smarter kids.

**VOTE NO ON LIGHT RAIL. WE CAN'T AFFORD TO WASTE MONEY.**

**"PAID FOR BY OREGONIANS FOR SCHOOLS AND EFFICIENT TRANSPORTATION"**

*(This information furnished by Bob Tiernan, Oregonians for Schools and Efficient Transportation.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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## Measure No. 32

### ARGUMENT IN OPPOSITION

**Vote NO on 32  
STOP Light-Rail BOONDOGGLES**

Building the proposed **\$3 BILLION** South-North line would be another terrible waste of federal, state and local taxpayers' money. Like the existing Eastside line, the proposed MAX line would do very little to reduce traffic congestion or air pollution in the Portland metropolitan area. Furthermore, each passenger it added to Portland's transit ridership would require taxpayer subsidies of over \$60 per round trip, three times more than the Eastside line.

While roads are being neglected, state parks and fish hatcheries are being closed, and new schools and prisons are being postponed for a lack of funds, it would be irresponsible to build a new MAX line that would cost taxpayers more than \$25,000 per year in subsidies for each additional car that Portland's prodigal transit system would actually take off area roads.

While teachers, police officers and other workers are being terminated for a lack of funds, it would be wrong to spend \$3,000,000,000.00 building another MAX line when more buses or a fleet of computer-dispatched minibuses, taxis and jitneys could carry many more passengers at a much lower cost to taxpayers. This privately-owned transit fleet could also provide guaranteed seating and door-to-door service, even in the low-density suburban and rural areas where most Oregonians now live and work.

Don't be fooled! Companies, politicians and others that would benefit financially if the South-North line is built, will spend a million dollars to fund a slick political campaign - including newspaper, radio and TV infomercials - to get your vote and your **\$3 BILLION**. Just remember, these special interests are afraid to debate with anyone who can debunk their claims or tell you how much of a ridership flop and a financial fiasco light rail has really been in Portland.

For more information, write CATS, 12160 Burnett, Beaverton OR 97008, or contact <http://www.com/oti>

**Vote NO on 32  
STOP Light-Rail BOONDOGGLES**

*(This information furnished by Robert W. Behnke, Citizens Against Transit Scams (CATS).)*

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# Measure No. 32

## ARGUMENT IN OPPOSITION

### MEASURE 32 WASTES YOUR TAX DOLLARS

A 1982 Tri-Met study estimated that streetcars to Milwaukie would cost under \$50 million. That sounded reasonable. Now the cost is nearly **\$1,500 million**, thirty times as much.

What do we get for this? A gold-plated, pork-laden streetcar line that hardly anyone will use. Even if we spend billions on fifty more mile of streetcar lines, Metro predicts transit will carry **less than 5 percent** of all Portland-area trips.

Streetcars were invented a century ago for cities that had no cars and little pavement. Calling streetcars "light rail" doesn't make them any better. **Nineteenth-century technology** can't solve the problems of a twenty-first century Portland.

Though the ballot refers to "South North light rail," this funds only the south portion. They will need **more of your money** for the north part. Fast, frequent bus service can reduce congestion at a far lower cost.

### TRANSIT SUPPORTERS OPPOSE LIGHT RAIL PROJECT

The Association of Oregon Rail and Transit Advocates (AORTA) opposes the South-North light-rail project because the "costs [are] too high" and "ridership too low." "The new line would have slow operating speeds," says AORTA, "and would not be able to accommodate aggressive or long-term ridership growth."\*

### NEIGHBORHOODS OPPOSE MEASURE 32

Light rail "is not worth the cost if you're just looking at transit," says Metro planner John Fregonese. "It's a way to develop your community to higher densities."† After spending your tax dollars on streetcars, Metro will spend more of your taxes **subsidizing high-density** developments near streetcar lines.

But higher densities make congestion worse. **We don't want to live in New York**-urban-area densities: That's why we live here!

**Randal O'Toole, John Adams, and other Oak Grove neighbors urge you to vote NO! on Measure 32.**

<http://www.teleport.com/~rot/og/neighbors.html>

\*AORTA Bulletin, March 1996.

†Wisconsin State Journal 7-23-95.

(This information furnished by Randal O'Toole, Oak Grove Neighbors for Better Transit.)

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# Measure No. 32

## ARGUMENT IN OPPOSITION

### MILWAUKIANS OPPOSE MILWAUKIE LIGHT RAIL

People in the Milwaukie area are asking you, our fellow Portland and Oregon voters, to help us prevent Metro (Portland's regional government) from implementing its current light-rail proposal.

Many of us originally supported the concept, but didn't know the details. We do now and we don't like it.

### BRING NEW YORK TO PORTLAND?

According to Metro, the heart of this proposal is to push the Portland area's population density to higher than that of the New York-area today in the hope of boosting light rail ridership. But Metro admits that nine out of ten people will still drive and that the number of congested road miles will increase from 160 to 620!

### LIGHT-RAIL IS TOO EXPENSIVE

The proposed four-mile light-rail segment from Milwaukie to Clackamas Town Center is expected to cost \$455 million. Yet Metro predicts it will carry only 600 riders per day. That's an average tax subsidy of hundreds of dollars per ride. This route is already well served by buses!

### BUSES ARE BETTER AND COST LESS

For less than the cost of one mile of light rail, we can provide the entire region with faster, more convenient, and more frequent bus service. But, if the light rail is built, we won't be able to improve bus service because, says Metro, the cost of light rail "limits future bus expansion."\*

### SAVE OUR LIVABILITY

Metro's research says this plan will make our region more congested. In fact, Metro regards congestion as a sign of "positive urban development."† We don't!

Metro boasts that the South-North light rail is the biggest public works project in Oregon history. We can't argue with that. We also believe it's the most wasteful.

### TO IMPROVE TRANSIT, REDUCE CONGESTION, AND PROMOTE A LIVABLE PORTLAND, VOTE NO! ON MEASURE 32.

\*Regional Transportation Plan, July, 1995, page 7-8.

†Regional Transportation Plan Update, March, 1996, page1-20.

(This information furnished by Jeannette Baker, Milwaukians for Reasonable Transit Choices.)

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## Measure No. 32

### ARGUMENT IN OPPOSITION

#### BETTER SOLUTIONS TO CONGESTION COST MUCH LESS THAN MEASURE 32

One solution is high-occupancy vehicle (HOV) lanes, which carry five times as many people, moving twice as fast, as regular free-way lanes.

Before Portland built MAX light rail, the HOV lane on the Banfield freeway was "a success," says the Oregon Department of Transportation, that "improved peak hour operating conditions on the freeway, conserved fuel, reduced travel costs to the public, and increased freeway capacity."

HOV lanes relieved congestion far better than MAX. During the seven years the HOV lanes were on the Banfield, freeway traffic increased by less than 2 percent. In the nine years after MAX was built and the HOV lanes remove, freeway traffic increased 57 percent, five times the area's population growth.

Actual experiences in Portland, Virginia, and elsewhere show that HOV lanes cost less and attract more riders than light rail. The proposed South-North line will cost **30 TIMES** as much per passenger-mile as HOV lanes. Bus ridership increased **355 PERCENT** when Virginia's federally funded HOV lanes were opened because travel time was halved.

Another solution is better bus service. For less than the cost of one mile of light-rail, Tri-Met can **DOUBLE ITS BUSES, ADD NEW ROUTES**, and provide **EXPRESS BUSES** on existing routes. If this light rail is built, Tri-Met won't have funds for such improvements.

Another solution is to use existing tracks for commuter rail rather than construct new ones. Peak-hour service could operate in a year at far lower cost than building new tracks.

Light-rail supporters plan to spend more than a million dollars on this election. But their glitzy ads will offer **NO PROOF** that light rail can reduce congestion or attract as many transit riders as the alternatives, **BECAUSE THERE IS NONE.**

Save your dollars and help reduce congestion. Vote **NO!** on measure 32.

For details, see <http://www.hevanet.com/oti>

*(This information furnished by Melvin Y. Zucker, Oregon Transportation Institute.)*

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## Measure No. 32

### ARGUMENT IN OPPOSITION

A "NO" vote on Measure 32 is not necessarily a vote against better transit.

AORTA, a volunteer citizens' organization, has worked for better public transportation for decades. Many of our officers helped bring light rail to Portland. **We continue to support expanding bus and rail service throughout Oregon.**

**AORTA supports improved transit and light rail in the South-North corridor and elsewhere.**

**However, AORTA no longer supports the current South-North project because its costs and negative impacts clearly exceed its benefits, and because discussion has been closed on major design problems.**

**AORTA's Portland Chapter recommends that voters reject Measure 32 because:**

#### COSTS TOO HIGH

South-North (\$66,000,000 per mile, excluding river crossings) is significantly out of line with the costs of other effective light rail projects in North America.

#### RIDERSHIP TOO LOW

Metro's 20-year ridership projection of the South segment, even assuming dense redevelopment, forecasts less ridership than current eastside MAX. Ridership in the South segment is so low that Tri-Met cut midday transit service there this fall.

#### DOWNTOWN ALIGNMENT UNACCEPTABLE

Light rail on the Mall will degrade bus service, diminish the Mall's carrying capacity and actually decrease Tri-Met's ability to quickly move increasing numbers of people to and through the downtown.

#### BETTER TRANSIT OPTIONS AVAILABLE

Combining bus improvements and diesel-powered commuter rail on existing tracks in the corridor could provide faster commuter service from Milwaukie, Clackamas Town Center, Oregon City and Canby, and greater transit travel options. These could be implemented in less time and at much lower cost than the proposed project. Related track improvements would directly benefit the Willamette Valley High Speed Rail corridor.

**While light rail can be highly effective, this South-North proposal is not a wise investment. Its costs would imperil our ability to make public transportation a more viable option throughout the metropolitan region and Oregon.**

AORTA's Portland Chapter encourages Oregonians to:

- Vote "NO" on 32; and
- Ask officials for better, more effective transit solutions

*(This information furnished by David Zagel, Chapter President, Association of Oregon Rail and Transit Advocates (AORTA), Portland Chapter.)*

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# Measure No. 32

# Measure No. 32

## ARGUMENT IN OPPOSITION

### LIGHT RAIL IS A BOONDOGGLE

Light rail is the biggest, most wasteful pork barrel project in Oregon history.

**Light rail funding is driven, not by the ability of light rail to reduce traffic congestion or air pollution, because it does neither.** It is driven by greed, backroom political deals and vote trading. The campaign to pass this measure is being funded largely by contractors with a financial stake in the project and investors with properties located along the line.

This project is being marketed as funding for "statewide transportation projects." But take a look at the numbers. Light rail project costs \$150 million per mile to build. Therefore, more than three-fourths of the transportation money will go to Portland for light rail, and the 23 percent that is left will be distributed sparsely throughout the rest of the state.

**In other words, Portland gets a huge piece of the pie, and the rest of the state divides up the crumbs that are left.**

But even Portlanders lose in this deal. Portland has to give up most of its future highway money in exchange for the light rail money. **A huge chunk of cash will be spent on a light rail system that will be used by about one percent of the population while the roads used by the other 99 percent are allowed to deteriorate.**

It's even more ironic for those driving the crowded freeways saying, "I support light rail so those other guys will get off the freeway and make more room for me." In reality, the other guys are voting for light rail so you will get off the freeway and make room for them.

Almost no one who supports light rail really plans to use it!

**Spending \$1.5 billion on a light rail project that very few will ever use, at a time when Oregon's schools are requesting more money, is utterly foolish. We simply cannot afford both light rail and schools.**

*(This information furnished by Bill Sizemore, Oregon Taxpayers United PAC.)*

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## ARGUMENT IN OPPOSITION

PLEASE VOTE NO ON BALLOT MEASURE 32

STOP THE TRAIN!

IT IS A BLACK HOLE THAT WILL ENCUMBER YOU, YOUR CHILDREN, AND PROBABLY YOUR GRANDCHILDREN.

THIS SEGMENT OF TRACK IS THE THIRD BUT NOT THE LAST. MORE WILL BE PROPOSED, AT GREAT ADDITIONAL COST:

IT IS OVER-PRICED AND OVER-RATED. THERE ARE CHEAPER AND BETTER WAYS TO DO THE JOB.

VOTE NO ON THE PORTLAND LIGHT RAIL TROLLEY.

THANK YOU.

Representative Cedric Hayden  
former Chairman (1995) House Subcommittee on Transportation

*(This information furnished by Representative Cedric Hayden, 1995 Chairman, House Transportation Subcommittee.)*

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# Measure No. 33

# Measure No. 33

Proposed by initiative petition to be voted on at the General Election, November 5, 1996.

## EXPLANATORY STATEMENT

### BALLOT TITLE

### **33 AMENDS CONSTITUTION: LIMITS LEGISLATIVE CHANGE TO STATUTES PASSED BY VOTERS**

**QUESTION:** Shall constitution bar legislature for 5 years from changing statutes passed by voters, require 3/5 vote in each house thereafter?

**SUMMARY:** This measure would add a new section to the state constitution. It would bar the legislature from changing or repealing statutes enacted or approved by the voters for 5 years. The voters still could do so by initiative or referendum. After 5 years, the legislature could amend or repeal such a statute only by a 3/5 vote in each house.

**ESTIMATE OF FINANCIAL IMPACT:** No financial effect on state or local government expenditures or revenues.

### PROPOSED CONSTITUTIONAL AMENDMENT

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

Article IV, Section 1 of the Oregon Constitution is amended by adding the following subsection:

(6) No law enacted or approved through the exercise of the initiative or referendum powers reserved to the people by subsections (2) through (5) of this section shall be amended, repealed or otherwise nullified for a period of 5 years from the date of its enactment or approval by the people except by initiative or referendum. After such 5 year period the Legislative Assembly may amend, repeal or otherwise nullify an initiated or referred law upon a vote of not less than three-fifths of the members of each house. (7) **SEVERABILITY.** If any part of this subsection is held to be invalid, the remaining parts shall remain in full force and effect.

Ballot Measure 33 amends the Oregon Constitution. The Oregon Constitution currently requires a simple majority vote by the legislature to change a law approved by initiative or referendum. Ballot Measure 33 prohibits the legislature from making any changes in any law created by an initiative or referendum except by another initiative or referendum. This prohibition would last for five years after a law created by an initiative or referendum is approved.

After five years, Ballot Measure 33 would require that at least three-fifths of the members of each house approve any change that would amend, repeal or otherwise nullify the law created by the initiative or referendum. In the 30-member Oregon Senate, this would increase from 16 to 18 the number of Senators required to approve such a change. In the 60-member Oregon House of Representatives, the number of Representatives required would increase from 31 to 36.

#### Committee Members:

Ruth Bendl  
Vernon White  
Nina Johnson  
Fred Miller  
Ted Runstein\*

#### Appointed by:

Chief Petitioners  
Chief Petitioners  
Secretary of State  
Secretary of State  
Secretary of State

\*5th member appointed by Secretary of State because committee members could not agree on selection.

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

# Measure No. 33

## ARGUMENT IN FAVOR

VOTE "YES" FOR MEASURE #33!

**Put a STOP to circumventing the will of voters!**

This measure limits Oregon lawmakers' ability to thwart an initiative after concerned citizens have first gathered signature to place it on the ballot, and a majority of voters approved the measure.

Measure #33 does the following:

- \* **It ensures that any legislation proposed by the people in the form of an initiative, and approved by voters, remains unchanged and in effect for five years.**
- \* **Provides an escape clause in that, after five years, lawmakers could make adjustments to the measure with approval of three-fifths of the members from each House of the Legislature.**

During the first five year period there are still two ways for changes to be made:

1. If another initiative proposing a change is referred by the people, or,
2. If legislators refer their recommended changes back to the people.

**Either way, it is the voters decision!**

In considering the merits of this measure, voters should understand that people resort to the initiative process for very good reasons! Too often elected lawmakers ignore the will of the voters in response to powerful special interests who have the influence to prevent the re-election of these lawmakers.

Invariably the same special interests who persuaded lawmakers to do nothing in the past, will still be around to apply pressure once the measure has become law. The only recourse to counter this problem has been for the people to make a Constitutional amendment which cannot be changed by the Legislature, and which may not always be appropriate.

**Vote "Yes" for Measure #33! Voters usually know best!**

*(This information furnished by Ruth F. Bendl, Chief Petitioner, Respect Voter Approved Laws Committee.)*

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# Measure No. 33

## ARGUMENT IN FAVOR

**STOP THE LEGISLATURE FROM STOMPING ON THE WILL OF THE PEOPLE!**

If we had better legislators we wouldn't need the initiatives! Many legislators are influenced by lobbyists for unions, banks, utilities and other special interests that benefit from your higher taxes! As a group, they couldn't care less about what's best for the majority of people.

This initiative says that the legislature cannot change or repeal any initiative passed by the people for five years! After that it takes over 60% of them in EACH house to change or repeal the initiative. HOWEVER, the PEOPLE can change it through the initiative process.

EXAMPLE: In 1988 the public's initiative approved longer sentences for violent criminals. The legislature REVERSED this initiative so violent criminals continued to be let out early. This is because criminal trial lawyers, who have great influence in the legislature, get 104 million dollars for two years to defend criminals with YOUR money. So many killings, rapes and other violent acts happened because of this RECYCLING of criminals for the benefit of the criminal defense lawyers.

This measure stops this nonsense. It **helps** protect YOU and YOUR LOVED ONES from crime and higher taxes.

*(This information furnished by Vern White.)*

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# Measure No. 33

## ARGUMENT IN OPPOSITION

### The Former Deans Committee

We believe there are serious concerns that Measure 33 is unconstitutional.

Our concerns are as follows:

This Measure provides that when an initiative or referendum is passed, the new statute cannot be changed by the Oregon Legislature for five years. This prohibition against change is even for obvious or unintended errors. After five years the initiative or referendum can be changed only after a 60% favorable vote by the Legislature.

We have a representative form of Government. The Oregon Legislature has a constitutional duty to write, rewrite, change, modify or repeal any laws necessary to provide for the common needs of the citizens of this State.

The Constitution of the United States guarantees a Republican form of Government and the right of all citizens to petition their government for the redress of grievances and this Measure appears to deny this fundamental right. People have the right to seek changes in the laws at any time the Legislature is in session. The Measure would limit the citizen's rights of free expression and equal protection under United States Constitution.

We provide this information to help fellow voters in understanding this measure. Our comments are designed only to provide objective and careful constitutional analysis of the measure. Collectively, we take no position on the other merits of this measure.

Prof. Leroy Tornquist (Chair), Former Dean  
Willamette University College of Law

Prof. Emeritus Chapin Clark, Former Dean  
University of Oregon School of Law

President David Frohnmayr  
University of Oregon  
Former Dean University of Oregon School of Law

Prof. Maurice Holland, Former Dean  
University of Oregon School of Law

Prof. Robert Misner, Former Dean  
Willamette University College of Law

*(This information furnished by Bob Cannon, The Former Deans Committee.)*

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**Measure No. 34****Measure No. 34**

Proposed by initiative petition to be voted on at the General Election, November 5, 1996.

**BALLOT TITLE****34 WILDLIFE MANAGEMENT EXCLUSIVE TO COMMISSION; REPEALS 1994 BEAR/COUGAR INITIATIVE**

**RESULT OF "YES" VOTE:** "Yes" vote gives commission exclusive wildlife management authority; repeals 1994 bear/cougar hunting ban initiative.

**RESULT OF "NO" VOTE:** "No" vote retains current wildlife management laws, including 1994 bear/cougar hunting ban initiative measure.

**SUMMARY:** Current law gives the Oregon Fish and Wildlife Commission the authority to manage wildlife. Measure provides that this authority would be exclusive. Measure repeals all laws other than legislation and Commission rules enacted since 1975 that regulate time, place and manner of taking wildlife by angling, hunting or trapping, including the 1994 bear/cougar hunting ban initiative. That initiative banning use of bait or dogs to trap or hunt black bear and cougar was approved by vote of the people in the November, 1994 election.

**ESTIMATE OF FINANCIAL IMPACT:** No financial effect on state or local government expenditures or revenues.

**AN ACT****Be it enacted by the People of the State of Oregon:**

**SECTION 1.** The State Fish and Wildlife Commission shall have exclusive authority to manage wildlife and to regulate the times, places and manner in which wildlife may be taken by angling, hunting or trapping. The commission may delegate such authority to the State Department of Fish and Wildlife and to no other person, department, or agency.

**SECTION 2.** All laws enacted after July 1, 1975 which purport to regulate or prescribe the times, places or manner in which wildlife may be taken by angling, hunting or trapping, except for laws enacted or amended by the Legislative Assembly or rules adopted by the State Fish and Wildlife Commission, are repealed.

**SEVERABILITY:** If any part of this Act is held to be unconstitutional by a court of competent jurisdiction, all other parts shall not be affected and remain in full force and effect.

**EXPLANATORY STATEMENT**

Section 1 of this measure gives the State Fish and Wildlife Commission the sole authority to manage wildlife and to regulate the times, places and manner in which wildlife may be taken by angling, hunting or trapping. Under state wildlife laws, 'manage' means to protect, preserve, propagate, promote, utilize and control wildlife. Section 1 of this measure also prohibits the commission from giving this authority to any other person, department or agency except the State Department of Fish and Wildlife.

Section 2 of this measure repeals laws enacted since July 1, 1975, that regulate or set the times, places or manner in which wildlife may be taken by angling, hunting or trapping. Included in this repeal is the 1994 voter approved initiative measure banning the use of dogs to hunt black bear or cougar, or to use bait to attract or take black bears, with exceptions for damage control.

Section 2 of this measure does not affect laws enacted by the Legislature or rules adopted by the State Fish and Wildlife Commission.

This measure contains a provision to save other parts of the measure if any portion is found unconstitutional.

**Committee Members:**

Gregg K. Clapper\*  
Representative Larry Sowa\*  
Nancy Perry  
Daniel Stotter  
Greg McMurdo

**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 No. 34

## ARGUMENT IN FAVOR

**Don't be Misled Again. Vote  
YES ON MEASURE 34.**

In 1994, using emotional rhetoric and graphic videos of illegal hunts and hunts in other states, radical animal rights extremists misled Oregon voters into supporting Measure 18, a ban on certain cougar and bear hunting techniques. In the process they spent nearly a quarter of a million dollars, most of which came from outside Oregon. Today, consequences of the extremists ban are apparent. Lets look at the havoc the fanatics have caused.

**WILDLIFE MANAGEMENT HAS SUFFERED.** "We think Measure 18 is one of the most unfortunate incidents that has happened to wildlife management in this state, this century. We applaud any reasonable attempt to go to the Legislature and obtain some sort of renewed ability to manage these animals." Jim Haberstadt, Vice Chairman, Oregon Fish and Wildlife Commission 12/14/94. *Eugene Weekly*, 01/25/96

**"Voters can exercise control, responsibility on next ballot.** First we wind up voting on so many issues that we make uninformed decisions. An example is the bear and cougar hunting restrictions. How many of us really know what's involved in hunting bear and cougar or are experts in wild animal population control? Probably not many, so it's not surprising that petitioners are trying to pass a measure simply reversing 1994's actions." *Salem Statesman Journal* 07/06/96.

"Effective, regulated hunting would put the cougar's welfare back in the hands of Oregon's professional wildlife managers" *Herald and News* 05/05/96

**COSTS TO TAXPAYERS ARE SKYROCKETING** As a result of the ban, 1995 cougar harvest dropped 78% in spite of greatly expanded seasons. Bear harvest is off 50 per cent and damage complaints increased by 64%. These dramatic increases required the Oregon Department of Fish and Wildlife to request \$527,931.00 in general fund money to support increases in the cougar/bear damage program. Costs previously borne by hunters. *Staff proposals ODFW 1997-99 Budget-1996-97 Big Game Regulations.*

Return management of Oregon's wildlife to  
responsible professionals.  
**VOTE YES ON Measure 34!**

(This information furnished by Rod Harder, Executive Director, Oregon Sportsmens Defense Fund Inc.)

(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)

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# Measure No. 34

## ARGUMENT IN FAVOR

**Repeal Measure 18**

One of the biggest frauds ever perpetrated on the Oregon voting public. Important, responsible wildlife management practices were eliminated based on voter response to emotional videos filmed in other states. As predicted by professional wildlife managers the results gave been immediate and serious. Wildlife has suffered, citizens have been confronted with increasing attacks on their pets and livestock, damage to agricultural and forest resources have increased and the public safety is in question. Review some headlines from around Oregon.

### HUMAN-COUGAR CONFLICTS INCREASING.

"Cougar population and attack risk rise. Recent sightings and attacks on dogs are causing residents to worry about the increasing presence of the mountain lion" *The Oregonian*. 04/03/1996

"Cougar alert" issued for Moore Park area. Ron Anglin, district biologist for ODFW, said a large cat was seen near the viewpoint area, a popular trail for hikers and joggers. *Herald and News* 05/15/96

"Cougar activity remains a concern throughout the region. A cougar was killed by a deer hunter on Heppsie Mt., Rouge District in self defense. Another cougar was killed by an Ashland area resident after it was repeatedly seen in yards during daylight. *Roseburg News Review* 11/23/95

As a Mother and Grandmother I was horrified by an August 21, 1996 Article in the Portland *Oregonian* which vividly described how a mother trying to save her 6-year-old son was killed by a 59 pound cougar. The cougar pulled the child from a horse and when the mother went to his rescue the cougar killed her. In areas where cougar are not controlled, these attacks are becoming more and more frequent. Must this type tragedy occur in Oregon before we wake up to the fact that our children and grand children have been placed in danger by animal rights extremists who value animals more than human life? **PLEASE VOTE YES ON MEASURE 34 AND RESTORE SOME SENSE and SAFETY TO OUR WILDLIFE MANAGEMENT PROGRAMS.**

Wanda Foster  
Western Outdoor Women

(This information furnished by Rod Harder, Oregon Sportsman's Political Victory Fund 002229.)

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# Measure No. 34

# Measure No. 34

## ARGUMENT IN FAVOR

They lied!

Remember the TV commercial of the vicious dogs ripping up the furry animal? That's how the extremists duped Oregon voters into passing Measure 18.

Now we find out that their commercial was really an illegal poaching hunt filmed OUTSIDE of Oregon. It didn't honestly depict anything that happened in Oregon. The people that participated in that fiasco went to jail. And they should have!

Why couldn't they have honestly presented their case to the Oregon voters?

Because they would have lost.

According to the Oregon Department of Fish and Wildlife, Oregon now has about as many cougars as it can handle based on the number of wilderness acres that now exist. A mature male cougar dominates a 175 square mile area. If another male cougar comes into that area, there's trouble. The result is that one of these cougars has to go live someplace else. Obviously, at some point, we run out of wilderness acreage. That's when cougars start moving toward town. That's what happened last year in California. In both cases, young male cougars relocated closer to towns. The result was a woman bird watcher near San Francisco being mauled and killed and a woman hiker near San Diego being mauled and killed.

The Oregon cougar population is large and healthy. That's because we provided professional wildlife management authority to the Oregon Department of Fish and Wildlife. And they did a good job.

But then we got duped by a bunch of out-of-state wackos.

Let's correct our mistake.

Let's not allow them to get away with the lies this time.

Vote YES on 34.

*(This information furnished by Gregg K. Clapper.)*

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## ARGUMENT IN FAVOR

Look and see who funded the animal rights fanatics' Measure 18 the last time. It was a bunch of out-of-state animal rights fanatics whose real mission is an agenda of extremism. They want no animal research, even if it means delaying a cure for AIDS. They don't want you to have pets. They don't want you to eat meat. Don't wear leather. Don't go to the circus or the rodeo. They sure don't want you to hunt. They don't even want you to fish.

We're talking here about a group of animal rights fanatics. They've disguised their true mission by targeting bear/cougar hunting. But even here, the facts aren't on their side.

Here are the facts:

There were only 300 cougars in Oregon when the Oregon Department of Fish and Wildlife took over their management. Today, there are more than 3500.

Cougars kill an estimated 175,000 deer and elk a year--more than twice the number taken by hunters. We manage deer and elk to sustain healthy herds. It makes NO sense to give up management because extremist out-of-state animal rights fanatics want to advance their politically correct agenda.

The animal rights fanatics are led by Wayne Pacelle of the Humane Society of the United States. This isn't the Humane Society that has the dog shelters. That's the Humane Society of America. The Humane Society of the United States is a group of animal rights fanatics. Want proof? All you have to do is ask Wayne Pacelle the following questions:

Are you in favor of people having pets?

Do you wear leather?

Do you eat meat?

Do you fish?

Is there any form of hunting that you think is acceptable?

Do you think rodeos and circuses should exist?

Measure 34 simply returns management of ALL fish and wildlife back to where it should be. Not in the hands of a bunch of fanatics.

Vote YES on 34.

*(This information furnished by Gregg K. Clapper.)*

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# Measure No. 34

## ARGUMENT IN FAVOR

Here's what the animal rights fanatics REALLY say:

When Tom Regan, "March on Washington leader and Philosophy Professor, North Carolina State University", was asked following his speech, entitled "Animal Rights, Human Wrongs", University of Wisconsin-Madison, October 27, 1989, would he save a dog or a baby, if a boat capsized in the ocean?

He responded, "If it were a retarded baby and a bright dog, I'd save the dog."

"One day, we would like an end to pet shops and the breeding of animals. Dogs would pursue their natural lives in the wild...They would have full lives, not wasting at home for someone to come home in the evening and pet them and then sit there and watch TV."

---Ingrid Newkirk, People for the Ethical Treatment of Animals (PETA)  
*Chicago Daily Herald*, March 1, 1990

The Oregon State University farm "was targeted due to its role in the barbaric fur trade...the ALF will continue with similar actions until the last fur farm is burned to the ground."

---Animal Liberation Front statement,  
June 10, 1991, claiming credit for arson at OSU-Corvallis

The animal rightists next target? "Fishing!"

---*Outdoor Life*, June 1996

"We recognize all animals on fur ranches as political prisoners of the war on nature and shall strive to rescue them by any means necessary."

---Rod Coronado, Earth First!  
Newsletter, 1991 Vol 12, #2

Don't let the animal rights fanatics take over control of Oregon's fish and wildlife.

Vote YES on 34.

(This information furnished by Gregg K. Clapper.)

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# Measure No. 34

## ARGUMENT IN FAVOR

### PREDATOR PROBLEMS ARE AT AN ALL-TIME HIGH IN OREGON.

- Measure 18 has crippled Oregon's ability to control predator populations and has resulted in more conflicts between predators and people, livestock and pets in Oregon.

- Measure 18 has eliminated the best tool wildlife managers have for controlling Oregon's expanding populations of black bear and cougar: sport hunting.

- After failing to get their way with the Oregon Fish and Wildlife Commission, which supports traditional hunting methods, animal rights fanatics from out-of-state resorted to the Measure 18 initiative and successfully duped voters who simply weren't informed of the facts.

- Without sportsmen to control predator populations, the only relief from predator problems now comes after attacks occur, when government-paid trappers pursue the marauding predators from the site of the attack. Even then, most attempts at tracking problem predators prove unsuccessful.

- Prior to the passage of Measure 18, Oregon had a very successful management program in place that brought predator populations back from the brink of extinction to healthy numbers. Now Measure 18 has destroyed the balance.

- Vote to repeal Measure 18, correct our mistake, and return Oregon's wildlife management to our trained professionals.

Vote YES on 34!

(This information furnished by Robert Webber.)

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# Measure No. 34

## ARGUMENT IN FAVOR

### Who are the animal rights fanatics opposing Measure 34?

The following is a profile of Sally Mackler, Southern Oregon Co-Spokesman for the Oregon Bear & Cougar Coalition:

**Name:** Sally Frank Mackler

**Age:** 46

**Origin:** She moved to Oregon from Southern California.

**Personal data:** She lives with several dogs, more than 20 cats, and an array of chickens and other birds. "There are so many," reported the *San Diego Union-Tribune*, (Jan. 6, 1990) "she's lost count."

**Diet:** Vegetarian. She won't eat dairy products, she told the *San Diego Union-Tribune* (Aug. 30, 1990) because she believes cows are exploited. She stated in the same article that she regrets having to eat vegetables, but can justify it because even more plants would have to die to raise livestock for her consumption.

**Animal rights background:** She founded a Southern California-based chapter of People for the Ethical Treatment of Animals (PETA), which has started a national campaign to ban all hunting and fishing and serves as a mouthpiece for the terrorist group Animal Liberation Front that regularly destroys medical research labs and targets circuses and rodeos. Mackler has publicly stated (*San Diego Union-Tribune*, Nov. 19, 1990) that she supports animal research lab break-ins. She has also demonstrated at circuses.

**Criminal background:** She was arrested at UC-San Diego medical research lab (*San Diego Union-Tribune*, Apr. 25, 1986). When her 3-year probation was up, she told the *San Diego Union-Tribune* (Nov. 19, 1990) that she would probably break the law again.

Meanwhile, Sally's partner as co-spokesman for the Bear & Cougar Coalition, William Spencer Lennard, was arrested on September 11, 1995, for criminal trespass and jailed after staging a protest at the Sugar Loaf Mountain timber sale in southern Oregon.

**DON'T LET THE WACKOS GET AWAY WITH THE LIES  
THIS TIME!  
VOTE YES ON MEASURE 34!**

(This information furnished by Gregg K. Clapper.)

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# Measure No. 34

## ARGUMENT IN FAVOR

### Here's what wildlife managers say about Measure 18:

"Measure 18 is one of the most unfortunate incidents that has happened to wildlife management in this state, this century... The difference is, rather than providing a recreational opportunity for hunters... we have created a cost to the department and our hunters by having to contract with someone to take care of the damage complaints."

—OREGON FISH AND WILDLIFE COMMISSION,  
March 17, 1995, ODFW press release

"Damage complaints from bear and cougar have been increasing every year, even with carefully controlled hunting... Measure 18 has placed much of the management of these species on an emotional rather than a scientific basis."

—Rod Ingram, Oregon Department of Fish & Wildlife  
Deputy Director  
March 17, 1995, ODFW press release

Now that you know how our trained wildlife managers feel about Measure 18, it's easy to understand why the animal rights fanatics want to take wildlife management out of their hands, and it's easy to understand why the animal rights fanatics oppose Measure 34, which would entrust the Oregon Fish and Wildlife Commission with the management of our state's wildlife. In a fund-raising letter to their fellow-fanatics, they call this concept "A classic case of the fox guarding the hen house."

Well, we know who the real varmints are.

Stop the animal rights fanatics from interfering with sound wildlife management practices in Oregon, and give the Oregon Fish and Wildlife Commission back its authority to manage our state's wildlife.

Vote YES on 34.

(This information furnished by Duane Dunganon.)

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# Measure No. 34

## ARGUMENT IN OPPOSITION

Oregon Newspapers Urge A NO Vote on Measure 34

"Leave hunting law alone"

Eugene *Register-Guard*  
March 18, 1996

"Opponents of Measure 18 have adopted a Mississippi River strategy -- broad and murky -- because when they address the issues directly, they lose. Oregonians, including many hunters, don't believe it's sportsmanlike to sit by a barrel of bait until a bear comes along and then kill it. Nor are they convinced that it's necessary to control the cougar and bear population by allowing hunters to track them down with dogs."

"NRA serves up a very bad law"

*The Daily Astorian*  
May 23, 1996

"The most shameless game on the streets is the ballot initiative that would redefine wildlife policy in Oregon. It is a thinly disguised attempt to repeal the effects of Measure 18, which was adopted by the voters in the 1994 election."

"Voters must resist repeal of bear-cougar hunting law"

*Salem Statesman Journal*  
March 11, 1996

"The new initiative measure is misleading as well as harmful....The proposed initiative is a disguised attempt to override a decision already made by Oregon voters. As the campaign gets going, we will hear a great many stories about the rise in the cougar population and threats to pets and children in suburban areas. That's exaggeration and scare talk."

"Hunting law repeal should be rejected"

*Albany Democrat-Herald*  
March 9, 1996

"There is no need to change the bear and cougar law because as far as anyone knows it is working fine....It's still legal to hunt bears and cougars during their season, except with the outlawed methods. And if there's trouble somewhere, authorized state agents may use even the outlawed methods."

"Opponents of Measure 18 lacking facts"

Grants Pass *Daily Courier*  
June 20, 1996

"...the facts don't spell out some pressing wildlife problem. Those who want to repeal Measure 18 need to come up with facts, not scare tactics...."

(This information furnished by Scott Beckstead, Director, Oregon Bear and Cougar Coalition.)

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# Measure No. 34

## ARGUMENT IN OPPOSITION

The Humane Society of the Willamette Valley  
Urges a NO Vote on Measure 34

- Measure 34 overturns a decision of Oregon voters and seeks to give unprecedented powers to the Fish and Wildlife Commission. In urging opposition to Measure 34, the *Salem Statesman Journal* argued, "[Measure 34] gives the [Fish and Wildlife] commission more power than any other state agency or department."
- Measure 34 makes legal the cruel and unsporting practice of unleashing packs of hounds to pursue and trap bears or cougars. The hounds will often fight with the bears or cougars, leaving all of the animals bloodied and sometimes killed in the process.
- Wildlife experts agree that bear baiting is unsportsmanlike, unnecessary, unsafe, and inconsistent with other big-game hunting practices. Here's what they say:

"The use of salt as an attractant to draw elk and other game animals is illegal for ethical reasons. The Forest Service believes these same standards should apply to all game species, including the black bear."

--J.S. Tixier, November 29, 1990, Letter to Idaho Fish and Game Commission  
Regional Forester of the Intermountain Region  
U.S. Forest Service

"The practice of bear baiting has a direct negative impact on Crater Lake National Park. At some times the park boundary is almost ringed with bear baiting stations... Experienced park field personnel believe that the park bear population is on the decline."

--Charles Odegaard, June 11, 1994, Letter to U.S. Forest Service  
Regional Director of the Pacific Northwest Region  
National Park Service

"Bears are single-trial learners; they come into a food source and they are going to learn to associate people and food very quickly. And so you could end up with that bear in a campground."

--Scott Fitkin, *The Oregonian*, October 18, 1994  
Bear Biologist  
Washington Department of Fish and Wildlife

**Please vote NO on 34 and maintain restrictions on cruel and inhumane methods of trophy hunting.**

(This information furnished by Edna Corrick, President, Humane Society of the Willamette Valley.)

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# Measure No. 34

## ARGUMENT IN OPPOSITION

### SPORTSMEN AGAINST MEASURE 34

We have all spent countless hours in the woods, hunting and fishing, and strongly oppose Measure 34 because we believe it is a deceptive attempt to legalize two unsporting hunting methods--baiting and hounding.

Some of us have been officers with sport hunting and fishing organizations in the state. We all hunt pheasant, deer, elk, ducks or bear and would vigorously defend our right to take game during regulated hunts. None of us, however, would ever consider using a pack of dogs to tree our prey. None of us would shoot our game while it is eating food we set out.

A true sport hunter observes fair chase rules and eats the game that he kills. It is an obvious violation of fair chase to use radio equipment on dogs, who then chase down the quarry, tree it and set off a signal to the so-called "hunter" waiting back at the truck. A point blank shot at a cougar trapped in a tree or a bear with his head in a barrel is not hunting. It is the way of the slob hunter, not the sportsman.

Hunters who use bait to kill bear and who use dogs to trap and shoot bear or cougar are not sport hunters. Bear baiting and high-tech hunting with hounds for bear and cougar gives all hunters a bad reputation and diminishes the public's respect for hunting.

Hunters take bear and cougar right now under the current law. They are skilled hunters--true sportsmen. These hunters know how to track, stalk or call.

**YOU CAN BE PRO-HUNTING AND AGAINST CORRUPT HUNTING PRACTICES!**

All sportsmen who believe in fairness and fair chase will vote NO on Measure 34.

#### Sportsmen Against Measure 34

Lindsay Mohlere, President

Jim Rogers, President, Port Orford Chapter

Loren Hughes, La Grande Chapter (Past Regional Director, Isaak Walton League)

Steve Alf, Oregon City Chapter (Past President, Estacada Chapter, Northwest Steelheaders Association)

*(This information furnished by Lindsay Mohlere, President, Sportsmen Against Measure 34; Jim Rogers, Port Orford Chapter, Sportsmen Against Measure 34; Loren Hughes, Past Regional Director, Isaak Walton League, La Grande Chapter, Sportsmen Against Measure 34; Steve Alf, Past President, Estacada Chapter, Northwest Steelheaders Association, Oregon City Chapter, Sportsmen Against Measure 34.)*

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# Measure No. 34

## ARGUMENT IN OPPOSITION

### OREGON AUDUBON CHAPTERS OPPOSE MEASURE 34!

**\*Measure 34 would strip authority from local governments, the Department of Parks and Recreation, the Department of Agriculture, the Department of Forestry, and the Division of State Lands.**

Measure 34 repeals laws affecting wildlife that have been adopted since 1975 by local governments or state agencies other than the Fish and Wildlife Commission; 20 years of rules and regulations would be automatically repealed.

For example, rules which protect wildlife in state, city and county parks would be repealed under this measure and the State Parks and Recreation Department would be unable to govern hunting, trapping and angling on the land they manage.

Says the Eugene *Register Guard* (3/18/96), "Every land management agency in the state has some responsibilities for fish and wildlife, and properly so. The proposed initiative would wipe all those agencies' post-1975 rules from the books. It's doubtful that the Department of Fish and Wildlife could or should effectively fill the vacuum."

#### **\*Measure 34 deceives voters.**

A vaguely worded initiative is no way to make sweeping public policy in Oregon. The language of the proposed initiative does not provide the public with the necessary information to assess its actual effect. Measure 34 takes a slash and burn approach, rather than a thoughtful and considered one, to setting wildlife policy in Oregon.

#### **\*Measure 34 repeals dozens of laws affecting and protecting wildlife -- as well as the 1994 voter-approved restrictions on baiting and hounding.**

Measure 34 affects more than bears and cougars. This extreme ballot measure would alter the balance of power over numerous fish and wildlife issues in Oregon. It would give the Oregon Fish and Wildlife Commission -- which is comprised of seven political appointees -- the "exclusive authority" to control all wildlife policy in the state. The Salem *Statesman Journal* points out (3/11/96), "[Measure 34] gives the commission more power than any other state agency or department."

Vote NO on 34.

*(This information furnished by Paul Ketcham, Audubon Society of Portland; Ray Nolan, M.D., Ph.D., Cape Arago Audubon Society; David Stone, Lane County Audubon Society; Dave Ledder, Central Oregon Audubon Society; John Roach, Siskiyou Audubon Society; Jim Britell, Kalmiopsis Audubon Society; Maggie Meikle, Salem Audubon Society; Jill Barker, Columbia Gorge Audubon Society.)*

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# Measure No. 34

## ARGUMENT IN OPPOSITION

### Responsible Ranchers Oppose Measure 34

My name is Bill Boyer, and I am one of many llama ranchers in Deschutes County. I am, to my knowledge, the only llama rancher in the county to have had llamas killed by a cougar.

In spite of my experience, I oppose Measure 34. The passage of Measure 34 will do nothing to protect my livelihood or my livestock.

#### **Cougar attacks on livestock are rare.**

It is rare for cougars to kill livestock. Cougars are efficient in killing traditional prey, such as deer, elk, rabbits, and porcupines. The rare cougar that kills livestock is usually a young animal seeking a territory; hound hunters don't want to kill these juvenile cougars because they are not desired trophies.

#### **Hound hunters killing cougars deep in the wilderness do nothing to protect ranchers from cougars.**

Ranchers are not rearing stock in the wilderness. Hound hunters are often tracking and killing cougars deep in national forests and other wilderness areas. These hound hunters seeking trophies are not helping ranchers, because they are not targeting problem animals.

#### **Cougars regulate the number of prey species that cost farmers millions of dollars.**

Farmers do lose money to wildlife, primarily to prey species such as deer, elk, and rabbits. Cougars prey upon these species, keeping their populations in check. Cougars help farmers and ranchers far more than they hurt them.

#### **We must be rational, not emotional.**

Commercially valuable livestock were lost to a cougar, costing thousands of dollars. Few people have had such an experience. Yet, I am trying to be rational, not emotional, by recognizing that randomly chasing cougars in the wilderness and killing them will do nothing to solve the rare problem of cougar attacks on livestock. The Department of Fish and Wildlife and ranchers can and should deal with the rare rogue cougar under existing law.

#### **Oppose Measure 34 and support intelligent and responsible wildlife management.**

*(This information furnished by William Boyer.)*

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# Measure No. 34

## ARGUMENT IN OPPOSITION

### VOTE NO ON 34

#### **BEAR BAITING AND HOUND HUNTING ARE NOT ONLY INHUMANE AND UNSPORTING, BUT ARE UNNECESSARY TO PROTECT PEOPLE AND TO MANAGE WILDLIFE.**

Current law places no restrictions on how managers and property owners may deal with cougars posing a threat to public safety or livestock. And it allows continued hunting of cougars. In 1995, hunters not using hounds killed at least 31 cougars, according to the Department of Fish and Wildlife.

#### **MEASURE 34 MAY PRODUCE MORE COUGAR-HUMAN ENCOUNTERS.**

Hound hunters seeking trophies want to kill large, adult lions -- the lions least likely to cause problems. Most problem lions are young animals searching for new territories and food; hound hunters pass up on killing these lions because they make less desirable trophies.

#### **COUGAR EXPERTS AGREE THAT HOUND HUNTING FOR TROPHIES IS NOT NECESSARY FOR POPULATION CONTROL.**

"... we proved that mountain lions will never overrun the countryside. These animals are very territorial and limit their own numbers."

Maurice Hornoker, *National Geographic*, July 1992

Dr. Hornoker is the nation's leading authority on cougars and did the first long-term studies on cougars in the 1960s.

"... proponents of hunting should not claim that hunting cougars is necessary to maintain public safety. Quite simply, sport hunting does not reduce the risk of cougar attacks on humans."

Paul Beier, Submitted as testimony to Oregon Legislature, March 1995

Dr. Beier is the author of the only peer-reviewed study on cougar-human encounters appearing in a major wildlife journal.

"State-wide sport-hunting does not select for problem lions (most lions are hunted in wild areas far from human activity), and when the hunts are well-controlled...sport-hunting would not be an effective risk-reducing strategy."

Linda Sweanor and Kenneth Logan, submitted as testimony to Oregon Legislature, March 1995

Sweanor and Logan recently completed a 10-year study with an unhunted cougar population in New Mexico.

*(This information furnished by Pamela Frasch, President, Oregon Animal Welfare Alliance.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 34

## ARGUMENT IN OPPOSITION

PLEASE JOIN OREGON WILDLIFE FEDERATION, OREGON LEAGUE OF CONSERVATION VOTERS, OREGON NATURAL RESOURCES COUNCIL AND THE OREGON CHAPTER OF THE SIERRA CLUB AND VOTE NO ON MEASURE 34!

As Oregon conservationists, many of our members support responsible and sound hunting practices. However, Oregon's conservation community strongly opposes Measure 34 because we believe this measure is both extreme and deceptive in its impacts to Oregon's current wildlife management and conservation policies:

\* The Salem *Statesman Journal* has found that Measure 34 "is misleading as well as harmful" and observed that Measure 34 is a "disguised attempt to override a decision already made by Oregon voters." (Editorial, March 11, 1996).

\* Nowhere in Measure 34 does it state that it was designed to repeal the 1994 initiative measure approved by the Oregon voters. The voters outlawed bear baiting, the biologically unsound practice of leaving food and trash in our forest to attract or hunt black bear. Oregon voters also prohibited the practice of hounding cougars and bears. Existing law allows damage control hunting of bear or cougar when necessary to control individual animals harming property or causing public safety concerns.

\* Measure 34 is extreme and over-broad, automatically repealing wildlife management rules enacted since July 1, 1975, and gutting over twenty years of Oregon's wildlife conservation laws!

\* By making the Department of Fish and Wildlife the sole and exclusive agency with authority to manage wildlife, Measure 34 prevents other respected state agencies, such as the Oregon Parks Department, the Department of Forestry, or the Division of State Lands, from carrying out their important wildlife management roles regarding wetlands, sensitive wildlife species, and other state wildlife conservation programs.

**WE URGE YOU TO JOIN US IN VOTING NO ON MEASURE 34!**

*(This information furnished by Paul Loney, President, Oregon Wildlife Federation; Sally Cross, Political Director, Oregon Natural Resources Council; Daniel Stotter, Wildlife Issues Coordinator, Oregon Chapter of the Sierra Club; Anna Goldrich, Executive Director, Oregon League of Conservation Voters.)*

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# Measure No. 34

## ARGUMENT IN OPPOSITION

### OREGON HUMANE SOCIETY URGES A NO VOTE ON MEASURE 34

Measure 34 is a deceptive attempt to overturn Oregonians' November 1994 vote barring the unsporting, inhumane and unnecessary methods of baiting and hounding. The 1994 law, Measure 18, allows continued hunting of bears and cougars using fair methods and allows for the take of individual bears or cougars posing a threat to public safety or livestock.

### Hound Hunting is Cruel to Bears, Cougars and Their Young

\* Some hound hunters develop a blood lust in their dogs by allowing them to tear apart bear cubs or cougar kittens. Dogs that have been allowed to maul bear cubs or cougar kittens will more aggressively pursue their quarry during hunts.

\* Some hound hunters will shoot treed bears in the paws or face and allow their dogs to attack the wounded and defenseless bears that fall to the ground. This, too, teaches hounds to be aggressive.

### Hound Hunting is Cruel to the Hounds

\* Many adult bears and cougars do not meekly scamper up a tree when chased by hounds. Some will turn and fight, resulting in the maiming and killing of the dogs.

\* The state of Oregon bans dogfighting and cockfighting. There is no reason to sanction bear-dog fighting or cougar-dog fighting by allowing hounding.

### Measure 34 Goes Too Far and is Misleading

This initiative would give the ODFW commission exclusive authority - over the will of the people - to regulate wildlife. No other state agency would have the power of the ODFW commission. The voice of the public would be superseded by a politically appointed, not elected, commission. It also would repeal 20 years of publicly developed laws and ordinances that were drafted by other state agencies or that were enacted by a direct vote of the people, including Measure 18. The proposed initiative simply goes too far.

### Vote No on 34.

*(This information furnished by Dale Dunning, President, Oregon Humane Society.)*

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# Measure No. 34

## ARGUMENT IN OPPOSITION

**American Society for the Prevention of Cruelty to Animals  
and the Humane Society of the United States Say  
Vote No on 34**

Oregonians voted to outlaw bear baiting and the high-tech hound hunting of black bears and cougars in the most recent general election. The existing law, Measure 18, should be given time to work.

Hunting for bears and cougars is still allowed in Oregon. In the very first year after Measure 18 passed, hunters killed at least 624 bears and 31 cougars -- unmistakable evidence that sportsmen can successfully hunt the animals without bait or dogs.

Existing law allows for the use of otherwise prohibited methods to eliminate individual bears or cougars that might pose a threat to public safety or livestock.

In Colorado -- just four years after voters there approved a law similar to Measure 18 -- the state is selling twice as many bear licenses and sportsmen are successfully hunting bears.

### **SAY NO TO BEAR BAITING**

It is unsportsmanlike to set out jelly doughnuts, rotting vegetables, and other foods to lure bears to a bait station in order to shoot them from close range.

Most other states, including California, Colorado, and Montana, already ban bear baiting. They have recognized that baiting is unsporting and creates wildlife management problems.

Baiting habituates bears to humane foods and scents and leads them to raid campgrounds and garbage cans.

### **SAY NO TO HIGH-TECH HOUNDING**

It is unsporting to chase down a bear or cougar with a pack of radio-collared dogs, tree the animal, and then shoot the animal off a tree limb.

Hounding inevitably leads to bloody fights between bears and dogs when the bears turn and fight.

Houndsmen are known to sic their dogs on bear cubs, in order to give them a taste of blood and to instill aggression in the dogs for future hunts.

**VOTE NO ON MEASURE 34 AND GIVE THE BEARS AND COUGARS A SPORTING CHANCE.**

*(This information furnished by Roger Caras, President, American Society for the Prevention of Cruelty to Animals (ASPCA); Nancy Perry, Northwest Regional Coordinator, The Humane Society of the United States.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 35

# Measure No. 35

Proposed by initiative petition to be voted on at the General Election, November 5, 1996.

## BALLOT TITLE

### 35 RESTRICTS BASES FOR PROVIDERS TO RECEIVE PAY FOR HEALTH CARE

**QUESTION:** Shall statute restrict bases on which health care providers may receive pay to five listed in statute?

**SUMMARY:** Adopts statute. Measure restricts bases on which health care providers may receive pay. Providers accepting payment on any other basis lose business and professional licenses. Restrictions do not apply to individuals and families. Permissible bases are: work performed, hourly wages, prearranged salary/benefit, bonus, or expense reimbursement. Disallows some current payment arrangements. Defines "work performed" as delivery of health care for specific patient needs. Defines "health care provider" to include health care professionals and employers/contractors of health care professionals, but to exclude insurers.

**ESTIMATE OF FINANCIAL IMPACT:** Using existing average cost differences between Health Maintenance Organization (HMO) and indemnity type health coverage, direct expenditures by state and local government will increase. Assuming the increased health care costs will be borne by the employer, state government expenditures would increase by \$57 million annually, and local government direct expenditures would increase by \$22 million annually.

#### AN ACT

Be it enacted by the People of the State of Oregon:

**PREAMBLE:** Because patients have the right to be protected from unscrupulous practices which reward health care providers for withholding standard patient care, the following is enacted:

**SECTION 1.** A health care provider shall not be directly or indirectly compensated, except by an individual or family, for the delivery of health care according to any standard other than one or more of the following:

- (A) Work Performed
- (B) An hourly wage
- (C) Prearranged salary/benefits
- (D) Bonuses based upon work performed
- (E) Reimbursement for expenses

**SECTION 2.** After December 31, 1997, any health care provider who has not complied with Section 1 of this act shall have their business and professional license suspended until compliance is achieved.

**SECTION 3.** For the purposes of this Act, the following are defined:

- (A) Health Care Provider
  - (1) Any individual or entity, including health care professionals and employers/contractors of health care professionals, directly or indirectly involved in the delivery of health care, but excluding insurers.
  - (2) A health care contractor, but excluding insurers.
- (B) Worked Performed
  - (1) The delivery of health care for specifically diagnosed/treated individual patient health care needs.

**SECTION 4.** These sections shall supersede any other provision of the Oregon Revised Statutes with which they conflict. If any subsection, clause or part of these sections is held invalid under the United States Constitution or Oregon Constitution as to any person or circumstance by any court of competent jurisdiction, the remaining subsections, clauses and parts shall not be affected and shall remain in full force and effect.

## EXPLANATORY STATEMENT

Ballot Measure 35 would enact a statute restricting bases for providers to receive pay for health care. For the purposes of Measure 35, health care providers includes both health care professionals, (such as physicians, chiropractors, dentists, pharmacists, nurses, etc.) and entities involved in the delivery of health care (such as hospitals, nursing homes, clinics and pharmacies). Health care providers also includes contractors and employers of health care providers. Under this measure, insurers are not considered health care providers.

If Ballot Measure 35 passes, Oregon law would allow only provider payments based on one or more of the following:

- Work performed (payments for treatments and services provided to meet the health care needs of individual patients);
- An hourly wage;
- Prearranged salary and benefits;
- Bonuses paid for work performed; and
- Reimbursement for expenses.

Enacting these restrictions would outlaw some current forms of health care provider payments. The restrictions in Measure 35 would not apply to provider payments made by individuals or family members.

After December 31, 1997, Oregon health care professionals, facilities, contractors or employers not in compliance with this measure would have their license to be in business or practice suspended until compliance is achieved.

#### Committee Members:

Thomas W. Mann  
Gordon Miller  
Bruce Bishop  
Pat McCormick  
Don Scarborough

#### 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 No. 35

## ARGUMENT IN FAVOR

HMOs have demonstrated that the services doctors provide depends on financial incentives and the way they are paid!

### **PAYMENT OF PHYSICIANS by Capitation:**

The participating doctor is paid a set fee per month for every patient on the practice books whether or not he see or treats the patient or not.

### **"RISK SHARING"**

A "Risk Pool" is created by withholding 20% of the doctor's payments. This pool of money pays for x-rays, Lab work and referrals to specialists by the primary care physician. Money left over in this pool at the end of the year **IS KEPT AS PROFIT BY THE PARTICIPATING PHYSICIANS. Risk sharing acts as a disincentive** to doctors to refer patients, order test, seek second opinions or spend money, because money spent is profit lost.

### **FEE-FOR-SERVICE**

In contrast, Doctors are paid a set fee for the services they perform according to a fee schedule. It provides an incentive for the doctor to render services and look after the patient's health care needs. **There are no financial incentives or penalties** for referring patients to needed specialists, or ordering important tests.

If you need a test or a specialist, would you be more likely to be referred by a doctor who loses money by referring you, or one who can make the decision free from financial penalties? **The answer is common sense!**

Have you heard of patients being hurt and suing because their doctor gave them too much care? Of course not. But how many cases have you seen where a patient is hurt because of "negligence" and care withheld? **Everyday!**  
Read the Consumer Report August 1966, Page 28 -It's a devastating indictment of a system we depend on when helpless.

I am voting for Ballot Measure 35 because it eliminates immoral financial disincentives from our health care system. Help me and help yourself. Vote Yes on 35. You will be sick one day, it happens to us all!

Dr Euan A. Horniman M.D. (Retired)

(This information furnished by Dr. Euan A. Horniman M.D. (Retired).)

(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)

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# Measure No. 35

## ARGUMENT IN FAVOR

Ballot Measure 35 is a simple measure: It bans the use of financial incentives in medicine, such as capitation, which reward providers for withholding care to their patients. As illustrated by *TIME Magazine*, the conflict of interest in these immoral incentives is apparent:

"...Every time a capitated doctor performs a service or admits a patient to the hospital, it cuts into his income. If he spends less than the capitated rate, he pockets the difference..."  
*TIME Magazine 1/22/96*

Our opponents would like you to believe that this type of medicine is the best thing for the patient. However, their political rhetoric does not stand up to the comments they have made to their colleagues. Former President of the Oregon Medical Association Leigh Dolin is our chief opponent, and has publicly stated that patients no longer a part of the medical economy.

In other words, our opponents believe the individual patient no longer matters in the health care debate. That's why HMO bigwig William Popek told *Time Magazine* (1/22/96), "...patients can't drive (the system) anymore; patients can't decide 'my ear hurts so I'm going to the doctor today.'"

The reality is that money matters more to our opponents than your individual health care needs. We believe you, the patient, should be able to see your doctor when you have an earache, or any other ailment regardless of the corporate bottom line. In truth, the patient should always drive the system, **not perverse financial incentives** aimed at limiting your access to health care.

Ballot Measure 35 will ban financial incentives which reward provider for skimping on your care. Don't let Wall Street cut you out of the process. **VOTE YES ON 35.**

(This information furnished by Gordon Miller, M.D.)

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# Measure No. 35

## ARGUMENT IN FAVOR

**THIS COULD HAPPEN TO YOU UNLESS BALLOT MEASURE 35 PASSES AND STOPS IMMORAL FINANCIAL INCENTIVES TO WITHHOLD YOUR CARE!**

"...Your doctor says you need an operation, but HMO reviewers say you can't have it. By the time the HMO authorizes the surgery, it's too late. Your nerve damage probably can't be reversed. That is the short story of what happened to Alice Thomas, 70, of Portland whose claw-like right hand can no longer coax classical music out of a piano."

*The Oregonian* 12/5/95

**After Mrs. Thomas won a \$1 million settlement**

"A Multnomah County jury on Tuesday awarded \$400,000 to the family of a woman who died of a heart attack the morning she was scheduled to see a physician at Kaiser Permanente. In 1993, (the woman) had twice been seen by a nurse for chest pain but never examined by a physician..."

"I think sometimes necessary care isn't being provided. Efforts to control costs resulted in (the woman) being seen by a nurse rather than a physician, and that may very well have made the difference in the treatment she was provide, (according to Attorney Jeff Withol)."

*The Oregonian* 5/1/96

**After woman dies on third attempt to see doctor for chest pains**

"...All together Dr. Gaines and his partner denied Mrs. Ching's request to see a specialist six times over the course of the following two and a half months. As a result, Mrs. Ching's undiagnosed (but highly treatable) cancer perforated her bowel and spread, leading to her death in April 1994."

*Newsweek*, 10/23/95

"...She had breast cancer, but her health-maintenance organization...refused her bone-marrow transplant--even though the HMO's contract covered the transplants."

*Newsweek*, 10/23/95

**Death of Nelene Fox, and \$89.1 million settlement**

Ballot Measure 35 bans immoral financial incentives to withhold your care.

**If these incentives continue, you may be next!**

**GREED KILLS...VOTE YES ON BALLOT MEASURE 35**

(This information furnished by Dyanne Rodli.)

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# Measure No. 35

## ARGUMENT IN FAVOR

The California political consulting firm hired by our opponents has told them to tell you Measure 35 is "ill-conceived" and "Confusing" in an attempt to avoid the real issue: **IS STANDARD MEDICAL CARE BEING DENIED?** Let's check the record:

"There must be strong emphasis on preventative care rather than immediate repair. As many of these individuals demonstrate significant neglect, repair must be postponed."

ODS Memo regarding Oregon Health Plan patients  
*Oregon Health Forum*, May 1996

"Other managed care plans especially newer ones, are for profit, and as much as 30% of physicians' salaries may depend on what treatment they, individually, do not provide."

Jan Bellis-Squires, Communications Manager Kaiser Permanente

Associated Oregon Industries *Viewpoint* March /April 1996

"On Jan. 5, PacifiCare was slapped with \$20,000 in state fines for improperly denying coverage of emergency room visits."

*The Business Journal*

1/12/96

"What's shifting is, patients can't drive (system) anymore; patients can't decide. 'My ear hurts, so I'm going to the doctor today.'"

William Popik Health Net

*Time Magazine*, 1/22/96

"...at some level, that's probably true."

Dr. Matthew Shelley, President Health First, on perception care is being withheld

KPTV Northwest Report, 5/5/96

"...it's true if you withhold services from patients, money will be saved."

Dr. Patrick Dunn, Director Health Care Ethics Good Samaritan Hospital

*Willamette Week*, 3/6/96

"QualMed of Oregon has agreed to pay \$15,000 (in fines) for record keeping deficiencies and a pattern of refusing to cover emergency-room visits for members without a full investigation in the validity of members' claims."

*The Oregonian*

8/25/96

Ballot Measure 35 will ban the financial incentives given to health care providers to withhold your care. **Greed Kills! VOTE YES ON 35 for your health!**

(This information furnished by Eleanor J. Boese.)

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# Measure No. 35

## ARGUMENT IN FAVOR

Ballot Measure 35 bans practices used in medicine that reward health care providers for withholding necessary medical care from you. Practices such as capitation (paying a provider a flat fee per month, and whatever is not spent on your care is kept as profit), and quota bonuses (paying bonuses for limiting access to hospitals, tests, and specialists) will be illegal.

The **California political consulting firm** hired by our opponents, Oregonians for Quality Health Care, has told them to tell you our measure is "ill-conceived" and "Confusing." This is an attempt to avoid the real issue: IS STANDARD MEDICAL CARE BEING DENIED? Let's check the record:

"...As many of these individuals demonstrate significant neglect, repair must be postponed."

ODS memo regarding Oregon Health Plan patients  
*Oregon Health Forum, 5/96*

"...as much as 30% of physicians' salary may depend on what treatment they, individually, do not provide."

Jan Bellis-Squires, Communications Manager Kaiser Permanente  
Associated Oregon Industries Viewpoint March/April 1996

"On Jan. 5, PacifiCare was slapped with \$20,000 in state fines for improperly denying coverage of emergency room visits."  
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*Willamette Week, 3/6/96*

"I think sometimes necessary care isn't being provided. Efforts to control costs resulted in (patient) being seen by a nurse, rather than physician, and that may very well have made the difference in the treatment she was provided."

Jeff Withol, Attorney who won \$400,000 settlement from Kaiser in woman's death  
*The Oregonian, 5/1/96*

"...at some level, that's probably true."

Dr. Matt Shelley, President Health First, on perception that capitation means withholding care  
*KPTV Northwest Reports, 5/5/96*

Ballot Measure 35 will ban the financial incentives given to health care providers to withhold your care.

(This information furnished by Tom Mann.)

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# Measure No. 35

## ARGUMENT IN FAVOR

The Sky is Falling! The Sky is Falling! At least that's what the opponents of Ballot Measure 35 would like to make you think. You see, Ballot Measure 35 bans their dirty practice of giving perverse financial incentives to withhold your medical care. They want you to believe health care cost will rise dramatically if BM 35 passes. They know this is not true, but their **California political consulting firm** has told them to "twist" this message to Oregonians in an attempt to scare you.

### HERE ARE THE FACTS:

According to the American Medical Association, if all of managed care was eliminated today, medical costs would rise **between zero and 3.9 percent**. In fact, the AMA found, "no evidence that managed care, in any form, has reduced the rate of growth in national health expenditures." (*AM News, 4/8/96 newspaper of the American Medical Association*)

Then why would our opponents want you to believe costs will skyrocket should BM 35 pass? Because they know **they make more money** by using financial incentives to withhold your care! That's why CEOs of managed care organizations make, "62 percent more in pay and bonuses than heads of companies similar in size and performance." (*Statesman Journal, 2/20/96*) Top CEO salary and bonuses ranged between **\$2.68 million and \$3.45 million!** This is money collected by denying women breast cancer treatments, kicking new mothers out of the hospital only hours after giving birth, and keeping you from the specialist you need! And to protect their interest, these CEOs have implemented "Gag" orders keeping your doctor from even telling about these financial incentives!

The truth is the sky is not falling. As the AMA clearly states, there should be little to no impact whatsoever by eliminating perverse financial incentives from managed care...except you may end up getting the health care you need! **VOTE YES ON BALLOT MEASURE 35**

(This information furnished by Dan Estes.)

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# Measure No. 35

## ARGUMENT IN FAVOR

What matters to you more, your health or the corporate bottom line of the conglomerate that controls your doctor? Unfortunately for you, the conglomerate has a different set of priorities than your health.

And you don't think your doctor's being controlled? This is what Blue Cross executive Roger Lyman says, "If you want to stay an independent doctor in the future, you are not long for this world...the incentive for specialists is simple: If you don't participate in the program, you don't get our patients." (*The Scribe*, 12/95) The truth of the matter is that independent physicians are being gobbled up right and left by corporate managers whose real concern is the bottom line. And it is some bottom line according to *Willamette Week* 3/6/96:

Blue Cross/HMO Oregon:      **\$161 Million** (total assets)  
(Not-for-profit)

KaiserPermanente:              **\$198million**  
(Not-for-profit)

PacifiCare of Oregon            **\$65.1 million**

Providence Good Health Plan   **\$105 million**  
(Not-for-profit)

PACC HMO                        **\$65.1 million**

These profits and reserves are partially due to the corporate practice of establishing financial incentives which reward their providers for skimping on your care. In many cases, the system works like this: the money not spent on your care is kept by the provider or corporation. That's why in many managed care organizations non-medical corporate bean counters decide what treatment you may and may not have, how much time you can spend in the hospital, and how many tests a doctor can administer in any given month. And you have little control over your medical destiny because it is more important to save money for the corporation, than provide you with the care you need.

Ballot Measure 35 will change this by eliminating perverse financial incentives which reward these corporations for skimping on your care. If you believe medical decisions should be made between you and your doctor without financial influences from corporate managers, **Vote YES on 35.**

(This information furnished by Dan Estes.)

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# Measure No. 35

## ARGUMENT IN FAVOR

"...All together Dr. Gaines and his partner denied Mrs. Ching's request to see a specialist six times.... As a result...Mrs. Ching's undiagnosed (but highly treatable) cancer perforated her bowel and spread, leading to her death in April 1994."  
*Newsweek*, 10/23/95

Access. It's the most important word in medicine. If you can't get access to the doctor you need when you need him, it could be fatal. For Mrs. Ching, access to the specialist she needed was further complicated because **her doctors were receiving financial incentives where they would lose money if they allowed her to see her specialist.** This practice, known as capitation, is causing doctors to think twice before giving you a test, sending you to the hospital, or allowing you to see a specialist **because they lose money by allowing you access to these standard medical procedures.**

In managed care, Primary Care Physicians are called "gate-keepers" because it is their job to **restrict your access** to the procedures or specialist you may need because it cuts into their profit otherwise. If they let too many of you through, they get in trouble with their peers, or health plan. That's why one managed care executive said, "...patients can't decide. 'My ear hurts, so I'm going to go to the doctor today.'" William Popik, *Time Magazine* 1/22/96

This practice prevalent in managed care has caused a backlash in the public and the media because everyone knows that when you're sick, you have the absolute right to see a physician. And the physician has an absolute responsibility to diagnose and treat your ailment. But as long as financial incentives force provider to withhold care from you, the aforementioned executive is correct...**you can't go to the doctor!**

Ballot Measure 35 bans these incentives. Ballot Measure 35 gives you more control in gaining access to the care you need. Ballot Measure 35 will save lives. **Vote YES on 35!**

(This information furnished by Dan Estes.)

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# Measure No. 35

## ARGUMENT IN FAVOR

Statements of medical ethics, the foundations that guide health care providers, date back as far as the 5th Century B.C. Perhaps the best known ethics are held within the Hippocratic Oath, which states that a health care provider will do all he can for his patient, and shall never do harm. After 2 1/2 millennia of this traditional ethic that endorses a covenant relationship between the provider and patient, managed care organizations have come along and perverted these ethics. By introducing immoral financial incentives which reward providers for withholding your medical care, managed care has turned your advocate provider into a pawn of the insurance company. Your provider no longer can look out for your interests because he must make a profit for his plan on the backs of his patients.

In this day of managed care, the traditional ethic has been replaced by a "Veterinary Ethic" which implies, **"I will do for you whatever your master or owner is willing to pay for."** In other words, if your health care is deemed too expensive by the bean counters of your health plan, chances are they will not pay for it and you will go without. This is a far cry from doing all you can for your patient!

Ballot Measure 35 keeps medicine in the traditional medical ethic by banning these perverse financial incentives. Your health care provider once again will work on your behalf, not for the insurance company and its Wall Street investors. By passing Measure 35, you will guarantee that you have someone advocating your health, not advocating the corporate bottom line.

Don't support immoral financial incentives that withhold medical care from people in need.

**Vote YES on 35.**

*(This information furnished by Gordon Miller, M.D.)*

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# Measure No. 35

## ARGUMENT IN FAVOR

### AN OPEN LETTER TO BUSINESS LEADERS

Dear Friends:

Every business person knows that short-term gains can easily turn into long-term pains. If you've purchased a capitated health plan for your employees, you may learn this difficult lesson!

While the cost of health care was rising at alarming rates, managed care organizations saw an opening to provide basic care at a much reduced rate. These organizations implemented financial incentives to hold down utilization of services, and passed some of the savings along to employers by lowering their premiums.

But as the saying goes, **There's No Such Thing as a Free Lunch.** Now it's time to pay for these cut-rate plans.

In the latest salvo to hit the managed care industry, experts told a recent insurance convention in Toronto that employers may be the next target of legal liability for limiting medical choices available to patients through the plans they purchase and offer.

"...the same legal theories used against HMO's and hospitals--ostensible agency and negligent gatekeeping--could be applied to employers." Marilyn Nevin, a vice president with insurance broker Marsh & McLennan of New York, told the annual Risk and Insurance Management Society conference held in late April. **(Knight-Ridder, 4/22/96 from Internet.)**

"The most popular form of managed-care plans--health maintenance organizations--has lost several key court battles to disgruntled patients, who claimed the HMO's push doctors to skimp on care." **(Knight-Ridder, 4/22/96)** The article also noted that the federal ERISA law may not protect employers. "Some employers mistakenly believe they are shielded from prosecution in state courts if their company health plans meet the requirements of federal ERISA law (Employee Retirement and Income Security Act of 1974)." **(Knight Ridder, 4/22/96)**

Thus, if one of your employees is injured due to withholding of medical care, **YOU MAY BE LIABLE!** Help us stop these financial incentives to withhold care; protect your employees and business. **VOTE YES ON 35!**

*(This information furnished by Gordon Miller, M.D.)*

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# Measure No. 35

# Measure No. 35

## ARGUMENT IN FAVOR

"Physicians Health Services, Inc. is bucking a national trend by dropping a controversial doctor payment system that many physicians and some patients say compromises medical care.

"The Trurnbull-based HMO (Connecticut) ended 'capitation,' the practice of paying doctors a set amount of money per member per month to provide necessary care....'We get rid of some of the political minefields here, and we don't lose any money doing it.'" said Michael E. Herbert, president and chief executive officer...'We're doing it because the old way seemed to work just as well.'

"Ending capitation is outstanding because 'it provided a disincentive for a doctor to do what we consider good medical practice.'" said Dr. Anthony Alessi, a Norwich neurologist...'Individual capitation of a physician is ethically wrong.'"

**The Hartford Courant**  
5/22/96

If one managed care organization can live without immoral financial incentives, they all can. Don't allow Oregon's medical system continue down the slippery slope of financial incentives to withhold your care.

**GREED KILLS.  
VOTE YES ON BALLOT MEASURE 35**

(This information furnished by Tom Mann.)

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## ARGUMENT IN FAVOR

Ballot Measure 35 bans the use of immoral financial incentives in medicine which reward health care providers for withholding your medical care. So who supports this ban, and as important, who opposes you getting the care you need?

### SUPPORTERS

Oregon Podiatric Medical Association  
Chiropractic Association of Oregon  
National Organization of Physicians Who Care  
Congress of California Dermatological Societies  
The Health Care Rescue Network National Alliance

### OPPONENTS

Oregon Association of Hospitals  
Oregon Blue Cross and Blue Shield  
Kaiser Permanente  
PacifiCare  
Providence Good Health Plan  
Associated Oregon Industries  
Oregon Medical Association  
American Association of Health Plans  
American Medical Practice Association

It's clear to see that the supporters of Measure 35 are patient advocates, while the opponents represent corporate interests whose goal is to make more money for their Wall Street cronies. Don't let them pad their pockets by denying you needed care.  
**VOTE YES ON 35!**

(This information furnished by Gordon Miller, M.D.)

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# Measure No. 35

## ARGUMENT IN FAVOR

**If it look like it, and it smells like it, it probably is!**

This particular accusation made by our opponents sure looks like it. And it stinks! You see, they're trying to convince you the Oregon Health Plan and Kaiser Permanente will go away if you vote for Measure 35. **This is a bold face lie!**

Ballot Measure 35 bans the current practice of managed care organizations to offer financial incentives to health care providers where they actually **make more money** by providing you less care. Our opponents, tacitly admit care is being withheld from patient in order to save money by fighting our effort to ban these perverse incentives.

Now, the Oregon Health Plan has put our most vulnerable citizens in these same managed care programs. They claim these financial incentive arrangements are vital in providing service to the poorest Oregonians. What they don't tell you is managed care will exist just fine without these incentives...the same way they did before these incentives were created!

"It wouldn't mean the end of Kaiser..."

**Bruce Bishop of Kaiser**  
*Medical Economics, 6/29/96*

That's because no managed care organizations actually needs financial incentives such as capitation, they only use them to make more money.

"Capitation is not the issue."

**Dr. Fred Black, Founder/Past President Douglas County IPA**  
*Medical Economics, 6/29/96*

"To Black and his colleagues, capitation is one way to accomplish that, but not the only way."

**Ballot Measure 35 does not change managed care.** It does not eliminate peer review, utilization boards, primary care physicians, discount drugs, or any of the other methods these organizations use. **Measure 35 simply protects the public from immoral financial incentives.**

I support the Oregon Health Plan, and managed care so long as perverse financial incentives are eliminated from health care decisions. Don't be scared to do the right thing.

