

FULL TEXT OF BALLOT TITLES—NOVEMBER 4, 2014

MULTNOMAH COUNTY • STATE OF OREGON

ONLY THE CAPTION AND QUESTION WILL APPEAR ON YOUR OFFICIAL BALLOT AND ONLY THE APPROPRIATE MEASURES FOR EACH PRECINCT WILL APPEAR ON THAT PRECINCT'S BALLOT.

STATE MEASURES

Referred to the People
by the Legislative Assembly

86 Amends Constitution: Requires creation of fund for Oregonians pursuing post-secondary education, authorizes state indebtedness to finance fund

Result of "yes" vote: "Yes" vote amends constitution and requires legislature to establish fund for Oregonians pursuing post-secondary education, career training; authorizes state to incur debt to finance fund.

Result of "no" vote: "No" vote rejects authorization for state to extend credit and incur debt to create dedicated fund for Oregon students pursuing post-secondary education and career training.

Summary: Amends Constitution. Oregon constitution generally prohibits the state from extending credit or incurring debt. Measure requires the legislature to create dedicated fund for exclusive benefit of Oregon students pursuing post-secondary education, including technical, professional and career training. Measure authorizes state to lend credit and incur debt to finance fund. Indebtedness incurred may not exceed one percent of real market value of all property in state. Moneys in fund not subject to constitutional limitations on investment. Generated earnings must be retained by fund, unless used to provide financial assistance to Oregon students pursuing post-secondary education. If governor declares an emergency, legislature may pass a bill to use the fund's money for any lawful purpose, provided the legislature also has approved a plan to repay the fund.

Estimate of financial impact: There is no financial effect on either state or local government expenditures or revenues.

Referred to the People
by the Legislative Assembly

87 Amends Constitution: Permits employment of state judges by National Guard (military service) and state public universities (teaching)

Result of "yes" vote: "Yes" vote amends constitution to permit state judges to be employed by Oregon National Guard for military service purposes, state public universities for teaching purposes.

Result of "no" vote: "No" vote retains existing constitutional restrictions on employment of Oregon state court judges by the Oregon National Guard and by the state public university system.

Summary: Article III, section 1, of Oregon Constitution ("separation of powers" clause) prohibits person from serving in more than one branch of government at the same time; Oregon Supreme Court has ruled that provision prohibits state court judges from teaching at institutions of public education. Article II, section 10, prohibits state court judges from being compensated for military service in National Guard. Measure amends constitution to authorize any public university as defined by law to employ state court judges for purpose of teaching at Oregon public universities. Measure also authorizes employment of state court judges by Oregon National Guard for purpose of military service. Measure provides that such educational or military employment shall not preclude person from serving as state judge at same time. Other provisions.

Estimate of financial impact: There is no financial effect on either state or local government expenditures or revenues.

Referendum Order by Petition of the People

88 Provides Oregon resident "driver card" without requiring proof of legal presence in the United States

Result of "yes" vote: "Yes" vote directs Department of Transportation to issue "driver card" to Oregon resident meeting specified eligibility, without requiring proof of legal presence in United States.

Result of "no" vote: "No" vote rejects law directing Department of Transportation to issue "driver card" to eligible Oregon resident without requiring proof of legal presence in United States.

Summary: Current law requires any applicant for an Oregon driver license or permit to provide proof of legal presence in the United States. Measure directs the Department of Transportation to issue a "driver card" to an applicant who does not provide proof of legal presence in the United States, but who has otherwise complied with all Oregon requirements for the type of driving privileges sought, has provided proof of residence in Oregon for more than one year, and has provided proof of identity and date of birth. The driver card may not be used as identification for air travel, to enter a federal building, to register to vote or to obtain any government benefit requiring proof of citizenship or lawful presence in United States. Other provisions.

Estimate of financial impact: This measure will require the Oregon Department of Transportation (ODOT) to issue an Oregon Driver Card to an applicant without requiring the applicant to provide proof of legal presence in the United States, if that individual complies with all the requirements for the driving privileges to be sought; provides proof of identity and date of birth; (3) provides proof of residing in Oregon in excess of one year as of the date of the application; (4) provides a Social Security number (SSN) assigned to that individual by the United States Social Security Administration (SSA) or provides a written statement that the individual has not been assigned a SSN; and (5) pays any fees associated with the type of driver card being sought. The cost to provide these cards is estimated at \$2,794,802 in the 2013-15 biennium and \$2,677,144 in the 2015-17 biennium, but revenues are expected to be sufficient to offset these costs to ODOT. The revenue in excess of the costs will be deposited within the State Highway Fund.

