

HOUSE AMENDMENTS TO A-ENGROSSED SENATE BILL 998

By COMMITTEE ON RULES

February 22

1 On page 1 of the printed A-engrossed bill, line 3, after “260.407,” insert “260.432,”.

2 On page 10, after line 45, insert:

3 “**SECTION 15.** ORS 260.432 is amended to read:

4 “260.432. (1) No person shall attempt to, or actually, coerce, command or require a public em-
5 ployee to influence or give money, service or other thing of value to promote or oppose any political
6 committee or to promote or oppose the nomination or election of a candidate, the gathering of sig-
7 natures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a
8 public office holder.

9 “(2) No public employee shall solicit any money, influence, service or other thing of value or
10 otherwise promote or oppose any political committee or promote or oppose the nomination or
11 election of a candidate, the gathering of signatures on an initiative, referendum or recall petition,
12 the adoption of a measure or the recall of a public office holder while on the job during working
13 hours. However, this section does not restrict the right of a public employee to express personal
14 political views.

15 “(3) Each public employer shall have posted in a conspicuous place likely to be seen by its em-
16 ployees the following notice in printed or typewritten form:

17 “

18
19 **ATTENTION ALL PUBLIC EMPLOYEES:**

20 “The restrictions imposed by the law of the State of Oregon on your political activities are that
21 ‘No public employee shall solicit any money, influence, service or other thing of value or otherwise
22 promote or oppose any political committee or promote or oppose the nomination or election of a
23 candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption
24 of a measure or the recall of a public office holder while on the job during working hours. However,
25 this section does not restrict the right of a public employee to express personal political views.’

26 “It is therefore the policy of the state and of your public employer that you may engage in
27 political activity except to the extent prohibited by state law when on the job during working hours.

28 “

29
30 “(4) **Nothing in this section prohibits an employee of the legislative branch from ex-
31 plaining the vote of a member of the Legislative Assembly on:**

32 “(a) **An Act that has been referred to the people by law or petition under section 1 (3),
33 Article IV of the Oregon Constitution;**

34 “(b) **An Act for which a prospective referendum petition has been filed under ORS
35 250.045; or**

1 “[(4)] (5) As used in this section:

2 “(a) ‘Public employee’ does not include an elected official.

3 “(b) ‘Public employer’ includes any board, commission, committee, department, division or insti-
4 tution in the executive, administrative, legislative or judicial branch of state government, and any
5 county, city, district or other municipal corporation or public corporation organized for a public
6 purpose, including a cooperative body formed between municipal or public corporations.”.

7 On page 11, line 1, delete “15” and insert “17”.

8 Delete lines 16 through 18 and insert:

9 “**SECTION 18. (1) Pursuant to ORS 250.075 and notwithstanding ORS 250.035, if House**
10 **Joint Resolution 101 (2010) is referred to the people by the Seventy-fifth Legislative Assem-**
11 **bly, the ballot title for House Joint Resolution 101 (2010) shall be:**

12 “
13 _____
14

15 **AMENDS CONSTITUTION: CONTINUES AND MODERNIZES AUTHORITY FOR LOWEST**
16 **COST BORROWING FOR COMMUNITY COLLEGES AND PUBLIC UNIVERSITIES.**

17
18 **RESULT OF ‘YES’ VOTE: ‘Yes’ vote continues and modernizes state authority to issue low-**
19 **est cost bonds to finance projects for the benefit of community colleges and public universi-**
20 **ties.**

21
22 **RESULT OF ‘NO’ VOTE: ‘No’ vote rejects modernization of authority to issue lowest cost**
23 **bonds to finance projects for the benefit of community colleges and public universities.**

24
25 **SUMMARY: This measure continues and modernizes the state’s authority to use general**
26 **obligation bonds, the lowest cost method of borrowing, to finance projects for community**
27 **colleges and public universities. It does not increase the current limit on borrowing. The**
28 **measure clarifies that community colleges and public universities may purchase existing**
29 **buildings with the proceeds of general obligation bonds. It also allows the Oregon University**
30 **System to use nontax revenues to determine whether bonds to be issued under Article**
31 **XI-F(1) are self-supporting. The measure allows Article XI-F(1) and XI-G bond proceeds to**
32 **be used for the same parts of a project and to be used for mixed-use projects that benefit**
33 **higher education. It allows nontax revenues to be used as matching funds for Article XI-G**
34 **bond proceeds.**

35
36 “
37 _____

38 “(2) ORS 250.085 does not apply to the ballot title prepared under this section. The ballot
39 title prepared under this section shall be the ballot title printed in the voters’ pamphlet and
40 printed on, or included with, the ballot.

