



Oregon

Kate Brown, Governor

Citizens' Initiative Review Commission

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Web Site: www.Oregon.gov/CIRC

WHO: Citizens' Initiative Review Commission

WHEN: July 14, 2016 – 1:00pm – 3:00pm

WHERE: College of Urban & Public Affairs
Portland State University
506 S.W. Mill Street, Room 710
Portland, OR 97201

Contact the CIRC Administrator for call in information

What is the purpose of the meeting?

The purpose of the meeting is to conduct regular commission business. Please use appropriate language, manners, and protocols when conducting commission business. A copy of the agenda is printed with this notice. Please visit <http://www.oregon.gov/CIRC/meetings.shtml> for current meeting information.

Is the public allowed to attend the meeting?

Yes. Members of the public are invited and encouraged to be in attendance at all commission meetings. All public audience members are asked to sign-in on the attendance roster prior to the meeting. Comments may be heard under public comment portion of the meeting as listed on the agenda. Please wait to be recognized by the Chairperson prior to commenting.

What if the board/council enters into executive session?

Prior to entering into executive session the commission chairperson will announce the nature of and the authority for holding executive session, at which time all audience members are asked to leave the room with the exception of news media and designated staff. Executive session would be held according to ORS 192.660.

No final actions or final decisions will be made in executive session. The commission will return to open session before taking any final action or making any final decisions.

Who do I contact if I have questions or need special accommodations?

The meeting location is accessible to persons with disabilities. A request for accommodations for persons with disabilities should be made at least 48 hours before the meeting. For questions or requests call 503-725-5248. All members are asked to please give at least 24-hour notice if they are unable to attend the meeting so arrangements may be made.



Citizens' Initiative Review Commission
Commission Meeting



1:00 p.m., Thursday, July 14, 2016
College of Urban & Public Affairs
Portland State University
506 S.W. Mill St., Room 710
Portland, OR 97201

- **Call to order**
- **Approval of minutes from June 7 CIRC Commission meeting**
- **Initiative Selection for 2016 CIRs**
 - **Criteria Commissioners shall consider:**
 - (a) The fiscal impact of a measure.
 - (b) Whether the measure amends the Oregon Constitution.
 - (c) The availability of funds to conduct reviews.
 - (d) Any other criteria established by the commission by rule.
 - **Review of initiatives that have submitted signatures to Secretary of State's Office**
 - **Discussion**
 - **Selection of one initiative for CIR and one initiative as alternate**
- **Independent Experts Selection - Sub-Committee Meeting on July 18**
- **Public Comment Period**
- **Other Business**

TIMELINE for 2016 CIRs

2016

- July 12 – Citizen Panelists Selection
- July 14 – CIRC meeting: select 1 ballot measure for review (and alternate), pending qualification
- July 18 – CIRC Independent Expert Selection Sub-Committee meeting
- August 7 – Signature Verification Deadline
- August 8 – CIRC meeting (Independent Expert Selection)
- August 18 - 21 – CIR held in Monmouth

2017

- By February 2017 – hold citizen panelist and moderator evaluations
- By December 2017 – make findings and recommendations on 2016 CIRs; post on website



Citizens' Initiative Review Commission
Commission Meeting



June 7, 2016

Members Present

Ernie Estes
Debby Southworth
Bob Russell
Robin Harkless
John Rakowitz
Mary Forst
Kay Ogden
John Racowitz

Members Absent

Daniel Esqueda

ADMINISTRATIVE SUPPORT PRESENT:

Sarah Giles, Administrative Coordinator
Roslyn Owen, Financial Coordinator
Wendy Willis, Policy Consensus Initiative Executive Director

Public Present

Robin Teeter, Healthy Democracy
Jacob Foose, Healthy Democracy
Jessie Conover, Healthy Democracy
Amanda Olsen, Healthy Democracy
Pat McCormick
Rebecca Tweed

Call to Order

In the absence of a Chair, Sarah Giles, Administrative Coordinator, called the meeting of the Citizens' Initiative Review Commission (CIRC) to order at 10:30 am., Tuesday, June 7, 2016, at the College of Urban & Public Affairs, Portland State University, 506 S.W. Mill Street, Room 710, Portland. Roll was called. Two new Commissioners, Executive Appointees Bob Russell and John Racowitz, introduced themselves.

Election of Chair and Vice Chair

Debby Southworth nominated Ernie Estes for chair. Estes said he was willing but would prefer to have someone who's been on the Commission for longer, should someone wish. Commissioners engaged in discussion and Robin Harkless seconded nomination of Ernie as Chair. Commissioners voted unanimously to elect Estes Chair.

Estes next asked for nominations for Vice Chair. After discussion, Forst nominated Harkless. Harkless said she would be willing to serve but did want to note that she was now working with Oregon Consensus, a program affiliated with Kitchen Table Democracy, which provides administrative support to the Commission. Harkless

noted that she would be fully prepared to recuse herself during any conversations regarding contracting with KTD for staffing and welcomed any discussion about concerns with her serving as Vice Chair. As no concerns were voiced, Southworth seconded the nomination. All Commissioners voted in favor of electing Harkless Vice Chair.

Approval of Minutes from Commission Meeting March 29, 2016

Chair Estes asked for any comments or corrections on the minutes. None were made. Southworth moved to approve the minutes as drafted and Forst seconded the motion. Members voted to approve the minutes with John Racowitz and Bob Russell abstaining as they were not yet Commission members during the meeting.

Rulemaking – Proposed Rule on Identification of Independent Experts

Chair Estes asked Giles, Rules Officer, for a report on any public comments. Giles reported that while members of the public were in attendance at the public hearing, no one submitted any public comments. Given no suggested changes, she recommended the Commission adopt the rule as drafted.