**VOTE YES ON 35**

*(This information furnished by Tom Mann.)*

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# Measure No. 35

## ARGUMENT IN FAVOR

**MANAGED CARE'S DIRTY LITTLE SECRET:  
PROVIDERS RECEIVE FINANCIAL INCENTIVES TO  
WITHHOLD YOUR CARE**

**BALLOT MEASURE 35 BANS THESE IMMORAL INCENTIVES  
AND IS SUPPORTED BY THE MAJORITY OF OREGONIANS!**

"The Survey, published in March, found that 63 percent of the doctors thought cost-cutting efforts in HMOs had an 'adverse effect on the quality of patient care.'"

*The Oregonian, 11/27/95*

**Oregon Medical Association physician survey**

"Working Americans surveyed in Boston, Los Angeles, and Miami report greater dissatisfaction with managed health care than with traditional fee for service insurance, and the dissatisfaction is more than twice as great among those whose only choice in health insurance was managed care."

*The Commonwealth Fund Survey, 7/19/95*

"I think sometimes necessary care isn't being provided. Efforts to control costs resulted in (patient) being seen by a nurse, rather than a physician, and that may very well have made the difference in the treatment she was provided."

**Jeff Withol, Attorney who won \$400,000 settlement in woman's death**

*The Oregonian, 5/1/96*

"The reason many HMOs would prefer their physicians to keep quiet can be summed up in a single word: Capitation."

*Willamette Week, 3/6/96*

**Why Doctors have Gag Orders against revealing financial incentives in Managed Care**

"The way you make money in managed care is not by keeping people healthy. That's baloney. It's by not having people use the services."

**Local Physician**

*Willamette Week 3/6/96*

"There are some doctors who say (capitation) doesn't affect them. But they're liars."

**A local Primary Care Physician on financial incentives to withhold care**

*Willamette Week 3/6/96*

"... it's true if you withhold services from patients, money will be saved."

**Dr. Patrick Dunn, Director Health Care Ethics Good Samaritan Hospital**

*Willamette Week, 3/6/96*

*(This information furnished by Tom Mann.)*

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## Measure No. 35

### ARGUMENT IN FAVOR

You may not know it, but your health care provider may be receiving financial incentives **TO WITHHOLD STANDARD MEDICAL CARE FROM YOU!** It's happening around the country, and it's happening right here in Oregon! Ballot Measure 35 strictly bans their medically unethical payment practice, and helps to protect every Oregonian from having necessary care withheld from them.

Ballot Measure 35 confronts two specific practices: Capitation and bonuses based upon meeting medical quotas. Capitation is the practice of giving a health care provider a flat fee per person per month regardless of whether any person actually sees the provider. This sum of money is used to pay for patient care **AND WHATEVER IS NOT SPENT ON YOUR HEALTH IS KEPT AS PROFIT!** That's like giving your neighbor \$100 to buy your groceries for the month, and whatever he doesn't spend, he keeps! **Chances are good you'll be eating a lot of liver and beans!** The second practice is when providers receive bonuses for meeting certain quotas. In a well known case on the East coast, if a provider used less than 180 hospital bed days for his group of patients, he received a \$25,000 bonus. **Maybe that's why new mothers are being kicked out of the hospital in a day or less!**

So damaging are these payment practices that the national media has begun to expose the wrongs committed under this system. *60 Minutes*, *Time Magazine*, *Newsweek Magazine*, *ABC News Dateline*, the *LA Times*, the *New York Times*, and others all have attacked these practices for good reason: **PATIENTS ARE BEING MAIMED AND KILLED.** Now it's happening here in Oregon, and we have to stop it before it affects your family!

Your **YES** vote on Ballot Measure 35 will ensure every Oregonian is protected and receives all the health care he or she is entitled to. **VOTE YES ON 35!**

*(This information furnished by Dan Estes.)*

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## Measure No. 35

### ARGUMENT IN OPPOSITION

#### **MEASURE 35 WOULD HARM THE QUALITY OF HEALTH CARE AND INCREASE YOUR COSTS FOR HEALTH CARE**

Measure 35 will turn back the clock on health care in Oregon.

Measure 35 puts restrictions on how doctors and other health care providers may be paid.

State regulators could take away a doctor's license to practice or a hospital's business license -- not based on the quality of the care they provide, but on the terms of contracts they signed.

Measure 35 would outlaw prepaid health care. Such arrangements are important. The plans emphasize preventive care, early identification and treatment of illnesses, and aggressive management of chronic health conditions.

That kind of care reduces costs and improves health.

Many Medicare-eligible Oregonians have chosen these plans for their care. The Oregon Health Plan, which expanded medical coverage for very low income Oregonians, also relies on prepayment contracts.

#### **The Oregon Health Plan Could be Lost.**

Oregonians will lose those choices if Measure 35 passes. Health insurance costs will increase, resulting in reduced employee benefits or the risk of job cuts. For taxpayers, Measure 35 will cost us \$44 million more next year to provide health insurance for government workers; plus \$35 million to the cost of the Oregon Health Plan.

#### **Measure 35 could raise your costs, reduce health care choices for consumers, and increase the number of Oregonians who cannot afford health care**

That's why the board of Oregon's largest employer group involved in public policy voted unanimously to oppose Measure 35. And that's why...

#### **Associated Oregon Industries urges you to vote NO on Measure 35.**

*(This information furnished by Richard M. Butrick, Associated Oregon Industries.)*

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# Measure No. 35

## ARGUMENT IN OPPOSITION

### MEASURE 35: BAD MEDICINE FOR OREGON

- **Measure 35 would increase consumers' health care costs up to \$313 million.** (Source: Estimate prepared by independent actuaries)
- **Measure 35 would limit consumers' choices of health care plans that best serve their needs.**
- **Measure 35 would increase costs for families enrolled in HMOs -- nearly half of all Oregonians -- by an estimated \$286.35 for every family member every year.** (Source: Estimate prepared by independent actuaries)
- **Measure 35 would cost taxpayers \$79 million** in state and local government costs to pay for the Oregon Health Plan and required government employee benefits -- taking away money from important services like education and fighting crime. (Source: State of Oregon Fiscal Impact Committee)

A broad-based coalition of thousands of Oregonians, small and large employers, consumers and seniors join the following organizations in urging you to ...

#### **VOTE NO ON MEASURE 35**

Oregon Nurses Association  
Associated Oregon Industries  
Academy of Family Physicians  
Associated Builders and Contractors  
Association of Health Underwriters  
Association of Oregon Counties  
Local health plans and insurers throughout Oregon  
Oregon Self-Insurers Association  
Oregon Rural Health Association  
Local Chambers of Commerce across the state  
United Grocers  
Human Services Coalition of Oregon  
Oregon Medical Association  
(partial list)

#### **VOTE NO ON MEASURE 35**

(This information furnished by E.E. Patterson, Oregonians for Quality Health Care.)

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# Measure No. 35

## ARGUMENT IN OPPOSITION

### NURSES PUT PATIENTS' NEEDS FIRST. BALLOT MEASURE 35 DOES NOT

The Oregon Nurses Association represents 9,000 nurses who care for patients in urban and rural clinics, hospitals and nursing homes throughout the state. We work closely with physicians and other health care professionals to make sure that our patients, whether they're children or elderly, receive the quality and compassionate care they deserve.

The ONA has serious reservations about Measure 35. We believe it poses a severe threat to the Oregon Health Plan, a system that provides health care to people who can't afford health insurance, the poor and the disabled. Measure 35 would eliminate the foundation of the Oregon Health Plan, the effective and increasingly common method of paying doctors and other health care professionals.

Further, we believe that when this payment method works as it should, patients get the care they need, in the right setting, by the most appropriate provider. The incentives for this payment method are prevention, early identification and treatment of illnesses, and aggressive management of chronic health conditions. While abuses can occur under any system, the temptations under Ballot Measure 35 are to do too much, a far greater danger. Specialty physicians would be assured a steady stream of patients under Measure 35 for health conditions a primary provider can appropriately manage.

Measure 35 is a measure we can't afford.

#### **JOIN OREGON NURSES AND VOTE NO ON MEASURE 35.**

(This information furnished by Susan King RN, MS, Oregon Nurses Association.)

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# Measure No. 35

## ARGUMENT IN OPPOSITION

**Ballot Measure 35 is a bad idea.** It would totally undermine the Oregon Health Plan by eliminating cost-effective capitation payment to providers. It would limit consumer choice of health plans by returning to the day of indemnity insurance as the major source of coverage. And it would significantly increase health-care costs to businesses, consumers and taxpayers by eliminating Oregon's evolving managed care delivery system.

A large part of health insurance in Oregon is currently provided through managed care arrangements on a prepaid basis: HMOs, Medicare and the Oregon Health Plan all rely on contracts with providers to treat patients for a fixed, prepaid cost.

**If Measure 35 passes, our low-cost, quality-focused delivery system would cease to exist.** The Oregon Health Plan no longer would be able to provide health insurance to more than 130,000 working men, women and their children who now have access to good healthcare through the prepaid, managed care plans. **Measure 35 would also increase taxpayer costs by \$79 million for state and local government insurance costs in the first year alone.** And Oregon businesses would face an estimated \$250 to \$400 million in higher healthcare costs.

**Do we really want to return the state to the days of health-care costs spiraling out of control? Are businesses and workers ready to step up with checkbooks in hand and cover the cost shifting that occurs under the old system of delivering healthcare? Are consumers ready to give up the ability to choose from a large selection of health insurance plans?**

Measure 35 would eliminate prepaid healthcare plans that pay doctors a fixed fee to provide medical care to patients -- care focused on quality, prevention, wellness and cost controls. Protect your right to choose. Protect the Oregon Health Plan. Vote NO on Measure 35.

Ken Rutledge, President  
Oregon Association of Hospitals and Health Systems

*(This information furnished by Ken Rutledge, Oregon Association of Hospitals and Health Systems.)*

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# Measure No. 35

## ARGUMENT IN OPPOSITION

**HELP PRESERVE YOUR CHOICE OF HEALTH PLANS.**

**VOTE NO ON MEASURE 35.**

As a physician and former president of the Oregon Medical Association, I have spent a large part of my career exploring ways to improve the quality and availability of health care. I am opposed to Ballot Measure 35 because it would threaten the quality and choices of health care service available to Oregonians.

Many health plans in Oregon achieve the highest quality of health care by not only treating patients when they get sick, but also working to help keep people healthy. Hundreds of thousands of Oregonians have chosen to receive this type of comprehensive health care coverage through plans that rely on prepayment compensation arrangements. Ballot Measure 35 would take that choice away because consumers could no longer choose the type of health plan they want.

Dr. Leigh Dolin, MD  
Past President, Oregon Medical Association

*(This information furnished by Dr. Leigh Dolin, MD.)*

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# Measure No. 35

## ARGUMENT IN OPPOSITION

### OREGON'S RURAL HEALTH PROFESSIONALS OPPOSE MEASURE 35.

Measure 35 is bad for the health of rural Oregonians. It would place an unfair hardship on Oregon citizens who live outside the state's urban areas — working families already burdened with fewer choices and higher costs for their medical care.

Measure 35 would take Oregon back to the days when health care costs were too high for many rural citizens to afford. At the same time, quality of care would suffer. Much of the preventive medicine covered by health insurance now, such as immunizations for young children and mammography screening for women would be just too expensive to include in regular health benefits.

Measure 35 would increase health insurance costs for families by up to \$500 per year, causing many to lose benefits or putting health insurance coverage entirely out of reach. Those employed by small businesses, the backbone of rural Oregon communities, would be hurt most. Many small businesses simply could not absorb the higher health insurance costs created by Measure 35.

**The number of Oregonians  
without health insurance coverage  
will increase if Measure 35 passes.**

Measure 35 would unfairly swell the rolls of the uninsured and place the Oregon Health Plan in jeopardy, while at the same time increasing the cost of employer-sponsored health insurance. County and local governments, such as cities and school districts, would be forced to pay higher premiums for their employees' health insurance (\$22 million in the first year, according to state estimates). In rural communities that money would come directly out of the pockets of local taxpayers.

It's time for Oregonians to unite for the good of the hard-working people that live here and pay taxes.

**The members of the  
Oregon Rural Health Care Association  
urge you to vote NO on Measure 35.**

*(This information furnished by C. Hayne, Oregon Rural Health Association.)*

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# Measure No. 35

## ARGUMENT IN OPPOSITION

### YOUR DOCTOR'S LICENSE IS ON THE LINE

MEASURE 35 dictates how health care providers may or may not be paid for services.

MEASURE 35 would make it ILLEGAL for doctors to be paid by "capitation" (by exclusion) and subject them to possible LOSS of THEIR LICENSE.

"Capitation" means prepayment for health care. A physician or group of physicians are paid a predetermined amount per month for a patient's health care.

To outlaw "capitation" as opposed to salary, fee-for-service, reimbursement for time and material or other methods of payment makes no sense.

Physicians and other providers should be judged on the basis of their professional skills and conduct, not on how they part their hair, what church they go to or how they are paid.

**LET'S USE OUR COMMON SENSE!**

**VOTE NO ON MEASURE 35**

Submitted by the Oregon Medical Association

*(This information furnished by Frank J. Baumeister, M.D., Oregon Medical Association.)*

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# Measure No. 36

# Measure No. 36

Proposed by initiative petition to be voted on at the General Election, November 5, 1996.

## BALLOT TITLE

### 36 INCREASES MINIMUM HOURLY WAGE TO \$6.50 OVER THREE YEARS

RESULT OF "YES" VOTE: "Yes" vote increases state's minimum wage to \$6.50 per hour over three year period.

RESULT OF "NO" VOTE: "No" vote leaves state's minimum wage at current level of \$4.75 per hour.

SUMMARY: This measure amends the state's hourly minimum wage. The current minimum wage is \$4.75 per hour and has been in effect since January 1, 1991. This measure would increase the minimum wage to \$5.50 per hour for calendar year 1997, to \$6.00 per hour for calendar year 1998, and to \$6.50 per hour for calendar year 1999 and the years following.

ESTIMATE OF FINANCIAL IMPACT: Direct state expenditures are estimated to increase by \$26.4 million when fully implemented in 1999 to bring state government employees and state contract service providers currently paid at minimum wage to the new level.

Direct state expenditures are estimated to decrease by at least \$3.3 million annually due to reduced public assistance eligibility.

Direct state tax revenues are estimated to increase \$4.8 million a year, due to both increased personal income taxes and decreased corporate income taxes by increasing wages of workers paid at current minimum wage.

Direct local government expenditures are estimated to increase \$5 million when the measure is fully implemented to bring local government employees and local contract service providers currently paid at minimum wage to the new level.

Other expenditure and revenue changes could not be estimated due to insufficient data.

### 1996 OREGON MINIMUM WAGE AND ECONOMIC INDEPENDENCE ACT

Preamble: WHEREAS, ORS 653.015 states the policy of the State of Oregon is to establish minimum wage standards for workers at levels consistent with their health, efficiency and general well-being, and

WHEREAS, Oregon is no longer meeting these standards with the current minimum wage of \$4.75 an hour - or approximately \$800 a month for a full-time year-around worker, and

WHEREAS, adjusted for inflation, the purchasing power of the minimum wage has fallen by 70 cents an hour since its last increase in 1991,

THEREFORE THE PEOPLE FIND, that to meet the policy objectives set forth in ORS 653.015, and to increase economic independence, to reduce the need for public benefits, to enable families to raise their children in dignity, to increase meaningful

employment, to increase the purchasing power of low-income citizens, and thereby expand the tax base, Oregon law is revised to create a more livable minimum wage, as follows:

SECTION 1. ORS 653.025 is amended to read:

653.025. Except as provided by ORS 652.020 and the rules of the Commissioner of the Bureau of Labor issued under ORS 653.030 and 653.261, for each hour of work time that the employee is gainfully employed, no employer shall employ or agree to employ any employee at wages computed at a rate lower than:

[(1) For the period of September 1, 1989 to December 31, 1989, \$3.85.

(2) For calendar year 1990, \$4.25

(3) For calendar years after December 31, 1990, \$4.75.]

(1) For calendar year 1997, \$5.50.

(2) For calendar year 1998, \$6.00.

(3) For calendar years after December 31, 1998, \$6.50.

If any part of this statute is held to be unconstitutional under the federal or state constitution, the remaining parts shall not be affected, and shall remain in full force and effect.

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

## EXPLANATORY STATEMENT

This measure would increase the minimum hourly wage in three steps from the present level of \$4.75. For calendar year 1997, the wage would be \$5.50. For calendar year 1998, the wage would be \$6.00. For calendar year 1999 and the years following, the wage would be \$6.50.

The measure also includes a savings provision to preserve the effect of other parts of the measure if any portion is found to be in violation of the state or federal constitution.

### Committee Members:

Representative Avel Gordly  
Ellen Lowe  
Julie Brandis  
Mike McCallum  
Jeff Hannum

### 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 No. 36

## ARGUMENT IN FAVOR

### Minimum Wage Index

Number of Oregonians living below federal poverty line: 344,867

Number of Oregonians over age 55 living in poverty: 57,468

Number of Oregonians under age 18 living in poverty: 11,629

Number of Oregonians paid hourly working for less than  
\$6.00 per hour: 194,200

Percentage of minimum wage earners who are women: 62%

Wages earned by minimum wage worker in one 40 hour week,  
before taxes: \$190

Wages earned by same in one month before taxes: \$826

Percentages of minimum wage earners who are  
sole bread winners in their family: 36%

Number of Oregon workers who will get raises before  
Oct 1, 1997 under new federal law: 0

Clients served by the Northeast Emergency Food Bank  
last month who were children: 52%

Percentage of minimum wage workers who are  
at least 20 years old: 69%

What minimum wage would be if it kept pace with  
inflation since 1976: \$6.36 per hour

Decrease in buying power since minimum wage last increased in  
Oregon in 1991: -15%

Decrease in buying power for minimum wage workers  
from 1976 to 1996: -28%

Average monthly food bill for family of three in Oregon: \$300

Average monthly cost of child care for two children: \$400

Average monthly utility bills for family of three in Oregon: \$75

Average monthly rent for 2-bedroom apartment in Oregon: \$577

Average annual income for minimum wage worker: \$9880

Federal poverty level for family of two: \$10,360

For a family of three: \$12,980

For a family of four: \$15,600

Rank of Portland on list of least affordable cities: 5

Rank of Salem in same list: 12

Hourly wage earned by Oregon's TOP CEO: \$3317 per hour

Number of hours a minimum wage worker would have to work  
to make \$3317: 698 hours

Percentage of Oregonians who support Ballot Measure 36  
in 1996 Oregon Monitor Poll: 68.4%

*(This information furnished by Geoff Sugerman, Raise the Minimum Wage Coalition.)*

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# Measure No. 36

## ARGUMENT IN FAVOR

### I AM A TYPICAL MINIMUM WAGE WORKER

Female... age 46... with a 15-year old daughter. Over the years, as I have worked for minimum wage or slightly more, my daughter and I have struggled to survive every single month. I want to share with you what that's like.

**Imagine half your take home pay or more going to rent every month...** unable to own a car because insurance and car payments just aren't in the budget... wondering how we're going to afford utility bills in the winter.

**Imagine having no health care coverage...** hoping every day I don't get sick.

**Imagine telling your child NO...** time and time again.... that we just can't afford new clothes or a trip to the movies.

**Imagine the fear of knowing your child starts college in three years...** wondering how we'll afford tuition, room and board.

**Imagine wondering every day whether you have done justice to your child and her future.**

### THERE ARE THOUSANDS OF OREGON WORKERS JUST LIKE ME.

Going to work filled with despair... knowing the dollars we make today are already spent on next month's bills.

It doesn't make sense to force a hard-working Oregonian onto public assistance because they can't afford to live on minimum wage.

Why make taxpayers subsidize us when all we want is to be able to afford to pay our own way?

### I'M WORKING MY WAY UP

I now make \$5.20 an hour... attend college full time... and share a house to make ends meet. I can't afford a car on my own. The dream of home ownership is a myth. Raising the minimum wage will give my daughter and me a fighting chance at economic independence... and hope for the future.

### TO THOSE WHO OPPOSE MEASURE 36

Why force us to live on starvation wages?

Why force Oregon taxpayers to pay our bills?

Why destroy our self-esteem?

Give Oregon workers a chance.

**VOTE YES ON MEASURE 36!**

Susan Kirkpatrick, Veneta

*(This information furnished by Susan Kirkpatrick.)*

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# Measure No. 36

## ARGUMENT IN FAVOR

### THE OREGON STATE COUNCIL OF SENIOR CITIZENS SUPPORTS RAISING THE MINIMUM WAGE

Every parent wants a better life for their children and grandchildren. As senior citizens, we support raising Oregon's minimum wage.

Too many of our children and grandchildren are mired in poverty at today's minimum wage. They are forced to live on public assistance, even when they work forty or more hours a week. That's not right for Oregon or for Oregon's hard-working families. That's not right for our children and grandchildren.

### MORE OF AMERICA'S SENIORS LIVE IN POVERTY THAN ANY OTHER INDUSTRIALIZED NATION. 57,468 Oregonians over age 55 live in poverty today

Many of Oregon's senior citizens still must work... or rely on their family for support. Many of them are forced to work at an artificially-low minimum wage. With increasing rents.... higher food prices.... and ever-increasing medical costs, their buying power continues to decline and they are forced to live in poverty.

Voting yes on Measure 36 will give thousands of seniors additional income to survive, helping many live without being forced to use public assistance.

### A LOW MINIMUM WAGE FORCES WORKERS ONTO PUBLIC ASSISTANCE

- The present minimum wage no longer represents a subsistence standard of living for a worker, much less a family.
- The increased cost of living leaves families below the federal poverty level and increases the burden on taxpayers to pay for public assistance.
- No employer should expect taxpayers to subsidize payroll to bring employees up to a minimum standard of living.

### TREAT OREGON'S WORKERS WITH DIGNITY AND RESPECT. JOIN THE OREGON STATE COUNCIL OF SENIOR CITIZENS IN VOTING TO RAISE OREGON'S MINIMUM WAGE.

*(This information furnished by Douglas G. Ellis, Oregon State Council of Senior Citizens.)*

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# Measure No. 36

## ARGUMENT IN FAVOR

### MANY BUSINESS OWNERS SUPPORT MEASURE 36

As small business owners we support raising the minimum wage because we value our communities, our businesses and our workers. Increasing wages for our workers is a strong benefit to our business and our local communities.

### HIGHER WAGES LEAD TO LOWER TURNOVER, BETTER SERVICE AND INCREASED PRODUCTIVITY

When wages increase, our workers stay longer and become more valuable to our business. This lowers training costs... increases our service to customers... and leads to more productive workers.

### INCREASED WAGES HELPS LOCAL COMMUNITIES AND INCREASE PROFITS

Higher wages lead to more income for local residents.... and when workers in our communities make more money, they spend it in our communities.

### RAISING WAGES WILL NOT COST JOBS OR RAISE PRICES

Since the minimum wage was last increased in 1991, we have seen job growth and lower unemployment in Oregon. Our economy is healthy... business owners should be willing to share their profits with workers.

A modest rise in the minimum wage has never caused inflation or loss of jobs. A rise in the minimum wage reduces poverty and gives workers greater opportunities to contribute to their communities.

### LOYALTY

That's what Measure 36 comes down to. We believe our workers are valuable... We believe they help increase our business when they are well-paid and respected... We believe they deserve to share in the record profits and growth Oregon is enjoying in the 1990s.

In the 1970s, when Oregon's minimum wage was highest when adjusted for inflation, we enjoyed tremendous growth and prosperity as a state. Raising the minimum wage will continue our positive economic growth and lead to a better Oregon for all of us.

### PLEASE VOTE YES ON MEASURE 36

Off-Center Cafe, Capitol News Center, J. Michael's Books, Eugene Emge, CPA, Pro-Custom AutoBody, Oregon Roads, Inc., Oasis Fine Foods, Heliotrope Natural Foods, Greater Good, Inc., Emerald Valley Kitchen, Life Source Natural Foods, The Bike Peddler, Sandpiper Import Service, Mother Kallis Books, Cobblestones

*(This information furnished by Duke Shepard, Raise the Minimum Wage Coalition.)*

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# Measure No. 36

## ARGUMENT IN FAVOR

### WORKERS WHO CARE FOR OUR NEEDIEST CITIZENS SHOULD BE PAID ENOUGH TO SUPPORT THEIR OWN FAMILIES

From child care to elder care, Oregon's human service workers provide some of our most critical and personal services. But many of these same workers can barely meet the needs of their own families **because they work for a minimum wage that buys 20% less than it did five years ago.**

### OREGON'S HUMAN SERVICE WORKERS DESERVE BETTER

These workers, and thousands of other minimum wage workers in Oregon, should be paid enough for full time employment to provide for themselves and their families.

A minimum wage of \$4.75 per hour amounts to only \$826 per month for a full time worker. At this rate, many workers who care for our neediest citizens are themselves needy enough to qualify for food stamps and public assistance.

### THAT'S WHY WE NEED MEASURE 36

Measure 36 will put these workers back on their feet financially with reasonable increases in the minimum wage over a three year period.

By so doing, Measure 36 will keep experienced workers on the job and promote high-quality care in our nursing homes and other human service programs.

### KEEP WORKING FAMILIES OUT OF POVERTY

Let's be fair to the hard-working Oregonians who care for our neediest citizens -- and to all Oregonians who work for the minimum wage.

Measure 36 will provide the raise our lowest-paid workers need now and help keep working families out of poverty in the years ahead.

### PLEASE VOTE YES ON MEASURE 36

Karla Spence, social worker  
Oregon Public Employees Union

Ellen Lowe, co-chair  
Human Services Coalition  
of Oregon

*(This information furnished by Ellen C. Lowe, Human Services Coalition and Karla Spence, Oregon Public Employees Union.)*

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# Measure No. 36

## ARGUMENT IN FAVOR

### Ecumenical Ministries of Oregon Supports Measure 36

Measure 36  
Raises the Oregon Minimum Wage  
Honors Work                      Honors Workers

Reflect for a moment on the people who provide for our most basic needs through our entire lifetime - the services and goods for those we value the most, our children, our sick and our elderly - and then ask yourself if the economic remuneration is commensurate with the contribution of those tasks to society. Your response should lead you to conclude that raising the Oregon minimum wage is an important first step on the path to economic justice.

Measure 36  
Raises the Oregon Minimum Wage  
Produces Promise              Promotes Fairness

Raising the minimum wage is the right thing to do. It is an act of morality with promise and justice as its products. Rather than subjugating many care givers to a life of poverty, the proposed increase to \$5.50, \$6.00 and \$6.50 over three years will permit these workers to be customers in the marketplace. Measure 36 will decrease their need for public subsidies. It begins the task of demonstrating respect for honorable work.

Measure 36  
Raises the Minimum Wage  
Does Justice                      Loves Kindness

Most current political choices are not addressed directly in the Bible. But we are extended perspectives and principles that have a clear relevance to contemporary concerns. When the prophets spoke of freedom, they addressed freedom from economic oppression. From Micah we hear, "What does the Lord require of you but to do justice, and to love kindness, and to walk humbly with your God?" Doing justice still means defending the cause of the poor and needy. Jeremiah wrote "Woe to him ... who makes his neighbor serve him for nothing, and does not give him his wages." There is a moral imperative to fairly compensate those who serve us. Measure 36 provides an opportunity to collectively vote for economic justice.

Vote Yes For Measure 36  
The Oregon Minimum Wage and Economic Independence Act

*(This information furnished by Ellen C. Lowe, Ecumenical Ministries of Oregon.)*

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# Measure No. 36

## ARGUMENT IN FAVOR

In 1913, Oregon became the first state in the nation to enact minimum wage legislation to protect low-paid workers from unscrupulous employers.

The Oregon Labor Movement strongly advocated for an establishment of this hallmark Minimum Wage Law, because we believe that all workers deserve to be paid a just wage for a hard day's work.

Organized labor remains committed to preserving the integrity of Oregon's pioneering Minimum Wage Law -- and that is why we are backing Ballot Measure 36.

Because the Minimum Wage has not kept up with inflation, thousands of working families have to rely on public assistance -- just to survive.

- Since the last increase in 1991, the purchasing power of the minimum wage has dropped by over 70 cents an hour.
- Oregon's current minimum wage of \$4.75 an hour provides an income of just \$826 a month, \$9880 a year, for a full-time worker. At this wage a family of four falls over \$5000 below the federal poverty guidelines Used to Determine Need for Public Assistance.
- **NO GOVERNMENT PROGRAM... NO LAW WE ENACT... CAN DO MORE TO REDUCE THE NUMBERS OF OREGONIANS RECEIVING PUBLIC ASSISTANCE THAN RAISING THE MINIMUM WAGE.**

Yet corporations continue to pay an artificially-low minimum wage -- and taxpayers are footing the bill for increased public assistance costs.

**IT'S TIME FOR CORPORATIONS TO SHARE THE WEALTH WITH WORKERS WHO MAKE THE PROFITS POSSIBLE. VOTE YES ON MEASURE 36.**

Oregon AFL-CIO  
Oregon Public Employees Union  
Oregon Education Association  
Oregon Federation of Teachers, Educators and Health Care Professionals  
American Federation of State County and Municipal Employees  
Oregon School Employees Association  
Pineros y Campesinos Unidos Del Noroeste (PCUN)  
Oregon State Industrial Union Council  
Communication Workers of America Local 7901  
Amalgamated Transit Workers Local 757  
Jobs With Justice  
Columbia-Pacific Building Trades Council  
Hotel and Restaurant Employees Local 9  
United Steelworkers of America Local 8379

*(This information furnished by Amy Klare, Raise the Minimum Wage Coalition.)*

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# Measure No. 36

## ARGUMENT IN FAVOR

### RAISING THE MINIMUM WAGE WILL STRENGTHEN OREGON'S ECONOMY

We are economists, concerned about the erosion of living standards of low wage workers. We are convinced that raising the minimum wage will not only help these workers and their families but also strengthen Oregon's economy.

**For the past Five Years Oregon's Minimum Wage Has Exceeded the Federal Minimum, and Our Economy Has Out-Paced the Nation in Growth and Job Creation.**

### MEASURE 36 RESTORES THE BUYING POWER OF THE MINIMUM WAGE

- The U.S. economy had its most robust and sustained growth in the 1960s and early 1970s when the minimum wage was at its highest, nearly \$7.00 an hour (in today's dollars). This ballot measure authorizes a modest rise, leaving the minimum wage still slightly below its historic buying power. This restoration of the value of the minimum wage is long overdue.
- A higher minimum wage greatly helps poor families and reduces poverty.
- Some people claim that a higher minimum wage hurts low income workers by reducing jobs. But recent studies of California, New Jersey, and Texas demonstrated that when their minimum wages rose, so did entry level jobs. Recognizing that a modest rise in the minimum wage has minimal and sometimes positive effects on employment, 101 economists (including three Nobel prize winners and seven past Presidents of the American Economics Association) signed an open letter advocating raising the minimum wage.

### WE VALUE OUR FAMILIES AND OUR NEIGHBORHOODS

By increasing the minimum wage, we can create a healthier Oregon economy. We can improve our neighborhoods and the lives of thousands of Oregon families.

### WE URGE YOU TO VOTE YES ON MEASURE 36

Prof. Steven Deutsch  
Prof. Todd Easton  
Prof. Kevin Furey  
Prof. Eban Goodstein,  
Prof. James Grant  
Prof. John Hall  
Prof. Martin Hart-Landsberg  
Prof. Mary King  
Prof. Harold Vatter  
Prof. John Walker  
Prof. Cathleen Whiting  
Prof. John Wish  
Prof. Helen Youngelson-Neal

*(This information furnished by Martin Hart-Landsberg, Raise the Minimum Wage Coalition.)*

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# Measure No. 36

## ARGUMENT IN FAVOR

### CONSERVATIONISTS FOR INCREASING THE MINIMUM WAGE

As professional, volunteer and citizen conservationists working to improve the quality of life in our neighborhoods and throughout Oregon, we understand the importance of ensuring a high quality of life -- including a living wage -- for all Oregon residents.

We urge your support of Measure 36 because raising the minimum wage:

- Helps reduce poverty which destroys neighborhoods and leads to increased and unstable communities.
- Is an investment in people. It will help sustain housing and job opportunities, combat sprawl and help ensure healthier communities.
- Helps ameliorate job dislocations and changing economic conditions in Oregon's rural communities.
- Is necessary to meet basic human needs and to pursue initiatives to protect Oregon's environment.
- Provides economic support to those who are least able to pay for important environmental initiatives.

Measure 36 is a small step toward economic equity throughout Oregon. Many additional measures are necessary to truly address Oregon's economic inequities, including: convenient, safe and affordable transportation that reduces dependence on the automobile; an accessible, high quality educational system; affordable housing for low and moderate income families; and growth management policies that ensure an economically vibrant and ecologically healthy state.

Economic security for all Oregonians and protection of the state's environment are essential to creating a livable future for Oregon.

Keith Bartholomew	Mike Houck
Chris Beck	John Jennings
Rick Brown	Paul Ketcham
Ron Carley	Pete Lavigne
Lenny Dee	Robert Liberty
Norine Dietrich	Kahler Martinson
Don't Waste Oregon Caucus	Mary Kyle McCurdy
Lauren Elmore	Mary Rose Navarro
Dave Eshbaugh	Oregon Natural Resources Council
Scott Exo	Loretta Pickerell
Anna Goldrich	Zachary Semke
Candice Guth	Dawn Uchimaya
Portland Greens	Joann Vrilakas

(This information furnished by Mike Houck, Raise the Minimum Wage Coalition.)

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# Measure No. 36

## ARGUMENT IN OPPOSITION

### WHILE WE'RE AT IT, WHY NOT VOTE TO MAKE $\pi = 3$ ?

The ratio of circumference of a circle to diameter, called  $\pi$  (pi), is approximately 3.1416. It is a constant of nature, and appears in equations used by engineers. Have you heard the story about the Texas legislator who was so annoyed  $\pi$  was "inconvenient" that he introduced a bill to make it equal to exactly 3? If that bill had passed, and the state enforced it, the result would have been the designing of unsafe buildings by engineers—an unintended consequence.

Economics, too, is based on laws of nature. When government interferes with economic laws, there are also unintended consequences.

When the state forces employers to pay employees more than they are worth (in terms of job skills and work habits), that's like forcing engineers to use  $\pi=3$  in their calculations. Something's got to give. With a large business, the employer may decide a machine can do the job more cost-effectively than these employees, or that workers in another state or country can. Small business owners might hire relatives or illegal aliens, downsize, or quit.

Proponents claim this measure will cause the loss of few jobs. This is true, but only because few jobs (of all those in the state) are minimum-wage jobs. **Among current minimum-wage earners, the very people this measure purports to help, job loss will be substantial.**

At a time when welfare eligibility is becoming more restricted, it would seem unkind to cause the elimination of entry-level jobs these people need.

Most of us entered the job market with a low wage job. We then learned good work habits, gained marketable skills, and perhaps continued our education. Soon we were making a higher wage. This is the beauty of the free market. The best way to increase both our wealth and our liberty would be to remove the many constraints on the free market, not impose greater ones. **VOTE NO.**

(This information furnished by Denny Dow and Paul Bonneau.)

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# Measure No. 36

# Measure No. 36

## ARGUMENT IN OPPOSITION

Dear Oregon Voter,

I am an Oregonian who has owned and operated a small grocery for the last six years. From this hands on experience I know how the minimum wage works in a small business and I would like to share why Measure #36 would hurt Oregon's small businesses and their employees.

The most important thing to know about Oregon's minimum wage is that it is a place to start. Others will tell you that is was meant to support a family, but that's not the real world. None of us start at the top. The minimum wage allows a young person, or anyone entering the job market for the first time, an opportunity to work and gain some experience.

In my business after 90 days I review a new person's accomplishments and work habits and determine what their next wage level should be. After 180 days they are eligible for health insurance and other fringe benefits. After the first year every person is making more than \$7 per hour, receives health insurance benefits and 5 days of paid vacation.

In my business hard work and productivity is recognized and rewarded.

The total amount I spend to create new jobs is limited by the amount I earn through sales. The number of jobs I create is limited by the cost of creating each job. I don't print the money, all I do is manage it. Measure 36 will increase the cost of creating new jobs and will decrease the number of people I can hire.

If ballot measures could make us all rich then lets vote to make everybody's wage \$100 an hour, and retire early. Real life doesn't work that way and Measure 36 is going to hurt job opportunity plain and simple. Any other argument is just politics. I hope you consider my letter a voice of experience and please vote NO on Measure 36.

Sincerely,

Rob Lausmann  
Small Business Owner.

*(This information furnished by Robert Lausmann.)*

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## ARGUMENT IN OPPOSITION

### Why Small Business People Oppose Measure 36

When considering your vote on Measure 36, the Committee to Protect Small Business asks you to consider some basic principles.

If you wanted to feed the hungry would you vote to raise the price of food?

If you wanted to house the homeless would you vote to raise the price of rent?

If you wanted to help the unemployed would you vote to raise the cost of creating a job?

In August of this year Oregon's minimum wage was reasonably increased by 40 cents per hour to \$5.15. Measure 36 seeks to increase it an additional \$1.35. This excessive increase will cause lost jobs, higher prices, and less opportunity.

Labor Secretary Robert Reich recently stated that anything over \$5.15 will hurt jobs. So who's behind Measure #36. Organized labor bosses. But what is their motive?

The true motivation of the AFL-CIO is to drain money from the Oregon small business community. This goal was explicitly stated in a memo from Irv Fletcher, Oregon President of the AFL-CIO. He stated that their "campaign will have as its goal...to force our opponents to expend significant resources fighting labor-backed initiatives..." (Bob Young, *Willamette Week*, 8/7/96).

The unions motives are clear: drain money from the business community, and raise the floor so that they can negotiate even higher base salaries for union members. Not a mention of creating jobs and opportunity.

The Committee to Protect Small Business opposes Measure 36 in order to protect Oregon's business and economic opportunities against the massive resources and greed of the AFL-CIO. Please stop their efforts to make Oregon's minimum wage the most uncompetitive in the country, at the expense of all Oregon citizens who must live with higher inflation, higher prices and fewer jobs.

The Committee to Protect Small Business asks you to vote NO on 36 and stop the greed and hidden motives of the unions.

Sincerely: The Committee to Protect Small Business

*(This information furnished by Lisa Scott, The Committee to Protect Small Business.)*

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# Measure No. 36

## ARGUMENT IN OPPOSITION

### OREGON SMALL BUSINESS OWNERS REQUEST A NO VOTE ON #36

The National Federation of Independent Business (NFIB) has nearly 17,000 small business owners as members in the State of Oregon. Over two-thirds of these businesses have less than 10 employees. In short NFIB Oregon represents Main Street. NFIB/Oregon opposes Measure #36.

**MEASURE 36 IS TOO EXTREME:** This year the federal government raised Oregon's minimum wage 40 cents per hour. Measure 36 seeks to raise it an additional \$1.35. This is too much, and too quick for Oregon's economy to keep pace with.

**MEASURE 36 WILL INCREASE PRICES:** When the cost of operating a business goes up, the prices for their goods and services must go up. Measure 36 will cause inflation hurting low and fixed income consumers, particularly senior citizens on tight budgets.

**MEASURE 36 WILL COST NEW JOBS:** Measure 36 will increase the cost of an entry level job by \$4200. This means that Oregon will get 2.5 jobs less for every \$100,000 invested in creating jobs.

**MEASURE 36 WILL CAUSE UNEMPLOYMENT:** According to Oregon's Employment Division, Oregon currently has one of its lowest unemployment rates in years. Measure 36 increases the cost of entry level jobs by 37% which will transfer into fewer jobs and higher unemployment.

**MEASURE 36 WILL FORCE EMPLOYERS TO CUT FRINGE BENEFITS:** Currently over 90% of Oregon small businesses provide fringe benefits in addition to wages. Measure 36 upsets that balance and forces employers to cut benefits that might only be affordable through the employer (i.e. Health Insurance) to meet the cost of Measure 36.

**MEASURE 36 WILL DISRUPT THE FREE MARKET:** Currently Oregon's wages are based on a balance of a person's ability to produce and the supply and demand for labor. Measure 36 allows special interests to make wages a political decision.

Oregon small businesses respectfully ask you to let the free market continue to work in Oregon.

**PLEASE VOTE NO on MEASURE #36**

*(This information furnished by E. Joe Gilliam, National Federation of Independent Business (NFIB).)*

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# Measure No. 36

## ARGUMENT IN OPPOSITION

### THE OREGON SMALL BUSINESS COALITION Asks you to PLEASE VOTE NO on MEASURE 36

Most of us in Oregon got our first job in a small business. Small business in the state has long been the gateway for young people and anybody looking to work hard and advance themselves.

In this state, small business is a way of life. In Oregon it's not big corporations that drive our growth and job opportunity. **Over 90% of Oregon businesses have less than 25 employees and while corporate America is downsizing the small business owners are creating jobs.**

The Oregon Small Business Coalition is a group of 30 small business associations that have a common goal...to promote free enterprise. We believe in a free market, honest competition, and protecting the opportunity for any Oregonian to have a fair opportunity to take a risk in the market and recognize return for that risk.

**Measure 36 is a ballot measure sponsored by special interests that will hurt Oregon small businesses.**

This year federal government raised the Oregon minimum wage 40 cents per hour. Measure 36 is an extreme ballot measure sponsored by big unions, not the Oregonians who go to work on main street or in the malls.

**The unions' motivation is to force an artificially higher minimum so they can negotiate higher wages for their select membership.**

If you believe in a free market ask yourself:

Are wages better set based on skills, work ethic and the marketplace...or by a statewide election?

If the cost of creating a job is increased by \$4200 per year...will more or less jobs be created?

If the cost of running a business is increased by Measure 36... will prices be forced up or down?

**MEASURE 36 = HIGHER COSTS, JOB LOSS AND  
PRICE INCREASES**

**The members of the OSBC ask you to vote  
NO on Measure 36.**

*(This information furnished by E. Joe Gilliam, Oregon Small Business Coalition.)*

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# Measure No. 36

# Measure No. 36

## ARGUMENT IN OPPOSITION

**Oregon Farmers and Ranchers Urge a NO vote on # 36**

**This increase in the minimum wage is just TOO MUCH!**

- **Passage of Measure 36 will make our labor costs the highest in the nation!**
- **The Oregon agricultural community has no control on prices which are determined in commodity markets in the midwest and east. The highest minimum wage in the nation will put Oregon agricultural products at a competitive disadvantage with products grown in other parts of the United States.**
- **As Oregon products lose market share because of high costs, we will lose jobs and income in agricultural affected businesses, in the city as well as the countryside. Look at your job, are you at risk?**
- **Oregon cattle ranches are a good example: Families that operate cattle ranches have been watching meat prices drop for some time. They are having a hard time hanging on NOW. By raising the minimum wage this HIGH, Ballot Measure 36 will push many family ranches right off the cliff.**
- **Many of our farms offer summer jobs to young workers saving for their education. These jobs and other entry-level career jobs, especially in rural areas, will be lost. We teach young Oregonians the value of work by keeping these jobs available. Measure 36 will cost many of these jobs.**
- **We don't object to a reasonable minimum wage, but \$6.50 an hour is TOO HIGH, without enough justification about why Oregon must be the highest in the nation.**

We, the board of directors of the Oregon Farm Bureau, urge you to **VOTE NO** on Measure 36. We urge you to communicate with your families, friends, and neighbors to do the same. Let's not put our economy at risk by supporting a minimum wage that is **just too high!**

*(This information furnished by the Board of Directors, Oregon Farm Bureau: John Rossner, President; Stan Hendy, Rick Miller, Daryl Hawes, Debbie Scott, Vice Presidents; Larry Lear, Norm Pratt, Joan Silver, Tracey Liskey, Camille Hukari, Barry Bashue, Jack Burkhart, Dean Freeborn, Kathy Smith, Keith Nelsen, Neil Westfall, Charlie Barlow, Edmund Duyck, Doug Krahmer, Howard Sand, Board Members; Andy Anderson, Greg Leo, Don Schellenberg, Pete Test, Staff.)*

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## ARGUMENT IN OPPOSITION

Dear Oregonians:

The Oregon Restaurant Association would like to urge you to vote No on Measure 36 this November. This measure will have tremendous effects on all restaurants in several ways.

First, our industry has long been a training ground for minors looking for their first job. It is becoming more and more difficult to hire minors as federal and state laws prohibit them from them completing many tasks in our industry. Now Measure 36 wants you to increase their wage by over 37%. If we want to create opportunities for entry level workers, we should not increase the cost of providing them a job.

The Fair Labor Standards Act calls for the use of Tip Credit for tipped employees. 43 states recognize the use of a tip credit, Oregon does not. Many of these employees are the highest paid employees in our businesses averaging over \$14 when tips are included. Measure 36 will increase their base pay to triple the amount of most states. This will make the highest paid employees get even more. It will stop our ability to give raises to those truly earning the least like cooks and bus boys.

Lastly, this measure will cause inflation. As the price of goods and services increase, disposable income decreases. Usually the service industry is the first industry hit. To control costs people eat out less. When people eat out less we have fewer customers. Measure 36 increases our labor costs and reduces our customer base.

Please vote No on Measure 36, it hurts those it says it helps.

Oregon Restaurant Association

*(This information furnished by Bill Perry, Oregon Restaurant Association.)*

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## Measure No. 36

## Measure No. 36

### ARGUMENT IN OPPOSITION

Oregonians for Sound Economic Policy urge you to vote NO on Measure 36. A 37% increase will have an adverse affect on Oregon's economy.

There is no doubt that an increase to \$6.50 will drive up prices. As businesses pay more for labor costs, they will be forced to charge more for their products or services. This will cause direct economic hardship to the elder and disadvantaged who live on a fixed income.

Small businesses might have to eliminate jobs. While the Oregon economy is strong now, even with a small recession the increase will certainly come at the expense of jobs.

The unions claim this will help move people off welfare. Studies show that there is a direct link between an increase in the minimum wage and an increase in the caseloads for Aid to Dependent Children. That's because mandating higher wages means the loss of job opportunities to those who need them the most.

Proponents ignore the fact that minimum-wage jobs are entry-level positions held by young and often uneducated workers. Business owners pay the wages that attract the best workers, which in most cases is higher than the minimum wage. But at \$6.50, they will reconsider hiring teenagers who live at home and entry level workers with no skills. They will also offer fewer hours and benefits for current employees.

Ideally, the market in a town or a community should be allowed to set wages and prices. An increase can have a greater negative impact on rural communities than an urban economy. Wages in Klamath Falls shouldn't be set by a voter from Portland.

The economy is strong and unemployment is low. Measure 36 will cause inflation, higher prices and job loss. It's not broken, don't fix it.

*(This information furnished by Nicky Cribb, Oregonians for Sound Economic Policy.)*

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### ARGUMENT IN OPPOSITION

Ballot Measure 36 will have far reaching consequences and adversely effect the quality of life of thousands of Oregonians! We cannot expect to resolve the economic concerns of a small segment of our population when, in fact, our actions will harm a far greater segment of the community!

Increasing Oregon's minimum wage to \$6.50 an hour is unreasonable and will drive up the cost of food, gasoline and other necessities. How can we expect to help low income families by raising the cost of their groceries and rent?

Artificially driving up the cost of essentials will have a negative impact on:

- \* Seniors on fixed incomes
- \* Single working parents
- \* Young people seeking part-time employment

Ballot Measure 36 is a bad idea for Oregonians and a bad idea for Oregon. It is TOO extreme!

**VOTE NO ON BALLOT MEASURE 36!**

George G. Forbes  
President  
Tri-County Lodging Association

*(This information furnished by George Forbes, Tri-County Lodging Association.)*

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# Measure No. 36

# Measure No. 36

## ARGUMENT IN OPPOSITION

### Keep Oregon's Economy Strong -- Vote NO on Ballot Measure 36

Congress recently passed a reasonable minimum wage bill that will increase Oregon's minimum wage from \$4.75 to \$5.15 per hour. Ballot Measure 36, by raising the minimum wage to **\$6.50**, **will raise prices and reduce job opportunities** for first time workers, students and part-time workers.

For the vast majority of Oregon businesses, increasing their costs of doing business has predictable results:

- Raise Prices
- Replace workers with machines
- Hire fewer but more highly skilled individuals

Oregon's economy is composed primarily of businesses with fewer than ten employees. Contrary to what the unions would like you to believe, these business owners are not greedy executives bringing in exorbitant salaries. Most are average people making an average living. Businesses that pay minimum wage typically refer to it as the "starting wage" because good performers are quickly rewarded.

Rising prices at the grocery store, gas stations and in restaurants will obviously hurt the working poor. And what about our senior citizens on fixed incomes? Who will give them a raise to cover these increased costs?

Oregon and the nation were once known as the land of opportunity. Have we become a nation of entitlement?

Let's help Oregon's economy thrive. Vote **NO** on Ballot Measure 36.

Richard M. Butrick  
Associated Oregon Industries.

*(This information furnished by Richard M. Butrick, Associated Oregon Industries.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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## ARGUMENT IN OPPOSITION

Question: What will be the effect of raising Oregon's minimum wage to \$6.50?

Answer: Loss of jobs.

Raising Oregon's minimum wage to the rate of \$6.50 per hour does more to destroy job opportunities than it does to help the 2.9% of Oregon's work force receiving minimum wage. The real effect of such an extreme jump in the minimum wage is to create greater competition for fewer jobs.

Question: I couldn't support my family on the minimum wage, why shouldn't I vote to raise it?

Answer: Minimum wage workers are usually young, single, and entering the job market. Rarely are they the principle breadwinner of a family. More importantly, the minimum wage is a starting wage for workers - business owners quickly move good workers up the wage scale because there is, and will always be, competition for good workers.

Question: How will a raise in the minimum wage effect me?

Answer: Most small businesses operate on very small profit margins. If costs rise they have three choices: increase sales, increase prices, or reduce labor. Businesses such as gasoline station operators can't reduce labor and continue to operate effectively. That will mean higher gas prices. The same is true for many other industries such as grocery stores, restaurants, motels, and retailers.

Lost jobs and rising prices due to higher labor costs is not the way to help working Oregonians. It is a recipe for recession. It is the path to high unemployment and increased social problems.

**KEEP OREGON'S ECONOMY GROWING,  
VOTE NO ON BALLOT MEASURE 36!**

*(This information furnished by Brian Boe, Oregon Petroleum Marketers Association.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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.

# Measure No. 36

# Measure No. 36

## ARGUMENT IN OPPOSITION

August 15, 1996

Dear Voters:

The current push to increase the minimum wage is a political ploy that will end up hurting those it is intended to help. We have a moral obligation to do whatever we can to help raise the standard of living for minimum wage earners. However, increasing the minimum wage will have the opposite effect.

While raising the minimum wage "sounds" great, elementary economics shows there is no long term benefit of raising the minimum wage. Claiming that it benefits the minimum wage earner is analogous to claiming that filing insurance claims benefits all policy holders. Just as insurance companies "pass on" the expense of additional claims as higher premiums, raising the minimum wage increases the price for all goods and services. None of us are naive enough to believe that businesses will simply absorb higher costs—not in a free market economy! As a result, minimum wage earners will suffer with higher prices and relatively lower earnings.

Another effect will be an increase in the labor supply, increased competition amongst those looking for work, and fewer available jobs. With higher wages, more people will return to the labor force. In addition, many positions may be absorbed by realignment of responsibilities, automation, etc. As a result, minimum wage earners will find themselves competing with more people, often more educated and experienced, for fewer jobs.

The solution to raising the standard of living for minimum wage earners lies in areas like education, training, etc., and not in raising the minimum wage. Please do not let the political agenda of a few, result in the degradation of the standard of living of those who need help the most.

Get the facts. Raising the minimum wage may "sound good" on the surface, but for those it is intended to help, it will "become as sounding brass, or a tinkling cymbal."

Please, vote no on Measure #36.

Thank you,

Jay Kemble  
Hospitality Associates

*(This information furnished by Jay Kemble.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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## ARGUMENT IN OPPOSITION

The Minimum Wage is not used as a guideline for the individual seeking a position that requires high intensity experience, skills, training and education. The minimum wage is set for those individuals seeking an **ENTRY LEVEL JOB**. This means the individual is not experienced, trained or educated in the specific trade.

Nobody in my organization starts at the minimum wage, trained or untrained. As a company, we choose to pay our employees at a higher rate. We do not need the Federal or State Government to tell us how much our employees are worth. We encourage our employees to strive to better themselves financially by showing a willingness to improve their skills, quality and quantity of work and dependability. All wages are performance based.

**WE MUST VOTE NO ON THE MINIMUM WAGE INCREASE SO THAT INDIVIDUALS LACKING SKILLS, TRAINING AND EXPERIENCE WILL BE GIVEN A CHANCE TO PROVE THEMSELVES. A HIGHER MINIMUM WAGE WILL FORCE EMPLOYERS TO HIRE ONLY HIGHLY EXPERIENCED INDIVIDUALS FOR ENTRY LEVEL JOBS.**

**A HIGHER MINIMUM WAGE WILL DRASTICALLY REDUCE THE JOBS AVAILABLE FOR UNSKILLED INDIVIDUALS SUCH AS HIGH SCHOOL AND COLLEGE STUDENTS, AND THOSE STARTING A NEW CAREER.**

**A HIGHER MINIMUM WAGE WILL DRIVE ALL CONSUMER PRICES UP. ALL HOUSING, FOOD, TRANSPORTATION, CLOTHING AND ALL GENERAL SERVICES NECESSARY TO LIFE, WILL INCREASE IN COST.**

**A HIGHER MINIMUM WAGE "APPEARS" TO BE HELPING CERTAIN INDIVIDUALS GET AHEAD. THE REALITY IS THE GOVERNMENT IS CASHING IN ON THESE INDIVIDUALS' HARD EARNED DOLLARS. CLOSE TO THIRTY PERCENT OF AN INDIVIDUAL'S PAY INCREASE WILL GO TO THE GOVERNMENT IN TAXES.**

**HELP THE INEXPERIENCED AND UNSKILLED LABORER. VOTE NO ON BALLOT MEASURE 36.**

*(This information furnished by Misti L. Wittenberg, Team Management.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 36

# Measure No. 36

## ARGUMENT IN OPPOSITION

CONGRESS JUST PASSED AN INCREASE OF THE FEDERAL MINIMUM WAGE TO \$5.15 AN HOUR, WHICH IS REASONABLE. MEASURE 36 WANTS TO INCREASE OREGON'S MINIMUM WAGE TO \$6.50. THIS IS TOO HIGH.

SMALL BUSINESSES IN OREGON THAT COMPETE WITH OUT OF STATE BUSINESSES WILL NO LONGER BE ABLE TO DO SO. THE DECISION WILL BE MADE TO EITHER INCREASE PRICES OR REDUCE LABOR.

WHEN BUSINESSES REDUCE LABOR, WELFARE AND UNEMPLOYMENT WILL RISE. SMALL BUSINESS USES THE MINIMUM WAGE AS A STARTING WAGE. OWNERS QUICKLY GIVE RAISES TO GOOD WORKERS. RAISING THE MINIMUM WAGE DOES NOT HELP THE POOR, IT SIMPLY MAKES THE COMPETITION GREATER FOR FEWER ENTRY LEVEL JOBS. OREGON'S UNEMPLOYMENT RATE IS CURRENTLY 4.9%. RAISING THE MINIMUM WAGE WILL FORCE EMPLOYERS TO CUT JOBS, WHICH IN TURN WILL INCREASE UNEMPLOYMENT, HURTING THE PEOPLE IT WAS MEANT TO HELP. FEWER PEOPLE WORKING, MEANS LESS TAXES FOR OREGON.

WHEN BUSINESSES INCREASE PRICES, THE HIGHER COSTS ARE PASSED ON TO THE CONSUMER. DEPARTMENT STORES, RESTAURANTS, GROCERY STORES WILL ALL HAVE HIGHER COSTS. AN INCREASE IN THE MINIMUM WAGE IS A TAX ON JOBS. EXPENSES TO BUSINESSES WILL INCREASE, NOT ONLY FOR LABOR, BUT FOR SOCIAL SECURITY AND OTHER BUSINESS RELATED COSTS. ULTIMATELY THIS WILL CLOSE A BUSINESS THAT IS BARELY MAKING IT.

TO KEEP OREGON'S BUSINESSES STRONG AND COMPETITIVE WE NEED TO VOTE NO ON MEASURE 36.

*(This information furnished by Glen Hart, Harts Nsry of Jefferson.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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## ARGUMENT IN OPPOSITION

### VOTE NO ON MEASURE 36

Dear Voters,

Many people will initially want to support Measure 36 because it only seems fair to pay people more than \$4.75 an hour for their work. The proposal might appeal as being reasonable and moral. Most of us won't even realize we could be doing more harm than good by marking the "yes" box.

Here are some important points to consider before you decide:

- Congress just passed an increase of nearly 9% in the minimum wage. This proposal to raise it even further to \$6.50 would be an increase of 37%!

- Modest incremental increases in wages, salaries and other benefits do not prompt huge escalations in inflation. A 37% increase in wages would cause a steep increase in the cost of basic goods and services.

- Oregon, like most other states, now competes on an international basis for jobs and product sales. An increase to \$6.50 an hour would place Oregon businesses at an extreme disadvantage because our entry level wage would be the highest in the nation!

All this leads us to one conclusion: Voting "yes" on Measure 36 could create the same type of unemployment woes Oregon faced in the 1980's. The economy of our state, and particularly Lane County, is only now beginning to turn around. This huge increase in the minimum wage could unravel our state's progress and end up hurting those it is suggested it would most help.

We cannot responsibly claim to be helping low income families when we are, in fact, fueling an increase in the cost of their food and basic necessities. This proposal was poorly thought out to serve the agenda of a few special interest people and doesn't address more important needs of low income families, such as health care. It is a bad idea and doesn't deserve your support.

### VOTE NO ON MEASURE 36!

Larry Harvey  
Lane County Lodging Association

*(This information furnished by Larry Harvey, Lane County Lodging Association.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 36

# Measure No. 36

## ARGUMENT IN OPPOSITION

August 19, 1996

I write this in opposition to the proposed increase of the Oregon minimum wage.

Columbia Room Inc. operates a mid-sized full-service hotel facility and service station in Hood River which employs 150 people in peak season. Hood River is a rural area and unlike the Portland metro area, seasonal employment fluctuates drastically. Our local economy is extremely tenuous. Timber jobs have to a great extent gone away, our local communications company and county's largest employer has relocated or eliminated over 30% of its workforce with more cuts planned, and the county-wide unemployment rate is over 12%. The proposed increase in the minimum wage can only further negatively impact a local economy like ours causing the elimination of jobs of the type the change intends to help.

We expect that if the proposed increase passes we would likely layoff 15-20 full time equivalent employees. The majority of the layoffs would be entry level type positions working part time or just entering the job market or workers who are a critical wage earner in a two income family. These are the families who would be hurt most and be most likely to show up on the welfare rolls.

Congress has just passed a minimum wage increase effectively increasing Oregon's minimum wage by 8.4%. This is a reasonable increase. The proposed 37% increase is just too high and cannot be absorbed by small businesses like ours without effecting harmful layoffs and higher prices.

I would urge the voters to give consideration to local economies and let the free market system work to determine fair wages and to vote no on the proposed minimum wage increase.

Sincerely,

Chuck Hinman  
Columbia Room, Inc.

(This information furnished by Chuck Hinman.)

(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)

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## ARGUMENT IN OPPOSITION

Fellow Oregonians,

Vote **NO** on measure #36. Artificially raising wages by 37% is too big for small business and fellow Oregonians to absorb. Here are some of the big problems this will create:

- 1) Senior or retired citizens on a fixed income will be affected by increasing cost of goods and services.
- 2) Will have out of state workers competing for Oregon's jobs because of the huge increase in the minimum wage.
- 3) Cost of goods and services will raise more than the increase in minimum wage because employees will be faced with higher taxes and insurance costs.
- 4) Artificially increasing cost to business owners can cause a loss of job opportunities.
- 5) Workers can face a loss of benefits (bonus pay, vacation pay, free meals, insurance, etc.)
- 6) Some small businesses will not be able to absorb the huge increase and will no longer exist which is a loss of jobs.

In August of 1996 Congress passed a reasonable 8.5% increase in the minimum wage. This is a 40 cents per hour increase in Oregon. Oregon's unemployment rate is 5.1% - more Oregonians are working now than ever before. The Oregon state economy should not be influenced by special interest (national and local union bosses and state government) because they are going to be the only one's that will benefit from measure #36. Let's use common sense and vote **NO** on #36.

Thank you,

Craig Calvert  
Alpine Hut Restaurant  
Rhododendron, Oregon

(This information furnished by Craig Calvert, Alpine Hut Restaurant.)

(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)

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# Measure No. 36

## ARGUMENT IN OPPOSITION

TO INCREASE THE MINIMUM WAGE TO \$6.50 IN OREGON WOULD RESULT IN SEVERAL SMALL BUSINESSES GOING OUT OF BUSINESS. THE INCREASE OF A \$1.75 PER HOUR, PER EMPLOYEE AND AN AVERAGE OF \$1.20 IN RELATED TAXES AND ASSESSMENTS WOULD MEAN A TOTAL OF A \$2.10 INCREASE PER EMPLOYEE. MULTIPLIED BY A 40 HOUR WORK WEEK AT 50 WEEKS A YEAR WOULD RESULT IN A \$4200.00 COST TO THE EMPLOYER FOR EVERY EMPLOYEE. MULTIPLY THAT \$4200.00 BY AN AVERAGE NUMBER OF EMPLOYEES A SMALL BUSINESS HAS, SAY 10, AND THE INCREASE IN THE MINIMUM WAGE COULD COST A SMALL BUSINESS A INCREASE OF \$42,000.00 A YEAR. IT IS PAINFULLY OBVIOUS THAT THIS KIND OF A INCREASE COULD AND WILL PUT SEVERAL SMALL BUSINESSES OUT OF BUSINESS FOR GOOD. THIS WILL ALSO PUT OREGON AT A GREAT DISADVANTAGE COMPARED TO OTHER STATES. WHEN THE SURROUNDING STATES ARE SETTING AT \$4.75 PER HOUR AND OREGON RAISING TO \$5.15 WE ALREADY HAVE A DISADVANTAGE, HOWEVER, TO RAISE TO \$6.50 PER HOUR WOULD KEEP ANY FUTURE SMALL BUSINESS FROM OPENING IN OREGON WHEN THEY CAN CHOOSE ANOTHER STATE AND NOT HAVE NEAR THE LABOR COST.

*(This information furnished by Bakulesh G. Patel.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 36

## ARGUMENT IN OPPOSITION

August 23, 1996

### Measure 36 Ignores the Facts

Proponents of Measure 36 have stated that by increasing the state's minimum wage, we will be helping people who earn poverty wages. The **fact** is, earning \$6.50 an hour does not provide for more buying power when we drive up the cost of goods and services at the same time. People who work at entry level wages would, in fact, have less buying power.

Proponents have also characterized this as an issue that will help a vast majority of Oregonians who are supporting families. The **fact** is, nearly **70%** of those who earn minimum wage in Oregon are single and **not the "family bread winner."**

Proponents also tell us that by giving workers a raise, it is a move toward economic justice and will help to resolve problems related to America's low income families. The **fact** is, the best way to help an entry level wage earner is to **help them learn skills** that will make them employable. This measure will lead to the elimination of many of the entry level jobs that help make learning those job skills possible.

**Measure 36 is, in fact, a bad idea for Oregon and for Oregonians.** It will hurt most of the people we are being told it is intended to help. The proposal is extreme and really meant to serve the agenda of special interest groups.

**Protect Oregon families from being exploited.  
Vote NO on Measure 36!**

Philip R. Peach  
Executive Director  
Oregon Lodging Association

*(This information furnished by Philip R. Peach, Oregon Lodging Association.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 36

## ARGUMENT IN OPPOSITION

I am opposed to Measure No. 36 because it will have a severe impact on my business. The United States Congress just passed an increase in the minimum wage and, while I feel that \$5.15 is a very reasonable dollar amount, the \$6.50 minimum wage mandated by No. 36 is too high. This represents a 37% increase over the current minimum wage in Oregon. A problem associated with the 37% increase is that other employees want their salaries increased by a similar amount. This "ripple effect" will cost American businesses millions of dollars.

Most economists agree that an increase in the minimum wage will be passed along to the consumer, causing rising prices and result in higher costs in department stores, restaurants, grocery stores. Unfortunately, there are businesses where the full increase cannot be passed along to the consumer and who will have to absorb these costs. The net result will be a decrease in hiring and some business failures. I will be looking at a direct salary increase of over \$100,000 per year if Ballot Measure No. 36 passes.

I believe that No. 36 is unfair in that the increase is the same for a business in rural Oregon as it is in the Portland area. There is no consideration given to local economies and the increase prohibits the free market system from determining fair wages even though the economic costs of living in a rural area are substantially below Portland costs.

Oregon's current economic climate is good. Our unemployment is only 4.9% and I am certain that raising the minimum wage will force a number of employers to cut jobs. Various economists throughout the state have estimated that total employment will decrease by 3.7% to 11% thereby hurting the most those whom the changes are intended to help.

Join me in voting against Ballot Measure No. 36.

*(This information furnished by William J. Allred.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 36

## ARGUMENT IN OPPOSITION

Dear Voter,

In our restaurants in Eugene and Corvallis, we strive to produce the very highest quality dining for our customers. If Measure 36 passes however, this will become virtually impossible.

Since we already pay most of our employees more than \$6.50 per hour, why should passing Measure 36 have such an effect? The answer has to do with the impact it could have on what we pay our waitstaff.

On average, our waitstaff now make more than \$12 per hour, including tips. The State or Oregon however, does not consider tips to be compensation. Hence, it would require us to pay our waitstaff an additional \$1.75 per hour if Measure 36 passes.

Most states permit restaurants to pay waitstaff less than the minimum wage, because waitstaff earn much more than the minimum wage, with tips. In many states waitstaff receive cash wages of just over \$2.00 per hour. We already pay \$4.75. If Measure 36 passes, we would have to pay waitstaff \$6.50 per hour!

We simply could not increase our costs by this amount and stand idly by. We don't make that much in profits.

How would we have to respond? To begin with, we would have to raise our prices by at least 10%. In addition, we would have to have fewer waitstaff. Finally, we would have to have a simpler, less interesting menu to save on food costs.

In short, passing Measure 36 would result in our customers paying more for fewer choices and for less service. Customers of other restaurants would find the same. Moreover, some restaurants would simply go out of business.

And all of this would happen to give people who already make \$12 per hour a pay increase of \$1.75 per hour.

Quality dining out is an important ingredient in Oregon's quality of life and tourism economy. Let's keep it that way by voting down Measure 36.

The West Brothers - Mike, Jim and Phil

*(This information furnished by Jim West; West Bros. BBQ, Inc.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 36

## ARGUMENT IN OPPOSITION

Oregon's future depends on a vibrant economy. A loss of entry level or starting wage jobs may throw a wrench in our ability to maintain Oregon's excellent record of economic growth.

How will raising wages a little cause so much damage?

1. Increasing the minimum wage to \$6.50 will cause inflationary pressure on basic goods and services such as groceries and gasoline. These industries rely on a young labor force that is just entering the job market. Raising the minimum wage will cause many of these first time job seekers to go without. Rising unemployment will take its toll and result in increased crime and drug and alcohol abuse.

2. The Oregon Employment Division statistics indicate that our state's unemployment rate is 5.1%. More Oregonians are working now than ever before. 92.2% of small Oregon employers offer fringe benefits or bonus pay in addition to wages. The worst mistake we could make would be to enact a \$6.50 starting wage that would destroy jobs for our young people just entering the work force.

3. Only 2.9% of all Oregonians working earn minimum wage. **Only 2.9%!** The minimum or starting wage has an important function in our economy. We must be very careful and not rush into a situation that may result in a tremendously negative effect on first time job seekers.

As sellers of retail gasoline, we provide opportunity to hundreds of young people every year as they begin their working lives. Raising the starting wage we must pay to \$6.50 will result in a loss of some of these jobs. Let's not put Oregon in the jeopardy of economic decline:

**VOTE NO ON BALLOT MEASURE 36!**

*(This information furnished by Glenn Zirkle, Astro-Western Stations.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 37

# Measure No. 37

Proposed by initiative petition to be voted on at the General Election, November 5, 1996.

## BALLOT TITLE

### 37 BROADENS TYPES OF BEVERAGE CONTAINERS REQUIRING DEPOSIT AND REFUND VALUE

**QUESTION:** Shall bottle bill be expanded to require consumers, dealers to pay deposits, receive refunds on additional types of beverage containers?

**SUMMARY:** Amends statutes. Under current law, consumers and dealers pay deposits and receive refunds on all beer and carbonated beverage containers. Dealers must accept such containers for refund. Measure broadens law to include any liquid drink intended for humans, except dairy products or substitutes, distilled spirits or liquor, or wine with over eight percent alcohol. Measure requires refund value for containers of:

- Beer, malt beverages or carbonated drinks, any size.
- Non-carbonated drinks, other than water, from six ounces to one liter.
- Water, up to two liters.

**ESTIMATE OF FINANCIAL IMPACT:** No financial effect on state or local government expenditures or revenues.

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

**SECTION 1.** ORS 459A.700 is amended to read:

459A.700. As used in ORS 459.992 (3) and (4) and 459A.700 to 459A.740, unless the context requires otherwise:

(1) "Beverage" means **any drink** in liquid form and intended for human consumption. **Beverage does not include:**

- (a) **A dairy liquid or any liquid dairy substitute;**
- (b) **Distilled spirits or distilled liquor as defined in ORS 472.010; or**
- (c) **Wine as defined in ORS 471.022 that has an alcohol content greater than 8.0% by volume.**

(2) "Beverage container" means the individual, separate, sealed glass, metal, or plastic bottle; can, jar, or carton containing *[a beverage]*:

- (a) **beer or other malt beverages, or carbonated drinks, of any size;**
- (b) **a minimum of six fluid ounces and a maximum of one liter of a non-carbonated drink other than water;**
- (c) **a maximum of 2 liters of water.**

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

## EXPLANATORY STATEMENT

Measure 37 amends existing Oregon law to require deposits on ALL beverage containers unless a beverage or the beverage container is exempted by definition or description.

Current law, commonly known as the bottle bill, requires deposits on individual, separate, sealed glass, metal or plastic bottles, cans, jars or cartons containing beer or other malt beverage, carbonated mineral waters, soda water or similar carbonated soft drink.

Measure 37 would exempt from deposit those beverage containers holding a dairy liquid or liquid dairy substitute, distilled spirits and distilled liquor, or wine that has an alcohol content greater than 8.0 percent by volume. Also exempt from deposits would be beverage containers holding less than six fluid ounces or more than one liter of any non-carbonated beverage except water. Containers holding more than two liters of water also would be exempt.

All sizes of beer, malt beverage or carbonated drink containers continue to require a container deposit. Containers of dairy liquids or liquid dairy substitutes, distilled spirits and distilled liquor, and wine that has an alcohol content greater than 8.0 percent would continue not to require a deposit.

Measure 37 retains the current retail process of collection and refund of deposits. It also retains current enforcement means and penalties.

### Committee Members:

Tom Novick\*  
Christopher Taylor\*  
Pat McCormick  
Jill Thorne  
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 No. 37

# Measure No. 37

## ARGUMENT IN FAVOR

**A MESSAGE FROM MRS. TOM McCALL:**

**VOTE YES ON 37 TO KEEP OREGON CLEAN AND GREEN**

Dear Oregonians,

Twenty-five years ago, my husband, the late Governor Tom McCall, signed into law the nation's first beverage container deposit law--the Oregon Bottle Bill. As Tom later said, this simple law turned out to be a "rip-roaring success." The bottle bill has kept our state clean and green for a quarter century.

Today, however, we are faced with a new litter problem--created by the new, non-deposit containers which have lately become so popular. We all see these discarded bottles and cans littering our roadsides, parks and beaches. It's a disgrace.

Luckily, the solution to this new problem is very simple. Expand the Oregon Bottle Bill. If these drinks had been around in 1971, I know Tom would have insisted that they too be included in the deposit law.

In passing the original bottle bill, my husband and the Oregon Legislature had to ignore the "distortion, deceit and dollars" of its beverage industry opponents. Now, in 1996, we Oregonians must once again ignore the anti-bottle bill propaganda paid for by out-of-state companies who want to stop us from passing this important measure. After 25 years of success, we Oregonians know the bottle bill works. Bringing such a popular and effective law up to date is just plain common sense.

I am proud to be a sponsor of Measure 37. It continues Oregon's tradition of stewardship which my husband worked so hard to promote. Join me in voting YES on 37! Let's carry on this great tradition to keep Oregon litter-free.

Mrs. Tom McCall  
Chief Petitioner, Measure 37

*(This information furnished by Mrs. Tom McCall, Chief Petitioner, Measure 37.)*

*(This space purchased for with a petition containing the signatures of 2,500 voters eligible to vote on the measure in accordance with 1993 Or. Laws 811 §11.)*

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## ARGUMENT IN FAVOR

**OREGON GROCERS SAY  
MEASURE 37 IS SIMPLE COMMON SENSE**

**As Oregon grocery store owners and managers, we strongly support Measure 37 as a way to make Oregon's Bottle Bill simpler to use and more effective.**

Right now, what is covered by the bottle bill is determined by whether or not the beverage inside is carbonated. At one time, that made sense. But there has been a tremendous increase in sales of drinks such as iced teas, juice drinks and bottled waters. This means that containers

- made of the same materials
- made by the same manufacturer
- distributed by the same company
- sold in the same store

are treated differently based on whether or not the drink has bubbles in it.

This is confusing and frustrating to consumers and doesn't make much sense for store operators. That is why Measure 37 is so important.

As grocers who actually collect and sort the containers under the bottle bill, we want to make sure that people understand that Measure 37 is clear, understandable and does not pose a significant extra burden. Grocery stores set up their systems for handling deposit bottles when the original bottle bill was passed in 1971. The system has worked smoothly for 25 years, and Measure 37 does not greatly change it.

In fact, Measure 37 does not really change which kind of containers will have deposits. Single-serving bottles and cans will continue to be covered. Liquor bottles, wine bottles, aseptic and polycoated paper cartons (juice boxes and milk cartons) are not covered. Once again, Measure 37 is simple, logical and will make our great Oregon Bottle Bill work even better.

Please take it from the over 25 Oregon owned and operated grocery stores who have endorsed Measure 37: expanding the Oregon Bottle Bill is a good idea and the right thing to do.

Connee Devers  
Joy Market

James Dennis  
Cracker Box Deli

Pantelis Kosmos  
Mad Greek Deli

Marta Boyett  
Ashland Community Food Store

*(This information furnished by Pantelis Kosmos, Mad Greek Deli; James Dennis, Cracker Box Deli; Connee Devers, Joy Market; and Marta Boyett, General Manager, Ashland Community Food Store.)*

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# Measure No. 37

# Measure No. 37

## ARGUMENT IN FAVOR

**A Message from the League of Women Voters of Oregon and AARP:**

### An Oregon Tradition

The bottle bill has been an Oregon success story for 25 years, keeping litter off of our streets and valuable materials out of our landfills—all at no cost to government. The bottle bill has become an Oregon tradition. It symbolizes our concern for preserving Oregon's unique natural beauty.

### A Simple, Reasonable Reform

Given the bottle bill's incredible success, expanding it to include new non-carbonated drinks like Snapple, iced tea and bottled water is the logical thing to do. Measure 37 will ensure this great law keeps working for the future.

### Our State, Our Decision

The same special interests that tried to defeat the bottle bill in 1971 are repeating the same arguments in 1996. We Oregonians rejected these claims back in 1971, and we should do so once again, by voting YES on Measure 37. We know the bottle bill works and this expansion will make it work even better.