41 “(3) If House Joint Resolution 101 (2010) is referred to the people by the Seventy-fifth
42 Legislative Assembly:

43 “(a) The estimate of financial impact for House Joint Resolution 101 (2010) to be printed
44 in the voters’ pamphlet shall comply with the provisions of ORS 250.125, 250.127 and 250.131
45 except that:

1 “(A) The estimate shall be prepared and filed with the Secretary of State not later than
2 the date set by the secretary by rule.

3 “(B) A petition filed under ORS 250.131 must be filed not later than the date set by the
4 secretary by rule.

5 “(b) The explanatory statement to be printed in the voters’ pamphlet for House Joint
6 Resolution 101 (2010) shall comply with the provisions of ORS 251.205, 251.215, 251.225, 251.230
7 and 251.235 except that:

8 “(A) A committee shall be appointed and the statement shall be prepared and filed with
9 the Secretary of State not later than the dates set by the secretary by rule.

10 “(B) A petition filed under ORS 251.235 must be filed not later than the date set by the
11 secretary by rule.

12 “(c) Notwithstanding ORS 251.245 (2), the argument in support of House Joint Resolution
13 101 (2010) to be printed in the voters’ pamphlet shall be:

14
15 “ _____

16
17
18 A YES vote on this measure will save money for Oregon taxpayers. A YES vote means more
19 jobs for Oregonians. A YES vote will help make certain that Oregonians have access to
20 quality and affordable higher education.

21
22 Oregon’s community colleges and public universities use Article XI-F and Article XI-G bonds
23 to finance their capital needs. As enrollment increases, so too does the need for additional
24 classrooms and college and university facilities.

25
26 Article XI-F(1) and Article XI-G bonds are the least expensive financing option available to
27 the state and provide Oregon more for its money. This measure will ensure that Oregon’s
28 community colleges and public universities can continue to use Article XI-F(1) and Article
29 XI-G bonds to finance existing buildings, which can be less expensive than building new fa-
30 cilities.

31
32 A YES vote will enable the Oregon University System to continue to use general obligation
33 bonds, which have lower interest rates and are therefore less expensive, and will save tax-
34 payer dollars.

35
36 If this measure is not approved, the Oregon University System will be forced to use more
37 costly forms of financing to pay for its capital needs.

38
39 “ _____

40
41
42 “SECTION 19. The Secretary of State shall adopt rules necessary to implement section
43 18 of this 2010 Act.

44 “SECTION 20. Notwithstanding ORS 251.245 (2), the argument in support of the measure
45 submitted under House Joint Resolution 13 (2009) to be printed in the voters’ pamphlet shall

1 **be:**

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5
6 **Each year, more students pour into Oregon’s schools. A greater number of kids sit in school**
7 **classrooms, play on school playgrounds and exercise in school gyms. But our aging school**
8 **facilities do not reflect this rising enrollment. Schools are havens for youth to learn, grow**
9 **and succeed. It is our children who pay the price when schools are not given the tools they**
10 **need to repair inadequate facilities and accommodate the growing number of students in**
11 **their hallways.**

12
13 **By making two changes, the measure will provide K-12 schools with the ability to keep pace**
14 **with facilities demands and offer students a better learning environment.**

15
16 **First, the measure defines ‘capital costs’ in section 11L, Article XI of the Oregon Constitu-**
17 **tion, which specifies the allowable expenditures of a local bond. The new definition is broader**
18 **and covers costs that have a useful life of more than one year, including acquisition, con-**
19 **struction, improvement, remodeling, furnishing, equipping, maintenance or repair. Costs of**
20 **routine maintenance or supplies, however, are expressly prohibited in the amended defi-**
21 **nition.**

