

guide Ecumenical Ministries of Oregon *Fall 2012 Voters' Guide to Oregon Ballot Measures*

The voter's ballot measure guide: Why we do it & how we do it

It is with great pleasure that Ecumenical Ministries of Oregon (EMO) presents the *2012 Voters' Guide to Oregon Ballot Measures*.

This Nov. 6 general election, like all elections, is important for people of faith, and for all Oregonians. This guide provides information, analysis and recommendations for the nine ballot measures on the state ballot. We hope our discussion of the ballot measures will provide valuable insights for Oregon's voters, especially for people whose faith is their ultimate guide.

Ecumenical Ministries of Oregon's ballot measure recommendations reflect a vote of its Board of Directors, based on the advice of its Public Policy Advocacy Committee. EMO has also adopted a "Statement of Social Principles" that guides our public policy work. In this statement, we recognize the value of religious involvement with civic affairs and the governmental process, and we identify core principles and areas of social concern:

We affirm the value of love, the respect of all life, and the dignity of every human being ... In our public witness we embrace compassion and forgiveness in all relationships, non-violence, and working in constructive and creative ways to make a better world. We commit ourselves to a society in which all persons are free to live together in peace and harmony. We affirm an inclusive community for nurturing the shared life of humankind.

As we consider each ballot measure, we consider arguments offered by both supporters and opponents of each measure, and we rely on the Scriptures, our social principles, our past positions on similar measures, and dialogue and deliberation in our Public Policy Advocacy Committee and among the Board of Directors. We ask that you prayerfully consider the wisdom of your own tradition and engage in a thoughtful process of discernment in exercising your civic duty.

The EMO "Statement of Social Principles" identifies six key areas of social concern. These fall under the broad headings of Peace and Global Justice, Human Rights and Religious Freedom, Environmental Stewardship, Economic Justice, Family and Community Well-being, and Public Witness and the Common Good. In our discussions of the individual ballot measures found in this guide, we identified which area or areas of concern relate to each measure.

Our faith traditions call us to be thoughtful and active advocates for peace, social justice, human dignity and environmental stewardship. Through reflection on core principles, understanding of the political process, and knowledge of the issues, EMO seeks to empower people of faith and all Oregonians to fulfill their role in the democratic process.

EMO Statement of Social Principles.

The complete statement of social principles can be found on our website at www.emoregon.org/pdfs/Public_Policy/EMO_Statement_of_Social_Principles_rev2012.pdf.

One section of our statement of social principles that was clearly related to several of the ballot measures was the section on Family and Community Well-being, part of which reads as follows:

Even as understandings of “family” continue to change, we affirm this evolving institution as an important locus of personal relations and childhood development. EMO is committed to promote both the welfare of all children and the overall health and economic stability of families and communities.

In fact, two primary themes run through our ballot measure recommendations for this election. The first is protecting the well-being and economic security of Oregon families and communities. The second is maintaining adequate government revenues for public education and other critical public programs.

Ecumenical Ministries of Oregon is a statewide association of Christian denominations, congregations, ecumenical organizations and interfaith partners working together to improve the lives of Oregonians through community ministry, ecumenical and interreligious dialogue, environmental ministry and public policy advocacy.

The Roman Catholic Archdiocese of Portland abstained from EMO’s deliberations regarding the November ballot measures. The Roman Catholic Archdiocese releases all public policy statements through the Oregon Catholic Conference.

Voter registration procedures

The Nov. 6, 2012, election is a statewide general election and will be vote by mail. Ballots will be mailed Oct. 19 to 23. The ballots must be returned in person or by mail to a county election office by 8 p.m. on Nov. 6.

Any Oregon resident who is at least 18 years old on Election Day is eligible to vote, but voter registration is required. For new registrants, the voter registration cards must be turned in to any county election office within five calendar days after signing the card. The last day to turn in cards is Oct. 16.

A registered voter who has moved, changed address or changed their name must re-register. This information may be updated through Election Day at a county election office.

Measure 77: Constitutional Amendment—Governor may declare “catastrophic disaster” (defined); requires legislative session; authorizes suspending specified constitutional spending restrictions.