### Vote Yes on Measure 37

The League of Women Voters of Oregon and the American Association of Retired Persons urge you to vote YES on Measure 37 to make a good law even better.

*(This information furnished by Mary Krahn, League of Women Voters of Oregon and John Glascock, American Association of Retired Persons.)*

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## ARGUMENT IN FAVOR

**Vote Yes on Measure # 37 For A Cleaner, Greener Oregon**

### More Non-Deposit Containers = More Litter

Last year, over 100 million non-deposit containers were littered or landfilled in Oregon simply because they weren't covered by the current Bottle Bill. That is enough to make a line of bottles from Portland to New York! It means too much litter, not enough recycling, and tremendous costs to Oregon.

### A Bottle's a Bottle, Bubbles or Not

Why should only carbonated drinks have deposits? The current law covers just carbonated drinks, which means that popular new drinks like Snapple, juice, iced tea and bottled water don't have deposits. Worse yet, sales of these non-carbonated drinks are growing at 30% per year. Container litter is always an eyesore, whether it had bubbles or not.

### A Simple Solution: Expand the Bottle Bill

This increase in litter is simply unacceptable, especially when a proven solution is at hand --- expand the Bottle Bill. We know from experience that containers which have the 5-cent deposit are three times more likely to be recycled than those which do not. It is only common sense to include these new drinks in the same system which has worked so well for beer and soda pop.

### Opponents Don't Care About Oregon

The only strong opposition to Measure #37 comes from the same out-of-state corporate interests which tried to thwart the original Bottle Bill in 1971. They are using the same misleading, questionable scare tactics which they tried 25 years ago. None of the gloom and doom predictions they made back then turned out to be true. Now they have hired a slick Los Angeles public relations firm to dress up their tired old arguments. But every Oregonian knows that the bottle bill has been an unparalleled success. Oregon is cleaner, has better recycling and a healthier economy, all thanks to the success of this pioneering law. **VOTE YES ON MEASURE #37 !!!**

*(This information furnished by Maureen Kirk, Chief Petitioner and Executive Director of OSPIRG (Oregon State Public Interest Research Group).)*

*(This space purchased for with a petition containing the signatures of 2,500 voters eligible to vote on the measure in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 37

# Measure No. 37

## ARGUMENT IN FAVOR

**United Food and Commercial Worker's Union--Local 555**

**Says Vote Yes on Measure 37**

The United Food and Commercial Worker's Union (UFCW), Local 555, represents over 17,000 working people throughout Oregon and southwest Washington. We're the union that represents the grocery clerks who have made the bottle bill work every day for 25 years. We are proud to lend our support to the effort to expand Oregon's bottle bill and urge voters to approve Measure 37 for a clean and green Oregon.

The bottle bill reflects a great Oregon tradition of responsible stewardship. It is the most effective program in the country in terms of litter prevention and recycling and it creates jobs--both in the stores where the returns are handled, and through the recycling of the materials. For every ton of waste processed, recycling creates nine times more jobs than landfilling.

Opponents of the bottle bill will try to tell you they are concerned for the safety of employees who handle the returned containers. The truth is that in the 25 years that the bottle bill has been in effect, not one case of illness or serious injury stemming from bottle returns has been documented by state authorities. The current law already gives stores the right to reject any containers which are contaminated with anything other than water, the original contents, or dust.

As the types of beverages available in our stores have expanded, so should the bottle bill. If it's a glass, metal or plastic beverage container, it should be returnable. Measure 37 is that simple.

**OREGON'S GROCERY WORKERS URGE YOU TO VOTE YES ON MEASURE 37!**

*(This information furnished by Ken MacKillop, United Food and Commercial Worker's Union--Local 555.)*

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## ARGUMENT IN FAVOR

**Oregon's Recyclers Say Yes to a Better Bottle Bill:**

**A Few Key Facts About Measure 37 and Recycling in Oregon**

- The Bottle Bill is Oregon's most effective recycling program.
- Over 1 billion containers a year are recycled each year in Oregon because of the Bottle Bill.
- Recycling these containers creates jobs while saving energy, natural resources and landfill space.
- 93% of Bottle Bill glass bottles get recycled, vs. 28% of non-deposit bottles. (Oregon DEQ, 1994)
- Over 100 million non-deposit containers a year are being littered or landfilled in Oregon.
- The new containers covered by Measure 37 are made of the same materials as those already covered by the Bottle Bill: glass, metal and plastic. Paper cartons and aseptic containers will continue to be exempt.

### **Expanding the Bottle Bill Will Increase Recycling**

As professional recyclers, we want you to know that expanding the bottle bill will definitely boost recycling in Oregon. There is no doubt that placing a five-cent deposit on non-carbonated drinks such as Snapple, juice and bottled water will increase recycling of these containers.

### **Measure 37 Will Make The Bottle Bill Simpler for Consumers**

Including all single-serving drinks under the deposit system will make it easier for consumers to sort and return their empty containers.

The current law makes an arbitrary distinction between carbonated drinks (which have deposits) and non-carbonated drinks (which do not). Under the current system, consumers are confused when they find two identical drink containers, only one of which can be returned, simply because one is carbonated and the other is not. Eliminating this arbitrary distinction will simplify bottle returns and increase recycling.

Therefore, we urge you to **VOTE YES ON MEASURE 37.**

Brian Fuller, General Manager BRING Recycling	John Romero, Owner West Slope Garbage Service
David McMahon, President Cloudburst Recycling	Betty Patton, President Recycling Advocates
Aaron Cubic Solid Waste Manager	Karyn Kaplan Recycling Advocate
Rob Guttridge Professional Recycler	

*(This information furnished by Betty Patton, President, Recycling Advocates; John P. Romero, Owner, West Slope Garbage Service; Rob Guttridge, Professional Recycler; Aaron Keith Cubic, Solid Waste Manager; David McMahon, President, Cloudburst Recycling, Inc.; Karyn Kaplan, Recycling Advocate; and Brian Fuller, General Manager, BRING Recycling.)*

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# Measure No. 37

# Measure No. 37

## ARGUMENT IN FAVOR

### OREGON GROCERS SAY:

#### "MORE DEPOSITS BRING BETTER RETURNS"

Many years ago, Oregonians created a pioneering law that mandated bottle deposits on carbonated beverages. Now, we have an opportunity to broaden our deposits system to include other beverages in similar containers.

Studies show that container deposits result in a recycling rate three times greater than curbside recycling alone. Measure 37 will help reduce our mounting levels of trash. Placing a deposit on all beverages in like containers will also reduce confusion for retail workers and for consumers, as to which bottles bear a deposit.

Oregon is blessed with a growing network of grocers who are environmentally concerned and aware. We do not share the fears of some who complain of having to redeem more containers. These same kinds of complaints arise whenever recycling improvements are proposed. Yet after the new standards are implemented we will all find that we can live with them, just as we did with our first "bottle bill."

We urge the Oregon voters to speak for their own interests and the interests of all; Vote for Measure 37! It's another step in the right direction.

*(This information furnished by David ResSeguie, Sundance Natural Foods; Marta Boyett, General Manager, Ashland Community Food Store; and Barbara Winn, Heliotrope Natural Foods.)*

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## ARGUMENT IN OPPOSITION

### Recyclers: Measure 37 would Damage Oregon's Curbside Recycling Programs

We are long-standing advocates of Oregon's Bottle Bill and curbside recycling programs. We are also strong opponents of Measure 37, OSPIRG's costly new deposit initiative.

Here are some facts to consider!

- Oregon now has the best Bottle Bill in the nation.
- Oregon's communities now have among the best curbside recycling programs in the nation.

WE THEREFORE ASK, if our Bottle Bill and curbside recycling programs are working so well together, why disrupt a system that is clearly "not broken?"

Why damage both the Bottle Bill and Oregon's recycling programs with a badly-written bill?

Measure 37 would:

- increase recycling costs of non-carbonated drink containers by up to six times for items now handled by curbside recycling; and
- create major confusions for consumers, store owners, and recyclers as a result of arbitrary and unclear deposit requirements.

Over 20 of the original sponsors of our present Bottle Bill, including the Bottle Bill's author Paul Hanneman, have joined together to warn that Measure 37 would undermine the Bottle Bill.

Join us, as well, in supporting the present Bottle Bill, and in preserving Oregon's recycling programs.

### VOTE NO on 37!

#### Stop OSPIRG's Deposit Initiative

John Drew, Oregon Recycler of the Year, 1992  
John Fletcher, President, Container Recovery  
(the largest recycler of beverage containers in Oregon)  
Philip Hatch, Owner, Central Oregon Recycling  
Craig Sherman, Former Chair, Association of Oregon Recyclers\*  
John Lucini, Vice Chair, Oregon Recycling Markets Development Council\*

\*Titles and affiliations are for identification purposes only.

*(This information furnished by Whitney Friel, Oregonians Against Measure 37.)*

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# Measure No. 37

# Measure No. 37

## ARGUMENT IN OPPOSITION

### BOTTLE BILL AUTHORS OPPOSE MEASURE 37

In 1971, working together as legislators, we enacted Oregon's historic Bottle Bill. We are proud of this achievement.

Now, 25 years later, we have studied Measure 37 and have reached some very basic conclusions:

- The result of Measure 37 would be to destroy the effectiveness of our existing Bottle Bill and damage our state's growing curbside recycling programs.
- Measure 37 is a very badly written proposed law.
- Measure 37's complicated deposit requirements are arbitrary and confusing.

The bottom line is this: **the Bottle Bill works because it is simple and clear. Measure 37 will not work, because it is complicated and unclear!**

Please join us in voting **NO** on 37.

Paul Hanneman, Author of the Bottle Bill,  
State Representative 1971, Cloverdale

Tom Meeker, Bottle Bill Co-Author,  
State Representative 1971, Amity

Gordon Macpherson, Bottle Bill Co-Author,  
State Representative 1971, Newport

*(This information furnished by Whitney Friel, Oregonians Against Measure 37.)*

## ARGUMENT IN OPPOSITION

### OREGON'S SMALL STORE OWNERS URGE **NO** ON 37

Measure 37 would hit us hard. It would also hurt our customers.

Measure 37 is complicated, and would create huge new costs for small store owners like us.

Under today's Bottle Bill, it's simple. We sort the empties into 6 categories in our back rooms. But Measure 37 would force us to sort hundreds of new container types into at least 60 different categories -- causing our costs to skyrocket!

Please join us in voting **NO** on 37 - **STOP** the costly deposit initiative.

### Oregon Small Grocers Association (Partial List)

Louis & Margie Johnson  
Hilltop Market

Gordon & Dolores Nelson  
Nelson Family Market

Ron & Nancy Heyerly  
Coburg Market

Mike Rudy  
Bailey Hill Market

Robert Nyman  
Serv U Market

Steve & Sue Messer  
Lawrence Street Market

Bill & Mary Christianson  
Noti Market

Lanell Smathers  
Mohawk General Store

Jim & Belinda Gracen  
Amazon Market &  
Community Market

Ken & Carolyn Larson  
Minit Market

Dana & Mary Haltonen  
Bill's Market

Doug & Niki Engel  
Crow Country Store

*(This information furnished by Whitney Friel, Oregonians Against Measure 37.)*

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# Measure No. 37

## ARGUMENT IN OPPOSITION

### Ridiculous

The Bottle Bill is simple -- deposits on beer and pop.

Measure 37 is poorly written and makes no sense. Consider the deposit issue under 37:

- 6-ounce apple juice can -- forced deposit.  
5.5-ounce apple juice can -- no deposit.
- 2-liter bottle of water -- forced deposit.  
1-gallon bottle of water -- no deposit.
- Low-alcohol wine -- forced deposit.  
Regular wine -- no deposit.
- Senior nutritional supplement -- forced deposit.  
Vodka -- no deposit.
- Infant nutritional drink -- forced deposit.  
Bottled coffee beverage -- no deposit.

To make matters worse, 37 is so poorly written that it is UNCLEAR if dozens of other types of containers would require deposits, resulting in years of red tape and LAWSUITS.

As senior leaders, we want to continue to do our part for recycling and litter control, but we want to do it under a well-written law -- not under 37!

Vote NO on 37

Geneva Jones  
Senior Citizen Advocate  
Gladstone

Glenn Gillespie  
Senior Citizen Advocate  
Portland

Phyllis Rand  
Senior Citizen Advocate  
Portland

Nancy J. Haugland  
Senior Citizen Advocate  
Coquille

H.A. O'Bryant  
Senior Citizen Advocate  
Astoria

George Freck  
Senior Citizen Advocate  
Portland

(This information furnished by Whitney Friel, Oregonians Against Measure 37.)

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# Measure No. 37

## ARGUMENT IN OPPOSITION

### BOTTLE BILL CITIZEN ACTIVIST SAYS: VOTE NO on MEASURE 37!

I don't like the confusing way this proposal adds all these new containers to our famous Bottle Bill, and I want to tell you why I feel this way.

When the Legislature approved our idea for a Bottle Bill in 1971, we expected it would encourage recycling and stop the trend toward a "throw-away" society. We could find no other way for pop and beer cans to get back into remanufacturing unless they were returned to grocery stores.

There were no curbside pick-ups and no recycling bins anywhere at the time. But we believed our 5 cent deposit would encourage people, and it did! We became the first state in the nation to have a Bottle Bill and I'm proud to have played a key role back in 1968.

I think Measure 37 is wrong because it dumps even more stuff on our grocery stores and AWAY FROM THE RECYCLING PROGRESS we've made these last 25 years.

Measure 37 goes the wrong way. It's not in the spirit of our "Bottle Bill."

I hope people in Oregon read my statement and keep our original idea the way we intended it to be -- simple.

Please join me and vote NO on Measure 37.

Let's not trade away a good law for a bad law.

James K. (Keith) Delaney  
Pacific City, Oregon

NOTE: Keith Delaney created the first known redemption facility for pop and beer containers in 1968 at Pacific City, Oregon, and became a leading activist for Oregon's "Bottle Bill" with Bottle Bill author Paul Hanneman.

(This information furnished by Whitney Friel, Oregonians Against Measure 37.)

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# Measure No. 37

## ARGUMENT IN OPPOSITION

**Oregon Farmers Urge a NO vote on Measure 37**

**WE SUPPORT THE CURRENT BOTTLE BILL, BUT Measure 37 is another matter!**

- **This initiative will create confusion leading to higher consumer costs:** It's confusing and arbitrary on which bottles are subject to the deposit causing more labor and expense at the supermarket when returned.
- **Why take products like health drinks and liquid nutritional formulas for infants and seniors back to stores when curbside recycling is working successfully in most Oregon Communities?**
- **Farmers support our small grocers who would be injured by the confusing provisions of this law.**
- **The original bottle law has gone a long way to clean up roadside bottles which jam farm equipment and creates a hazard.** Look at Oregon's roads today! Not many bottles or cans!
- **Common Sense says: If it's fixed, don't break it!** Some folks don't know when to stop writing laws and start using personal responsibility and community action.

We the Board of Directors of the Oregon Farm Bureau urge you to VOTE NO on Measure 37. We urge you to communicate with your families, friends and neighbors to do the same.

*(This information furnished by Board of Directors, Oregon Farm Bureau: John Rossner, President; Stan Hendy, Rick Miller, Daryl Hawes, Debbie Scott, Vice Presidents; Larry Lear, Norm Pratt, Joan Silver, Tracey Liskey, Camille Hukari, Barry Bashue, Jack Burkhart, Dean Freeborn, Kathy Smith, Keith Nelsen, Neil Westfall, Charlie Barlow, Edmund Duyck, Doug Krahmer, Howard Sand, Board Members; Andy Anderson, Greg Leo, Don Schellenberg, Pete Test, Staff.)*

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# Measure No. 38

# Measure No. 38

Proposed by initiative petition to be voted on at the General Election, November 5, 1996.

## BALLOT TITLE

### 38 PROHIBITS LIVESTOCK IN CERTAIN POLLUTED WATERS OR ON ADJACENT LANDS

**RESULT OF "YES" VOTE:** Vote "yes" to prohibit livestock in or along certain polluted waters in state, with exceptions.

**RESULT OF "NO" VOTE:** Vote "no" to reject law prohibiting livestock in or along certain polluted waters in state.

**SUMMARY:** Measure would prohibit livestock in certain waters in Oregon, and on adjacent land, if waters do not meet state water quality standards and the livestock would contribute to poor water quality. State Department of Agriculture may allow exemptions if certain criteria are met. Any person may sue to enforce law. Measure applies to state, federal, and private waters and land. Persons required to comply may receive tax credit and state funding. Measure's operative dates are delayed, depending on land ownership and type of habitat affected.

**ESTIMATE OF FINANCIAL IMPACT:** Direct state expenditures will increase by an estimated \$1.26 million for the first full year, growing to \$2.44 million when fully implemented. There will be a one-time decrease in state revenue of an estimated \$27,500 in the first year only from increased use of the fish habitat improvement credit.

#### AN ACT

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

**SECTION 1.** The waters of the State of Oregon shall be protected from water pollution caused by livestock.

**SECTION 2.** (1) Except as provided under subsection (3) of this section or allowed under a water quality management plan approved under ORS 568.900 to 568.933, no person shall allow livestock in the waters of the state or within designated riparian land if the waterway is designated as water quality limited by the Department of Environmental Quality and livestock contribute to the violation of the applicable standards of water quality and purity adopted pursuant to ORS 468B.048.

(2) Upon request by any person, the State Department of Agriculture may allow an exemption for the prohibition under subsection (1) of this section if the Department finds that:

(a) The livestock are located at a livestock crossing or watering area that is designed, constructed, operated and maintained to minimize to the fullest extent practicable water pollution caused by livestock; or

(b) The livestock do not contribute to a violation of, or impairment of, or prevent the maintenance of the applicable water quality standards of water quality and purity adopted pursuant to ORS 468B.048.

(3) The prohibition under subsection (1) of this section shall not apply to:

(a) Any incident in which livestock gain access to the waters of the state or designated riparian land accidentally or by some manner not within the control of the livestock owner provided the situation is promptly corrected and steps taken to minimize future incidents from occurring again; or

(b) Any confined animal feeding operation in compliance with a permit issued under ORS 468B.050. Confined animal feeding

operations not in compliance with, required to obtain a permit under, or that are otherwise exempt from ORS 468B.050 are subject to this Act.

(4) As used in this section:

(a) "Designated riparian land" has the meaning given in ORS 308.792 and includes state lands.

(b) "Waters of the state" has the meaning given in ORS 468B.005.

**SECTION 3.** (1) Any person may commence a civil action in state court against any person, including the State of Oregon, alleged to be in violation of section 2 of this Act. The court may award any relief that is appropriate, including injunctive relief. The court may also award the costs of litigation (including reasonable attorney and expert witness fees) to a prevailing party whenever the court determines such award is appropriate. The court may award costs of litigation to a defendant only if the court finds that the action is a frivolous action.

(2) No action may be commenced under this section prior to 30 days after the plaintiff has given notice of the alleged violation to the Director of the State Department of Agriculture and the alleged violator.

(3) The remedy provided by this section is in addition to any other remedy, civil or criminal, provided by law for the violation of section 2 of this Act.

**SECTION 4.** Notwithstanding ORS 315.134(2)(d), any person required to comply with section 2 of this Act shall be eligible for a tax credit under ORS 315.134.

**SECTION 5.** Any person required to comply with section 2 of this Act shall receive preference in obtaining funds:

(1) From the Governor's Watershed Enhancement Board under ORS 541.375, so long as the proposed project is part of a watershed action plan prepared by a local watershed council; and

(2) From the Restoration and Enhancement Board under section 12, chapter 512, Oregon Laws 1989.

**SECTION 6.** This Act shall become operative:

(1) On public land, which includes federal lands:

(a) On January 1, 1997, for waters of the state that supply drinking water or constitute salmon, steelhead or trout habitat; and

(b) On January 1, 2002, for all other waters of the state.

(2) On private land:

(a) On January 1, 2002, for waters of the state that supply drinking water or constitute salmon, steelhead or trout habitat; and

(b) On January 1, 2007, for all other waters of the state.

# Measure No. 38

# Measure No. 38

## EXPLANATORY STATEMENT

Currently, Oregon law authorizes the state to set pollution limits for bodies of water. If such limits have been established, the State Department of Agriculture can adopt a program to regulate farming, including livestock operations, for the purpose of protecting water quality. The purpose of this measure is to protect the water bodies of Oregon from pollution caused by livestock.

If approved, this measure would prohibit cattle and any other livestock that contribute to the violation of state water quality standards from entering water bodies and adjacent affected lands if the water body is designated as water quality limited by the Department of Environmental Quality. Three exceptions are provided for in the measure:

1. Areas under a state water quality management plan;
2. Incidents of accidental access provided manner of access is not within control of the livestock owner and prompt steps are taken to minimize the chance of reoccurrence; and
3. Those feedlots and dairies that are licensed confined animal feeding operations.

In addition, the State Department of Agriculture may waive compliance with the measure for livestock that do not contribute to violations of state water quality standards or for livestock at a designated livestock crossing or watering area if the crossing or watering area is designed, constructed and maintained to minimize impact of livestock on the water body.

Any person may sue to enforce the measure. If successful, remedies may include any appropriate relief including injunction and attorney and expert witness fees. The person sued may recover attorney and expert witness fees only if the suit is frivolous. Suit may not be filed until 30 days after notice of alleged violation is given to the livestock owner and to the State Department of Agriculture.

Persons required to comply with this measure may be eligible for a tax credit under existing Oregon law. Any person who is required to comply with the measure shall receive priority in funding decisions made by certain state water quality boards.

The measure will apply to all water bodies in the state. It will be phased in over ten years, starting January 1, 1997, depending on whether the water body is on public or private land. The measure applies first to water bodies which supply drinking water or provide salmon, steelhead or trout habitat.

**Committee Members:**

Elaine Rees  
Thane Tianson  
Joe Hobson\*  
Lindsay Slater\*  
Nina Johnson\*\*

**Appointed by:**

Chief Petitioners  
Chief Petitioners  
Secretary of State  
Secretary of State  
Secretary of State

\*Member dissents (does not concur with explanatory statement)

\*\*5th member appointed by Secretary of State because committee members could not agree on selection.

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

## ARGUMENT IN FAVOR

### SALMON have SEX ONCE then DIE

Salmon, Trout and Steelhead (salmon) have a nasty habit of having sex in the same tributary and rivulet of the Columbia River Basin where they were born. Sex for salmon occurs in cool clean waters above a bed of gravel. The female, churning the water, displaces smooth stream bed gravel to create a shallow bowl-like-depression called a Redd. Next she spawns sticky pink ova cells (eggs) with 1/2 the number of chromosomes present in her body cells. The male salmon--upstream from the redd's scattered eggs--gapes its mouth in orgasm while depositing milt. The milt is spermatozoa which individually contain the other half of native salmon chromosomes. The hereditary characteristics of these two native fish transfer now in the fertilized egg to the next generation of Salmon, Trout or Steelhead.

Salmon--who entered Columbia's fresh water as silhouettes of muscle weeks or months past, now languish; meandering with the current then die, washing up on shorelines, hanging in willows--food for scavengers. What will local and ocean scavengers do without salmon? A Link.

Salmon numbers have precipitously declined for many reasons. Sex in cool, highly oxygenated water is a habit salmon have acquired over the millennia. Unrestricted grazing on the uplands has occurred in Oregon for about 150 years. According to Aldo Leopold who wrote *A Sand County Almanac*, "Grazing is a prime factor in destroying watershed values." A 1994 BLM report on Rangeland Reform states, "Primarily due to livestock grazing, riparian areas are in their worst condition in history."

Are we "Taking away Ranchers' Rights," by mandating that livestock be fenced 100 feet from streams which are polluted by livestock? What about Fish Industry's rights? Yes on 38. Your VOTE: Salmon's VOICE. Speak UP!

SAFE SEX FOR SALMON! Copy & POST this report please.

(This information furnished by Zephyr Thoreau Moore.)

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# Measure No. 38

## ARGUMENT IN FAVOR

The following organizations endorse Measure 38:

American Canoe Association, Northwest Division	Northwest Environmental Defense Center
American Rivers	Northwest Ratters Association
American Whitewater Affiliation	Northwest Sportfishing Industry Association
Association of Northwest Steelheaders	Obsidians
Audubon Society of Corvallis	Oregon Anglers
Audubon Society of Portland	Oregon Clean Water Coalition
Blue Mountain Native Forest Alliance	Oregon Environmental Council
Cascade Canoe Club of Salem	Oregon Kayak and Canoe Club
Central Oregon Audubon Society	Oregon League of Conservation Voters
Citizens Interested in Bull Run	Oregon Natural Desert Association
Coast Range Association	Oregon Natural Resource Council
Columbia Gorge Audubon Society	Oregon Peaceworks
Columbia River United	Oregon Shores Conservation Coalition
Earth and Spirit Council	Oregon State Public Interest Research Group
Earthsave, Bend Chapter	Oregon Trout
Eastside Conservation Ontology	Oregon Wildlife Federation
Ecotours of Oregon	Pacific Coast Federation of Fishermen's Associations
Eugene Natural History Society	Physicians for Social Responsibility
Federation of Fly Fishers, Oregon Council	Predator Defense Institute
Friends of Cedar Springs	Rainland Fly Casters
Friends of the Clackamas River	Rest the West
Friends of Neskowin	Rogue Fly Fishers
Friends of Neotropical Migrant Birds	Salem Audubon Society
Friends of the Oregon Coast	Santiam Flycasters
Friends of Smith and Bybee Lakes	Santiam Whitewater Association
Friends of the Upper Willamette River	Sierra Club Oregon Chapter
Headwaters	Siskiyou Audubon Society
Hells Canyon Preservation Council	Siskiyou Project
Humane Society of the United States	Society Advocating Natural Ecosystems
Klamath Siskiyou Coalition	Soda Mountain Wilderness Council
Lane County Audubon Society	Umpqua Valley Audubon Society
League of Women Voters of Oregon	Water for All
Mazamas	Water Watch of Oregon
McKenzie Flyfishers	The Wilderness Society
Mid-Willamette Fly Fishers	Willamette Kayak and Canoe Club
National Parks and Conservation Association	Willamette Riverkeeper
National Wildlife Federation	
Native Fish Society	
Natural Resources Defense Council	
Northwest Environmental Advocates	

(This information furnished by Bill Marlett, Oregon Clean Stream Initiative.)

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# Measure No. 38

## ARGUMENT IN FAVOR

**FAMILY DOCTORS SUPPORT MEASURE 38  
FOR HEALTHY STREAMS**

Water is the lifeblood of Oregon. However, decades of irresponsible livestock grazing have caused many of the streams and rivers in Oregon to become unfit for human use and unsuitable for fish and other wildlife dependent on healthy streams.

Dangerous parasitic and bacterial diseases are spread by livestock. E. coli, Giardia, Campylobacter, and Cryptosporidium are just some of the more common organisms that cattle deposit in our water.

According to an article written by Oregon State University researchers:

"As recreational use of rangeland streams increases, the possibility of contracting disease from the water will increase. Some potential diseases that can be transferred to humans are as follows: salmonellosis,...anthrax, tuberculosis,...brucellosis,...and tetanus." (*Bioresource Technology*, 1994)

Most people who live in areas used by livestock know not to drink or bathe in local surface waters. However, every year, many visitors to these areas make the mistake of drinking or even just swimming in these contaminated waters, and some arrive at the emergency department with distressing, often serious dysenteries as a result.

**Measure 38 is a reasoned, moderate and proven approach to solving the problem of livestock-based water pollution.**

Livestock are one of the primary sources of pollution of our public waters. In fact, most polluted streams in Oregon will test positive for potentially dangerous fecal bacteria originating from livestock.

**Measure 38 is simple and straightforward.**

If public waters are polluted by livestock, then the livestock must be removed until the water is cleaned up. This is not too much to ask of anyone.

**Protect yourself and your children.**

**If you want healthy streams**

**vote YES on Measure 38!**

**Mary Ellen Coulter, MD  
Stuart Garrett, MD  
Robert D. Jensen, MD  
Steve Mann, DO  
Craig Miller, MD  
Patrick Shipsey, MD**

(This information furnished by Craig Miller, M.D.)

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# Measure No. 38

## ARGUMENT IN FAVOR

### TROUT, SALMON, AND STEELHEAD NEED COOL, CLEAR WATERS

#### FISHING MEN AND WOMEN OF OREGON URGE A YES VOTE ON MEASURE 38

Past and present livestock grazing practices have damaged thousands of miles of streams in Oregon. This can spell disaster for native salmon and trout.

Livestock often congregate near streams and rivers, especially during hot summer months. As they graze along our public waterways, livestock:

- Trample streambanks
- Eat shading vegetation
- Defecate and urinate in streams

When streams become too warm and muddy, native fish simply cannot survive.

**Many native fish stocks are now extinct, and many more are seriously threatened as a direct result of past and present livestock grazing practices.**

According to a report issued by Bureau of Land Management:

**"Most salmon stocks that use rangeland streams are at risk."**

In many tributaries of the John Day and Grand Ronde rivers, native salmon, steelhead, and trout are now confined to small tributary streams, where water is still cool enough to support fish life.

This huge reduction in salmon and trout habitat, caused by irresponsible livestock grazing, has reduced sport and commercial fishing opportunities substantially throughout Oregon. This, in turn, hurts thousands of fishing businesses. The resulting economic loss to local communities is staggering.

**If Measure 38 is approved by Oregonians, it will begin the long process of restoring the health of polluted streams through the state.**

Once these streams have been restored, they should again be able to support healthy populations of native salmon and trout, providing benefits not only to the fishing men and women of Oregon, but also to communities across the state.

**LET'S CLEAN UP OUR STREAMS  
BEFORE IT'S TOO LATE!**

**SALMON CAN'T WAIT ... VOTE YES ON 38!**

Thomas Gilg, Oregon Council of Federation of Flyfishers

Craig Lacy, Fly Fishing Outfitter on the Deschutes and John Day Rivers

Frank Moore, Idlewild Park, Oregon

Don Watson, Association of Northwest Steelheaders

Glen Spain, Pacific Coast Federation of Fishermen's Associations

*(This information furnished by Craig Lacy.)*

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# Measure No. 38

## ARGUMENT IN FAVOR

### FORMER OREGON DEPARTMENT OF FISH & WILDLIFE BIOLOGISTS URGE A YES VOTE ON MEASURE 38

#### LET'S CLEAN UP OREGON'S POLLUTED STREAMS

Oregon citizens have a right to clean water. The time has come to bring the pollution of public waters under control. Measure 38 gives Oregonians a voice in cleaning up streams degraded by livestock.

Five compelling facts are the basis for a YES vote to restrict livestock grazing in or along certain polluted waters in the state:

- Oregon's rivers and streams belong to the public
- Over 9,000 miles of Oregon streams have been polluted by livestock grazing.
- Livestock-based water pollution is caused by streambank trampling and the loss of streambank plants; this results in water too warm or muddy to support salmon and trout.
- On private forest land, streams and streamside areas are protected from logging damage by laws passed by the State Board of Forestry. The livestock industry has no laws to prevent stream damage by grazing cattle on either private or public land.
- Studies conducted by the Oregon Department of Fish and Wildlife have consistently shown more salmon and trout present in stream sections where livestock were excluded.

#### Measure 38 will provide benefits for all Oregonians:

- Improved water quality and quantity statewide.
- Increased salmon and trout populations.
- Better wildlife habitat.
- Better recreational opportunities.
- A sense of pride in stewardship of our most precious natural resource — water.

#### Vote YES on Measure 38 for Clean Streams!

Larry Bisbee, retired Game Fish Specialist

Homer Campbell, retired Assistant Supervisor, Fisheries Research

John Donaldson, retired Director

Jim Fessler, retired Regional Supervisor, Southwest Region

Jim Griggs, retired Trout Program Leader

Greg Hattan, retired Fish and Wildlife Biologist

Jim Lichatowich, former Assistant Chief of Fisheries

Bob Phillips, retired Assistant Chief, Habitat Conservation

Harry Wagner, retired Chief of Fisheries

Harold Winegar, retired Regional Habitat Biologist

*(This information furnished by Homer Campbell; Paul Loney, Oregon Wildlife Federation.)*

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# Measure No. 38

## ARGUMENT IN FAVOR

### HELP BRING BACK FISHING INDUSTRY JOBS

#### VOTE YES ON MEASURE 38!

As sport fishing men and women, we are acutely aware of the impact the loss of habitat has had upon our salmon and trout resources. As the fish go, so goes our industry.

**In the last ten years, the sportfishing industry has seen the loss of 50,000 jobs related to salmon and steelhead declines. Tens of thousands more jobs have been lost in the commercial fishery as well.**

But we believe this doesn't have to be the case. Thankfully, a group of concerned Oregonians have come up with an essential part of the solution: Measure 38, the Oregon Clean Stream Initiative.

**We support Measure 38 because it is reasonable, allowing for exceptions and giving individuals at least 5 years to correct pollution problems and HEAL their streams.**

Statewide opinion polls show that a majority of Oregon voters agree that livestock don't belong in our streams. The people of Oregon love our salmon, trout, and other fish populations. These fish define who we are, and they reassure us of the quality of life that we have come to treasure.

**Measure 38 will help restore salmon, and salmon restoration means:**

- More jobs
- Stronger local economies
- An investment in Oregon's future

**Let's use Measure 38 to reach out and share our love of the land and our love of our salmon resources.**

#### VOTE YES ON 38!

**Liz Hamilton, Northwest Sportfishing Industry Association**

**Buzz Ramsey, Luhr Jensen and Sons**

**Frank Amato, Frank Amato Publications**

**Tom Posey, President, The Tom Posey Company**

**B.G. Ellertson, President, Northwest Sportfishing Industry Association**

*(This information furnished by Liz Hamilton, Northwest Sportfishing Industry Assoc.)*

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# Measure No. 38

## ARGUMENT IN FAVOR

### TRIBAL MEMBERS SPEAK IN SUPPORT OF CLEAN WATER AND HEALTHY SALMON

Water is the land's blood. If the blood is diseased, the land cannot live. The health of the land and the water are as intimately connected as the health of our own flesh and blood.

Whether we recognize it or not, we are a part of the land. If we poison the blood of the land, we cannot remain healthy. To poison the earth's blood is to steal the health of this land from our children.

**Measure 38 is fully in keeping with the Tribes' salmon restoration plan, *Wy-Kan-Ush-Mi Wa-Kish-Wit, Spirit of the Salmon*, whose goal is to return clean, healthy streams to Oregon's natural landscape.**

The blood of this land will not be healthy until it flows cold and clear, even on the hottest day in the deepest desert; until it flows over clean gravel under a canopy of shade; until its flow is bounded by stable stream banks; and until its flow bathes thirsty wetlands with its nourishment.

The time for us to quarrel and fight is long past. For the sake of our children and our individual honor and integrity, and for the sake of all earth's creation, we must now work together to put things right with the body and blood of this land.

### FOR OUR CHILDREN, FOR OUR RIVERS...

#### VOTE YES ON MEASURE 38

**Rudy Clements, Oregon tribal member of Confederated Tribes of the Warm Springs Indian Reservation**

**Nelson Wallulatum, Chief of the Wasco Tribe**

*(This information furnished by Warren R. Clements.)*

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# Measure No. 38

# Measure No. 38

## ARGUMENT IN FAVOR

**OREGON ECONOMISTS SAY  
CLEAN WATER MAKES GOOD SENSE**

**VOTE YES ON MEASURE 38**

Measure 38 will have a remarkably positive impact on the state's economy. It also is fair. It doesn't ask ranchers to stop grazing their cattle. It asks them only to graze their cattle where it won't impose big costs on others.

**Without Measure 38, cattle will continue to pollute Oregon's streams and rivers.** These actions impose large costs on Oregon's economy:

- Businesses and their customers plus local water districts and their ratepayers all pay increased costs of water treatment because of the increased bacteria, sediment and other pollution caused by cattle.
- Commercial fishermen lose jobs and incomes because cattle grazing in and along streams adds to the destruction of salmon and trout habitat.
- Recreational fishing and related businesses lose pleasure or income as a result of water pollution and related habitat loss caused by cattle grazing in and along streams.
- Oregonians pay higher taxes and fees for dredging reservoirs and river channels to remove sediment added by cattle.
- Taxpayers, individuals, and businesses all bear the damages from increased flooding, caused in part by loss of streamside vegetation from grazing cattle along streams.

**Healthy streams play vital roles throughout the state's economy. In contrast, cattle ranching in its entirety accounts for less than one percent of the state's employment.**

Measure 38 will affect only a small portion of cattle ranching by restricting grazing from only certain polluted streams — those most in need of recovery.

Economically, this measure is a clear winner, with substantial benefits enjoyed by many, and small costs borne by very few. Moreover, this Measure 38 offers assistance — tax credits and grants — to help cattle ranchers protect rivers and streams.

**VOTE YES ON MEASURE 38!**

**Ed Whitelaw, Ph.D.  
Tom Hibbard, Ph.D.  
Patricia Lindsey, Ph.D.  
Raymond F. Mikesell, Ph.D.  
James P. Ziliak, Ph.D.  
David N. Figlio, Ph.D.  
Bill Harbaugh, Ph.D.**

*(This information furnished by Ed Whitelaw, Ph.D.)*

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## ARGUMENT IN OPPOSITION

**OREGONIANS PROMOTING COOPERATION,  
NOT CONFLICT**

**The Livestock Exclusion Initiative**

This measure is actually intended to exclude livestock from private lands in Oregon. Support of clean water is universally supported, however Ballot Measure 38 has the potential to destroy Oregon's high quality of life, economics and harmony. Everyone with livestock, because of it's definition, will be affected by this measure. Fencing private property streams even on small acreages will be required of land owners who raise livestock for recreation or 4-H projects. Livestock included are llamas, horses, cattle, goats, sheep, chickens, turkeys and other animals.

The definition of "pollution" in Ballot Measure 38 is defined by water temperature and certain levels of aquatic plants, dissolved oxygen, habitat, or sediments more stringent than would be possible to achieve in much of Southern and Eastern Oregon. Even pristine wilderness streams essentially untouched by human activities can be considered "polluted" under the restrictive terms defined by this initiative.

Measure 38 introduces endless litigation against land owners for alleged violations at just a time when Oregonians are working together to protect watershed health and water quality. The impact to the already congested court system threatens to burden further Oregon's taxpayers and exacerbates the division between urban and rural Oregon.

Grazing is an important tool in controlling volatile fuels and wild-fires. Without grazing, landowners may be encouraged to subdivide or develop land because of its reduced agricultural value. Hunters, fishermen and other visitors to private lands will find the significant liability and litigative issues introduced by the Measure 38 adversely affecting their access to private property.

The Wallowa County Chamber of Commerce, a county wide organization of business people, is supportive of true environmentalism and of clean water, but has deep concerns regarding Measure 38.

Don't let a few words like "Clean Streams" and "Pollution" blind you to the truth. Measure 38 is a carefully crafted measure designed to severely limit livestock on private lands. **VOTE NO ON MEASURE 38.**

*(This information furnished by Eve Sheehy, Wallowa County Chamber of Commerce.)*

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# Measure No. 38

## ARGUMENT IN OPPOSITION

I think the fencing initiative is terrible for Oregon and even worse for us here in Tillamook County.

We have tried very hard to work with all the government programs to improve streamside habitat for our fisheries. We are already planting trees and building fences on our riverbanks to improve water quality, and we are making more progress than ever before. We usually have a voice in how the work is done. Now this initiative comes along that will destroy our partnerships.

It's like kicking a person when they're down because many of us have not recovered from last winter's floods and we aren't delivering as much milk to our cheese plant as we did before. Tillamook cheese is a cooperative of dairymen, and what hurts one of us hurts us all. If this fencing initiative passes, it will force even more expense on us. We have survived for nearly 90 years, but now we have to spend again to fight this new initiative.

Tillamook farm people will always be grateful for the help we received after the floods destroyed so much of our property.

But we sure don't understand why some others come along now and make life worse for everybody again.

Please help us defeat this fencing initiative number 38.

*(This information furnished by John Craven, Jr.)*

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# Measure No. 38

## ARGUMENT IN OPPOSITION

### LOOK WHO OPPOSES MEASURE 38...

Here is just a sample list of individuals and groups who are part of a broad-based coalition opposed to Ballot Measure 38:

Association of Oregon Counties  
Tillamook County Creamery Association  
Jack Roberts, Bureau of Labor & Industries Commissioner  
Oregon State Building & Construction Trades Council  
Bob Buchanan, former Director, OR Dept. Of Agriculture  
Oregon Association of Realtors  
Oregon House Speaker Bev Clarno  
Oregon House Majority Leader Lynn Lundquist  
Oregon Dairy Farmers Association  
Oregon Cattlemen's Association  
Water For Life  
Oregon Farm Bureau  
Oregon Hunters Association, Portland Chapter  
Bob Smith, former Oregon Congressman  
Oregon Quarter Horse Association  
Evans Spino, President--Northwest Intertribal Agriculture Council  
Ranchers for Conservation  
State Rep. Chuck Norris-Hermiston  
Farmers Co-op Creamery  
Lane County Farm Bureau  
Wallowa County Board of Realtors  
Oregonians for Food & Shelter  
State Rep. Larry Wells-Jefferson  
State Rep. Kevin Mannix-Salem  
Oregon CattleWomen  
Association of Rangeland Consultants  
State Rep. Jim Welsh-Elmira  
State Rep. Veral Tarno-Coquille  
State Rep. Tim Josi-Bay City  
State Rep. Bob Montgomery-Cascade Locks  
State Rep. John Minnis-Portland  
State Sen. Eugene Timms-Burns  
Oregon Forest Industries Council  
Oregon Horseman's Association  
Oregon Lands Coalition  
Oregon Thoroughbred Breeders Association  
Oregon Sheep Growers Association  
Save Our Industries & Lands  
State Sen. Rod Johnson-Roseburg  
State Sen. Bob Kintigh-Springfield  
Harney County Stockgrowers Association  
Agricultural Cooperative Council of Oregon  
Oregon State Grange  
Heppner Chamber of Commerce  
Louis Carlson and Don McElligott, Morrow County Commissioners  
Oregon Pinto Horse Association  
Coos-Curry County Farm Bureau  
Benton County Farm Bureau  
Josephine County Farm Bureau Board of Directors  
State Rep. Bill Fisher-Roseburg  
Linda Johnson, Harney County Chamber of Commerce  
Eastern Oregon Visitors Association

**"Don't Fence Oregon"  
Join Us -- Vote No on Measure 38!**

*(This information furnished by Laura Cleland, Don't Fence Oregon.)*

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# Measure No. 38

## ARGUMENT IN OPPOSITION

### **Tillamook County Creamery Association --A Farmer-Owned Cooperative-- Urges a "No" vote on Ballot Measure 38**

Known for our famous Tillamook Cheese® and dairy products, many Oregonians consider us "Oregon's dairy." We and the many farmers who make up our state's dairy industry are proud of that. This quality reputation has taken us years to develop.

We've endured some real hardships along the way, like last winter's flood that put the better part of Tillamook County under-water. Many farmers lost nearly everything after fighting to save their precious homes and dairy herds. With help from throughout the state, many farmers are now rebuilding their lives and livelihoods.

On top of the flooding, our farmers are facing record-high feed costs and a thin year for grass for the herds. Milk production is still down eight percent, but we think we're making progress.

#### **Now Ballot Measure 38 poses a bigger threat than flooding**

If Measure 38 passes, Tillamook dairy farmers will be bracing for confrontation and a new flood of litigation.

While the Measure proponents say the dairy industry may be exempt, the ballot language appears to contradict that. Because of abundant water along the northern Oregon Coast, Measure 38 could force about one half of the grass land in Tillamook County to be off-limits to dairy operations.

#### **Worse than confusion and confrontation, Ballot Measure 38 encourages lawsuits**

It's very likely that dairy farmers could face additional, expensive, frivolous litigation. This measure allows anyone from any state to sue a Tillamook farmer. That's a bigger threat than what we've faced just in the past five years, spending over \$500,000 to answer unfounded legal actions against our Association and our members.

#### **Make the right choice: Vote "No" against confrontation and litigation**

We need your help. Stand up against confusion, confrontation and pointless litigation.

**Tillamook County Creamery Association  
Encourages Oregonians to vote "No" on Measure 38**

*(This information furnished by Harold Schild, Tillamook County Creamery Association.)*

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# Measure No. 38

## ARGUMENT IN OPPOSITION

### **Oregon's Well-Known Dairy Industry Will Lose Under Measure 38**

Whether it is cheese, milk, ice cream, or some other dairy product, Oregon's dairy industry is in the top of its class. As dairy farmers who bring you these products, we touch the lives of almost every child and adult in the state. We are proud of this tradition and heritage.

For many of us in the industry, last winter's record-setting floods were a crippling blow. Some farmers lost entire herds, in addition to their homes and barns. Dairy farmers don't give up easily.

Many of the farmers who were hardest hit are rebuilding. We appreciated the help from Oregonians--especially the help from school children--that we received.

Just when things are looking better, extremists placed Measure 38 on the ballot.

#### **Mother Nature Couldn't Destroy The Dairy Industry, But Measure 38 Could!**

This is an extreme measure that all Oregonians should oppose. This measure would prohibit any livestock from having access to many Oregon waterways. At a minimum, livestock owners would have to fence all waterways on their property. This would be prohibitively expensive.

#### **Extremists Would Flood the Court System With Litigation.**

Under this measure, extremists who are determined to shut down the dairy industry are likely to file an endless stream of lawsuits. If a cow accidentally got into a stream or within 100 feet of a stream, dairy farmers could be subject to a citizen lawsuit. Frivolous lawsuits are already a problem, and this measure would promote further litigation.

Extremists shouldn't be allowed destroy a nationally-recognized industry through litigation. We are good stewards of our land and our herds. Without this stewardship, our land would not be productive and we could not earn a livelihood.

Please join us in opposing this extreme measure.

**Preserve Oregon's Dairy Industry:  
Vote "No" Vote on Measure 38.**

*(This information furnished by Bernie Faber, Oregon Dairy Farmers Association.)*

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# Measure No. 38

## ARGUMENT IN OPPOSITION

### Oregon State Building And Construction Trades Council Urges a No Vote on Measure 38

The 30,000 working men and women of the construction trades industry urge Oregon voters to oppose ballot measure 38. As an organization, we have been, and will continue to be, advocates for a clean, healthy environment.

We support clean streams, but we don't support this measure. We oppose this extreme measure for the following reasons:

- Our members enjoy hiking, fishing, hunting, and horseback riding in Oregon's wide open spaces. If this measure passes, private landowners who allow us access to their lands to enjoy these activities could no longer share their land with us. Liability questions and the fear of lawsuits would force land owners to restrict access to their property.
- This measure would hurt wildlife. This measure requires that landowners fence many streams and other bodies of water. Barbed wire fences along streams are not only an eyesore, but these fences also would prevent elk, deer, antelope and other wildlife from being able to water at streams. In attempting to cross fences, wildlife will get caught in the barb wire and harm themselves.
- We don't like the idea of more lawsuits, especially lawsuits that are designed to harass hardworking families. We believe that courts should be the last avenue to pursue in a dispute. There are many cooperative programs underway to improve Oregon's watersheds...let's try and work together before we head to the courthouse.
- This far-reaching proposal affects more than just cattle ranchers. In most cases, Measure 38 will prohibit the grazing of llama, horses, buffalo, sheep, and other livestock species from along streams and they will be unable to drink from many Oregon ponds and streams.

If you support wildlife, clean streams and fewer lawsuits, vote no on Measure 38.

**Bob Shiprack,**  
Oregon State Building And Construction Trades Council

*(This information furnished by Bob Shiprack, Oregon Building Trades Council.)*

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# Measure No. 38

## ARGUMENT IN OPPOSITION

### **Statement in Opposition to Measure 38 By Bob Buchanan, Former Director Oregon Department of Agriculture**

**For OREGON, For AGRICULTURE, Vote NO on 38!**

#### **Agriculture: Oregon's #1 Industry**

Most Oregonians benefit either directly or indirectly from agriculture. Jobs in our cities, services, exports and lower food prices are but a few indirect benefits of the \$3.2 billion contribution to our economy. A large share of this comes from our ranches and farms, especially east of the Cascades. Our future, as our past, will have deep roots in the soil.

#### **Clean Streams are Everyone's Goal**

Ranchers and farmers value clean streams as much as the rest of us! The blame for declining salmon runs and other fish are due to a wide variety of causes, the riparian effects of grazing being only one of dozens of such causes. To single out this one cause of water quality degradation is unfair and will not lead to any more clean streams than exist today. The consequences of passage of Ballot Measure 38 will be to cause extreme hardship to dairy farmers, livestock, recreational animals, and our growing community of emu, ostrich, and llama producers. Measure 38 is unworkable, unfair and will cause many more problems if implemented than the current situation.

#### **It's not the Oregon way!**

Oregonians are innovators. We are not afraid to try new solutions to make our lives better. The Oregon way has been a way of voluntary cooperation toward a shared goal. If we are to meet the clean water challenges of the future, we must work together to find truly workable solutions. The confrontation and lawsuits generated by this measure will cause conflict and lost time and money that could otherwise be used to improve water quality. In Oregon we make progress when we work together, not build fences of controversy.

**Please Join me in voting NO on Measure 38. For the sake of Oregon's future, Don't Fence Oregon!**

*(This information furnished by Bob Buchanan.)*

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# Measure No. 38

## ARGUMENT IN OPPOSITION

**DON'T ENCOURAGE LAW SUITS BY ACTIVIST LAWYERS**

**VOTE NO ON MEASURE 38**

Measure 38 is not about clean streams. It is a draconian attempt by extremists to eliminate ranching in Oregon through endless court actions against targeted landowners. The negative impact of Measure 38 will grow worse with time, since it provides a ready source of funding for activist lawyers to file additional lawsuits.

This change in state statutes would allow any person, even someone not living in Oregon, to commence a civil action in state court against any person, including the State of Oregon, whom they allege is in violation of this Act.

The language used in the proposed law is very ambiguous, and therefore will require court action to ultimately determine its actual scope. While proponents would like you to believe it will only impact ranching operations which are causing significant pollution of an Oregon waterway, it could apply to anyone who has a pet animal and a watering source on their own property. The scary truth is only the courts can determine who this law will affect and how.

Measure 38 promotes conflict not cooperation, an approach opposed by the top leaders in our state government and responsible environmental groups alike. It builds barriers between agricultural producers and legitimate environmentalists. It will force landowners to post their property to protect against lawsuits, barring citizen access to private lands for fishing, hunting, hiking and wildlife viewing.

Zealots have succeeded in tying up Oregon's second largest industry, forestry, with frivolous court actions and legal delays. Now they want you to provide the mechanism to do the same thing to the state's leading economic contributor -- agriculture.

Don't replace the spirit of neighborly cooperation with court subpoenas. Don't use dollars ear-marked for environmental improvement programs to line the pockets of out-of-state lawyers. **VOTE NO ON MEASURE 38.**

Terry Witt, Executive Director  
Oregonians for Food and Shelter

*(This information furnished by Terry L. Witt, Oregonians for Food and Shelter, Inc.)*

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# Measure No. 38

## ARGUMENT IN OPPOSITION

**Choose Cooperation Over Confrontation  
Say No to Frivolous, Harassing Lawsuits**

Voting no on Measure 38 is absolutely necessary to protect ranch and farm families from frivolous, harassing lawsuits. Voting no will also allow cooperation to triumph over confrontation.

If Measure 38 passes, it will allow thousands of lawsuits to go forward without any defined injury or cause and almost no burden of proof. **Measure 38 is the road to confrontation!**

**Defeating Measure 38 is the road to cooperation!** People working with nature and working together out on the land is what improves management, helps fish, and provides diversity for wildlife.

Just as your family is so very unique and special, so must be our management of land and water. Each stream has its own geological structure and its own hydrological and biological needs.

Ranch and farm families are continuously seeking new ways to better manage their operations. For example, the Watershed Ecosystem Program (WEST) brings together ranchers and assists them in learning how to better manage the watershed they live in. Willow and shrub planting, water temperature monitoring, habitat and nesting site development are just some of the tools used in this program.

New grazing techniques are also being practiced that are adaptive to nature's dynamic changes and that duplicate many of the physical and biological processes of buffalo and other native grazing animals.

Measure 38 will effectively end hundreds of cooperative management efforts and will force small and medium sized family ranches out of business.

Agriculture is the largest industry in Oregon, and livestock businesses are a large share of that industry. Don't let litigation become the number one industry in Oregon!

Promote cooperation, not confrontation by voting "No" on Measure 38.

**Fred Otley, President  
Oregon Cattlemen's  
Association**

**Evans Spino, President  
Northwest Intertribal  
Agriculture Council**

*(This information furnished by Fred Otley, Oregon Cattlemen's Association; Evans Spino, Northwest Intertribal Agriculture Council.)*

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# Measure No. 38

## ARGUMENT IN OPPOSITION

Dear Voter:

I am writing to ask you to vote against Ballot Measure 38. This is an extreme measure that could ruin many Oregon families and result in lawsuit after lawsuit. I am opposed to this measure because it is a conflict-based approach that will drive a wedge further between Oregon's rural and urban communities.

If Measure 38 passes, in many situations, it will place farm and ranch families under the threat of a lawsuit every time one of their animals drinks from certain streams. Even worse, in almost all cases, only the person bringing the lawsuit will be able to recover attorney fees and court costs.

As a rancher and a steward of the land, I know most ranch and farm families live simply. They cannot afford to pay attorney and legal fees if this measure passes. The use of litigation and conflict is not the way to manage Oregon's environment.

In recent decades, I have seen farmers and ranchers involved in many positive, cooperative environmental programs. These include watershed councils, salmon recovery plans and the Oregon Cattlemen's Watershed Ecosystem Management Program. Under the Cattlemen's program, ranching families are learning from scientists about how to better care for their watersheds and streams in order to increase habitat for wildlife and fish on over 1,400 miles of Oregon streams. On-the-ground programs such as these, that involve private landowners, are the key to improving our state's resources.

Oregon's resources should not be managed through divisive lawsuits aimed at rural families. Join me in supporting cooperative programs that benefit the environment and rural families. **Please vote no on Measure 38.**

Sincerely,

Robert F. (Bob) Smith  
Former Congressman  
Oregon's Second Congressional District

*(This information furnished by Robert F. (Bob) Smith, U.S. House of Representatives (Ret.).)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 38

## ARGUMENT IN OPPOSITION

### NO MORE HAPPY TRAILS, IF MEASURE 38 PASSES

For the thousands of Oregonians who enjoy horse back riding, Measure 38 casts a dark cloud over the future of this recreational past time. Please help us defeat this harmful measure.

Oregon Quarter Horse Association members who live in every corner of the state and the thousands of other individuals who support or are involved in the horse industry oppose this measure!

### END OF A TIME-HONORED TRADITION

We are concerned that Measure 38 will bring an end to a time-honored Oregon tradition. This measure would require families or individuals who own just one or two horses on a pasture near their home to fence streams that separate one pasture from another. At \$10,000 per mile, most Oregon families couldn't afford this expense.

### KIDS WILL SUFFER

All children are drawn to horses at some point in their lives. Can you imagine denying children the fun and wonder of their first ride on a horse? This measure would dramatically reduce their opportunities.

In addition to working with 4-H programs and Future Farmers of America groups, there is another special group of kids who also benefit from horses. Our Association sponsors a Southern Oregon program for disabled children. We have found that horseback riding is both great therapy and good fun for these children. Let's keep kids happy!

### ECONOMIC CONTRIBUTION

As a western state that still honors its pioneer past, agriculture and livestock play a significant role in Oregon's economy. Whether it's an early morning trail ride or a night at the horse races, Oregonians enjoy horses. This is an industry that contributes to many local economies. Don't let this measure change that!

### The Oregon Quarter Horse Association Recommends A No Vote On Measure 38

*(This information furnished by Will Smith, Oregon Quarter Horse Association.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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.

# Measure No. 38

# Measure No. 38

## ARGUMENT IN OPPOSITION

### IS MEASURE 38 REALLY ABOUT CLEAN STREAMS?

The supporters of Measure 38 say we need clean streams.

The supporters of Measure 38 say the fish can't wait.

How can you argue with that?

You can't!

But that isn't what Measure 38 is all about.

### WHAT IS MEASURE 38 REALLY ABOUT?

The supporters of Measure 38 are attempting to characterize cattle grazing as the leading cause of water pollution in Oregon. This assumption is both misleading and inaccurate! In fact, on June 3, 1996, the Oregon Department of Environmental Quality actually wrote to the measure's supporters informing them that these statements were not an accurate characterization of the assessment developed by DEQ.

Water pollution is caused by many factors, both identifiable and unidentifiable. Pollution sources that are easily identified such as industrial or municipal sewage are only one type of pollution. Other pollution sources that are not as obvious include water runoff from urban and rural areas, recreation, agriculture, construction, range activities and forestry. Making one industry the scapegoat is not the answer. Improving water quality means reducing pollution from ALL SOURCES.

### WHAT ABOUT THE FISH?

Just as there are many causes of pollution, there are many factors impacting fish. The effects of ocean conditions, over fishing, industrial and urban pollution and other activities must not be overlooked if we are to develop realistic solutions to the challenges facing Oregon's fishery resource. Focusing only on cattle grazing will not fix the problem.

We have all contributed to the problem. As Oregonians, we must all work together to restore water quality and fish habitat.

**Water for Life urges you to vote "NO" on Ballot Measure 38!**

*(This information furnished by William D. Kennedy, Water for Life, Inc.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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## ARGUMENT IN OPPOSITION

### Oregon Hunters & All Other Outdoor Enthusiasts Will Lose Under Measure 38 !!!

Oregon families, for generations, have enjoyed hunting, fishing, camping and hiking in Oregon's wide open spaces; however, Measure 38 is now a serious threat to these outdoor activities.

Oregonians have been able to use federal and state lands almost at will and many have hunted, fished and camped on private property owned by ranchers and farmer all over the state. Often, all it took to gain access to their property was a knock on their door.

If Measure 38 is passed both private and public landowners will be required to keep livestock away from nearly all streams and most other bodies of water. The measure does not apply to cattle only since the definition of "livestock" includes horses, mules, llamas, etc.

Obviously, our federal and state agencies, already pressed for funds, cannot afford the fencing required to comply with this measure. Access to these lands will be denied. Hunters, fishermen, campers, hikers and others who use animals for riding or packing will no longer be able to do so on public lands.

Anyone Can Sue! No police force will have authority to enforce this measure. Enforcement will be done by lawsuit filed against property owners. Any private citizen will be able to file a suit, thus the potential scope and costs of liability suits that both private and public landowners could face is unbelievable. Even those ranchers and farmers who may not want to deny access to sportsmen will probably do so to avoid the prospect of lengthy and costly litigation.

Don't be fooled by another misleading ballot title. Measure 38 serves only the interests of the "Environmental Extremists." All other Oregonians will surely lose much of their current freedom to productively use and enjoy Oregon's precious lands.

### The Portland Chapter of the Oregon Hunter's Association Strongly Urge a "No" Vote On Measure 38

*(This information furnished by Wendall Locke, Oregon Hunters Association, Portland Chapter.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 38

## ARGUMENT IN OPPOSITION

Dear Oregonians:

Ballot Measure 38 will destroy a way of life. The ranching community is steeped in a rich heritage of caring for our land and cattle. My husband's paternal great-grandfather settled in Oregon in 1852, and his maternal grandmother arrived in Malheur County in 1893 by wagon from the Willamette Valley.

My husband and I love our ranch and the opportunity it has given our kids and our grandchildren. Our grandchildren love to feed baby calves, ride horses and ride in our stagecoach.

We often rise at 4:00 a.m., working, riding hard and often not stopping for our next meal until 5:00 p.m. It is the joy we receive from caring for the land and cattle that keep us going.

Over the years, we have often had the privilege of sharing our home with our urban neighbors. Our children have grown up sharing their homes with bankers, hunters, fishermen, photographers, backpackers and shopkeepers from all over the United States and the world.

If Ballot Measure 38 passes, those not forced out of business from fencing waterways at a cost of approximately \$10,000 per mile will be faced with limiting access to visitors because of the potential of lawsuits and liability claims that could result from people visiting our ranches. Our way of life will be completely destroyed and the lands left to neglect. Everyone has seen what happens to a lot in the city that no one cares for.

Measure 38 is not about pure water. It is about removing livestock and wildlife from the land. A vote for Measure 38 will destroy family farms and ranches and the culture and communities dependent upon them. A vote against 38 will preserve family farms and ranches and will maintain Oregon's beautiful, wide open spaces and quality of life.

Ranch and farm families thank you for your "No" vote on Ballot Measure 38.

Sincerely,

Linda Lee Hanley  
President of Oregon CattleWomen  
Hanley Ranch, Malheur County

*(This information furnished by Linda Lee Hanley, Oregon CattleWomen.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 38

## ARGUMENT IN OPPOSITION

**PLEASE VOTE NO ON MEASURE 38**

Measure 38 is a wolf in sheep's clothing!

Measure 38 will harm every Oregon resident who raises livestock, whether for business or pleasure. The measure DOES NOT make a distinction between a large livestock producer, a small producer or even a 4-H student.

This measure would require every individual to make sure their livestock does not enter a body of water considered by the Oregon Department of Environmental Quality to be water quality limited. The measure would also prohibit livestock from the land located immediately adjacent to these listed waters.

### Wildlife and Livestock Impacts

Owners of livestock would be required to build fences around certain streams, rivers, ponds and lakes to assure their livestock do not enter the water and the areas around the water. These fences will also restrict the access Oregon's wildlife would have to water and adjacent lands.

### More Litigation & Lawsuits

Measure 38 will result in more and more costly and unnecessary lawsuits. Rather than provide progressive solutions, this measure would grant any individual the ability to bring a court case against an owner of livestock allegedly violating the provisions of the measure. This is not the right direction for our state.

### Family Farms Under Fire

For the small producer or family operation, the costs associated with fencing and the potential costs of unlimited lawsuits would be devastating. Many family operations may cease to exist if this measure passes.

**PLEASE VOTE NO ON MEASURE 38**

*(This information furnished by Carey H. Moffett, Oregon Sheep Growers Association, Inc.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 38

## ARGUMENT IN OPPOSITION

**DON'T FENCE OREGON!**  
**Farmers and Ranchers Urge a NO vote on # 38**

### **PASSAGE OF THIS MEASURE COULD MEAN THE END OF THE FAMILY FARM**

#### **Financial Ruin**

If this measure passes, it could mean the fencing of tens of thousands of miles along at least 900 Oregon streams. At a cost of \$10,000 per mile, this provision will financially ruin almost all family ranches and many family farms with any kind of livestock.

#### **Unlimited Litigation**

Any person, from any state, can file a lawsuit against farmers or ranchers under this ballot measure. We must pay lawyers and court costs while our accusers are financed by your tax dollars. This provision is unwise, unfair, and will lead to confrontation and conflict. To improve Oregon's fish habitats, we must have watershed-wide innovation, not legal confrontation.

#### **Caretakers of the Land**

Oregon farm and ranch families are good caretakers of the land. We live close to the soil where careful planning and cultivation brings forth harvests of healthy food for your families and ours. We have no interest in spoiling soils or waters that are so much a part of our lives and our livelihood. This misguided and dangerous initiative was written by those who don't understand our ethic of good stewardship of the land. Don't be misled by this clever, but false, ballot title.

#### **Our Solution**

We are committed to work constructively with watershed councils to enhance fish habitats along the Oregon waters flowing through the lands we farm and ranch. We know this land well. We understand how to manage it to grow the food you eat and the fiber you wear. Please don't impose an unwise, unworkable "solution" based on thin science and thinner logic. Working with other Oregonians to improve fish habitats and enhance riparian zones is our goal. Join Us! Don't Fence Oregon.

The Oregon Farm Bureau urges you to VOTE NO on Measure 38.

*(This information furnished by Board of Directors, Oregon Farm Bureau: John Rossner, President; Stan Hendy, Rick Miller, Daryl Hawes, Debbie Scott, Vice Presidents; Larry Lear, Norm Pratt, Joan Silver, Tracey Liskey, Camille Hukari, Barry Bashue, Jack Burkhart, Dean Freeborn, Kathy Smith, Keith Nelsen, Neil Westfall, Charlie Barlow, Edmund Duyck, Doug Krahmer, Howard Sand, Board Members; Andy Anderson, Greg Leo, Don Schellenberg, Pete Test, Staff.)*

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# Measure No. 38

## ARGUMENT IN OPPOSITION

### **MEASURE 38 IS NO SOLUTION**

Oregon Lands Coalition has spent the past seven years working toward balance and resolution of raging natural resource debates. While we have seen and heard much that can be deemed "atrocious", Ballot Measure 38 is at the top of the list.

Proposed by extreme environmentalists, Measure 38 is not about maintaining a healthy environment. It's about putting Oregon's family farms, ranches and nationally recognized dairy industry out of business through harassing lawsuits. The many cooperative projects undertaken through private and governmental efforts have extremists grasping for a new "the world is about to end" pitch so they can maintain the money flowing to their multi-billion dollar industry.

True environmentalism is based on hope instead of fear, on solution instead of conflict, on education instead of litigation, on science instead of emotion and on employing human resources rather than destroying human resources. With hope and solution we can move forward to cooperatively maintain the properly functioning conditions of Oregon's streams. Education and science-based management allows us to manage our precious resources to the benefit of the land, wildlife and people. Our human resources -- the families, the children -- are as precious as our beautiful natural wonders.

Measure 38 is based on litigation, fear, conflict, emotion and the result will be the destruction of human resources. This is no solution. We ask that all of Oregon work together -- natural resource producer and natural resource consumer -- to find the balanced solutions. "At a time when we should have developed a deeper appreciation for the interdependence of our human resources and our natural resources, we have allowed them to become adversaries. We can no longer afford another decade of confrontation. We must build more bridges and fewer walls. We must nurture a new ethic -- an ethic that recognizes a prosperous economy and a healthy environment need each other," Joe Parkinson, *Evergreen*, July 1994.

**MEASURE 38 IS NO SOLUTION.**

*(This information furnished by Judy Wortman, Chair, Oregon Lands Coalition.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 38

## ARGUMENT IN OPPOSITION

PLEASE VOTE NO ON MEASURE 38

Measure 38 is not what it seems. Measure 38 is an extreme measure which would unnecessarily cause problems for all Oregonians. The measure is controversial, as well as misleading.

The measure is controversial! Measure 38 would allow any person to file a lawsuit against a farm family or owner of private property for merely an alleged violation. The person bringing a lawsuit is not even required to be an affected party. Unlimited and unrestricted lawsuits once again would clutter our overcrowded courtrooms.

Measure 38 is misleading! In the event a given body of water is designated as "water quality limited" by the Department of Environmental Quality, livestock would be prohibited from entering the water. Under the measure, a stream in pristine condition could be classified as polluted if the naturally occurring temperature exceeded standards set by the Department of Environmental Quality. The measure covers any and all types of livestock, including sheep, horses, llamas, chickens, turkeys, and cattle. These types of livestock would be excluded from streams, rivers, lakes, and ponds throughout Oregon, if the water body is considered to be water quality limited. The measure would further prohibit livestock from entering the lands adjacent to these bodies of water.

Measure 38 is a misdirected and misguided proposal. During recent years, private land owners throughout Oregon have worked cooperatively with a variety of interests to protect and enhance our watersheds and the quality of our water. With the threat of unrestricted lawsuits, this cooperative relationship will come to a close.

Please take a careful look at Measure 38 and vote NO!

*(This information furnished by Skye Krebs, Wallowa County Wool Growers; Scott McClaran, Wallowa County Stock Growers.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 38

## ARGUMENT IN OPPOSITION

Save The Family Farm

The members of the Oregon State Grange have fought for "Good Stewardship of our Lands and Waters" for over 120 years. The current membership of over 25,000 members seeks to ensure the continued success of the state's Agricultural industry. Join with the Oregon State Grange in opposing measure 38 and supporting our family farms.

### Measure 38 will Damage Family Farms

- \* Measure 38 will severely impact, if not destroy, Oregon's livestock production industry regardless of their efforts to improve the land and water. Oregon's family farmers have invested heavily over the years to improve the land that their livestock graze upon and to protect the streams that provide their water. Measure 38 will also have a profound effect on our young people's opportunities to gain responsibility through livestock projects in rural Oregon.

### Measure 38 will Deny Recreation

- \* Measure 38 will reduce the recreational opportunities for all Oregon citizens, through increased posting and fencing by landowners who will fear lawsuits. Hunting and fishing will be restricted where ever private land borders a body of water. Even if access is allowed, fencing will make gaining entry a difficult proposition.

### Measure 38 will Harm Wildlife

- \* Measure 38 will reduce the availability of safe avenues to water for wildlife. Even larger wildlife, such as elk, will occasionally be killed by becoming entangled in fencing; and most medium sized wildlife will need to negotiate fencing in order to get a simple drink of water.

### Measure 38 will Destroy Partnerships

- \* Measure 38 will end public/private environmental partnerships by creating a spirit of hostility. Also stream improvement projects will be placed on hold while landowner resources are used to fence streams and lakes and then to maintain these miles upon miles of fence.

Join with Oregon Grangers who believe that true environmentalism is Oregonians working together to better our environment by opposing Measure 38.

**Vote No on Measure 38 and Save our Family Farms.**

*(This information furnished by Edward L. Luttrell, Oregon State Grange.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 38

## ARGUMENT IN OPPOSITION

### **Measure 38 Is A "Punitive" Solution:** **Vote No on Measure 38**

The Oregon Forest Industries Council (OFIC), representing most of Oregon's large private forest landowners, urges voters to reject Ballot Measure 38. We oppose Ballot Measure 38 because it is a simplistic, punitive "solution" that will do little to help the environment, while sending exactly the wrong message to hard-working Oregon farmers and ranchers.

Our recent experiences as forest landowners point to a better way. There is no question that land management activities, conducted improperly, can have an impact on water quality. To minimize these impact, forest landowners in Oregon recently have undertaken voluntary efforts to learn more about how our activities affect the environment, and to fix problems we find.

Here are some examples of our efforts to improved fish habitat:

- 32 timber companies have voluntarily spent \$2.5 million since 1993 to conduct comprehensive fish habitat surveys on more than 3,000 miles of fish-bearing streams. That data is being used for an aggressive, voluntary program of fish habitat and restoration project throughout Oregon.
- Already more than 186 restoration projects have been completed and at least that many more will be completed in the next two years.
- OFIC is also spending more than \$600,000 to obtain, through satellite imagery, a sophisticated wildlife computer "map" of all western Oregon forest land so it can design even more projects to protect wildlife.

These are the kind of actions forest landowners are willing to voluntarily undertake. Oregon farmers and ranchers are doing a lot of these things too, and are willing to do more.

Ballot Measure 38 would accomplish little to protect water quality, its prohibitive cost would divert limited resources away from more effective programs, and it would be an undeserved slap in the face to thousands of Oregon farm and ranch families.

### **Fish Habitat and Restoration Projects Are Underway.** **Vote No on Measure 38.**

*(This information furnished by Ward Armstrong, Oregon Forest Industries Council.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 39

Proposed by initiative petition to be voted on at the General Election, November 5, 1996.

## BALLOT TITLE

### 39 AMENDS CONSTITUTION: GOVERNMENT, PRIVATE ENTITIES CANNOT DISCRIMINATE AMONG HEALTH CARE PROVIDER CATEGORIES

**RESULT OF "YES" VOTE:** "Yes" vote forbids government and private entities from discriminating among categories of health care providers.

**RESULT OF "NO" VOTE:** "No" vote leaves Constitution silent on private and government discrimination among health care provider categories.

**SUMMARY:** Amends Oregon Constitution. Forbids laws that restrain any person's choice to receive health care from any category of health care provider working within provider's scope of practice established by law. Forbids state agencies, local governments, private entities from discriminating among categories of health care providers rendering the same or similar services within their scope of practice. Defines "health care provider." Allows entities to control health care costs if entities do not violate measure. Does not apply to health care services for inmates in correctional institutions.

**ESTIMATE OF FINANCIAL IMPACT:** This estimate is based on the following assumptions:

Any increased costs are borne entirely by state and local government employers; and  
Overall utilization of health care services will increase by at least 2 percent due to increased provider choices.

Direct annual expenditures for state government are estimated to increase \$22.4 million and direct annual expenditures for local governments are estimated to increase to \$8 million.

### HEALTH CARE FREEDOMS

The Constitution of the State of Oregon is amended by creating a new section 42 to be added to and made part of Article I and to read:

**SECTION 42. (1)** No law shall be enacted to restrain any person from seeking or receiving the services of the person's chosen category of health care provider working within the provider's scope of practice as established by law. No official, board, commission or agency of this state or any political subdivision or municipality in this state or any private entity subject to the laws of this state shall discriminate among categories of health care providers rendering the same or similar services within their scopes of practice when such services are required.

**(2)** As used in this section, "health care provider" means a person who is licensed, certified, registered or otherwise regulated in accordance with applicable state law to furnish to any person services for the purpose of assisting in childbirth or preventing, alleviating, curing, or healing human illness, physical disability or injury.

**(3)** Nothing in this section shall be construed as to prevent an entity from employing measures that would control costs of healthcare as long as the measures do not violate subsection (1) and (2) of this section.

# Measure No. 39

**(4)** This section shall not apply to health care services provided to persons incarcerated in correctional institutions.

## EXPLANATORY STATEMENT

Measure 39 amends the Oregon Constitution to prohibit passage of any law that prohibits a person from seeking or receiving services from that person's chosen category of health care provider, as long as that health care provider is licensed or regulated by the State, and is providing services within the provider's scope of practice as established by law.

The measure also prohibits public entities such as state or local government boards, commissions or agencies, or any private entities from discriminating among categories of health care providers who perform the same or similar services within their scope of practice, when such services are required.

Measure 39 defines "health care provider" as a person licensed, certified, registered or otherwise regulated by the State to furnish services for the purpose of assisting in childbirth or preventing, alleviating, curing or healing human illness, physical disability or injury.

Nothing in Measure 39 is to be construed as preventing an entity from employing measures that would control costs of health care as long as those measures do not violate Measure 39, although it might affect current practices.

This measure does not apply to health care services provided to inmates of correctional institutions.

### Committee Members:

BJ Callman  
Mark Wiener  
Scott Gallant  
Jenny Ulum  
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.)*

# Measure No. 39

# Measure No. 39

## ARGUMENT IN FAVOR

### BETTER HEALTH CARE FOR OREGON: VOTE YES ON MEASURE 39 - THE HEALTH CARE FREEDOMS AMENDMENT

Measure 39 is based on a simple principle: Oregonians deserve a voice in deciding what kind of health care is right for them.

Oregonians do not currently have that right. As a result, thousands of Oregonians are being unfairly denied coverage for the type of health care they need, even though they have insurance, and even though these legitimate health care specialties are licensed and regulated by the State of Oregon.

For example, many people have conditions that only respond to naturopathic treatment, the care of a chiropractor, acupuncturist or an osteopathic physician. They may prefer the services of a midwife. But now, most medical plans do not allow coverage for these and other types of health care even if that is the only type of treatment that can help.

Measure 39 offers Oregonians better choices and a stronger role in their own health care.

Measure 39 will:

- **Ban discrimination against legitimate types of health care.** Measure 39 will stop laws that restrain people from receiving services of a category of health care provider if that provider is licensed or otherwise regulated by the state, and is working within their legally defined scope of practice.
- **Prevent insurance companies from arbitrarily refusing to cover a patient's chosen type of health care.** If a type of health care is licensed or regulated by the state, insurance companies, managed care organizations, and HMO's must offer those services to their patients.
- **Continue cost control measures.** Cost control measures are still allowed, as long as they do not ban entire categories of health care providers. Increased competition will lower costs further.

