

Enrolled House Bill 3348

Sponsored by Representatives NATHANSON, GOMBERG; Representatives DOHERTY, EVANS,
FAHEY, HERNANDEZ, MARSH, REARDON, Senator MANNING JR

CHAPTER

AN ACT

Relating to disclosure of financial impact of ballot measures; creating new provisions; and amending
ORS 250.125 and 250.127.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 250.125 is amended to read:

250.125. (1) When a state measure involves expenditure of public moneys by the state, reduction of expenditure of public moneys by the state, reduction of state revenues or raising of funds by the state by imposing any tax or incurring any indebtedness, the financial estimate committee created under this section shall estimate:

(a) The amount of direct expenditure, direct reduction of expenditure, direct reduction in state revenues, direct tax revenue or indebtedness and interest that will be required to meet the provisions of the measure if it is enacted; and

(b) The aggregate amount of direct expenditure, direct reduction of expenditure, direct reduction in revenues, direct tax revenue or indebtedness and interest that will be required by any city, county or district to meet the provisions of the measure if it is enacted.

(2) For a state measure for which an estimate is required to be prepared under subsection (1) of this section, the financial estimate committee may estimate the aggregate amount of direct expenditure, direct reduction of expenditure, direct reduction in revenues, direct tax revenue or indebtedness and interest that will be required by any federally recognized Native American or American Indian tribal government to meet the provisions of the measure if it is enacted.

(3) If the Legislative Assembly has enacted a law that will apply only if the measure for which an estimate is required to be prepared under subsection (1) of this section is not enacted, the financial estimate committee may also estimate the amount of direct expenditure, direct reduction of expenditure, direct reduction in revenues, direct tax revenue or indebtedness and interest that will result for the state, any city, county or district or any federally recognized Native American or American Indian tribal government if the measure is not enacted.

(4) For a state measure for which an estimate is required to be prepared under subsection (1) of this section, the financial estimate committee shall consult with the Legislative Revenue Officer to determine if the measure has potentially significant indirect economic or fiscal effects. If the committee determines that the indirect economic or fiscal effects of the measure are significant and can be estimated, the Legislative Revenue Officer shall prepare on behalf of the committee an impartial estimate of the indirect economic or fiscal effects of the measure. The Legislative Revenue Officer shall use the best available economic models and data to produce the estimate. The financial

estimate committee shall incorporate relevant parts of the estimate prepared by the Legislative Revenue Officer into the estimate prepared by the committee under subsection (1) of this section.

(5) Except as provided in subsection (6) of this section, the estimates described in subsections (1) to (3) of this section shall be printed in the voters' pamphlet and on the ballot. The estimates shall be impartial, simple and understandable and shall include the following information:

(a) A statement of the amount of financial effect on state, local or tribal government expenditures, revenues or indebtedness, expressed as a specific amount or as a range of amounts;

(b) A statement of any recurring annual amount of financial effect on state, local or tribal government expenditures, revenues or indebtedness;

(c) A description of the most likely financial effect or effects of the adoption of the measure; and

(d) If an estimate is made under subsection (3) of this section, a description of the most likely financial effect or effects if the measure is not enacted.

(6) If the financial estimate committee determines that the measure will have no financial effect on state, local or tribal government expenditures, revenues or indebtedness or that the financial effect on state, local or tribal government expenditures, revenues or indebtedness will not exceed \$100,000, the committee shall prepare and file with the Secretary of State a statement declaring that the measure will have no financial effect or that the financial effect will not exceed \$100,000. The statement shall be printed in the voters' pamphlet and on the ballot.

(7) If the financial estimate committee determines that the measure will have a financial effect on state, local or tribal government expenditures in excess of \$100,000 and that the measure does not include a dedicated funding source to pay for the new expenditures required, the committee shall prepare and file with the Secretary of State the statement "MEASURE SPENDS MONEY WITHOUT IDENTIFYING A FUNDING SOURCE." A statement prepared under this subsection shall be printed in bold in the voters' pamphlet immediately following the printing of the estimates described in subsections (1) to (3) of this section.