Russell moved to approve the draft rule language and Forst seconded the motion. All Commissioners voted to approve the rule. The rule (710-015-0000) thus states, According to the duties defined in ORS 250.139(6)(e), the Commission shall establish a panel of experts independent of campaigns supporting or campaigns opposing the measure to provide testimony or other information to the citizen panel.

Chair Estes proposed Commissioners discuss a subcommittee that would work with staff to identify any independent experts to recommend to the full Commission. Estes, Russell, Southworth and Harkless volunteered to serve with the rest of the Commission attending either in person or by phone if able. Commissioners directed Giles to schedule a meeting for the sub-committee to meet in late July and then schedule a full Commission meeting on either August 8 or 9 for selecting independent experts.

Preparation for 2016 CIRs

Commissioners reviewed the tasks laid out in ORS 250.139, noting the selection criteria that Commissioners shall consider in selecting a ballot measure. Healthy Democracy's Executive Director, Robin Teater, notified Commissioners that HD will be able to fund one review with 24 panelists. HD is also requesting a waiver of the printing fee in the voters' pamphlet from the Secretary of State's office. Russell asked what the whole budget for the panel was and Teater said she would submit it as an addendum to the meeting minutes.

HD's Jessie Conover also shared the most recent demographic information for the state and noted that the voting history numbers may change to reflect participation in the recent primary as the information was completed the day before the primary. Staff would be conducting the selection of panelists on July 12 and Commissioners were invited to observe. Both Harkless and Southworth expressed interest. Commissioners also discussed a policy for allowing members of the public and others to video record the CIR and whether to refer a question around this topic to legal counsel. Commissioners asked staff to do further research to assist in devising a specific question at a future date.

Mary Forst next notified Commissioners that she was a candidate for moderating the CIR in Oregon this year and as such was offering her resignation from the Commission as she wanted to protect the process from any potential criticism. Commissioners stated that Forst's participation on the Commission was invaluable and they highly respect her skills as a moderator but respect the need to protect the process.

Estes asked Giles for an update on potential initiatives collecting signatures. Giles noted that a summary of initiative that have been submitted signatures was included in the meeting materials. Initiative Petition 28 has already qualified and the Legislative Revenue Office had already completed a report on it.

Public Comment Period

HD's Conover provided an update on a mechanism for allowing citizen panelists to opt out of the daily stipend. In the past, HD had asked panelists if they want to donate their stipends to future CIRs. This year HD would continue

to do that on the last day of the CIR and would assume that people would not opt out unless they expressly made that decision.

Other Business

Giles referred Commissioners to the timeline included in the meeting materials and especially drew attention to upcoming CIRC meetings in July and August to select ballot measures and independent experts.

Estes adjourned the meeting at approximately 12noon.

DRAFT

2016 Monthly Submission Log

Elections Division, July 8, 2016

IRR Number	Subject	Constitutional/ Statutory	Required Number	Total Signatures Received	Most Recent Date of Signature Submission	Number of Signatures in Last Submission
28	A Better Oregon VI	Statutory	88,184	120,473	05.20.16	92,172
49	No more Fake Emergencies Act	Constitutional	117,578	158,456	07.08.16	26,500
50	Voter Privacy Act	Statutory	88,184	122,968	07.08.16	18,000
65	Oregonians for High School Success Initiative	Statutory	88,184	126,058	06.23.16	13,682
67	Outdoor School for All	Statutory	88,184	135,538	07.05.16	76,464
68	Save Endangered Animals	Statutory	88,184	148,726	07.07.16	100,151

2016 Potential Ballot Measures – as of June 8, 2016

#28 (Statutory) – Increases corporate minimum tax when sales exceed \$25 million; funds education, healthcare, senior services

Signatures Required - 88,184

06/6/2016 Verification of early submittal of signatures completed. Petition contains 95,272 valid signatures, or 77.10% of the 121,704 signatures accepted for verification. Qualified for the November 8, 2016, General Election ballot.

Financial Impact – Yes; Legislative Revenue Office report -

<https://olis.state.or.us/liz/201511/Downloads/CommitteeMeetingDocument/90401>

Result of “Yes” vote: “Yes” vote increases corporate minimum tax when sales exceed \$25 million; removes tax limit; exempts “benefit companies”; increased revenue funds education, healthcare, senior services

Result of “no” vote: “No” vote retains existing corporate minimum tax rates based on Oregon sales; tax limited to \$100,000; revenue not dedicated to education, healthcare, senior services.

Summary: Current law requires each corporation or affiliated group of corporations filing a federal tax return to pay annual minimum tax; amount of tax is determined by tax bracket corresponding to amount of corporation’s Oregon sales; corporations with sales of \$100 million or more pay \$100,000. Measure increases annual minimum tax on corporations with Oregon sales of more than \$25 million; imposes minimum tax of \$30,001 plus 2.5% of amount of sales above \$25 million; eliminates tax cap; benefit companies (business entities that create public benefit) taxed under current law. Applies to tax years beginning on / after January 1, 2017. Revenue from tax increase goes to: public education (early childhood through grade 12); healthcare; services for senior citizens.

#49 (Constitutional) – Requires two-thirds supermajority for legislature to declare emergency that accelerates law's effective date; exceptions

Signatures Required - 117,578

Total signatures received – 131,956 (06.27.16)

Financial Impact – no Legislative Revenue Office report to date; does not appear to have direct revenue impacts

Result of “Yes” vote: “Yes” vote required two-thirds supermajority for legislative emergency declaration that makes law effective earlier than ninety days after legislative session ends; specific exceptions.

Result of “no” vote: “No” vote retains existing requirement of a simple majority for legislative emergency declaration that makes law effective earlier than ninety days after legislative session ends.

Summary: Currently, the Oregon Constitution provides that no law takes effect until ninety days from the end of the session at which it was passed, unless an emergency has been declared in the preamble or body of the law. The legislature may not declare an emergency in any act regulating taxation or tax exemptions. Laws, including budget appropriations, passed without an accompanying emergency declaration may be subject to voter referendum to affirm, revise or repeal. Currently, such emergency declarations may be adopted by majority vote of legislature.