Measure 39 is a moderate, reasonable change that means better health care, more consumer choice, less discrimination and lower costs. Most important, it will help thousands of Oregonians who are denied the coverage they need.

### VOTE YES ON MEASURE 39

*(This information furnished by Lynn Ironside, R.D.H., Campaign Treasurer, Yes on 39, Health Care Freedoms Campaign.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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## ARGUMENT IN FAVOR

### Why Is Measure 39 On the Ballot?

Oregonians are being denied a voice in the kind of health care they receive. Although Oregon is a national leader in licensing and regulating a wide range of health specialties, most insurance plans, managed care organizations and HMOs arbitrarily deny coverage for many of these categories of health care.

This means that thousands of Oregonians are effectively denied their chosen type of health care, even if it is the only treatment that will help them.

The fact is that the treatments discriminated against are:

- shown to be effective;
- sanctioned by Oregon's state government;
- often less expensive than "traditional" medical care.

It may seem odd that three current and former legislators (two Republicans and a Democrat) would use the initiative system instead of the legislative process. But Measure 39 opponents form a very powerful lobby in the Oregon Legislature. After repeated attempts to bring this issue before the legislature, we were unable to even get a hearing in the last legislative session.

We finally realized that the only way to win these rights for Oregonians was to go directly to the people, hundreds of thousands of whom rely on alternative care to make and keep themselves healthy. It became clear that it was necessary to make this change a constitutional amendment to prevent Measure 39's opponents from undoing the will of the people at the next legislative session.

Oregon's initiative system gives voters the chance to take action when the legislature fails to do its job. By voting for Measure 39, you can overcome the influence, power and money of the medical special interests who want to keep their profitable monopoly at the expense of Oregonians' freedom to choose the health care that is right for them. That is why we are asking for your support.

Sincerely,

Bill Kennemer  
State Senator

Sharon Wylie  
State Representative

Mary Alice Ford  
Former State Representative

*(This information furnished by State Senator Bill Kennemer, State Representative Sharon Wylie, and Mary Alice Ford, former State Representative, Yes on 39, Health Care Freedoms Campaign.)*

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# Measure No. 39

## ARGUMENT IN FAVOR

### A SPECIAL MESSAGE FROM DR. LENDON SMITH

For over 40 years, as a pediatrician and author, I have had a chance to observe the way health care is practiced in the United States and around the world. I am an M.D., and have practiced traditional medicine for my entire career. But I have become convinced that using what some call "alternative medicine" as a complement to traditional medicine would make all of us healthier, happier and make our health care system more medically effective and cost-effective.

That is why I am proud to join the coalition of organizations who are supporting Measure 39. I also join the over 230,000 Oregonians who signed petitions to place the Health Care Freedoms Amendment on the ballot. That tremendous grassroots support shows how important this measure is. Please join me and vote yes on Measure 39 - a good idea whose time has finally come.

Sincerely,

Dr. Lendon Smith

### JUST SOME OF THE ORGANIZATIONS THAT HAVE ENDORSED MEASURE 39:

Oregon AARP  
Oregon Health Action Campaign  
Oregon Gray Panthers  
Oregon Acupuncture Assoc.  
Oregon Hearing Society  
Oregon State Denturists Assoc.  
United Seniors of Oregon  
Washington County Council on Aging  
Public Choice in Health Care Coalition  
Insurance Massage Therapists  
Oregon State Council of Senior Citizens  
Oregon Fair Share  
Oregon Dental Hygienists' Assoc.  
Mid-Valley Health Care Advocates  
Northwest Oregon Labor Retirees Council  
Chiropractic Assoc. Of Oregon  
Portland Rainbow Coalition  
Oregon Midwifery Council  
Oregon Assoc. of Naturopathic Physicians  
Older Women's League, Portland Chapter  
Oregon Federation of Teachers, Education and  
Health Professionals AFT, AFL-CIO

(This information furnished by Lendon Smith, MD, Author.)

(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)

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# Measure No. 39

## ARGUMENT IN FAVOR

### A MESSAGE FROM KARL HUMISTON, M.D. OREGON STATE COUNCIL OF SENIOR CITIZENS

Because seniors have a particular stake in Oregon's health care system, the Oregon State Council of Senior Citizens carefully examines proposed legislation that impacts the delivery of health care, especially for older Oregonians.

The Council seeks a health care system with sufficient access and diversity for the needs of all Oregonians. That is why the Council has endorsed Measure 39.

Measure 39 is much needed and long overdue improvement to our health care system. The current near-monopoly of traditional prescription drug-based medicine is not in accord with current scientific findings. It has been clearly demonstrated that alternative care is effective for many patients who have otherwise been unable to find relief for their conditions. Unfortunately, most insurance plans and managed care organizations deny any coverage for these specialties.

This discrimination arises from concern over profit margins and turf protection within the medical industry, not a medical judgment about what is best for patients. As a result, thousands of Oregonians face the choice of going without needed treatment, or paying out of their own pocket. This is an especially cruel choice for many seniors who live on a fixed income.

The Council also believes that Measure 39 could help reduce health care costs. Many of the alternative treatments Measure 39 will make available are less expensive and more preventive than currently covered treatments. The measure also permits the continuation of cost control measures.

Measure 39 is a reasonable, cost-effective and common sense change that will increase patient choice, offer better care, and make our health care system work better for seniors and non-seniors alike.

### THE OREGON STATE COUNCIL OF SENIOR CITIZENS URGES YOU TO VOTE YES ON MEASURE 39

### OTHER SENIOR ORGANIZATIONS ENDORSING MEASURE 39:

OREGON GRAY PANTHERS  
NORTHWEST OREGON LABOR COUNCIL RETIREES  
OLDER WOMEN'S LEAGUE (PORTLAND CHAPTER)  
UNITED SENIORS OF OREGON  
WASHINGTON COUNTY COUNCIL ON AGING  
OREGON AARP

(This information furnished by Karl Humiston, MD, Oregon State Council of Senior Citizens.)

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# Measure No. 39

# Measure No. 39

## ARGUMENT IN FAVOR

### WHO OPPOSES MEASURE 39 AND WHY?

Measure 39 is opposed by powerful special interests within the medical industry. They include the Oregon Medical Association, HMO's, managed care organizations and hospitals who currently dominate the health care marketplace. They hold a near-monopoly on medical services covered by insurance plans which is the only way most people can afford health care. These powerful forces enjoy tremendous profits by keeping patients restricted to only hospital and medical services. This is wrong, and must be changed.

In order to preserve their dominance over your health care options, the powerful medical special interests are prepared to spend tremendous amounts of money for misleading advertising to prevent Measure 39 from establishing a level playing field and bringing choice and competition to the market. In trying to keep their near monopoly and prevent Oregonians from having the right to choose the type of health care they need, Measure 39's opponents are saying things that are simply not true:

- **Opponents say that costs will rise. Untrue!** - The fact is that many of the treatments Measure 39 will cover are less invasive, more effective, more preventive and less expensive. Measure 39 also allows continued cost control measures, while increased competition that could lower costs even more.
- **Opponents say that Measure 39 is an attack on managed care. Untrue!** - Measure 39 does nothing to hurt managed care. Opponents are cynically trying to confuse voters by linking it with an unrelated measure.
- **Opponents say that Measure 39 will allow unproven treatments. Untrue!** - Measure 39 covers only legitimate health care professionals recognized, licensed and otherwise regulated by the state who are working within their legally defined scope of practice.

Measure 39 is a reasonable, commonsense change that will help thousands of Oregonians get the health care they need -- care they are effectively being denied to preserve outrageous profits.

**Don't be fooled by their big-money, misleading campaign.  
Vote Yes on Measure 39**

*(This information furnished by Julie Young, Executive Director, Chiropractic Association of Oregon.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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

### BETTER & LESS EXPENSIVE HEALTH CARE

Measure #39 will provide Oregonians with **MORE** health care choice

Measure #39 **FIGHTS** the high costs of current medical monopolies

Measure #39 will provide medical cost savings through additional **COMPETITION**

Alternative health care treatments are as effective as conventional health care methods; they are often **LESS EXPENSIVE**

There is absolutely **NO REASON** for health insurance premium costs to increase with Measure #39

Insurance rates have gone down in **OTHER STATES** and countries that have established similar programs

Measure #39 **WILL NOT** increase any of your **TAXES**

*(This information furnished by Terri Robinson, Administrative Assistant, Oregon Association of Naturopathic Physicians.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 39

## ARGUMENT IN OPPOSITION

### Measure 39 Would Increase Workers' Compensation and Health Care Costs

Measure 39 would make it unconstitutional to recognize differences among health care provider categories in health care. It amends the Oregon Constitution to require all workers' compensation and health insurance policies cover treatments offered by all types of fringe medical providers.

- According to the National Council on Compensation Insurance (NCCI, July 25, 1996), Measure 39 could increase "Oregon's workers compensation costs by 5% to 11%," warning that costs could be significantly higher in the future.
- Such a mandate would force you to pay for expensive coverage whether or not you wanted or needed it.
- Thousands of Oregonians would risk losing their health care benefits as employers' costs for insurance climbed.

In 1990, representatives of labor and management met for five months to develop reforms to workers' compensation that would stop abuses, improve benefits and lower costs.

At the direction of then-Governor Goldschmidt, that group developed a bold reform plan. A cornerstone of their historic agreement was the recognition that reasonable management of health care was essential if escalating costs were to be contained.

Measure 39 unhinges a critical part of the 1990 reforms.

Associated Oregon Industries' board unanimously voted to oppose Measure 39 because it would reverse the hard-won reforms that have improved care for injured workers and lowered costs.

**Measure 39 is expensive and extreme.**

**Vote NO on Measure 39.**

Associated Oregon Industries

*(This information furnished by Richard M. Butrick, Associated Oregon Industries.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 39

## ARGUMENT IN OPPOSITION

### MEASURE 39: A TOBACCO SMOKE SCREEN

The tobacco industry wants to block a cigarette tax increase that would help people who can't afford health insurance. To do so, big tobacco funneled \$750,000 to put an unrelated constitutional amendment (Measure 39) on the ballot.

- **Measure 39 would lock vague and confusing language into the State Constitution** where not even the Governor or the Legislature could fix it when the inevitable problems develop.
- **Measure 39 would increase health care costs by up to \$497 million.** (Source: Estimate prepared by independent actuaries.)
- **Measure 39 would increase workers' comp costs for businesses by up to \$66 million.** (Source: National Council on Compensation Insurance, the nation's largest workers' comp data-gathering organization)
- **Measure 39 would increase taxpayer costs by \$30 million** to pay for the Oregon Health Plan and required government employee benefits -- taking away money from important services like education and fighting crime. (Source: State of Oregon Fiscal Impact Committee)

### Urging you to VOTE NO ON MEASURE 39 ...

Oregon Nurses Association  
Ecumenical Ministries of Oregon Legislative  
Ministries Commission  
Associated Oregon Industries  
Oregon Rural Health Association  
Associated Builders and Contractors  
National Federation of Business  
Local health plans and insurers throughout Oregon  
Association of Health Underwriters  
Human Services Coalition of Oregon  
Local Chambers of Commerce across the state  
Oregon Medical Association  
and thousands of Oregonians concerned about  
increased health care, workers' compensation  
and taxpayer costs  
(partial list)

**VOTE NO ON MEASURE 39**

*(This information furnished by E. E. Patterson, Oregonians for Quality Health Care.)*

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# Measure No. 39

# Measure No. 39

## ARGUMENT IN OPPOSITION

**WARNING:**  
Measure 39 could be hazardous  
to your health.

**Oregon Nurses Association asks you to vote  
NO on Measure 39.**

As nurses, we are advocates for our patients and their health care needs. And we strongly believe that patients should be free to choose the type of provider they want. But Measure 39 doesn't give consumers more choices.

Measure 39 amends the Oregon Constitution. It will result in fewer choices for all of us – fewer options in the types of coverage we can get. Instead of being able to choose coverage that meets our particular needs, Measure 39 will force all of us to buy the same coverage – including alternatives we may not want or need. That means less choice.

That's only one reason why Measure 39 is a bad idea.

**An even bigger concern for Oregon's nurses is that Measure 39 is being financed by the Tobacco Industry.** They're retaliating against backers of Measure 44, a tobacco tax increase to fund expansion of the Oregon Health Plan. That measure has been endorsed by the Oregon Nurses Association and many other health care interests.

Big Tobacco Companies think that they can influence Oregon Voters with a smoke screen of deception. Don't believe them when they say they care about health care costs. The health of Oregonians is not their concern. What they really care about is their own political agenda, and protecting their profits.

Let the Tobacco Companies know that Oregonians won't let them play games with our Constitution and our health. Vote NO on Measure 39. That's the right choice for Oregon.

**JOIN OREGON NURSES  
IN OPPOSING MEASURE 39.  
TELL TOBACCO TO LEAVE US ALONE.**

*(This information furnished by Susan King, RN, MS, Oregon Nurses Association.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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## ARGUMENT IN OPPOSITION

**MEASURE 39 HURTS SMALL BUSINESS: An open letter to Oregon Voters**

Dear Oregonian,

I am the owner and operator of a third generation family plumbing business. My company has always prided itself on offering more than just a paycheck for its employees. **Workers' compensation and health care benefits, vacation pay, consideration of family needs, its all part of treating our employees fairly.**

Measure #39 will clearly hurt my ability to provide affordable fringe benefits and will significantly increase the cost of their workers' compensation coverage. **When costs go up there is a negative impact on hiring, wages, and the benefits I can provide.**

My thoughts on #39 come from experience. My business is a member of the National Federation of Independent Business (NFIB). Through NFIB I was appointed to Governor Neil Goldschmidt's special taskforce that reformed Oregon's workers' compensation system in 1990. Before the reforms, abuse was rampant and steady increases in premiums were shutting down businesses.

The reforms have substantially lowered workers' compensation costs, curbed fraud, and improved the quality of care for injured workers. Measure #39 will derail those reforms and once again open the door to abuse.

The reforms set standards for medical treatment and put in safeguards to stop abuse. **Measure #39 would undo the standards and safeguards, and dramatically boost costs.** Some estimates exceed \$100 million.

Higher costs mean thousands of Oregon workers will have to accept less from their health care benefits or lose them altogether as small employers struggle to meet the costs of Measure #39.

Less benefits at a higher cost is a bad deal for Oregon.

**Please join me in voting No on Measure 39.**

Jon Egge  
MP Plumbing

25 year NFIB Member  
1990 Small Businessperson of the Year, North Clackamas Chamber of Commerce  
Gov. Goldschmidt's Taskforce on Workers Compensation Reform  
Oregon State Apprenticeship and Training Council (1990-96)  
Oregon State Workforce Quality Council (1993-95)  
Clackamas County JOBS Plus (1993-96)

*(This information furnished by Jon Egge, National Federation of Independent Business.)*

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# Measure No. 39

## ARGUMENT IN OPPOSITION

**Measure 39 is on your ballot  
because big tobacco companies  
paid \$752,000 to put it there.**

One sponsor of Measure 39 explains why the tobacco industry spent so much (nearly 99% of all money raised came from tobacco companies) buying signatures to put their initiative on the ballot:

**Measure 39 Sponsor Explains  
Why Big Tobacco Is Backing Measure 39**

"The reason the tobacco companies are interested in this measure," says [Measure 39 sponsor State Senator Bill] Kennemer, "is because some of the traditional health care people want to see the Oregon Health Plan maintained by a large cigarette tax. So the tobacco companies know that all the people who want that big cigarette tax hate my ballot measure. The tobacco companies want to see the medical providers and insurance companies spend a lot of money to beat my ballot measure so they won't have as much money to fight for their cigarette tax." *Clackamas County Review*, August 2, 1996

The tobacco industry's cynical manipulation of Oregon politics is outrageous. Measure 39 is big tobacco's scheme to defeat Measure 44, a tobacco tax to help pay for the Oregon Health Plan so it can provide medical care to thousands of low-income working families – Oregonians who would otherwise have no coverage.

Measure 39 is a vague and confusing constitutional amendment. It would force every health insurance and workers compensation policy to pay for treatments by all categories of health care providers. Such narrow, special-interest legislation does not belong in Oregon's Constitution.

Ecumenical Ministries of Oregon supports the innovative Oregon Health Plan, but big tobacco's sinister Measure 39 threatens to cripple it. Measure 39 would raise health and workers compensation insurance premiums, and limit consumers' health care choices. The Legislative Ministries Commission of Ecumenical Ministries of Oregon asks you to please vote NO to protect health care for working families and reject tobacco's arrogance.

**Please vote NO on Measure 39.**

*(This information furnished by Ellen C. Lowe, EMO Legislative Ministries Commission.)*

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# Measure No. 39

## ARGUMENT IN OPPOSITION

**Ballot Measure 39 is dangerous for Oregonians and Oregon Businesses for three reasons:** (1) it erases six years of significant cost reductions in the Oregon workers' compensation program (45% less since 1990); (2) it forces Oregonians to pay more for care in order to subsidize services for every type of alternative provider; and (3) it locks vague and confusing language into the Oregon Constitution where not even the Governor or Legislature can fix it when the inevitable variety of problems develop.

**Don't let special interest promoters destroy our nationally acclaimed workers' compensation reforms. This measure would undo all the progress we've made in developing a high quality, consumer-focused, cost-controlling workers' compensation program.** According to the nation's largest workers' comp data organization, Measure 39 would **cost businesses up to \$66 million more** every year, not to mention reduced wages, laid off workers, cut benefits, and even closure.

**Don't let Measure 39 force all of us to pay extra for a consumer choice we already have.** Every health insurance policy would be required by law to pay for at least 27 categories of healthcare providers, whether effective or not. Measure 39 means that Oregonians will pay more for healthcare **without** any guarantees of better care. We already have the opportunity to choose alternative healthcare. The difference is that, right now, consumers aren't forced to pay for health insurance coverage for nontraditional services unless they wish to use those services.

**Measure 39 is an invitation to increased fraud and abuse.** Unsuspecting consumers could be enticed to seek treatment from unconventional providers offering untested remedies. Measure 39 prevents the very type of far-sighted planning that has improved patient care and decreased costs to businesses and consumers. **Vote NO on Ballot Measure 39. It's bad medicine for Oregon.**

Ken Rutledge, President  
Oregon Association of Hospitals and Health Systems

*(This information furnished by Ken Rutledge, Oregon Association of Hospitals and Health Systems.)*

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# Measure No. 39

# Measure No. 39

## ARGUMENT IN OPPOSITION

### **DON'T LET BIG TOBACCO COMPANIES ADD MORE TO YOUR HEALTH CARE COSTS.**

Big tobacco companies spent \$752,000 to put Measure 39 on the ballot. But they don't really care about this ballot issue. It's their underhanded way of trying to defeat the proposal to increase taxes on tobacco to help fund the Oregon Health Plan. They backed this amendment knowing how badly it would disrupt health care in Oregon.

### **Measure 39's Mandate Would Increase Costs and Increase the Number of Oregonians Without Health Care Coverage.**

Big tobacco's amendment would require all carriers to cover costs for all categories of providers. Such a mandate would force all consumers to pay for expensive coverage whether or not they wanted or needed it. Thousands of Oregonians would risk losing their health care benefits as employers' costs for insurance climbed. Even the Oregon Health Plan would be at risk.

What new providers would have to be included by all workers' compensation and health insurance? In addition to medical doctors, here are some of those covered: occupational therapists, social workers, licensed professional counselors, marriage and family therapists, psychologists, direct entry midwives, chiropractors, podiatrists, dentists, dental hygienists, denturists, naturopaths, optometrists, acupuncturists, respiratory therapists, nurses, nursing home administrators, audiologists, speech pathologists, massage therapists, physical therapists, athletic trainers, radiologic technologists, emergency medical technicians, and dietitians.

A number of these practitioners are covered now, depending on the health plan employers or consumers choose. But if Measure 39 is adopted, ALL plans would have to include ALL categories of providers. That would drive costs up, quickly.

### **THE VAGUE AND CONFUSING LANGUAGE OF MEASURE 39 DOESN'T BELONG IN THE CONSTITUTION.**

Worst of all, the vague and confusing language of the tobacco-funded amendment would be locked in the constitution, where not even the Governor or the Legislature could fix it when the inevitable problems arise.

### **VOTE NO! ON THE TOBACCO INDUSTRY'S MEASURE 39.**

### **IT'S A BIG DOSE OF COST AND CONFUSION.**

*(This information furnished by E. E. Patterson, Oregonians for Quality Health Care.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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## ARGUMENT IN OPPOSITION

### **WHAT DO THE TOBACCO INDUSTRY**

**AND**

### **MEASURE 39 HAVE IN COMMON?**

**ANSWER:**

**AT LEAST \$750,000**

The TOBACCO INDUSTRY spent hundreds of thousands of dollars to put MEASURE 39 on the ballot. It's their way of punishing those who support Ballot Measure 44, which would tax tobacco to help fund the Oregon Health Plan and support programs to prevent children from becoming addicted to tobacco products.

MEASURE 39 is the tobacco industry's cynical attempt to change OREGON'S CONSTITUTION by requiring all Oregonians to pay for health care they don't receive or want.

MEASURE 39 would CONSTITUTIONALLY prohibit state and local officials from providing safeguards for major medical services in hospitals and clinics.

### **MEASURE 39 IS HAZARDOUS TO THE CONSTITUTION**

**AND**

### **IT'S HAZARDOUS TO YOUR HEALTH!**

### **VOTE NO ON MEASURE 39**

Submitted by the Oregon Medical Association

*(This information furnished by Frank J. Baumeister, M.D., Oregon Medical Association.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 39

## ARGUMENT IN OPPOSITION

### **A Chiropractor Explains Why He Opposes Measure 39.**

I've been a practicing chiropractic physician in Oregon for more than 32 years. I've actively worked to ensure that Oregonians respect the professionalism of Oregon's chiropractors.

While I share with the sponsors of Measure 39 the desire to see more employers offer and their workers choose health plans that include alternative health care benefits, I think Measure 39 is a poor and dangerous way to satisfy that desire.

Measure 39 would amend Oregon's constitution, placing its mandate where it could not be changed by the Governor or Legislature. That's dangerous, especially since Measure 39's vague and confusing language makes it hard to determine exactly what would happen if voters approve it.

Oregon now has nearly 30 separate and distinct provider categories that Measure 39 would mandate be covered by all workers compensation and health insurance policies.

Chiropractic care has earned its inclusion in plans because of customer demand and the demonstration of cost effective service. I believe that all special health care disciplines need to earn their inclusion rather than try to force it by legal mandate.

The Oregon Constitution is no place for this kind of special interest law. We already have the right to choose any type of health care provider we think can best serve our needs. The issue here is not about choice, it's about who pays. With the wide ranging mandate of Measure 39, we will all pay for everything. This is not good public health policy.

Dr. Richard Tilden, DC

*(This information furnished by Richard H. Tilden, D.C.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 40

# Measure No. 40

Proposed by initiative petition to be voted on at the General Election, November 5, 1996.

## BALLOT TITLE

### 40 AMENDS CONSTITUTION: GIVES CRIME VICTIMS RIGHTS, EXPANDS ADMISSIBLE EVIDENCE, LIMITS PRETRIAL RELEASE

**RESULT OF "YES" VOTE:** Vote "yes" to add crime victims' rights to constitution, expand evidence admissible in criminal trials.

**RESULT OF "NO" VOTE:** Vote "no" to leave state constitution without specific protections for victims, retain current evidence standards.

**SUMMARY:** Adds new section to state constitution. Affects adult, juvenile criminal proceedings involving victims. Prohibits pretrial release for certain defendants unless judge finds defendant will not commit new crimes if released. Victims may attend, be heard at proceedings, demand jury trials of adults, get information about defendant. Allows murder, aggravated murder, conviction on 11-1 vote. Most relevant evidence admissible against defendant, except as required by federal constitution. State courts may not independently interpret some state constitutional rights to give defendants more rights than given by federal constitution.

**ESTIMATE OF FINANCIAL IMPACT:** Direct state expenditures to implement a one-time change required by this measure is estimated at \$223,000.

### AMENDS CONSTITUTION

**PREAMBLE:** This initiative is designed to preserve and protect **crime victims' rights** to justice and due process and to ensure the prosecution and conviction of persons who have committed criminal acts. It shall be interpreted to accomplish these ends.

**This section is added to Article I of the Oregon Constitution:**

(1) To ensure **crime victims** a meaningful role in the criminal and juvenile justice system, to accord them due dignity and respect, and to ensure that persons who violate laws for the punishment of crime are apprehended, convicted and punished, the following rights are hereby granted to **victims** in all prosecutions for crimes and juvenile delinquency proceedings:

(a) The right to be reasonably protected from the criminal defendant or the convicted criminal throughout the criminal justice process; decisions as to the pretrial release of the defendant are to be based on the principle of reasonable protection of the victim and the public; any person arrested for a crime for which the People have set a mandatory minimum sentence shall not be released prior to trial unless a court determines by clear and convincing evidence that the person will not commit new criminal offenses while on release;

(b) The right to be present at, to be heard at, and, upon specific request, to be informed in advance of any critical stage of the proceedings where the criminal defendant is present, including trial;

(c) The right, upon request, to information about the conviction, sentence, imprisonment, criminal history and future release from physical custody of the criminal defendant or convicted criminal;

(d) The right to refuse an interview, deposition or other discovery request by the defendant, the defendant's attorney, or other person acting on behalf of the defendant;

(e) The right to receive prompt restitution from the person or persons convicted of the criminal conduct that caused the victim's loss or injury.

(f) The right to have all relevant evidence admissible against the criminal defendant;

(g) The right, in a criminal prosecution, to a public trial without delay by a jury selected from registered voters and composed of persons who have not been convicted of a felony or served a felony sentence within the last 15 years, except that no court shall hold that a jury is required in juvenile court delinquency proceedings.

(h) The right to have eleven members of the jury render a verdict of guilty of aggravated murder or murder, notwithstanding any other law or provision of this Constitution;

(i) The right to have a copy of a transcript of any court proceeding, if one is otherwise prepared;

(j) The right that no law shall permit a sentence imposed by a judge in open court to be set aside or otherwise not carried out except through the reprieve, commutation, and pardon power of the governor or pursuant to appellate or post-conviction relief;

(k) The right that no law shall limit the court's authority to sentence a criminal defendant consecutively for crimes against different victims;

(l) The right to have all charges against a criminal defendant tried in a single trial; subject to rules regarding venue;

(m) The right to be consulted, upon request, regarding plea negotiations involving any violent felony; and

(n) The right to be informed of these rights as soon as reasonably practicable.

(2) The rights conferred on **victims** by this section shall be limited only to the extent required by the United States Constitution; Section 9, Article I and Section 12, Article I of this Constitution shall not be construed more broadly than the United States Constitution and in criminal cases involving a **victim**, the validity of prior convictions shall not be litigated except to the extent required by the United States Constitution.

(3) This section shall not reduce a criminal defendant's rights under the United States Constitution, reduce any existing right of the press, or affect any existing statutory rule relating to privilege or hearsay.

(4) As to the decision to initiate criminal or juvenile proceedings and as to the conduct and prosecution of such proceedings, it is the district attorney who is authorized to assert the rights conferred on **victims** by this section.

(5) "**Victim**" means persons who have suffered financial, social, psychological or physical harm as a result of a crime or juvenile offense, and includes, in the case of a homicide, a member of the immediate family of the decedent, and, in the case of a minor **victim**, the legal guardian of the minor. In no event shall the criminal defendant be considered a victim. In criminal cases not involving a **victim**, the people of the State of Oregon, represented by the State of Oregon, shall have the same rights conferred by this section on **victims**.

(6) "Relevant evidence" means evidence having any tendency to prove the charge against the criminal defendant or establish the proper sentence for the criminal defendant.

(7) In criminal cases prosecuted by a municipality, "district attorney" as used in this section includes the city attorney.

(8) "Criminal defendant" includes juvenile offenders in juvenile court delinquency proceedings.

(9) This section creates no new civil liabilities.

# Measure No. 40

## EXPLANATORY STATEMENT

This measure amends the Oregon Constitution. Except where limited, it applies to all adult crimes and to juvenile delinquency matters. It applies to crimes where individuals are victims and where the people of the state of Oregon are victims.

The measure would declare certain rights of victims, including the people of the state through the district attorney in non-victim crimes. Generally, rights can be waived. In all cases, the district attorney is authorized to assert the victim's rights as to the decision whether to initiate a proceeding and how to conduct and prosecute a proceeding.

These victim's rights do not reduce a defendant's rights under the United States Constitution. Where these victim's rights are asserted the measure limits rights created under the Oregon Constitution and statutes including rights regarding search and seizure, issuing search warrants, double jeopardy and self-incrimination. Those rights could not be greater than the rights provided under the United States Constitution.

These victim's rights would include the right to:

- (1) Be protected from a criminal defendant. Some crimes have a mandatory minimum sentence. Persons arrested for those crimes could not be released pending trial unless a court is convinced that the person will not commit a crime in the meantime.
- (2) Be present and be heard at each critical stage of the legal process if the person charged is also present.
- (3) Be told about the criminal background of the person charged and the sentencing, confinement and release of that person.
- (4) Refuse to give an interview or other information for use in preparing a defense.
- (5) Receive repayment from a person convicted of an act that caused the victim financial loss.
- (6) Have all relevant evidence admissible. This expands the possible evidence which can be used against a criminal defendant.
- (7) Have a speedy trial by a jury composed only of registered voters without a felony conviction.
- (8) Have a defendant convicted of murder or aggravated murder with eleven instead of twelve guilty votes, but twelve votes are still required to impose a sentence of death.
- (9) Have the sentence imposed by a judge in open court carried out.
- (10) Obtain a copy of any written record made of court proceedings.
- (11) Have no law limiting the court's authority to sentence a criminal defendant consecutively for crimes against different victims.
- (12) Have all charges against a criminal defendant tried in a single trial.
- (13) Be consulted about plea negotiations if the crime charged is a violent felony.

**Committee Members:**

Norm Frink  
Representative Kevin L. Mannix  
Shawn McCrea  
Ingrid Swenson  
Representative Floyd Prozanski

**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 No. 40

## ARGUMENT IN FAVOR

**THE LAWYERS ARE AGAINST THIS MEASURE!  
THAT SHOULD TELL YOU SOMETHING.**

Crime Victims' Rights, NOT criminals' rights should be the law! Today's Oregon "justice" system has it backwards!

The public enemy? CRIMINAL DEFENSE LAWYERS! Politicians under their influence just set aside 104 million dollars (two years) for them to defend criminals. THAT'S YOUR TAX MONEY!

**IT IS TO THE CRIMINAL LAWYERS' BENEFIT TO GET CROOKS OFF EASY SO THEY CAN DEFEND THEM AGAIN ON NEW CHARGES WITH YOUR MONEY! RECYCLING!**

**MONEY IS THE NAME OF THE GAME, NOT PROTECTING THE PUBLIC.**

Almost **one million dollars** was allocated by a judge in Klamath Falls for defense of a Mexican national who shot a state policeman in the back of the head when the policeman gave him a ride. \$80,000 was spent to send a SOCIOLOGIST to Mexico with his family to "study" the culture of the area the man came from. The rest went to defense lawyers.

An Asian gang of 16 youths was apprehended in Portland, given 2 lawyers each plus one for research by the judge, 33 LAWYERS TOTAL. Some of those things drag on not for months, but years. YOU PAY FOR IT!

Here are some of the things this measure does:

1. Allows prosecutors to use valuable evidence that was prohibited before.

2. Guarantees the victims **will be told** when and where the trial, pretrial release and probation hearings are to be held.-- Sometimes they weren't told.

3. They **must** be notified when a convict is to be released-- Sometimes they weren't told and many feared for their lives because they never knew when the criminal would be released.

4. Provides that 11 jurors can convict instead of requiring 12. In our crazy society there are always some who will lie about their beliefs and objectivity on being questioned for jury duty and who do not believe in putting people in prison, no matter what the evidence.

*(This information furnished by Loren Parks.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 40

## ARGUMENT IN FAVOR

Imagine being informed that one of your children has just died. Not due to sudden illness and not due to an accident.

### "Your child has been murdered"

As cold reality replaces shock, you and your family enter the criminal justice system with the hope of seeing justice done. You witness the following:

1. **The murderer admits to committing the murder intentionally and with premeditation.** It is a random incident. The court disallows presentation of evidence that he stalked your child the day before the murder. Additionally, the jury isn't allowed to see writings describing his obsession with blood, killing, and sexual violence.
2. **One juror** believes that because the murderer is only 16 years old, he was simply in an "emotional fog" and should be acquitted. The remainder cannot change her mind. They settle on the lesser charge of manslaughter.
3. The judge imposes a 36 month sentence, yet **the murderer serves only 28 months.**

This is a true story. The victim was Lisa Doell, my 12 year old daughter, and the case was State v. Andrew Whitaker.

If Oregon recognized victims' rights in our state constitution, would justice have prevailed for Lisa? **YES!**

1. If Oregon Courts operated under the U.S. Constitution, all **relevant evidence** should be allowed in the courtroom.
2. If Oregon allowed 11-1 convictions by jury for murder, the defense practice of using sophisticated jury consultants to select one juror to "make their case" would be thwarted.
3. For violent criminals, Oregon would carry out sentences imposed in open court with no reductions for "good time."

In our society, memories fade with the headlines; but not for my family. We know nothing will bring Lisa back. But a **Victims' Bill of Rights** could make a difference if the tragedy of violent crime strikes a member of your family. In your case justice would prevail.

**Please join me and support Victims' Rights.  
Vote Yes on Measure 40.**

*(This information furnished by Steve Doell, Crime Victims United.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 40

## ARGUMENT IN FAVOR

The issue is basic. Measure 40 will make it better for crime victims and not so easy on criminals.

If you are a criminal, you will be less able to get off on technicalities due to Oregon's special constitutional requirements. These added requirements will be eliminated. However, if you are accused of a crime, you will receive every right guaranteed you under the U.S. Constitution, just as every other person in the U.S. has if they are accused or convicted of a crime.

Those in opposition, criminal defense attorneys, the ACLU and other like minded groups say that criminals will lose state constitutional rights; we say all law abiding Oregonians will finally gain state constitutional rights that are now cherished by other U.S. citizens.

For the first time, judges may hold people accused of violent person to person crimes pretrial, who they find, under federal probable cause standards, to be a danger to the community. Opponents claim this destroys the presumption of innocence. Commonsense tells us that turning them loose on an unsuspecting community is ludicrous.

The same people who opposed the statutory Crime Victims' Measure in 1986 oppose this one too. They carried on unendingly about how the measure was flawed constitutionally, but even after their challenges, not one word was found unconstitutional in the 10 years since its passage.

When they were not successful in destroying the 1986 measure, they set about eliminating parts of it by other means. They did this by making other law changes, additional administrative rules, changing policies and practices. We now realize we should have made the 1986 measure a Constitutional Amendment. This would have made it impossible to change without a vote of the people.

Do not be taken in by scare tactics.

For 40 years rights and privileges have been expanded for those accused and convicted of crime. It's high time we thought of the law-abiding.

Bob and DeeDee Kouns,  
Crime Victims United

*(This information furnished by Bob & DeeDee Kouns, Crime Victims United.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 40

## ARGUMENT IN FAVOR

This measure as conceived, written and sponsored by a large group of victims, with the aid of district attorneys, legislators and other concerned citizens. The very people who have personal knowledge of the unfair treatment victims receive under our current unbalanced criminal system have carefully crafted the measure in an attempt to level the playing field between the rights of the defendant and the rights of the victim.

For too long the courts have only focused on the rights of the criminal. The most substantial gains by victims have not come from the courts and have not come from the legislature. They have come from the hard work and support of victims' groups who are willing to step forward and let the public know what is wrong with our justice system.

The victims have now placed a constitutional amendment on the ballot to give victims the rights they deserve and rights that will help them once a criminal charge is brought. The measure guarantees once and for all the victims will have a voice in the proceeding and the ability to express their opinions about plea negotiations and sentencing. Governmental bodies will no longer be able to reduce sentences without doing so in an open court where the victim will have an opportunity to express their feelings. Reliable evidence will not be suppressed because police officers make honest mistakes just like the rest of us. In the past the victim has been the loser too often. The passage of this measure will ensure that we do not have just a criminals' justice system, but rather a system of justice for all.

**As district attorneys we ask you to support the Victims' Rights Initiative. We do.**

Fred Avera  
Polk County

Michael T. Dugan  
Deschutes County

F. Douglass Harclerod  
Lane County

Josh Marquis  
Clatsop County

Michael D. Schrunk  
Multnomah County

Russ West  
Union County

*(This information furnished by Steve Doell, Crime Victims United.)*

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# Measure No. 40

## ARGUMENT IN FAVOR

We are the chief petitioners of the Victim's Rights Initiative. It is a carefully crafted constitutional amendment developed by victims' groups and district attorneys around the state over more than a decade of study and debate. We know from our experience that there are those who will distort the amendment and spread inaccuracies about its effects. To ensure there is no confusion and to make every provision clear, we will outline our intent as a whole and address some specific sections.

First and foremost our intent is to create as much equality as possible between the state constitutional rights guaranteed to the criminal defendant and to the victim. At the same time, we recognize that criminal charges are brought by the state. Therefore, the final decision regarding the exercise of some of the rights conferred must rest, after consultation with crime victims, with your local elected district attorney.

Section 1(a) ensures that violent criminal offenders who are facing tough sentences set by the People through the initiative process will not be released prior to trial if they are a danger to the public.

Section 1(b) gives victims, if they request, notice of critical stages of the proceeding. It will not delay the process if notice cannot be given or is omitted inadvertently.

Section 1(f) guarantees that the jury will hear all relevant evidence that pertains to the guilt of the defendant as long as the evidence is permissible under the United States Constitution. It does not prohibit other remedies for violations of the state constitution or statutory law, but reflects our belief that withholding vital evidence from the jury is too high a cost. Moreover, evidence of other crimes, if probative of guilt, will be admitted. The section will not admit evidence that is confusing, repetitive, or unclear, because the judge must still make a determination that the evidence pertains to the defendant's guilt and therefore is relevant.

Continued next column.

*(This information furnished by Bob and DeeDee Kouns, Crime Victims United.)*

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# Measure No. 40

# Measure No. 40

## ARGUMENT IN FAVOR

Chief petitioners statement of intent continued from previous column.

Section 1(g) ensures that the criminal defendant cannot unilaterally prevent a trial by jury. Obviously the exercise of the right afforded by this section, and other rights relating to the prosecution of the case, must rest ultimately with the district attorney.

Section 1(i) extends to victims the right to a transcript. This section will not create new costs. It applies only if a transcript is already prepared and does not prevent a reasonable charge to the victim.

Section 1(j) prohibits bureaucratic decisions that are hidden from public scrutiny that lessen the convicted criminal's actual sentence. We do not want parole boards and other administrative bodies cutting sentences. We think there should be complete truth in sentencing. Good time provisions and boot camp can still be imposed, but these decisions must be made by the judge in open court where the victim has an opportunity to be heard. This amendment would not prevent a judge from altering in open court the sentence if the law permits.

### Chief Petitioners:

Kevin L. Mannix      Doris D. Kouns      Robert B. Kouns

*(This information furnished by Bob and DeeDee Kouns, Crime Victims United.)*

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## ARGUMENT IN OPPOSITION

As nominees of our political parties for Attorney General of Oregon, we are dedicated to the rule of law, including the swift and certain punishment of crime.

We are also dedicated to the Bill of Rights of Oregon's Constitution which guarantees everyone's rights in Oregon regardless of the rise and fall of decisions made in Washington, D.C. under federal law. Oregon's courts, familiar with this state's people and history, apply our Bill of Rights to protect the rights and freedom of Oregonians.

We deeply believe in protecting and helping the victims of crime in Oregon. They should be informed about the prosecution of those who are accused of injuring them, and their needs should be carefully considered throughout the case. We are proud of our state's efforts to improve the way victims are treated by the criminal justice system, and we are committed to working hard to continue that effort.

We do not believe it is necessary to sacrifice Oregon's constitutional guarantees for everyone, as Ballot Measure 40 would do to protect victims of crime.

Ballot Measure 40 would repeal the protection of whole sections of Oregon's Bill of Rights for everyone, even people who are never charged with a crime. It would apply to crimes that have no victims.

These repeals of Oregon guarantees are placed among sections that are labeled "victim's rights." But the provisions that help victims are rights that victims already have in Oregon. Others can easily be added by statutes, without amending our Constitution.

Ballot Measure 40 amends the Oregon Constitution to take away rights, not to grant them. Those rights, and the others that form our state's Bill of Rights, are every Oregonian's most precious bequest from the men and women who founded our great state.

We urge you to vote No on Ballot Measure 40.

HARDY MYERS      VICTOR HOFFER

*(This information furnished by Hardy Myers and Victor Hoffer.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 40

## ARGUMENT IN OPPOSITION

### PROTECT OUR VALUED CONSTITUTION VOTE NO ON MEASURE 40

Oregon's Constitution — and particularly its Bill of Rights — represents the efforts of Oregonians since the beginning of statehood in 1859 to protect what is unique to our state.

### OREGONIANS VALUE LOCAL CONTROL

Oregonians cherish our special liberties and wish to continue to enjoy rights accorded to generations of Oregonians before us for nearly 140 years.

From the time our state was a distant frontier to the fast-growing state it is now, our state Constitution and elected judges have protected the rights of Oregonians.

As Oregonians, we have shown the nation we can go our own way and achieve a higher standard. What's so special with the Bill of Rights contained in our state Constitution is its safeguards that have protected Oregonians for generations. That would be lost if Measure 40 were to pass.

### OUR CONSTITUTIONAL RIGHTS HAVE ENDURED

We should not approach lightly the amendment or revision of our Bill of Rights. Constitutions are intended to endure. Other changes, either in law or in the culture, occur in response to the passions of the moment and can be changed again when the moment passes.

Amending or revising Oregon's statement of fundamental rights should be undertaken only after careful public deliberation and then thoughtfully drafting of the proposed changes to ensure other rights are not inadvertently diminished.

### CARELESS REVISIONS ARE COSTLY

Ballot Measure 40 represents the opposite of an openly debated, carefully crafted amendment to our Bill of Rights.

Measure 40 might have the impact of completely repealing whole sections of our existing Bill of Rights and discarding more than 140 years of protections enjoyed by all Oregonians.

### MEASURE 40 WILL COST OREGONIANS THE INDEPENDENCE WE'VE CHERISHED FOR DECADES:

Betty Roberts  
Former State Senator and former Oregon Supreme Court Justice

*(This information furnished by Betty Roberts.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 40

## ARGUMENT IN OPPOSITION

### A message from State Representative Floyd Prozanski

As a prosecutor and family member whose sister was murdered, I support the rights of victims and family members. Oregonians passed the Crime Victims' Bill of Rights in 1987. Oregon law now provides for victims and family members to be informed about the prosecution of the accused, to be present at trial and to address the court at the time of sentencing.

I would support Measure 40 if it only strengthened victims' rights. Instead, it takes Constitutional rights away from all Oregonians.

This initiative will reduce many rights Oregonians have enjoyed since statehood. It will also limit many rights currently guaranteed in our state Constitution.

It will require Oregon courts to rely upon federal interpretation instead of our own state interpretation. Oregonians will be forced to live under the federal rule, which removes local control.

Our republican form of government is built on a system of checks and balances. This initiative erodes that system by allowing people not responsible or accountable to Oregonians to make decisions that will affect our lives. Further, it will extinguish many of the safeguards contained in the Oregon Constitution for over 100 years. We should protect our state rights and not settle for federal interpretation of the Oregon Constitution.

I question the wisdom of allowing an individual to be convicted of aggravated murder on less than an unanimous verdict. As a family member of a murder victim, I think not. I also question whether we want to subject all Oregonians to random roadblocks to check for drivers' licenses. As a prosecutor, I think not.

**Every Oregonian should look beyond the title of this initiative and decide whether you are willing to give up your rights as protected under the Oregon Constitution.**

*(This information furnished by Floyd Prozanski, State Representative.)*

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## Measure No. 40

## Measure No. 40

### ARGUMENT IN OPPOSITION

#### OREGON'S CONSTITUTIONAL LAW PROFESSORS URGE YOU TO VOTE NO ON MEASURE 40

**We believe in victims' rights too.**

People injured by crimes should play an important role in the criminal justice system. Many of us support the parts of Measure 40 that give crime victims a more powerful voice.

**But buried in Measure 40 is a far-reaching and dangerous section that has nothing to do with crime victims or their rights.**

Section 2 of Measure 40 requires Oregon's elected officials to interpret two key parts of the Oregon Constitution -- the guarantee against government invasions of privacy and the guarantee against self-incrimination -- in exactly the same way that the United States Supreme Court interprets similar provisions in the U.S. Constitution, even if our own officials disagree.

**This part of Measure 40 doesn't give anybody rights; it takes rights away from all Oregonians.**

It surrenders the most basic right that law-abiding citizens of Oregon have: the right to determine for ourselves some of the most important powers and limitations of our own state government. And it surrenders this fundamental right to federal judges in Washington, D.C. -- judges who are unfamiliar with the character of Oregonians and who are strangers to the text and history of our Oregon Constitution.

**This part of Measure 40 silences Oregonians.**

**Measure 40 turns our Oregon officials into puppets who must mouth opinions dictated by distant members of the federal judiciary. It hands over Oregonians' self-determination to people and institutions we can't control. It gives them a free hand to do as they please with our constitutional rights. It's just not worth it.**

Professor Garrett Epps  
Professor William Funk  
Professor Stephen Kanter  
Professor James O'Fallon  
Professor David Schuman

*(This information furnished by Professor Garrett Epps, Professor William Funk, Professor Stephen Kanter, Professor James O'Fallon, and Professor David Schuman.)*

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### ARGUMENT IN OPPOSITION

#### DON'T EXPERIMENT WITH OREGON'S CONSTITUTION

Most people arrested are guilty. However, sometimes innocent people are mistakenly arrested for a crime they didn't commit. I know that because I have defended them. Measure 40 would amend the Oregon Bill of Rights, treating all arrested persons as the guilty by holding them in jail before trial for certain crimes, unless they could prove they would not commit a future crime. And, just how likely will innocent people be able to prove that, especially since they have been wrongfully arrested in the first place? This would be a dramatic change in Oregon law.

**DON'T EXPERIMENT WITH OREGON'S BILL OF RIGHTS**  
All Oregon judges are elected by the people of Oregon. However, United States Supreme Court justices are politically appointed for life. Measure 40 would require our judges to follow the decisions of unelected federal justices, even if our elected judges disagreed. There is no sound legal reason for constitutionally chaining Oregonians to the decision of unelected federal justices.

**DON'T EXPERIMENT WITH OREGON'S CONSTITUTION**  
Oregon's Bill of Rights has always required 12 jurors to agree before convicting a person of murder. This is the most serious of crimes, for which the punishment is the most serious. We don't want to convict even a single innocent person of such a crime. Measure 40 would reduce the number of votes needed to convict someone of murder to 11.

**DON'T EXPERIMENT WITH OREGON'S BILL OF RIGHTS**  
Oregon's Bill of Rights is founded upon the principle that citizens are innocent unless proven guilty. We would rather risk having nine guilty people go free than wrongly convict even a single innocent person.

#### MEASURE 40 WOULD CHANGE A BASIC PRINCIPLE OF FREEDOM

It is an unjustified experiment with our fundamental rights as citizens of Oregon. We should refuse to experiment with Oregon's Bill of Rights and Constitution which have served us so well for so long.

Mike Swaim  
Attorney at Law

*(This information furnished by Michael E. Swaim.)*

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# Measure No. 40

## ARGUMENT IN OPPOSITION

### SAVE THE BILL OF RIGHTS

#### Vote NO on 40

Oregonians don't want a police state nor an erosion of the presumption of innocence.

In Section 1 (a) Measure 40 provides:

“\*\*\*any person arrested for a crime for which the people have set a mandatory minimum sentence shall not be released prior to trial unless the court determines by clear and convincing evidence that the person will not commit new criminal offenses while on release;”

This statement brings back my childhood memories of Stalin's Russia. KGB agents would come to a person's home, always after midnight in a black van, and arrest the head of the household for a “crime.” He would wait in Siberia for a trial with no right of release. The police were always right.

#### Measure 40 Has Unintended Consequences

Section 1 (f) and Section 6 effectively repeal the defenses known as “self defense,” “defense of a third person,” and “defense of justification.” For example, a jogger, attacked and raped in a public park, kills her rapist and is charged with homicide because there were no witnesses.

If Measure 40 passes, this jogger would have to sit in jail and not be released prior to trial because she could not convince the judge by clear and convincing evidence that she will not kill again if she is attacked by another rapist while on release. Since she is a criminal defendant she could not, under Measure 40, be considered a victim.

Oregon's Constitution has served the citizens well.

The old American saying goes, “if it ain't broke, don't fix it.”  
Vote No on Measure 40.

Enver Bozgoz  
Immigrant and retired attorney  
Klamath Falls

(This information furnished by Enver Bozgoz.)

(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)

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# Measure No. 40

## ARGUMENT IN OPPOSITION

### PROFESSIONALS WHO HAVE WORKED WITH AND FOR CRIME VICTIMS URGE YOU TO VOTE NO ON MEASURE 40

In our professional careers as a former prosecutor, a former police officer and the legal counsel for organizations that assist victims of sexual and domestic violence, we have great sympathy for the victims of crime. However, we must urge Oregonians to vote No on Measure 40.

#### MEASURE 40 IS UNNECESSARY.

Oregon understands that victims of crime must have a voice in our criminal justice system. That is why Oregon has tough laws to ensure that the rights of victims are considered and supported during every step of the legal process. Most of the proposals in Measure 40 duplicate laws that are already on the books!

#### MEASURE 40 IS EXPENSIVE.

Measure 40's cost to taxpayers will greatly outweigh any benefits gained, and will remove much of the discretion the courts and sheriffs need to manage their jail populations within existing budgets.

Arrested persons who are dangerous to the community should stay in jail pending court action. Others, however, should be dealt with in ways deemed appropriate by the courts and sheriffs within the fiscal restraints set by taxpayers.

Oregon already has successful and cost effective supervision programs to monitor defendants released prior to trial. Measure 40 prevents sheriffs and courts from fully utilizing those alternatives which are far less costly than building and operating new jails.

#### MEASURE 40 GOES TOO FAR.

The Oregon Bill of Rights provides stronger guarantees against government invasions of privacy, than the federal constitution. Under Measure 40 (Section 2), all Oregonians will lose those rights. Measure 40 takes away Oregon's autonomy to determine our own principles of criminal justice by restricting us to the more limited federal constitution.

Judith Armatta, legal counsel for the Oregon Coalition Against Domestic and Sexual Violence

Sidney I. Lezak, former U.S. Attorney for Oregon

Tom Potter, retired Chief of Police, Portland Police Bureau

(This information furnished by Jann Carson.)

(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)

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# Measure No. 40

# Measure No. 40

## ARGUMENT IN OPPOSITION

### Vote NO on 40 Our Children's Future Is At Stake

Measure 40 is deceptive. It contains common sense provisions to include victims in the system, **which are already in Oregon law.** These, however, are wrapped around sweeping changes in the juvenile process.

Measure 40 contains radical provisions regarding admissibility of evidence in juvenile court trials. These changes will not only make trials longer and more expensive, they will also set off a blizzard of appeals. Many of these appeals will go all the way to the Supreme Court of the United States, **paid for by the taxpayers of Oregon.**

Measure 40 contains radical provisions requiring the release of psychological evaluations, school records, employment records and health and mental health records of both juveniles **and their parents** to victims with no provision to forbid future release of this information to others.

Measure 40 attempts to tie the hands of the Juvenile Court judge and makes it impossible to revise plans for the juvenile, even years later as circumstances change.

Measure 40 will do away with the detailed pre trial release procedures in juvenile court and replace them with an inflexible standard. It is a stealthy, **unfunded mandate** designed to force construction of even more pre trial lockup facilities throughout Oregon.

Through the initiative process (Measure 11) and the legislative process (Senate Bill One) Oregon has already reformed its juvenile system. These reforms, **developed with the full participation of victims' rights groups**, are based on the imperatives of public safety and individual accountability. These reforms need a chance to work before any inflexible, draconian measures are adopted to pre-empt them.

Measure 40 isn't needed. Victims already have rights in the Juvenile Court and their role is given great respect.

**Defend our state Constitution!**

**Vote no on 40.**

*(This information furnished by Timothy Travis, Juvenile Rights Project.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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## ARGUMENT IN OPPOSITION

### Ballot Measure 40 Measure 40 Takes Away Rights

Under the pretense of giving new rights to crime victims, this amendment to Oregon's Constitution would actually take away every Oregonian's rights. Measure 40 looks like it would give crime victims more rights; however, a closer analysis reveals it actually limits the rights of all individuals.

### Victims' Rights Are Protected by Law

Oregon law already protects the rights of crime victims: victims are entitled to speak at sentencing and dispositional hearings; they are entitled to restitution; they have no obligation to speak to the defendant, the defendant's attorney, or anyone acting on behalf of the defendant. Oregon law already provides mandatory criteria for courts to rely on in making release decisions, including consideration for the safety of the crime victim. District Attorneys already talk to victims about their cases. Victims already have the right to information about the criminal history and sentencing of the defendant.

### Measure 40 Is a Hollow Promise

Rights are not rights unless they are enforceable. Every right this measure pretends to give crime victims in Section 1 is rendered worthless by Section 9 which denies victims any way to enforce their so-called "new rights." A crime victim would have no way to force anyone to follow the rules.

### Don't Be Deceived

Under the guise of expanding rights, this measure would specifically take away the power of our Oregon-elected Supreme Court to determine our personal liberty rights, and give that power to the justices of the United States Supreme Court, who are not accountable to Oregonians.

Don't be duped by Ballot Measure 40. Proponents have tried to ignite voters by using the term "victims' rights" — a term that has come to mean something to Oregonians — in the hope voters won't notice the measure strips all of us of personal rights and gives more power to the government.

**PROTECT YOUR RIGHTS; VOTE NO ON BALLOT  
MEASURE 40.**

*(This information furnished by Alice Ellis and Cathryn Ruckle.)*

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# Measure No. 40

## ARGUMENT IN OPPOSITION

### More Money for Courts and Jails Means Less Money for Kids and Schools

One of the reasons Oregon schools lack adequate funding is because we are spending so much on criminal prosecutions and building prisons. Measure 40 continues and expands the unwise policy of spending more on court process and incarceration instead of investing in our children's future. While victims have legitimate concerns, Measure 40 is not the best way to address them.

#### Measure 40 is Not Good Policy or Fiscally Responsible.

- The proposed changes to pretrial release will further crowd our already overburdened local jails. This will increase costs to local government taxpayers.
- The measure will increase the number of jury trials which will be more costly and further clog our already overcrowded court docket.
- Changing the rules for death penalty cases will result in more costly appeals and substantial delays.
- The proposed changes in the rules of criminal procedure will cause increased district attorney and public defender costs.
- Measure 40 severely limits judges and other authorities from using less expensive and more effective alternatives to traditional incarceration like mandatory alcohol and drug treatment, intensive supervision and electronic bracelets.

Our children need and deserve a high quality education. We need to bring balance back to our use of public funds and focus on funding education.

#### VOTE NO ON MEASURE 40

We are parents, grandparents, business owners and citizens who support education funding:

Marc Abrams • Jane Ames • Jack Bierwirth • Marianne Fitzgerald  
• Janna Kinkade • Norma Paulus • Dr. Matthew Prophet, Jr.  
• Michael Roach • Francie Royce • Beverly Stein • Les Swanson

*(This information furnished by Beverly Stein.)*

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# Measure No. 40

## ARGUMENT IN OPPOSITION

### Women Lawyers Opposed to Measure 40 Measure 40 does NOT provide any victim rights. It is an expensive and invasive attack on Oregon's Bill of Rights.

#### Measure 40 is Another Unfunded Mandate.

This drains dollars from education and family support programs. The costs are unknown. It's fiscally irresponsible to enact Measure 40 without considering the cost of reduced rehabilitation services and overcrowded jails.

#### Measure 40 Invades Your Privacy Rights and Civil Liberties.

A woman's right to choose can be implicated by this amendment, especially if the Federal Supreme Court continues their course of chipping away established protections. Enactment of this amendment seriously jeopardizes the rights of women to make their own choices. Under this amendment, police can:

- maintain surveillance in public bathrooms without suspicion of criminal activity;
- set up road blocks and detain you for vehicle inspection checks, wildlife checks, or to determine whether you have been drinking;
- place tracking devices on your automobile and trace your every movement;
- secretly tape record conversations between prisoners and priests.

#### Measure 40 Supports Warehousing Inmates.

Under this amendment, jail and prison rehabilitation opportunities will be greatly reduced:

- Judges won't be able to send defendants to treatment centers after they have been sentenced.
- The successful "Boot Camp" program which requires hard physical work and rehabilitative efforts by inmates will no longer be able to reduce expensive prison time.

#### Measure 40 Replaces State Rights with Federal Rights

Under this amendment, state judges are forced to use the opinions of the unelected judges on the U.S. Supreme Court in Washington, D.C.

#### Measure 40 is Mean Spirited and Inhumane.

Under this amendment, elderly or dying inmates will not be released to medical facilities or to their families unless the Governor intervenes on each and every case.

#### We urge a NO vote on Measure 40

Marie Desmond, Laura Fine, Shaun McCrea, Karla Nash, Martha Roberts, Ilisa Rooke-Ley,

*(This information furnished by Laura A. Fine.)*

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# Measure No. 40

## ARGUMENT IN OPPOSITION

### **VOTE NO ON MEASURE 40**

As a former prosecutor (and crime victim) I know how vital it is that people injured by crime have a strong voice. But this so-called "Victims Rights" provision does little to improve the plight of crime victims and does severe harm to rights provided by our Oregon Constitution.

Voters should consider these important points:

1. Measure 40 eviscerates existing protections in our Oregon Constitution against unreasonable searches and seizures of our homes, property and families. Our elected officials would be required to interpret these rights as dictated by the U.S. Supreme Court. The U.S. Constitution provides substantially less protection. What is satisfactory for purposes of governing authority in matters of national security or concerns is inappropriate applied to Oregon citizens in day-to-day community life.

2. The balance of the measure is a mish-mash of ill-conceived proposals that create more questions than answers.

3. Evidence obtained in violation of search warrants, wiretap laws and other restrictions on unreliable or improper evidence would now be admissible.

4. Language which purports to tighten up bail standards is so poorly drafted that it's easy to foresee bail being granted on more violent crimes and denied on lesser crimes, depending on how the offense law is passed.

5. Litigation to sort this out will be ongoing and costly.

**This measure will make victims of us all. Vote no on Measure 40.**

Greg Veralrud

*(This information furnished by Greg Veralrud.)*

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# Measure No. 40

## ARGUMENT IN OPPOSITION

### **DON'T GIVE UP YOUR RIGHT TO PRIVACY! VOTE NO ON MEASURE 40!**

Buried in Section 2 of Measure 40 is a provision that would effectively repeal the Oregon Bill of Rights protection of privacy. This has little if anything to do with helping crime victims. Instead, it will encourage overzealous government officials to violate the privacy rights of law-abiding Oregonians.

### **DON'T ENCOURAGE TAPING OF CONFIDENTIAL COMMUNICATIONS!**

If Measure 40 passes, the recent taping of a confidential interview between a Catholic priest and a jail inmate would get the voters' seal of approval. Don't give up your privacy rights!

### **MEASURE 40 THROWS AWAY OREGON SAFEGUARDS**

The Oregon Bill of Rights safeguards Oregonians from unreasonable government searches and does a better job protecting our privacy than the federal Fourth Amendment.

### **Here are some things that become legal in Oregon if Measure 40 is approved:**

- Government agents could secretly videotape you in a public restroom.
- A warrant to search your home could be obtained on the basis of information provided by an unreliable informant who lied to police—even though the police knew he had reason to lie.
- Government agents could board a bus with their weapons drawn, keep you from leaving and interrogate you—even if they had no reason to believe you or any other passenger had done something wrong.
- The government could detain you at the airport because you fit a "drug courier" profile, just like they did to a U of O football recruit in 1992. He happened to be African-American, arriving from Oakland and wearing an article of blue clothing.
- Government agents could trespass on your forested property and look into your house with binoculars just to satisfy their curiosity.

Today, in Oregon, government agents must have evidence you have violated the law before they search you or your possessions. If Measure 40 passes, that will change.

### **DON'T GIVE UP YOUR PRIVACY! VOTE NO ON MEASURE 40!**

*(This information furnished by David Fidanque, American Civil Liberties Union of Oregon.)*

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# Measure No. 40

## ARGUMENT IN OPPOSITION

### The Former Deans Committee

The Oregon Constitution requires that initiative measures must "embrace one subject matter and matters properly connected therewith." The purpose of this provision is to prevent confusion when voters go to the polls. Notwithstanding the decision of the Secretary of State that this Measure involves only one subject, we believe Measure 40 appears to combine more than one subject in this initiative and fails the "one subject test" as defined by the Oregon Supreme Court.

A voter who is hoping to expand the rights of victims would not expect to find hidden within Measure 40 a provision to permit non-unanimous jury verdicts in murder cases, to permit preventive detention without reasonable bail and limits to changes in statutory rules relating to privilege and hearsay except through a state constitutional amendment.

The subject matter confusion stems from a concerted effort to equate the protection of victims' rights with the restriction of a criminal defendant's rights.

Finally, we believe that legal rules affecting the process of a criminal trial belong in laws, not in the Oregon Constitution.

We provide this information to help fellow voters in understanding this measure. Our comments are designed only to provide objective and careful constitutional analysis of the measure. Collectively, we take no position on the other merits of this measure.

Prof. Leroy Tornquist (Chair), Former Dean  
Willamette University College of Law

Prof. Emeritus Chapin Clark, Former Dean  
University of Oregon School of Law

President David Frohnmayr  
University of Oregon  
Former Dean University of Oregon School of Law

Prof. Maurice Holland, Former Dean  
University of Oregon School of Law

Prof. Robert Misner, Former Dean  
Willamette University College of Law

*(This information furnished by Bob Cannon, The Former Deans Committee.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 41

# Measure No. 41

Proposed by initiative petition to be voted on at the General Election, November 5, 1996.

## BALLOT TITLE

### 41 AMENDS CONSTITUTION: STATES HOW PUBLIC EMPLOYEE EARNINGS MUST BE EXPRESSED

**QUESTION:** Shall constitution require that public employee earnings be expressed as employer's cost for employee per hour worked, including wages, benefits?

**SUMMARY:** Amends constitution. Measure requires that public employees' earnings be expressed as costs borne by the employer for the employee's benefit. Those costs include base pay/salary, benefit package, vacation, clothing allowance, rest and meal breaks, holiday pay, personal leave, social security and medicare taxes, retirement, federal unemployment taxes, family leave, sick leave, bonuses, merit pay, overtime, child care, compensation time, employer tax, continuing education, and state unemployment taxes. Workers' compensation premiums are excluded. Measure makes complete information regarding employer costs available to the public.

**ESTIMATE OF FINANCIAL IMPACT:** No fiscal impact to state governments. One-time expenditure to local governments, including schools, of at least \$789,000, assuming a \$1,000 minimum reprogramming expense per public employer payroll system.

#### AMENDS CONSTITUTION

Be it enacted by the People of the State of Oregon:

**PREAMBLE:** Because the taxpayer has the right to know how much their public servants are compensated for their work, and that the taxpayer must have this information in order to hold their government accountable for paying their public servants fairly, the following is enacted:

**SECTION 1. (A)** All publicly funded employees shall have their earnings expressed in terms of Total Compensation per hour actually worked.

**(B)** All publicly funded employee service in the various ranges and position classes shall be expressed in Total Compensation per hour actually worked.

**(C)** The people of the State of Oregon have a right to access complete information regarding the Total Compensation provided to all public employees.

**(D)** Section 1 of this 1996 Act shall be implemented July 1, 1997.

**SECTION 2.** The following are definitions for this Act:

**(A)** Total Compensation shall include all cost borne by the employer for the benefit of the employee, except workers compensation premiums. These costs shall include, but are not limited to base pay/salary, benefit package, vacation, clothing allowance, rest and meal breaks, holiday pay, personal leave, Social Security and Medicare taxes, retirement, federal unemployment, family leave, sick leave, bonuses, merit pay, overtime, child care, compensation time, employer tax, continuing education, and state unemployment taxes.

**(B)** A "Publicly Funded Employee" means any person employed by any unit of state or local government, including but not limited to state

agencies, counties, cities, school district, and government service districts, and any person who qualifies for membership under the Public Employee Retirement System.

**SECTION 3.** These sections shall supersede any other provision of the Oregon Constitution with which they conflict. If any subsection, clause or part of these sections is held invalid under the United States Constitution as to any person or circumstance by any court of competent jurisdiction, the remaining subsections, clauses and parts shall not be affected and shall remain in full force and effect.

## EXPLANATORY STATEMENT

This measure places an existing statutory right of public access to public employee compensation information in the Oregon Constitution. It provides that beginning July 1, 1997:

All employees of any unit of state or local government and any persons who qualify for membership under the Public Employee Retirement System would have their earnings expressed in terms that include all costs borne by the employer for the benefit of the employee for each hour actually worked, as opposed to the general practice of expressing salary and other benefit figures separately.

Those compensation costs exclude workers compensation premiums, but include base pay or salary, benefit package, vacation, clothing allowance, rest and meal breaks, holiday pay, personal leave, Social Security and Medicare taxes, retirement, federal unemployment, family leave, sick leave, bonuses, merit pay, overtime, child care, compensation time, employer tax, continuing education and state unemployment taxes.

#### Committee Members:

Thomas W. Mann  
Gordon Miller  
Greg Hartman  
Bill Uehlein  
Don Scarborough

#### 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 No. 41

## ARGUMENT IN FAVOR

### VOTERS PAMPHLET STATEMENT BALLOT MEASURE 41 PROPONENT

Over the past several years, we in the public have heard the sometimes disturbing and personal debate over public employee pay in this state. Each side has presented over the course of this debate several sets of figures which supposedly show the costs borne by the taxpayer for its public servants. However, as each set of numbers is made public, the other side disputes the legitimacy of the research.

Then one day I came across an article in *The Oregonian* by the Executive Director of the Oregon Public Employees Union, Alice Dale. "...if we look at the whole picture--**total compensation....Total compensation** for both groups (public/private) is at market," Dale wrote. (*The Oregonian* 7/5/94)

Total Compensation, listing all costs borne by the employer for the employee, is not a new concept. Many businesses, including mine, use this method to account for its human resource expenditures. In fact, I am told that some units in state government also use this method.

That is why I am supporting Alice Dale's implied suggestion, and have submitted Ballot Measure 41 to the people of Oregon. Measure 41 implements Total Compensation throughout our entire public employee system.

The benefits of such a system are obvious. First and foremost, the argument as to just how much does a public employee make will end! Secondly, the intent of this measure is to give our public servants more freedom by outlining just what they are receiving from their employers. This will allow them to make better informed choices regarding their compensation. Lastly, the public will have an audit as to where its hard-earned tax money is going.

Alice Dale is correct in her thinking. A little sunshine about the total compensation of our public servants is a healthy step to end this ridiculous debate.

**Vote YES on 41**

(This information furnished by Gordon Miller, M.D.)

(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)

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# Measure No. 41

## ARGUMENT IN FAVOR

We public employees have a choice to make this November. For a long time we've hid behind the skirts of our unions when the public has asked for accountability for their tax dollars. The unions have said that it's no one's business what we make - salary or benefits. The union says that anyone who asks where their money goes is looking to hurt us. But the union's attitude has done nothing but increase the public's mistrust and anger with its public servants. To conceal salary and benefit information from the public only confirms suspicions that we are overpaid, and scared of the truth.

As a retired school teacher, I know this is not the case, and we must prove that we have nothing to hide from the public that funds our positions, and the needed services we provide this state. And although the union has opposed Ballot Measure 41's sunlight provisions to share our salary and benefits as total compensation with the public, the union's wrong on this one!

When I taught school, I instructed my students in openness, fairness, and honesty. As a retired school teacher, I am proud to support the provisions in Measure 41 because they live up to these same standards we expect from our government, openness, fairness, and honesty!

It is important to note that this measure does not in any way change anyone's salary or benefits. In fact, **it may protect our benefits such as PERS and sick leave from future raids.** What Measure 41 does is list the total compensation of public employees, information which already is public record.

Like you, I worked very hard for my students, my community and my state. I have never been afraid of the truth, and Measure 41 just makes sense. The public has a right to know how their public servants are compensated, that's why I'm vote **YES on Ballot Measure 41.**

(This information furnished by Yvon Estes.)

(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)

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# Measure No. 41

# Measure No. 41

## ARGUMENT IN FAVOR

### It's Just Not Fair!

That's what the public employee unions want you to believe about Ballot Measure 41. And although they've packaged their argument in a new bottle, **it's the same old whine!**

\* It's not fair to include benefits as part of public employee compensation.

\*It's not fair to demand accountability from our government, and public servants.

\*It's not fair to make sure that a public employee who works 60 hours a week is actually paid for 60 hours worth of work.

\*It's not fair to allow state employees to compare their total compensation to their peers.

\*It's not fair for the taxpayer to see if their public servants are compensated fairly.

\*It's not fair for taxpayers to see if we get what we're paying for!

Seems that the unions are afraid of making their public employee's salary and benefits as described as total compensation. This is **all** Ballot Measure 41 does. So, what does the union have to hide? Don't stand for the union's "shell game." It's your money, find out how it's spent.

**Vote YES on 41**

*(This information furnished by Dan Estes.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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## ARGUMENT IN FAVOR

### Ignorance is Bliss!

At least that's what the opponents of Ballot Measure 41 would like the taxpayers to think! You see, Measure 41 is a "sunshine" measure which makes public all the tax money spent on public employee salary and benefits.

It's true that this information already is public record; however, neither legislators nor the public at large has ever really been able to get their hands on the exact numbers. Seems that someone has made it very difficult to find out just how much tax money is spent on **all** public employee pay and benefits. That's why Measure 41 is so important. There can be no doubt that the public is entitled to know just what is spent on its government, **and Measure 41 outlines these costs explicitly.**

So the question that begs is this: Why are the unions afraid of showing the public the real numbers? Could it be that the union has been less than forthcoming in past debates regarding the total compensation of its employees? **Hmmm.** As Shakespeare once said, "Me thinkest thou protesteth too much!"

Ballot Measure 41 **DOES NOT in any way affect salary or benefits.** It only documents what they are, and makes this information available to the boss, you the taxpayer. Don't let your government hide the truth from you. Demand an accounting for the ever increasing amount of money you give to Salem.

**VOTE YES ON MEASURE 41**

*(This information furnished by Tom Mann.)*

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# Measure No. 41

## ARGUMENT IN OPPOSITION

### PROTECT OUR CONSTITUTION FROM CLUTTER: VOTE NO ON 41

From the Desk of Governor John Kitzhaber, M.D.

Dear Oregon Voter:

The Oregon Constitution is a precious document that guides Oregon government and protects our rights. It should not be used frivolously. Ballot Measure 41 would add unnecessary, confusing language to the Oregon Constitution.

#### It doesn't belong in the constitution.

Reporting of public employee salaries is an accounting issue. It has nothing to do with the basic foundations of Oregon government. It has nothing to do with citizen rights.

It has no place in the Constitution.

#### Further, this information is already available to anybody who wants it.

Oregon provides detailed information about public employee compensation, including wages and benefits. It's easy to access and easy to understand.

#### Finally, Measure 41 pits Oregonians against each other.

It's time to stop treating our public servants unfairly. We are ready to move on, to work together to make our communities and our government agencies work as well as they possibly can.

Oregon faces many challenges in the coming year: improving our roads, our schools and our environment. Let's focus our energy on solving those problems instead of this type of divisive ballot measure.

#### Reject a negative, needless addition to Oregon's Constitution.

#### VOTE NO ON 41.

Sincerely,

John A. Kitzhaber, M.D.

*(This information furnished by Governor John A. Kitzhaber, M.D.)*

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# Measure No. 41

## ARGUMENT IN OPPOSITION

### KEEP COMPLEX RECORD-KEEPING OUT OF THE OREGON CONSTITUTION

#### Vote no on 41.

Ballot Measure 41 would impose a lengthy list of unnecessary, complex record-keeping that dictates the way public agencies should report employee compensation.

Adding such accounting practices clutters the Constitution. For example, Measure 41 requires accountants to keep track of things like how many times a month every police officer in the state dry cleans his or her uniform.

Measure 41 is being sponsored by one millionaire who spent nearly \$75,000 of his own money to go after public employees. We cannot continue to let special interests tamper with our Constitution.

#### It could raise costs for all of us.

The volume of details required by Measure 41 would add work to the accounting staffs of all agencies. This is a waste of time and money.

#### Vote no on Ballot Measure 41. It doesn't belong in the Constitution.

*(This information furnished by Dianna McCoy, Treasurer, We Already Have This Information Comm.)*

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# Measure No. 41

# Measure No. 41

## ARGUMENT IN OPPOSITION

### BALLOT MEASURE 41: OPENING THE DOOR TO TAXING YOUR BENEFITS?

#### Caution Requires a NO Vote on Measure 41.

#### Keep wages, benefits separate

Many Oregonians work for businesses that provide health care, retirement and other benefits. These benefits never have been taxed by any level of government. •

Now, some people want to lump the salary and benefits of public employees together and show only a single amount.

Is this the first step in taxing benefits for both public and private employees?

#### What if they taxed benefits?

Health insurance is a valued contribution that employees receive from employers. But if it were taxed, workers take-home pay would be much less.

In addition, by lumping together salary and benefits, many businesses that pay taxes based on employee compensation might have to pay higher taxes.

#### Don't set a precedent.

Traditionally, compensation for both public and private workers is described by salary plus benefits. There's no reason to change this tradition, except to pave the way to tax our benefits.

#### Why take the chance? Vote no on Measure 41.

*(This information furnished by Irvin H. Fletcher, President, Oregon AFL-CIO.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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## ARGUMENT IN OPPOSITION

### UNDER BALLOT MEASURE 41, GOVERNMENTS WOULD HAVE TO PROVIDE MISLEADING INFORMATION.

Ballot Measure 41 is intended to make it look like all public employees earn a lot more money than they really do. No one in the private sector has their benefits calculated in a way that makes it look like take-home pay – but that's just what Measure 41 will do to public employees.

Let's look at what "benefits" would be included in the calculations:

The cost of:

- uniforms and their cleaning
- required continuing education
- federal and state unemployment taxes
- local employer taxes
- legally required rest and meal breaks
- Social Security taxes

If you include these all these items, you can make it look like every public employee makes a lot of money. But if you considered all these as "benefits" for any employee – public or private – it would make their compensation seem a lot higher, too.

In fact, once this kind of salary and benefits calculation happens to public employees, private sector employees will be next.

Don't be fooled by the title "Truth in Compensation."

Ballot Measure 41 would lead to distortions and half truths. It would do nothing to balance government budgets.

#### Vote NO on Measure 41.

*(This information furnished by Dianna McCoy, Treasurer, We Already Have This Information Comm.)*

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# Measure No. 41

## ARGUMENT IN OPPOSITION

**PUBLIC EMPLOYEES BELIEVE  
THE CONSTITUTION IS NO PLACE TO DISTORT THE TRUTH**

**Vote NO on Measure 41**

The creators of Measure 41 want Oregonians to believe that public employees earn far more in salary than they actually do. Have you ever thought your own lunch break or federal unemployment taxes should be counted as "salary?" Measure 41 does. And Measure 41 would become a part of Oregon's Constitution. We can't figure out why. The Constitution is no place to distort the truth.

