

CHAPTER 8: MEASURE SUMMARIES

The Desks will not accept a measure for introduction unless it is accompanied by an impartial summary of the measure's content. *See* Rules of the Senate and Rules of the House of Representatives.

Guidelines. The measure summary should present a brief and impartial statement of the essential features of the measure (a summary is not an analysis). The measure summary should not:

- Argue favorably for the measure's effectiveness or its merits.
- Present the motives behind the measure, its intent or its probable effect.
- Repeat the text of the title of the measure.
- Inventory the contents of the measure.

The measure summary briefly describes the actions of a legislative measure. The title is the skeleton of these actions and the measure summary adds a little flesh to the bones.

The measure summary should begin with a single digest paragraph that summarizes the contents of the measure as simply and comprehensibly as possible, followed by the Flesch readability score for the digest, determined using the Flesch Reading Ease score in Microsoft Word Document Stats. Acronyms, abbreviations and other methods to simplify expression are permitted in the digest section of the measure summary, and other rules applicable to the measure summary do not apply to the digest paragraph. The only rules that apply to the digest section of the summary are that the digest may not be an objectively inaccurate description of the measure and may not have a Flesch readability score that is less than 60.

Even though provisions like effective dates, penalties and emergency provisions must be included in the measure summary, they should not overshadow or distort the other important substantive provisions of the measure. Describe the substance of the measure in a way that will be most informative to the reader and that focuses on the important policy provisions of the measure.

Provisions that affect the effective or applicability date of an Act are listed separately in the last paragraph of the measure summary, unless there is a referendum provision, which is the very last paragraph of the measure summary. Here are some examples:

- Takes effect July 1, 2024.
- Takes effect on the 91st day following adjournment sine die.
- Declares an emergency, effective on passage.
- Declares an emergency, effective July 1, 2023.
- Sunsets the task force on December 31, 2024.
- Applies to tax years beginning on or after January 1, 2023.
- Refers the Act to the people for their approval or rejection at the next regular general election.

When a joint resolution proposes an amendment to the Oregon Constitution, its referendum provision is noted in the last paragraph of the measure summary:

- Refers the proposed amendment to the people for their approval or rejection at the next regular general election.

Form and Style Requirements. Follow these form and style requirements when preparing the measure summary in order to provide some degree of uniformity in format:

1. Begin each measure summary with a digest paragraph, including the Flesch readability score for that section. The Flesch score should be determined using only the digest section of the summary (excluding the word "Digest:"). The result must not be less than 60.
2. Omit the session year when referring to the "Act" itself. For example: "Applies to writs of attachment, execution and garnishment issued on or after the effective date of the Act." Use "this Act" only if other Acts are mentioned in the summary and there might otherwise be some confusion about which one is meant.

3. Begin each sentence with an active verb (“permits,” “directs,” “limits,” etc.), the subject of which is understood to be the measure. These verbs should pinpoint what the bill does. A list of suggested active verbs appears at the end of this chapter.
4. Avoid adjectives except when necessary to limit nouns.
5. Include penalties, effective dates and emergency or other special provisions. Inclusion of civil penalties is at the drafter’s discretion. If a bill contains new prohibitions and creates criminal penalties, include the offense and its maximum penalties. Per ORS 161.555 (3), unclassified offenses are considered Class A misdemeanors. The following statutes are useful for confirming information in the measure summary:

TYPE OF OFFENSE	PENALTIES
Violations (including traffic violations)	ORS 153.018, fines
Misdemeanors	ORS 161.635, fines ORS 161.615, prison terms
Felonies	ORS 161.625, fines ORS 161.605, prison terms
Offenses committed by corporations	ORS 161.655, fines

6. Omit specific dollar amounts of appropriations, expenditure limitations or lottery allocations. (Specific dollar amounts may be included if the dollar amounts are linked to the central purpose of the bill, i.e., the bill amends only one section by increasing a fee.)
7. Avoid the use of “a.m.” and “p.m.” in the measure summary.
8. Include “limits expenditures” if corresponding provisions are central to the substance of the draft.
9. Include “appropriates moneys” or “continuously appropriates moneys” if corresponding provisions are central to the substance of the draft. Describe some or all of the following:
 - The source of the appropriation or the type of fund expenditures being limited.
 - The state officer or agency affected by the appropriation or limitation.
 - The time period for the appropriation or limitation.
 - The purpose of the appropriation or limitation.
10. Use quotation marks in entries such as: Defines “term.”