2016 Potential Ballot Measures – as of June 8, 2016

Measure would require two-thirds supermajority in both chambers of legislature to adopt emergency declaration; exception in some circumstances for bills passed in direct response to “catastrophic disasters” under Article X-A of Constitution, and for certain appropriation bills.

#50 (Statutory) – Prohibits release of specified voter information without voter's express written consent; changes election verification process

Signatures Required - 88,184 Required

Total signatures received - 104,968 (06.14.16)

Financial Impact - no Legislative Revenue Office report to date; does not appear to have direct revenue impacts

Result of “Yes” vote: “Yes” vote prohibits public access to certain voter information, including contact information, status of voter’s ballot; limits participation of candidates, public in election verification process.

Result of “no” vote: “No” vote retains law allowing public, election observers, access to voter information, including ballot status, contact information unless voter demonstrated that disclosure would jeopardize safety.

Summary: Current state laws permit / require public officials to disclose voter registration records and, during voting period, whether a voter’s ballot was received; voters can prevent disclosure of home address, phone number, and email address by showing that disclosure would jeopardize personal safety. Measure prohibits disclosure of ballot status information and personal information without voter’s written consent; prohibition against disclosing ballot status will limit participation of candidates, public in election verification process. Elections Office must create waiver form, authenticate signature before processing waiver. Measure permits disclosure of voter participation in prior elections, disclosures to demonstrate compliance with federal law. Criminal penalties for officials violating measure, any person “who uses artifice attempting to gain unauthorized access of ballot status information for three or more voters.” Other provisions.

#65 (Statutory) – Requires state funding for dropout-prevention, career and college readiness programs in Oregon high schools

Signatures Required - 88,184 Required

Total signatures received - 126,058 (06.23.2016)

Fiscal Impact - no Legislative Revenue Office report to date; funding related to increase in General Fund revenues

Result of “Yes” vote: “Yes” vote requires state legislature to fund dropout-prevention, career and college readiness programs through grants to Oregon high schools; state monitors programs.

Result of “no” vote: “No” vote retains current law: legislature not required to commit funds to career-technical/college-level education/dropout-prevention programs, retains discretion to allocate funds.

2016 Potential Ballot Measures – as of June 8, 2016

Summary: Currently, the Oregon legislature provides General Fund revenues to the State School Fund based on constitutionally required quality goals; those funds are distributed directly to school districts under a specified formula. Measure requires legislature to separately provide at least \$800 per high school student—adjusted upward annually for inflation/population—to a Department of Education (ODE) administered account. ODE distributes those funds to school districts to establish or expand high school programs providing career-technical education, college-level courses, and dropout-prevention strategies. School districts must apply for grants, meet specified requirements. Districts may use limited portion of fund for administration costs but not unrelated activities. ODE monitors school district performance, ensures compliance, facilitates programs; Secretary of State audits biannually. Other provisions.

#67 (Statutory) – Creates "Outdoor School Education Fund," continuously funded through Lottery, to provide outdoor school programs statewide

Signatures Required - 88,184 Required

Total signatures received - 135,538 (07.05.2016)

Fiscal Impact - no Legislative Revenue Office report to date; impact on distribution of Oregon Lottery Economic Development fund

Result of "Yes" vote: "Yes" vote creates separate fund, financed through Oregon Lottery Economic Development Fund and administered by Oregon State University (OSU), to provide outdoor school programs statewide.

Result of "no" vote: "No" vote rejects creation of fund to provide outdoor school programs statewide; retains current law under which OSU administers outdoor school grants if funding available.

Summary: Presently, Oregon does not fund outdoor school programs statewide, but, under current law, OSU assists school districts by awarding grants according to specified criteria and providing program maintenance, conditioned on funding. Measure creates separate "Outdoor School Education Fund" (Fund) that is financed by Oregon State Lottery money distributed for economic development. Caps annual distributions of Lottery revenues to Fund. Specifies Fund's purpose to provide every Oregon fifth- or sixth-grade student week-long outdoor school program or equivalent. Continuously appropriates Fund to OSU to administer and fund outdoor school programs statewide consistent with current law's grant program criteria; may require Fund dispersal outside of grant program. Allocations to Fund shall not reduce lottery proceeds dedicated under Oregon Constitution to education, parks, beaches, watersheds, fish, wildlife.

#68 (Statutory) – Prohibits purchase or sale of parts or products from certain wildlife species; exceptions; civil penalties

Signatures Required - 88,184 Required

2016 Potential Ballot Measures – as of June 8, 2016

Total signatures received - 148,726 (07.07.2016)

Fiscal Impact - no Legislative Revenue Office report to date

Result of "Yes" vote: "Yes" vote prohibits purchase/ sale of parts/ products from certain wildlife species; exceptions for specified activities, gift/ inheritances, and certain antiques/ musical instruments; civil penalties.

Result of "no" vote: Maintains current Oregon law which does not prohibit purchase or sale of parts or products from species not native to Oregon, except for shark fins.

Summary: Existing Oregon law does not prohibit sale of wildlife parts/ products for non-native species, except shark fins. Existing federal law does not prohibit intrastate sales of wildlife parts, with exceptions. Measure amends ORS 498.022 to prohibit purchase, sale, or possession with intent to sell of parts/ products from elephant, rhinoceros, whale, tiger, lion, leopard, cheetah, jaguar, pangolin, sea turtle, shark, ray. Imposes civil penalties. Creates exceptions: law enforcement activities; activities authorized by federal law; fish managed under federal plan; certain antiques (over 100 years old) and musical instruments with less than 200 grams of parts; noncommercial transfers through estates, trusts, gifts; possession by tribal members. Other exceptions. Fish and Wildlife Commission may adopt rules, including prohibiting purchase/ sale of parts "closely" resembling listed species parts.