**OREGON'S PUBLIC EMPLOYEES AREN'T AFRAID  
TO TELL YOU WHAT WE EARN. IT'S PUBLIC RECORD.**

**Vote NO On Measure 41  
It's Misleading**

Why distort the facts and put them in the Constitution? It's bad public policy. Support what's real. Salaries are just that -- salaries. Lunch breaks should not be counted (and reported) as salaries. Imagine the administrative nightmare and high costs this measure would create. Talk about government waste. Talk about bureaucracy.

**YOU CAN STOP IT.  
VOTE NO ON MEASURE 41.**

Bruce Adams, President  
Oregon Education Association (OEA)

Ken Allen, Executive Director  
American Federation of State, County Municipal Employees  
(AFSCME)

Karla Spence, President  
Oregon Public Employees Union (OPEU)

*(This information furnished by Bruce Adams, Oregon Education Association.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 42

Proposed by initiative petition to be voted on at the General Election, November 5, 1996.

## BALLOT TITLE

### **42 AMENDS CONSTITUTION: REQUIRES TESTING OF PUBLIC SCHOOL STUDENTS; PUBLIC REPORT**

**QUESTION:** Shall constitution require annual testing of grade 4-12 public school students, and public report on total testing results?

**SUMMARY:** Amends constitution. Requires annual testing of all grade 4-12 public school students. Tests include, but not limited to, math and verbal skills. All students in same grade must take same test in same academic year. Tests cannot contain moral, social, or political value testing. Individual results must be released to student and parents. Department of Education must issue public report with total testing results, by school and grade. Each student's results must be kept for research purposes, cross-reference with college admission tests.

**ESTIMATE OF FINANCIAL IMPACT:** Direct state expenditures to implement a one-time change required by this measure is estimated at \$525,000. Annual direct expenditures of administering and updating the tests are estimated at \$1.985 million to \$6.914 million depending on the type of test used. Allocation of these expenditures between state and local school districts cannot be determined.

#### **AMENDS CONSTITUTION**

**Be it enacted by the People of the State of Oregon:**

**PREAMBLE:** Because the taxpayer has the right to ensure that their money spent on public education is effective in educating their children in academic basics, and in order to help hold the schools accountable for educating their children, the following is enacted:

**SECTION 1. (A)** A criterion reference test, which includes but is not limited to math and verbal skills, shall be given annually to all students receiving public funding for their K-12 education who are in grades 4 through 12. The test shall be given within two weeks of the start of each academic year.

**(B)** The same test shall be given to all students within the same academic year and same grade. The test shall not contain any moral, social or political value testing.

**SECTION 2. (A)** The test shall be identified by student name, student identification number, birth date, gender, grade level, academic year and school identification. The school shall release individual test results which include the student's name only to the student, and to the student's parent, or the student's legal guardian. These results must be provided within 90 days of the test date.

**(B)** The Department of Education shall issue a public report on the test which includes the total testing results of each school and each grade in the school as compared to statewide results of the test within 90 days of the test date.

**(C)** The Department of Education shall keep a record of each student's test result with student identifiers for at least two years after the student's estimated graduation date for

# Measure No. 42

research purposes. This information shall be public. However, the Department of Education shall take all necessary steps to ensure the privacy of individual student's name and confidentiality while complying with this subsection.

**(D)** The Department of Education shall ensure that every criterion reference test can be cross-referenced, via student identification number, with college admission tests given in the public schools for the purpose of both public and private research.

**SECTION 3.** These sections shall supersede any other provision of the Oregon Constitution with which they conflict. If any subsection, clause or part of these sections is held invalid under the United States Constitution as to any person or circumstance by any court of competent jurisdiction, the remaining subsections, clauses and parts shall not be affected and shall remain in full force and effect.

## EXPLANATORY STATEMENT

This measure amends the Oregon Constitution by adding sections related to the testing of certain students. The Oregon Constitution does not contain testing or assessment requirements for students. Current law requires the Department of Education to test students in grades 3, 5, 8, and 10.

The measure amends the Oregon Constitution to require annual statewide testing of all public school students in grades 4-12. The test, required to be given within two weeks of the beginning of each school year, will include math and verbal skills. The test must not contain moral, social or political value testing.

The measure requires the test to be identified by student name, student identification number, birth date, gender, grade level, academic year and school identification. The measure requires the school to release individual test results, including the student's name, only to the student and the student's parent or guardian.

The measure requires the Department of Education to keep public records of each student's test to ensure the test results can be cross referenced with college entrance exams and for research purposes. The Department of Education must take all necessary steps to ensure the confidentiality of all individual students.

The Department of Education must, within 90 days of the test date, issue a public report on the test. The report must include the total testing results of each school and each grade in the school as compared to statewide results.

The measure supersedes any other provision of the Oregon Constitution that it may conflict with. If any portion of the measure is invalidated, the remaining portions remain in full force and effect.

#### **Committee Members:**

Thomas W. Mann  
Gordon Miller  
John Marshall  
Greg McMurdo  
Don Scarborough

#### **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 No. 42

## ARGUMENT IN FAVOR

Since about 1991 there has been a storm raging in Oregon over our public education system, and how we are teaching our children. And while the Legislature, the education establishment, and parents have been in a tug-of-war over education reform, the real issue at hand is this: Does our education system work?

During the 1995 Legislative session, that question was almost addressed. However, like most things in the Legislature their efforts fell short. That is why the people of Oregon will have the opportunity to vote on Ballot Measure 42.

Ballot Measure 42 implements yearly testing of our public school students in grades 4-12. Every student in these grades will take the test, and test results will be compared by grade, school and school district. Measure 42 became necessary when the Legislature failed to put adequate testing provisions in its last education reform law. The Legislature's approach, endorsed by the education establishment, was to only test certain students in sporadic grade levels. The flaws in this system are obvious: There is no clear way to track the educational system; Students can fall between the cracks in non-test years and never fully catch up; and this method is not accountable to parents and taxpayers. Only by testing annually can we truly measure the effectiveness of the \$3.5 Billion we taxpayers give to our schools to teach our children the "Three Rs."

The test proposed by Measure 42 tests verbal and math skills only, and is given within two weeks of the beginning of the school year. The reason it is given at the beginning of the year is so that challenged students will receive the help they need at the beginning of the year, and not suffer through the whole year before they are tested, and we learn of their difficulties.

**YES on 42 for Accountability**  
**YES on 42 for our Communities**  
**YES on 42 for our Children**

(This information furnished by Gordon Miller, M.D.)

# Measure No. 42

## ARGUMENT IN FAVOR

**Students fail to get better math scores**  
**(The Oregonian 8/22/96)**

Last session, we approved more than \$3.5 billion for K-12 education. And the result? "I've been announcing the same dismal math scores for five years." State Superintendent Norma Paulus conceded **(The Oregonian, 8/22/96)** After four years in her position, Paulus and her staff have been touting ineffective "solutions" to the problem, and have continued to lay blame everywhere except on their own education reform efforts.

As Chairperson of the House Education Subcommittee during the 1995 Legislative Session, I have seen overwhelming evidence that substantiates that our educational system has been failing our children. The August *Oregonian* story confirms my fears. "...in a review last week, the American Federation of Oregon Teachers ranked Oregon low, saying its content standards were incomplete and vague." **(Statesman Journal 8/18/96)** We can no longer afford to fail our children, and that's why I am supporting Ballot Measure 42. Measure 42 implements yearly school testing in grades 4-12. **This test will audit our K-12 education system** to determine if it works. And if the Federation of Oregon Teachers is correct, we have a lot of work to do!

Clearly, the current system is not working. Only by tracking our students every year will be able to determine where are system is failing them. The current practice of testing only in sporadic years has given us these dismal math scores for five years! Although the education establishment is balking at yearly testing, **there must be accountability for the billions of dollars we are spending to educate our children! Measure 42 guarantees parents and taxpayer this accountability.**

It's time for parents and taxpayers to demand accountability. Annual testing will help identify problems before they infect the system. **This will positively increase the value of each education dollar spent!** Join me, State Representative Patti Milne, in voting for Ballot Measure 42.

(This information furnished by Patti Milne, State Representative.)

(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)

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## Measure No. 42

### ARGUMENT IN FAVOR

Last year, the Oregon Legislature approved more than \$3.5 billion for our K-12 public schools for the 1995-97 biennium, according to Associated Oregon Industries. Now, the education establishment is balking at Ballot Measure 42's school testing provisions because they say it costs too much money.

According to Legislative Fiscal Office calculations, Measure 42's yearly testing of all public school students in grades 4-12 will cost between \$2-\$7 million. These amounts represent **less than one-tenth of one percent** of the total state budget for K-12 education.

While the education establishment would like you to think the measure is cost prohibitive, their motives obviously lie elsewhere given the reality of how little it cost to make such a huge investment in the education of our children.

So what gives? What is their motive for opposing yearly school testing of every student in grades 4-12? Could it be they currently don't test all the students, only the achievers? Could it be that when compared with other school districts there will be an uneven application of education throughout the state? Could it be they don't want parents to have a way to hold their school districts accountable? Or is it they are not sure the educational system they have implemented actually works?

No matter what their motive, **they are wrong for opposing yearly school testing.** Acting as an audit, yearly testing will not only check to see if the system is working, but will help teachers, and parents identify students who may need a little extra help at the beginning of the year to be successful by year's end.

There can be no greater task than educating our children. Don't let the education bureaucracy get away with more scare tactics. Our children's futures are too important.

**VOTE YES ON BALLOT MEASURE 42**

*(This information furnished by Eleanor J. Boese.)*

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## Measure No. 42

### ARGUMENT IN FAVOR

#### It's Just Not Fair!

At least that's what the education establishment wants you to believe about Ballot Measure 42, which implements yearly school testing of all our public school students in grades 4-12, and compares the results by grade and school.

\*It's just not fair to test all the students.

\*It's just not fair to compare the test results with other school districts.

\*It's just not fair to spend **less than one-tenth of one percent** of the entire K-12 budget on testing.

\*It's just not fair that parents will have a guide by which they can judge their child's education.

\*It's just not fair that taxpayers will have some accountability for their education dollars.

\*It's just not fair to test students at the beginning of the year to identify those who may need early help.

\*It's just not fair to test yearly, so that students don't "fall through the cracks."

\*It's just not fair to make sure our students can read and write when they graduate high school.

If all this is unfair, the question that the education establishment must answer is this: **What Are You Afraid of?** What do you think these verbal and math tests will show when actually taken by **all the students**, not just the ones hand-picked to take the test, Hmmm?

Every good parent knows there is nothing evil about testing the educational system under which their child is taught the "Three Rs." Ballot Measure 42 simply expands the state's future plans to test sporadic grades, and replaces those plans with yearly testing to ensure no Oregon student "falls between the cracks" of our educational system.

Educating our children is the most important thing we can do for Oregon's future. Ensure our children the best education we can provide.

**VOTE YES ON BALLOT MEASURE 42**

*(This information furnished by Tom Mann.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 42

# Measure No. 42

## ARGUMENT IN FAVOR

Remarkably, the education establishment is balking at testing our public school children every year from the fourth grade through their senior year. Ballot Measure 42, which implements this testing, will make our educational system accountable to parents, and taxpayers. Yet, the very people who run the system seem scared to let the public see how our schools are really doing. That's why we need Ballot Measure 42!

The opponents of yearly testing argue they already are testing some school students, and that it's not fair to compare individual schools across the state. These arguments hold no water whatsoever. Current law only tests grades 3, 5, 8, and 10. This band-aid approach does not fully test the educational system, and gives parents and teachers little opportunity to catch challenged students before they fall through the cracks of our educational system. That's why students are graduating high school who can't read or do simple math; there is no accountability in the current system. Comparing our schools is very important because every Oregon student deserves the same level of education whether the student goes to school in Beaverton or Burns. Currently, this is not the case, and it needs to change.

According to Associated Oregon Industries, our public schools spent more than \$3.5 billion to educate our children. Ballot Measure 42 advocates spending **less than one tenth of one percent** of that money to test our educational system to ensure our children are getting the education we have paid for. This is a very small investment in our children which will reap significant dividends in their future.

Measure 42 is on the ballot because the education establishment does not necessarily want you to know how your school is doing, and if the educational system implemented by your school is working. **However, what you don't know could hurt you and your children.** That's why you need to vote

**YES on Ballot Measure 42.**

*(This information furnished by Dan Estes.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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 OPPOSITION

### Unnecessary Measure Duplicates State Tests

#### State Superintendent Urges No on 42

- **Oregon already tests students.** Since 1991, the Oregon Department of Education has developed a statewide testing system for students in grades 3, 5, 8, 10 and 12 in English, mathematics, science and the social sciences. These tests:
  - Are criterion-referenced;
  - Given annually to students in the same year and grade;
  - Test mathematics, verbal and other academic skills;
  - Produce a public report, comparing local and statewide results;
  - Do not test moral, social or political values; and
  - Protect student privacy.
- **Students already take state, district and classroom tests.** Ballot Measure 42 would require even more tests. This would be duplicative, costly and drain money from classrooms.
- **Early tests do not evaluate teaching and learning.** Teachers need the first weeks of school to help students settle back into the classroom. Tests during that time measure what students forgot over summer vacation, not what they learned after a few months of study. State tests are given in the spring to more effectively assess teaching and learning.
- **Constitutional amendments should reflect basic principles.** This ballot measure eliminates flexibility and short-circuits local control. Constitutional amendments should be informed, long-term solutions to public policy issues, not short-sighted reactions.

**Please Vote NO on Ballot Measure 42.**

Norma Paulus  
State Superintendent of Public Instruction  
(Not paid for with public funds.)

*(This information furnished by Norma Paulus, State Superintendent of Public Instruction.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 42

## ARGUMENT IN OPPOSITION

### **SCHOOL TESTS IN OREGON'S CONSTITUTION?**

It's Unnecessary. It's Inappropriate.

### **Oregon's Teachers Urge a No Vote on Measure 42**

Oregon's students are routinely tested in the classroom. Currently, most Oregon students take three kinds of tests: state tests, district achievement tests and their classroom teacher tests. More testing isn't the answer to a better education. Excessive mandated testing offers serious drawbacks.

### **STUDENTS LOSE INSTRUCTIONAL TIME**

Time testing is time away from learning.

### **MANDATED TESTS OFTEN DICTATE WHAT IS TAUGHT**

Test-driven instruction focuses on test content. This neglects other material which could be explored in the classroom.

### **COMMUNITIES LOSE LOCAL CONTROL**

Mandated testing moves school authority away from the classroom and towards the legislature.

### **IT'S UNNECESSARY PRESSURE ON THE STUDENTS**

Educators know you cannot test students to higher knowledge levels. Instruction time does that.

### **STUDENT TESTING DOESN'T BELONG IN OREGON'S CONSTITUTION**

Any student can tell you the Constitution was created for higher purposes than student testing. Oregon's Constitution shouldn't be cluttered with trivia.

### **Vote NO on Measure 42**

Bruce Adams, president  
Oregon Education Association

*(This information furnished by Bruce Adams, Oregon Education Association.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 43

# Measure No. 43

Proposed by initiative petition to be voted on at the General Election, November 5, 1996.

## BALLOT TITLE

### 43 AMENDS COLLECTIVE BARGAINING LAW FOR PUBLIC SAFETY EMPLOYEES

**RESULT OF "YES" VOTE:** Yes vote reinstates collective bargaining law in effect before 1995 changes for public safety employees.

**RESULT OF "NO" VOTE:** No vote retains current collective bargaining law for fire, police, correctional, other public safety employees.

**SUMMARY:** Amends Oregon law. In 1995, legislature changed public employee collective bargaining law. Changes included limiting required issues for bargaining, reducing categories of public employees allowed to unionize, permitting employee discharge in more situations, changing process for union contract arbitration when bargaining does not succeed. Measure defines class of public safety employees, all of whom are prohibited from striking, reinstates collective bargaining law in effect before 1995 changes (with some differences) for these employees only. Public safety employees are police, fire, correctional, and emergency dispatch employees.

**ESTIMATE OF FINANCIAL IMPACT:** No financial effect on state or local government expenditures or revenues.

### THE OREGON PUBLIC SAFETY ACT

*Be it enacted by the People of the State of Oregon.*

#### Section 1

Sections 1 through 24 of this measure shall be added to and become part of ORS Chapter 243.800.

#### Section 2

243.800. Policy statement.

(1) The people of this state have a fundamental interest in the development of harmonious and cooperative relationships between government and its public safety employees;

(2) Recognition by public employers of the right of public safety employees to organize and full acceptance of the principle and procedure of collective negotiation between public employers and public safety employee organizations can alleviate various forms of strife and unrest. Experience in the private and public sectors of our economy has proved that unresolved disputes in the public service are injurious to the public, the governmental agencies, and public safety employees;

(3) Experience in private and public employment has also proved that protection by law of the right of employees to organize and negotiate collectively safeguards employees and the public from injury, impairment and interruptions of necessary services, and removes certain recognized sources of strife and unrest, by encouraging practices fundamental to the peaceful adjustment of disputes arising out of differences as to wages, hours, terms and other working conditions, and by establishing greater equality of bargaining power between public employers and public safety employees;

(4) The state has a basic obligation to protect the public by attempting to assure the orderly and uninterrupted operations and functions of government; and

(5) It is the purpose of ORS 243.800 to 243.880 to obligate public employers, public safety employees and their representatives to enter into collective negotiations with willingness to resolve grievances and disputes relating to employment relations and to enter into written and signed contracts evidencing agreements resulting from such negotiations. It is also the purpose of ORS 243.800 to 243.880 to promote the improvement of employer-employee relations within the various public employers by providing a uniform basis for recognizing the right of public safety employees to join organizations of their own choice, and to be represented by such organizations in their employment relations with public employers.

#### Section 3.

243.805. Definitions for ORS 243.800 to 243.880.

As used in ORS 243.800 to 243.880, unless the context requires otherwise:

(1) "Appropriate bargaining unit" means the unit designated by the board to be appropriate for the purpose of collective bargaining.

(2) "Board" means the Employment Relations Board.

(3) "Certification" means official recognition by the board that a labor organization is the exclusive representative for all of the public safety employees in the appropriate bargaining unit.

(4) "Collective bargaining" means the performance of the mutual obligation of a public employer and the representative of its public safety employees to meet at reasonable times and confer in good faith with respect to employment relations, or the negotiation of an agreement, or any question arising thereunder, and the execution of a written contract incorporating any agreement reached if requested by either party. However, this obligation does not compel either party to agree to a proposal or require the making of a concession.

(5) "Compulsory arbitration" means the procedure whereby parties involved in a labor dispute are required by law to submit their differences to a third party for a final and binding decision.

(6) "Confidential employee" means one who assists and acts in a confidential capacity to a person who formulates, determines and effectuates management policies in the area of collective bargaining.

(7) "Employment relations" includes, but is not limited to, matters concerning direct or indirect monetary benefits, hours, transfers, vacations, sick leave, employee safety, promotions, grievance procedures and other conditions of employment.

(8) "Exclusive representative" means the labor organization which, as a result of certification by the board or recognition by the employer, has the right to be the collective bargaining agent of all public safety employees in an appropriate bargaining unit.

(9) "Fair-share agreement" means an agreement between the public employer and the recognized or certified bargaining representative of public safety employees whereby public safety employees who are not members of the public safety employee organization are required to make an in-lieu-of-dues payment to a public safety employee organization except as provided in ORS 243.810. Upon the filing with the board of a petition by 30 percent or more of the public safety employees in an appropriate bargaining unit covered by such union security agreement declaring they desire that such agreement be rescinded, the board shall take a secret ballot of the public safety employees in such unit and certify the results thereof to the recognized or certi-

## Measure No. 43

fied bargaining representative and to the public employer. Unless a majority of the votes cast in an election favor such union security agreement, the board shall certify deauthorization, thereof. A petition for deauthorization of a union security agreement must be filed not more than 90 calendar days after the collective bargaining agreement is executed. Only one such election shall be conducted in any appropriate bargaining unit during the term of a collective bargaining agreement between a public employer and the recognized or certified bargaining representative.

(10) "Labor dispute" means any controversy concerning employment relations or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment relations, regardless of whether the disputants stand in the proximate relation of employer and employee.

(11) "Labor organization" means any organization which has as one of its purposes representing public safety employees in their employment relations with public employers.

(12) "Legislative body" means the Legislative Assembly, the city council, the county commission and any other board or commission empowered to levy taxes.

(13) "Supervisory employee" means any individual having authority in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other public safety employees, or having responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection therewith, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. However, the exercise of any function of authority enumerated in this subsection shall not necessarily require the conclusion that the individual so exercising that function is a supervisor within the meaning of ORS 240.060, 240.065, 240.080, 240.123, 243.800 to 243.880, 292.055, 341.290, 662.705, 662.715 and 662.785.

(14) "Mediation" means assistance by an impartial third party in reconciling a labor dispute between the public employer and the exclusive representative regarding employment relations.

(15) "Payment-in-lieu-of-dues" means an assessment to defray the cost for services by the exclusive representative in negotiations and contract administration of all persons in an appropriate bargaining unit who are not members of the organization serving as exclusive representative of the public safety employees. The payment shall be equivalent to regular union dues and assessments, if any, or shall be an amount agreed upon by the public employer and the exclusive representative of the public safety employees.

(16) "Public safety employee" means an employee of a public employer, where such employee's job duties include public safety functions. "Public safety employee" includes all employees employed by the Department of State Police, city police departments, county sheriff departments, state and local correctional facilities and institutions, fire departments, fire protection districts, fire protection agencies, and emergency dispatch agencies, but does not include elected officials, persons appointed to serve on boards or commissions or persons who are "confidential employees" or "supervisory employees."

(17) "Public employer" means the State of Oregon or any political subdivision therein, including cities, counties, community colleges, school districts, special districts and public and quasi-public corporations. "Public employer" includes any individual designated by the public employer to act in its interests in dealing with public safety employees.

(18) "Strike" means a public safety employee's refusal in concerted action with others to report for duty, or his or her willful

## Measure No. 43

absence from his or her position, or his or her stoppage of work, or his or her absence in whole or in part from the full, faithful or proper performance of his or her duties of employment, for the purpose of inducing, influencing or coercing a change in the conditions, compensation, rights, privileges or obligations of public employment; however, nothing shall limit or impair the right of any public safety employee to lawfully express or communicate a complaint or opinion on any matter related to the conditions of employment.

(19) "Unfair labor practice" means the commission of an act designated an unfair labor practice in ORS 243.815.

(20) "Voluntary arbitration" means the procedure whereby parties involved in a labor dispute mutually agree to submit their differences to a third party for a final and binding decision.

### Section 4

243.808 Rights of public safety employees to join labor organizations.

Public safety employees have the right to form, join and participate in the activities of labor organizations of their own choosing for the purpose of representation and collective bargaining with their public employer on matters concerning employment relations. Public safety employees shall have the collective bargaining rights as set forth in ORS 243.800 to ORS 243.880, and shall not be subject to the provisions of ORS 243.650 to 243.782. Nothing in this chapter shall restrict the right of a public employer to discipline or discharge a public safety employee for just cause.

### Section 5

243.810. Certified or recognized labor organization as exclusive public safety employee group representative; protection of public safety employee nonassociation rights.

(1) A labor organization certified by the Employment Relations Board or recognized by the public employer is the exclusive representative of the public safety employees of a public employer for the purposes of collective bargaining with respect to employment relations. Nevertheless any agreements entered into involving union security including an all-union agreement or agency shop agreement must safeguard the rights of nonassociation of public safety employees, based on bona fide religious tenets or teachings of a church or religious body of which such public safety employee is a member. Such public safety employee shall pay an amount of money equivalent to regular union dues and initiation fees and assessments, if any, to a nonreligious charity or to another charitable organization mutually agreed upon by the public safety employee affected and the representative of the labor organization to which such public safety employee would otherwise be required to pay dues. The public safety employee shall furnish written proof to the employer of the public safety employee that this has been done.

(2) Notwithstanding the provisions of subsection (1) of this section, an individual public safety employee or group of public safety employees at any time may present grievances to their employer and have such grievances adjusted, without the intervention of the labor organization, if: (a) The adjustment is not inconsistent with the terms of a collective bargaining contract or agreement then in effect; and (b) The labor organization has been given opportunity to be present at the adjustment.

(3) Nothing in this section prevents a public employer from recognizing a labor organization which represents at least a majority of public safety employees as the exclusive representative of the public safety employees of a public employer when the board has not designated the appropriate bargaining unit or when the board has not certified an exclusive representative in accordance with ORS 243.828.

# Measure No. 43

## Section 5

243.815. Unfair labor practices; filing complaints.

(1) It is an unfair labor practice for a public employer or its designated representative to do any of the following:

(a) Interfere with, restrain or coerce public safety employees in or because of the exercise of rights guaranteed in ORS 243.800-243.880.

(b) Dominate, interfere with or assist in the formation, existence or administration of any public safety employee organization.

(c) Discriminate in regard to hiring, tenure or any terms or condition of employment for the purpose of encouraging or discouraging membership in a public safety employee organization. Nothing in this section is intended to prohibit the entering into of a fair-share agreement between a public employer and the exclusive bargaining representative of its public safety employees. If such a "fair-share" agreement has been agreed to by the public employer and exclusive representative, nothing shall prohibit the deduction of the payment-in-lieu-of- dues from the salaries or wages of such public safety employees.

(d) Discharge or otherwise discriminate against a public safety employee because the public safety employee has signed or filed an affidavit, petition or complaint or has given information or testimony under ORS 243.800 to 243.880.

(e) Refuse to bargain collectively in good faith with the exclusive representative.

(f) Refuse or fail to comply with any provision of ORS 243.800 to 243.880.

(g) Violate the provisions of any written contract with respect to employment relations including an agreement to arbitrate or to accept the terms of an arbitration award, where previously the parties have agreed to accept such awards as final and binding upon them.

(h) Refuse to reduce an agreement, reached as a result of collective bargaining, to writing and sign such contract.

(i) Communicate directly or indirectly with public safety employees in the bargaining unit other than the designated bargaining representative during the period of negotiations regarding employment relations, except for matters relating to the performance of the work involved.

(2) It is an unfair labor practice for a public safety employee or for a labor organization or its designated representative to do any of the following:

(a) Interfere with, restrain or coerce any public safety employee in or because of the exercise of any right guaranteed under ORS 243.800 to 243.880.

(b) Refuse to bargain collectively in good faith with the public employer if the labor organization is an exclusive representative.

(c) Refuse or fail to comply with any provision of ORS 243.800 to 243.880.

(d) Violate the provisions of any written contract with respect to employment relations, including an agreement to arbitrate or to accept the terms of an arbitration award, where previously the parties have agreed to accept such awards as final and binding upon them.

(e) Refuse to reduce an agreement, reached as a result of collective bargaining, to writing and sign the resulting contract.

# Measure No. 43

(f) Communicate directly or indirectly during the period of negotiations with officials other than those designated to represent the employer regarding employment relations.

(3) An injured party may file a written complaint with the board not later than 180 days following the occurrence of an unfair labor practice.

## Section 6

243.820. Processing of unfair labor practice complaints.

(1) Whenever a written complaint is filed alleging that any person has engaged in or is engaging in any unfair labor practice listed in ORS 243.815 (1) and (2) and 243.865, the board or its agent shall:

(a) Cause to be served upon such person a copy of the complaint;

(b) Investigate the complaint to determine if a hearing on the unfair labor practice charge is warranted. If the investigation reveals that no issue of fact or law exists, the board may dismiss the complaint; and

(c) Set the matter for hearing if the board finds in its investigation made pursuant to paragraph (b) of this subsection that an issue of fact or law exists. The hearing shall be before the board or an agent of the board not more than 20 days after a copy of the complaint has been served on the person.

(2) Where, as a result of the hearing required pursuant to subsection (1)(c) of this section, the board finds that any person named in the complaint has engaged in or is engaging in any unfair labor practice charged in the complaint, the board shall: (a) State its findings of fact; (b) Issue and cause to be served on such person an order that the person cease and desist from the unfair labor practice; (c) Take such affirmative action, including but not limited to the reinstatement of public safety employees with or without back pay, as necessary to effectuate the purposes of ORS 240.060, 240.065, 240.080, 240.123, 243.800 to 243.880, 292.055, 341.290, 662.705, 662.715 and 662.785; (d) Designate the amount and award representation costs, if any, to the prevailing party; and (e) Designate the amount and award attorney fees, if any, to the prevailing party on appeal, including proceedings for Supreme Court review, of a board order.

(3) Where the board finds that the person named in the complaint has not engaged in or is not engaging in an unfair labor practice, the board shall: (a) Issue an order dismissing the complaint; and (b) Designate the amount and award representation costs, if any, to the prevailing party.

(4) The board may award a civil penalty to any person as a result of an unfair labor practice complaint hearing, in the aggregate amount of up to \$1,000 per case, without regard to attorney fees, if: (a) The complaint has been affirmed pursuant to subsection (2) of this section and the board finds that the person who has committed, or who is engaging, in an unfair labor practice has done so repetitively, knowing that the action taken was an unfair labor practice and took the action disregarding this knowledge, or that the action constituting the unfair labor practice was egregious; or (b) The complaint has been dismissed pursuant to subsection (3) of this section, and that the complaint was frivolously filed, or filed with the intent to harass the other person, or both.

(5) As used in subsections (1) to (4) of this section, "person" includes but is not limited to individuals, labor organizations, associations and public employers.

(6) The board shall make no charges to the parties for its services in processing unfair labor practice matters.

## Measure No. 43

### Section 7

243.825. Representation questions; investigation and hearings on petitions; elections.

If a question of representation exists, the board shall:

(1) Upon application of a public employer, public safety employee or a labor organization, designate the appropriate bargaining unit, and in making its determination shall consider such factors as community of interest, wages, hours and other working conditions of the public safety employees involved, the history of collective bargaining, and the desires of the public safety employees. The board may determine a unit to be the appropriate unit in a particular case even though some other unit might also be appropriate.

(2) Investigate and conduct a hearing on a petition that has been filed by:

(a) A labor organization alleging that 30 percent of the public safety employees in an appropriate bargaining unit desire to be represented for collective bargaining by an exclusive representative;

(b) A labor organization alleging that 30 percent of the public safety employees in an appropriate bargaining unit assert that the designated exclusive representative is no longer the representative of the majority of the public safety employees in the unit;

(c) A public employer alleging that one or more labor organizations has presented a claim to the public employer requesting recognition as the exclusive representative in an appropriate bargaining unit; or

(d) A public safety employee or group of public safety employees alleging that 30 percent of the public safety employees assert that the designated exclusive representative is no longer the representative of the majority of public safety employees in the unit.

(3) Except as provided in ORS 243.830, if the board finds in a hearing conducted pursuant to subsection (2) of this section that a question of representation exists, it shall conduct an election by secret ballot, at a time and place convenient for the public safety employees of the jurisdiction and also within a reasonable period of time after the filing has taken place, and certify the results thereof.

### Section 8.

243.828. Representation elections; ballot form; determining organization to be certified; consent elections.

(1) The board shall place on the ballot only those labor organizations designated to be placed on the ballot by more than 10 percent of the public safety employees in an appropriate bargaining unit.

(2) The ballot shall contain a provision for marking no representation.

(3) The board shall determine who is eligible to vote in the election and require the employer to provide a complete list of all such eligible persons, their names, addresses and job classifications to each candidate organization on the ballot at least 20 days before the election is to occur.

(4) The labor organization which receives the majority of the votes cast in an election shall be certified by the board as the exclusive representative.

(5) In any election where there are more than two choices on the ballot and none of the choices receives a majority of the

## Measure No. 43

votes cast, a runoff election shall be conducted. The ballot in the runoff election shall contain the two choices on the original ballot that received the largest number of votes.

(6) Nothing in this section is intended to prohibit the waiving of hearings by stipulation for the purpose of a consent election, in conformity with the rules of the board.

### Section 9

243.830. Limitation on successive representation elections.

(1) No election shall be conducted pursuant to ORS 243.825 (3) in any appropriate bargaining unit within which the preceding 12-month period an election was held nor during the term of any lawful collective bargaining agreement between a public employer and a public safety employee representative. However, a contract with a term of more than two years shall be a bar for only the first two years of its term.

(2) Notwithstanding subsection (1) of this section, the board shall rule that a contract will not be given the effect of barring an election if it finds that:

(a) Unusual circumstances exist under which the contract is no longer a stabilizing force; and

(b) An election should be held to restore stability to the representation of public safety employees in the unit.

(3) A petition for an election where a contract exists must be filed not more than 90 calendar days and not less than 60 calendar days before the end of the contract period. If the contract is for more than two years, a petition for election may be filed any time after two years from the effective date of the contract.

### Section 10

243.831. State agency representatives in bargaining.

(1) The Oregon Department of Administrative Services shall represent all state agencies which have bargaining units in collective bargaining negotiations with the certified or recognized exclusive representatives of all appropriate bargaining units of exempt, unclassified and classified employees, except those unclassified employees governed by the provisions of ORS 240.240. The department may delegate such collective bargaining responsibility to operating agencies as may be appropriate.

### Section 11

243.832. Renegotiation of invalid agreements.

(1) In the event any provision of a collective bargaining agreement is declared to be invalid by any court of competent jurisdiction, by ruling by the board or by inability of the employer or the public safety employees to perform to the terms of the agreement, then upon request by either party all or any part of the entire collective bargaining agreement shall be reopened for negotiation.

(2) The public employer and the exclusive representative shall provide for and make every reasonable effort to conclude negotiations, including provisions for an effective date, a reopening date, and an expiration date, at a time to coincide, as nearly as possible, with the period during which the appropriate legislative bodies may act on the operating budget of the employers.

### Section 12

243.834. Agreement may provide for grievance and other disputes to be resolved by binding arbitration.

A public employer may enter into a written agreement with the exclusive representative of an appropriate bargaining unit setting forth a grievance procedure culminating in binding arbitration.

# Measure No. 43

## Section 13

243.835. Mediation upon failure to agree after reasonable time; effect of subsequent arbitration decision.

(1) If after a reasonable period of negotiation over the terms of an agreement or after a reasonable time following certification or recognition of an exclusive representative no agreement has been signed, either or both of the parties shall notify the board of the status of negotiations. Such notification shall contain a statement of each issue on which the public employer and the exclusive representative have failed to achieve an agreement through negotiation; or the board on its own motion may determine that the public employer and the exclusive representative have failed to achieve an agreement on a labor dispute through negotiations. Upon receipt of such notification the board shall assign a mediator upon request of either party or upon its own motion.

(2) Where the board on the request of one of the parties or on its own motion has determined that the parties have failed to achieve agreement through negotiation, the board shall render assistance to resolve the labor dispute according to the following schedule:

(a) Mediation shall be provided by the State Conciliation Service as provided by ORS 662.405 to 662.455.

(b) If the labor dispute has not been settled after 15 days of mediation, the parties or the board shall initiate binding arbitration as provided in ORS 243.855 to 243.870. In such cases, within seven days of the conclusion of mediation, the mediator shall make public a list of the issues, including any proposed contract language dealing with those issues, on which the parties have failed to reach agreement. Arbitration shall not be requested until the expiration of 30 days following the conclusion of mediation.

(3) The board shall make no charges to either party for its services in providing mediation.

## Section 14

243.840. Public safety employee strikes.

(1) Participation in a strike shall be unlawful for any public safety employee.

(2)(a) No labor organization shall declare or authorize a strike of public safety employees which is or would be in violation of this section. When it is alleged in good faith by the public employer that a labor organization has declared or authorized a strike of public safety employees which is or would be in violation of this section, the employer may petition the board for a declaration that the strike is or would be unlawful. The board, after conducting an investigation and hearing, may make such declaration if it finds that such declaration or authorization of a strike is or would be unlawful. (b) When a labor organization or individual disobeys an order of the appropriate circuit court issued pursuant to enforcing an order of the board involving this section, they shall be punished according to the provisions of ORS 33.015 to 33.155, except that the amount of the fine shall be at the discretion of the court.

## Section 15

243.845. Refusal to cross picket line as prohibited strike.

Public safety employees, other than those engaged in a non-prohibited strike, who refuse to cross a picket line shall be deemed to be engaged in a prohibited strike and shall be subject to the terms and conditions of ORS 243.840, pertaining to prohibited strikes.

## Section 16

243.850. Binding arbitration.

# Measure No. 43

(1) It is the public policy of the State of Oregon that where the right of employees to strike is by law prohibited, it is requisite to the high morale of such employees and the efficient operation of such departments to afford an alternate, expeditious, effective and binding procedure for the resolution of labor disputes and to that end the provisions of ORS 240.060, 240.065, 240.080, 240.123, 243.800 to 243.880, 292.055, 341.290, 662.705, 662.715 and 662.785, providing for compulsory arbitration, shall be liberally construed.

(2) When the procedures set forth in ORS 243.835 relating to mediation a labor dispute have not culminated in a signed agreement between the parties who are prohibited from striking, the public employer or exclusive representative of its public safety employees shall petition the board in writing to initiate binding arbitration. In lieu of a petition, the board on its own motion may initiate such arbitration if it deems it appropriate and in the public interest.

## Section 17

243.855. Selection of arbitrator; arbitration procedure; sharing arbitration costs.

(1) In carrying out the arbitration procedures authorized in ORS 243.850 (2), the public employer and the exclusive representative may select their own arbitrator.

(2) Where the parties have not selected their own arbitrator within five days after notification by the board that arbitration is to be initiated, the board shall submit to the parties a list of five qualified, disinterested persons. Each party shall alternately strike two names from the list. The order of striking shall be determined by lot. The remaining individual shall be designated the "arbitrator":

(a) When both parties desire a panel of three arbitrators instead of one as provided in this subsection, the board shall submit to the parties a list of seven qualified, disinterested persons. Each party shall alternately strike two names from the list. The order of striking shall be determined by lot. The remaining three persons shall be designated "arbitrators."

(b) When the parties have not designated the arbitrator and notified the board of their choice within five days after receipt of the list, the board shall appoint the arbitrator from the list. However, if one of the parties strikes the names as prescribed in this subsection and the other party fails to do so, the board shall appoint the arbitrator only from the names remaining on the list.

(3) The arbitrator shall establish dates and places of hearings. Upon the request of either party or the arbitrator, the board shall issue subpoenas. The arbitrator may administer oaths and shall afford all parties full opportunity to examine and cross-examine all witnesses and to present any evidence pertinent to the dispute.

(4) Where there is no agreement between the parties, or where there is an agreement but the parties have begun negotiations or discussions looking to a new agreement or amendment of the existing agreement, and wage rates or other conditions of employment under the proposed new or amended agreement are in dispute, the arbitration panel shall base its findings, opinions and order upon the following factors, as applicable:

(a) The lawful authority of the employer.

(b) Stipulations of the parties.

(c) The interest and welfare of the public and the financial ability of the unit of government to meet those costs.

(d) Comparison of the wages, hours and conditions of

# Measure No. 43

employment of other public safety employees performing similar services and with other public safety employees in public employment in comparable communities.

(e) The average consumer prices for goods and services commonly known as the cost of living.

(f) The overall compensation presently received by the public safety employees, including direct wage compensation, vacations, holidays and other excused time, insurance and pensions, medical and hospitalization benefits, the continuity and stability of employment, and all other benefits received.

(g) Changes in any of the foregoing circumstances during the pendency of the arbitration proceedings.

(h) Such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of wages, hours and conditions of employment through voluntary collective bargaining, mediation, factfinding, arbitration or otherwise between the parties, in the public service or in private service. Such factors shall include but not be limited to the productivity and workload of public safety employees.

(5) Not more than 30 days after the conclusion of the hearings or such further additional periods to which the parties may agree, the arbitrator shall make written findings of fact and promulgate a written opinion and order upon the issues presented to the arbitrator and upon the record made before the arbitrator, and shall serve such findings, opinions and order upon the parties and upon the board. Service may be personal or by registered or certified mail. The findings, opinions and order shall be just and reasonable and based upon the factors prescribed in subsection (4) of this section.

(6) The cost of arbitration shall be borne equally by the parties involved in the dispute.

## Section 18

243.860. Arbitration decision final; enforcement; effective date of compensation increases; modifying award.

(1) A majority decision of the arbitration panel, under ORS 243.834 and ORS 243.855, if supported by competent, material and substantial evidence on the whole record, based upon the factors set forth in ORS 243.855(4), shall be final and binding upon the parties. Refusal or failure to comply with any provision of a final and binding arbitration award is an unfair labor practice. Any order issued by the board pursuant to this section may be enforced at the instance of either party or the board in the circuit court for the county in which the dispute arose.

(2) The arbitration panel may award increases retroactively to the first day after the expiration of the immediately preceding collective bargaining agreement. At any time the parties, by stipulation, may amend or modify an award of arbitration.

## Section 19

243.865. Employment conditions to be unchanged during arbitration.

During the pendency of proceedings before the arbitration panel, existing wages, hours and other conditions of employment shall not be changed by action of either party without the consent of the other but a party may so consent without prejudice to the rights or position of the party under ORS 240.060, 240.065, 240.080, 240.123, 243.800 to 243.880, 292.055, 341.290, 662.705, 662.715 and 662.785.

# Measure No. 43

## Section 20

243.870. Alternative arbitration procedure under collective bargaining agreement.

Nothing in ORS 240.060, 240.065, 240.080, 240.123, 243.800 to 243.880, 292.055, 341.290, 662.705, 662.715 and 662.785 is intended to prohibit a public employer and the exclusive representative of its public safety employees from entering into a collective bargaining agreement which provides for a compulsory arbitration procedure which is substantially equivalent to ORS 243.850 to 243.865.

## Section 21

243.875. Board duties in administration of collective bargaining laws.

The board shall:

(1) Establish procedures for, investigate and resolve any disputes concerning the designation of an appropriate bargaining unit.

(2) Establish procedures for, resolve disputes with respect to, and supervise the conduct of elections for the determination of public safety employee representation.

(3) Conduct proceedings on complaints of unfair labor practices by employers, public safety employees and labor organizations and take such actions with respect thereto as it deems necessary and proper.

(4) Petition the appropriate circuit court for enforcement of any order issued by the board pursuant to ORS 243.800 to 243.880.

(5) Hold such hearings and make such inquiries as it deems necessary to carry out properly its functions and powers, and for the purpose of such hearings and inquiries, administer oaths and affirmations, examine witnesses and documents and issue subpoenas.

(6) Conduct studies on problems relating to public employment relations and make recommendations with respect thereto to the legislative bodies; request information and data from state and county departments and agencies and labor organizations necessary to carry out its functions and responsibilities; make available to public employers, labor organizations, mediators, members of factfinding boards, arbitrators and other concerned parties statistical data relating to wages, benefits, and employment practices in public and private employment to assist them in resolving issues in negotiation.

(7) Adopt rules relative to the exercise of its powers and authority and to govern the proceedings before it in accordance with ORS 183.310 to 183.550.

## Section 22

243.876. Effect of collective bargaining laws on local charters and ordinances.

Any provisions of local charters and ordinances adopted pursuant thereto in existence on October 5, 1973, and not in conflict with the rights and duties established in ORS 240.060, 240.065, 240.080, 240.123, 243.800 to 243.880, 292.055, 341.290, 662.705, 662.715 and 662.785 may remain in full force and effect after the board has determined that no conflict exists.

## Section 23

243.878. Rights and responsibilities of public safety employees.

The rights and responsibilities prescribed for state officers and employees in ORS 292.055 shall accrue to public safety employees of all public employers.

# Measure No. 43

## Section 24

243.880. Representation by counsel authorized.

(1) For purposes of proceedings commenced pursuant to ORS 240.060, 240.065, 240.080, 240.123, 243.800 to 243.880, 292.055, 341.290, 662.705, 662.715 and 662.785, a person may be represented by counsel or any other agent authorized by such person.

(2) As used in subsection (1) of this section, "person" means any individual, a labor organization or a public employer.

**Section 25.** ORS 236.370 is amended to read:

236.370. ORS 236.350 to 236.370 not applicable to certain police officers.

ORS 236.350 to 236.370 does not apply to disciplinary action taken against police officers who are:

(1) In an initial probationary period of employment that does not exceed 12 months or in a probationary period under a collective bargaining agreement which is in excess of 12 months;

(2) Under a collective bargaining agreement requiring just cause for disciplinary action;

(3) Under a county civil service system adopted pursuant to ORS 241.002 to 241.009;

(4) Under a county or municipal civil service system which provides police officers with disciplinary action protections at least equivalent to those provided under ORS 236.350 and 236.360;

(5) The chief executive officers of law enforcement units, as defined in ORS 181.610; or

(6) Supervisory employees, as defined under ~~ORS 243.650 (14)~~ 243.805 (14), where a collective bargaining agreement is in effect with their public employer.

**Section 26.** ORS 237.255 is amended to read:

237.255. Qualifications of board members; compensation and expenses.

(1) Members of the board shall have the following qualifications:

(a) Each member shall be a citizen of the United States and a resident of this state for at least two years immediately preceding appointment to the board.

(b) One member shall not have been employed by a public employer during the two years immediately preceding appointment to the board or be so employed throughout the term of appointment.

(c) Each of four members shall be an employee of a participating public employer in a management position at the time of appointment and throughout the term of appointment. At the time of appointment and throughout the term of appointment, one of those four members shall be employed by a political subdivision of the state other than a school district, one shall be employed by a school district and one shall be employed by the state.

(d) Each of four members shall be a public employee, as defined in ORS 243.650 (17), or a public safety employee, as defined in ORS 243.805 (17), of a participating public employer and be in an appropriate bargaining unit, as defined in ORS 243.650 (1) and in ORS 243.805 (1), having an exclusive representative at the time of appointment and throughout the term of appointment; but membership on the board shall not itself affect the status of such a member as a public employee as defined in ORS 243.650 (17) or as a public safety employee as defined in

# Measure No. 43

ORS 243.805 (17). At the time of appointment and throughout the term of appointment, one of those four members shall be engaged in teaching or other school activity, one shall be a police officer or fire fighter, one shall be an employee of the state in a category other than teaching or other school activity or police officer or fire fighter and one shall be an employee of a political subdivision of the state in a category other than teaching or other school activity or police officer or fire fighter. (e) Notwithstanding paragraphs (c) and (d) of this subsection, one member shall be a retired member of the system at the time of appointment and throughout the term of appointment. (f) The successor of a board member in any category shall have the qualifications prescribed for that category.

(2) Any vacancy on the board shall be filled by appointment for the unexpired term of the member replaced.

(3) A member of the board is entitled to compensation and expenses as provided in ORS 292.495 from the Public Employees' Retirement Fund.

**Section 27.** ORS 240.212 is amended to read:

240.212. Management service.

The management service shall comprise all positions not in the unclassified or exempt service which have been determined to be "confidential employees" as defined by ORS 243.650 (6) and ORS 243.805 (6) and "supervisory employees" as defined by ORS 243.650 (14) and ORS 243.805 (14).

**Section 28.** ORS 240.321 is amended to read:

240.321. Collective bargaining; Director of Labor Relations; effect of collective bargaining agreements on personnel rules; grievance procedures.

(1) All collective bargaining between the state and its agencies and any certified or recognized exclusive employee representative of classified employees shall be under the direction and supervision of a Director of Labor Relations, who shall be appointed by and serve at the pleasure of the Director of the Oregon Department of Administrative Services.

(2) Notwithstanding any of the provisions of ORS 240.235, 240.306, 240.316, 240.430 and 240.551, employees of state agencies who are in certified or recognized appropriate bargaining units shall have all aspects of their wages, hours and other terms and conditions of employment determined by collective bargaining agreements between the state and its agencies and the exclusive employee representatives of such employees pursuant to the provisions of ORS 243.650 to 243.762 and ORS 243.800 to 243.880, except with regard to the recruitment and selection of applicants for initial appointment to state service.

(3) The provisions of rules adopted by the division, the subjects of which are incorporated into collective bargaining agreements, shall not be applicable to employees within appropriate bargaining units covered by such agreements.

(4) The division shall assure the speedy resolution of employee grievances by adopting a grievance procedure resulting in a final employer determination within 60 days of the filing of a written grievance, with appeal thereafter to the board, the Civil Rights Division of the Bureau of Labor and Industries, or other appropriate review agency. Employees in collective bargaining units shall have their grievances resolved as provided for by the collective bargaining agreement.

**Section 29.** ORS 240.610 is amended to read:

240.610. Mediation service fee; amount; payment; disposition of fees.

## Measure No. 43

(1) Notwithstanding ORS 662.435, when the Employment Relations Board assigns a mediator under ORS 243.712, 243.835 or 662.425 to resolve a labor dispute or labor controversy between a local public employer and the exclusive representative of the employees of that employer, the board may charge a fee for the mediation services provided by the board.

(2) A fee authorized by this section shall be charged only once during the entire period of negotiations between a local public employer and an exclusive representative over the terms of a collective bargaining agreement or for the resolution of a labor dispute or controversy, without regard to the number of times mediation services are provided during the negotiations.

(3) The fee charged by the board under this section shall not exceed \$500 and the local public employer and the exclusive representative shall each pay one-half of the amount of the fee to the board.

(4) Fees received by the board under this section shall be deposited to the credit of the Public Employee Relations Account established by ORS 240.170.

(5) As used in this section: (a) "Exclusive representative" and "labor dispute" have the meanings given those terms in ORS 243.650 and ORS 243.650. (b) "Local public employer" means any political subdivision in this state, including a city, county, community college, school district, special district and a public and quasi-public corporation.

**Section 30.** ORS 192.501 is amended to read:

192.501. Public records exempt from disclosure.

The following public records are exempt from disclosure under ORS 192.410 to 192.505 unless the public interest requires disclosure in the particular instance:

(1) Records of a public body pertaining to litigation to which the public body is a party if the complaint has been filed, or if the complaint has not been filed, if the public body shows that such litigation is reasonably likely to occur. This exemption does not apply to litigation which has been concluded, and nothing in this subsection shall limit any right or opportunity granted by discovery or deposition statutes to a party to litigation or potential litigation;

(2) Trade secrets. "Trade secrets," as used in this section, may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within an organization and which is used in a business it conducts, having actual or potential commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it;

(3) Investigatory information compiled for criminal law purposes. The record of an arrest or the report of a crime shall be disclosed unless and only for so long as there is a clear need to delay disclosure in the course of a specific investigation, including the need to protect the complaining party or the victim. Nothing in this subsection shall limit any right constitutionally guaranteed, or granted by statute, to disclosure or discovery in criminal cases. For purposes of this subsection, the record of an arrest or the report of a crime includes, but is not limited to: (a) The arrested person's name, age, residence, employment, marital status and similar biographical information; (b) The offense with which the arrested person is charged; (c) The conditions of release pursuant to ORS 135.230 to 135.290; (d) The identity of and biographical information concerning both complaining party and victim; (e) The identity of the investigating and arresting agency and the length of the investigation; (f) The circumstances of arrest, including time, place, resistance, pursuit and weapons

## Measure No. 43

used; and (g) Such information as may be necessary to enlist public assistance in apprehending fugitives from justice;

(4) Test questions, scoring keys, and other data used to administer a licensing examination, employment, academic or other examination or testing procedure before the examination is given and if the examination is to be used again. Records establishing procedures for and instructing persons administering, grading or evaluating an examination or testing procedure are included in this exemption, to the extent that disclosure would create a risk that the result might be affected;

(5) Information consisting of production records, sale or purchase records or catch records, or similar business records of a private concern or enterprise, required by law to be submitted to or inspected by a governmental body to allow it to determine fees or assessments payable or to establish production quotas, and the amounts of such fees or assessments payable or paid, to the extent that such information is in a form which would permit identification of the individual concern or enterprise. This exemption does not include records submitted by long term care facilities as defined in ORS 442.015 to the state for purposes of reimbursement of expenses or determining fees for patient care. Nothing in this subsection shall limit the use which can be made of such information for regulatory purposes or its admissibility in any enforcement proceeding;

(6) Information relating to the appraisal of real estate prior to its acquisition;

(7) The names and signatures of employees who sign authorization cards or petitions for the purpose of requesting representation or decertification elections;

(8) Investigatory information relating to any complaint filed under ORS 659.040 or 659.045, until such time as the complaint is resolved under ORS 659.050, or a final administrative determination is made under ORS 659.060;

(9) Investigatory information relating to any complaint or charge filed under ORS 243.676, 243.820, and 663.180;

(10) The circulation records of a public library showing use of specific library materials by named persons;

(11) Records, reports and other information received or compiled by the Director of the Department of Consumer and Business Services under ORS 697.732;

(12) Information concerning the location of archaeological sites or objects as those terms are defined in ORS 358.905, except if the governing body of an Indian tribe requests the information and the need for the information is related to that Indian tribe's cultural or religious activities. This exemption does not include information relating to a site that is all or part of an existing, commonly known and publicized tourist facility or attraction;

(13) A personnel discipline action, or materials or documents supporting that action;

(14) Information developed pursuant to ORS 496.004, 496.172 and 498.026 or ORS 496.192 and 564.100, regarding the habitat, location or population of any threatened species or endangered species;

(15) Writings prepared by or under the direction of faculty of public educational institutions, in connection with research, until publicly released, copyrighted or patented;

(16) Computer programs developed or purchased by or for any public body for its own use. As used in this subsection, "computer program" means a series of instructions or statements which permit the functioning of a computer system in a manner designed to provide storage, retrieval and manipulation of data from such computer system, and any associated documentation

# Measure No. 43

and source material that explain how to operate the computer program. "Computer program" does not include: (a) The original data, including but not limited to numbers, text, voice, graphics and images; (b) Analyses, compilations and other manipulated forms of the original data produced by use of the program; or (c) The mathematical and statistical formulas which would be used if the manipulated forms of the original data were to be produced manually;

(17) Data and information provided by participants to mediation under section 5, chapter 967, Oregon Laws 1989; (18) Investigatory information relating to any complaint or charge filed under ORS chapter 654, until a final administrative determination is made or, if a citation is issued, until an employer receives notice of any citation; (19) Specific operational plans in connection with an anticipated threat to individual or public safety for deployment and use of personnel and equipment, prepared and used by a law enforcement agency, if public disclosure thereof would endanger the life or physical safety of a citizen or law enforcement officer or jeopardize the law enforcement activity involved; (20)(a) Audits or audit reports of a telecommunications utility. As used in this paragraph, "audit or audit report of a telecommunications utility" means any external or internal audit or audit report pertaining to a telecommunications utility, as defined in ORS 759.005, or pertaining to a corporation having an affiliated interest, as defined in ORS 759.010, with a telecommunications utility that is intended to make the operations of the entity more efficient, accurate or compliant with applicable rules, procedures or standards, that may include self-criticism and that has been filed by the telecommunications utility or affiliate under compulsion of state law. "Audit or audit report of a telecommunications utility" does not mean an audit of a cost study that would be discoverable in a contested case proceeding and that is not subject to a protective order. (b) Financial statements. As used in this paragraph, "financial statement" means a financial statement of a nonregulated corporation having an affiliated interest, as defined in ORS 759.010, with a telecommunications utility, as defined in ORS 759.005; and (21) The residence address of an elector if authorized under ORS 247.965 and subject to ORS 247.967.

**Section 31.** ORS 240.205 is amended to read:

240.205. Unclassified service.

The unclassified service shall comprise:

(1) One executive officer and one secretary for each board or commission, the members of which are elected officers or are appointed by the Governor.

(2) The director of each department of state government, each full-time salaried head of a state agency required by law to be appointed by the Governor and each full-time salaried member of a board or commission required by law to be appointed by the Governor.

(3) The administrator of each division within a department of state government required by law to be appointed by the director of the department with the approval of the Governor.

(4) Principal assistants and deputies and one private secretary for each executive or administrative officer specified in ORS 240.200 (1) and in subsections (1) to (3) of this section. "Deputy" means the deputy or deputies to an executive or administrative officer listed in subsections (1) to (3) of this section who is authorized to exercise that officer's authority upon absence of the officer. "Principal assistant" means a manager of a major agency organizational component who reports directly to an executive or administrative officer listed in subsections (1) to (3) of this section or deputy and who is designated as such by that executive or administrative officer with the approval of the Director of the Oregon Department of Administrative Services.

# Measure No. 43

(5) Employees in the Governor's office and the principal assistant and private secretary in the Secretary of State's division.

(6) The deans, professors, principals, instructors and teachers in facilities operated under ORS 346.010.

(7) Apprentice trainees only during the prescribed length of their course of training.

(8) Student employees on part-time basis in the state system of higher education.

(9) Licensed physicians and dentists employed in their professional capacities and student nurses, interns, and patient or inmate help in state institutions.

(10) Lawyers employed in their professional capacities.

(11) All members of the Oregon State Police appointed under ORS 181.250 and 181.265.

(12) Deputy superintendents and associate superintendents in the Department of Education.

(13) Temporary seasonal farm laborers engaged in single phases of agricultural production or harvesting.

(14) Any individual employed and paid from federal funds received under the Emergency Job and Unemployment Assistance Act of 1974 (United States Public Law 93-567) or any other federal program intended primarily to alleviate unemployment. However, persons employed under this subsection shall be treated as classified employees for purposes of ORS 243.650 to 243.782 and ORS 243.800 to 243.880.

(15) Managers, department heads, directors, producers and announcers of the state radio and television network.

(16) Managers and other employees of the foreign trade offices of the Economic Development Department located outside the country.

(17) Any other position designated by law as unclassified.

**Section 32.** ORS 240.212 is amended to read:

240.212. Management service.

The management service shall comprise all positions not in the unclassified or exempt service which have been determined to be "confidential employees" as defined by ORS 243.650 (6) and 243.805 (6) and "supervisory employees" as defined by ORS 243.650 (14) and 243.805 (14).

**Section 33.** ORS 240.321 is amended to read:

240.321. Collective bargaining; Director of Labor Relations; effect of collective bargaining agreements on personnel rules; grievance procedures.

(1) All collective bargaining between the state and its agencies and any certified or recognized exclusive employee representative of classified employees shall be under the direction and supervision of a Director of Labor Relations, who shall be appointed by and serve at the pleasure of the Director of the Oregon Department of Administrative Services.

(2) Notwithstanding any of the provisions of ORS 240.235, 240.306, 240.316, 240.430 and 240.551, employees of state agencies who are in certified or recognized appropriate bargaining units shall have all aspects of their wages, hours and other terms and conditions of employment determined by collective bargaining agreements between the state and its agencies and the exclusive employee representatives of such employees pursuant to the provisions of ORS 243.650 to 243.762 and ORS 243.800 to 880, except with regard to the recruitment and selection of applicants for initial appointment to state service.

## Measure No. 43

(3) The provisions of rules adopted by the division, the subjects of which are incorporated into collective bargaining agreements, shall not be applicable to employees within appropriate bargaining units covered by such agreements.

(4) The division shall assure the speedy resolution of employee grievances by adopting a grievance procedure resulting in a final employer determination within 60 days of the filing of a written grievance, with appeal thereafter to the board, the Civil Rights Division of the Bureau of Labor and Industries, or other appropriate review agency. Employees in collective bargaining units shall have their grievances resolved as provided for by the collective bargaining agreement.

**Section 34.** ORS 292.055 is amended to read:

292.055. Deduction of payment for labor organization; payment to organization; fees payable to state.

(1) Upon receipt of the request in writing of a state officer or employee so to do, the state official authorized to disburse funds in payment of the salary or wages of such state officer or employee each month shall deduct from the salary or wages of such officer or employee the amount of money indicated in such request, for payment thereof to a labor organization as the same is defined in ORS 243.650 (12) or ORS 243.805 (12).

(2) Such state official each month shall pay such amount so deducted to any such labor organization so designated to receive it.

(3) Unless there is a contract to the contrary, upon receipt of the request in writing of such officer or employee so to do, such state official shall cease making such deductions and payments.

(4) In addition to making such deductions and payments to any labor organization certified under the rules of the Employment Relations Board as representatives of employees in a bargaining unit, any department, board, commission, bureau, institution or other agency of the state shall make deductions for and payments to noncertified, yet bona fide, labor organizations, if requested to do so by officers and employees in that department, board, commission, bureau, institution, or other state agency, and for so long as the requests are not revoked. No deductions for and payments to any labor organization under this section shall be deemed an unfair labor practice under ORS 243.672 or ORS 243.815.

(5) Upon receipt from the Oregon Department of Administrative Services of a copy of a valid fair-share agreement in a collective bargaining unit, the state official authorized to disburse funds in payment of the salary or wages of the employees in such unit each month shall deduct from the salary or wages of the employees covered by the agreement the in-lieu-of-dues payment stated in the agreement and pay such amount to the labor organization party to the agreement in the same manner as deducted dues are paid to a labor organization. Such deduction and payment shall continue for the life of the agreement.

**Section 35.** ORS 292.230 is amended to read:

292.230. Policy on out-of-state travel; guidelines; use of travel awards; department rules.

(1) It is the policy of the state that all out-of-state travel by state agency personnel shall be allowed only when the travel is essential to the normal discharge of the agency's responsibilities. Out-of-state travel shall be conducted in the most efficient and cost-effective manner resulting in the best value to the state. The travel must comply with requirements of rules adopted under subsection (5) of this section. State agencies shall adhere to the following guidelines when using out-of-state travel: (a) All out-of-state travel must be for official state business. (b) Use of out-of-state travel must be related to the agency's scope of responsibilities. (c) Each state agency is charged with the responsibility for

## Measure No. 43

determining the necessity and justification for and method of travel. (d) Each state agency shall make every effort possible to minimize employee time spent on out-of-state travel.

(2) Notwithstanding any other law, including but not limited to ORS 243.650 to 243.782 and ORS 243.800 to 880, it is the policy of the state that travel awards earned while conducting state business shall be used to reduce the costs of state travel expenses except as otherwise required as a prerequisite to receipt of federal or other granted funds. The use of travel awards obtained while conducting state business for personal travel constitutes personal gain from state employment and violates ORS 244.040.

(3) The Oregon Department of Administrative Services shall work with commercial airlines to make travel awards available to the state rather than individual employees.

(4) Notwithstanding subsection (5) of this section, each state agency shall manage all travel awards earned by personnel employed by them who travel for the state. Agencies shall establish procedures in accordance with Oregon Department of Administrative Services rules to monitor the earning and use of awards by individual employees.

(5) The Oregon Department of Administrative Services shall adopt by rule standards regulating out-of-state travel including but not limited to: (a) Limiting the number of officers and employees who may attend the same meeting; (b) Requiring state agencies to establish practices for travel that are consistent with the agency's resources; (c) Requiring agencies to develop information sharing for reporting and other aspects that have benefits to more than one agency; (d) Developing telecommunication resources to be used in lieu of travel; (e) Requiring agency administrators or their designees, as designated in writing, to approve out-of-state travel; and (f) Setting up procedures to audit agency use of travel and travel awards including appropriate sanctions for misuse.

(6) As used in this section: (a) "Official state business" means activity conducted by any agency personnel that has been authorized by that agency in support of approved state programs. (b) "Out-of-state travel" means all travel from a point of origin in Oregon to a point of destination in another state and return therefrom. (c) "Travel award" means any object of value awarded by any business providing commercial transportation or accommodations to an individual or agency which can be used to reduce the cost of travel including, but not limited to, frequent flyer miles, discounts or coupons.

**Section 36.** ORS 332.531 is amended to read:

332.531. Law enforcement agency; personnel as peace officers.

(1) The district school board of any school district may establish a law enforcement agency and employ such personnel as may be necessary to insure the safety of school district personnel and students upon and in the vicinity of school district premises and the security of the real and personal property owned, controlled or used by or on behalf of the school district.

(2) Persons employed and compensated as members of a law enforcement agency of a school district, when appointed and duly sworn, are peace officers as defined in ORS 161.015 (4), but only for the purpose of carrying out the duties of their employment. They are not ~~police officers~~ public safety employees within the meaning of ORS ~~243.726~~ 243.805 (17).

(3) The district school board may: (a) Provide for uniforms, badges, and other identification of members of such law enforcement agency; (b) Withdraw or withhold from any person employed as a member of such law enforcement agency any part or all of the powers otherwise conferred by law upon peace officers; and (c) Define the duties of persons employed as

# Measure No. 43

members of such law enforcement agency and assign additional duties to such persons as it may deem appropriate.

(4) Between meetings of the district school board, the district superintendent or the deputy of the superintendent shall have power to suspend any person employed as a member of such law enforcement agency pending review of such action as soon as practicable by the district school board.

**Section 37.** ORS 562.610 is amended to read:

652.610. Itemized statement of amounts and purposes of deductions required.

(1) All persons, firms, partnerships, associations, cooperative associations, corporations, municipal corporations, the state and its political subdivisions, except the Federal Government and its agencies, employing, in this state, during any calendar month one or more persons, and withholding for any purpose, any sum of money from the wages, salary or commission earned by an employee, shall provide such employee on regular paydays with a statement sufficiently itemized to show the amount and purpose of such deductions made during the respective period of service which said payment covers.

(2) The itemized statement shall be furnished to the employee at the time payment of wages, salary or commission is made, and may be attached to or be a part of the check, draft, voucher or other instrument by which payment is made, or may be delivered separately from such instrument.

(3) No employer may withhold, deduct or divert any portion of an employee's wages unless: (a) The employer is required to do so by law; (b) The deductions are authorized in writing by the employee, are for the employee's benefit, and are recorded in the employer's books; (c) The employee has voluntarily signed an authorization for a deduction for any other item, provided that the ultimate recipient of the money withheld is not the employer, and that such deduction is recorded in the employer's books; or (d) The deduction is authorized by a collective bargaining agreement to which the employer is a party.

(4) Nothing in this section shall be construed as prohibiting the withholding of amounts authorized in writing by the employee to be contributed by the employee to charitable organizations, including contributions made pursuant to ORS 243.666, 243.810, and 663.110; nor shall this section prohibit deductions by check-off dues to labor organizations or service fees, where such is not otherwise prohibited by law; nor shall this section diminish or enlarge the right of any person to assert and enforce a lawful setoff or counterclaim or to attach, take, reach or apply an employee's compensation on due legal process.

NOTE: Underlined type indicates new language; overstriking indicates deletions or comments.

## EXPLANATORY STATEMENT

This measure changes Oregon's collective bargaining laws as it applies to public safety employees by reversing 1995 statutory amendments and making additional changes. Public safety employees are employees with public safety functions, including all employees of the state police, sheriff, police, and fire departments, state and local corrections facilities, and fire protection and emergency dispatch agencies. Excluded from this group are elected officials, appointed officials on boards and commissions, and confidential or supervisory employees.

The measure retains the right for public and safety employees to form labor organizations and collectively bargain in good faith

# Measure No. 43

with their employers over wages, hours of work, and conditions of employment. The measure retains the current law's prohibition against public safety employees striking. The measure adds employee transfers and promotions as mandatory subjects of bargaining.

Current law and this measure would be administered by the Employment Relations Board which certifies labor organizations as representatives of public safety employees, judges whether the parties are complying with the requirements of the law, and holds hearings and enacts rules under the law.

If no agreement results from negotiations, either party may initiate arbitration. A professional arbitrator is selected by the parties. The arbitrator makes a binding decision on bargaining disputes.

Under the measure and current law, the arbitrator must consider the interest and welfare of the public, the employer's ability to pay, the impact of changes in the cost of living, and other factors in the setting of wages, benefits, and contract rights.

The measure changes the law concerning binding arbitration. Currently the arbitrator must choose one party's final offer package. The measure permits the arbitrator to award something different from the final offer of either party.

The present law and this measure allow the arbitrator to compare wages and benefits in comparable communities. Current law only allows an arbitrator to consider out-of-state comparable jurisdictions for the larger communities. This measure does not specify where the comparable jurisdictions may be located. Current law allows the arbitrator to consider comparables in both the public and private sectors. This measure only allows comparables of other public sector public safety employees.

Unlike current law, the measure requires arbitrators to consider work load and productivity of public employees.

Currently, arbitrator's must consider the ability of the public employer to attract and retain qualified employees. The measure allows, but does not require, an arbitrator to consider this factor.

The measure changes the current law in several other respects. Current law requires 150 day period of negotiation before mediation may be requested and limits mid-contract negotiations to 90 days. The measure include no such time limits. The measure prohibits public safety employees and employers from directly communicating with each other concerning bargaining subjects except through their authorized representatives. Current law contains no such prohibition.

The measure preserves an employer's right to discipline or discharge employees for just cause. Current law makes unenforceable an arbitrator's decision which relieves an employee from the responsibility for egregious misconduct because other employees were treated differently.

### Committee Members:

Will Aitchison  
Mark Makler  
Senator Neil Bryant  
Maria Keltner  
Nancy E. Brown

### 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 No. 43

## ARGUMENT IN FAVOR

### SPECIAL MESSAGE

from Senator Randy Leonard,  
Portland Fire Fighter.

### PICTURE THIS:

A typical politician or bureaucrat attempting to rescue you  
from a burning building.

### HOW SECURE DO YOU FEEL??

Oregonians should not feel very secure.

### YET, THIS IS THE REALITY...

In 1995, the Legislature manufactured a "New-Improved-Public-Safety-law." The Legislature catered to "special-interests" that know NOTHING about safety. Numerous hearing featured statements from safety experts who work on the front-line IN emergency situations. **The Legislature ignored the statements of the safety experts.**

### THE 1995 LAW THREATENS OUR SAFETY.

The 1995 law hands control of safety equipment and training to bureaucrats and elected politicians that have NO experience in protecting you in an emergency.

### THE 1995 LAW MUST BE CORRECTED.

Listen to the experts:

- corrections officers,
- prison security technicians
- law enforcement,
- police,
- paramedics,
- 911 dispatchers,
- firefighters and others

These professionals know the training and equipment that is necessary to do their jobs. They are the experts - you wouldn't want anything less responding to your emergency.

### **BALLOT MEASURE 43 WILL REVERSE A VERY BAD LAW.**

**VOTE YES on BALLOT MEASURE 43**

*(This information furnished by Randy Leonard, Portland Fire Fighters Association.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 43

## ARGUMENT IN FAVOR

### The mission of MADD:

### **STOP DRUNK DRIVING AND SUPPORT THE VICTIMS OF THIS VIOLENT CRIME.**

MADD Oregon salutes the work of Oregon's dedicated law enforcement officers who risk their lives to keep our communities safe. They know first-hand the horrifying devastation that can result from driving under the influence of intoxicants.

While most citizens work in safe jobs or sleep peacefully in their homes, these officers are working to insure our safety by responding to emergencies.

Law enforcement officers shield us from the harsh realities of those individuals who choose to ignore the law and take for themselves what rightfully belongs to us.

MADD Oregon urges you  
to join in supporting their efforts working with law  
enforcement to stop drunk driving.

### **Vote YES on Ballot Measure 43.**

*(This information furnished by Jeanne Canfield, Mothers Against Drunk Driving, Oregon.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 43

## ARGUMENT IN FAVOR

### THE PUBLIC SAFETY ACT BALLOT MEASURE 43

**RECEIVES STRONG APPROVAL FROM  
police officers  
law enforcement training specialists.**

Career criminals have tactics to defeat and injure our police officers. Prison inmates have been captured on film practicing maneuvers to stab a police officer during a frisk.

Effective, training for our officers is critical. When the police aren't safe, the community isn't safe. Our recruits must be the top quality individuals. Their training must be thorough, specialized and complete. They must have experience in utilizing all equipment. Once on the job, they must have the access to the highest quality crime-fighting and safety equipment available.

During my career, I have observed the results of incomplete training - good dedicated people have gotten hurt. When combined with being under-staffed - these people have been critically injured or killed.

**Ballot Measure 43 is vital to the safety of officers on the street. It will reverse the current law that determines the fate of law enforcement officers in Oregon.**

**The law MUST be changed..  
Vote YES on Ballot Measure 43.**

#### Elizabeth Cruthers.

- Portland Police Officer,
- Oregon Council of Police Associations - Board Member
- BPSST, current Board member

#### Roger Morse.

- Former BPSST member

*(This information furnished by Elizabeth Cruthers, Oregon Council of Police Associations.)*

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# Measure No. 43

## ARGUMENT IN FAVOR

### THE PUBLIC SAFETY ACT BALLOT MEASURE 43

**Endorsed By Fire Chiefs, Sheriffs and Safety Experts.**

"The Firefighter's goal within a city is to arrive at an emergency scene within four minutes! Like other Public Safety personnel, firefighters are in a constant state of emergency readiness.

**These jobs are unique - dangerous, essential to safety.**

There is no striking, no walking off the job. **Nothing should impede their ability do their jobs.** Unfortunately, the **current law does impede. Current law threatens quick response time.** Public Safety Personnel must be allowed to negotiate - this will insure their safety and ours. Ballot Measure 43 will strengthen the immediate response of public safety personnel."

**George Howland**, Ret. Deputy Fire Chief, Portland

**Everett G. Hall**, Ret. State Fire Marshall; responsible for establishing the Hazardous Materials Emergency Response System.  
**Eugene Fire Chief/Emergency Manager**, directed Police, 911 Center.

**James Klum**, Portland Fire Chiefs Association

**T.R. Steffanson** Ret. Battalion Chief, Portland

**Gary DuBois**, Ret. Deputy Chief, Portland

**Dan Noelle**, Current Sheriff of Multnomah County

**National Association of Police Organizations**

**James K. Bean**, candidate Linn County Sheriff

**Larry Kanzler**, candidate Columbia County Sheriff

**Walt Porter**, Ret. Division Chief of Emergency, Fire Chief of Multnomah County Fire District 10

*(This information furnished by Stan George, Vice President, Portland Firefighters Association.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 43

## ARGUMENT IN FAVOR

### HELP - CALL 911!!

A blaze envelops your home.  
Boat ignites into flames.  
Hazardous waste spills on the road.  
Wild fires are threatening businesses and homes.

### By dialing 911 fire engines race toward the front -line!

Saving human life is the prime directive of a firefighter. On the front-line, firefighters see lives of individuals and their families forever changed -- the devastation of loss - loss of life and property.

### An Oregon free from fires and injuries.

This is the goal of Oregon's Firefighters. We believe that this can be accomplished through prevention programs and the effective fire suppression teams. Our professional standards are established with this goal in mind.

### Professional Standards for Fire Fighters requirements:

1. RECRUITMENT OF QUALITY INDIVIDUALS, prepared for the frontline with,
2. BEST QUALITY TRAINING,
3. working with the APPROPRIATE EQUIPMENT.

With this combination  
most experience, best trained individuals will  
be responding to your emergency.

Fire Fighters need the help of Oregonians.  
**FIREFIGHTERS ARE CALLING 911.**

Firefighters are asking for your help.  
Our safety and effectiveness has been  
compromised by 1995 changes in the law.

The result?????  
We can't perform up to our  
own professional standards.

### THE PUBLIC SAFETY ACT

**Ballot Measure 43 - guarantees that we will be able to perform up to your standards.**

Ballot Measure 43 will attract the best recruits, insure that their training is thorough and once on the front-line the equipment is sufficient to control any emergency.

**Oregon firefighters are calling 911  
respond to the call with  
"YES on BALLOT MEASURE 43".**

An urgent request from the Oregon State Fire Fighters Council.  
An organization that supports the safety and efforts fire departments across the state.

*(This information furnished by Tom Chamberlain, Oregon State Fire Fighters.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 43

## ARGUMENT IN FAVOR

### OREGON's POLICE KNOW THE JOB THEY ARE SUPPOSED TO DO.

Prevent crime Save lives. Respond to emergencies. Improve community safety.

**THERE IS AN EMERGENCY.  
BUT - it isn't in your home.  
THE HANDCUFFS ARE ON.  
BUT - not on the bad guy.**

### THE POLICE ARE BEING HANDCUFFED.

The ability of police to do their job has been restricted. Restricted by people who talk a good line about wanting to prevent crime and then make decisions that impede the ability of police to do their jobs.

