

## STATE MEASURES (CONTINUED)

ONLY THE CAPTION AND QUESTION WILL APPEAR ON YOUR OFFICIAL BALLOT

### 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.

### 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 \$8 million.

### 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.

### 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

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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.

### 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.

### 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.

### 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 totaling 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.

### 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

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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.

### 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.

### 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.

### 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.

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