The referendum establishes the following fees: (1) \$64 for issuance of a Class C driver card; (2) \$5 for the knowledge test for a Class C driver card; (3) \$9 for the skills test for a Class C driver card; (4) \$64 for issuance of a restricted Class C driver card; (5) \$44 for renewal of a Class C driver card; (6) \$30 for replacement of a Class C driver card; (7) \$6 for the Student Driver Training Fund; (8) \$75 for reinstatement of revoked driving privilege; (9) \$75 for reinstatement of suspended driving privileges; and (10) fee for reinstatement of the right to apply for driving privileges after a delay under ORS 809.280 (10) (1997 Edition), which is the same as the fee for reinstatement of suspended driving privileges.

The referendum provides that the fees charged for an Oregon Driver Card would be used for administrative purposes and distributed to the Highway Fund in the same manner as fees charged for an Oregon Driver License. It is anticipated that this measure will generate \$3,510,437 of revenue in 2013-15 and \$4,333,562 in 2015-17.

There are no anticipated effects on local government.

Proposed by Initiative Petition

89 Amends Constitution: State/political subdivision shall not deny or abridge equality of rights on account of sex

Result of "yes" vote: "Yes" vote amends state constitution, prohibits state and any political subdivision from denying or abridging equality of rights under the law on account of sex.

Result of "no" vote: "No" vote retains current prohibition on laws granting/denying privileges or immunities on account of sex, unless justified by specific biological differences between men/women.

Summary: Under Article I, section 20, of the Oregon Constitution, laws granting privileges or immunities must apply equally to all persons. The Oregon Supreme Court has held that that provision prohibits laws treating people differently based on sex unless justified by specific biological differences. No current provision in constitution expressly states that prohibition. Measure amends Article I by creating new section 46, which provides that equality of rights under the law shall not be denied or abridged by the state or any political subdivision on account of sex. Measure authorizes legislature to enforce that provision by appropriate legislation. Measure provides that nothing in section 46 "shall diminish a right otherwise available to persons under section 20 of this Article or any other provision of this Constitution."

Estimate of financial impact: There is no financial effect on either state or local government expenditures or revenues.

Proposed by Initiative Petition

90 Changes general election nomination processes: provides for single primary ballot listing candidates; top two advance

Result of "yes" vote: "Yes" vote replaces general election nomination processes for most partisan offices; all candidates listed on one single primary ballot; two advance to general election ballot.

Result of "no" vote: "No" vote retains current general election nomination processes, including party primaries for major parties; separate primary ballots; multiple candidates can appear on general election ballot.

Summary: Currently, each major party has a separate primary election ballot. Major party's registered voters nominate party's candidates; others' primary ballots include only nonpartisan candidates; all vote for one candidate per office. General election ballot may include multiple candidates per office: unaffiliated, major, minor party candidates. Measure replaces that system for most partisan offices, including many federal (not Presidential), all state, county, city, district offices. Single primary ballot lists all candidates for each office. Voters may vote for any candidate, regardless of voter's or candidate's party affiliation. Only top two candidates per office appear on general election ballot; may be from same party. Primary, general election ballots must contain candidates' party registration/endorsements. Eligible person, regardless of party, may be selected to fill vacancy. Other provisions.

Estimate of financial impact: This measure changes statutes relating to primary elections. Except for the office of President, it requires that the two candidates receiving the highest number of votes advance to the general election regardless of party affiliation. The measure provides criteria for listing candidates on ballots. It establishes procedures for filling vacant Congressional offices through special elections and allows appointment to vacant state offices regardless of party affiliation. The initiative contains statutory criteria for establishing minority parties and retaining their status. It requires the Legislature to pass implementing statutes.

The Secretary of State Elections Division estimates start-up costs of \$362,640 to modify computer systems. The most likely funding source would be revenues from the General Fund.

Because of the estimated mix of costs and savings, the financial impact to counties is indeterminate.