### 1995 Legislature handcuffed the police. THE RESULT?

**Police departments that can't attract the best individuals or maximize training, are not able to send the best team to respond to your emergency.**

**BALLOT MEASURE 43  
will remove the handcuffs from  
the arms of the police!**

Ballot Measure 43 insures an increase in safety. Because it guarantees to fix the problems created by the 1995 legislature. Officers will be safer, Oregonians will be safer. With Ballot Measure 43 Oregon's Police will be able to attract quality recruits, with comprehensive training and equipment.

**OREGON POLICE OFFICERS  
URGE OREGONIANS  
to vote YES on 43.**

**Take the cuffs off the police,  
Put them on criminals.  
YES ON BALLOT MEASURE 43**

From the Oregon Council of Police Associations - representing police working in 35 stations located across Oregon. Joined by Oregon State Police Officers Association, Marion County Law Enforcement Association - a organization of sheriffs and police, and Multnomah County Deputy Sheriffs.

*(This information furnished by Doug Hoffman.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 43

## ARGUMENT IN FAVOR

**ATTENTION:** Residents of Southern Oregon and the South Coast

**RE:** A message from your Firefighters and paramedics!!

**Immense fires are common in our region of the state.**

The Southern part of the Oregon has seen considerable amount of fire in recent years.

- Wild fires that destroyed much of Klamath County.
- Structural fires in Medford and Ashland that wiped out homes and businesses.

**For these emergencies firefighters responded.**

Most of the time local firefighters were able to suppress the fire and minimize damage. In some cases, such as when the Governor declares "A STATEWIDE EMERGENCY", it is necessary to call in firefighters from neighboring areas.

**This is what the Southern Oregon and South Coast firefighters need to be effective:**

Southern Oregon communities, in fact ALL Oregon communities, MUST have firefighters that have adequate training and departments which are equipped to effectively fight the consuming fires which are so common to our area. Our fire departments must be able to quickly coordinate their efforts.

**That is what we need, but we don't have it right now.**

It is for this reason that the firefighters of Ashland, Coos Bay, Douglas County, Grants Pass, Jackson County, Klamath Basin, Medford, North Bend, Rogue River, Roseburg, and Winston/Dillard and ask you to support their efforts by voting YES on Measure 43.

**BALLOT MEASURE 43  
guarantees that firefighters  
get the training and equipment they need,  
so they can be there when called into action.  
VOTE YES ON 43!**

*(This information furnished by Robert T. McGregor, Oregon State Fire Fighters Council.)*

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# Measure No. 43

## ARGUMENT IN FAVOR

**ATTENTION:** Residents of Willamette Valley and the North Oregon Coast

**FROM:** Your firefighters.

**RE:** A special alert!!!

**In 1995, the Legislature changed the public safety law and risked your safety.**

In 1995 the Legislature passed a law that seriously jeopardized your safety because they disabled the firefighter's ability to do the job.

The 1995 public safety law:

- Diminished the ability to recruit the best candidates,
- Reduced the equipment and training available to firefighters, and
- Allowed Cuts into the number of firefighters that would be working.

**This boils down to LESS SAFETY.**  
**This is the effect of the 1995 changes.**

**It doesn't matter what the Legislature intended - they made the mistake of giving politicians and bureaucrats control of crucial public safety decision.**

**The 1995 public safety law needs to be corrected**

**HELP CHANGE THE LAW**  
**Firefighters are asking for HELP!!**  
**Help change the laws that jeopardize safety.**  
**VOTE YES on BALLOT MEASURE 43**

YES vote on BM 43. It is about the safety of firefighters and the safety of Oregonians.. YES on BM 43.

From Fire District #1 representing the firefighters in the fire districts of the Portland metro area, Fire District #2 representing firefighters in Marion County, Salem, Albany, Corvallis, Lebanon, Oakridge, Eugene, La Pine, Springfield, and Western Lane EMTs. The firefighters of District 4 which covers the North Coast including Astoria, St. Helens, Clackamas, Gresham, Hillsboro.

*(This information furnished by Tom Chamberlain, Oregon State Fire Fighters Council.)*

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# Measure No. 43

## ARGUMENT IN FAVOR

Dear Voter,

In 1995 the Legislature must have decided that they know more about fighting fires, policing dark streets, busting drug dealers and guarding prisoners than the public safety personnel.

In 1995 the Legislature must have also decided that it knew more about equipment required to fight hazardous waste fires, bullet proof vests and prison security technology than the public safety personnel..

Their misguided change (not supported by safety) **created a "New- improved-public-safety-law"**. This had the effect of eliminating the ability of all public safety employees to provide input on our training and equipment.

**With the 1995 (current) law in effect , corrections officers, firefighters, 911 dispatchers, paramedics and law enforcement simply CANNOT be efficient or safe on the job.**

### **CAN'T MEET OUR STANDARDS OF EFFICIENCY**

#### **Ballot Measure 43 is the SOLUTION.**

Ballot Measure 43 will reverse the law created in 1995. It insures that the firefighters will be responding to emergencies with the most experienced, best trained, completely equipped public safety personnel possible.

#### **Vote YES on 43.**

**It is for our safety and yours.**

Safety,  
Oregon's correction facility employees including, Association of Oregon Corrections Employees, Federation of Oregon Parole and Probation Officers, Multnomah County Corrections Officers Association. American Federation of State County and Municipal Employees - representing employees.at Oregon's correction facilities.

*(This information furnished by Mike Van Patten, Association of Oregon Correction Employees.)*

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# Measure No. 43

## ARGUMENT IN FAVOR

**TO: All Oregonians.**

**FROM: Firefighters of Central and Eastern Oregon.**

**FYI: Garden hoses and garden shovel DO NOT constitute Fire-fighting Equipment.**

### **1996 Central Oregon blaze....**

#### **The worst fire destruction of Oregon lands in years.**

- Declared a "Conflagration" by Governor Kitzhaber.
- Displaced residents and vacationers sleep on the floors of conference rooms at Kah-neeta.
- Thousands of acres of land engulfed in flames.
- New computer program saved valuable time in planning the attack on the fire

#### **A Conflagration DOES NOT respond to the stream of a garden hose.**

But it seems that some people think that a garden hose will do the job. **During 1995 legislature made a series of decisions that incapacitates firefighters** to be the efficient, effective, immediate.

The Legislature **thinks that politicians and bureaucrats know** more about equipment and training than those on the front-line. They took those decisions away from the firefighters on the front-line.

**The effect, the Legislature could have sent firefighters to the 1996 Central Oregon Conflagration with garden hoses, shovels and rakes.**

**The current public safety lay is DANGEROUS.**

#### **THE CORRECTION: BALLOT MEASURE 43**

Ballot Measure 43 insures that firefighters that will be able to respond to fire emergencies - that envelop an entire county or a house - immediately, effectively and efficiently.

Firefighters know what training they need.

Ballot Measure 43 guarantees their access to the training and equipment they need. And that the best individuals with the most experience will be on the front line.

#### **Vote yes on 43**

**We need the best, most experienced on the front -line.**

**We need the expertise of those on the front-line making equipment, training decisions.**

**CORRECT THE PROBLEM.**

**So we can do our jobs.**

**YES ON 43**

*(This information furnished by Tom Chamberlain, Oregon State Firefighters.)*

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# Measure No. 43

## ARGUMENT IN FAVOR

**Community leaders confirm The Public Safety Act - Ballot Measure 43 - will fix the chaos created in 1995.**

"Our communities are safer, when police officers and firefighters are allowed to negotiate safety equipment, training and policies. The problem is, public safety personnel have been silenced. Short term this is a mistake. Long term it could be a disaster. **Vote YES. Return logic to the system, safety to streets and our safety personnel.**"

Representative Bryan Johnston, Salem

As the District Attorney for Deschutes County, I work daily to promote public safety. The importance of good quality people, adequate and ongoing training and modern equipment are essential to my ability to effectively enforce the law. **Ballot Measure 43 goes a long way toward ensuring greater protection for all of us. I would strongly urge your support for Ballot Measure 43.**

Mike Dugan, Deschutes District Attorney

It is time to stop hobbling the police and fire fighters. Public Safety personnel have the most dangerous jobs in our communities. We need to insure that they have the quality equipment and training so they can be safe.

**Vote YES on Ballot Measure 43.**

Representative Tony Corcoran, Cottage Grove

There are dedicated men and women who daily expend their efforts to respond to our calls for help and protect our safety. NOW is the time they need our support.

Representative Lonnie Roberts

The 1995 Legislature devastated the delicate balance.. This is our change to make it right.

**Vote YES.**

Tanya Collier, Multnomah County Commissioner

*(This information furnished by Stephanie Holmes, Citizens for Public Safety.)*

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# Measure No. 43

## ARGUMENT IN FAVOR

### CITIZENS FOR PUBLIC SAFETY.

The people/organizations listed below are concerned about safety in Oregon's communities.

**They will be voting YES on Ballot Measure 43.**

Ballot Measure 43 will:

1. promote and improve safety in Oregon's communities.
2. repairs a bad public safety law, created during the 1995 legislative session, that jeopardizes safety in Oregon.
3. encourages cooperation among public safety employees; chiefs, clerks, police, firefighters, corrections officers, 911 operators, City managers and others.
4. insures that emergency response teams will be experienced, well trained public safety personnel.

### **STATE REPRESENTATIVES**

Lee Beyer, Kate Brown, George Eighmy, Mike Fahey, Avel Gordly, Tim Josi, John Minnis, Kitty Piercy, Floyd Prozanski, Larry Sowa, Gail Shibley, Cynthia Wooten

### **STATE SENATORS**

Ron Cease, Lenn Hannon, John Lim, Peter Sorensen, Dick Springer, Cliff Trow

Gary Hansen, Multnomah County Commisioner,  
Dan Saltzman, Multnomah County Commisioner

### **LEGISLATIVE and other CANDIDATES**

Scott Bushnell, **Tom Civiletti**, Jim Davis, Richard Devlin, Randall Edwards, Jim Francesconi, Dan Gardner, John Hallet, Drannan Hamby, Del Isham, Al Jabin, Bob Jensen, Marc Kane, **Jeff Kelleher**, George Kelley, Susan Lester, John McArdle, Dick McDaniel, **JoAnne Nordling**, Chuck Partington, Stu Rasmussen, Kurt Schrader, **Marcus Simantel**, Pat Smith, Karen Stratton, Tom Whelan, Thomas Wilde

### **COMMUNITY ORGANIZATIONS**

Columbia Pacific Building/Construction Trades,  
**CRIME VICTIMS UNITED - DD KOUNS, R.B.KOUNS**  
Democratic Party of Multnomah County,  
**Jobs with Justice,**  
**Lane County Central Labor Council,**  
Fire and Police Disability and Retirement Fund,  
Metal Trades Council of Portland  
Northwest Labor Council,  
**Northwest Oregon Labor Retirees,**  
Oregon Building and Construction Trades Council,  
Oregon ALF-CIO, Oregon Federation of Teachers,  
Education and Health Professionals,  
**Oregon Nurses Association,**  
Oregon School Employees Association,  
Southern Labor Council,  
Teamsters Joint Council No. 37  
Umatilla-Morrow Labor Council

*(This information furnished by Stephanie Holmes, Citizens for Public Safety.)*

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# Measure No. 43

## ARGUMENT IN FAVOR

### OREGON'S FRONTLINE PUBLIC SAFETY WORKERS SUPPORT BALLOT MEASURE 43

Ballot Measure 43 is about building the type of Oregon we all want — one where we can count on the quality of public service to keep our communities livable. Making sure that we support those responsible for fighting crime and fires, saving lives, and shaping other lives towards productive ends is the best way we can achieve that goal. Here are reasons that workers on the front line of Oregon's public safety programs support Ballot Measure 43:

"Community safety is essential. Making safe communities means supporting those whose job is public safety. That means voting 'yes' for Ballot Measure 43."

Daniel Portwood  
Police Officer at  
The Dalles Police Department

"It takes a village to raise a child but it takes police, firefighters and other public safety specialists to make our villages safe and livable. We need to show our support by voting 'yes' on Ballot Measure 43."

Merrily Brotherton  
Civil Deputy at  
Umatilla County Sheriff's Office

"As a youth authority worker, I know that the best way to stop crime is to put the aspiring criminal out of work. Turning our youth away from crime and towards productive lives in our community is vital to our future. Supporting our youth authority workers in ways for that to happen is even more vital. That's why we need Ballot Measure 43."

Crisella Juarez  
Group Life Coordinator II at  
Oregon Youth Authority

### VOTE "YES" ON MEASURE 43

*(This information furnished by Alice Dale, Executive Director, Oregon Public Employees Union.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 43

## ARGUMENT IN OPPOSITION

### PROTECT OUR FAIR COLLECTIVE BARGAINING LAW FROM UNION INFLUENCE Vote **NO** on Ballot Measure 43

The Oregon Police Chiefs for Safer Communities strongly opposes Ballot Measure 43.

Here is why! In 1995, Governor John Kitzhaber and the Oregon State Legislature leveled the collective Bargaining playing field by passing Senate Bill 750. Their action improved the collective bargaining process tremendously and limited the power of the big employee labor unions. They want their old and unfair law back...Don't give it to them!

**Vote NO on Measure 43** and demand accountability for those who are employed to serve your community. Government must be able to discipline employees whose conduct is unacceptable. Prior to the Collective Bargaining reforms passed during the last legislative session, a police agency tried to fire two officers for having sexual relations on duty, but could not do so!

**Vote NO on Measure 43** and demand value for your public safety tax dollars. Lets be honest, this ballot measure is about more money in the pockets of public employee unions and less money in yours. If you don't believe us, then why are they spending millions of dollars to influence your vote?

**Vote NO on Measure 43** and say no to special bargaining status for fire and police employees. They must continue to serve the public interest and not their own interests.

**Vote NO on Measure 43** and protect your public interest by protecting our fair and balanced public bargaining law. Public employee unions want control over the management and expenditures of fire and police departments, the State Police, jails and prisons...don't let them have it.

### KEEP THE OREGON PUBLIC'S INTEREST STRONG IN THE PUBLIC BARGAINING PROCESS

### VOTE NO ON MEASURE 43

*(This information furnished by Charles R. Stull, Oregon Police Chiefs for Safer Communities.)*

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# Measure No. 44

Proposed by initiative petition to be voted on at the General Election, November 5, 1996.

## BALLOT TITLE

### 44 INCREASES, ADDS CIGARETTE AND TOBACCO TAXES; CHANGES TAX REVENUE DISTRIBUTION

**RESULT OF "YES" VOTE:** "Yes" vote increases cigarette and tobacco taxes and establishes new taxes, changes distribution of revenues.

**RESULT OF "NO" VOTE:** "No" vote leaves cigarette and tobacco taxes at current levels, does not affect revenue distribution.

**SUMMARY:** Increases cigarette tax from 1.4 to 2.9 cents per cigarette. Cities, counties, general fund, transportation department get smaller proportion; majority goes to Oregon Health Plan, tobacco use reduction programs. Adds one-time taxes totalling three cents per cigarette, proceeds to Oregon Health Plan, tobacco use reduction. Increases tobacco products tax from 35% to 65% of wholesale price; directs some proceeds to Oregon Health Plan, tobacco use reduction, less to general fund. Retains one-half cent per cigarette tax that funds Oregon Health Plan.

**ESTIMATE OF FINANCIAL IMPACT:** This measure will increase state revenue each year, beginning with \$27 million in 1996-97, expanding to \$80 million per year by 1998-99.

Additional expenditures on the Oregon Health Plan will grow from \$26 million in 1996-97 to \$76 million annually by 1998-99. State expenditures for programs designed to reduce cigarette and tobacco use will increase by \$3 million 1996-97, and \$8 million annually by 1997-98. Other revenues available to the state general fund will decrease by \$1 million in 1996-97, declining by \$4 million annually by 1998-99.

Revenue available to counties and cities will decrease by \$400,000 in 1996-97, declining by \$750,000 annually by 1998-99.

### AN ACT TO SUPPORT THE OREGON HEALTH PLAN

Relating to finance; creating new provisions; amending ORS 323.030, 323.455, 323.505 and 323.625; and appropriating money.

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

**SECTION 1.** ORS 323.030 is amended to read:

323.030. (1) Every distributor shall pay a tax upon distributions of cigarettes at the rate of [14] 29 mills for the distribution of each cigarette in this state.

(2) The taxes imposed by ORS 323.005 to 323.455 and 323.990 are in lieu of all other state, county or municipal taxes on the sale or use of cigarettes.

(3) Any cigarette with respect to which a tax has once been imposed under ORS 323.005 to 323.455 and 323.990 shall not be subject upon a subsequent distribution to the taxes imposed by ORS 323.005 to 323.455 and 323.990.

**SECTION 2.** ORS 323.455 is amended to read:

323.455. (1) All moneys received by the department from the tax imposed by ORS 323.030 (1) shall be paid over to the State Treasurer to be held in a suspense account established under ORS 203.445. After the payment of refunds, [eleven-fourteenths]

# Measure No. 44

89.65 percent shall be credited to the General Fund, [one-fourteenth] 3.45 percent is appropriated to the cities of this state, [one-fourteenth] 3.45 percent is appropriated to the counties of this state and [one-fourteenth] 3.45 percent is continuously appropriated to the Department of Transportation for the purpose of financing and improving transportation services for elderly and disabled individuals as provided in ORS 391.800 to 391.830.

(2) The moneys so appropriated to cities and counties shall be paid on a monthly basis within 35 days after the end of the month for which a distribution is made. Each city shall receive such share of the money appropriated to all cities as its population, as determined under ORS 190.510 to 190.590 last preceding such apportionment, bears to the total population of the cities of the state, and each county shall receive such share of the money as its population, determined under ORS 190.510 to 190.590 last preceding such apportionment, bears to the total population of the state.

(3) The moneys appropriated to the Department of Transportation under subsection (1) of this section shall be distributed and transferred to the Elderly and Disabled Special Transportation Fund established by ORS 291.800 at the same time as the cigarette tax moneys are distributed to cities and counties under this section.

(4) Of the moneys appropriated to the General Fund under this section 51.92 percent shall be dedicated to funding the maintenance and expansion of the number of persons eligible for medical assistance under the Oregon Health Plan, or to funding the maintenance of the benefits available under the Oregon Health Plan, or both, and 5.77 percent shall be credited to the Tobacco Use Reduction Account established under section 13 of this 1996 Act.

**SECTION 3.** The amendments to ORS 323.030 and 323.455 by sections 1 and 2 of this Act apply to distributions of cigarettes occurring on or after February 1, 1997.

**SECTION 4.** Sections 4 to 8 of this Act are added to and made a part of ORS 323.005 to 323.455.

**SECTION 5.** (1) In addition to and not in lieu of any other tax, for the privilege of holding or storing cigarettes for sale, use or consumption, a floor tax is imposed upon every dealer, as defined in ORS 323.010, at the rate of 15 mills for each cigarette in the possession of or under the control of the dealer in this state at 12:01 a.m. on February 1, 1997.

(2) The tax imposed by this section is due and payable on or before February 20, 1997. Any amount of tax that is not paid within the time required shall bear interest at the rate established under ORS 305.200 per month, or fraction of a month, from the date on which the tax is due to be paid, until paid.

(3) On or before February 20, 1997, every dealer shall file a report with the Department of Revenue in such form as the department may prescribe. Dealer reports shall state the number of cigarettes in the possession of or under the control of the dealer in this state at 12:01 a.m. on February 1, 1997, and the amount of tax due thereon. Each report shall be accompanied by a remittance payable to the department for the amount of tax due.

**SECTION 6.** In addition to and not in lieu of any other tax, for the privilege of distributing cigarettes as a licensed distributor and for holding or storing cigarettes for sale, use or consumption, a floor tax and cigarette indicia adjustment tax is imposed upon every licensed distributor in the amount of 37.5 cents for each Oregon cigarette tax stamp bearing the designation "25," in the amount of 30 cents for each Oregon cigarette tax stamp bearing the designation "20" and in the amount of 15 cents for each Oregon cigarette tax stamp bearing the designation "10," which is affixed to any package of cigarettes in the possession of or under the control of the licensed distributor at 12:01 a.m. on February 1, 1997.

## Measure No. 44

**SECTION 7.** (1) Every licensed distributor shall take an inventory as of 12:01 a.m. on February 1, 1997, of all packages of cigarettes to which are affixed Oregon cigarette tax stamps and all unaffixed Oregon cigarette tax stamps in the possession of or under the control of the distributor.

(2) Every licensed distributor shall file a report with the Department of Revenue on or before February 20, 1997, in such form as the department may prescribe, showing:

(a) The number of Oregon cigarette tax stamps, with the designations thereof, that were affixed to packages of cigarettes in the possession of or under the control of the distributor at 12:01 a.m. on February 1, 1997; and

(b) The number of unaffixed Oregon cigarette tax stamps, with the designations thereof, that were in the possession of or under the control of the distributor at 12:01 a.m. on February 1, 1997.

(3) The amount of tax required to be paid with respect to the cigarette tax stamps shall be computed and remitted with the distributor's report. Any amount of tax not paid within the time specified for the filing of the report shall bear interest at the rate established under ORS 305.220 per month, or fraction thereof, from the due date of the report, until paid.

**SECTION 8.** All moneys received by the Department of Revenue from the tax imposed by sections 5 and 6 of this 1996 Act shall be paid over to the State Treasurer to be held in a suspense account established under ORS 293.445. After the payment of refunds, the remainder shall be paid over and credited to the General Fund. Ninety percent of the amount credited to the General Fund under this section shall be dedicated to funding the maintenance and expansion of the number of persons eligible for medical assistance under the Oregon Health Plan, or to funding the maintenance of the benefits available under the Oregon Health Plan, or both. Ten percent shall be credited to the Tobacco Use Reduction Account established under section 13 of this 1996 Act.

**SECTION 9.** ORS 323.505 is amended to read:

323.505. (1) A tax is hereby imposed upon the sale, storage, use, consumption, handling or distribution of all tobacco products in this state at the rate of [35] 65 percent of the wholesale sales price of such tobacco products. The tax shall be imposed on distributors at the time the distributor:

(a) Brings, or causes to be brought, into this state from without the state tobacco products for sale, storage, use or consumption;

(b) Makes, manufactures or fabricates tobacco products in this state for sale, storage, use of consumption in this state; or

(c) Ships or transports tobacco products to retail dealers in this state, to be sold, stored, used or consumed by those retail dealers.

(2) If the tax imposed under this section does not equal an amount calculable to a whole cent, the tax shall be equal to the next highest whole cent. However, the amount remitted to the Department of Revenue by the taxpayer for each quarter shall be equal only to 98.5 percent of the total taxes due and payable by the taxpayer for the quarter.

(3) No tobacco product shall be subject to the tax if the base product or other intermediate form thereof has previously been taxed under this section.

(4) Notwithstanding any provision of the Tobacco Products Tax Act to the contrary, the tax imposed by this section may be paid by the manufacturer or any other person or entity instead of the taxpayer from whom such tax would otherwise be due. In the event of payment by another person or entity, the taxpayer shall be excused from payment of the amount of the tax which has been so paid if, together with the return required under ORS 323.510, the taxpayer supplies evidence satisfactory to the department or in a form prescribed by the department showing that such tax has been so paid.

**SECTION 10.** ORS 323.625 is amended to read:

## Measure No. 44

323.625. All money received by the Department of Revenue under the Tobacco Products Tax Act shall be deposited in the State Treasury and credited to a suspense account established under ORS 293.445. After payment of administration expenses incurred by the department in the administration of the Tobacco Products Tax Act and of refunds or credits arising from erroneous overpayments, the balance of the money shall be credited to the General Fund. **Of the amount credited to the General Fund under this section 41.54 percent shall be dedicated to funding the maintenance and expansion of the number of persons eligible for medical assistance under the Oregon Health Plan, or to funding the maintenance of the benefits available under the Oregon Health Plan, or both, and 4.62 percent shall be credited to the Tobacco Use Reduction Account established under section 13 of this 1996 Act.**

**SECTION 11.** The amendments to ORS 323.505 and 323.625 by sections 9 and 10 of this Act apply to tobacco products tax reporting periods beginning on and after February 1, 1997.

**SECTION 12.** Sections 13 to 15 of this Act are added to and made a part of ORS chapter 431.

**SECTION 13.** (1) There is established in the General Fund the Tobacco Use Reduction Account.

(2) Amounts credited to the Tobacco Use Reduction Account are continuously appropriated to the Health Division for the funding of prevention and education programs designed to reduce cigarette and tobacco use.

**SECTION 14.** The Health Division shall develop and adopt rules for awarding grants to programs for educating the public on the risk of tobacco use, including but not limited to:

(1) Educating children on the health hazards and consequences of tobacco use; and

(2) Promoting enrollment in smoking cessation programs and programs that prevent smoking-related diseases including cancer and other diseases of the heart, lungs and mouth.

**SECTION 15.** During each biennium, the Health Division shall prepare a report regarding the awarding of grants from the Tobacco Use Reduction Account and the formation of public-private partnerships in connection with the receipt of funds from the account. The Health Division shall present the report to the Governor and to those committees of the Legislative Assembly to which matters of public health are assigned.

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

# Measure No. 44

## EXPLANATORY STATEMENT

**The proposed Measure:** Ballot Measure 44 proposes an increase in and redistribution of state taxes on cigarettes and other tobacco products (cigars, chewing tobacco, pipe tobacco and snuff) distributed in this state effective February 1, 1997.

**The present tax:** Oregon currently imposes a permanent tax of 1.4 cents per cigarette (28 cents per standard 20 cigarette pack) and a temporary tax of .5 of a cent per cigarette (10 cents per standard pack) for a total cigarette tax of 1.9 cents per cigarette (38 cents per standard pack). The temporary tax will expire December 31, 1997. Other tobacco products are presently taxed at 35% of their wholesale price.

**The proposed tax:** Ballot Measure 44 would increase the permanent cigarette tax by 1.5 cents per cigarette (30 cents per standard pack) for a total tax of 3.4 cents per cigarette (68 cents per standard pack) until expiration of the temporary .5 cent tax, at which time the total tax would be reduced to 2.9 cents per cigarette (58 cents per standard pack). The tax on other tobacco products would be increased to 65% of wholesale value. A one-time-only tax is imposed upon existing stocks of cigarettes held in inventory equal to taxes to be paid on cigarettes distributed after February 1, 1997.

**The present distribution of tax revenue:** Approximately 79% of the revenue from the permanent cigarette tax and all of the revenue from the tax on other tobacco products is dedicated to the State General Fund for general government purposes. The remaining 21% of the permanent cigarette tax is distributed to cities, counties and the State Department of Transportation for general government purposes. Revenue from the temporary cigarette tax is entirely dedicated to the Oregon Health Plan.

**The proposed distribution of tax revenue:** Ballot Measure 44 dedicates approximately 90% of the revenue generated to the State General Fund and approximately 10% to cities, counties and the State Department of Transportation. The General fund allocation is further dedicated to the Oregon Health Plan, general government purposes and tobacco reduction and cessation programs.

### Committee Members:

Scott Gallant  
Barney Speight  
Bill Linden  
Gary Oxley  
John C. Beatty, Jr.

### 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 No. 44

## ARGUMENT IN FAVOR

### Research Scientists Favor Measure 44

As Oregon research scientists, we feel a responsibility to urge a "Yes" vote on Ballot Measure 44, which would raise the tax on cigarettes by 30 cents a pack.

Many of us do research on tobacco use. Scientific evidence regarding the harmful effects of tobacco is indisputable. Smoking causes more than 400,000 deaths a year in this country--more than are caused by suicide, homicide, alcohol use, auto accidents, AIDS, and drug overdoses **combined**.

The proposed tax on tobacco products will improve public health in three ways.

Increasing it will reduce the proportion of young people who become addicted to tobacco. Research summarized in the 1994 Surgeon General's report clearly shows that higher prices discourage adolescents from trying tobacco. More than 3000 young people begin smoking every day; 1000 will die prematurely because they smoked.

Measure 44 will raise about \$135 million per biennium for the Oregon Health Plan, Oregon's innovative approach to assuring health coverage for all. Since much of cost of the plan is for treatment of smoking-related illness, it makes sense that the tax help pay for such illness.

The measure will provide about \$15 million per biennium to prevent adolescent addiction to tobacco. Research has shown that prevention programs work.

We urge you to vote for Measure 44 and make a significant contribution to the health of Oregonians.

Nicholas Allen, Ph.D.  
Anthony Biglan, Ph.D.  
Jonathan Brown, M.P.P., Ph.D.  
David R. Campbell, Ph.D.  
John Digman, Ph.D.  
Elizabeth Eakin, Ph.D.  
Russell Glasgow, Ph.D.  
Lewis R. Goldberg, Ph.D.  
Emily Harris, Ph.D.  
Hyman Hops, Ph.D.  
Arnold Hurtado, M.D.  
Njeri Karanja, Ph.D.  
Michael Lee, Ph.D.  
Edward Lichtenstein, Ph.D.

Garth McKay, Ph.D.  
Carol Metzler, Ph.D.  
John Noell, Ph.D.  
Clyde Pope, Ph.D.  
Paul Rohde, Ph.D.  
Herbert Severson, Ph.D.  
Lisa Sheeber, Ph.D.  
Diana Shye, Ph.D.  
Victor Stevens, Ph.D.  
Deborah Toobert, Ph.D.  
Barbara Valanis, Dr. P.H.  
Thomas Vogt, M.D.  
B. Alex White, D.D.S., Dr.P.H.  
Evelyn Whitlock, M.D., M.P.H.

*(This information furnished by Anthony Biglan.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 44

## ARGUMENT IN FAVOR

### Oregonians Deserve to Be Healthy

Heart attack is the number 1 killer of Americans. Heart disease and stroke kill more people than AIDS, accidents - even cancer. In 1995, over 10,000 Oregonians died from heart disease and stroke.

Scientific evidence very clearly shows the use of **tobacco is a major risk factor** for the development of **heart disease and stroke**. Tobacco use is responsible for over 400,000 deaths each year in this country. In Oregon, **6,500 Oregonians died from tobacco-related illnesses** in 1993 alone. And, according to the Oregon Health Division, Oregonians spent \$260 million in 1993 in direct costs for diagnosis and treatment of tobacco-related illnesses.

**Today the American Heart Association wants you to vote YES on Measure 44.**

**A yes vote on Measure 44** will raise \$67 million each year, dedicated specifically for the Oregon Health Plan. This money will enable thousands of Oregonians - children and adults - to receive much-needed health care through the Oregon Health Plan. A **YES** vote on Measure 44 will also provide \$7 million each year in funds **critical to preventing children and teenagers from using Tobacco Products.**

**Tobacco Industry advertising** is very effective in marketing its **products to children**. In America, 3,000 children begin smoking each year. Approximately one third of the those **children who get hooked on tobacco will die from their addiction.**

**The American Heart Association, Oregon Affiliate, Inc. supports** the passage of Measure 44 because it will reduce death and disability caused by the use of **Tobacco**. Our mission is to reduce death and disability from heart disease and stroke. A **YES** vote on Measure 44 will save lives and improve the health of Oregonians.

**You can make a difference. Join the American Heart Association and Vote Yes on Measure 44.**

*(This information furnished by John Chism, Executive Director, American Heart Association, Oregon Affiliate.)*

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# Measure No. 44

## ARGUMENT IN FAVOR

**Ballot Measure 44** is important for the good health of Oregonians. It's important for the future of our children. And it's critical to almost 130,000 low-income, working men, women and their children who, without the Oregon Health Plan, would have no health insurance.

By adding 30 cents to the price of a pack of cigarettes, Measure 44 raises \$67 million per year to help pay the state's share of funding the Oregon Health Plan, which in turn helps low-income working Oregonians keep their jobs and avoid welfare as the only way to get health insurance. Measure 44 also raises another \$7 million each year to help educate our kids on the consequences of developing a tobacco addiction.

**The Oregon Health Plan is a tribute to the pioneer spirit of our state.** It was created by the Oregon Legislature in 1989. The plan uses a combination of public and private insurance programs to extend healthcare services to low-income Oregonians. It offers health coverage to the uninsurable and to small business employees.

**The plan has demonstrated success in stabilizing costs of healthcare: the length of hospital stays is falling; emergency room visits are declining; fewer people are finding themselves faced with a healthcare crisis without medical insurance; and small businesses have more security to offer their workers.**

Ballot Measure 44 is money for the Oregon Health Plan and a strong anti-smoking message for our children. Thirty cents a pack is a small price to pay. Please join us in voting YES on Measure 44.

Ken Rutledge, President  
Oregon Association of Hospitals and Health Systems

*(This information furnished by Ken Rutledge, President, Oregon Association of Hospitals and Health Systems.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 44

## ARGUMENT IN FAVOR

**MEASURE 44** is a powerful public health tool. The Oregon Public Health Association supports Measure 44 because it makes sense to increase the tobacco taxes and spend the new revenue on the Oregon Health Plan and tobacco prevention programs.

**MEASURE 44** allows you to join the battle against the tobacco industry. Smoking costs Oregonians nearly \$1 billion each year in added medical costs and lost work time. The direct medical costs of smoking alone amount to over \$400 million per year. It makes sense to raise tobacco taxes to help repay some of these tobacco-related costs.

**Vote for Measure 44 to protect our children from tobacco. Help give our kids the best chance for a healthy, smoke-free life. How will this happen?**

- 1) A higher tax will increase the cost of tobacco products, discouraging children from buying. This has happened in other states.
- 2) 10% of the revenue generated will fund programs which discourage the use of tobacco, especially by children. The rest of the revenue generated will go toward tobacco-related medical costs and the Oregon Health Plan.

The tobacco industry has spent millions of dollars in Oregon to convince voters to defeat Measure 44, to protect their profits by selling more of their products to children. The tobacco industry has been telling lies, hiding behind fake campaign names and trying to buy this election. The Oregon Public Health Association wants the citizens of Oregon to know the truth about the tobacco industry and Measure 44.

**VOTE YES ON MEASURE 44 TO SHOW THE TOBACCO INDUSTRY THAT OREGONIANS CARE MORE FOR THEIR KIDS THAN TO BELIEVE THE LIES OF THE TOBACCO INDUSTRY.**

**VOTE YES ON MEASURE 44 TO PROTECT OUR CHILDREN FROM A LIFETIME OF ADDICTION.**

**VOTE YES ON MEASURE 44 TO HELP SUPPORT THE OREGON HEALTH PLAN.**

**VOTE YES ON MEASURE 44 FOR THE HEALTH OF ALL OREGONIANS.**

This message is brought to you by the 375 members of the OREGON PUBLIC HEALTH ASSOCIATION.

*(This information furnished by Margaret Slagle, President, Oregon Public Health Association.)*

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# Measure No. 44

## ARGUMENT IN FAVOR

### REDUCE TEEN SMOKING

**Vote YES on Measure 44**

#### How can raising the cigarette tax fight teenage smoking?

It's simple. A report published in 1993 by the National Cancer Institute, *The Impact of Cigarette Excise Taxes on Smoking Among Children and Adults*, shows higher prices discourage teenage smoking.

#### Raise the price. Lower the consumption.

It makes sense. The National Cancer Institute report reveals that youth consumption of tobacco is more influenced by price than anything else. Indeed, another study released in July by the National Bureau of Economic Research showed that raising the price of a pack of cigarettes by 75 cents has three times more impact on teen smoking than on adult smoking. This is probably true because children and teenagers are usually less addicted than many adults and, therefore, are more able to stop smoking when prices increase.

**Please help reduce teen smoking. Vote YES on Measure 44.**

Bruce Adams, president      Ellen Lowe, associate director  
Oregon Education Association      Ecumenical Ministries of Oregon

*(This information furnished by Bruce Adams, Oregon Education Association.)*

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## Measure No. 44

### ARGUMENT IN FAVOR

Every year, thousands of Oregonians die from tobacco related illnesses. But numbers don't begin to tell the human stories that nurses witness every day. People who have tobacco induced diseases such as emphysema and lung cancer suffer pain; disability; disfigurement from radical surgery, and; many times, death.

What makes these stories tragic is that suffering and death are largely preventable.

Nurses also see the effects of tobacco use on those who are not smokers:

- The low weight baby born to a smoking mother who begins life ill.
- The family whose father is often too ill to work and eventually has a fatal illness.
- The children in a home where adults smoke who have frequent illness and must miss school and recreational activities.
- Finally, the teenagers who become addicted to tobacco early in their life and put themselves at risk for unnecessary diseases.

Oregonians spent \$260 million in 1993 for diagnosis and treatment of tobacco related illnesses. By voting "YES" on Ballot Measure 44, Oregonians have an opportunity to make a significant improvement in health. Those individuals who choose to smoke can help to fund badly needed health care by expanding the Oregon Health Plan. Additionally, \$7 million of the revenue will be spent to prevent children and teenagers from using tobacco products.

Ballot Measure 44 is responsible policy in that it will have the effect, ultimately, of reducing the use of tobacco as well as offsetting the cost of health care currently supported from public funding.

Ballot Measure 44 pits those of us concerned about the health of Oregonians against the tobacco industry. Is there any question about whom to trust?

*(This information furnished by Susan E. King, Oregon Nurses Association.)*

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## Measure No. 44

### ARGUMENT IN FAVOR

**SHOW THE TOBACCO INDUSTRY THAT OREGONIANS SEE THROUGH THE SMOKESCREEN ...**

**VOTE YES ON MEASURE 44**

Your **American Lung Association of Oregon** and the more than 300,000 Oregonians with lung disease urge you to vote "yes" for Measure 44 to raise the state tobacco tax and provide needed funding for prevention programs and for the Oregon Health Plan.

**MEASURE 44 WILL SAVE KIDS' LIVES** ... studies have proved that kids are price-sensitive on tobacco ... when the price increases, fewer kids start to smoke and additional ones quit. And it's been proved that if you don't start smoking as a youngster, you're likely not to start later.

**MEASURE 44 WILL GIVE US A CHANCE TO STEM THE RISE IN YOUTH SMOKING** ... underage smoking in Oregon is on the rise again ... a higher percentage of Oregon teens now identify themselves as smokers than do adults ... and kids continue to see tobacco use encouraged in ads, in televised sporting events, and in films. ... Measure 44 will provide an estimated \$7.5 million a year to fund prevention programs to offset the impact on Oregon kids of the millions of dollars spent by the tobacco industry.

**MEASURE 44 IS FAIR** ... it simply ensures that Oregonians who choose to use tobacco pay a fairer share of the costs all Oregonians bear to treat preventable tobacco-caused disease. It's one tax that most every Oregonian, including a majority of Oregonians who smoke, believes to be fair.

**IT TRULY IS A MATTER OF LIFE AND BREATH**

**VOTE YES ON MEASURE 44**

Your American Lung Association of Oregon

*(This information furnished by Shane P. McDermott, American Lung Association of Oregon.)*

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# Measure No. 44

# Measure No. 44

## ARGUMENT IN FAVOR

A MESSAGE FROM U.S. SENATOR RON WYDEN

To the Committee to Support the Oregon Health Plan:

In 1994 the top executives of the tobacco companies swore under oath at a Congressional hearing to tell the truth about the health effects of their products. At this hearing, I asked each of these executives if they believed nicotine was addictive. Each of them said "No."

Since that hearing, documents from tobacco industry files have demonstrated that high ranking tobacco company officials have considered their products addictive for years.

Now the industry that argues tobacco is not addictive plans to spend vast sums of money to defeat Measure 44, the Act to Support the Oregon Health Plan. The tobacco industry lobby is one of the most powerful in the nation. I've seen them pull out all the stops to get what they want - one tobacco company even sued me personally because of my efforts to protect public health.

Over the next few weeks, you can expect that the tobacco industry will bombard our state with fancy, clever advertising that will suggest Oregon is going to be badly hurt by Measure 44. Please don't believe the industry that still claims nicotine isn't addictive.

The truth is Measure 44 will improve the health of thousands of Oregonians. It will help us achieve one of my top goals as a public official - keeping kids from starting to smoke.

I'm supporting Measure 44 because it will help continue the Oregon tradition of fresh, creative answers for real problems. The tobacco lobby won't like Measure 44, but it will be good for the people of Oregon. I hope you will join me in voting YES on Measure 44.

*(This information furnished by U.S. Senator Ron Wyden.)*

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## ARGUMENT IN FAVOR

The Oregon Rural Health Association (ORHA) knows that extending the Oregon Health Plan (OHP) is essential for maintaining public safety, livability and a viable economy in Oregon's rural communities.

**ORHA Board of Directors recommends a YES vote on Measure 44 to support the Oregon Health Plan because:**

**Rural residents have a greater need for the Oregon Health Plan because:**

- wages and incomes are lower in rural Oregon
- unemployment is higher in rural Oregon
- rural Oregonians are less likely (than urban) to have health insurance
- agricultural and forest work is more dangerous than most urban occupations
- rural areas often experience shortages of doctors, nurse practitioners, physician assistants and other health professionals
- maintaining existing rural health care services is essential to maintain existing jobs and to attract new employment opportunities to rural Oregon

**Supporting the Oregon Health Plan will help maintain existing rural health services.**

- Rural hospitals and health services are essential to employers and families;
- Rural employers have difficulty attracting the best employees;
- Local residents move away when needed health services are not available.

**Rural residents are more likely to forego treatment because:**

- travel distances,
- lack of health insurance,
- provider shortages.
- delayed treatment for accidents or serious illness often contributes to poorer health or disabilities.

**The OHP has been working as expected and having a positive impact of:**

- supporting rural health services;
- reducing unnecessary emergency room visits;
- reducing lost time due to illness for low-income workers;
- reducing the rate of inflation in health insurance premiums;
- reducing applications for welfare and thus reducing the welfare rolls.

**Vote Yes on Measure 44 to finance and strengthen the Oregon Health Plan, a program that helps all Oregonians.**

The Oregon Rural Health Association is a non-profit organization whose primary goal is to improve the health of rural Oregonians through development of consensus on rural health policy recommendations and through education and communication.

*(This information furnished by Ian Timm, President, Oregon Rural Health Association.)*

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# Measure No. 44

## ARGUMENT IN FAVOR

**YES on Measure 44.**

**To support the Oregon Health Plan.**

As providers of emergency medical services and transportation throughout much of Oregon, we urge our fellow Oregonians to vote YES on Measure 44.

- The Oregon Health Plan is good for all Oregonians because it encourages high quality in health care. It also helps control health care costs for most Oregonians, not just for those who participate in the Plan.
- If we lose the Oregon Health Plan for lack of funding, we would probably have to go back to the old welfare system. Under that system, many Oregonians end up paying more for health care.
- As health care providers participating in the Oregon Health Plan, we consider ourselves part of a unique public/private partnership with the state. Working to assure high quality health care and control costs, this partnership is a model for other states to follow.
- Oregon has among the highest-quality emergency medical service and transportation in the country. The Oregon Health Plan helps us keep up that high quality of service for all Oregonians.

Ken Parsons, EMT-P  
Operations Manager  
Mercy Flights, Medford  
President, Oregon Ambulance  
Association

Randy Garner  
President  
Woodburn Ambulance Service  
Woodburn

Bruce Latta  
Bay Cities Ambulance  
Coos Bay

David Cartright  
Southern Curry EMS  
Brookings

J.D. Fuiten  
Metro West Ambulance  
Hillsboro

Trace Skeen  
American Medical Response  
Multnomah County

*(This information furnished by Ken Parsons, Oregon State Ambulance Association.)*

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# Measure No. 44

## ARGUMENT IN FAVOR

**PROTECT YOUR HEALTH AND SAFETY!**

**Vote YES on Measure 44!**

**The Oregon Health Plan Provides Thousands of Oregonians with Treatment for Alcohol & Drugs**

**Violent crime, property crime, school dropouts, job loss, drunk driving accidents, exploding prison populations--** Alcohol and drug abuse is a huge factor in these problems and more. The Oregon Health Plan has provided thousands of Oregonians with help that otherwise is unavailable. **That Benefits YOU!**

**All Oregonians will pay more tomorrow unless we act today!** Oregon simply cannot afford to keep paying the price for untreated alcohol and drug problems. The Oregon Health Plan offers a solution by making treatment accessible to save Oregonians the costly alternatives of prison, welfare and personal tragedy. **That Benefits YOU!**

**Tobacco prevention means savings for everybody.** Tobacco use is a known "gateway" to other drugs, especially among teens. Raising the price of tobacco will result in decreasing use. Decreasing tobacco use means fewer babies born drug addicted, physically or mentally damaged. **That Benefits YOU!**

**Currently, 400,000 Oregonians -- including 100,000 children -- do not have health coverage.** The Oregon Health Plan is a nationally recognized solution for managing the cost of health care while providing basic health coverage to citizens who cannot afford it. As a result, all Oregonians and Oregon businesses pay less for their own health care. **That Benefits YOU!**

**The Alcohol & Drug Abuse Program Directors Association of Oregon serves thousands of Oregonians and their families every year. We urge you to Vote...  
YES on 44!**

**YES ON 44 FOR OREGON'S HEALTH AND SAFETY!**

*(This information furnished by Ann Uhler, Alcohol and Drug Abuse Program Directors Association of Oregon.)*

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# Measure No. 44

# Measure No. 44

## ARGUMENT IN FAVOR

### **MEASURE 44 EXPANDS THE OREGON HEALTH PLAN**

Health care has been extended to 130,000 uninsured Oregonians under the Oregon Health Plan. An additional 400,000 uninsured Oregonians are still in need of access to health services. The \$67 million generated annually for health care by Measure 44 will allow us to begin the expansion of the Oregon Health Plan to more working poor Oregonians.

### **MEASURE 44 LOWERS FUTURE HEALTH CARE NEEDS AND COSTS**

The millions spent for the diagnosis and treatment of preventable tobacco-related diseases add to the cost of health insurance and services for all Oregonians. Cigarette smoking and tobacco use are leading causes of cancer, heart and lung diseases and other serious illnesses. Measure 44 has the promise of reducing the incidence of these diseases and their related costs. In Oregon, the estimated cost in health care and lost productivity is \$900 million a year.

The Tobacco Use Reduction Account will receive \$7 million annually from Measure 44. This account will be used for tobacco use prevention and education programs. The primary focus will be on Oregon's children. Ninety percent of all new smokers are under the age of 18. The education, along with the price increase of 30 cents per pack of cigarettes, promises to lower the number of new smokers and future costs.

### **MEASURE 44 SUPPORTS A CARING COMMUNITY**

The over 200 human service organizations and advocates who make up the Human Services Coalition of Oregon often find themselves providing essential support services to fellow Oregonians whose emergency needs stem from an illness. With the expansion of the Oregon Health Plan, more resources can be allocated to other essential services. Oregon will be a healthier community.

### **FOR OREGON'S HEALTH VOTE YES FOR MEASURE 44**

Human Services Coalition of Oregon

*(This information furnished by Ellen C. Lowe, Human Services Coalition of Oregon.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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## ARGUMENT IN FAVOR

### **TOBACCO COMPANIES AREN'T CONTENT JUST TO PUSH TOBACCO NOW THEY WANT TO KILL THE OREGON HEALTH PLAN**

The tobacco companies will do anything to sell cigarettes, including the use of cartoon characters to hook kids. Even a congressional committee has alleged that nicotine levels have been manipulated to hook adults and children; and, the tobacco industry's latest ploy, claiming they aren't trying to kill the Oregon Health Plan.

Here's the truth: Every pack of cigarettes smoked is directly responsible for at least \$3.90 in healthcare costs and lost productivity (that's \$900 million in Oregon). So, here's the question: Shouldn't the substance that causes the problem pay for offsetting the cost of the problem?

Ballot Measure 44, the Act to Support the Oregon Health Plan, holds the tobacco companies directly responsible. It increases the current cigarette tax and creates two immediate benefits - it raises \$67 million a year to fund the Oregon Health Plan (helping the more than 130,000 low-income Oregonians who don't have any real health insurance coverage); and, it provides \$7 million a year to prevent kids from using tobacco.

Concerned civic and healthcare groups support 44. We want your help, too. Remember, the tobacco industry isn't in this for your health.

### **LET'S MAKE THE TOBACCO INDUSTRY PAY FOR A CHANGE**

### **VOTE YES ON MEASURE 44**

Submitted by the Oregon Medical Association

*(This information furnished by Frank J. Baumeister, M.D., Oregon Medical Association.)*

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# Measure No. 44

## ARGUMENT IN FAVOR

Join us in voting YES for Ballot Measure 44

Did you know that 80 percent of people who smoke started when they were teenagers?

We support Ballot Measure 44 because it will place a new 30 cent tax on each pack of cigarettes. This money will help stop children from smoking. For every dollar of new cigarette tax money, 10 cents will be spent on programs to help protect children from ever becoming addicted to tobacco. Ninety cents will be used to continue the Oregon Health Plan to provide health care to uninsured Oregonians.

We support Ballot Measure 44 because the effect of tobacco use in our communities is staggering! People die every day. Tobacco use drains money and time away from other critical problems and needs. According to a 1996 Oregon Health Division report, the cost of tobacco use in the following counties was:

<u>County</u>	<u>Cost Per Year</u>	<u>Deaths Per Year</u>
Benton	\$ 13 million	99
Linn	\$34 million	251
Multnomah	\$200 million	1,444
Marion	\$ 80 million	554

The total yearly cost of tobacco use in Oregon was \$895 million. 6,500 Oregonians die each year from tobacco use and addiction.

A YES VOTE will help thousands of Oregonians without health care to have access to the quality, affordable health care they need.

A YES VOTE will provide funds for tobacco prevention programs to reduce the use of tobacco by young people.

A YES VOTE ON MEASURE 44 will help protect children.

Send a clear message to the giant out of state tobacco companies that your vote cannot be bought with slick advertising.

**Vote YES ON MEASURE 44 — You will make a difference !**

Respectfully,

<b>Kent Daniels</b> Benton County Commission	<b>Pamela Folts</b> Benton County Commission
---	---

<b>Mary Pearmine</b> Marion County Commission	<b>Dan Saltzman</b> Multnomah Co. Commission
--	---

<b>Gary Heer</b> Marion County Commission	<b>John Dilworth</b> Benton County Commission
--	--

<b>Richard Stach</b> Linn County Commission	<b>Randall Franke</b> Marion County Commission
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(This information furnished by Dan Saltzman, Multnomah County Commissioner.)

(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)

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# Measure No. 44

## ARGUMENT IN FAVOR

### BALLOT MEASURE 44 PROVIDES HEALTH CARE

The Oregon Health Plan has provided access to health care services for some 130,000 uninsured Oregonians, many of them working poor families. The faith community knows from its participation in the ministry of healing, from hospice to immunization clinics, that the estimate of at least 400,000 additional uninsured Oregonians is no exaggeration. The \$67 million annual revenues from the Measure 44 tobacco tax will help expand access to health care to more Oregonians who are living in poverty.

### BALLOT MEASURE 44 PROMOTES HEALTHY BEHAVIOR

Education can change behavior. So can price increases. Measure 44 will allocate 10% of the revenues, estimated at \$7 million annually, for community-based tobacco use prevention and education, especially for children. Experience in other states and countries has demonstrated that young people are more price-sensitive than adults. The 30 cent per pack increase, accompanied by education, should reduce the number of future tobacco customers. Cessation programs will also be available for adult smokers seeking a healthier lifestyle.

### BALLOT MEASURE 44 REDUCES LOSS OF LIFE AND DOLLARS

Oregon experiences losses of some \$900 million each year from lost productivity and health care because of smoking. The loss of life because of tobacco use was 6500 Oregonians in 1993. This loss of life and dollars is avoidable and regrettable. With the skills acquired in the programs funded by Measure 44, Oregonians will make healthier choices in the future.

### FOR A HEALTHY OREGON VOTE YES FOR BALLOT MEASURE 44

Ecumenical Ministries of Oregon

(This information furnished by Ellen C. Lowe, Ecumenical Ministries of Oregon.)

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# Measure No. 44

## ARGUMENT IN FAVOR

### VOTER'S GUIDE

The American Cancer Society **WHOLEHEARTEDLY** supports Measure 44.

In the past two years, smoking rates among youth have shown an alarming increase. This is a direct result of tobacco industry marketing aimed squarely at enticing children to begin this deadly habit.

Every day, 3,000 children start smoking. Of these, at least **ONE-THIRD** will die prematurely due to tobacco use. Unless we take action, we will face a public health disaster.

Measure 44 will help us decrease chewing tobacco and smoking rates in two ways. First, the price increase in tobacco will prevent many children and adults from using tobacco. Second, \$7 million of the money raised annually will be used to fund education efforts, especially focused on children, that will help them resist the tobacco industry's slick ads luring them into a lifetime of nicotine addiction.

Measure 44 also helps protect the health of our citizens by raising funds for an additional 100,000 Oregonians, one-fourth of them children, to become eligible for the Oregon Health Plan. To give these youngsters and their parents the best chance for a healthy life, they need access to good health care. The nationally-acclaimed Oregon Health Plan will provide that. **IT'S ONLY FAIR** that tobacco taxes help pay for these costs, since tobacco costs our economy nearly \$900 million per year.

During this campaign, you will be bombarded by deceptive advertising paid for by out-of-state tobacco company executives. These are the same people who have denied that tobacco is harmful to your health and that they target children with their advertising. These are also the same people who have sworn under oath that nicotine is not addictive.

Trust is the issue.

The American Cancer Society has rock-solid evidence that Measure 44 will protect children, deliver medical care to uninsured smokers and non-smokers alike, and save thousands of lives. Everyone wins but the tobacco industry.

Join us in voting YES on Measure 44.

*(This information furnished by Richard B. North, American Cancer Society, Oregon Division, Inc.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 44

## ARGUMENT IN FAVOR

### PROTECT THE HEALTH OF ALL OREGONIANS

### VOTE YES ON MEASURE 44

MEASURE 44 would place a tax on tobacco products to help support the Oregon Health Plan.

The Oregon Health Plan is a model for other states trying to lower health care costs for all citizens and provide better health care for seniors, children, disabled citizens and low income families.

The Oregon Health Plan supports specific programs to prevent children from becoming addicted to tobacco.

The tobacco industry opposes a tax on tobacco products, and has pledged to spend over \$5 million influencing your decision on MEASURE 44.

### MEASURE 44 HELPS DELIVER HEALTH CARE TO ALL OREGONIANS

### MEASURE 44 BENEFITS OREGON CITIZENS

### VOTE YES ON MEASURE 44

Submitted by the Oregon Medical Association

*(This information furnished by Frank J. Baumeister, M.D., Oregon Medical Association.)*

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# Measure No. 44

# Measure No. 44

## ARGUMENT IN FAVOR

**From the Desk of Governor John Kitzhaber, M.D.**

Dear Oregon Voter:

I urge you to join me in voting YES on Measure 44, the Act to Support the Oregon Health Plan. By voting in favor of Measure 44, you will continue providing thousands of Oregonians with quality, affordable health care. You will also make it possible to provide health care to thousands of working Oregonians who can not now afford it.

Seniors, children and parents are depending on the passage of Measure 44 to continue and strengthen the Oregon Health Plan. As a physician, I care deeply about the health of Oregonians. As state senate president in 1989, I helped craft the Oregon Health Plan. The Plan now provides coverage for more than 115,000 Oregonians. It's an integral part of our ability to move people off welfare. And it reduces the shift of health care costs to businesses.

The Oregon Health Plan serves as a model for the rest of the nation because it has successfully reduced health care costs for all Oregonians and saved lives. Measure 44 increases the cigarette tax and dedicates 90% of the revenue to maintaining and strengthening the Oregon Health Plan. The remainder will be dedicated to tobacco education and prevention, especially among our children.

During the weeks before election day, tobacco companies will try to confuse you by spending millions of dollars on slick advertising. Don't be fooled. The truth is Oregonians directly benefit by the passage of Measure 44. Supported by smokers and non-smokers alike, Measure 44 increases access to the Oregon Health Plan and prevents children from smoking.

Oregon has long led the nation in finding innovative solutions to complex problems. The fate of thousands of Oregonians without health care coverage will be decided on election day. Support the Oregon Health Plan. Help prevent children from smoking.

Protect the health of Oregon. Please join me in voting YES on Measure 44.

Sincerely,

John A. Kitzhaber, M.D.

*(This information furnished by Governor John A. Kitzhaber, M.D.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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## ARGUMENT IN FAVOR

**WE CARE FOR OREGON'S CHILDREN  
JOIN US IN SUPPORTING MEASURE 44**

As pediatric health professionals, we've devoted our careers to improving the health and welfare of children. While we spend much of our lives treating diseases, we vastly prefer preventing these diseases, by helping parents keep their children safe and healthy. That's why Ballot measure 44 matters to us.

Measure 44 will advance three important goals that pediatric health professionals strongly support:

\*It will sponsor health education programs for children and teens to help them choose healthy behaviors and life styles.

\*It will expand health coverage for low-income Oregonians through extension of the Oregon Health Plan. Over 100,000 Oregon children lack access to the care they need to lead healthy lives.

\*It has been shown that increasing the costs of cigarettes decreases the buying of tobacco by youth. Higher tobacco taxes will help decrease those figures that tell us that each day 3,000 American kids will start smoking. This change will result in a decrease in the high costs to our society of the tobacco-related diseases that kill 6,500 every year in Oregon alone.

**HELP KEEP OREGON'S CHILDREN HEALTHY--SAY YES TO  
BALLOT MEASURE 44**

Members of the Kaiser Permanente Department of Pediatrics:

Virginia Feldman MD  
Beryl Burns MD  
Richard Cohen MD  
Eric Cullander PA  
Paul Droukas MD  
Marianne Dwyer MD  
Brooke Gass MD  
Ellen Hall MD  
Debra Helms MD  
Rasjad Lints MD  
William Morris MD  
Frank Pacosa PA  
John Pearson MD  
Robert Peterson MD  
Betty Reiss MD  
Jacob Reiss MD  
David E. Schmidt MD  
David Tilford MD  
Catherine Thompson MD  
Lynn Towers PNP

*(This information furnished by Virginia Feldman, M.D., Kaiser Permanente Department of Pediatrics.)*

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# Measure No. 44

## ARGUMENT IN FAVOR

### Simply Put, Measure 44 Will Save Lives And Help Kids

#### Helping Oregon Families

130,000 Oregonians must rely on the Oregon Health Plan for health insurance coverage. Without this assistance, hard choices become impossible -- and tragic -- realities. The Measure would dedicate 90% of the proceeds to the Oregon Health Plan. Simply put, this measure will help assure access to our State's innovative Oregon Health Plan and help families.

#### Helping Kids

Ask a smoker when they started smoking, and the chances are the answer will be, "When I was (pick any age 18 or younger)." The Measure dedicates 10% of the proceeds to reducing tobacco use, especially among children. Simply put, the Measure can help kids live healthier, longer and more productive lives.

#### Why We Support The Measure

400,000 Oregonians --- including more than 100,000 children remain without health insurance coverage. This Measure would help to remedy this problem.

Cigarette smoking and tobacco use are leading causes of cancer, heart disease, lung disease and other serious illnesses. Every Oregonian helps to pay to treat these preventable illnesses through insurance premiums. According to the Oregon Health Division, tobacco use cost Oregonians \$266 million. Residents of Multnomah County paid more than \$59 million in direct costs, residents of Washington County paid \$20.5 million, and in Clackamas County, the cost was \$20.6 million. Simply put, the Measure helps prevent tragedy and promotes access to necessary health insurance coverage for Oregonians.

#### Who Doesn't Share Our Concern

The tobacco lobby. Those companies interested in preserving tobacco profits and increasing the sale of tobacco products. Those who have 5 - 6 million dollars to spend on things other than assuring a healthy community -- the tobacco industry.

### Simply Put, We Urge You To Vote Yes On Measure 44

*(This information furnished by Ernest P. Aebi, M.D., President, Medical Society of Metropolitan Portland.)*

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# Measure No. 44

## ARGUMENT IN FAVOR

### VOTE YES on MEASURE 44

Children are our most precious resource. That is why the Oregon Association for the Advancement of Health Education (OAAHE) and the Oregon School Health Education Coalition (OrSHEC) support Measure 44. Measure 44 raises the tobacco tax and directs that the new revenue be spent 90% on the Oregon Health Plan and 10% on tobacco prevention programs.

**The Oregon Association for the Advancement of Health Education and the Oregon School Health Education Coalition know that measure 44 is one of the most powerful actions that Oregonians can take to protect children from a lifetime of addiction to tobacco and early death.**

- Every day in America, 3,000 children start to smoke and over 1,000 adults die prematurely from smoking related diseases
- The tobacco industry continues to hook our children by targeting kids with advertising and gimmicks
- American teenagers spend about 962 million dollars every year on cigarettes
- Tobacco, when used by children and teenagers, is considered a gateway drug which often leads youth down a devastating path toward the use of illegal drugs
- The greatest increase in tobacco use occurs between 7th and 9th grade

No wonder the tobacco industry doesn't like measure 44. If Measure 44 passes, the tobacco industry will lose. But if Measure 44 passes, Oregon children and adults will win.

### DON'T BE FOOLED BY THE TOBACCO INDUSTRY VOTE YES on MEASURE 44!

**Submitted by The Oregon School Health Education Coalition  
and  
The Oregon Association for the Advancement  
of Health Education**

*(This information furnished by Cathy H. Rowland, President, Oregon School Health Education Coalition.)*

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# Measure No. 44

## ARGUMENT IN FAVOR

The people who sell tobacco products like to talk about free choice. The sad truth is that nicotine, a component of all tobacco products, is a powerfully addictive drug. More than 90 percent of adult smokers become addicted as teenagers, then find it difficult or impossible to quit. In the grip of this addiction, they continue to smoke as their health deteriorates. Research shows that more than 80 percent of adult smokers regret starting and express an interest in quitting if an effective method were available. Tobacco is a very difficult addiction to treat.

Research also shows that increasing the tax on cigarettes decreases youth smoking. This happened in Canada when the tobacco tax was increased there a few years ago, and has also happened elsewhere. When fewer young people start smoking, fewer become addicted and we make progress against the preventable cause of early death, disease, disability, and high medical costs.

Tobacco, as the number one cause of preventable disease in our society, increases health care costs for everyone. We see the devastating consequences of tobacco use in our clinics and hospitals every day. To put it simply, tobacco raises your health care costs and causes a great deal of illness and misery. Tobacco taxes in the United States are the lowest in the developed world, and they do not begin to cover the burden that tobacco imposes on our society. For example, Oregon spent more than \$250 million in 1993 to diagnose and treat preventable tobacco-related diseases.

As a health care organization, we are vitally concerned about the health of our members and the health of the community in general. Measure 44 will help the community by decreasing youth smoking and by increasing the availability of health care to the medically underserved.

*(This information furnished by Mary L. Durham, Ph.D., Kaiser Permanente Center for Health Research.)*

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# Measure No. 44

## ARGUMENT IN FAVOR

**WHO DO YOU TRUST?**

**VOTE YES ON MEASURE 44!**

**PROTECT THE HEALTH OF OREGONIANS!**

**Adventist Medical Center**  
**Alcohol and Drug Abuse Program Director's Association of Oregon**  
**American Association of Retired Persons**  
**American Massage Therapy Association, Oregon Chapter**  
**American Cancer Society, Oregon Division, Inc.**  
**American College of OB/GYN**  
**American Heart Association, Oregon Affiliate Inc.**  
**American Lung Association of Oregon**  
**American Medical Response**  
**Bay Cities Ambulance**  
**Benton County Medical Association**  
**Blue Cross and Blue Shield of Oregon**  
**Central Oregon Medical Society**  
**Children First for Oregon**  
**Clackamas County Medical Society**  
**Clatsop County Medical Society**  
**Columbia County Medical Society**  
**Columbia Headache Clinic**  
**Columbia Memorial Hospital**  
**Curry County Medical Society**  
**Douglas County Medical Society**  
**Ecumenical Ministries of Oregon**  
**HMO Oregon**  
**Harvard Medical Park Ltd.**  
**Hood River Memorial Hospital**  
**Human Services Coalition of Oregon**  
**Hunger Relief Task Force**  
**Kaiser Permanente, Northwest Region**  
**Klamath County Medical Society**  
**Lane County Medical Society**  
**Legacy Health System**  
**Madras Medical Group**  
**McKenzie-Willamette Hospital**  
**McKenzie Women's Group, P.C.**  
**Medical Society of Metropolitan Portland**

**JOIN US IN VOTING YES ON MEASURE 44!**

*(This information furnished by C. Scott R. Gallant, Committee to Support the Oregon Health Plan.)*

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# Measure No. 44

# Measure No. 44

## ARGUMENT IN FAVOR

**VOTE YES ON MEASURE 44!**

**SAVE KIDS' LIVES!  
HELP PREVENT CHILDREN FROM SMOKING!  
CONTINUE AND STRENGTHEN  
THE OREGON HEALTH PLAN!**

**Merle West Medical Center**

**Mercy HealthCare Inc.**

**Metro West Ambulance**

**Mid Columbia Medical Center**

**Northeast Oregon Independent Practice Association**

**Northwest Gastroenterology Clinic**

**Oregon Academy of Ophthalmology**

**Oregon Academy of Otolaryngology**

**Oregon Allergy Society**

**Oregon Ambulance Association**

**Oregon Association of Hospitals & Health Systems**

**Oregon Dermatology Society**

**Oregon Fair Share**

**Oregon Health Action Campaign**

**Oregon Medical Association**

**Oregon Medical Association Alliance**

**Oregon Pediatric Society**

**Oregon Physical Therapists in Independent Practice**

**Oregon Primary Care Association**

**Oregon Psychiatric Association**

**Oregon Public Health Association**

**Oregon Rural Health Association**

**Oregon Society of Addiction Medicine**

**Oregon Thoracic Society**

**PeaceHealth**

**Planned Parenthood Affiliates of Oregon**

**Project Equality**

**Providence Health System**

**Radiation Therapy Consultants**

**Roseburg Clinic, PC**

**Southern Curry EMS**

**The Arc of Oregon**

**Tuality Healthcare**

**United Cerebral Palsy of Oregon**

**W.E.S.T. Ambulance**

**WomanCare Center**

**Woodburn Ambulance Service**

**Yamhill County Medical Association**

**VOTE YES ON 44!!!**

*(This information furnished by E.E. Patterson, Committee to Support the Oregon Health Plan.)*

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## ARGUMENT IN OPPOSITION

I'm asking you to join me in voting no on Measure 44. This measure would increase cigarette taxes by 78 percent and the tax rate on other tobacco products, such as cigars and pipe tobacco by 85 percent! These tax increases are excessive.

While I no longer serve as your Governor, I feel compelled to explain why I am opposed to this measure and why I believe you should also be concerned.

First, the measure radically changes how tobacco taxes are distributed. Under the proposed distribution method, tax revenues traditionally dedicated to cities, counties and transportation needs for the elderly and disabled would decrease.

Second, proponents hope to generate additional tax revenues for the Oregon Health Plan. The goal may be appropriate, but means to attain this goal are extremely flawed. Current policies of the Health Plan have resulted in a 47 percent increase in fees paid to participating doctors and hospitals. This increase has amounted to \$55 million per year in additional costs. These dollars could have been better used to provide needed health coverage to at least 95,000 more Oregonians. Additionally, other policies prohibit the contracted fees paid to doctors and hospitals from being reduced.

Third, while Measure 44 dedicates a portion of tobacco tax revenue to the Health Plan, adequate safeguards are not included in the measure. The legislature could easily use the additional tax revenues for the health plan and reduce its traditional funding levels by an equal amount.

Above all, enough is enough! It is unfair to single out one group of Oregonians to pay higher taxes for a program which is everyone's responsibility.

Measure 44 is misguided and, moreover, represents poor public policy. I strongly urge you to reject this measure.

Please join me in voting no on Measure 44.

*(This information furnished by Victor Atiyeh.)*

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# Measure No. 44

## ARGUMENT IN OPPOSITION

Most Oregonians believe that the Oregon Health Plan provides health care for **all** low-income individuals who can not afford insurance. **This is not true.** I am without insurance today because I make too much to qualify for the Oregon Health Plan, but not enough to pay insurance premiums on my own.

I just found out that I, and **95,000 Oregonians could be covered under the plan if the state had not just given doctors and hospitals a 47% increase in their fees!**

The Oregon Health Plan was designed to pay for health care for **all** Oregonians. It was not designed to fatten the wallets of doctors and hospitals.

Instead of extending the Oregon Health Plan to more Oregonians, **the State of Oregon has chosen to pay even more to doctors and hospitals.** I don't begrudge doctors and hospitals fees and compensation for their work, but not at the expense of **95,000 individuals who are not covered through the Oregon Health Plan because of this fee increase.**

**Send the Legislature a Message.**

**VOTE NO ON MEASURE 44!**

*(This information furnished by Danielle Esman.)*

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# Measure No. 44

## ARGUMENT IN OPPOSITION

**It's Irresponsible Spending!**

Since its inception two years ago I have watched as the Oregon Health Plan has gotten deeper and deeper in debt through obvious financial mismanagement to the point where there is now an **\$18 million budget shortfall.**

Like many Oregonians, I believe we should fund health care for low-income citizens who are without any health insurance coverage.

We could have funded this important program without increasing the cigarette tax by 78% if the Legislature had not voted to increase doctor and hospital fees by **47% or 255 million!**

**This is simply irresponsible spending.**

I hope you will join me on November 5th in **Voting No on Measure 44** and send a message to the Legislature that Oregonians should not reward fiscal mismanagement.

*(This information furnished by Raymond G. Rees.)*

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# Measure No. 44

## ARGUMENT IN OPPOSITION

### Measure 44 is bad for Oregon Business

Measure 44 would increase Oregon's cigarette tax rate by 30 cents per pack which represents a 78 percent tax increase. The measure would also increase the tax rate on "other tobacco products" such as cigars, pipe tobacco and smokeless tobacco by 85 percent. I believe most taxpayers would agree any tax increase of this magnitude is excessive and simply goes too far.

In light of these dramatic tax increases, individuals who choose to purchase tobacco products will look elsewhere when making their purchases. Oregon retailers will undoubtedly face decreased sales and profits.

People frequently purchase other products in conjunction with their tobacco products. It has been estimated the average Oregon convenience store stands to lose approximately \$13,000 annually in the sale of other products as a result of the tax increase. On average, it has been estimated that the normal Oregon convenience store will face an annual profit loss of \$9,200 because of the tax increase. According to 1995 industry research reports, the average convenience store made only \$34,000. Thus, a \$9,200 loss in gross profits would represent an estimated 27 percent decrease. This drastic change would be especially devastating to the independent, single-store small business owner.

Additional estimates indicate approximately 2,100 Oregon jobs may be lost due to these enormous tax increases.

Aside from the impact on Oregon retailers, this type of tax increase represents little more than a product specific, sales tax. As a sales tax, like a gas tax or a beer tax, it unfairly singles out one group of Oregonians. It simply is not right!

When reviewing Measure 44, please put emotion aside. Join me and countless other small business owners throughout the state in VOTING NO on Measure 44.

Chris Girard, President & CEO  
Plaid Pantries, Inc., Portland, Oregon

*(This information furnished by William C. (Chris) Girard, Jr., President/CEO, Plaid Pantries, Inc.)*

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# Measure No. 44

## ARGUMENT IN OPPOSITION

### City, County, Elderly Programs Cut If Measure 44 Passes

I am 74 years old. Like many seniors, I rely on public services for my basic transportation needs such as going and coming from the doctor and the grocery store.

Most people do not realize that if Ballot Measure 44 passes, the increase in tobacco taxes also redistributes existing cigarette taxes causing a **reduction in monies to cities, counties and elderly and disabled transportation programs.**

This proposed measure will raise \$160 million every two years for brand new and expanded programs. In addition to the cuts to city, county and elderly transportation programs, **the State of Oregon will have to cut \$500 million from other existing programs such as K-12, higher education, human resources and corrections.**

The authors and proponents of Ballot Measure 44 would lead us to believe that it will not effect other vital programs. I, and thousands of other Oregonians just like me, **will be hurt** if Measure 44 passes.

**Help Protect Vital Senior and Disabled Transportation Programs by Voting NO on Measure 44.**

*(This information furnished by Marjorie V. Rees.)*

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# Measure No. 44

# Measure No. 44

## ARGUMENT IN OPPOSITION

### IT'S JUST NOT FAIR!

I am not a smoker and as a matter of fact, I find smoking offensive. But Ballot Measure 44 is not about smokers' rights. It's about **singling out one group of individuals** and taxing them for a program which is everyone's responsibility.

Funding for health care is important, but **it is not fair that only 20% of Oregonians**, smokers or non-smokers, **should be singled out to pay** for a program which is everybody's responsibility.

Like myself, most Oregonians do not smoke and may initially think this is an easy measure to support since someone else will pay this **78 percent tax increase**.

**What group will be singled out next to pay for a program which benefits everyone?**

**I'M VOTING NO ON MEASURE 44 BECAUSE IT'S JUST NOT FAIR!**

*(This information furnished by Lyn F. Penwell.)*

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## ARGUMENT IN OPPOSITION

### Ballot Measure 44 Is Irresponsible Policy!

As a member of the Oregon Legislature and as a past member of the Ways & Means Committee, I encourage you to take a careful look at Measure 44 and oppose this proposal. I believe Measure 44 represents irresponsible fiscal policy for our state.

The reason Ballot Measure 44 is bad policy is simple. The proposed increase in tobacco taxes seeks to balance the needs of a new and costly program on the backs of a minority of Oregonians. This is not sound fiscal policy, nor is it good tax policy.

The proponents of Measure 44 hope to increase tobacco tax revenue to help pay the increasing costs of the Oregon Health Plan. During the past two years, the Oregon Health Plan has slipped deeper and deeper into debt. The Health Plan is currently facing an \$18 million budget shortfall.

Historically, it has been shown that tobacco taxes do not provide a stable funding base. Yet, the proponents of Measure 44 hope to solve the financial problems of the Health Plan by increasing cigarette taxes 78% and increasing the tax on other tobacco products (cigars, etc.) by 85%.

On the one hand, the State of Oregon is making every effort to discourage smoking among its citizens, while on the other hand, the State is ready to balance the future of the Oregon Health Plan on revenue derived from the continued, and even increasing sale of tobacco products. This is not only ironic, it is poor policy for Oregon's future.

Join me in voting NO on Measure 44. Direct the proponents of the Oregon Health Plan to find a stable source of funding.

State Senator, Lenn Hannon  
Senate President Pro Tempore

*(This information furnished by Sen. Lenn Hannon.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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.

## Measure No. 44

### ARGUMENT IN OPPOSITION

#### Government Spending is Out Of Control

The proponents of Measure 44 keep talking about cigarette taxes paying for health care. But when you really look at all cigarette taxes, **there is \$137 million that do not go the Oregon Health Plan.**

**The Legislature can spend this \$137 million any way it wants.**

If we are going to raise cigarette and tobacco taxes, then that money should go directly to the Oregon Health Plan, not to cities, counties or transportation programs.

**Since there are no assurances that all of the tax increases will go directly to the Oregon Health Plan--  
I'm voting No on Measure 44.**

*(This information furnished by Katherine A. Cathersal.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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## Measure No. 44

### ARGUMENT IN OPPOSITION

As one of the 20% of Oregonians who smoke, I am tired of the government singling out smokers to pay for programs which should be everybody's responsibility.

Oregonians who smoke **currently pay \$178 million** every two years in cigarette taxes. This proposed tax would add another **\$160 million in taxes for a total of \$338 million.** And, **\$137 million of all cigarette taxes do not go to fund health care,** but is spent on any government program the Legislature chooses.

If Ballot Measure 44 passes, **20 percent of Oregonians** will be paying for a health care program which should be everyone's responsibility.

**Smokers are just average working people.  
We can not afford another tax increase!**

**VOTE NO ON BALLOT MEASURE 44!**

*(This information furnished by Mark Holan.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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.

# Measure No. 45

Proposed by initiative petition to be voted on at the General Election, November 5, 1996.