Summary & Analysis — Measure 77 was referred to voters by the Oregon Legislature. It allows the governor to declare a “catastrophic disaster,” which is defined as a “natural or human-caused event that results in extraordinary levels of death, injury, property damage or disruption of daily life ...” The measure lists several examples that include, but are not limited to, acts of terrorism, earthquake, flood, war, tsunami, public health emergency and volcanic eruption. Once the governor has declared that a catastrophic disaster has occurred, he or she must convene the Legislature within 30 days (unless it is already in session), in order to take actions necessary for the state to respond to the

disaster. If unable to meet in the state capitol, the Legislature may meet in any place of its choosing and may conduct business with two-thirds of the members who are able to attend. The Legislature may take several actions in the context of a catastrophic emergency, which would otherwise be prohibited, if they are necessary to implement an immediate response to the emergency and aid in recovery. These include spending gas tax moneys for any purpose related to the emergency, exceeding the state debt limit, spending lottery funds and overriding the funding of local mandate provisions. In addition, the measure would allow the governor to use any funds allocated to state agencies in order to respond to a catastrophic disaster, regardless of the purpose for which the funds were originally allocated. The powers conferred upon the governor and the Legislature would expire 30 days from the declaration, unless extended by an act of the Legislature. In the Legislature, the referral of this measure to voters passed the Senate on a 30-0 vote, and the House on a 57-3 vote.

Financial Impact — The financial impact of this measure is “indeterminate.” It has no financial impact unless a catastrophic disaster occurs and is declared by the governor, at which time the financial impact depends primarily on costs associated with the calling of a special legislative session.

EMO Recommendation — *EMO is taking No Position on Measure 77*, since it primarily concerns procedural matters and does not directly relate to the primary social and moral concerns of our faith traditions.

Measure 78: Constitutional Amendment — *Changes constitutional language describing governmental system of separation of powers; makes grammatical, spelling changes.*

Summary & Analysis — Currently the Oregon Constitution refers to three “departments” of government (executive, legislative and judicial). This measure would change “departments” to “branches” of government. The constitution also refers to the two “branches” of the Legislature, and this measure would change “branches” to “chambers” for purposes of describing the two state legislative chambers (House and Senate). It also removes several references to the secretary of state as “he,” “him” or “his,” so that the wording becomes gender-neutral.

Financial Impact — This measure will have no financial impact on state or local revenues or expenditures.

EMO Recommendation — *EMO is taking No Position on Measure 78*, since it makes minor and non-substantive wording changes, and therefore does not directly relate to the primary social and moral concerns of our faith traditions.

Measure 79: Constitutional Amendment—*Prohibits real estate transfer taxes, fees or other assessments, except those operative on Dec. 31, 2009.*

Summary & Analysis — Measure 79 amends the state constitution to prohibit governments from imposing new real estate transfer taxes, fees or other assessments. Current state law already prohibits

local governments from imposing a new tax or fee on real estate transfers but does allow the Legislature to impose such a tax or fee with a three-fifths vote. This measure does not apply to any tax, fee or assessment already in existence as of Dec. 31, 2009.

Supporters argue that this measure is needed to prevent future legislatures from eliminating the current prohibition on local taxes or fees on real estate transfers, or from enacting new statewide real estate transfer taxes or fees. These are a bad idea, argue supporters, because they amount to a double-tax on real estate (since owners pay property taxes) and discourage real estate transfers.

Opponents argue that this measure is unnecessary and carves out a special exemption for the real estate industry, which could potentially impact the ability of future legislatures to raise needed revenue or accomplish other worthy goals such as financing affordable housing. In fact, the last time the state Legislature raised real estate transfer fees was when it enacted a modest increase in “document recording fees” in order to help fund affordable housing projects—a measure EMO supported. Although this fee would remain in place, the ability of the Legislature to use this or similar revenue tools in the future would be prohibited, making it that much harder to provide needed funds for affordable housing, public education and other important programs.

Financial Impact — This measure has no immediate impact on state or local revenues or expenditures.

EMO Recommendation — *Vote NO on Measure 79.* There are already strong limitations on the ability of the Legislature to enact any measure raising taxes or fees through the constitutional requirement of a three-fifths majority in both chambers of the Legislature. This measure, which is backed by the Oregon Association of Realtors and the National Association of Realtors, carves out a special exemption for real estate transactions, which is not needed and could reduce the ability of the state to raise needed revenue in the future. Our recommendation is based on our social principles concerning social and economic justice, human rights, family and community well-being, and adequate government revenue.

Measure 80: Statutory Initiative—*Allows personal marijuana, hemp cultivation/use without license; commission to regulate commercial marijuana cultivation/sale.*

Summary & Analysis — Measure 80 is a sweeping marijuana legalization measure that would replace and supersede all existing state and local laws relating to marijuana, except those that pertain to medical marijuana and driving under the influence of intoxicants. It legalizes the private manufacture, possession and use of cannabis in Oregon, and it sets up a new state agency to regulate and license commercial marijuana production, distribution and sales. Called the Oregon Cannabis Tax Act, this measure would allow any adult to grow and possess any amount of marijuana for personal use and would prohibit state regulation of industrial hemp.