Initiative Petition 28

Section 1. ORS 317.090 is amended to read:

(1) As used in this section:

(a) "Oregon sales" means:

(A) If the corporation apportions business income under ORS 314.650 to 314.665 for Oregon tax purposes, the total sales of the taxpayer in this state during the tax year, as determined for purposes of ORS 314.665;

(B) If the corporation does not apportion business income for Oregon tax purposes, the total sales in this state that the taxpayer would have had, as determined for purposes of ORS 314.665, if the taxpayer were required to apportion business income for Oregon tax purposes; or

(C) If the corporation apportions business income using a method different from the method prescribed by ORS 314.650 to 314.665, Oregon sales as defined by the Department of Revenue by rule.

(b) If the corporation is an agricultural cooperative that is a cooperative organization described in section 1381 of the Internal Revenue Code, "Oregon sales" does not include sales representing business done with or for members of the agricultural cooperative.

(2) Each corporation or affiliated group of corporations filing a return under ORS 317.710 shall pay annually to the state, for the privilege of carrying on or doing business by it within this state, a minimum tax as follows:

(a) If Oregon sales properly reported on a return are:

(A) Less than \$500,000, the minimum tax is \$150.

(B) \$500,000 or more, but less than \$1 million, the minimum tax is \$500.

(C) \$1 million or more, but less than \$2 million, the minimum tax is \$1,000.

(D) \$2 million or more, but less than \$3 million, the minimum tax is \$1,500.

(E) \$3 million or more, but less than \$5 million, the minimum tax is \$2,000.

(F) \$5 million or more, but less than \$7 million, the minimum tax is \$4,000.

(G) \$7 million or more, but less than \$10 million, the minimum tax is \$7,500.

(H) \$10 million or more, but less than \$25 million, the minimum tax is \$15,000.

(I) ~~\$25 million or more, but less than \$50 million~~, the minimum tax is \$30,000.

(J) ~~\$50 million or more, but less than \$75 million~~, the minimum tax is \$50,000 **More than \$25 million, the minimum tax is \$30,001 plus 2.5% of the excess over \$25 million.**

Initiative Petition 28

~~(K) \$75 million or more, but less than \$100 million, the minimum tax is \$75,000.~~

~~(L) \$100 million or more, the minimum tax is \$100,000.~~

(b) If a corporation is an S corporation, the minimum tax is \$150.

(3) The minimum tax is not apportionable (except in the case of a change of accounting periods), and is payable in full for any part of the year during which a corporation is subject to tax.

Section 2. The amendments to the minimum tax made by Section 1 of this 2016 Act do not apply to any legally formed and registered “benefit company,” as that term is defined in ORS 60.750. A legally formed and registered “benefit company” shall pay the minimum tax set forth in ORS 317.090(2) in effect prior to the passage of this 2016 Act.

Section 3. All of the revenue generated from the increase in the tax created by this 2016 Act shall be used to provide additional funding for: public early childhood and kindergarten through twelfth grade education; healthcare; and, services for senior citizens. Revenue distributed pursuant to this section shall be in addition to other funds distributed for: public early childhood and kindergarten through twelfth grade education; healthcare; and, services for senior citizens.

Section 4. The amendments to ORS 317.090 made by Section 1 of this 2016 Act and Sections 2 and 3 of this 2016 Act apply to tax years beginning on or after January 1, 2017.

Section 5. If any provision of this 2016 Act is held invalid for any reason, all remaining provisions of this Act shall remain in place and shall be given full force and effect.

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KATE BROWN
SECRETARY OF THE STATE

Initiative Petition 49

The People of Oregon amend Article IV, Section 28 of the Oregon Constitution as follows:

(1) No act shall take effect, until ninety days from the end of the session at which the same shall have been passed, except in case of emergency; which emergency shall be declared in the preamble, or in the body of the law.

(2)(a) Two-thirds of the members of each House shall be necessary to pass a bill declaring an emergency.

(b) Paragraph (a) of this subsection does not apply to:

(A) Bills passed in direct response to a "catastrophic disaster" declared by the Governor within an emergency legislative session operating under Article X-A of this Constitution.

(B) Bills limited to the biennial appropriation of funding for current and ordinary expenses of state government or Oregon's K-12 public school system in a regular legislative session under Article IV, Section 10(1)(a). "Current and ordinary expenses" shall not include:

(i) Expenditures for activities or programs of agencies, institutions, organizations that were not funded in the prior biennial budget;

(ii) Biennial budget increases to agencies, institutions or organizations in excess of 12% above the prior biennium; or

(iii) Any bills appropriating funds for capital expenditure projects that include an authorization for debt financing that will not be fully repaid in two years.

(C) Bills limited to reducing appropriations in order to balance the state budget during a revenue shortfall.

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KATE BROWN
SECRETARY OF THE STATE

Initiative Petition 50

Section 1. The People of Oregon enact the Voter Privacy Act to allow personal control of the release of their Private Voter Information to reduce opportunities for identity theft and/or unwanted attention during election periods. Sections 2-6 of this Act shall be added to Chapter 247 of the Oregon Revised Statutes for the protection of people registered to vote under its provisions.

Section 2. Private Voter Information shall not be released to the public or otherwise made available for the private use of third parties without the express written consent of the voter. The State Elections Office shall create a Voter Privacy Waiver Form allowing voters to selectively permit the public release of any or all categories of their Private Voter Information. Voter Privacy Waiver Forms cannot be processed without first authenticating the voter's signature from the Voter Registration Database.

Section 3. "Private Voter Information" is information in the voter registration database that indicates a voter's: a) Birthdate (month and day), b) phone number, c) email address or d) ballot status information. "Ballot status information" is information indicating whether or not an elections office has received or processed a ballot from an identified voter during the period between the mailing of that ballot and the corresponding deadline to vote.