## BALLOT TITLE

### 45 AMENDS CONSTITUTION: RAISES PUBLIC EMPLOYEES' NORMAL RETIREMENT AGE; REDUCES BENEFITS

**QUESTION:** Shall constitution raise public employees' normal retirement age (except police, firefighters), bar medical benefits for non-disability retirees, limit guaranteed benefits?

**SUMMARY:** Amends state constitution. Law now sets normal retirement age, except for police, firefighters, at 58. Measure would raise that to Social Security retirement age (now 65 to 67). Public employers could allow earlier retirement, with benefits reduced to actuarial equivalent of benefits payable at normal retirement age. Governments could not guarantee benefits over 75 percent of final salary. Law now provides medical benefits for PERS retirees. Measure bars medical benefits for non-disability retirees. Measure does not apply to benefits vested or accrued before effective date.

**ESTIMATE OF FINANCIAL IMPACT:** Direct state expenditures to implement a one-time change required by this measure is estimated at \$1.576 million. Annual reduction in direct expenditures by state government are estimated at \$643,000 in 1998, rising to \$5.843 million by 2001 and increasing thereafter. Annual reduction in direct expenditures by local government are estimated at \$1.5 million in 1998 and \$11 million by 2001 and increasing thereafter.

### PROPOSED CONSTITUTIONAL AMENDMENT

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

The Oregon Constitution is amended by adding the following section to Article IX:

**Public Employee Retirement.** Any system or plan which provides pension or retirement benefits for employees of the State of Oregon or of any political subdivision thereof shall comply with the following limitations:

(1) The normal retirement age for any person other than a police officer or fire fighter (but including judges and teachers) shall be not less than the "retirement age" defined by the federal Social Security Act [42 U.S.C. 416(1)(1)]. This subsection does not prohibit public employers from allowing employees to retire before reaching the normal retirement age so long as the benefits paid to such persons are reduced to the actuarial equivalent of the benefits payable at the normal retirement age.

(2) Employees shall not be guaranteed a level of pension or retirement benefits that exceeds 75% of their final salary, nor shall employees be guaranteed a minimum rate of interest on their retirement accounts. Medical or hospitalization benefits or insurance shall not be provided except that employers may agree to provide such to persons retired by reason of disability.

(3) This section shall not affect benefits vested or accrued before its effective date.

(4) This section shall supersede any other provision of the Oregon Constitution with which it conflicts. If any subsection, clause or part of this section is held invalid under the United States Constitution as to any person or circumstance by any court of competent jurisdiction, the remaining subsections, clauses and parts shall not be affected and shall remain in full force and effect.

# Measure No. 45

## EXPLANATORY STATEMENT

The measure would change the method for setting retirement ages, retirement medical benefits and maximum pensions of public employees from a legislative process to a constitutional limitation which can only be changed by another constitutional amendment.

(1) The measure raises public employee retirement age for full benefits to social security retirement age for all but police and firefighters. By comparison the Public Employees Retirement System provides for retirement after 30 years of service or at age 58 with fewer years of service and benefits reduced accordingly. The current Federal Social Security retirement age is 65 and is scheduled to rise to 67 over a 24 year period beginning in 1999. Retirement benefits paid before the new retirement age must be actuarially reduced.

(2) The measure prohibits guaranteed interest rates for public employees under defined contribution investment retirement options. The measure prohibits guaranteeing defined retirement benefits of more than 75% of employees final salary. It eliminates medical and hospital retirement benefits except for a disability retirement.

(3) The measure would not affect benefits vested or accrued before the effective date of the constitutional amendment.

#### Committee Members:

Ruth Bendl  
Richard Leonetti  
Paul Krissel  
Chuck Mendenhall\*  
Sally Landauer\*\*

#### Appointed by:

Chief Petitioners  
Chief Petitioners  
Secretary of State  
Secretary of State  
Secretary of State

\*Member dissents (does not concur with explanatory statement)

\*\*5th member appointed by Secretary of State because committee members could not agree on selection.

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

## Measure No. 45

## Measure No. 45

### ARGUMENT IN FAVOR

**Vote "YES" for Measure #45!** It aims to put public employees on an equal footing with taxpayers for collecting on pensions. This would gradually remedy the unfairness for taxpayers who don't have a pension plan themselves, but pay for extra privileges for public employees.

Taxpayers are weary of picking up the tab allowing a host of government bureaucrats and maintenance workers to retire before age 65!

**Public employees often retire as much as twelve years before many equally hardworking private sector employees!** This has further burdened taxpayers with the extra cost of public employees medical coverage until these younger retirees qualify for Social Security and Medicare.

Reflect too, on this scenario: When a government worker retires before age 65, they'll **STOP PAYING EVER RISING SOCIAL SECURITY AND MEDICARE PAYROLL TAXES!** Yet now when they turn 65 they will, in all probability, collect social security - a fund claimed to be scheduled for bankruptcy.

Here's how Measure #45 levels the playing field:

1. It **ONLY** extends its provisions to public employees that are not yet vested, a status acquired after five or more years employment. It totally exempts police and firefighters.
2. Retirement benefits are made available only when retirees are eligible for Medicare, thus eliminating the need for interim medical coverage at taxpayer expense!
3. We, the taxpayers, would only guarantee a public employee pension that is no more than 75% of a working salary.
4. Protects Oregon taxpayers and homeowners from paying additional exorbitant taxes in the event the pension fund goes bankrupt.

Voters can expect to hear the usual rhetoric and horror stories from those wanting to defeat this measure. The Good Enough For Us Committee urges voters to ignore these scare tactics.

**Measure #45 saves you money! Vote "YES" for Measure #45!**

*(This information furnished by Ruth F. Bendl, Chief Petitioner, Good Enough For Us Committee.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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### ARGUMENT IN FAVOR

#### **STOP THE GRAVY TRAIN! PUBLIC EMPLOYEES RETIRING AS YOUNG AS 58!**

The average public employee retiring in 1995 after 30 years gets the following:

1. \$2705 pension per month FOR LIFE **PLUS** Social Security when it kicks in.
2. Automatic cost-of-living increase goes on FOR LIFE and MAY cover the spouse as well.
3. Medical and dental paid (top notch, of course) until Medicare takes over.

#### **COMPARE THEIR RETIREMENT BENEFITS WITH YOURS!**

Furthermore, these people retire SO YOUNG they go out and get another job, competing with you in the JOB market, the HOUSING market, and at the GROCERY STORE!

Police and fire are exempt. They are sacred cows.

This measure applies **ONLY** to public employees with **LESS THAN 5 YEARS** on the public payroll. Unfortunately, we can't change what was agreed upon by government **IN THE PAST**.

**WHY SHOULD PUBLIC EMPLOYEES GET A MUCH BETTER DEAL THAN THE REST OF US WHO HAVE TO PAY FOR IT?**

A YES vote will save money for you and your kids!

*(This information furnished by Lóren Parks.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 45

## ARGUMENT IN OPPOSITION

### STAY OUT OF COURT

#### Save Taxpayer Money - Vote NO on 45

Earlier this year, the Oregon Supreme Court found that a 1994 ballot measure dealing with pensions was unconstitutional. The measure interfered with bargaining agreements between public employees and government agencies:

The Supreme Court found that state policy **cannot** overturn commitments made in collective bargaining.

Measure 45 deals with a similar issue and it's unconstitutional.

The same group of citizens is back, asking voters to break contracts and commitments to thousands of workers, retirees and their families.

It wasn't constitutional before and it will not be constitutional now.

#### We'll waste taxpayers dollars in court.

When Oregonians passed Measure 8 in 1994, many voters were deliberately misled.

This time, we know better.

If this measure passes, the state will wind up paying millions of dollars in court costs and legal fees.

#### Stay out of court. Vote NO on Measure 45.

*(This information furnished by Jess Dressler, Association of Engineering Employees.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 45

## ARGUMENT IN OPPOSITION

### No More Divisive Ballot Measures. No on Measure 45

From the Desk of Governor John Kitzhaber, M.D.

Dear Oregon Voter:

#### We're all Oregonians.

We all work hard to make a living. We all want good medical care for ourselves and our families. We all want decent wages and decent jobs. And many of us are uncertain about the future.

#### But let's stop singling out public employees. They work hard, too.

Ballot Measure 45:

- Would prevent workers from retiring with full pensions at the age stated in the contracts — even if they had worked for 30 years.
- Would prevent them from buying into their existing insurance programs — something other employees with benefits can do when they retire.
- Would cancel the working agreements of current employees, no matter how long they have been employed.
- Would punish employees who get most of their benefits from wise investments, not tax dollars.

Oregon faces many challenges in the coming year: improving our roads, our schools and our environment. Let's focus our energy on solving those problems instead of this type of divisive ballot measure.

#### It's unfair. It's unnecessary. VOTE NO ON MEASURE 45.

Sincerely,

John A. Kitzhaber, M.D.

*(This information furnished by Governor John A. Kitzhaber, M.D.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 45

# Measure No. 45

## ARGUMENT IN OPPOSITION

### LEAVE ESTABLISHED CONTRACTS ALONE

#### DON'T VOTE FOR BALLOT MEASURE 45

Years of statutes, case laws and regulations adequately govern collective bargaining and labor management issues. Last session alone, the Legislature raised the retirement age to 60 and capped benefits.

Oregon's governments entrust bargaining to skilled, professional negotiators who know every detail of labor law. They also are committed to saving taxpayer dollars and preserving a strong workforce.

### IT'S TOO CONFUSING

Measure 45 tries to do too many things affecting contracts all at once. And because it tries to do too much, the language is unclear. For example, Measure 45 may actually affect people already in the system. It is breaking a promise to tell someone months before they are scheduled to retire that they have to stay at work several more years to get their benefits.

### PROTECT OREGON'S RETIREES FROM BROKEN PROMISES

- Initiatives are no place for collective bargaining agreements.
- Collective bargaining is complicated and needs to be a negotiated process.
- Oregon's retirement system is elaborate and has evolved over many years of debate, negotiation and compromise.

**Keep issues like compensation, retirement and health insurance out of the Constitution.**

#### VOTE NO ON BALLOT MEASURE 45

*(This information furnished by Thomas P. Deering, Oregon State Treasury Retirement Task Force.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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## ARGUMENT IN OPPOSITION

### STOP THE ATTACK ON RETIREES' HEALTH CARE OPTIONS VOTE NO ON MEASURE 45

If Measure 45 passes, some retirees will not be able to continue purchasing health care from their current providers.

Measure 45 would make it harder for some older people to find medical coverage — and breaks a promise they were made to be able to continue their health care coverage.

### Why Deny People the Right to Buy Health Insurance?

Today, retired public employees pay virtually all their own health insurance premiums.

Measure 45 means that on retirement, many deserving Oregonians would have to find new health care policies. And at age 65, that could be difficult — especially if people have conditions that insurers don't want to cover.

### It Could Increase All Our Costs

An influx of seniors without health care could mean:

- More strain on the Oregon Health Plan
- Higher insurance costs for all of us to make up for emergency and uncompensated hospital stays.

**Health insurance affects us all. Don't limit seniors' ability to buy health care coverage.**

#### VOTE NO ON MEASURE 45!

*(This information furnished by James A. Davis, Legislative Director, Oregon State Council of Senior Citizens.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 45

## ARGUMENT IN OPPOSITION

### NOT IN OUR CONSTITUTION!

#### **NO on Measure 45 — Keep administrative details out of the Constitution!**

When Oregon was founded, far-sighted statesmen crafted a visionary document that became the Oregon Constitution.

The document dealt with broad-reaching issues: citizens rights; the descriptions of elective offices; the balance of governmental powers.

The Oregon Constitution was never meant to list details of government administration. It certainly is not a vehicle to dictate labor/management issues.

#### **Constitutions establish the essential framework of government.**

Our Constitution was not meant to dictate bureaucratic details.

We must value Oregon's Constitution and preserve it as the valuable document it is. Adding administrative details is disrespectful to the Constitution and diminishes its value.

#### **Respect the Oregon Constitution. Vote No on Ballot Measure 45.**

*(This information furnished by Ellen C. Lowe, Human Services Coalition of Oregon.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 45

## ARGUMENT IN OPPOSITION

### WHAT IF YOU HAD TO FIND A NEW HEALTH CARE PLAN AT AGE 65?

#### **Vote no on 45 — it's a really bad idea.**

Many employees with health care benefits keep their coverage after they retire by paying almost all their insurance premiums. This way, people can continue a health care plan and keep seeing their regular doctors — at a time in their life that they most likely will need medical care.

Ballot Measure 45 would force some retirees to give up their current health care plans. **They would not be allowed to keep that coverage, even by paying for their own premiums as they do now! That's an unfair, broken promise.**

#### **Measure 45 interferes with seniors' rights to choose their own health care coverage.**

Measure 45 makes people switch health care at a time when they are most vulnerable.

- Older Oregonians will have trouble getting coverage from new insurers, particularly if they have common health problems like back complaints, diabetes or high blood pressure.
- Retirees will have to pay more than they would otherwise pay for their insurance, causing some to do without.
- Uninsured seniors may wait longer to see a doctor and be sicker by the time they do receive health care. They may be unable to purchase life-saving medication and other critical care.

#### **Measure 45 unfairly breaks promises to older Oregonians at the time of retirement.**

#### **VOTE NO ON MEASURE 45.**

*(This information furnished by Ralph O. Lidman.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 45

# Measure No. 45

## ARGUMENT IN OPPOSITION

### The Former Deans Committee

We believe Measure 45 raises serious issues under the United States Constitution. This measure attempts to limit and change the contractual relationships between the State of Oregon and its employees under the Public Employees Retirement System (PERS).

Measure 45 raises the same legal issues presented by Measure 8 (November 1994 General Election). Measure 8 was held unconstitutional by the Oregon Supreme Court in *Oregon State Police Officers Association v. State of Oregon* decided June 21, 1996. The Oregon Supreme Court held Measure 8 impaired the rights of persons to contract in violation of Article 1, Section 10 of the United States Constitution. The Oregon Supreme Court held Measure 8 to be unconstitutional both retrospectively and prospectively.

Measure 45 is not intended to "affect benefits vested or accrued before its effective date." It is unclear whether Measure 45 deals with current PERS retirees, current state/local government employees, future state/local government employees or all of these groups.

We believe Measure 45 raises serious issues of unconstitutionality under the provisions of the United States Constitution.

Measure 45 is vague and unpredictable. It provides that the "normal retirement age...shall not be less than the 'retirement age' defined by the Federal Social Security Act [42 U.S.C. 416(1)(1)]" There is no standard by which to define "normal retirement age". Furthermore, "retirement age" is defined by a specific federal statute. If the federal statute changes, then this proposed Constitutional Amendment would be questionable.

Finally, we believe that legal rules affecting individual retirement programs/benefits belong in laws, not in the Oregon Constitution.

We provide this information to help fellow voters in understanding this measure. Our comments are designed only to provide objective and careful constitutional analysis of the measure. Collectively, we take no position on the other merits of this measure.

Prof. Leroy Tornquist (Chair), Former Dean  
Willamette University College of Law

Prof. Robert Misner, Former Dean  
Willamette University College of Law

(This information furnished by Bob Cannon, The Former Deans Committee.)

(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)

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## ARGUMENT IN OPPOSITION

### TEACHER PENSIONS IN THE OREGON CONSTITUTION?

Vote NO on Measure 45

Oregon's Constitution is no place for a ballot measure about school employee pensions. This measure just goes too far. Making it a part of Oregon's Constitution is only part of the problem.

### HOW WOULD YOU LIKE TO BE TOLD JUST AS YOU'RE ABOUT TO RETIRE THAT YOU CAN'T FOR A FEW MORE YEARS?

Vote NO on Measure 45

That's one of the consequences of Measure 45. The language is so unclear that employees who may have been working for some 30 years in the same job, don't know whether they can retire this year as they had planned or not. That's not right. Employees are hired with a certain understanding of the rules. Now, along comes Measure 45 which has the potential to change whether or not someone can retire now or in five years.

### THIS MEASURE DOES NOT RESOLVE OREGON'S FUNDING PROBLEMS

Vote NO on Measure 45

It's just another attempt to rob school and other public employees of their pensions. We need to work to bring people together, not tear them apart.

### PENSION, HEALTH INSURANCE AND SALARY ISSUES DON'T BELONG IN THE CONSTITUTION

Vote NO on Measure 45

Bruce Adams, president  
Oregon Education Association

(This information furnished by Bruce Adams, Oregon Education Association.)

(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)

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# Measure No. 46

Proposed by initiative petition to be voted on at the General Election, November 5, 1996.

## BALLOT TITLE

### 46 AMENDS CONSTITUTION: COUNTS NON-VOTERS AS "NO" VOTES ON TAX MEASURES

**QUESTION:** Shall constitution require counting those registered but not voting as "no" votes to determine majority outcome on revenue, tax measures?

**SUMMARY:** The law now allows passage of a law that imposes or increases taxes or raises revenue by majority vote of those voting. This measure would amend the constitution and bar voters from passing any such law unless majority of registered voters affected approve it. A registered voter's act of not voting has the same effect as a "no" vote. New requirement also would apply to new tax bases, votes to exceed a tax base, and issuance of new bonds for capital construction or improvements.

**ESTIMATE OF FINANCIAL IMPACT:** No financial effect on state or local government expenditures or revenues.

#### PROPOSED CONSTITUTIONAL AMENDMENT

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

The Oregon Constitution is amended in the manner specified below to ensure **THAT NO TAX OR TAX INCREASE IS IMPOSED UNLESS APPROVED BY A MAJORITY OF AFFECTED ELECTORS.** Accordingly **ARTICLES I THROUGH XI** will **BE AMENDED TO READ AS FOLLOWS:**

1. Article I, section 32, is amended to read:

No tax or duty shall be imposed without the consent of the people or their representatives in the Legislative Assembly; and all taxation shall be uniform on the same class of subjects within the territorial limits of the authority levying the tax. No tax or tax increase which is submitted to the people for a vote shall be effective **UNLESS APPROVED BY A MAJORITY OF ELECTORS.**

2. Article IV, section 1(4)(d), is amended to read:

Notwithstanding section 1, Article XVII of this constitution; an initiative or referendum measure becomes effective 30 days after the day on which it is enacted or approved by a majority of the votes cast thereon, except that a measure which imposes or increases taxes or raises revenue **MUST BE APPROVED BY A MAJORITY OF ELECTORS.** A referendum ordered by petition on a part of an Act does not delay the remainder of the Act from becoming effective.

3. Article IV, section 1(5), is amended to read:

The initiative and referendum powers reserved to the people by subsections (2) and (3) of this section are further reserved to the qualified voters of each municipality and district as to all local, special and municipal legislation of every character in or for their municipality or district. The manner of exercising those powers shall be provided by general laws, but cities may provide the manner of exercising those powers as to their municipal legislation. In a city, not more than 15 percent of the qualified voters may be required to propose legislation by the initiative, and not more than 10 percent of the qualified voters may be required to order a referendum on legislation. A measure which imposes or increases taxes or raises revenue **MUST BE APPROVED BY A MAJORITY OF ELECTORS.**

4. Article XI, section 11(2), is amended to read:

# Measure No. 46

The tax base of each taxing unit in a given year shall be one of the following:

(a) The amount obtained by adding six percent to the total amount of tax lawfully levied by the taxing unit, exclusive of amounts described in paragraphs (a) and (b) of subsection (3) of this section, in any one of the last three years in which such a tax was levied by the unit; or

(b) An amount approved as a new tax base **BY A MAJORITY OF THE LEGAL VOTERS OF THE TAXING UNIT.** The question shall be submitted to them in a form specifying in dollars and cents the amount of the tax base in effect and the amount of the tax base submitted for approval. The new tax base, if approved, shall first apply to the levy for the fiscal year next following its approval.

5. Article XI, section 11(3), is amended to read:

The limitation provided in subsection (1) of this section shall not apply to:

(a) That portion of any tax levied which is for the payment of bonded indebtedness or interest thereon.

(b) That portion of any tax levied which is specifically voted outside the limitation imposed by subsection (1) of this section **BY A MAJORITY OF THE LEGAL VOTERS OF THE TAXING UNIT.**

6. Article XI, section 11b(3), is amended to read:

The limitations of subsection (1) of this section apply to all taxes imposed on property or property ownership except

(a) Taxes imposed to pay the principal and interest on bonded indebtedness authorized by a specific provision of this Constitution.

(b) Taxes imposed to pay the principal and interest on bonded indebtedness incurred or to be incurred for capital construction or improvements, provided the bonds are offered as general obligations of the issuing governmental unit and provided further that either the bonds were issued not later than November 6, 1990, or the question of the issuance of the specific bonds has been approved **BY A MAJORITY OF THE ELECTORS OF THE ISSUING GOVERNMENTAL UNIT.**

7. If any section, clause or part of this act is held unconstitutional as to any person or circumstance by any court of competent jurisdiction, the remaining sections, clauses and parts shall not be affected and shall remain in full force and effect.

## EXPLANATORY STATEMENT

This measure would amend the state constitution. The law now allows passage of a law that would impose or increase taxes or raise revenue by majority vote of those voting. This measure would bar voters from passing any such law unless a majority of the registered voters affected approve the law. The new requirement also would apply to new tax bases, votes to exceed a tax base, and issuance of new bonds for capital construction or improvements.

#### Committee Members:

Bernard Levine  
Don McIntire  
Dave Moss  
Alan Tressider  
Warren Thompson

#### 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 No. 46

## ARGUMENT IN FAVOR

FROM AN ETHICAL NATION  
COMES A PROSPEROUS SOCIETY  
(YES ON 46)

We do not live in a capitalist nation anymore.

America has become a welfare state where the government sacrifices individuals for a so-called "greater end" by taking money from them by force in the form of taxes. But since there is no end greater than the lives of individuals this scheme is outrageously unethical.

Because a human's primary tool of survival is his mind he must be free to use it and keep that which it creates. You can not remove the teeth of a lion and expect it to live, clip the wings of bird and expect it to fly or tax away the wealth a person creates and expect him or his society to thrive.

In a true free market or capitalist economy:

- People will freely trade with each other rather than lobbying for laws and taxes that sacrifice others to themselves. Trade rather than force.
- Government will have only one function- to protect the rights of individuals. Protecting rights rather than violating them.

Incredible prosperity will result:

Productivity and wages will rise, suppliers will increase and prices will fall, new drugs will be released and save lives, jobs will multiply, renters will become homeowners and employees will become business owners. People will live to their full potential and achieve tremendous accomplishments. It's not an impossible dream. We just need to repeal laws that destroy freedom and end taxes that punish success. You can forge this new reality by striking down taxes with your vote and saying yes to Measure 46.

Ayn Rand was the first philosopher to advocate capitalism for moral reasons. See her books: *Capitalism: The Unknown Ideal*, *Atlas Shrugged*, *The Fountainhead*. Also: *Objectivism* by Leonard Peikoff. More information, Coalition for Capitalism 503-241-2231, Internet <http://www.catalog.com/capital>, e-mail: [objective1@aol.com](mailto:objective1@aol.com). Visit our monthly meetings to learn more about free markets and objectivism.

(This information furnished by Doug Clements, Coalition for Capitalism.)

(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)

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# Measure No. 46

## ARGUMENT IN FAVOR

**STOPS LOW-VOTER-TURNOUT ELECTIONS FROM RAISING TAXES**

THE POLITICIANS AND PUBLIC EMPLOYEE UNIONS ARE AGAINST THIS INITIATIVE.

ARE THEY AFRAID OF DEMOCRACY?

Now, as few as 17% of registered voters are imposing higher taxes on you.

That's ridiculous. This initiative requires **more than half** of registered voters to vote **FOR** a tax increase before it can imposed.

**THIS PROTECTS YOUR POCKETBOOK!**

Some years ago in Beaverton, a City tax increase was voted down. It was resubmitted for a vote THE FRIDAY BEFORE THE FOURTH OF JULY WEEKEND! Turnout was extremely low and the city employees and their allies carried the election. This sort of thing happens all the time. We need more than half of REGISTERED voters to approve of higher taxes and bond issues (which are taxes). THAT'S FAIR, and it's financially best for the great majority of taxpayers for you to pass this initiative.

Vote YES --for your own good!

(This information furnished by Vern White.)

(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)

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# Measure No. 46

## ARGUMENT IN FAVOR

Last May they gave an election in Multnomah County, and almost nobody came. The actual turnout was less than one-third of the electorate, but that small group had a big effect on taxpayers ... about a third of a billion dollars in new property taxes which even now are showing up on Portland area tax bills. Simple arithmetic reveals that **only 18% of registered voters stuck us with this huge debt!**

Portland is not unique; taxpayers around the state have had too many similar experiences. Measure 46 will safeguard against new taxes being created by small groups of voters. It prohibits taxes from being imposed without the approval of a majority of those registered to vote. This measure virtually guarantees that most tax elections will occur when voter turnout is at its highest, mostly November elections.

Measure 46 will end the common practice of local governments scheduling tax measures for special elections when turnout is low ... and the "tax spenders" count on motivated "tax-increasers" to prevail.

Measure 46 will not stop voter approved tax increases, but it will insure that these kinds of decisions will be made by the **true majority** of voters, not the small minority.

Here are some examples of tax measures which voters approved, and which would have still been approved had Measure 46 been in effect:

West Side Light Rail Bonds (November, 1990)

Voter turnout: 76.9%

Yes vote: 73%, which equals 54.5% of those registered

Sauvies Island Fire Station Bonds (March, 1996)

Voter turnout: 71.8%

Yes vote: 88%, which equals 62.8% of those registered

Measure 46 is good policy. It finally gives taxpayers a margin of protection from unnecessary tax increases imposed by a highly motivated minority of voters. However, if there is a compelling reason for a new tax, then voters can turn out in numbers necessary to give government what it needs.

**Vote YES on Measure 46.**

*(This information furnished by Don McIntire, True Majority Committee.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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.

# Measure No. 46

## ARGUMENT IN OPPOSITION

**THE UNIVERSITY OF OREGON  
ALUMNI ASSOCIATION BOARD OF DIRECTORS  
URGES NO ON BALLOT MEASURE 46**

Ballot Measure 46 would make it almost impossible to raise revenue to meet the needs of state government and higher education. **The University of Oregon Alumni Association Board of Directors urges the citizens of Oregon to vote no on Ballot Measure 46.**

Since Ballot Measure 5 passed in 1990, public higher education in Oregon has **lost more than \$100 million in state funding. The state of Oregon ranks 50th in support of higher education -- the citizens of Oregon cannot continue to fund at this level and expect our young people and state to be competitive. A well educated workforce fuels our state's economy.**

Tuition at our public colleges and universities has been forced upward to compensate for the loss in state revenue. Many of our brightest students leave this state and pursue higher education in other states where higher education is generally more publicly supported. Once gone, these children of Oregon generally do not return. Oregon loses its most valuable resource: bright, energetic young minds.

**For those who stay, the amount of borrowed via student loans has reached staggering proportions.** Today's graduates cannot simply work their way through school. On average they graduate with \$17,500 in debt.

Meanwhile, **the number of Oregon high school graduates and the growing demand for well educated workers in the Oregon economy require greater access to quality public higher education in this state--not less.** We need these young people if we are to remain competitive.

**VOTE NO ON BALLOT MEASURE 46.**

The University of Oregon Alumni Association is an organization representing UO alumni who have a deep concern about the future of the University of Oregon and a desire to participate in the process of developing a solid policy and financial foundation for the future of public higher education in Oregon.

*(This information furnished by Richard W. McDuffie, '63 MD '67, President, The University of Oregon Alumni Association.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 46

## ARGUMENT IN OPPOSITION

### **THE OREGON LIBRARY ASSOCIATION STRONGLY OPPOSES MEASURE 46**

Public libraries in Oregon would be devastated if Measure 46 were to pass. A review of recent county-wide library serial levy measures shows that it would be virtually impossible to pass such funding measures if a majority of registered voters had to approve.

During the last two years, for example, library levies have been approved by voters in Multnomah, Washington, Josephine, Tillamook, Crook and Clackamas Counties. Most passed hand-somely, with the "yes" vote running as high as 72 per cent. But in no case did the winning vote exceed 50 per cent of the regis-tered voters.

The same situation would prevail in city or district elections. If Measure 46 had been the law, for example, the 1994 Benton County district measure that passed by 59 per cent would have been badly defeated, since only 16 per cent of registered voters in Benton County voted for the measure.

Library bond measures, which usually pass by smaller margins than levy measures, would also be nearly impossible to pass. School libraries would be hurt by the inability of local school dis-tricts to pass bond measures for construction or for technology.

Oregon currently has some of the finest public library services in the nation. In recent years, voters have nearly always given their support to improved library services.

But as surely as night follows the day, Measure 46 would lock the doors of many Oregon public libraries within a matter of a few short years. That would clearly be the case in Multnomah, Washington and Clackamas Counties, where libraries rely to a large extent on operating levies--that Measure 46 would make nearly impossible to pass.

And once locked in the Oregon Constitution, it would be very dif-ficult to repeal the measure and undo the damage.

The Oregon Library Association urges a no vote on Measure 46!

*(This information furnished by Edward House, Oregon Library Association.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 46

## ARGUMENT IN OPPOSITION

### **DO YOU WANT A NO-SHOW TO CANCEL YOUR VOTE?**

From the Desk of Governor John Kitzhaber, M.D.

Dear Oregon Voter:

I believe that voting is both a right and a responsibility. If you're reading this, you probably do too. But if Ballot Measure 46 passes, a no-show, someone who doesn't even vote, could cancel your vote. That's outrageous. It's unfair, it's bad policy and it doesn't make sense.

I'm asking you to vote **No** on Measure 46.

**With Measure 46, someone who doesn't vote will affect an election just as much as you will when you do vote.**

You are taking the time to read the Voters' Pamphlet.

You are concerned about the future of your community.

You will vote in November because you care.

If Measure 46 passes, any registered voter who doesn't bother to vote would cancel out any "yes" vote you make on any revenue-raising measure. Whether it's for police and fire protection, a new school building or better libraries, the no-show wins — and the community loses.

You have the right to make decisions about your community. Don't let people **who don't even show up** interfere with the vot-ing process.

**That's just not the way democracy works.**

Democracy won't work if the people who don't care enough to pick up a pencil and fill out their ballots have veto power over active voters.

Oregon faces many challenges in the coming year: improving our roads, our schools and our environment. Let's focus our energy on solving those problems instead of this type of unfair ballot measure.

**Vote no on measure 46: it's just unfair.**

Sincerely,

John A. Kitzhaber, M.D.

*(This information furnished by Governor John A. Kitzhaber, M.D.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 46

## ARGUMENT IN OPPOSITION

### VOTE NO ON MEASURE 46

#### It's Misleading

When many people first read this ballot measure, they think that it means "majority rules."

But it really means a **drastic change in our election process** — it's not just a majority of the voters, it's a majority of **possible voters**. So the people who don't take the trouble to vote have as much say as the people who do vote.

#### It Violates the Basic Principle of Democracy

Under Measure 46, people won't even have to mark a ballot to be counted as voting. This violates the basic principle of democracy — that a majority of those who vote make the decisions.

Measure 46 also counts anyone who doesn't vote as a "No" vote. Just because someone is unable to cast their vote — because of a sick child or a crisis at work — we shouldn't make assumptions that they intended to vote "No."

#### It Threatens Oregon's Finances

**Measure 46 virtually eliminates every community's ability to raise or levy any type of money — including much-needed bonds to pay for schools, roads and public safety.**

Financial experts say the way they interpret Measure 46, taxpayers may be prohibited from paying off bonds **they have already approved**. Instead, the money would have to come from already strapped school, police or fire budgets. This represents a serious risk for Oregon's finances and our ability to borrow money in the bond market. Even if a bond measure passed, we might not be able to finance our projects at a reasonable cost.

**Ballot Measure 46 could mean financial disaster for local schools.**

**Vote No on Measure 46!**

*(This information furnished by Jim Hill, Oregon State Treasurer.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 46

## ARGUMENT IN OPPOSITION

### HOW CAN I MAKE A DIFFERENCE IF VOTING DOESN'T MATTER?

In Oregon, we all know we can make a difference by voting. When we make our voices heard, by mail or at the ballot box, we know our vote makes a difference.

But what would happen if it didn't matter if you voted or not? What if the people who chose not to vote had just as much influence as the people who take the time to fill out a ballot?

### I CARE ABOUT THE OUTCOME OF ELECTIONS

Like you, I spend time thinking about elections, particularly the local issues that affect my quality of life and my pocketbook. Whenever a bond measure comes up, I weigh the costs against benefits. Sometimes the benefits win, sometimes I think the costs are too much.

Whatever my decision, I also think about it carefully, and I always vote.

I certainly don't want someone who doesn't take the time to vote to override my vote. That doesn't make any sense.

**I VOTE BECAUSE I CARE. DON'T MAKE MY VOTE MEANINGLESS.**

**VOTE NO ON MEASURE 46**

*(This information furnished by Jacob Tanzer.)*

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# Measure No. 46

# Measure No. 46

## ARGUMENT IN OPPOSITION

### KEEP YOUR COMMUNITY SAFE AND LIVABLE

#### VOTE NO ON 46.

What makes a community livable? Some elements are good schools, effective police and fire protection, modern libraries and safe roads.

If Ballot Measure 46 passes, it will be virtually impossible to improve or maintain any of these services in our communities.

**Measure 46 means no more money for jails, schools, or other essential services.**

Since 1993, Oregonians have approved 179 bond measures. These have paid for jail cells, fire stations, major repairs to school buildings, parks, libraries and road improvements.

If Ballot Measure 46 had been in place **only two of these measures would have passed.**

It's obvious. We can't hope to protect our homes, educate our children, drive on safe roads and visit parks and libraries without the ability to raise money as a community.

**Keep your right to essential services and a safe, livable community.**

#### VOTE NO ON 46!

*(This information furnished by Michael A. Lewis.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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## ARGUMENT IN OPPOSITION

### WE DON'T NEED MEASURE 46.

Local voters have local control over what gets funded and what doesn't. Their power lies in the ballot.

Voters frequently decide that specific proposals are too costly or unnecessary. They make their voices heard by voting "No."

Every year, local communities tell their governments that they don't want to pay for individual projects. The government responds by cutting back their request or finding other ways to serve public needs.

### DEMOCRACY WORKS. LEAVE IT ALONE.

Majority rules. Some things pass, some things fail. An interested, cautious voter decides on a case-by-case basis what to pay for and what not to. Measure 46 assumes that everyone who doesn't vote wants their vote counted as "No."

Violating the basic principle of democracy won't make better decisions on what we fund and what we don't.

**Vote no on Measure 46  
And don't forget to vote at every election.**

*(This information furnished by Ron Saxton.)*

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# Measure No. 46

## ARGUMENT IN OPPOSITION

### The Former Deans Committee

We believe there are serious questions that Measure 46 is unconstitutional.

This Measure provides that no tax or tax increase may be imposed unless more than 50% of all registered voters vote in favor of the new or increased tax. This is not a proposal for a majority of the votes cast to be in favor of a new or increased tax. This Measure requires that 50% of all the registered voters have to vote in favor of the new tax or increased tax. Failure or inability to vote is in effect a no vote.

We believe this Measure would effectively deny the people and the Legislature the ability to raise funds for Education, Law Enforcement, Prisons, Health Care and other needs for the people of the State of Oregon.

We have a representational form of Government. The initiative process cannot change our form of Government. The people and the Legislature have a Constitutional duty to raise money to perform those necessary functions.

This Measure would violate the one person one vote rule established by the United States Supreme Court and interfere with the fundamental operations of Government guaranteed by the United States Constitution.

We provide this information to help fellow voters in understanding this measure. Our comments are designed only to provide objective and careful constitutional analysis of the measure. Collectively, we take no position on the other merits of this measure.

Prof. Leroy Tornquist (Chair), Former Dean  
Willamette University College of Law

Prof. Emeritus Chapin Clark  
Former Dean University of Oregon School of Law

President David Frohnmayer  
University of Oregon  
Former Dean University of Oregon School of Law

Prof. Maurice Holland, Former Dean  
University of Oregon School of Law

Prof. Robert Misner, Former Dean  
Willamette University College of Law

*(This information furnished by Bob Cannon, The Former Deans Committee.)*

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# Measure No. 46

## ARGUMENT IN OPPOSITION

### ONE VOTE DOESN'T COUNT IF A NON-VOTER CAN CANCEL IT

#### Vote NO on Measure 46

It just doesn't make sense. Measure 46 would dramatically change Oregon's election laws, allowing passage of a measure only if there were a huge voter turnout. Essentially Measure 46 says that registered voters who don't bother to vote will be counted as a "no" in the final tally. That's not democracy in action! It sounds more like a hidden agenda.

### ONE VOTE DOES MAKE A DIFFERENCE Let's Keep It That Way

**ONE VOTE** admitted Oregon into the Union in 1859.

**ONE VOTE** gave Oliver Cromwell control of England in 1645.

**ONE VOTE** caused Charles I to be executed in 1649.

**ONE VOTE** kept Aaron Burr, later charged with treason, from becoming President in 1800.

**ONE VOTE** saved President Andrew Johnson from impeachment in 1868.

**ONE VOTE** elected Rutherford B. Hayes to the Presidency. The man in the electoral college who cast that vote was an Indiana representative who was also elected by one vote in 1876.

**ONE VOTE** per precinct would have elected Richard Nixon rather than John F. Kennedy President in 1960.

### MAKE SURE YOUR VOTE CONTINUES TO COUNT

#### Vote NO on 46

Bruce Adams, president  
Oregon Education Association

*(This information furnished by Bruce Adams, Oregon Education Association.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 47

# Measure No. 47

Proposed by initiative petition to be voted on at the General Election, November 5, 1996.

## BALLOT TITLE

### 47 AMENDS CONSTITUTION: REDUCES AND LIMITS PROPERTY TAXES; LIMITS LOCAL REVENUES, REPLACEMENT FEES

**RESULT OF "YES" VOTE:** "Yes" vote reduces current property taxes; limits future increases; limits local revenues and replacement fees.

**RESULT OF "NO" VOTE:** "No" vote retains the existing property tax system with current limitations on property tax rates.

**SUMMARY:** Amends constitution. Limits 1997-98 property taxes to lesser of: 1995-96 tax minus 10 percent, or 1994-95 tax. Limits future annual property tax increases to 3 percent, with exceptions. Limits revenue available for schools, other local services funded by property taxes. Local governments' lost revenue may be replaced only with state income tax, unless voters approve replacement fees or charges. Provides no system for spreading revenue cuts among local governments. Restricts new bonds. Tax levy approvals in certain elections require 50 percent voter participation. Other changes.

**ESTIMATE OF FINANCIAL IMPACT:** This estimate is based on the following assumptions: increases in assessed property values and levies will continue at historic rates; local voters do not approve levies outside the new limits; new construction can be added to the tax roll in 1997-98; and existing bond levies are exempt from this measure even if not voter approved.

Direct revenue loss to local governments including school districts is estimated at \$467 million in fiscal year 1998, \$553 million in 1999, and increasing thereafter. Direct revenue losses to each type of local government unit, including local school districts, community colleges, cities, counties, and fire districts, will depend on legislative action.

Direct revenue gain to state government is estimated at \$23 million in 1998, \$27 million in 1999, and increasing thereafter because of increased personal and corporate tax receipts due to lower property tax deduction.

Direct one time expenditures required of counties in the first year of the measure for implementation by assessment and taxation offices are estimated at \$1,650,000. Direct annual expenditures required by counties for assessment and taxation offices are estimated at \$950,000.

### PROPERTY TAX REDUCTION ACT

#### **BE IT ENACTED BY THE PEOPLE OF THE STATE OF OREGON:**

**Paragraph 1.** The Constitution of the State of Oregon is amended by creating new sections 11g, 11h, 11i, and 11j to be added to and made part of Article XI and to read:

**Section 11g.** Notwithstanding Section 32, Article I, Section 1, Article IX, Section 11, Article 11, or any other provision of this Constitution;

(1) Except as provided in subsections (3), (4), and (5) of this section, the ad valorem property tax on each property for the tax

year 1997-98, excluding the portion of the tax that is levied to pay bonded indebtedness or interest thereon, shall not exceed the lesser of the following: (i) the ad valorem property tax on the same property for the tax year ending June 30, 1996, reduced by ten percent (10%), or (ii) the ad valorem property tax on the same property for the tax year ending June 30, 1995.

(2)(a) For tax years following tax year 1997-98, except as provided in subsections (3), (4), and (5) of this section, the ad valorem property tax on each property shall not exceed the tax for the previous year, plus three percent (3%).

(b) The portion of the property tax that is levied on each property for the payment of bonded indebtedness or interest thereon is exempted from the three percent (3%) annual increase limitation set forth in (a) of this subsection.

(3)(a) On and after the effective date of this section, there shall be no new or additional ad valorem property tax levies against real property unless the question of the levy has been approved by not less than fifty percent (50%) of voters voting in a general election in an even numbered year, or other election in which not less than fifty percent (50%) of the registered voters eligible to vote on the question cast a ballot.

(b) Nothing in this subsection shall affect taxes levied for the repayment of bonded indebtedness approved by voters in an election held prior to the effective date of this Act, or the issuance of refunding bonds to pay such bonded indebtedness. This subsection shall not require voter approval for the issuance of, or the levy of taxes to pay, bonds issued to refund bonds issued in conformance with this subsection.

(c) For purposes of this Article, capital construction and improvements for which bonded indebtedness may be authorized shall not include maintenance and repairs, the need for which could reasonably be anticipated, supplies and equipment which are not intrinsically part of the structure, but shall include public safety and law enforcement vehicles with a projected useful life of not less than five years or the period established for repayment of the bonds, whichever is greater.

(c) The ballot title of a bond measure which is subject to this section shall include a reasonably detailed, simple and understandable description as to the use of the proceeds and the approximate percentage each use is of the whole.

(d) If an election is conducted by mail and includes a question, the approval of which would result in a new or additional ad valorem property tax levy against real property, the front of the outer envelope mailed to electors shall be clearly and boldly printed in red with the following statement: **CONTAINS VOTE ON PROPOSED TAX INCREASE.**

(e) When an election includes a question regarding a new or additional ad valorem property tax levy, elections officers shall provide a timely notice of deadlines for the filing of voters pamphlet statements to each person who has requested in writing that they receive such notices.

(4)(a) In the event a property is improved during or after the 1994-1995 tax year, the ad valorem property taxes on that property may be increased, by reason of such improvements, in excess of the three percent (3%) limitation of subsection (2) of this section, except that the tax shall not exceed the lesser of (i) the average ad valorem property taxes paid on similar properties similarly valued and located in the same taxing code area, or (ii) the ad valorem property taxes on the property without regard to the new or additional improvements, plus the ad valorem property taxes on the improvements at the same dollar to value ratio as paid on the property without the improvements.

Once the new improvements are added to a property and the ad valorem property tax attributable to the new or additional improvements is determined, the ad valorem property tax attributable to the improvements may be increased in subsequent tax years in the manner allowed under subsection (2) of this section.

For the purpose of this subsection, "improvements" mean new construction, reconstruction or major additions, remodeling, renovation or rehabilitation of real property including siting,

## Measure No. 47

installation or rehabilitation of manufactured structures, but shall not include minor construction or general, on-going maintenance and repair.

(b) In the event a property is rezoned, resulting in a higher assessed valuation, ad valorem property taxes on that property may be increased in excess of the limitation set forth in subsection (2) of this section, except the tax shall not exceed the average ad valorem property taxes paid on similar properties similarly valued and located in the same taxing code area, and the ad valorem property tax increase exceeding three percent (3%) per annum shall not be in effect until the first tax year after the property is actually used in a manner or for a purpose consistent with the new zoning unless the zone change was requested in writing by the property owner(s).

If prior to the effective date of this Act the ad valorem property taxes on a property have been increased due to a zone change not requested by the owner of the property, and the property has not been used in a manner or for a purpose consistent with the new zoning, and there has not been a transfer of ownership, the property shall be reassessed for the tax year 1997-98 consistent with the zoning effective immediately prior to the unrequested zone change or the actual use of the property, whichever results in the greater tax. Thereafter, the tax may be increased only within the limitations of this Act until there is a transfer of ownership or the property is used in a manner consistent with the new zoning. Transfer of ownership by inheritance shall not be considered transfer of ownership for purposes of this subsection.

(c) If a property is subdivided into two or more separate parcels, the tax on each newly created parcel shall not exceed the average tax paid on property similarly valued to the newly created parcel and located in the same taxing code area.

(d) If there is a lot line adjustment between existing, adjacent properties that does not create a new lot of record, the tax on each newly created parcel shall be adjusted according to any increase or decrease in value, but the combined ad valorem property tax on the properties shall not be increased more than is permitted under subsection (2) of this section for the tax year in which the lot line adjustment is taken into account.

(e) If a property is placed in a different taxing code area, the ad valorem property tax on that property may be increased in excess of the limitation set forth in subsection (2) of this section if:

(A) The taxing district annexation that resulted in the property being placed in the different taxing code area was approved by a majority of voters casting a ballot in a general election in an even numbered year or other election in which not less than fifty percent (50%) of the registered voters eligible to vote in the election cast a ballot, and

(B) the increased tax on the property does not exceed the average ad valorem property tax paid on similar property similarly valued in the same taxing code area.

(5) For the first year following disqualification for exemption or special assessment, or in the event a property is added to the assessment and tax rolls as omitted property, ad valorem property taxes on that property may be increased in excess of the three percent (3%) increase limitation set forth in subsection (2) of this section, except the tax shall not exceed the average ad valorem property taxes paid on similar property similarly valued in the same taxing code area.

(6) In no case shall the assessed valuation of any property exceed its real market value.

(7) If it is necessary to allocate among political subdivisions of the state, or departments or agencies within those political subdivisions, any revenue reductions resulting from this Act, redistribution of revenues shall be done in a manner so as to (i) prioritize public safety and public education, and (ii) minimize any loss of local control of cities and counties to state government;

(8)(a) No government product or service that on or after June 30, 1995 was wholly or partially paid for by ad valorem property taxes, shall be shifted, transferred, or otherwise converted so as

## Measure No. 47

to be wholly or partially paid for by a fee, assessment, or other charge except state income taxes, without prior voter approval. If such a shift, transference or conversion of a property tax to a fee, assessment, or other charge except state income taxes, occurred without voter approval after June 30, 1995 and prior to the effective date of this Act, for tax year 1997-98 and subsequent years, the ad valorem property tax on each such property, the owner or user of which continues to be subject to such a fee, assessment, or other charge except state income taxes, shall be decreased by an additional amount equal to the portion of the fee, assessment, or other charge which was formerly paid through property taxes until such time as voters approve the fee, assessment, or other charge.

(b) The limitations of (a) of this subsection shall not apply to a new or increased fee, assessment or other charge, the imposition or enactment of which directly results in an equal or greater offsetting reduction in property taxes levied in the same taxing district, providing that the reduction is in addition to the reductions and limitations set forth elsewhere in this Act.

**Section 11h.** Whereas some property owners may prefer not to have their property taxes reduced by this Act, and voluntarily would provide support for public schools in excess of the limitations of this Act; to facilitate their doing so, the state legislature shall adopt legislation to implement a mechanism whereby a property owner may conveniently make an annual, voluntary contribution in conjunction with property tax payments, and designate the school or other public entity to which the additional revenue shall be disbursed as a voluntary contribution.

**Section 11i.** The Legislative Assembly may adopt and amend legislation to implement the provisions of sections 11g and 11h of this Article.

**Section 11j.** SEVERABILITY of Sections 11g, 11h, and 11i of this Article. If any portion, clause or phrase of Sections 11g, 11h, and 11i of this Article is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, the remaining portions, clauses and phrases shall not be affected but shall remain in full force and effect.

# Measure No. 47

## EXPLANATORY STATEMENT

Ballot Measure 47 amends the Oregon Constitution to limit the amount of property taxes that may be collected. The measure also requires voter approval for new or increased property taxes. The measure restricts certain alternative means by which state or local governments could raise revenue in lieu of property taxes. In addition, the measure prohibits the assessment of property at greater than the property's real market value.

For the 1997-1998 tax year, Ballot Measure 47 would reduce the amount of property tax that is imposed to the lesser of 90 percent of the property tax imposed for the 1995-1996 tax year or 100 percent of the property tax imposed for the 1994-1995 tax year. For tax years following 1997-1998, the measure would limit the amount by which property taxes could increase to three percent each year.

Ballot Measure 47 provides exceptions and restrictions. One exception is for property taxes levied to pay existing bonded indebtedness. Another is for property tax levies that have been approved by 50 percent or more of voters voting on the question in a general election in an even-numbered year, or by 50 percent or more of voters in any other election provided at least 50 percent of eligible voters cast a ballot.

Other exceptions permit property taxes to exceed the three percent growth limitation when certain changes occur to property or to the assessment of property. These changes include new construction or improvements made to property, the rezoning of property, the subdivision of property, property disqualification from exemption or special assessment, or the addition of property to the tax roll as omitted property. While the occurrence of a change, including taxing district changes when approved by voters, may permit property taxes to increase by more than three percent, the measure restricts the amount of the increase so that the amount of tax imposed on the property does not exceed the amount imposed on similar property.

Ballot Measure 47 directs that revenue reductions arising as a result of these tax limitations be implemented so as to give priority to public safety and public education, and to minimize loss of local control of cities and counties to state government.

Ballot Measure 47 prohibits using new or increased fees, assessments or other charges to pay for government services and products previously funded by property tax revenues, unless a new or increased fee, assessment or charge has been approved by voters.

The measure directs the legislature to enact a mechanism which allows property taxpayers to make charitable, voluntary contributions to public schools and other public entities.

**Committee Members:**

Bridget Barton\*  
Bill Sizemore\*  
John Marshall  
Fred Miller  
Charles S. Crookham

**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 No. 47

## ARGUMENT IN FAVOR

**STOP! DON'T CAST THAT ABSENTEE BALLOT YET.**

Stop! Don't vote on Measure 47 until you've received and read your 1996 property tax statement. You're probably in for a real surprise - more like a real shock!

This is the first time in five years that property owners in Oregon will receive a property tax statement that will show an assessment increase without a Measure 5 rate reduction. **This year, property taxes will increase quite dramatically.**

The average assessment increase statewide will be about 10 percent. Some entire neighborhoods, however, will see increases as much as 24 percent. Add to those huge assessment hikes a whole slew of new bond measures, and property taxes will go through the roof.

And this is only the beginning. If we don't pass Measure 47 this year, there will be two more tax increases before we will get another chance to vote in 1998. **Without Measure 47, 1998 property taxes for many everyday homeowners will be \$500 to \$1,000 higher than they are today.**

You may doubt that such increases could happen, but consider this: This year alone, property taxes on the average home in the Portland area will increase more than \$300. A number of communities of average priced homes will see increases averaging more than \$500 this year alone.

So before you cast that absentee ballot, ask yourself this question: **If inflation is running at less than three percent this year, why do governments increase property taxes ten percent, twenty percent, or more.** Why? Because they can.

If voters pass Measure 47, however, property tax increases will be limited to not more than three percent per year. Property taxes will be predictable. There will be no more unexpected, shocking increases.

**Measure 47 is indeed the long awaited solution to Oregon's long-standing problem with runaway property taxes.** It allows governments reasonable growth, but not at a rate faster than we taxpayers can afford to pay for it!

(This information furnished by Bill Sizemore, Oregon Taxpayers United PAC.)

(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)

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# Measure No. 47

## ARGUMENT IN FAVOR

### MANY SIMPLY CANNOT AFFORD HIGHER PROPERTY TAXES

Because a "No" vote on Measure 47 will unquestionably result in higher property taxes on almost every property in Oregon, **before you vote, please stop and consider the effect rapidly escalating property taxes will have on those who simply cannot afford to pay more;** those who will not be able to pay higher property taxes and still buy food or heating oil; and those who cannot afford to pay higher taxes and still keep their homes.

True, some Oregonians are able and willing to pay higher taxes to support schools or other government services. But increasing property taxes is the wrong answer. Why? Because property taxes are not related to one's ability to pay. **Property tax increases demand more money from people who, in many cases, have no more money to give.**

Oregon's current property tax system does not make sense. To illustrate, currently, inflation is running at less than three percent per year. Wages also are increasing annually at only three percent. Yet, this year and for the foreseeable future, homeowners will see property tax increases averaging ten percent or more. Why?

Such large increases cause real hardship for those Oregonians on low or fixed incomes. **Many simply will not be able to pay their taxes and still eat and pay the utility bill.**

This is not an exaggeration. Today, it is quite common for senior citizens living on a \$450 per month social security check to pay property taxes of \$200 or more per month; leaving \$250.00 for utilities, food, medicine, insurance, transportation, etc. There is simply no way they can afford to pay higher property taxes.

Before you vote on Measure 47, please remember: **Maybe you can afford to pay higher property taxes, but there are a lot of good, decent people who cannot.** Measure 47's three percent cap on annual property tax increases will mean a lot to them.

### PLEASE VOTE FOR MEASURE 47

(This information furnished by Bill Sizemore, Oregon Taxpayers United PAC.)

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# Measure No. 47

## ARGUMENT IN FAVOR

### A MESSAGE FOR RENTERS

Many renters do not realize that they pay property taxes.

If you're a renter, whether you're renting a house or apartment, or a commercial building for that matter, ask yourself this question: **If property taxes go up on the property I rent, will my landlord absorb that increase, or will they pass it on to me?**

The answer is, in almost every case, that the landlord will pass the cost on to you, the renter, just like they must every other cost of maintaining the property you occupy. **When property taxes go up, eventually, so do rents.**

Oregon's rapidly escalating property values are affecting rental properties just like they are owner occupied properties. Often renters, however, don't realize that their rents are being increased because of property tax increases because they don't see the property tax bill the landlord receives each October.

This year, property taxes in Oregon will increase an average of ten percent statewide, even more in metropolitan areas. **That means rents will go up. And remember, any increase in rents due to property tax increases are on top of the increases that will occur already due to other market forces that are pressuring rents ever upward in Oregon.**

So before you cast your vote on Measure 47, I suggest that you stop and consider who will pay the property tax increases of \$200, \$300, or \$500 per year that will be the norm in Oregon for years to come.

The answer in part is you, the renter. And if you decide some day to buy your own place, **remember that property taxes commonly add \$200 to \$300 per month to mortgage payments.** That's why every person who lives in Oregon, whether they own or rent, has a stake in Measure 47.

**Measure 47 limits property tax increases, and it's every bit as good for renters as it is for homeowners, because we all pay property taxes.**

(This information furnished by Bill Sizemore, Oregon Taxpayers United PAC.)

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# Measure No. 47

## ARGUMENT IN FAVOR

### WHAT ABOUT OUR SCHOOLS?

School funding is a concern for most Oregonians. Certainly, we cannot neglect our most precious asset, our kids.

However, there are some things about school funding that voters haven't been told. School funding in Oregon is up, not down. **In fact, during the Measure Five years, school funding increased faster than the rate of inflation!**

School funding today is more than \$600 million per year more than it was the year prior to Measure Five. That's an increase of 34 percent!

Like Measure Five, Measure 47 also protects schools. **It contains a provision that specifically requires, by constitutional mandate, that funding for public safety and public education be prioritized.**

Measure 47 was designed so that the state could make up from its general fund any property tax revenues schools might lose under the measure, just as the state has done for five years in a row now under Measure Five. For five years, the state has made up the schools' lost property tax dollars from its abundance of state income tax and lottery dollars.

**Measure 47 can likewise be enacted without any cuts whatsoever to schools or local governments.** The state legislature simply has to do one more time what it has done for five years in a row under Measure five.

Here's the choice voters have with Measure 47. **With inflation running at only three percent per year and the state's general fund growing at a whopping 22 percent per biennium, we can either use that abundance of state income tax and lottery dollars for property tax relief, or we can allow the state bureaucracy to grow at more than three times the rate of inflation.** You decide.

Measure 47 is a carefully measured, reasonable step to limit the runaway growth of property taxes. Its ten percent cut is modest, and its three percent cap on annual increases is fair both to government and taxpayers.

### VOTE "YES" ON MEASURE 47

(This information furnished by Bill Sizemore, Oregon Taxpayers United PAC.)

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# Measure No. 47

## ARGUMENT IN FAVOR

### PREPARE FOR A \$620 MILLION PROPERTY TAX INCREASE

The state's Legislative Revenue Office has come out with a projection that Measure 47 would cost the government in Oregon \$1.1 billion over the next two years!

That amount should alarm taxpayers, but not for the reason some might think. **That \$1.1 billion projected cut is alarming because the vast majority of the increase is not an actual reduction in today's taxes, but projected growth in property taxes.**

That's right. \$620 million of that \$1.1 billion is the amount governments intend to increase property taxes over the next two years.

How do we know that governments plan a \$620 million increase in property taxes? Consider this:

Total property taxes collected statewide total about \$2.4 billion. Measure 47 enacts a very modest ten percent reduction in property taxes on each property. Ten percent of \$2.4 billion is only \$240 million. A \$240 million dollar cut for two years adds up to only \$480 million.

But the state says the loss to governments will be \$1.1 billion, not \$480 million for the next two year budget cycle. Where does the extra \$620 million figure in?

**\$620 million is the amount governments plan on increasing property taxes over the next two years!** That's right. We taxpayers are facing a \$620 million dollar increase in our property taxes over the next two years. A call to the state's Legislative Revenue Office will confirm that to be the case.

Measure 47 does what Oregonians have needed for a long time. It limits the growth of property taxes to three percent per year, about the amount the average Oregonian's income increases each year.

We voters can pass Measure 47 and put runaway, unpredictable property tax increases behind us once and for all. Or, we can reject Measure 47, and meekly accept a \$620 million property tax increase, an increase more than three times the current rate of inflation! The choice is clear!

(This information furnished by Bill Sizemore, Oregon Taxpayers United PAC.)

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# Measure No. 47

# Measure No. 47

## ARGUMENT IN FAVOR

### THE SKY IS NOT FALLING

We heard it over and over in 1990 with Measure Five. "The sky is falling! The sky is falling!"

Nearly every political leader in the state took their turn at the microphone making dire predictions of the devastation that would occur across Oregon if voters dared pass Measure Five.

Ex-Governor Barbara Roberts said people would die if Measure Five passed. Others said we would dial 911 and no one would come. The superintendent of the Portland School District said that if Measure Five passed he would have to give pink slips to every teacher.

Of course, none of their ridiculous predictions came true. According to Oregon Dept. of Education numbers, school funding during the Measure Five years did not decrease at all, but instead increased faster than the rate of inflation.

The City of Portland, which also predicted financial devastation for itself, has instead accrued a budget surplus of tens of millions of dollars. Measure Five has not devastated Oregon's local governments, even though it cut property tax rates by 50 percent.

Measure 47 cuts current property taxes by only 10 percent. For some time now, most governments in Oregon have been increasing their tax bases by a full six percent each year, even though inflation has been running at only about three percent. These governments could easily absorb a ten percent reduction in their property tax revenues and still have kept up with inflation.

Measure 47 was designed, however, so that no cuts would be necessary in schools or local governments. 100 percent of the reduction in property tax revenues can be made up from the state's abundance of state income tax and lottery dollars.

When you hear or read "sky is falling" claims about Measure 47 from liberal editors, tax and spend politicians, and self-serving bureaucrats, just remember: They made these same ridiculous, unfounded predictions in 1990. That's the only tune they know how to play.

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## ARGUMENT IN FAVOR

### YOU CAN NEVER TRULY OWN YOUR OWN PROPERTY

The right to own private property is the cornerstone of a free society.

It should be the right of every American, to own a piece of property that they can call their own; a place that no one can take away from them.

That right does not presently exist in Oregon.

How can anyone truly believe that they own their own home when they have to pay the government hundreds of dollars per month in property taxes, or the government will take it from them?

Frequently, people say that they worked all their lives to own their own home, and that they believed all those working years that once they got their mortgage paid off, they would be secure for their retirement years. All they would have to have is enough income to buy food and pay their utility bills and they could make it comfortably through their old age.

Many of these hard-working folks are sorely disappointed today. Many are paying property taxes now that are literally higher than their mortgage payments were when they were buying their home.

It's a tragedy that we voters allow to continue a system of taxation that puts the never-ending wants of government above the rights and interests of citizens; that allows taxes to increase at rates totally unrelated to the taxpayer's ability to pay; that penalizes homeowners for maintaining their property.

It's time to send a clear message to politicians and bureaucrats: Find another way to finance the cost of government. Stop piling so much of the burden on the backs of property owners.

Measure 47 does that. It gives the people of Oregon something they have needed for a long time, a permanent limit on the amount that property taxes can increase each year. That three percent cap is a major step in the right direction.

Support Measure 47. It will make Oregon a better place to live.

(This information furnished by Bill Sizemore, Oregon Taxpayers United PAC.)

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# Measure No. 47

## ARGUMENT IN FAVOR

### KILL THE MESSENGER

Unions have one play in their political playbook. It's called, "Kill the Messenger!"

Saul Alinski, the guru of union activism, taught union political activists to always avoid discussing issues, but instead to demonize some individual in the opposition. Pick someone in the opposition and make him the "evil" that must be defeated.

You saw that strategy with Measure 8 when the unions directed all their attention towards Oregon Taxpayers United's director, Bill Sizemore, and State Representative Bob Tiernan. Their ads repeatedly attacked those two individuals, and avoided any mention of the real subject of Measure 8, public employee pensions.

You saw the same strategy when a national labor union involved itself in the Gordon Smith/Ron Wyden U. S. Senate race earlier this year. The union ran an extremely nasty ad, virtually calling Gordon Smith a murderer. Most Oregonians were repulsed by the ad.

The campaign against Measure 47 is being financed primarily by public employee unions. You can expect to see their ads against Measure 47 focus attention on Bill Sizemore, the measure's author. The unions will call Sizemore an extremist with a radical agenda, or the mouthpiece of millionaires.

Don't be fooled by this deceptive strategy. Measure 47 was written to benefit everyday Oregonians. The majority of the savings from Measure 47 will go to average homeowners. Oregon Taxpayers United PAC is not the mouthpiece of millionaires, but in fact, has more than 12,000 contributors, contributing an average of about \$35.00.

So, when you see or hear ads against Measure 47 that are really attacking Bill Sizemore, say to yourself, "someone is telling us that we taxpayers should let our property taxes skyrocket because the unions don't like Bill Sizemore."

Don't let public employee unions make Measure 47 a referendum on Bill Sizemore. Measure 47 is rather a decision by Oregon voters as to whether they are going to limit property taxes, or let them shoot out of sight.

*(This information furnished by Bill Sizemore, Oregon Taxpayers United PAC.)*

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# Measure No. 47

## ARGUMENT IN FAVOR

### VOTER INTENT FOR MEASURE 47

Following is an explanation of the intent for various provisions of Measure 47. Voters should not vote for this measure unless they agree that they wish to enact the following:

Measure 47 cuts property taxes for the 1997-98 tax year back to the tax for the 1995-96 tax year, minus 10 percent, or back to the tax for the 1994-95 tax year without the 10 percent cut, whichever of those two numbers is less.

Measure 47 also places a permanent three percent cap on annual property tax increases. This cap cannot be exceeded by local voters except for voter approved bond measures for purposes related to capital construction projects or the purchase of certain public safety vehicles.

Subsection (3)(a) of section 11g of the measure places a new restriction on future property tax elections. It requires that property tax related elections are not valid if there is not at least a 50 percent voter turn-out. That is all this subsection does.

**Subsection (3)(a) of section 11g of the measure is not an authorization for a local option to override the three percent cap.** If it was, it would say that it was an exception, as do all the exceptions set forth in subsections (3), (4), and (5) of section 11g.

**All of subsection (3) of section 11g relates to bond measures only.**

In summary, voters should vote for this measure only if they agree with the intent of the measure that property taxes, after they have been reduced as the measure requires, may only be increased in excess of three percent per year for the purpose of paying voter approved bonded indebtedness.

This measure does not contain any other form of local option.

*(This information furnished by Bill Sizemore, Oregon Taxpayers United PAC.)*

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# Measure No. 47

# Measure No. 47

## ARGUMENT IN OPPOSITION

### THE UNIVERSITY OF OREGON ALUMNI ASSOCIATION BOARD OF DIRECTORS URGES NO ON BALLOT MEASURE 47

**Public higher education is a promise**--a promise that the citizens of Oregon have made to their children since 1872. **We are not keeping this promise.**

Ballot Measure 47 would further erode the resources needed to provide quality higher education to Oregonians. It is estimated that schools and local governments would lose \$1 billion in the first two years.

Since Ballot Measure 5 passed in 1990, public higher education in Oregon has **lost more than \$100 million in state funding**. The state of Oregon ranks **50th in support of higher education**--the citizens of Oregon cannot continue to fund at this level and expect our young people and state to be competitive. An educated workforce fuels our state's economy.

**Tuition is up 80 percent.** Many of our brightest students leave this state and pursue higher education in other states where higher education is generally more publicly supported. Once gone, these children of Oregon generally do not return. Oregon loses its most valuable resource: bright, energetic young minds.

**For those who stay, the amount borrowed via student loans has reached staggering proportions.** Today's graduates cannot simply work their way through school. On average they graduate with \$17,500 in debt.

Meanwhile, **the number of Oregon high school graduates and the growing demand for well educated workers in the Oregon economy require greater access** to quality public higher education in this state--not less. We need these young people if we are to remain competitive.

### VOTE NO ON BALLOT MEASURE 47.

The University of Oregon Alumni Association is an organization representing UO alumni who have a deep concern about the future of the University of Oregon and a desire to participate in the process of developing a solid policy and financial foundation for the future of public higher education in Oregon.

*(This information furnished by Richard W. McDuffie, '63 MD '67, President, University of Oregon Alumni Association.)*

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## ARGUMENT IN OPPOSITION

### PROTECT YOUR LOCAL LIBRARY: VOTE NO ON MEASURE 47

The Oregon Library Association strongly opposes Measure 47 because it would, beyond question, cause further damage to our public, school and academic libraries.

After Measure 5 passed, local governments and school boards found library services a convenient place to cut. Police, fire and public works were essential services, they explained, and libraries and parks, for example, were not. The same reasoning would prevail today.

Yet another such shock to local government revenue, as proposed in Measure 47, would almost certainly mean that many public libraries would have their services drastically curtailed. Libraries would have to reduce their hours and cut back on their book budgets. Some rural libraries, operating now on a shoe string, might be forced to close their doors.

School library services have never recovered from the effects of Measure 5. A 1994 survey of 12 states showed that Oregon now has the lowest number of certified school librarians per school. Untold numbers of students bear the brunt of that loss.

Severe pressure would be imposed on the Legislature to replace property tax revenues lost to local schools with state General Fund revenue. That, in turn, would undoubtedly result in major funding cuts for state colleges and universities. Reductions in Higher Education budgets are already being forecast because of the flattening of Oregon Lottery revenues. Cuts from Measure 47 would be in addition to those caused by the shortfall in Lottery dollars. Academic libraries would be an inviting target.

The Oregon Library Association knows that Oregonians place a high value on their public, school and academic libraries.

The Oregon Library Association hopes that Oregonians will remember that when local property taxes are cut, libraries are among the first to suffer. That is why Oregonians should vote against Measure 47, if they care--about the quality of their library services--in their schools, in their public libraries, and in their institutions of higher education.

*(This information furnished by Edward House, Oregon Library Association.)*

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# Measure No. 47

## ARGUMENT IN OPPOSITION

### Oregon Farmers and Ranchers Urge A NO Vote on Measure 47

Oregonians work hard to earn a living, and we all want as little of that hard-earned money as possible to go to the government. We must balance this desire for lower taxes against the level of services we expect to receive. **Measure 47 goes too far and threatens some of our most important basic services like police and fire protection.**

#### No More Local Control

Measure 47 takes away our choices. Individuals and communities would no longer have any say in determining local levels of services. Oregonians want more local control, not less.

#### Less Fairness

Measure 47 undermines our system's relative value system. Under Measure 47, landowners with lower valued land could pay more than their fair share while owners of more valuable property could be paying far less than their fair share. Under current law the higher your property value, the higher your property tax liability.

#### It Doesn't Add Up

Measure 47's proponents say we can get the same level of services while paying lower taxes. In fact many of our communities already are struggling to provide needed public services. You can only cut so much fat before you hit bone.

#### Less Accountability

Measure 47 makes it nearly impossible to determine if your assessor has correctly figured the tax liability for your property.

We, the board of directors of the Oregon Farm Bureau urge you to

**VOTE NO on Measure 47.**

Please join us in making Oregon government more responsive to the people.

*(This information furnished by Board of Directors, Oregon Farm Bureau: John Rossner, President; Stan Hendy, Rick Miller, Daryl Hawes, Debbie Scott, Vice Presidents; Larry Lear, Norm Pratt, Joan Silver, Tracey Liskey, Camille Hukari, Jack Burkhart, Dean Freeborn, Kathy Smith, Keith Nelsen, Neil Westfall, Charlie Barlow, Edmund Duyck, Doug Krahmer, Howard Sand, Board Members; Andy Anderson, Greg Leo, Don Schellenberg, Pete Test, Staff.)*

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# Measure No. 47

## ARGUMENT IN OPPOSITION

### Community College Presidents Urge "NO" Vote on Ballot Measure 47\*

As presidents of Oregon's 17 community colleges and concerned Oregonians, we urge you to vote **no** on Measure 47. This measure is bad for Oregon. If Measure 47 passes it will:

- Reduce class and program offerings for students;
- Cut back on job training and retraining opportunities;
- Limit access to adult basic education programs that prepare people for work;
- Keep colleges from meeting new and growing community needs.

Not only would Measure 47 take resources away from students, it also takes control of education away from local communities. It would:

- Hand the Legislature control of schools and community colleges;
- Allow the Legislature to mandate classes, tuition and programs;
- Take control away from local communities;
- Eliminate recent advances in community college partnerships with business, school districts and other workforce and education partners.

Measure 47 is much more complicated than it appears to be and could have unintended negative results.

**Community colleges have always uniquely met each community's needs. Measure 47 will change that. Vote No on Measure 47 to keep community control over education.**

Oregon's Community College Presidents:

Ron Daniels, Blue Mountain	Joel Vela, Mt. Hood
Bob Barber, Central Oregon	Pat O'Connor, Oregon Coast
Jerry Berger, Chemeketa	Dan Moriarty, Portland
John Keyser, Clackamas	Harvey Bennett, Rogue
John Wubben, Clatsop	Steve Kridelbaugh,
Wm. E. Bell, Columbia Gorge	Southwestern Oregon
Rod Wright, Klamath	Jerry Hallberg, Tillamook Bay
Jerry Moskus, Lane	Bert Glandon, Treasure Valley
Jon Carnahan, Linn-Benton	Jim Kraby, Umpqua

\*No public dollars were used to produce or publish this statement.

*(This information furnished by Daniel Moriarty.)*

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# Measure No. 47

# Measure No. 47

## ARGUMENT IN OPPOSITION

**From the Desk of Governor John Kitzhaber, M.D.**

Dear Oregon Voter:

Oregonians have always cherished their ability to make decisions locally. Measure 47 endangers this fundamental principle by taking control away from local communities. I urge you to join me in voting NO on Measure 47.

Measure 47 reduces local control. Measure 47 ignores the fact that communities are diverse. Each community in Oregon is different. Local voters must be allowed a strong voice in determining their future. But Measure 47 mandates that state government should set priorities for local communities. Under Measure 47, local voters would no longer be able to control their own destiny. As Oregonians, we cannot afford to erode our ability to make important decisions at the local level.

Even worse, Measure 47 hurts critical services like public education. Throughout Oregon, local schools are trying to prepare our children for the future. Global competition, technological advancements and growing economic diversity are just a few of the challenges facing our children. Without local control and adequate school funding, we cannot prepare our children for this dynamic and fiercely competitive environment.

Oregonians value local control. Measure 47 takes local control away. Oregonians depend on adequate public service such as public safety. Measure 47 cuts local police, fire and sheriff's departments. Oregon communities rely on their ability to respond local to special circumstances. Measure 47 forces communities to further depend on state government. Oregonians do not want the future prescribed by Measure 47's empty promises.

Communities like Portland and Klamath Falls cannot be forced into the same-size-fits-all rules made by state government. Oregonians need the tools that allow them to deal with local conditions. Important decisions about local schools, public safety, transportation, and human services should remain in the hands of communities, not the state legislature.

Protect local control. Please join me in voting NO on Measure 47.

Sincerely,

John A. Kitzhaber, M.D.  
Governor

*(This information furnished by Governor John A. Kitzhaber, M.D.)*

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## ARGUMENT IN OPPOSITION

**BALLOT MEASURE 47 THREATENS  
COMMUNITY PARTNERSHIPS**

Oregonians have always been willing to help their neighbors. Responding to the needs of children, the frail, elderly, disabled, mentally ill and working poor has become an important way Oregonians build caring communities. The faith community has been an integral part of this response, working in partnership with local public and private social service agencies. Our facilities house childcare centers, food pantries, socialization programs and respite care, but significant financial support comes from our tax dollars.

Measure 47 threatens these community based partnerships that neighbors have developed to help neighbors. It takes important tools out of the hands of local communities. It makes it harder for local communities to fund the human services - from health care to education to libraries and parks - that help people live better lives.

By rolling back property taxes, Measure 47 disregards the decisions communities have made about the services they want to offer their residents. The new restrictions on bond measures would make it harder for communities to respond to special local needs.

Measure 47 is long and poorly written. It will take a multitude of lawyers to figure out what it really means. All of that uncertainty and all those unintended consequences will steal money and energy that should be spend helping Oregonians.

Measure 47 writes inequity into the state constitution. It makes it harder for government to be responsive to community needs. It hurts the ability of Oregonians to help each other.

**We urge you to please vote NO on Measure 47.**

Ecumenical Ministries of Oregon

*(This information furnished by Ellen C. Löwe, Ecumenical Ministries of Oregon.)*

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**Measure No. 47****ARGUMENT IN OPPOSITION****Protect Local Schools**

During the past five years school districts have been busy dealing with Ballot Measure 5, the property tax limitation measure that voters passed in 1990.

Many school districts are operating with less money per student now than was available five years ago. Many districts have cut back on their administrative, support and teaching staffs. They've found ways to save money. They've made do with less.

And they've been forced to make some cuts that have narrowed the opportunities available to children and lowered the quality of their schooling.

Local voters also have discovered that one of the worst consequences of Measure 5 was the loss of local control. Now state legislators, and not local voters, decide just how good a community's schools will be.

Measure 47 again targets schools. Under Measure 47, Oregon schools would lose \$266 million during the 1997-98 school year and \$308 million in the 1998-99 school year, according to the state Legislative Revenue Office. There is no requirement that the state make up that lost revenue.

While we agree that the Oregon tax structure needs revision, we don't believe Measure 47 is a workable remedy:

- Measure 47 does nothing to deal with the fairness of the tax system. In fact, it writes inequity into the state Constitution.
- It does nothing to promote local responsibility. In fact, it removes local control in favor of state-level decision-making.
- It does nothing to protect other important local services like police, fire and jails. In fact, it makes it harder for communities to meet their public safety needs.

Measure 47 doesn't solve Oregon's tax problems. It adds to them.

We urge you to vote NO on Measure 47.

*(This information furnished by Bruce Adams, President, Oregon Education Association; Christopher Dudley, Oregon School Boards Association; Ozzie Rose, Confederation of Oregon School Administrators.)*

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**Measure No. 47****ARGUMENT IN OPPOSITION****Measure 47 Hurts Human Services**

Measure 47 will slice money available to local governments from property taxes. That will hurt human services two ways:

**- In your community -**

Measure 47 would cut some of the money that cities, counties and other special districts currently invest in human services. Services like health care, feeding programs, substance-abuse treatment and recreational programs for senior citizens and at-risk youth, just to name a few.