Although Measure 80 imposes new criminal penalties for illegal sale of marijuana, public consumption of marijuana, removal of marijuana out of state and unlawful distribution of marijuana

to minors, the import of the measure is to set up a new state infrastructure devoted to the legal production, distribution, sales and taxation of marijuana for personal use by any adult. At the heart of Measure 80 is the establishment of the Oregon Cannabis Commission. The powers it would be granted include authority to:

- License qualified marijuana growers.
- License qualified persons to process and package marijuana.
- License stores to sell medical marijuana.
- Purchase marijuana from qualified growers for re-sale at state-licensed stores.
- Sell state-processed marijuana at cost to state-licensed stores, pharmacies in Oregon and other states, and to Oregon medical research facilities.
- Set the retail price for marijuana sold at state-licensed stores.
- Collect fees for licenses issued.
- Set standard for the quality and potency of marijuana sold at state-licensed stores.
- Promote Oregon cannabis products in all legal national and international markets.

Proponents argue that this measure would regulate marijuana and restore the hemp industry (for products made from the seeds and stems of the cannabis plant), while expanding personal liberty for adult use of marijuana, which they claim is less harmful than alcohol use. They argue it would create thousands of new “green” jobs in growing, producing, and selling marijuana and hemp products. Supporters also claim the measure would reduce law enforcement, judicial and corrections costs for marijuana-related crimes, and would generate over \$140 million a year by taxing the commercial sale of marijuana to adults. The measure directs 90 percent of new revenues into the state general fund, seven percent for drug treatment programs, and one percent each for drug education in public schools, two new state commissions to promote hemp biofuel, and hemp fiber and food.

Opponents argue that this sweeping measure will lead to costly legal battles between the state and federal government, since it conflicts with the federal Controlled Substances Act. They also argue that making marijuana less expensive and more widely available will increase its use and make it easier for minors to obtain marijuana, which they argue has adverse effects on brain development, diminishes attention in school and acts as a gateway into a broader drug culture. In addition, the Oregonian has noted that this measure would, among other things, put marijuana growers and producers in charge of the very state commission that would be established to license and regulate marijuana production and sales activities.

Financial Impact — Measure 80 is expected to increase state expenditures by approximately \$22-23 million per year, primarily for operation of the Oregon Cannabis Commission. However, most of these increased costs at the state level are expected to be offset by licensing fees and profits from the sale of marijuana. The measure may also have indeterminate financial impacts on the state court system. Because the measure requires the state attorney general to vigorously defend both the provisions of the measure and any person prosecuted for acts licensed by the measure, this could impose substantial though indeterminate new costs. If the measure creates new jobs and income, it could also lead to an indeterminate increase in state or local income tax revenue.

EMO Recommendation — *Vote “NO” on Measure 80*, based on our social principles regarding family and community well-being. Although some argue that there are legitimate reasons for controlled access to medical marijuana and for the decriminalization of marijuana for personal use, this measure is far too ambitious and is fatally flawed public policy. It has three serious problems:

- 1) While most measures to decriminalize personal use of marijuana allow individuals to possess and perhaps grow a limited amount of cannabis, this measure allows individuals to grow and possess unlimited amounts.
- 2) Measure 80 gives sweeping authority to a new Oregon Cannabis Commission and then it puts commercial pot growers and producers in charge of the very commission established to regulate them, allowing them to self-select five of seven seats after the first year.

Compare this to the Oregon Liquor Control Commission, where the Governor appoints all five members, subject to Senate confirmation, and only one seat is designated for a representative of the food and beverage industry.

- 3) Finally, Measure 80 also sets up a confrontation with the federal government and requires the state attorney general to expend funds not only on defending the measure itself, but on defending any individuals prosecuted for acts licensed under the authority of this measure, at unknown cost.

Measure 81: Statutory Initiative—Prohibits commercial non-tribal fishing with gillnets in Oregon “inland waters,” allows use of seine nets.

Summary & Analysis — Commercial salmon fishing on the Columbia River is allowed currently only with gillnets and tangle nets. Measure 81 bans the use of gillnets (and tangle nets) for fishing for salmon, steelhead and other fish in Oregon inland waters, including on the Oregon side of the Columbia River. The measure would allow those currently holding Columbia River commercial fishing permits to use seine nets or fixed fishing gear in place of gillnets. The measure does not affect tribal fishing rights. It also eliminates Columbia River commercial fishers from participating on the Commercial Fishery Permit Board, where they currently hold three positions. Measure 81 also prohibits wholesalers, canners, and retail buyers including restaurants, from buying or receiving salmon, steelhead, or any other fish taken with a gillnet or tangle net by non-tribal commercial fishers in Oregon inland waters. The measure establishes no fund or process to assist gillnet fishers or Columbia River communities with economic hardships or transition costs resulting from the ban on gillnet fishing.