Section 4. This Act shall not be construed to prevent an election official from personally informing a voter of the receipt or processing status of that voter's ballot during an election. A voter may obtain personal ballot status information in person or by telephone upon providing information that reasonably identifies that person as the voter to an elections worker. Election officials may implement an online access system that permits voters to individually view their own ballot status information so long as it is designed to prevent the unauthorized release of Private Voter Information to third parties. Elections officials must expressly prohibit and take appropriate steps to restrict third parties from conducting bulk queries or multiple serial inquiries for Private Voter Information.

Section 5. This Act does not prevent the release of voter registration data that includes voter participation information in prior elections. This Act shall not prevent the transfer of voter registration data to an agency of the federal government to demonstrate compliance with federal election regulations.

Section 6. All government custodians of voter registration information shall comply with this Act within 120 days of its passage. Thereafter, any public official who intentionally releases or assists in the release of Private Voter Information to unauthorized persons in violation of this Act shall be guilty of a Class A misdemeanor. Any person who uses artifice attempting to gain unauthorized access of ballot status information for three or more voters shall be guilty of a Class A Misdemeanor and subject to a minimum fine of \$500 or \$25 per voter, whichever is greater.

Section 7. If any portion of this Act should be rendered invalid by a court of competent jurisdiction, such portion shall be severed and the remaining portions shall remain in full force and effect.

Initiative Petition 65

High School Graduation and College and Career Readiness Act

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SECRETARY OF STATE

PREAMBLE

Oregon's high schools have become a dead end for too many students. For others, they are a poor launching pad for college and career success. Targeted use of state funds can update and expand career-technical education programs, expand access to college-level courses, prevent students from dropping out and keep them on track to graduate in all Oregon high schools.

WHEREAS, Oregon has one of the worst high school graduation rates in the nation. More than 10,000 Oregon students fail to graduate each year. As a result, they face a future of lower earnings, higher unemployment and greater reliance on public assistance. This problem persists for white students, African-American students, Hispanic students and Native American students -- all of whom are less likely to graduate than their peers in other states.

WHEREAS, too many students who graduate from high school find themselves unprepared for college and work. Career-technical courses that connect students to the world of work have been scaled back or eliminated in most school districts or are badly out of date. And, nearly 75% of the Oregon high school graduates who enroll in our community colleges need remedial education.

WHEREAS, states with similar student populations have substantially higher graduation rates and show better results for students who move on to college and careers after high school.

WHEREAS, some school districts in Oregon have been able to update and expand their career-technical education programs in areas like health care and information technologies. Other districts have been able to offer more college-level courses that give students an opportunity to earn college credits, save on tuition and improve their chances of earning certificates and degrees in our community colleges and universities. Still other districts have used dropout-prevention strategies to identify and intervene with students at risk of not graduating, keeping them in school and getting them back on track to earn a high school diploma.

WHEREAS, by dedicating a portion of future state funding to implement the most effective strategies of other states and bring to scale the most successful high school programs demonstrated by Oregon school districts, we can significantly increase high school graduation rates and improve college and career readiness in all of our high schools.

THEREFORE, BE IT RESOLVED, that we establish a state fund for career-technical education programs, access to college-level courses and proven dropout-prevention strategies in all Oregon high schools to improve graduation rates and college and career readiness.

The Citizens of Oregon Establish the High School Graduation and College and Career Readiness Fund

Initiative Petition 65

SECTION 1. Sections 2 to 16 of this 2016 Act shall be known as the High School Graduation and College and Career Readiness Act.

SECTION 2. The High School Graduation and College and Career Readiness Fund is established in the General Fund for the purposes of improving the graduation rates and college and career readiness of all high school students in Oregon. The Legislative Assembly shall appropriate, allocate or otherwise make available to the fund an amount not less than \$800 per high school student per school year. The fund is continuously appropriated to the Department of Education for the purposes of sections 2 to 16 of this 2016 Act.

SECTION 3. (1)(a) Subject to sections 10 and 14 of this 2016 Act, for school years beginning on or after July 1, 2017, the High School Graduation and College and Career Readiness Fund shall be apportioned to each school district based on the extended weighted average daily membership of high school students computed as provided in ORS 327.013 (1)(c).

(b) In the event the Department of Education is unable to determine the extended weighted average daily membership of high school students for a school district, the department may determine the average extended weighted average daily membership for all students in the school district and apply the average extended weighted average daily membership to the number of high school students in the school district.

(2)(a) For school years beginning on or after July 1, 2018, the amount appropriated, allocated or otherwise made available to the fund under section 2 of this 2016 Act shall be increased each school year in a biennium by the amount derived from the application of the process in Executive Order 14-14 used to calculate the cost to maintain the current level of service.

(b) The intent of paragraph (a) of this subsection is to apply the process in Executive Order 14 – 14 in the event Executive Order 14 – 14 is canceled, superseded or otherwise made ineffective.

SECTION 4. The amounts appropriated, allocated or otherwise made available under section 2 of this 2016 Act and apportioned under section 3 of this 2016 Act shall be in addition to the total amount the Legislative Assembly would otherwise appropriate, allocate or make available for a biennium for funding kindergarten through grade 12 public education.

Establishment of Career-Technical Education Programs in High Schools

SECTION 5. A school district shall use a portion of the funds apportioned under section 3 of this 2016 Act to establish and expand career-technical education programs in high schools that are relevant to the job market in the community or region the school district serves.

Establishment and expansion of a career-technical education program includes the purchase of equipment, the construction of facilities and the recruitment, licensing, employment and training of personnel to provide career-technical education.

Access to College-Level Courses in High Schools

SECTION 6. (1) A school district shall use a portion of the amount apportioned under section 3 of this 2016 Act to establish and expand college-level educational opportunities for students in high schools.