Although the citation of an ORS chapter, series or section in a measure summary is not prohibited, it is generally best to write descriptively and omit citations. For example, “Permits parties to agree to the postponement of a hearing under State Personnel Relations Law” is clearer than “Permits parties to agree to the postponement of a hearing under ORS chapter 240.”

EXAMPLES OF DIGEST SECTION OF MEASURE SUMMARY:

In these examples, the digest is the first paragraph, followed by the conventional paragraphs of the measure summary:

SUMMARY

Digest: Makes the recording of a conversation in a public place not a type of crime if the recorder is not hidden. (Flesch Readability Score: 64.6).

Exempts from the crime of unlawfully obtaining or attempting to obtain a conversation the recording of a conversation occurring in a public place using an unconcealed recording device.

SUMMARY

Digest: Gives moneys to a state agency to be sent to the U of O for fixing listed problems. Prevents moneys from being spent on other program at PSU. Gives other moneys to the agency for a program teaching legal skills. Starts the law in March 2024. (Flesch Readability Score: 71.9).

Appropriates moneys to the Higher Education Coordinating Commission for distribution to the Oregon Office for Community Dispute Resolution at the University of Oregon. Prohibits the commission from distributing moneys to the Oregon Consensus program at Portland State University.

Appropriates moneys to the commission for distribution to the Clinical Legal Education Program.

Declares an emergency, effective March 15, 2024.

EXAMPLES FOR BILLS:

The following examples do not contain the digest paragraph of the measure summary, but they follow the rest of the form and style requirements for the conventional paragraphs of the measure summary.

SUMMARY

Revises definition of “occupational therapy assistant.”

SUMMARY

Expands offense of causing unreasonable noise with a vehicle.

Creates offense of creating public disturbance noise. Punishes by a maximum fine of \$500. Punishes subsequent violations, under certain circumstances, by a maximum of 30 days’ imprisonment, a \$1,250 fine, or both.

SUMMARY

Revises poundage fees for commercial taking of various food fish and shellfish species. Takes effect July 1, 2024.

SUMMARY

Imposes a surcharge on the fine for violation of disabled person parking laws. Authorizes reimbursement of certain expenses for volunteers issuing citations for violations and for nonprofit organizations supporting the program.

Sunsets June 30, 2026.

Takes effect on the 91st day following adjournment sine die.

SUMMARY

Appropriates moneys from the General Fund to the Oregon Department of Administrative Services to be applied to the settlement of a case involving Industrial Accident Fund, pursuant to a specified court order.

Declares an emergency, effective on passage.

SUMMARY

Sets the procedure for a statewide special election on ____ Joint Resolution ____ (2023) (LC 1234).

Declares an emergency, effective on passage.

SUMMARY

Establishes Law Enforcement Medal of Honor.

Establishes Governor’s Commission on the Law Enforcement Medal of Honor.

Establishes Governor’s Commission on the Law Enforcement Medal of Honor Account.

EXAMPLE FOR BILL WHOSE EFFECTIVE DATE IS CONDITIONED ON VOTER APPROVAL OF ANOTHER MEASURE:

SUMMARY

Establishes the rights and obligations of the office of Lieutenant Governor.

Takes effect only if Senate Joint Resolution 26 (2023) is approved by the people at the next regular general election. Takes effect on the effective date of the constitutional amendment proposed in Senate Joint Resolution 26 (2023).

EXAMPLES FOR LEGISLATIVE REFERRALS OF BILLS (ACTS) TO PEOPLE:

SUMMARY

Provides authorization for the Legislative Assembly to establish a state education lottery bond program for purpose of financing state education projects.

Refers the Act to the people for their approval or rejection at a special election held on the same date as the next primary election.

SUMMARY

Requires the Department of Transportation to build a highway in Washington County from Interstate 5 to U.S. Highway 26.

Refers Act to the people for their approval or rejection at a special election on the date specified in chapter ___, Oregon Laws 2023 (Enrolled ___ Bill ___).

SUMMARY

Increases personal income and corporate excise or income tax rates. Applies increases to tax years beginning on or after January 1, 2024, and before January 1, 2027.

Refers Act to the people for their approval or rejection at a special election on September 20, 2024.

(NOTE: The referendum clause for an Act being referred to the people at a special election on a date other than the primary election may refer to the special election bill that sets the election, which is the preferred drafting technique, **or** may list only the election date. Adjust the text in the measure summary accordingly.)