Proposed by Initiative Petition

91 Allows possession, manufacture, sale of marijuana by/to adults, subject to state licensing, regulation, taxation

Result of "yes" vote: "Yes" vote allows possession, authorizes in-state manufacture, processing, sale of marijuana by/to adults; licensing, regulation, taxation by state; retains current medical marijuana laws.

Result of "no" vote: "No" vote retains laws classifying cannabis as a controlled substance; prohibiting most sale, possession, manufacture of cannabis; permitting production, possession of cannabis for medical use.

Summary: Currently, cultivation, possession, delivery, sale of marijuana are unlawful, excepting regulated production, possession, use of medical marijuana. Measure allows production, processing, delivery, possession, sale of marijuana to adults, licensed, regulated by Oregon Liquor Control Commission (OLCC). Marijuana producer, processor, wholesaler may deliver "marijuana items" (defined) only to/on licensed retail premises. OLCC collects tax imposed on marijuana producer at different rates for marijuana flowers, leaves, immature plant. "Home-grown marijuana" (defined) not regulated, taxed. Tax revenues, fees fund OLCC suspense account, Oregon Marijuana Account distributed: 40% to Common School Fund; 20% for mental health/alcohol/drug services; 15% for state police; 20% for local law enforcement; 5% to Oregon Health Authority. "Marijuana paraphernalia" (defined) excluded from "drug paraphernalia" laws. Other provisions.

Estimate of financial impact: This measure legalizes, regulates and taxes the manufacture, sale and use of marijuana in Oregon. State and local expenditures and revenues will be impacted by passage of this measure.

The measure requires the Oregon Liquor Control Commission (OLCC) to license and regulate the distribution of marijuana. The revenue estimate from taxes when fully implemented may range from \$17 million to \$40 million annually.

The OLCC estimates that the start-up costs are about \$300,000 in state fiscal year 2015, about \$2.5 million in state fiscal year 2016, and \$1.0 million in 2017. OLCC annual operating expenses are estimated to be \$3.2 million per year. New revenues are expected to be sufficient to offset these costs.

The remaining revenue beyond expenses would be distributed as follows: 40% to the Common School Fund, 20% to the Mental Health Alcoholism and Drug Services Account, 15% to the State Police Account, 10% to cities for law enforcement, 10% to counties for law enforcement, and 5% to the Oregon Health Authority for alcohol and drug abuse prevention, early intervention and treatment services.

The Oregon Health Authority estimates \$200,000 per year in additional expenditures for two positions to license marijuana facilities that test marijuana products. This estimate assumes 20 such facilities. New revenues are expected to be sufficient to offset these costs.

The Oregon Department of Agriculture estimates \$100,000 per year in additional expenditures for one position to provide rulemaking related to marijuana-infused food products, engage in outreach to the food industry, and assist members of the food industry to achieve compliance with rules. New revenues are expected to be sufficient to offset these costs.

Oregon State Police estimates that passage of the initiative would create a need for three additional Highway Interdiction Team detectives as well as training of all sworn members in Advanced Roadside Impairment Driving Enforcement and training of some members to join the existing pool of Drug Recognition Experts. The associated start-up costs for additional staffing and training are estimated at \$400,000 in state fiscal year 2016 and ongoing expenses of \$400,000 per year beginning in fiscal year 2016. New revenues are expected to be sufficient to offset these costs.

The Oregon Judicial Department expects additional court costs to address OLCC rulemaking and licensing authority of between \$21,417 and \$55,902 in the 2015-17 biennium and between \$13,068 and \$47,190 per year in later biennia.

Passage of the initiative may result in the reduction in the number of persons entering the public safety system for marijuana-related violations, thereby reducing state General Fund expenditures on community corrections. Passage of the initiative may result in a reduction in the dollar value of fines collected by state and local governments for convictions of marijuana-related violations. Therefore, the impact for state and local governments, district attorneys, and the courts is indeterminate.

New jobs created will generate an indeterminate amount of income tax revenue.

Proposed by Initiative Petition

92 Requires food manufacturers, retailers to label "genetically engineered" foods as such; state, citizens may enforce

Result of "yes" vote: "Yes" vote requires the labeling of raw and packaged foods produced entirely or partially by "genetic engineering," effective January 2016; applies to retailers, suppliers, manufacturers.

Result of "no" vote: "No" vote retains existing law, which does not require "genetically engineered" food to be labeled as such.