[7] (8) In addition to the estimates described in subsections (1) to (3) of this section, if the financial estimate committee considers it necessary, the committee may prepare and file with the Secretary of State an impartial, simple and understandable statement explaining the financial effects of the measure. The statement may not exceed 500 words. The statement shall be printed in the voters' pamphlet with the measure to which it relates.

[8] (9) The Legislative Policy and Research Committee shall provide any administrative staff assistance required by the financial estimate committee to facilitate the work of the financial estimate committee under this section or ORS 250.127.

[9] (10) The financial estimate committee is created, consisting of the Secretary of State, the State Treasurer, the Director of the Oregon Department of Administrative Services, the Director of the Department of Revenue and a representative of a city, county or district with expertise in local government finance. The representative of a city, county or district shall be selected by the four other members of the financial estimate committee and shall serve for a term of two years that begins on March 1 of the odd-numbered year.

SECTION 2. ORS 250.127 is amended to read:

250.127. (1) Not later than the 99th day before a special election held on the date of a primary election or any general election at which any state measure is to be submitted to the people, the financial estimate committee created under ORS 250.125 shall prepare and electronically file with the Secretary of State the estimates described in ORS 250.125 and, if the committee considers it necessary, [a statement] **statements** explaining the financial effects of the measure as described in ORS 250.125 (7) **and** (8). The financial estimate committee may begin preparation of the estimates and [statement] **statements** on the date that a petition is accepted for verification of signatures under ORS 250.105 or the date that a measure referred by the Legislative Assembly is filed with the Secretary of State, whichever is applicable.

(2) Not later than the 95th day before the election, the Secretary of State shall hold a hearing in Salem upon reasonable statewide notice to receive suggested changes to the estimates or [state-

ment] **statements** or to receive other information. At the hearing any person may submit suggested changes or other information orally or in writing. Written suggestions or other information also may be submitted at any time before the hearing.

(3) The financial estimate committee shall consider suggestions and any other information submitted under subsection (2) of this section, and may file revised estimates or [*a revised statement*] **statements** with the Secretary of State not later than the 90th day before the election.

(4) Except as provided in subsection (5) of this section, the original estimates and [*statement*] **statements** and any revised estimates or [*statement*] **statements** shall be approved by a majority of the members of the financial estimate committee. If a member does not concur, the estimates or [*statement*] **statements** shall show only that the member dissents. The Secretary of State shall certify final estimates and [*a final statement*] **statements** not later than the 90th day before the election at which the measure is to be voted upon. All estimates and statements prepared under ORS 250.125 and this section shall be made available to the public.

(5) If a majority of the members of the financial estimate committee do not approve the estimates or [*statement*] **statements**, the Secretary of State alone shall prepare, file and certify the estimates or [*statement*] **statements** not later than the 88th day before the election at which the measure is to be voted upon with the data upon which the estimates or [*statement is*] **statements are** based.

(6) The support or opposition of any member of the financial estimate committee to the original or revised estimates or [*statement*] **statements** shall be indicated in the minutes of any meeting of the committee. Meetings of the financial estimate committee shall be open to the public. Designees of the members of the financial estimate committee may attend any meetings of the committee in the place of the members, but the designees may not vote to approve or oppose any estimates or [*statement*] **statements**.

(7) A failure to prepare, file or certify estimates or [*a statement*] **statements** under ORS 250.125, this section or ORS 250.131 does not prevent the inclusion of the measure in the voters' pamphlet or placement of the measure on the ballot.

(8) If the estimates are not delivered to the county clerk by the 61st day before the election, the county clerk may proceed with the printing of ballots. The county clerk is not required to reprint ballots to include the estimates or to provide supplemental information that includes the estimates.

SECTION 3. The amendments to ORS 250.125 and 250.127 by sections 1 and 2 of this 2019 Act apply to ballot measures analyzed by a financial estimate committee on or after the effective date of this 2019 Act.

Passed by House May 22, 2019

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate June 30, 2019

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2019

Approved:

.....M,....., 2019

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2019

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Bev Clarno, Secretary of State