EXAMPLES FOR APPROPRIATION (BUDGET) BILLS:

SUMMARY

Appropriates moneys from the General Fund to the Public Defense Services Commission for certain biennial expenses.

Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the commission.

Declares an emergency, effective July 1, 2023.

SUMMARY

Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the State Department of Energy.

Excludes from expenditure limitation expenditures for loans for small scale energy loan projects or for debt service.

Limits biennial expenditures by the department from federal funds.

Declares an emergency, effective July 1, 2023.

EXAMPLES FOR JOINT RESOLUTIONS PROPOSING CONSTITUTIONAL AMENDMENT:

SUMMARY

Proposes an amendment to the Oregon Constitution to allow fuel tax and motor vehicle use fees or excise revenues to be used for state police patrol activities and for public transportation. Limits spending for new uses.

Refers the proposed amendment to the people for their approval or rejection at the next regular general election.

SUMMARY

Proposes an amendment to the Oregon Constitution reducing the time period after legislative adjournment during which the Governor may veto bills to 20 days.

Refers the proposed amendment to the people for their approval or rejection at a special election held on the same date as the next primary election.

SUMMARY

Proposes an amendment to the Oregon Constitution to allow the state to lend credit and incur debt to satisfy guarantees in the higher education prepaid tuition plan.

Refers the proposed amendment to the people for their approval or rejection at a special election held on the date specified in chapter ____, Oregon Laws 2023 (Enrolled ____ Bill ____).

(NOTE: The referendum clause for a joint resolution being referred to the people at a special election on a date other than the primary election may refer to the special election bill that sets the election, which is the preferred drafting technique, **or** may list only the election date. Adjust the text in the measure summary accordingly.)

EXAMPLE FOR JOINT RESOLUTION PROPOSING CONSTITUTIONAL REVISION:

SUMMARY

Proposes a revision of the Oregon Constitution to change the conditions under which moneys may be appropriated from the education stability fund.

Makes the revision operative on July 1, 2025.

Refers the proposed revision to the people for their approval or rejection at the next primary election.

See Appendix I for more detail about constitutional revisions.

EXAMPLES FOR CONCURRENT RESOLUTIONS:

SUMMARY

In memoriam: Former Governor Robert William Straub, 1920-2002.

SUMMARY

Honors Katie Marie Harman, Miss America 2002, for service to state and country.

SUMMARY

Designates Pacific golden chanterelle (*Cantharellus formosus*) as the state mushroom.

SUMMARY

Adjourns sine die the regular session of the Eighty-second Legislative Assembly.

EXAMPLE FOR JOINT MEMORIALS:

SUMMARY

Urges Congress to pass a balanced budget amendment to the United States Constitution and submit the amendment to the states for ratification.

SUGGESTED ACTIVE VERBS

This list of suggested active verbs and their connotations is included for convenience only. The list is not comprehensive; only the most common verbs have been included.

CREATING NEW LAW

CONFERS:	grants jurisdiction.
DECLARES:	states new policy.
DEFINES:	either terms or situations in which measure is applicable.
DIRECTS:	mandatory action by specified person or agency.
EXEMPTS:	excludes categories of persons or things from application of measure.
PERMITS:	allows person or agency to perform specified nonmandatory acts.
PRESCRIBES:	effective or operative date.
PROHIBITS:	bans specified action (<i>see also</i> PENALTIES below).
PROVIDES:	general term; use only when more precise verb cannot be found.
REQUESTS:	implies lack of sanction upon failure to comply.
REQUIRES:	imposes a requirement.
SUBJECTS:	establishes category subject to application of measure.

ADDING TO EXISTING LAW

ADDS:	extends categories to which existing law is applicable.
EXTENDS:	length of time; scope of provisions.
INCREASES:	makes larger.

CHANGING EXISTING LAWS

DELETES:	erases.
EXEMPTS:	specified persons or categories from current applications.
MODIFIES:	changes.
RENAMES:	redesignates.
REPEALS:	specified current provisions.
RETAINS:	certain specified provisions of otherwise modified law.
TRANSFERS:	conveys from one person or agency to another.

PROHIBITIONS

LIMITS:	expenditures; time.
PROHIBITS:	forbids.

PENALTIES (Required; must recite maximum possible fine or period of imprisonment.)

IMPOSES:	civil penalty.
PUNISHES:	criminal penalty.
INCREASES:	both civil and criminal.
DECREASES:	both civil and criminal.