Initiative Petition 65

(2) The college-level educational opportunities must include:

(a)(A) Advanced placement, International Baccalaureate or comparable college-level courses; or

(B) Dual credit, co-enrollment programs or extended co-enrollment programs offered in conjunction with an Oregon community college, public university or other accredited institutions of higher learning or post-high school career schools;

(b) Assisting students with the selection and successful completion of college-level educational opportunities; and

(c) The recruitment, licensing, employment and training of personnel to provide college-level educational opportunities for students in all high schools.

Implementation of Dropout-Prevention Strategies in All High Schools

SECTION 7. (1) A school district shall use a portion of the amount apportioned under section 3 of this 2016 Act to establish and expand dropout-prevention strategies in all high schools.

(2) The dropout-prevention strategies must include:

(a) Implementing activities designed to reduce chronic absenteeism;

(b) Establishing and maintaining data management systems that provide timely reports on students' grades, absences and discipline by school and by course;

(c) Beginning with grade 8, using attendance, course grades, credits earned and disciplinary referrals to identify students at risk of not graduating;

(d) Beginning in the summer after grade 8, providing academic and social supports for students at risk of not graduating to ensure that the students are on track to graduate by the time the students enter grade 10 and stay on track to graduate after entering grade 10, including such supports as summer programs, additional instructional time before and after school hours, tutoring or small-group instruction during the school day or counseling services; and

(e) Providing counseling and coaching to provide early exposure for students to employment opportunities and requirements and options for post-secondary education.

SECTION 8. (1) A school district must use the amount apportioned under section 3 of this 2016 Act to establish and expand programs, opportunities and strategies under sections 5, 6 and 7 of this 2016 Act and may not use the amount apportioned to maintain programs, opportunities and strategies established prior to the effective date of this 2016 Act, except when a use is necessary to replace the loss or expiration of time-limited grants, federal funds and funds that support extended co-enrollment programs in effect prior to the effective date of this 2016 Act.

(2) School districts may, and are encouraged to:

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(a) Cooperate, coordinate or act jointly with other school districts and with education service districts, including through the use of professional learning communities, to achieve the purposes of the High School Graduation and College and Career Readiness Fund and to maximize benefits from apportionments under section 3 of this 2016 Act;

(b) Cooperate, coordinate or act jointly with nonprofit programs and community-based organizations that have demonstrated achievement of positive outcomes in work with underserved student populations; and

(c) Use evidence-based criteria to determine appropriate staffing ratios and class sizes to achieve the purposes of the fund and to maximize benefits from apportionments under section 3 of this 2016 Act.

(3) When establishing and expanding career-technical education programs and college-level educational opportunities, school districts may, and are encouraged to, give preference to programs and opportunities in science, technology, engineering and mathematics.

Oversight and Accountability of and Technical Assistance for School Districts

SECTION 9. To ensure the High School Graduation and College and Career Readiness Fund improves students' progress toward graduation beginning with grade 9, graduation rates and college and career readiness, the Department of Education shall:

(1) Monitor the performance of school districts that receive apportionments under section 3 of this 2016 Act, including students' progress toward graduation beginning with grade 9, graduation rates, rates of college attendance and need for remedial classes in college;

(2) Intervene where necessary to ensure appropriate and effective use of amounts apportioned under section 3 of this 2016 Act; and

(3) Facilitate continuous improvement of use of amounts apportioned under section 3 of this 2016 Act by implementing strategies for school districts to share best practices for improving students' progress toward graduation beginning with grade 9, graduation rates and college and career readiness.

SECTION 10. (1) For the biennium beginning July 1, 2017, the Department of Education may retain up to one and one-half percent of the High School Graduation and College and Career Readiness Fund for purposes of administering sections 2 to 16 of this 2016 Act.

(2) For biennia beginning on or after July 1, 2019, the department may retain up to one and one-quarter percent of the fund for purposes of administering sections 2 to 16 of this 2016 Act.

SECTION 11. (1) Not later than December 31, 2020, and every two years thereafter, the Secretary of State shall conduct financial and program audits of the uses of the High School Graduation and College and Career Readiness Fund and the effectiveness of the fund in achieving the purposes of the fund.

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(2) The Secretary of State shall submit the audit reports to the Legislative Assembly and the Governor.

Requirements for District Participation

SECTION 12. (1) By March 1, 2017, the State Board of Education shall by rule adopt eligibility requirements, biennial plan guidelines, biennial plan submission deadlines, reporting criteria and audit processes to ensure that amounts apportioned under section 3 of this 2016 Act improve students' progress toward graduation beginning with grade 9, increase the graduation rates of high schools and improve high school graduates' readiness for college or career.

(2) The requirements for eligibility adopted under subsection (2) of this section must include:

(a) A school district's providing sufficient time for teachers and staff of students in grade 9 to review data on students' grades, absences and discipline by school and by course and to develop strategies to ensure at-risk students stay on track to graduate;

(b) A school district's implementing district-wide evidence-based practices for reducing chronic absenteeism in grades 9 through 12;

(c) A school district's assignment of high school students to advanced and dual-credit courses based on academic qualifications in order to avoid bias in course assignments; and

(d) A school district's implementing systems to ensure that high school students, including English Language Learners, are taking courses required for on-time graduation.

SECTION 13. To qualify for an apportionment under section 3 of this 2016 Act, a school district must:

(1) Meet the requirements for eligibility adopted by the State Board of Education under section 12 of this 2016 Act; and

(2) Obtain approval of a biennial plan for the proposed use of the amount apportioned under section 3 of this 2016 Act.

SECTION 14. (1) If a school district applies, but does not qualify for, an apportionment under sections 3 and 13 of this 2016 Act, the Department of Education shall:

(a) Retain the amount of the apportionment the school district would have received if the school district had qualified for the apportionment; and

(b) Prepare a corrective action plan for the school district;

(2) The department may use a portion of an amount retained under subsection (1)(a) of this section to prepare and assist a school district to implement a corrective action plan;

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(3) If a school district that does not qualify for an apportionment qualifies for an apportionment in the next year, the department shall apportion to the school district the amount of the retained apportionment that the department did not use under section (2) of this 2016 Act; and

(4) If a school district that does not qualify for an apportionment in one year does not qualify for an apportionment in the next year, or if a school district does not apply for an apportionment in any year, the department shall, using the process described in section 3 of this 2016 Act, apportion the amount of the retained apportionment to school districts that have qualified for apportionments.