Summary: Current law does not require labeling of "genetically engineered" food. Measure requires retailers of genetically-engineered raw food to include "Genetically Engineered" on packages, display bins, or shelves; suppliers must label shipping containers. Requires manufacturers of packaged food produced entirely or partially by genetic engineering to include "Produced with Genetic Engineering" or "Partially Produced with Genetic Engineering" on packages. Defines "genetically engineered" food as food produced from organisms with genetic material changed through in vitro nucleic acid techniques and certain cell-fusing techniques; exempts traditional plant-breeding techniques like hybridization. Does not apply to animal feed or food served in restaurants. Directs agencies to implement law. Permits state, injured citizen to sue manufacturer, retailer for knowing/intentional violation; attorney fees for prevailing citizen. Other provisions.

Estimate of financial impact: The measure requires the State Department of Agriculture and/or the Oregon Health Authority to prescribe, enact, and enforce rules necessary to ensure that food manufacturers and retailers properly label raw and packaged food that is entirely or partially produced with genetic engineering. The measure is expected to result in direct expenditures by State agencies for initial one time start-up costs estimated at between \$550,000 and \$600,000. Costs associated with ongoing enforcement have variable assumptions about the level of administrative oversight. There are potential indirect economic effects that may be offsetting. Therefore, the direct financial impact and indirect economic impact is indeterminate.

There is no anticipated effect on local government.

CITY OF LAKE OSWEGO

3-452 Charter amendments regarding elections to approve new or widened roads

Question: Shall the City Charter be amended regarding signatures, and degree of road-widening, necessary to require elections approving road projects?

Summary: This measure was referred to the ballot by the Lake Oswego City Council.

The Lake Oswego Charter currently requires a city-wide election to approve construction of any "major road" or "major road expansion" if an election request is signed by at least 25 registered City voters. This ballot measure increases the required number of signatures to at least three percent of all registered City voters (under current registration numbers, 758 signatures).

The Charter defines "major road" as any new road having pavement over 32 feet wide. This will remain unchanged.

The Charter currently defines "major road expansion" as increasing the pavement width of an existing road by any amount, if the road will be over 20 feet wide after the widening. It does not include road maintenance or repair that does not significantly increase road width. This ballot measure changes the definition of "major road expansion" to mean increasing pavement width to add at least one new automobile traveling lane extending for at least 500 feet.

A "yes" vote amends the Charter as described.

CITY OF PORTLAND

**Referred to the People
by the City Council****26-159 Bonds to fix playgrounds, trails; improve park facilities, safety, accessibility.**

Question: Shall Portland fix, improve park facilities by issuing bonds estimated to maintain current tax rate; require audits and public oversight? If the bonds are approved, they will be payable from taxes on property or property ownership that are not subject to the limits of sections 11 and 11b, Article XI of the Oregon Constitution.

Summary: Measure would authorize \$68,000,000 in general obligation bonds for Portland Parks & Recreation facilities. Because previous bonds are scheduled to be repaid, City's parks bond tax rate is not expected to increase from current rate of \$0.0877 per \$1,000 of assessed value.

Anticipated projects include fixing, improving:

-10 to 20 play areas currently closed, at risk of closure, or deficient, including Couch, Creston, Kenton, Lents, Lynchview, North Park Blocks, Ventura parks

- Trails, bridges, including in Forest Park
- Community pools, including Matt Dishman, Peninsula, Grant
- Sellwood Park buildings, Rieke Field, Multnomah Arts Center, St. Johns Community Center
- Restrooms, roofs, other deficient parks, structures, and equipment
- Pioneer Courthouse Square failing structures, leaks, cracks
- Barriers to accessibility for people with disabilities
- Park maintenance facilities to address worker safety, efficiency

Funds are for repairs and other capital costs, not park operations. A five-member oversight committee will review bond expenditures, provide annual reports. Bonds may be issued in multiple series; audits required.

METRO

**Referred to the People
by the Metro Council****26-160 Retain prohibition on Metro-required single-family neighborhood density increases**

Question: Shall Metro Charter Provision Prohibiting Metro From Requiring Density Increases in Single-Family Neighborhoods Be Retained, with 16-Year Sunset?