Because the measure only bans gillnet fishing in Oregon inland waters, gillnet fishers licensed by Washington state (and perhaps Oregon gillnet fishers) would still be allowed to use gillnets on the Washington side of the River, although these fish could not be sold to consumers in Oregon.

Supporters of Measure 81 argue that the measure will promote conservation of salmon and steelhead by prohibiting the use of indiscriminate gill nets for commercial fishing on the Columbia River, while encouraging commercial fishers to adopt more selective, sustainable techniques. They argue that gillnets, by design, are indiscriminate “curtains of death” that not only capture salmon and

steelhead, but also sturgeon and other fish and wildlife. Supporters also argue that because of the damage gillnets inflict to the gills, a large percentage of the fish trapped by gill nets will die even if they are freed and released, and that more selective and sustainable fishing methods are available, most notably seine nets, which would be allowed by the measure.

Opponents of Measure 81 argue that this measure has nothing to do with conserving endangered salmon and steelhead species at all, but is rather a “fish grab” by the sports fishing industry, that according to opponents:

... has caught 80 percent of the Columbia River spring Chinook salmon, while commercial fishermen have caught only 20 percent of these fish over the past 10 years, according to numbers from the Oregon and Washington Departments of Fish and Wildlife, and is willing to put commercial fishing families in Oregon out of business ...

Opponents further argue that there’s nothing indiscriminate about the use of gillnets, which are already approved for use by state and federal regulators. Opponents also claim that the National Marine Fisheries Service reports that no Columbia River fish stocks even approach being overfished, and that there are virtually no interactions leading to incidental death or serious injury in the Columbia River commercial gillnet fishery.

As for the use of seine nets or other alternative gear allowed by Measure 81, opponents call this a hollow promise, since a transition to this gear would be time-consuming and costly, in part because it depends on the gear being federally approved for use, and this would require new research on the incidental mortality rates for this gear, prior to its approval. In addition, Measure 81 provides no compensation to Oregon commercial fishermen for making equipment changes that could cost \$150,000 or more per fishing vessel according to opponents.

Financial Impact — Measure 81 will increase state government expenditures by \$150,000 per year for ongoing required research and monitoring and will decrease state government revenues by an amount between \$551,654 and \$749,144 per year, due to a decline in revenue from state income taxes, permits, licenses, and surcharges received from the commercial gillnet and tangle net fisheries, boats, licenses and Columbia River communities in Oregon. The amount of off-setting revenue that may result from taxes, permits, licenses and surcharges on a seine-net based fishing industry is indeterminate.

EMO Recommendation — *Vote “NO” on Measure 81*, based on social principles regarding economic justice and family and community well-being, as well as support for collaborative decision-making. While the environmental impacts of gillnets are a debatable issue, the economic impacts of this measure on gillnet fishers, their families and their communities are not. A complete ban on gillnet fishing on the Oregon side of the lower Columbia River will impose heavy economic costs on all three. Despite this, the measure includes no funding or transition plan to provide assistance to those impacted. In general, this measure suffers because it was developed by one set of interests and did not result from a collaborative process involving compromise on both sides. This issue is better handled through a dialogue among all the affected parties, leading to a legislative or administrative solution. For these reasons, EMO recommends a NO vote.

Measure 82: Constitutional Amendment—*Authorizes establishment of privately-owned casinos; mandates percentage of revenues payable to dedicated state fund.*

Measure 83: Statutory Initiative—*Authorizes privately-owned Wood Village Casino; mandates percentage of revenues payable to dedicated state fund.*

Summary & Analysis — Measures 82 and 83 are sponsored by individual investors who are hoping to build a non-tribal private casino in Wood Village, Ore., located in eastern Multnomah County. Because the Oregon Constitution currently prohibits the Legislature from authorizing a casino to operate in this state, Measure 82 would amend the constitution and authorize the establishment of private casinos, if the following criteria are satisfied:

- The privately-owned casino must be approved in a separate statewide initiative.
- It must be located in an incorporated city and approved by a vote in that city.
- The casino must be owned and operated by a taxpaying corporation that is incorporated in Oregon.
- The casino must not be located within 60 miles of a tribal casino operating on reservation land as of Jan. 1, 2011.
- The casino must pay 25 percent of its adjusted gross revenues to the state of Oregon; 80 percent of these funds will be deposited into the Oregon State Lottery Fund, and 20 percent will be deposited into the Oregon Job Growth, Education and Communities Fund, a dedicated fund established by ballot measure 83. Measure 83 provides additional details about how this fund is to be allocated.