**- Throughout the state -**

Measure 47 presumes that the state will make up for some of the property tax money lost to local governments. But existing state resources can't be stretched to cover the new losses to local schools, cities and counties without examining all state funded programs for possible cuts. Most state-funded human services are actually delivered through community based agencies that stand to lose both local and state tax support as a result of Measure 47. State institutions and the Oregon Health Plan are also likely to suffer.

Money spent on human services is money invested healthier, safer, and more productive Oregonians.

Measure 47 doesn't fix the tax system. It just creates more problems. It takes away local control and hurts Oregon's biggest asset - its people.

**Measure 47 is irresponsible. Protect your neighbors and your state.**

**Vote No on 47.**

Human Services Coalition of Oregon

*(This information furnished by Ellen C. Lowe, Human Services Coalition of Oregon.)*

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# Measure No. 47

## ARGUMENT IN OPPOSITION

### Public workers urge a no vote on 47

As employees of schools and local and state governments, we urge you to vote no on Measure 47.

This harmful measure would cut the amount of money available to local communities through property taxes. It would place great strains on our local schools, cities and counties.

As people whose work is caring for children, the elderly and other needy Oregonians, we know firsthand how desperately our services are needed. Who will care for the sick, the abused and the abandoned if we are not there to help?

If Measure 47 passes, all Oregonians will be less able to count on the quality of their schools and the availability of needed government services.

Government services provide an essential safety net for the needy. They also help working people compete in a changing economy. Our children need good schools and safe communities so they can grow up to live happy, productive lives.

Everyone loses when public services aren't funded adequately.

**Measure 47 is bad for Oregon's school kids.**

**It's bad for the elderly, the young and the needy.**

**It's bad for communities that want to stay economically healthy.**

Don't make this harmful initiative part of Oregon's constitution.

**VOTE NO ON MEASURE 47.**

*(This information furnished by Alice Dale, Oregon Public Employees Union; Ed Edwards, Oregon School Employees Association; Ken Allen, Director, Oregonians for Local Control.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 47

## ARGUMENT IN OPPOSITION

### Measure 47 threatens the future of Oregon's parks!

Oregon's quality of life depends on our parks. Oregon parks provide abundant recreation opportunities, protect our scenic open spaces, and provide habitat for fish and wildlife.

Many local parks depend on property taxes and bond measures for funding. Passage of Measure 47 would restrict Oregonians' ability to protect and enjoy our environment through our many local parks.

Measure 47 mandates severe restrictions on how bond measures can be used. It makes them harder to schedule and pass.

**Measure 47 takes this important park protection tool away!**

Local governments also sometimes must charge user fees to pay for park operations or improvements. But Measure 47 restricts local governments' abilities to use new fees in this way.

Local services like parks, public safety and human services all help keep Oregon livable.

**Measure 47 ties local government's hands!**

**Measure 47 threatens Oregon's livability!**

**Vote NO on Measure 47!**

The Oregon League of Conservation Voters

*(This information furnished by Anna Goldrich, Oregon League of Conservation Voters.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 47

# Measure No. 47

## ARGUMENT IN OPPOSITION

### Don't Muddle the Constitution

The Oregon Constitution is a precious document. Voters should change, alter or add to it only with great caution.

That's why I'm opposed to Measure 47. It misuses the Oregon Constitution as a place to deal with the specifics of tax law.

Measure 47 is a long, confusing measure that raises many unanswered questions and is riddled with unintended consequences. It attempts to do far more than just set forward a general tax policy. It deals in minutia.

I think we all agree that's not what the Oregon Constitution is all about.

There's little question, of course, that tax laws are difficult to write. They are long and detailed. That's why they belong in the state's statutes, where they can be modified and clarified as necessary. And that's why they DON'T belong in the Constitution, where such routine clarification or correction is very difficult.

Don't muddle up our state's most important document.

Join me in voting no on Measure 47.

*(This information furnished by Betty Roberts, Former State Senator, Former Oregon Supreme Court Justice.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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## ARGUMENT IN OPPOSITION

### THE OREGON COUNCIL OF POLICE ASSOCIATIONS URGES VOTE NO ON MEASURE 47

Measure 47 is a threat to the safety of every community in Oregon. The measure sponsors claim we will be secure, even though they're slashing millions of dollars from local government revenue. Those slashes can only mean fewer police officers to protect our citizens.

These are major cuts that will directly affect police departments' personnel levels. Without adequate funding, we'll be unable to purchase and maintain the equipment we need to keep ahead of the bad guys. There is no way public safety can be unaffected by the enormous cuts in revenue envisioned by the backers of this measure.

With local government revenues so drastically restricted, the state will be put in the position of deciding what programs get funded and at what level. That means issues that affect you locally will no longer be decided locally. The people in Salem will be deciding on things that should be decided locally.

Don't be fooled. Don't listen when they try to say these cuts won't have any effect on safety issues. We don't believe them and neither should you.

**KEEP OUR STREETS SAFE!**

**VOTE NO ON MEASURE 47**

*(This information furnished by Judith Watts, Oregonians for Local Control.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 47

## ARGUMENT IN OPPOSITION

### Don't cut the Heart out of Law Enforcement Vote **NO** on Ballot Measure 47

The men and women who work tirelessly to protect Oregon's cities and towns need your support in their effort to keep our communities safe.

**Vote NO on Measure 47 and show that public safety is too important to compromise**

**Measure 47** would cut the property-tax money available to Oregon cities by an estimated 20 percent. Since Public safety accounts for most cities' single biggest expenditure of money, Ballot Measure 47 would drastically reduce police personnel and cripple law enforcement efforts throughout the state.

**Measure 47** ties the hands of local communities by restricting funding. Local communities must remain free to deal with their own public-safety challenges in the way that best fits their needs. Ballot Measure 47 prevents local communities from addressing local crime problems.

The Oregon Police Chiefs for Safer Communities have thoroughly researched Ballot Measure 43. We believe passage of this measure would have a significant and negative impact on the ability of law enforcement to provide essential services and personnel to communities throughout the state.

**Don't** be fooled, passing Measure 47 will mean less officers protecting your neighborhoods.

**Don't** put public safety on the chopping block.

**Don't** pass Ballot Measure 47

### **VOTE NO ON MEASURE 47**

*(This information furnished by Charles R. Stull, Chairman, Oregon Police Chiefs for Safer Communities.)*

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# Measure No. 47

## ARGUMENT IN OPPOSITION

### COUNTY GOVERNMENT WILL SUFFER UNDER MEASURE 47

As representatives of Oregon's counties we urge you to vote No on Measure 47. This crippling measure would take local control away from county residents and significantly hurt the ability of counties to provide public safety and the other services you have said you want.

The Association of Oregon Counties has calculated that counties would lose an estimated \$88.8 million in property tax revenue under Measure 47.

That will mean fewer sheriff's deputies to do the vital job of protecting the safety of Oregonians. It will take away from human services that help troubled children and needy senior citizens.

Measure 47 claims to protect public safety, but those claims are as empty as the promise Measure 5 backers made about education. There is no guarantee the state legislature will replace the money lost to counties under Measure 47. And there is no guarantee the money would be replaced in a way that protects decisions individual counties have made to respond to the special needs of their residents.

Vote No to protect our safety. Vote no to help our troubled children and needy senior citizens. Vote no on Measure 47 so local governments will remain in the control of local citizens.

John Mabrey, Wasco County Judge

Dale White, Harney County Judge

Beverly Stein, Chair, Multnomah County

Don Lindly, Lincoln County Commissioner

Larry J. Johnson, Linn County Board of Commissioners

Richard Stach, Linn County Board of Commissioners

Dave Schmidt, Linn County Board of Commissioners

Judie Hammerstad, Clackamas County Board of County Commissioners

John Dilworth, Benton County Commission

Pamela Folts, Benton County Commission

Kent Daniels, Benton County Commission

John J. Howard, Union County Commissioner

Linda Peters, Washington County Board of Commissioners

Emile M. Holeman, Umatilla County Commission

Mike W. McArthur, Sherman County Court

Randall Franke, Marion County Commission

Association of Oregon Counties

*(This information furnished by Judith Watts, Oregonians for Local Control.)*

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## Measure No. 47

### ARGUMENT IN OPPOSITION

#### **VOTE NO TO PROTECT ESSENTIAL SERVICES!**

Measure 47 is an extremist measure that cuts the amount of money available to local communities for such essential services as fire and police protection. It restricts how bond measures can be used and forces confusing new rules about how election results are determined.

All of those things make it harder for individual communities to fund their local services at the level that they know is best.

#### **VOTE NO TO KEEP COMMUNITIES STRONG!**

As firefighters, we are not only concerned about how well city fire departments or rural fire districts are funded. We recognize that cuts in one area put greater strains on services in other areas. We want to see local communities keep the level of public-safety, education and human services that they have chosen and expect.

#### **VOTE NO TO KEEP YOUR INDIVIDUAL VOICE!**

Measure 47 takes decisions about local services out of the hands of local voters. Oregon's cities, towns and rural areas shouldn't be forced into one-size-fits-all rules.

*(This information furnished by Tom Chamberlain, Oregon State Fire Fighters Council.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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## Measure No. 47

### ARGUMENT IN OPPOSITION

#### **Keep your fire protection the way YOU want it!**

#### **Vote NO on Measure 47!**

Who should decide what kind of fire protection your community needs? You and your neighbors? Or the Legislature in Salem?

Obviously, you and your neighbors should decide. Decisions about basic local services like fire protection should be made by local residents. But Measure 47 makes it harder for Oregonians all around the state to protect their communities the way they see fit.

Measure 47 cuts property taxes and then leaves it up to the state to sort out who should lose. That means the Legislature will have to decide which is more important: schools, public safety or human services. Those are tough decisions - decisions that should be made by local voters.

Measure 47 forces local services to compete with each other for property taxes and then lets the state decide who wins.

#### **Don't let Measure 47 steal your control over local services.**

#### **Keep public-safety services safe.**

#### **Vote no on Measure 47!**

Oregon Fire Chiefs' Association  
Oregon Fire District Directors Association  
Special Districts Association of Oregon

*(This information furnished by Noel Klein, Oregon Fire Chiefs' Association.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 47

## ARGUMENT IN OPPOSITION

### VOTE NO ON MEASURE 47!

#### No Matter Where You Live ... Local Schools Need Local Control

Oregonians take pride in making their own decisions. Whether in Hermiston or Newport, we cherish our ability to determine the direction of our local schools by voting locally. Even people living in communities like Portland or Eugene have a voice in how their schools operate. But now Measure 47 proposes to remove our power at the local level and give it to the state legislature.

#### Vote NO on Measure 47 ... Keep Local Control of Our Schools!

Measure 47 is a constitutional amendment that strips away local control and places it in the hands of the state legislature. No longer will communities be allowed to set their own priorities. No longer will local schools be able to deal as well with issues like overcrowded classrooms. No longer will schools be adequately funded to prepare our children for the future.

#### Don't Leave the Future of Oregon's Children in the Hands of the State Legislature!

Measure 47 also does not require the state government to make up lost revenue to local schools. As a result, Measure 47 forces local schools to depend on the state legislature to do the right thing. When was the last time the state legislature ever did the right thing?! Important decisions about our children's education should be made in the communities in which those schools are located, not in Salem.

#### Fight to Keep Local Control of Schools ... No Matter Where You Live in Oregon

### Vote NO on Measure 47!

*(This information furnished by Russell Plaeger, Portland Citizens for Oregon Schools.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 47

## ARGUMENT IN OPPOSITION

Dear Fellow Oregonians:

### Measure 47 Violates Basic Constitutional Principles!

### Measure 47 Has A Hidden Agenda!

### REJECT MEASURE 47!

**Measure 47 claims to be something it's not!** The sponsors of this poorly written, rambling 1,500 word constitutional amendment are trying to sneak their real intention past Oregon voters. Why? Because they only want democracy to work in their favor.

**Measure 47 contains a section which threatens the fabric of the Oregon Constitution.** As a former chief elections officer in Oregon, I know this constitutional amendment doesn't allow local bond measures to win approval the way all other election issues in Oregon are decided - by getting the most votes. Instead, bond measure elections must have a turnout of at least 50% of all registered voters - or else the election is declared invalid. That's not right!

### VOTE NO ON MEASURE 47!!!

**Measure 47 gives power to voters who do not bother to cast their ballots.** This constitutional amendment forces elections officials to count people who forgot to vote, who died, or who didn't want to vote for whatever reason, as "NO" votes if the turnout is less than 50%. Measure 47 clearly violates our fundamental principles of democracy.

**Measure 47 cancels out Oregonians who care!** Regardless of turnout, non-voters should not count in determining election results. Don't let the sponsors of this constitutional amendment manipulate democracy.

### Prevent Manipulation of Democracy!

### Please Join Me in Voting NO on 47!

Sincerely,

Clay Myers  
Oregon Secretary of State, 1967 - 1977

*(This information furnished by Clay Myers, Former Oregon Secretary of State.)*

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**Measure No. 47****ARGUMENT IN OPPOSITION****Measure 47 threatens veterans home loan program****Vote NO on 47**

For many years, the Oregon veterans' home loan program has helped former service men and women buy homes. It is one of the ways the state can show its appreciation for people who are willing to give up several years of their lives to serve their country. It is also a good way to spread the values of home ownership to more communities.

But Measure 47 puts that important loan program at risk. The changes it seeks in bond measure elections and the ability of communities to charge fees for services will cause uncertainty about whether local communities and the state can meet its obligations. Bond markets translate that uncertainty into higher interest rates. The cost to veterans rises, as does the cost of any public program financed through bonds.

The state's good credit rating in one of its biggest assets. But the backers of Measure 47 have put that good name at risk by promoting this long, confusing measure that is filled with unanswered questions and unintended consequences.

**Don't take chances with the veterans loan program.**

**Don't risk Oregon's good name.**

**Join me in voting NO on Measure 47.**

-- F. David Parker,  
Past national president of Paralyzed Veterans  
of America and chairman of United Veterans'  
Groups of Oregon

*(This information furnished by F. David Parker, United Veterans' Groups of Oregon.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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**Measure No. 47****ARGUMENT IN OPPOSITION****PROTECT LOCAL CONTROL****REJECT MEASURE 47**

Measure 47 is unacceptable. It gives power over local services to the state government. As a group of your local elected officials, we urge you to vote No on this measure.

How does Measure 47 harm local control? It makes it harder for local governments to provide the level of services local voters have said they want.

Since police and fire protection are the two biggest local services, there's little doubt that some of the budget tightening will occur there.

Measure 47's sponsor, Bill Sizemore, says he wants state income taxes to pay for more services. But we've seen what happens when local schools are forced to depend on state tax revenue.

Legislators in Salem, instead of local voters, end up deciding what level of spending is right. And communities have to accept it, even if they want better teachers, or smaller classrooms, or must deal with special circumstances.

Oregonians shouldn't let the same thing happen to equally essential local services, especially police and fire protection.

There is nothing in this long, confusing ballot measure that spells out exactly how local revenue losses will be filled. There's also nothing that says how much lost local property tax money the state must replace, if any.

Why should voters take such a chance? Why should voters give more power to the state legislature at the expense of local control?

Measure 47 prevents local governments from providing the kind of services that Oregonians have said they want and expect.

**Keep Your Local Control.**

**Vote NO on Measure 47.**

*(This information furnished by Tom Davis, Mayor of Brookings; Lawrence D. Griffith, Mayor, Baker City; Craig Lomnicki, Mayor of Milwaukie; Phillip W. Houk, President, Pendleton City Council; Bob McPheeters, Mayor of Tillamook; Ruth E. Bascom, Mayor of Eugene; Helen M. Berg, Mayor of Corvallis.)*

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# Measure No. 47

## ARGUMENT IN OPPOSITION

### Measure 47 is bad medicine for rural Oregon

Oregon's hospital districts play an important role in bringing health care to the state's rural communities. But these districts depend on property tax revenue and they will be hurt if Measure 47 backers succeed in taking away local control of property taxes.

Measure 47 claims to protect public safety. But it offers no guarantee that money lost to ambulance districts, hospitals and rural health services will be replaced.

Oregon's rural population is growing older, which means more demand for medical care. For example, more than 20 percent of the residents of Curry, Josephine, Lincoln, Tillamook and Curry counties are over age 65.

Rural Communities need tools that local property taxes can provide to help them keep hospitals open and bring doctors to their under-served communities.

Measure 47 derails those efforts. It's bad medicine for rural Oregon.

### VOTE NO!

*(This information furnished by Ian Timm, Oregon Rural Health Association.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 47

## ARGUMENT IN OPPOSITION

### Vote NO on Measure 47 - Support Local Control and Quality of Life

Portland General Electric urges voters to say **NO** to Measure 47.

PGE is made up of people, Oregonians just like you, who value Oregon's quality of life.

PGE customers, employees, shareholders and vendors also are voters who value Oregon's public services.

- We want parks and green spaces, because it is important to preserve Oregon's natural habitat for ourselves and future generations.
- We need additional police officers, so we can be safe in our homes and on our streets.
- We need libraries to preserve and enhance learning.

### Don't Send Local Decisions to Salem

Measure 47 backers are saying, Oregonians don't know what they're doing, what they want, what's good for them or what's good for their children. By taking locally approved money away from local government, Measure 47 requires Salem legislators to make all the funding decisions for our communities.

Communities must retain their ability to determine their own fate. Local voters must keep their power to set their own priorities based on the needs of their community.

PGE supports the decisions made by our customers, employees, shareholders and vendors at the polls. We believe that continued local control is an important value, as important as parks, libraries and law enforcement.

We urge your support for local control. Vote **NO** on Measure 47.

*(This information furnished by Fred Miller, Portland General Electric.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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## Measure No. 47

### ARGUMENT IN OPPOSITION

#### Oregon Head Start Hurt by Measure 47

It's clear that Measure 47 will hurt our kids who attend public grade schools, middle schools and high schools. And it's also clear that another rollback of property taxes will pinch community colleges and continue the underfunding of higher education.

But there is another group of Oregonians who will be hurt badly by Measure 47.

Oregonians who don't have much political clout. Oregonians who need every break they can get.

They are the children who enter Head Start and the Oregon Pre Kindergarten programs every year so that when they start school they won't be left behind.

Of the 6,000 Oregon children enrolled in Head Start annually, about 2,000 of them are in the Oregon Pre Kindergarten program paid for by the state of Oregon. Those are precious slots. Precious, because experts estimate that Oregon's combined federal and state programs serve less than a third of the Oregon children who are eligible to be helped by Head Start services.

Those 2,000 children most likely will be shut out if Measure 47 passes. Their chance to do well in school will be greatly diminished. Their futures are at stake, too!

Measure 47 doesn't build for our future. It takes the future away. It closes the door on children who need the chance that early education can provide for them.

Vote NO on Measure 47.

Don't steal the hope that Oregon Pre Kindergarten gives to Oregon's most vulnerable children.

Suzanne Van Orman, Chair  
Oregon Head Start Association

*(This information furnished by Suzanne Van Orman, Oregon Head Start Association.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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## Measure No. 47

### ARGUMENT IN OPPOSITION

#### An open letter to Oregon voters:

For more than a decade I served as your Attorney General and labored to make Oregon safe for our children and families. Now Ballot Measure 47 threatens the public safety I worked to maintain. I must speak out. If Ballot Measure 47 wins on November 5, the police forces of our cities and the justice system of our state will lose.

The sponsors of this radical measure boast that they can slash and attack local government, and they claim we will still be secure. Don't believe it for a minute! This measure completely eliminates more than \$500 million a year - and there's no possible way to make it all up.

That means fewer officers on patrol, fewer deputy district attorneys to prosecute offenders, fewer corrections personnel to staff jails. For our families, that could mean no response to property crimes, no prosecution of misdemeanors, early release from jail for repeat offenders. Is it worth it?

Or the state Legislature could try to repair the cuts by taking money out of our debt-threatened state budget. But that easily means fewer dollars for the crime-fighting Department of Justice programs I helped to maintain as your Attorney General. It means reductions in the state police, the officers who investigated the crimes I prosecuted. That's no good, either.

The fundamental danger of Ballot Measure 47 is that it will destroy Oregon's ability to achieve balanced funding for essential public services. As a native Oregonian, I believe in the vision of our ancestors: a place where families could prosper in a safe environment, the law was respected, and moderate public policies were highly regarded. Ballot Measure 47 tears the soul from our vision. Please join me in voting against Ballot Measure 47. Our promising hope for the future is at stake.

Sincerely,

Dave Frohnmayer

*(This information furnished by Dave Frohnmayer.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 47

# Measure No. 47

## ARGUMENT IN OPPOSITION

### WORKING PEOPLE OPPOSE MEASURE 47

The backers of Measure 47 are the same folks who have tried repeatedly to take money out of the pockets of hard working Oregonians. They tried to repeal Oregon's prevailing wage laws, they attacked public employees' right to bargain collectively, they spent hundreds of thousands of dollars attempting to get the union-busting, so-called right to work law on the ballot, and you can bet they'll be working hard to prevent any increase in the minimum wage. With Measure 47, they're going after our ability to locally control how our property tax dollars are spent.

This search and destroy mission on local government is a poorly worded jumble to be added to Oregon's Constitution. It cuts property taxes, then caps them at levels too low to pay for the things we've told our local governments we want. They say schools and public safety dollars won't be affected, but where do the dollars come from to keep that promise?

If the state funds schools, where does the money come from so the Bureau of Labor continues protecting working Oregonians? What about enforcing safe workplaces? Who pays for oversight boards to make sure Oregon business is in compliance with laws that protect consumers? How are public works projects and our construction jobs to be funded? And if there's not enough money from property taxes, what will stop the legislature from increasing our income taxes?

Working Oregonians need to take a long, hard look at what's being promised and who's making that promise. We need to take a long, hard look at who really benefits from these cuts. Is it working people, or is it a few greedy businesses?

**Vote no on Measure 47.**

*(This information furnished by Wally Mehrens, Columbia Pacific Bldg & Construction Trades Council; Bob Shiprack, Oregon Building Trades Council.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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## ARGUMENT IN OPPOSITION

### FORMER OREGON GOVERNORS SAY VOTE NO ON 47

Dear Fellow Oregonians:

As former governors of Oregon, we urge you to vote NO on Measure 47.

We recognize that Oregonians traditionally demand local control of their public services. In a strong and unified voice, you have repeatedly called for important decisions about schools, public safety, human services and transportation to be made at the local level. After all, you know the needs of your community far better than the legislature presiding over state government in Salem. That's why we agree you should vote NO on Measure 47.

Whether democrat, republican or independent, Oregonians all share a belief that the diverse communities of this state have different needs. But Measure 47 threatens to dismantle our tradition of making key decisions locally. Whether we live in rural or metropolitan areas, our knowledge of our communities enables us to set local priorities that make good sense. But Measure 47 would replace local decision-making with state government mandates handed down to your community.

Measure 47 is a poorly written initiative, full of unanswered questions and unintended consequences. Our children in our local school districts cannot afford further erosion of community control. Parents and grandparents must have a strong voice in the education of their children. Instead, Measure 47 proposes to give this power to the state legislature. From Ontario to Beaverton and from Medford to Astoria, local control of schools and public safety must remain intact. Decisions affecting the level and priority of services in your community should be made by you, not the state legislature.

Please join us in voting NO on Measure 47.

Sincerely,

Victor Atiyeh, Oregon Governor 1979 - 1987  
Neil Goldschmidt, Oregon Governor 1987 - 1991

*(This information furnished by Victor Atiyeh.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 47

# Measure No. 47

## ARGUMENT IN OPPOSITION

### LOCAL SCHOOLS NEED YOUR VOICE!

#### Don't Give Up More Control Over Your Local Schools!

#### Vote NO on 47!

Do you have children or grandchildren in school? Have you watched your local schools struggle to make ends meet? Are you growing less satisfied at the quality of education children receive today? Have you seen more and more children crowd into the same classroom year after year? Are you concerned about our future competitiveness in this global economy?

Believe it or not, even if you are not involved in your local schools, you play an important part in the lives of the children in your community. How? By voting in local elections. As a local voter in La Grande, Coos Bay or Portland, you make important decisions every year about your neighborhood schools. Why? Because our forefathers recognized that you know the needs of your community better than anyone in sitting at a desk in the state capitol. For the sake of our children, we should keep it that way.

#### Oregon Children Deserve Quality Schools

Measure 47 fundamentally changes the way Oregonians make decisions about schools. The state legislature would set priorities for our communities and take away Oregon's long standing tradition of local control of our schools. As a constitutional amendment, the consequences of Measure 47 are permanent.

**Oregon can't afford to lose local control of our schools. As a fellow Oregonian and a local business owner, I know we need more local control of our children's education, not less. That's why I'm asking you to join me in voting NO on Measure 47.**

#### Don't Harm Our Schools!

#### Vote NO on Measure 47!

*(This information furnished by Sho Dozono.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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## ARGUMENT IN OPPOSITION

### Vote No on Measure 47!

#### Keep Local Control of Our Schools

Children are our most precious resource. As citizens we must strive to provide our children with a quality education so that they will have the skills and tools necessary to succeed in our rapidly changing world. Our future depends on our children.

But Measure 47, like Measure, 5, erodes our ability to make decisions about what is best for our children's education. Prior to Measure 5, if we wanted to improve our schools, the local community decided what to do. But Measure 5 requires us now to go to Salem if we need more money for teachers and other operational costs. For many schools, that means get by with less. Lay off teachers, crowd classrooms. With the loss of over a half a billion dollars in the State's general fund for the next biennium, Measure 47 would gut our public schools.

#### Measure 47 doesn't stop there.

Measure 5 does allow some local control of our schools. If voters want new roofs on their schools, new buses, or computers or new technology to prepare our children for the 21st Century, we have the option to fund these investments. We have the right to vote and decide as a community whether to fund these investments with tax-supported general obligation bonds.

#### Not under Measure 47.

Under Measure 47 we lose local authority and have to go to Salem for the money for new roofs, safe buses and new technology. And Salem will have half a billion dollars less to fund these investments and address all of the other problems created by Measure 47.

#### Public schools aren't free. Let's not waste what we have.

#### Vote no on Measure 47!

#### Committee for Adequate School Funding

Edward W. Sheets  
David Judd  
John E. Bierwirth  
Michael J. Riley  
Stephen Kanter  
Samuel Adams  
Anitra Rasmussen  
Jim Westwood  
Ron Saxton  
Marge Kafoury  
Diane M. Linn  
Ron Cease  
George M. Mardikes

*(This information furnished by George M. Mardikes, Committee for Adequate School Funding.)*

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# Measure No. 47

## ARGUMENT IN OPPOSITION

### Measure 47 Reduces Funding for Schools, Public Safety, and Transportation.

I oppose Measure 47 because it will have a profoundly negative impact on Oregon's ability to invest in its citizens.

Further reductions in schools, higher education, public safety, and transportation systems will hurt the quality of life we all cherish as Oregonians.

### Measure 47 Limits Local Decision-Making

This Measure further shifts control of funding of essential local services to the Legislature. That compromises the ability of local communities to chart their own futures and places a greater demand on the state's income tax.

### Measure 47 Limits the Issuance of Bonds

Measure 47 limits the ability of state and local governments to issue bonds. Each year, state and local governments issue about \$1 billion in bonds. These bonds aren't for "frills". They pay for things such as schools, roads, bridges, light-rail, water systems, and housing.

Issuing bonds is a fair and equitable way to share the costs of these long-term projects with citizen users.

Those are three big reasons to vote against this harmful measure.

**Join me in voting NO on Measure 47**

*(This information furnished by Jim Hill, Oregon State Treasurer.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 47

## ARGUMENT IN OPPOSITION

### Keep Oregon's future bright

### Vote NO on Measure 47

As representatives of Oregon's colleges and universities, we urge your no vote on Measure 47.

We cannot overstate the value quality higher education brings Oregon. A well-educated citizenry is our state's most valuable asset.

Our colleges desperately need more state support in their effort to serve the growing number of Oregonians who want and need advanced education. Clearly, in today's economy, the route to steady, family-wage jobs must include quality higher education.

Measure 47 substantially decreases the state's ability to make needed investment in higher education. By cutting the amount of property taxes available to local communities, it puts added pressure on the state to pay not only for grade schools and high schools, but for such basic local services as police and fire protection.

Measure 47 does not make the tax system more fair. Instead, it starves education - the very service Oregonians need most to prepare themselves for a competitive marketplace.

Oregon must plan for its future. The state's economy has been helped by the influx of new high-tech companies and the growth of ones that were already here. But these industries need educated workers. If Oregon can't provide that education for its residents, then the best new jobs won't go to Oregonians.

The plight of Oregon's colleges is severe. Oregon is the only state that has actually decreased funding for higher education every year in the last four years. That's a trend that shouldn't continue.

Measure 47 would hurt local schools, by decreasing the money available to local communities and forcing the Legislature to make the impossible choice between education and public safety. It would strip the state of resources it needs to ensure that Oregonians receive the opportunities higher education can provide.

This measure doesn't build strong communities and stable families. Instead, it tears them down.

**Vote NO on Measure 47.**

Gary Tiedeman, President  
Association of Oregon Faculties

*(This information furnished by Gary H. Tiedeman, Association of Oregon Faculties.)*

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## Measure No. 47

## Measure No. 47

### ARGUMENT IN OPPOSITION

**DO THE RIGHT THING!**

**NO ON 47!**

**INADEQUATE LOCAL SERVICES TO OREGONIANS WITH DISABILITIES HARMS EVERYONE!** All Oregonians benefit when services to people with disabilities are available to those who need it. Employment training and assistance, in home assistance and other crucial services help Oregonians with disabilities and their families to be productive tax paying citizens. When these services are unavailable, Oregonians with disabilities and their families are put under tremendous strain and must fall back on costly public institutions and welfare. Measure 47 will reduce these crucial services and harm your community. **That's wrong! NO ON 47!**

**47 ERODES LOCAL CONTROL!** Measure 47 erodes local control of schools, libraries, public safety and important local, community based services. Local voters would no longer be able to set priorities for their own communities. Instead, the legislature would have more power to determine the fate of local schools, public safety and community based social services. **That's wrong! NO ON 47!**

**47 FURTHERS THE TAX BURDEN SHIFT FROM BUSINESSES TO CITIZENS!** Ballot measure 5 has shifted more of the property tax burden onto individual citizens and lessened the burden on business. Measure 47 freezes in place this tax burden shift created by ballot measure 5. **That's wrong! NO ON 47!**

**DO THE RIGHT THING!**

The Arc of Oregon is a membership organization representing over 2000 Oregonians with developmental disabilities and their families. We urge you to vote...

**NO ON 47!**

*(This information furnished by John Murren, The Arc of Oregon.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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### ARGUMENT IN OPPOSITION

**Good schools help working people**

Working people and their children need good public schools so they can compete in today's workplace.

But our schools have been hurt by Measure 5. And now they would receive another killer blow from Measure 47. Nothing in Measure 47 protects local schools from additional cuts.

**Working people need good human services**

Such beloved local services as parks and libraries could be hurt by Measure 47. So could programs that provide aid and comfort to the elderly, at-risk teens and the mentally ill.

**Public-safety programs protect workers**

Measure 47 cuts the local property tax money available to fund such essential public-safety services as police, fire departments and jails. Working people can't afford expensive private security systems or fire protection.

**Don't hurt schools.**

**Don't hurt good programs.**

**Don't hurt public safety.**

**VOTE NO ON MEASURE 47**

*(This information furnished by Irvin H. Fletcher, Oregon AFL-CIO.)*

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# Measure No. 47

## ARGUMENT IN OPPOSITION

**Measure 47 is extremist**

**It will hurt YOU**

Measure 47 would slash the services available to working Oregonians. Children, the elderly, the ill and the disadvantaged need the safety net that government services provide.

**Don't poke holes in the safety net!**

Measure 47 cuts the resources available to local schools and local governments. It means crowded classrooms for kids. It means less room in Oregon's training schools and colleges.

**Don't steal our children's futures!**

Measure 47 would cut money for cities, counties and special districts. That means public safety, local parks and recreation programs, health-care and senior citizen services could be cut.

**Don't hurt our communities!**

Measure 47 puts extreme restrictions on local elections and local governments. It makes it harder for your voice to be heard.

**Don't lose your power to decide!**

**Measure 47 hurts kids, seniors and communities!!**

**Vote NO!!!!**

*(This information furnished by Ron Fortune, Northwest Oregon Labor Council, AFL-CIO.)*

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# Measure No. 47

## ARGUMENT IN OPPOSITION

The Portland Association of Teachers strongly recommends a NO vote on Ballot Measure 47. This measure will reduce local money used to fund local schools, further eroding the local control of our school system.

We support ballot measures when they promote:

- Safe Schools
- Healthy learning environments
- Preparing our students for the 21st century

Ballot Measure 47 is clearly not good for children or the future of Oregon.

Please vote "NO" on Ballot Measure 47.

*(This information furnished by James K. Sager, Sr., Portland Association of Teachers.)*

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# Measure No. 47

## ARGUMENT IN OPPOSITION

**KEEP YOUR NEIGHBORHOOD HEALTHY & SAFE!**

**NO ON 47!**

**INADEQUATE LOCAL MENTAL HEALTH SERVICES HARMS YOUR COMMUNITY!** All Oregonians benefit when mental health services are available to those who need it. Treating a mental illness is far cheaper than the costs of non-treatment. 47 will reduce these crucial services and harm your community. **NO ON 47!**

**47 ERODES LOCAL CONTROL!** 47 erodes local control of schools, libraries, public safety and important local, community based services such as mental health services and alcohol and drug treatment. Local voters would no longer be able to set priorities for their own communities. Instead, the legislature would have more power to determine the fate of local schools, public safety and community based social services. **NO ON 47!**

**47 FURTHERS THE TAX BURDEN SHIFT FROM BUSINESSES TO CITIZENS!** Ballot measure 5 has shifted more of the property tax burden onto citizens and lessened the burden on business. This ballot measure freezes in place this tax burden shift created by ballot measure 5. **NO ON 47!**

**KEEP YOUR NEIGHBORHOOD HEALTHY & SAFE!**

The Oregon Community Mental Health Providers Association provides mental health services to hundreds of Oregonians and their families every year. We urge you to vote...

**NO ON 47!**

*(This information furnished by Kristin Angell, Oregon Community Mental Health Providers Association.)*

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# Measure No. 47

## ARGUMENT IN OPPOSITION

**OREGON LOSES IF 47 PASSES**

Our economy is moving away from one where a high school diploma and a strong work ethic will provide a livable wage. Higher education--a college degree--is becoming an essential tool for every Oregonian.

**MEASURE 5 CAUSED OREGON TO HAVE ONE OF THE MOST POORLY FUNDED HIGHER EDUCATION SYSTEMS IN THE COUNTRY.**

**MEASURE 47 WILL CONTINUE THIS DOWNWARD SPIRAL.**

- Programs do not receive the funding they need, so Oregonians cannot be trained for the best jobs here in Oregon. One example--The University of Washington spends 81 million per year on engineering programs: PSU and OSU combined spend only 31 million.
- Tuitions skyrocket. Oregon resident tuition rates at the public universities have risen nearly 80 percent in the last five years (SINCE MEASURE 5), eliminating a college education as an option for many Oregonians.
- We can't keep or get the best faculty. Compared to similar institutions around the nation, most faculty at Oregon public universities are in the bottom ten percent of pay nation wide.

According to a June 18 report from the legislative revenue office, Measure 47 would cause K-12 to lose hundreds of millions of dollars--over 21 million in the Portland Public Schools alone. With this kind of loss in K-12, it seems unlikely that higher ed will maintain its current budget, much less receive the increase necessary to support the needed changes.

The Governor has made higher education in Oregon one of his priorities.

Oregon business and industry strongly support increased investment in higher education.

Oregonians deserve to have the education and training to qualify them for the best jobs.

**THE STATE CONFERENCE OF  
THE AMERICAN ASSOCIATION OF UNIVERSITY  
PROFESSORS  
URGES YOU TO GIVE OREGONIANS  
THE CHANCE TO SUCCEED.**

The Oregon State Conference includes:  
Portland State University Chapter \* Oregon State University  
Chapter \* University of Oregon Chapter \* Oregon Institute of  
Technology Chapter

**VOTE NO ON BALLOT MEASURE 47**

*(This information furnished by Loyde Hales, Oregon State Conference of American Association of University Professors.)*

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# Measure No. 48

# Measure No. 48

Proposed by initiative petition to be voted on at the General Election, November 5, 1996.

## BALLOT TITLE

### 48 AMENDS CONSTITUTION: INSTRUCTS STATE, FEDERAL LEGISLATORS TO VOTE FOR CONGRESSIONAL TERM LIMITS

RESULT OF "YES" VOTE: "Yes" vote instructs state, federal legislators to vote for congressional term limits in federal constitution.

RESULT OF "NO" VOTE: "No" vote rejects instruction to legislators to vote for congressional term limits in federal constitution.

SUMMARY: Amends Oregon Constitution. Instructs state legislators, members of Oregon congressional delegation to vote for federal constitutional amendment setting congressional term limits. Limits would be 2 Senate terms, 3 House terms. Secretary of State must review incumbents' records for compliance. Violators' names labeled on ballot with statement, "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS." Non-incumbents must sign term limits pledge or have name on ballot labeled, "DECLINED TO PLEDGE TO SUPPORT TERM LIMITS." Allows electors, candidates expedited appeal of Secretary of State's decision to Oregon Supreme Court.

ESTIMATE OF FINANCIAL IMPACT: No financial effect on state or local government expenditures or revenues.

### THE CONGRESSIONAL TERM LIMITS ACT OF 1996

Whereas career politicians dominating Congress have a conflict of interest which prevents them from enacting meaningful Term Limits and making Congress what the Founders intended, the branch of government closest to the People; and

Whereas career politicians, while refusing to heed the desire of the People for meaningful Term Limits, amassed a nearly Five Trillion Dollar national debt by not only voting year after year to spend far more than they have taken in, but also by voting to dramatically increase their own pay; also provided lavish million-dollar pensions for themselves and granted themselves numerous other privileges at the expense of the people; and

Whereas such irresponsible actions on the part of career politicians have mortgaged the future of not only every American citizen, but also their children and grandchildren; and

Whereas the abuse of power, the corruption, and the appearance of corruption brought about by political careerism is ultimately destructive to representative government by making Congress increasingly distant from the People; and

Whereas the President of the United States is limited to two terms in office by the 22nd Amendment to the U.S. Constitution, and governors in forty (40) states are limited by state laws to two terms or less, and

Whereas voters have established term limits for more than 2,000 state legislators, as well as more than 17,000 local officials across the nation, including state legislators and statewide elective officeholders in Oregon, and

Whereas in 1992, the People of the State of Oregon enacted, by an overwhelming majority, an amendment to the state Constitution limiting service in the U.S. House of Representatives to three terms and in the U.S. Senate to two terms, which state-imposed congressional term limits were ruled unconstitutional by the U.S. Supreme Court, and

Whereas Congress has ignored the desire of the People for meaningful Term Limits by refusing to pass an amendment instituting congressional term limits, and by proposing exceedingly long limits for its own members; and

Whereas it is the People themselves, not Congress, who should set Term Limits; and

Whereas the People have a sovereign right and a compelling interest in the creation and preserving of a citizen Congress which will more effectively protect their freedom and prosperity, which interest and right may not be as effectively served in any way other than that proposed by this initiative; and

Whereas with foresight and wisdom our Founders, under Article V of the U.S. Constitution, did provide the People with a procedure by which to circumvent congressional self-interest, by which procedure the People may call a convention to propose amendments to the U.S. Constitution when two-thirds or thirty-four (34) states expressly call for such a convention; and

Whereas amendments proposed by such a convention would become part of the U.S. Constitution upon the ratification of three-fourths of the States (38); and

Whereas the People of the State of Oregon desire to amend the U.S. Constitution to establish Term Limits on Congress to ensure representation in Congress by true citizen lawmakers;

Be it enacted by the People of the State of Oregon: The Constitution of the State of Oregon is hereby amended by adding new sections 22 through 32 to Article II, which sections shall read:

Section 22. It is the official position of the People of the State of Oregon that our elected officials should vote to enact, by amendment to the U.S. Constitution, congressional Term Limits which are not longer than three (3) terms in the U.S. House of Representatives, nor two (2) terms in the U.S. Senate.

Section 23. It is the will of the People of the State of Oregon that application be made to Congress on behalf of the People of Oregon and the state legislative assembly that Congress adopt the following amendment to the U.S. Constitution:

#### Congressional Term Limits Amendment

Section A. No person shall serve in the office of U.S. Representative for more than three terms, but upon ratification of the Term Limits amendment no person who has held the office of U.S. Representative or who then holds the office shall serve for more than two additional terms.

Section B. No person shall serve in the office of U.S. Senator for more than two terms, but upon ratification of the Term Limits amendment no person who has held the office of U.S. Senator or who then holds the office shall serve more than one additional term.

Section C. This article shall have no time limit within which it must be ratified by the legislatures of three-fourths of the several States.

Section 24. The legislative assembly of the State of Oregon, due to the desire of the People of the State of Oregon to establish term limits on the Congress of the United States, is hereby instructed to make the following application to Congress, pursuant to its power under Article 5:

"We, the People and Legislature of the State of Oregon, due to our desire to establish term limits on the Congress of the United States, hereby make application to Congress, pursuant to our power under Article 5 of the U.S. Constitution, to call a convention for proposing amendments to the Constitution."

Section 25. Each state legislator is hereby instructed to use all of his or her delegated powers to pass the Article 5 application to Congress set forth in section 24, and to ratify, if proposed by Congress, the Congressional Term Limits Amendment set forth above.

Section 26. (1) As provided in this section, and sections 28 and 30 of this Article, at each election for the office of a United States Representative, United States Senator, or state legislator, the ballot shall inform voters regarding any incumbent and non-incumbent candidate's failure to support the above proposed

## Measure No. 48

### Congressional Term Limits Amendment.

(2) All primary, general, and special election ballots shall have the information "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" printed adjacent to the name of any state senator or representative who:

a. failed to vote in favor of the application set forth in section 24 when brought to a vote; or

b. failed to second the application set forth in section 24 if it lacked for a second; or

c. failed to vote in favor of all votes bringing the application set forth in section 24 before any committee or subcommittee upon which he or she served in the respective houses; or

d. failed to propose or otherwise bring to a vote of the full legislative body the application set forth in section 24 if it otherwise lacked a legislator who so proposed or brought to a vote of the full legislative body the application set forth above; or

e. failed to vote against any attempt to delay, table, or otherwise prevent a vote by the full legislative body of the application set forth in section 24; or

f. failed in any way to ensure that all votes on the application set forth in section 24 were recorded and made available to the public; or

g. failed to vote against any change, addition, or modification to the application set forth in section 24; or

h. failed to vote in favor of the amendment set forth in section 23 if it was sent to the States for ratification; or

i. failed to vote against any term limits amendment other than the proposed amendment set forth in section 23, if such an amendment was sent to the States for ratification.

(3) The information "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" as required by any of subsections (2)a through (2)g shall not appear adjacent to the names of candidates for the state legislature if the State of Oregon has made the application to Congress for a convention for proposing amendments to the U.S. Constitution pursuant to this Act and such application has not been withdrawn.

(4) The information "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" as required by either of subsections (2)h or (2)i, shall not appear adjacent to the names of candidates for the state legislature if the Congressional Term Limits Amendment set forth above has been submitted to the States for ratification and ratified by the Oregon Legislature, or the proposed Congressional Term Limits Amendment set forth in section 23 has become part of the U.S. Constitution.

Section 27. Each member of the Oregon congressional delegation is hereby instructed to use all of his or her delegated powers to pass the Congressional Term Limits Amendment set forth above.

Section 28. All primary, general, and special election ballots shall have the information "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" printed adjacent to the name of any U.S. Representative or U.S. Senator who:

a. failed to vote in favor of the proposed Congressional Term Limits Amendment set forth in section 23 when brought to a vote; or

b. failed to second the proposed Congressional Term Limits Amendment set forth in section 23 if it lacked for a second before any proceeding of the legislative body; or

c. failed to propose or otherwise bring to a vote of the full legislative body the proposed Congressional Term Limits Amendment set forth in section 23 if it otherwise lacked a legislator who so proposed or brought to a vote of the full legislative body the proposed Congressional Term Limits Amendment set forth in section 23; or

d. failed to vote in favor of all votes bringing the proposed Congressional Term Limits Amendment set forth in section 23 before any committee or subcommittee upon which he or she served in the respective houses; or

e. failed to vote against or reject any attempt to delay, table, or

## Measure No. 48

otherwise prevent a vote by the full legislative body of the proposed Congressional Term Limits Amendment set forth in section 23; or

f. failed to vote against any term limits proposal other than the proposed Congressional Term Limits Amendment set forth in section 23; or

g. sponsored or co-sponsored any proposed Constitutional amendment or law that proposes term limits other than those in the proposed Congressional Term Limits Amendment set forth in section 23; or

h. failed to ensure that all votes on the proposed Congressional Term Limits Amendment set forth in section 23 were recorded and made available to the public.

Section 29. The information "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" shall not appear adjacent to the names of a candidate for Congress if the Congressional Term Limits Amendment set forth in section 23 is before the States for ratification or has become part of the U.S. Constitution.

Section 30. Notwithstanding any other provision of Oregon law,

(1) A non-incumbent candidate for the office of U.S. Representative and U.S. Senator, state representative or state senator shall be permitted to sign a "Term Limits Pledge" each time he or she files as a candidate for such an office. A candidate who declines to sign the "Term Limits Pledge" shall have "DECLINED TO PLEDGE TO SUPPORT TERM LIMITS" printed adjacent to his or her name on the election ballot.

(2) Each time a non-incumbent candidate for U.S. Senator, U.S. Representative, state senator, or state representative files for candidacy, he or she shall be offered the "Term Limits Pledge," until such time as the U.S. Constitution has been amended to limit U.S. Senators to two terms in office and U.S. Representatives to three terms in office.

(3) The "Term Limits Pledge" that each non-incumbent candidate set forth above shall be offered is as follows:

"I support congressional term limits and pledge to use all of my legislative powers to enact the proposed Congressional Term Limits Amendment set forth in the Congressional Term Limits Act of 1996. If elected, I pledge to act and vote in such a way that the information "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" will not appear next to my name." The pledge form will provide a space for the signature of the candidate and the date signed.

(4) The Secretary of State shall be responsible to make an accurate determination as to whether a candidate for the state or federal legislature shall have placed adjacent to his or her name on the election ballot "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" or "DECLINED TO PLEDGE TO SUPPORT TERM LIMITS."

(5) The Secretary of State shall consider timely submitted public comments prior to making the determination required in subsection (4) of this section.

(6) The Secretary of State, in accordance with subsection (4) of this section shall determine and declare what information, if any, shall appear adjacent to the names of each incumbent state and federal legislator if he or she was to be a candidate in the next general election. In the case of U.S. Representatives and U.S. Senators, this determination and declaration shall be made in a fashion necessary to ensure orderly printing of primary and general election ballots with allowance made for all legal action provided in sections (8), (9), and (10), below, and shall be based upon each member of Congress' action during their current term of office and any action taken in any concluded term, if such action was taken after the determination and declaration was made by the Secretary of State in a previous election. In the case of incumbent state legislators, this determination and declaration shall be made not later than 30 days after the end of the regular session following each general election, and shall be based upon legislative action in the previous regular session.

(7) The Secretary of State shall determine and declare what

# Measure No. 48

information, if any, will appear adjacent to the names of non-incumbent candidates for the state and federal legislature, not later than five (5) days after the deadline for filing for the office.

(8) If the Secretary of State makes the determination that "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" or "DECLINED TO PLEDGE TO SUPPORT TERM LIMITS" shall not be placed on the ballot adjacent to the name of a candidate for senator or representative for state or federal office, any elector shall appeal such decision within five (5) days to the Oregon Supreme Court as an original action or waive any right to appeal such decision; in which case the burden of proof shall be upon the Secretary of State to demonstrate by clear and convincing evidence that the candidate has met the requirements set forth in this Act and therefore should not have the information "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" or "DECLINED TO PLEDGE TO SUPPORT TERM LIMITS" printed on the ballot adjacent to the candidate's name.

(9) If the Secretary of State determines that "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" or "DECLINED TO PLEDGE TO SUPPORT TERM LIMITS" shall be placed on the ballot adjacent to a candidate's name, the candidate shall appeal such decision within five (5) days to the Oregon Supreme Court as an original action or waive any right to appeal such decision; in which case the burden of proof shall be upon the candidate to demonstrate by clear and convincing evidence that he or she should not have the information "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" or "DECLINED TO PLEDGE TO SUPPORT TERM LIMITS" printed on the ballot adjacent to the candidate's name.

(10) The Supreme Court shall hear the appeal provided for in section (8) and issue a decision within 120 days. The Supreme Court shall hear the appeal provided for in section (9) and issue a decision not later than 61 days before the date of the election. Section 31. At such time as the Congressional Term Limits Amendment set forth in section 23 has become part of the U.S. Constitution, sections 22 through 32 of this Article automatically shall be repealed.

Section 32. SEVERABILITY. If any portion, clause, or phrase of this Act is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, the remaining portions, clauses, and phrases shall not be affected, but shall remain in full force and effect.

# Measure No. 48

## EXPLANATORY STATEMENT

This measure would amend the Oregon Constitution to instruct Oregon's members of Congress to propose an amendment to the United States Constitution, subject to ratification by three-fourths of the States, to limit to three (3) the number of terms a person may serve as a United States Representative and to two (2) the number of terms a person may serve as a United States Senator.

The Measure would also instruct Oregon's state legislature to ratify the Congressional Term Limits Amendment if proposed, and to apply to Congress to call a convention for proposing amendments to submit the Congressional Term Limits Amendment to the states for ratification.

At each congressional election, until the Congressional Term Limits Amendment is proposed by Congress, the ballot shall identify incumbent candidates who have acted in opposition to the Amendment and non-incumbent candidates who have not signed a Term Limits Pledge.

At each state legislative election, until the Oregon Legislature has applied to Congress for a convention for proposing amendments and the Congressional Term Limits Amendment is ratified by Oregon, the ballot shall identify incumbent candidates who have acted in opposition to the Amendment and non-incumbent candidates who have not signed a Term Limits Pledge.

**Committee Members:**

Paul Farago  
Don McIntire  
Kappy Eaton  
Barnes H. Ellis  
Dean James Huffman

**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 No. 48

## ARGUMENT IN FAVOR

Since 1990, twenty-five million Americans have voted for Congressional term limits, enacting laws in 23 states. However, the Supreme Court ruled that a Constitutional amendment was necessary. Congress - with lavish perks, pensions, and advantages for reelection - has **no** intention of passing a term limits amendment. Through the initiative process, and specifically Measure 48, voters have the power to make informed choices on candidates and term limits.

Oregonians supported term limits in 1992, only to have Congress stand in the way. A **YES** vote for Measure 48 allows voters to put their Constitutional right to pass a term limits amendment to use - without Congress stonewalling the issue.

### Measure 48 Defines Term Limits and Informs Voters

Measure 48: 1) instructs candidates to abide by voters' wishes and support two terms in the Senate and three terms in the House, and 2) informs voters if a candidate refuses to pledge to support the term limits amendment and if a representative has not acted in the amendment's favor.

Why do we need Measure 48 to define term limits and inform voters? Because when it comes to an issue as popular among citizens, and as despised by politicians, as term limits, the people cannot depend on their representatives to act. **Knowledge is power**; with Measure 48 the people will **know** whether or not their representatives have been listening to the high percentage of voters supporting term limits.

Congress has become an arena for politicians who pass self-serving legislation and spend their time and citizen's hard-earned money ministering to the needs of special interests. Our nation's Founders did not envision such a Congress. They wrote the Constitution to allow citizens to take the initiative to do something about it.

Oregon and 14 other states are leaders this year in regaining control of an unresponsive federal government.

### Vote YES on Measure 48 to place term limits on Congress.

Sarah Gevers  
U.S. Term Limits

*(This information furnished by Sarah Gevers, U.S. Term Limits.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 48

## ARGUMENT IN FAVOR

Congress has a clear conflict of interest on term limits. Without pressure from you the voter, career politicians won't limit themselves. With Measure 48, the people have the power to make congressional term limits a reality. Voting **YES on Measure 48** will help end politics-as-usual in Washington, D.C. with the term limits 25 million Americans -- including more than 1 million Oregonians who supported 1992's Term Limits Measure #3 -- have already supported.

Congressional incumbents have passed advantages for themselves (paid for by us) that virtually guarantee reelection, including franked mail, congressional television studios, pork barrel politics and fat pensions. These career politicians have skyrocketed the nation's debt while passing legislation that puts reelection first, before everything else.

The President, forty governors, twenty state legislatures and about 3,000 cities and counties have limited terms. Term limits work for them, and it's time to bring citizen government back to our Congress. The voters of Oregon overwhelmingly supported a 2 Senate term and 3 House term limit in 1992, and that support remains strong.

A recent 5-4 U.S. Supreme Court decision held that we must amend the Constitution to place term limits on Congress. A **YES vote on Measure 48** allows the voters to begin that process.

Measure 48 instructs representatives to support term limits voted for by Oregonians and millions of others across the nation. It informs voters when incumbents don't act to pass a term limits amendment and when non-incumbents don't pledge to do so.

The Founders created a government of, by, and for the people; Congress replaced that with a corrupt system of pork, pensions and privileges for career politicians. Measure 48 allows voters to end rule under the corrupt congressional seniority system and restore citizen government to America.

Frank Eisenzimmer  
Chief Petitioner, 1992 Term Limits Measure #3

*(This information furnished by Frank Eisenzimmer, Chief Petitioner, 1992 Term Limits Measure 3.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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.

# Measure No. 48

## ARGUMENT IN FAVOR

The congressional seniority system and career politicians' constant re-electioneering led a 70% majority of Oregonian voters in 1992 to adopt a term limits measure -- the only initiative in state history to gain 1 million votes. Similar laws passed overwhelmingly in twenty-two other states. However, last year the U.S. Supreme Court ruled 5-4 that congressional term limits require an amendment to the U.S. Constitution.

This **Informed Voter** initiative is intended to convince our legislators in Congress to propose, and our state legislators to ratify a **Congressional Term Limits Amendment** to the U.S. Constitution -- the same limits approved by Oregonian voters in 1992 -- 2 Senate terms and 3 House terms. Oregon and 14 other states are leading the way with **Informed Voter** initiatives this November.

Under **Informed Voter** laws, voters can identify a candidate for Congress and the legislature on election ballots who does not support the Congressional Term Limits Amendment. Measure 48 will lead to term limits on Congress because career politicians won't place term limits on themselves.

### Constitutional Precedent

Voters in the states can take charge when Congress isn't doing everything it can to pass term limits. Measure 48 is patterned after **The Oregon System of 1908**, the last time the People overcame Congressional conflict of interest to amend the U.S. Constitution. In 1908 we enabled the People to elect our U.S. Senators -- who had been appointed by the state legislature. Many states adopted **The Oregon System**, securing the **People's right to vote for Senators** by ratification of the **17th Amendment** to the U.S. Constitution in 1913.

**Election of Senators, Repeal of Prohibition** (21st Amendment, 1933), and **Presidential Term Limits** (22nd Amendment, 1951) were all acted upon by Congress only after states applied for an amendment-proposing convention.

Paul Farago, Chief Petitioner

Yes on Term Limits For Congress  
"Because Career Politicians Won't Do It."

(This information furnished by Paul Farago, Chief Petitioner, Yes on Term Limits for Congress.)

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# Measure No. 48

## ARGUMENT IN OPPOSITION

### **Dangerous and misleading**

Paid organizers induced people to sign petitions forcing our state legislators to call the first constitutional convention since our Founders met in Philadelphia in 1787.

An Article V convention is a process for making amendments (plural) to the Federal Constitution and it could change the ratification method bypassing the state legislatures as it did in 1787.

America's top legal scholars believe it is dangerous because it could adopt changes in our entire Constitution and Bill of Rights.

1. "After a Convention is convened, it will be too late to stop the convention if we don't like its agenda... A new Convention could plunge our nation into constitutional confusion and confrontation at every turn..."

2. (**Supreme Court Justice Arthur Goldberg**) "...the most serious problems Article V poses is a runaway convention. There is no enforceable mechanism to prevent a convention from reporting out wholesale changes to our Constitutional Bill of Rights." (*Miami Herald*, 9/14/86)

3. "The fear that a constitutional convention could become a "runaway" convention and propose wholesale changes in our Constitution is by no means unfounded. Rather, this broad view of the authority of a convention reflects the consensus of most Constitutional scholars who have commented on the issue...lengthy arguments, legal and practical support the case that there is no effective way to limit the agenda of a convention..."

Ballot Measure 48 would discredit Oregon's best lawmakers with wording on the ballot next to their names accusing them of failure to support term limits, when in fact they would have honored their oaths of office by refusing to endanger the Constitution in an Article V convention.

### **Ballot Box - the best way to limit terms -**

It hardly makes sense to gamble our whole system of government on a few bad members of Congress who can be retired any time the voters decide to do so.

\*source on request

(This information furnished by R.E. Pietka, Corresponding Sec.)

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# Measure No. 48

## ARGUMENT IN OPPOSITION

### TERM LIMITS OR CONSTITUTIONAL CONVENTION?

**Our Constitutional Liberty** is incompatible with any form of powerful centralized government. Elitists and powerful opportunists know this and have devised schemes to maneuver us into a Constitutional Convention. Measure 48 is another such scheme. Term limits are the bait to a Constitutional trap, set for our vote November 5th.

**The main argument** centers around the **dangers of a Constitutional Convention, which can't be limited.** Supreme authority is vested in the Convention itself, to address any issue it desires. Also, State Legislatures can be circumvented in the ratification process with appointed State Conventions, or the ratification made easier by changing the rules at the Convention. Article 7 of the U.S. Constitution documents that this was done at our only Constitutional Convention in 1787. Another Constitutional Convention would likely be controlled by elitists, seeking to subvert our Constitutional Liberty.

**Please Read Sections 24 and 25**, which stipulate that if power hungry officials don't give us term limits by amendment, we will let them take unrestrained power over us by calling for a Constitutional Convention. This is not wise. Unfortunately most voters read the demand for Term Limits only, which was dishonestly and exclusively presented in the "description." If we ever let this charade get started, there will be no keeping political opportunists from precipitating a Constitutional Convention before the next election.

**A well financed and well organized** effort by U.S. Term Limits has managed to get this scam placed on the ballots of most states with a measure type process. Please read sections 24 and 25 of measure 48 and show, once again, the independence of the Oregon Voter.

**Our Constitution and Bill of Rights** should be studied and understood, never to be offered as political gambling stakes.

**The key to good government is informed and thoughtful voting.**

*(This information furnished by Gary Hansen.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 48

## ARGUMENT IN OPPOSITION

### Argument against Measure 48

Albany Rifle & Pistol Club will take no stand on the term limit issue. What we do strongly oppose is section 24 of Measure 48 which calls for the Oregon Legislature to make application to the U.S. Congress to call a constitutional convention for the purpose of proposing amendments to the U.S. Constitution. If a constitutional convention is held, everything in our U.S. Constitution is up for grabs, and there is a very real danger that groups who oppose our precious Second Amendment could rewrite or even delete our right to keep and bear arms.

Groups who oppose our Second Amendment have made it very clear that they will utilize any tool they can get their hands on to repeal our Second Amendment. Measure 48 is just a cleverly disguised attempt by these groups to accomplish their anti-gun goal.

Our Founding Fathers were very wise men who were fresh from battle and knew exactly what they were fighting for. They were also masters of the English language and worded our U.S. Constitution to avoid any mis-interpretation of their meaning. Unfortunately, there are those without the patience or the guts to live by the set of rules so carefully laid out by our Fore-Fathers.

Our Constitution does not need to be rewritten! It needs to be obeyed!

Albany Rifle & Pistol Club strongly urges the people of The Great State of Oregon to reject Measure 48 and any other attempt that may follow to open our U.S. Constitution to the freedom grabbers who are trying to manipulate our way of life to fit their agenda.

Remember, if a constitutional convention is called it will not be limited to the term limit issue! It will be wide open for any proposed amendments.

**Vote no on Measure 48!**

Respectfully submitted by,  
Tim Pitzer  
President,  
Albany Rifle & Pistol Club

*(This information furnished by Tim Pitzer, Albany Rifle & Pistol Club.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Measure No. 48

## ARGUMENT IN OPPOSITION

**EVEN IF YOU SUPPORT TERM LIMITS,  
YOU SHOULD OPPOSE MEASURE 48.**

**The ACLU, NRA, and Oregon Gun Owners don't have much in common, but they all oppose Measure 48.**

**PLEASE, VOTE NO ON MEASURE 48.**

Measure 48 does more than instruct legislators to vote for congressional term limits. It also **requires** the Oregon legislature to call for a Constitutional Convention to amend the U.S. Constitution!

There is **NO GUARANTEE** a Constitutional Convention would only consider a term limit amendment. The entire U.S. Constitution could be up for grabs because there are **NO RULES** for determining how a Constitutional Convention would be run or how the delegates would be selected or what the agenda would be.

Article 5 of the U.S. Constitution requires Congress to convene a Constitutional Convention if two-thirds (34) of the states call for one.

**DON'T RISK A CONSTITUTIONAL CONVENTION.**

**Oregon Gun Owners** opposes Measure 48 because of the call for a Constitutional Convention. Such a convention could potentially alter or abolish the Bill of Rights including the "Right to Keep and Bear Arms." (Second Amendment). John Nichols, Executive Director, OGO.

**The American Civil Liberties Union (ACLU)** opposes the calling of a Constitutional Convention in the absence of standards to govern how the convention should be convened and conducted and without assurances that the convention would not infringe upon civil liberties. ACLU Policy #40, adopted March 3-4, 1979.

**The National Rifle Association (NRA)** passed a resolution opposing "any attempt to call for a Constitutional Convention for any purpose whatsoever..." 1992 Annual Meeting of the NRA, April 25, 1992.

**Eagle Forum President Phyllis Schlafly** has written that holding a Constitutional Convention "...would be a self-inflicted wound that could do permanent damage to our nation, to our process of self-government, and possibly even to our liberty." *The Phyllis Schlafly Report*, Vol. 29, No. 10, May 1996.

**VOTE NO ON MEASURE 48.**

*(This information furnished by Jann Carson, American Civil Liberties Union of Oregon.)*

*(This space purchased for \$500 in accordance with 1993 Or. Laws 811 §11.)*

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# Absent Voter

## You may apply for an absentee ballot from your county clerk if:

1. You are a registered voter; and
2. You have reason to believe you will be unable, for any reason, to vote at the polling place on election day.

## Your application must be in writing and must include:

1. Your signature. (This is required, for comparison to your voter registration card.)
2. Your residence address.
3. The address to which the ballot should be mailed, if different from your residence address.

While you may apply for and receive an absentee ballot up to 8:00 p.m. on election day, if your application is received by the county clerk after October 15, 1996, the county clerk is not required to mail your ballot. If your ballot is not mailed, you must obtain it in person from the county clerk. Therefore, if you apply for an absentee ballot by mail, you must allow enough time to receive the ballot, vote, and return the ballot to the county clerk by 8:00 p.m. on election day.

If you wish to become a permanent absentee voter, you can do so by checking the appropriate box on the absentee ballot application form. If you check the permanent absentee voter box, the application then becomes valid for every subsequent election until you notify your county clerk or you move out of the county.

**YOUR VOTED ABSENTEE BALLOT MUST BE RECEIVED IN  
YOUR COUNTY ELECTIONS OFFICE NO LATER THAN  
8:00 P.M. THE DAY OF THE ELECTION, NOVEMBER 5, 1996.**

## LONG TERM ABSENT VOTER

### You may apply for long term absent voter status with your county clerk or the Secretary of State if:

1. You are a resident of this state, absent from your place of residence; and
2. You are serving in the armed forces or merchant marine of the United States; or
3. You are temporarily living outside the territorial limits of the United States and the District of Columbia; or
4. You are a spouse or dependent of a long term absent voter. A spouse or dependent of a long term absent voter, not previously a resident of this state who intends to reside in this state, is considered a resident for voting purposes and may vote in the same manner as a long term absent voter.

### Your application must be in writing and must include:

1. Your name and current mailing address.
2. A statement that you are a citizen of the United States.
3. A statement that you will be 18 or older on the day of the election.
4. A statement that your home residence has been in this state for more than 20 days preceding the election, and giving the address of your last home residence.
5. A statement of the facts that qualify you as a long term absent voter.
6. A statement that you are not requesting a ballot from any other state and are not voting in any other manner than by absentee ballot.
7. A designation of your political affiliation if you wish to vote in a primary election.

The U.S. Department of Defense provides standard form 76 that complies with these requirements. It is recommended that

long term absent voters use this form—available at embassies and military installations—whenever possible.

Special absentee voting instructions and a ballot return envelope will accompany each absentee ballot.

### Special Absentee Ballots: Any long term absentee voter may obtain a special absentee ballot for a primary or general election if the voter believes that:

1. The voter will be residing, stationed or working outside the territorial limits of the United States and the District of Columbia; and
2. The voter will not be able to receive, vote and return a regular absentee ballot by normal mail delivery within the period provided for absentee voting.

If you feel you may need a special absentee ballot, you should contact your county elections officer for details.

**REMEMBER, YOUR ABSENTEE BALLOT  
MUST BE RECEIVED IN YOUR COUNTY  
ELECTIONS OFFICE BY 8:00 P.M. THE DAY  
OF THE ELECTION, NOVEMBER 5, 1996.**

## ABSENTEE BALLOT APPLICATION

PRECINCT NAME/NUMBER

TODAY'S DATE

ELECTION DATE

PRINT YOUR NAME CLEARLY

RESIDENCE STREET ADDRESS

CITY

COUNTY

ZIP

**X**

SIGNATURE OF APPLICANT (HANDWRITTEN)

☐ IF YOU WISH TO BECOME A PERMANENT ABSENTEE VOTER, CHECK THIS BOX.

MAIL BALLOT TO:

STREET ADDRESS

CITY

STATE

ZIP

**MAIL THIS APPLICATION TO THE COUNTY CLERK OF THE  
COUNTY IN WHICH YOU MAINTAIN YOUR HOME RESIDENCE**

# Absent Voter

## Baker

Julia Woods  
Baker County Clerk  
1995 3rd St.  
Baker City, OR 97814-3398  
(541) 523-8207 / (541) 523-8208

## Benton

Dan Burk  
Dir. Rec/Elections  
Courthouse  
Corvallis, OR 97330  
(541) 757-6756 / (541) 757-5646

## Clackamas

John Kauffman  
Clackamas County Clerk  
Elections Division  
825 Portland Ave.  
Gladstone, OR 97027-2195  
(503) 655-8510 / (503) 655-1685

## Clatsop

Lori Davidson  
Clatsop County Clerk  
PO Box 178, 749 Commercial  
Astoria, OR 97103-0178  
(503) 325-8511 / (503) 325-8511

## Columbia

Elizabeth (Betty) Huser  
Columbia County Clerk  
Courthouse  
St. Helens, OR 97051-2089  
(503) 397-3796, Ext. 8444 /  
(503) 397-7246, Ext. 8445

## Coos

Mary Ann Wilson  
Coos County Clerk  
Courthouse  
Coquille, OR 97423-1899  
(541) 396-3121, Ext. 301 /  
(541) 396-2106

## Crook

Deanna (Dee) Berman  
Crook County Clerk  
300 E. Third, Room 23  
Prineville, OR 97754-1919  
(541) 447-6553 / (541) 447-6553

## Curry

Renee Kolen  
Curry County Clerk  
PO Box 746  
Gold Beach, OR 97444  
(541) 247-7011, Ext. 223 /  
(541) 247-6440

## Deschutes

Mary Sue (Susie) Penhollow  
Deschutes County Clerk  
Administration Bldg.  
1130 NW Harriman St.  
Bend, OR 97701  
(541) 388-6546 / (541) 385-3203

## Douglas

Gay Fields  
Douglas County Clerk  
PO Box 10  
Roseburg, OR 97470-0004  
(541) 440-4252 / (541) 440-6092

## Gilliam

Rena Kennedy  
Gilliam County Clerk  
Courthouse  
Condon, OR 97823-0427  
(541) 384-2311

## Grant

Kathy McKinnon  
Grant County Clerk  
PO Box 39  
Canyon City, OR 97820-0039  
(541) 575-1675 / (541) 575-1675

## Harney

Dolores Swisher  
Harney County Clerk  
Courthouse, 450 N. Buena Vista  
Burns, OR 97720  
(541) 573-6641

## Hood River

Sandra Berry  
Dir. Assess/Rec  
Courthouse, 309 State St.  
Hood River, OR 97031-2093  
(541) 386-1442

## Jackson

Kathy Beckett  
Jackson County Clerk  
Courthouse, 10 S. Oakdale  
Medford, OR 97501-2902  
(541) 776-7181 / (541) 776-7183

## Jefferson

Elaine L. Henderson  
Jefferson County Clerk  
Courthouse, 75 SE "C" St.  
Madras, OR 97741  
(541) 475-4451 / (541) 475-4451

## Josephine

Georgette Brown  
Josephine County Clerk  
PO Box 69  
Grants Pass, OR 97526-0203  
(541) 474-5243 / (541) 800-735-2900

## Klamath

Bernetha G. Letsch  
Klamath County Clerk  
507 Main St.  
Klamath Falls, OR 97601  
(541) 883-5134 / (541) 883-4135

## Lake

Karen O'Connor  
Lake County Clerk  
513 Center St.  
Lakeview, OR 97630-1579  
(541) 947-6006 / (541) 947-6007

## Lane

Annette Newingham  
Elections Division  
135 E. 6th Ave.  
Eugene, OR 97401-2671  
(541) 687-4234 / (541) 687-4320

## Lincoln

Dana Jenkins  
Lincoln County Clerk  
225 W. Olive St., Room 201  
Newport, OR 97365  
(541) 265-4131 / (541) 265-4193

## Linn

Steven Druckenmiller  
Linn County Clerk  
4th & Broadalbin  
Albany, OR 97321  
(541) 967-3831 / (541) 967-3833

## Malheur

Deborah R. DeLong  
Malheur County Clerk  
251 "B" St. W., Courthouse Box 4  
Vale, OR 97918  
(541) 473-5151 / (541) 473-5157

## Marion

Alan H. Davidson  
Marion County Clerk  
Elections Division  
4263 Commercial St. SE, #300  
Salem, OR 97302-3987  
(503) 588-5041 / (503) 588-5610

## Morrow

Barbara Bloodsworth  
Morrow County Clerk  
PO Box 338  
Heppner, OR 97836-0338  
(541) 676-9061 / (541) 676-9061

## Multnomah

Vicki Ervin  
Dir./Elections  
1040 S.E. Morrison  
Portland, OR 97214-2495  
(503) 248-3720 / (503) 248-3729

## Polk

Linda Dawson  
Polk County Clerk  
Courthouse, Room 201  
Dallas, OR 97338-3179  
(503) 623-9217 / (503) 623-7557

## Sherman

Linda Cornie  
Sherman County Clerk  
PO Box 365  
Moro, OR 97039-0365  
(541) 565-3606

## Tillamook

Josephine Veltri  
Tillamook County Clerk  
201 Laurel Ave.  
Tillamook, OR 97141  
(503) 842-3402

## Umatilla

Nancy A. Wood  
Director of Elections  
PO Box 1227  
Pendleton, OR 97801  
(541) 278-6254 / (541) 278-6257

## Union

R. Nellie Bogue-Hibbert  
Union County Clerk  
1001 4th St. Ste "D"  
LaGrande, OR 97850  
(541) 963-1006

## Wallowa

Charlotte McIver  
Wallowa County Clerk  
101 S. River St., Rm 100, Door 16  
Enterprise, OR 97828-1335  
(541) 426-4543, Ext. 16

## Wasco

Karen LeBreton  
Wasco County Clerk  
Courthouse, 511 Washington St.  
The Dalles, OR 97058  
(541) 296-6159 / (541) 296-6159

## Washington

Ginny Kingsley  
Elections Division  
155 N. 1st Ave., Suite B 10  
Hillsboro, OR 97124  
(503) 648-8670 / (503) 693-4598

## Wheeler

Judy Potter  
Wheeler County Clerk  
PO Box 327  
Fossil, OR 97830-0327  
(541) 763-2400 / (541) 763-2401

## Yamhill

Charles Stern  
Yamhill County Clerk  
Courthouse, 535 East 5th St.  
McMinnville, OR 97128-4593  
(503) 434-7518 / (503) 434-7519

( Denotes Phone Number for Hearing Impaired



## ABSENTEE BALLOT APPLICATION

PRECINCT NAME/NUMBER

TODAY'S DATE

ELECTION DATE

PRINT YOUR NAME CLEARLY

RESIDENCE STREET ADDRESS

CITY

COUNTY

ZIP -

X

SIGNATURE OF APPLICANT (HANDWRITTEN)

☐ IF YOU WISH TO BECOME A PERMANENT ABSENTEE VOTER, CHECK THIS BOX.

MAIL BALLOT TO:

STREET ADDRESS

CITY

STATE

ZIP

MAIL THIS APPLICATION TO THE COUNTY CLERK OF THE COUNTY IN WHICH YOU MAINTAIN YOUR HOME RESIDENCE

# Voter Registration

The National Voter Registration Act of 1993 requires states to meet new standards of accessibility in election administration, making it easier for citizens to register and to vote. Now, citizens who are already registered to vote may update information on their registrations, such as residence address, through election day and still be able to cast a ballot.

Additionally, the Act is designed to increase the number of Americans registered to vote by requiring many public agencies to provide registration opportunities to their clients simultaneously with other services.

## You may register to vote if:

1. You are a citizen of the United States;
2. You will be at least 18 years old by November 5, 1996; and
3. You are a resident of Oregon.

## To register to vote:

Your completed voter registration card must be received or postmarked by **October 15, 1996**.

**If you are currently registered to vote in Oregon, you must update your registration by filling out a new voter registration card if:**

1. You change your residence address;
2. You change your mailing address;
3. Your name is changed by marriage or court order;
4. You want to change your political party affiliation; or
5. Your registration has been canceled.

## Where to Obtain a Voter Registration Card:

Voter registration cards can be obtained from any county elections office, most banks and post offices, some state agencies, and may be found in many telephone directories.

**If you have moved to a new residence within the same county where you are currently registered**, your new voter registration card must be received by October 28, 1996, to be eligible to vote a full ballot. If you fail to fill out a new voter registration card by this deadline and wish to vote on election day, you may go to your county elections office or to your polling place to receive a ballot containing federal and statewide offices and statewide measures only.

**If you have moved to a new residence in a different county than where you are currently registered**, your new voter registration card must be received or postmarked by October 15, 1996. If you fail to meet this deadline, you must go to the elections office in your new county by election day to be eligible to vote.

**If you are changing your political party affiliation**, you must complete a new voter registration card and mail it to your county elections office. A card that contains a change in political party affiliation must be received or postmarked by October 15, 1996.

**IMPORTANT!** Even if there is no record of your voter registration at your polling site on election day, you can be issued a ballot containing federal and statewide offices and statewide measures only. The county elections office will then review your registration information and determine your voting eligibility.

SECRETARY OF STATE  
Phil Keisling  
State Capitol Building  
Salem, Oregon 97310-0722

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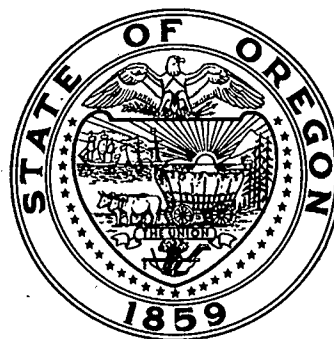
RESIDENTIAL CUSTOMER

# **voters' pamphlet**

**VOLUME 1 OF 2**

## **MEASURES**

State of Oregon  
General Election  
November 5, 1996



*Please RECYCLE this pamphlet with your newspapers*