22
23 **Second, the measure adds a new Article to the Oregon Constitution that allows the state to**
24 **issue general obligation bonds and incur bonded indebtedness to help pay for the cost of local**
25 **school capital construction. This new Article gives K-12 schools the same bonding authority**
26 **as community colleges and the Oregon University System. By giving school districts this**
27 **bonding authority, the state can stand with its schools and be a financial partner in ensuring**
28 **the education and future of Oregon’s children. This new Article in the Oregon Constitution**
29 **also creates a school capital matching fund.**

30
31 **Oregon has a responsibility to its youth, a responsibility to provide them the best education**
32 **in the best facilities our state can offer. The measure fulfills this obligation by allowing**
33 **schools to access the resources needed to create and maintain our education facilities.**

34
35

36
37 **“SECTION 21. (1) Pursuant to ORS 250.075 and notwithstanding ORS 250.035, if Senate**
38 **Joint Resolution 48 (2010) is referred to the people by the Seventy-fifth Legislative Assembly,**
39 **the ballot title for Senate Joint Resolution 48 (2010) shall be:**

40

41
42
43 **AMENDS CONSTITUTION: AUTHORIZES LOWEST-COST BORROWING FOR STATE’S**
44 **REAL AND PERSONAL PROPERTY PROJECTS.**

1 **RESULT OF ‘YES’ VOTE: ‘Yes’ vote authorizes lowest-cost bonds to finance state owned or**
2 **operated real and personal property projects. Prohibits property tax for repayment. Limits**
3 **amount borrowed.**

4
5 **RESULT OF ‘NO’ VOTE: ‘No’ vote rejects authorization for state to issue lowest-cost gen-**
6 **eral obligation bonds for real and personal property projects owned or operated by the state.**

7
8 **SUMMARY: The measure amends the Oregon Constitution to authorize the state to issue**
9 **general obligation bonds to finance acquisition, construction, remodeling, repair, equipping**
10 **or furnishing of state owned or operated property. General obligation bonds are the cheapest**
11 **method of borrowing the state may use and would cost less than the certificates of partic-**
12 **ipation the state currently uses. The bonds would save an estimated \$5 million on interest**
13 **costs for each \$100 million issued. The measure does not authorize any specific bonds, but**
14 **authorizes the Legislative Assembly to enact implementing legislation. The measure prohib-**
15 **its the levy of property taxes to repay the bonds and limits the amount of outstanding bonds**
16 **to one percent of the real market value of property in the state.**

17
18 “
19 _____

20 “(2) If a petition is filed under ORS 250.085 challenging the ballot title provided in this
21 section, the word limits described in ORS 250.035 (2) do not apply for the purposes of judicial
22 review.

23 “SECTION 22. (1) Pursuant to ORS 250.075 and notwithstanding ORS 250.035, if Senate
24 Joint Resolution 41 (2010) is referred to the people by the Seventy-fifth Legislative Assembly,
25 the ballot title for Senate Joint Resolution 41 (2010) shall be:

26 “
27 _____

28
29 **AMENDS CONSTITUTION: REQUIRES LEGISLATURE TO MEET ANNUALLY; LIMITS**
30 **LENGTH OF LEGISLATIVE SESSIONS; PROVIDES EXCEPTIONS.**

31
32 **RESULT OF ‘YES’ VOTE: ‘Yes’ vote requires Legislative Assembly to meet each year, limits**
33 **regular sessions to 165 days in odd-numbered years and 45 days in even-numbered years, and**
34 **allows five-day extensions by two-thirds vote.**

35
36 **RESULT OF ‘NO’ VOTE: ‘No’ vote retains current law, requiring regular sessions of Legis-**
37 **lative Assembly only in odd-numbered years, with no limit on length of sessions.**

38
39 **SUMMARY: The Oregon Constitution currently requires legislative sessions to be held**
40 **biennially. Current law permits the Legislative Assembly to meet without a limit on the**
41 **length of session. This measure requires the Legislative Assembly to meet each year, limits**
42 **regular sessions to 165 calendar days in odd-numbered years and 45 calendar days in even-**
43 **numbered years, and allows regular session to be extended by five days with an affirmative**
44 **vote of two-thirds of the members of each chamber.**

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“(2) If a petition is filed under ORS 250.085 challenging the ballot title provided in this section, the word limits described in ORS 250.035 (2) do not apply for the purposes of judicial review.

“SECTION 23. This 2010 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2010 Act takes effect on its passage.”