Controls on Uses of Funds

SECTION 15. (1) For the biennium beginning July 1, 2017, a school district may not use more than five percent of an apportionment under section 3 of this 2016 Act for administrative costs.

(2) For biennia beginning on or after July 1, 2019, a school district may not use more than four percent of an apportionment for administrative costs.

(3) A school district may not use an apportionment to administer activities not directly related to the programs, opportunities and strategies described in sections 5, 6 and 7 of this 2016 Act.

(4) From the portion of the apportionment used for administrative costs, a school district must conduct an annual analysis of:

(a) Student attendance in grades 9 through 12; and

(b) Disciplinary referrals, suspensions and expulsions in grades 9 through 12 disaggregated by race and ethnicity.

Definitions

SECTION 16. (1) As used in sections 7 and 12 of this 2016 Act, “chronic absenteeism” means a student’s missing two weeks or more in a school year.

(2) As used in section 12 of this 2016 Act, “English Language Learner” means a child whose native language is other than English or who speaks a language other than English in the child’s home.

(3) As used in this section and sections 6 and 8 of this 2016 Act, “extended co-enrollment program” means a program in which a student who has satisfied the requirements for a diploma established by the State Board of Education under ORS 329.451:

(a) Does not receive a diploma;

(b) Remains enrolled at a school district;

(c) Attends a community college for at least half of the student’s coursework; and

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(d) Has some or all of the student's tuition, fees and books for coursework at the community college paid by the school district where the student is enrolled.

(4) As used in sections 3 and 12 of this 2016 Act, "high school student" means a student enrolled in grades 9 through 12 or age level equivalent.

(5) As used in section 11 of this 2016 Act, "program audit" means determining:

(a) The extent to which the desired results or benefits of a program are being achieved;

(b) The extent to which the need for or objectives of an ongoing program are necessary or relevant;

(c) Whether the program complements, duplicates, overlaps or conflicts with other related programs;

(d) The effectiveness of organizations, programs, activities or functions; and

(e) Whether the entity that is the subject of the audit has complied with laws and regulations applicable to the program.

(6) As used in sections 2 to 16 of this 2016 Act, "school district" means a common or union high school district.

Contingencies

SECTION 17. (1) In the event that the Office of Economic Analysis in the May 2017 quarterly economic and revenue forecast estimates that the increase in General Fund revenues for the biennium beginning July 1, 2017, will be less than \$1.5 billion above General Fund revenues estimated for the biennium beginning July 1, 2015, in the August 26, 2015, quarterly economic and revenue forecast, the amounts appropriated, allocated or otherwise made available under section 2 of this 2016 Act and apportioned under section 3 of this 2016 Act for the biennium beginning July 1, 2017, shall be prorated as set forth in subsection (2) of this section.

(2) The proportion for making a proration required by subsection (1) of this section is the amount of General Fund revenues estimated by the Office of Economic Analysis for the biennium beginning July 1, 2017, in the May 2017 quarterly economic and revenue forecast, divided by an amount equal to \$1.5 billion above the General Fund revenues estimated for the biennium beginning July 1, 2015, in the August 26, 2015, quarterly economic and revenue forecast.

SECTION 18. Sections 13 and 14 of this 2016 Act apply to school years beginning on or after July 1, 2018.

SECTION 19. Section 17 of this 2016 Act is repealed January 2, 2022.

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The people of the State of Oregon adopt this **ACT TO CREATE THE OUTDOOR SCHOOL EDUCATION FUND TO ALLOW ALL OREGON STUDENTS TO ATTEND OUTDOOR SCHOOL**, to be made a part of the Oregon Revised Statutes, Chapter 461.

Section 1. Findings

- (1) Since the late 1950s, nearly one million Oregon students have attended Outdoor School, a unique week-long, field science program giving students the opportunity to study natural sciences and responsible use of natural resources in collaboration with students from other schools.
- (2) Currently, only about half of Oregon students attend Outdoor School. Most remaining programs have been significantly shortened. Rural and lower income districts have been particularly affected.
- (3) Every Oregon student in the fifth or sixth grade should have the opportunity to attend a week-long outdoor school program or a comparable outdoor education program.
- (4) Outdoor School builds self-sufficiency and leadership skills, helps students understand the interdependence of Oregon's rural and urban areas, develops critical thinking skills and improves school attendance and retention rates.
- (5) Fully supporting Outdoor School for all Oregon students will help students meet state standards in the areas of science, technology, engineering and mathematics through direct, hands-on experience, which is shown to strongly influence learning and career choices.
- (6) Fully supporting Outdoor School for all Oregon students will create jobs throughout Oregon as well as support economic development in rural areas.
- (7) Under Article XV, Section 4 of the Oregon Constitution, net proceeds from the Oregon Lottery shall be used to create jobs, further economic development, finance public education and restore and protect Oregon's parks, beaches, watersheds, and native fish and wildlife.

Section 2. Creates Outdoor School Education Fund

- (1) The Outdoor School Education Fund is created within the State Treasury, separate and distinct from the General Fund.
- (2) Moneys in the fund shall consist of:
 - a) Amounts donated to the fund;
 - b) Amounts allocated under Section 2(3) below or otherwise transferred to the fund by the Legislative Assembly;
 - c) Investment earnings received on moneys in the fund; and
 - d) Other amounts deposited in the fund from any source.