Summary: Retains provision in Metro Charter prohibiting Metro from requiring local governments to increase density in identified existing single-family neighborhoods. Requires revote in 2030 to remain effective. This prohibition was approved by voters in 2002 and is required by Metro Charter to be voted on again at the November 2014 general election. A "yes" vote on this measure would retain the prohibition for 16 years; a "no" vote repeals the prohibition on June 30, 2015.

CORBETT SCHOOL DISTRICT NO. 39

26-163 Bonds for School Improvements, Safety, Seismic, and Create Operational Efficiencies.

Question: Shall Corbett School District make improvements to educational environment and create operational efficiencies by issuing \$8,500,000 in general obligation bonds? If the bonds are approved, they will be payable from taxes on property or property ownership that are not subject to the limits of sections 11 and 11b, Article XI of the Oregon Constitution.

Summary: This measure is not expected to increase the number of classrooms on campus other than adding two new science labs. Specifically, this measure is expected to finance:

- Replacing the seismically challenged Middle School with an educationally appropriate, energy-efficient building, increase safety and save money on operating costs.
- Create two new science labs to replace the 1950's era lab currently in use.
- Create a "courtyard" at the East end of campus for fire engine turnaround.
- Renovate a portion of the current high school for a library/media center, a district office, and other office space such as Special Education.
- Furnish, equip and make site improvements for all projects; pay for demolition and costs of issuance.

Bonds would mature in a period not to exceed twenty-one (21) years. The overall tax rate for bonds is estimated to be approximately \$1.46 per \$1,000 of assessed property value.

PORTLAND PUBLIC SCHOOLS

26-161 Portland Public Schools levy renewal for schools and educational programs

Question: Shall district support schools; redirect funds from urban renewal; levy \$1.99 per \$1,000 assessed value for five years beginning 2015?

This measure renews current local option taxes.

Summary: PPS' current local option levy was approved by voters in 2011 to provide funding for schools over 5 years. In 2013, the Oregon Legislature ended the diversion of some local option levy revenues to certain urban renewal districts for levies passed after January 2013. Renewal of local option levy will direct approximately \$4 million more to the approved purpose of supporting education, without increasing taxes. The renewed levy will provide \$64.3 million, equivalent to 640 teaching positions.

This renewed local option levy would:

- Continue to fund teaching positions;
- Help to maintain or reduce class size;
- Support programs for a comprehensive education.

Levy cost remains \$1.99 per \$1,000 assessed property value, the same as the 2011 levy.

Funds will be placed in a sub-account, and independent citizen oversight will review expenditures to verify that funds are used as approved by voters. This measure would replace the 2011 levy.

The levy will produce an estimated \$64.3 million in 2015-2016; \$66.2 million in 2016-2017; \$68.2 million in 2017-2018; \$70.2 million in 2018-2019; and \$72.3 million in 2019-2020.

SAUVIE ISLAND FIRE DISTRICT

26-162 Reduced five-year local option levy for general operating expenditures

Question: Shall Sauvie Island Fire District impose reduced five-year \$0.35 per \$1,000 assessed value for general operations beginning 2015-2016? This measure renews current local option taxes.

Summary: Sauvie Island Fire District (Multnomah County Rural Fire Protection District #30J) is proposing a renewal of their existing local option levy that will support the needs for general operations and expenditures. This renewal is a 25% reduction from \$0.4600/\$1,000 assessed valuation to \$0.3500/\$1,000 assessed valuation. Through efficient fiscal stewardship, the District has been able to reduce expenditures while maintaining a reserve capital replacement fund for future purchases and can request the lowered amount while providing the same or higher level of response to the community.

The District anticipates the expenditure of these funds to include, but not limited to, required annual medical/health testing for all responders, required Federal/OSHA testing and firefighters use of equipment, physical testing of responders' abilities/capabilities, annual servicing and safety inspections of vehicles and equipment to include funds for capital replacement, continuing education for volunteer responder training and certification, and continued contribution to the capital reserve fund. Without this additional revenue, personnel health programs, training, vehicle replacement, and maintenance schedules will need be reduced.

The estimated tax cost for this measure is an ESTIMATE ONLY based on the best information available from the county assessor at the time of estimate. The proposed rate will raise approximately \$48,750 in FY2015/2016, \$49,725 in FY2016/2017, \$50,720 in FY2017-2018, \$51,734 in FY2018/2019 and \$52,769 in FY2019/2020, for a total of \$253,698.