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- (3) In each fiscal quarter of a biennium, commencing with the first quarter of the biennium beginning July 1, 2017, there is allocated from the Administrative Services Economic Development Fund to the Outdoor School Education Fund established by this measure an amount equal to the lesser of:
 - a) Four percent of the moneys transferred from the Oregon State Lottery Fund in that fiscal quarter; or
 - b) \$5.50 million, but not to exceed \$22 million annually, adjusted annually pursuant to the Consumer Price Index, as defined in ORS 327.006.
- (4) The allocation of funds to the Outdoor School Education Fund shall not reduce lottery proceeds dedicated to education under Article XV, Section 4 of the Oregon Constitution, or to the restoration and preservation of parks, beaches, watersheds, and native fish and wildlife under Article XV, Sections 4a and 4b of the Oregon Constitution.

Section 3. Purpose of Outdoor School Education Fund

- (1) The primary purpose of the Outdoor School Education Fund is to provide every Oregon student in fifth or sixth grade the opportunity to attend a week-long outdoor school program, or an equivalent outdoor education experience that reflects local community needs, consistent with provisions of Enrolled Senate Bill 439 (2015 Regular Session).
- (2) Any moneys remaining in the Outdoor School Education Fund after providing every Oregon student in fifth or sixth grade with an opportunity to attend a week-long Outdoor School may be used by the Oregon State University Extension Service to support the development and delivery of additional outdoor education programs in Oregon's K-12 public schools.

Section 4. Continuous Appropriation

Moneys in the fund are continuously appropriated to the Oregon State University Extension Service to support, administer and fund an Outdoor School program as set forth in Enrolled Senate Bill 439 (2015 Regular Session) and additional outdoor education programs for Oregon K-12 children.

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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OREGON:

SECTION 1. This Act shall be known and cited as the “Wildlife Trafficking Prevention Act.”

SECTION 2. ORS 498.022 is amended to read:

498.022. (1) Except as the State Fish and Wildlife Commission by rule may provide otherwise, but subject to subsection (2) below, no person shall purchase, sell or exchange, or offer to purchase, sell or exchange any wildlife, or any part thereof.

(2) **Wildlife Trafficking Prevention.**

(a) Except as provided in subsection (2)(b) of this section, and notwithstanding any other provision of law, or rule enacted pursuant to subsection (1) of this section, a person shall not purchase, sell, offer for sale, or possess with intent to sell, any item that the person knows or should know is a covered animal species part or product.

(b) Subsection (2)(a) of this section shall not apply:

(A) To employees or agents of the federal or state government undertaking any law enforcement activities pursuant to federal or state law or any mandatory duties required by federal or state law;

(B) When the activity is expressly authorized by federal law;

(C) When the activity involves a species that is subject to a federal management plan under Title III of P.L. 94-265 (16 U.S.C. §§ 1851-1869), as amended;

(D) When the activity is exempted by ORS 498.257(3) or ORS 509.160(3);

(E) When the covered animal species part or product is a fixed component of an antique that is not made wholly or primarily of the covered animal species part or product, provided that the antique status is established by the owner or seller thereof with documentation evidencing provenance and showing the covered animal species part or product to be not less than one hundred years old, and provided that the total weight of the covered animal species part or product is less than 200 grams;

(F) When the covered animal species part or product is a fixed component of a musical instrument, including, but not limited to, string

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instruments and bows, wind and percussion instruments, and pianos, provided that the covered animal species part or product was legally acquired and provided that the total weight of the covered animal species part or product is less than 200 grams;

(G) To the noncommercial transfer of ownership of a covered animal species part or product to a legal beneficiary of an estate, trust, or other inheritance;

(H) To the donation of a covered animal species part or product to a bona fide scientific or educational institution for scientific or educational purposes; or

(I) To the possession of a covered animal species part or product by any enrolled member of a federally-recognized Indian tribe.

(c) There is a presumption of possession with intent to sell a covered animal species part or product when the part or product is possessed by a retail or wholesale establishment or other forum engaged in the business of buying or selling of similar items. This rebuttable presumption shall not preclude a finding of intent to sell based on any other evidence which may serve to independently establish such intent.

(d) Each violation of subsection (2) of this section shall be punishable by a civil penalty not to exceed \$6,500 or an amount equal to two times the total value of the covered animal species part or product that is the subject of the violation, whichever is higher. The civil penalty authorized by this subsection shall be imposed in the manner provided by ORS 183.745.

(e) Any covered animal species part or product that is subject to seizure by or forfeiture to the Oregon Department of Fish and Wildlife shall not be sold by the Department.

(f) The Oregon Fish and Wildlife Commission may adopt rules necessary for the implementation of subsection (2) of this section, including rules restricting the purchase, sale, offer for sale, or possession with intent to sell, of parts or products of any animal species that so closely resemble in appearance parts or products of a covered animal species that law enforcement personnel would have substantial difficulty in attempting to differentiate between the species.

(g) As used in subsection (2) of this section:

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(A) “Covered animal species” means any species of:

- (i) elephant;
- (ii) rhinoceros;
- (iii) whale;
- (iv) tiger;
- (v) lion;
- (vi) leopard;
- (vii) cheetah;
- (viii) jaguar;
- (ix) pangolin;
- (x) sea turtle;
- (xi) shark (excluding spiny dogfish as defined in ORS

498.257(1)); or

- (xii) ray.

(B) “Covered animal species part or product” means any item that contains, or is wholly or partially made from, any covered animal species.

(C) “Person” means any individual, firm, partnership, joint venture, corporation, limited liability company, joint stock company, estate, trust, receiver, syndicate, association, or other legal entity.

(D) “Sale” or “sell” means any act of selling, trading, or bartering for monetary or nonmonetary consideration, and includes any transfer of ownership that occurs in the course of a commercial transaction, but does not include a nonmonetary transfer of ownership by way of gift, donation, or bequest.

(E) “Total value” means either the fair market value or the actual price paid for a covered animal species part or product, whichever is greater.

SECTION 3. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 4. This Act shall take effect on July 1, 2017.