Measure 83 is a statutory measure authorizing a specific casino on the former Multnomah County Kennel Club property located in Wood Village. Measure 83 conforms to the requirements set out in Measure 82 (and previously summarized), and if approved by voters, it would only take effect if Measure 82 also passes and amends the constitution. The casino would be licensed and regulated by the Oregon Lottery Commission.

Financial Impact — If Measures 82 and 83 both pass, and the private casino in Wood Village is constructed and operated, the state projects an increase of state and local revenue of \$32 million to \$54 million per year. This estimate depends on initial assumptions about the public investment in the casino and the number of slot machines and table games authorized at the casino. If the actual investment or number of games and slots authorized differs significantly from these initial estimates, the overall financial impact of the measure could also differ. There could also be some offsetting loss of revenues to local governments of an indeterminate amount, if the construction of the casino at Wood Village results in a decline of tribal gaming revenues.

Supporters of Measures 82 and 83 argue that a new casino in Wood Village will provide jobs and badly needed government revenue, while providing a safe and legal form of entertainment.

Opponents of this measure argue that the damage caused to families and communities by an activity that is inherently addicting for some individuals outweighs the limited benefits from government receiving a portion of casino revenue. Moreover, opponents argue that studies have consistently found that casino gambling, like state lotteries, largely depends on the high levels of gambling among problem gamblers to provide a significant share of their overall revenue. Opponents also argue that economists who have studied the impact of casinos on economic development in the surrounding communities find that the jobs provided by a casino are usually offset by a loss of jobs at nearby restaurants and other local businesses. Studies have also found that crime rates, rates of gambling addiction and personal bankruptcy filings increase within 50 miles of a new casino.

EMO Recommendation — *Vote “NO” on Measures 82 and 83*, based on the EMO social principle regarding family and community well-being. EMO has consistently opposed the expansion of legalized gaming in Oregon, including the state lottery. These two measures are a slightly repackaged version of a 2010 measure that voters overwhelmingly rejected. Since these measures would, if passed together, amend the constitution and authorize the first non-tribal casino in Oregon, their passage would establish a dangerous precedent and would open the door to subsequent proposals to authorize additional casinos in other Oregon communities.

Measure 84: Statutory Initiative—*Phases out existing inheritance taxes on large estates and all taxes on intra-family property transfers.*

Summary & Analysis — Measure 84 reduces, and then eliminates, current Oregon estate taxes affecting estates valued at \$1 million or more. These estate taxes are applied on transfers of property that take place upon the property owner’s death but are not applied on property inherited by surviving spouses. Approximately 1,000 estates are subject to the tax each year, with an average value of about \$3 million. In addition to phasing out and then eliminating the estate tax, this measure also prohibits the imposition of any tax on transfer of property among family members.

Currently under state law, the first \$1 million in the value of an estate is exempt from taxation, and thus the estate tax only applies to that portion of the estate that exceeds \$1 million. State law also allows estates to take various additional deductions and exclusions before the estate tax is imposed. State law also currently allows a credit, under certain conditions, of up to \$7.5 million against estate taxes for property that was used in a farm, forestry or fishing business. The rate of taxation applied to the taxable portion of the estate is graduated and ranges from ten percent of the value of the taxable portion of the estate up to a marginal rate of 16 percent for taxable estates that exceed \$9.5 million in value.

Under Measure 84, the estate tax would be reduced to 75 percent of its current level in 2013; in 2014, it would be reduced to 50 percent of its current level; in 2015, it would be 25 percent; and then in 2016 and thereafter, it would be eliminated (zero percent of its current level).

Current Oregon law also imposes a tax on any capital gains made on the sale or transfer of assets between individuals, including from one family member to another family member. This measure also phases out capital gains taxes on transfers of assets between family members and eliminates them entirely as of Jan. 1, 2016.

Financial Impact — The phase-out of the estate tax will reduce state revenues by approximately \$17 million in fiscal year 2013-14, by approximately \$43 million in FY 2014-15, and by approximately \$72 million in 2015-16. In 2016-17 and in subsequent years, the elimination of the estate tax will reduce state revenues by approximately \$120 million per year (or \$240 million per two-year budget cycle), depending on the growth of estate values. State revenues will be further reduced by that portion of this measure that prohibits all taxes on transfers of property between family members. However, the amount of this additional reduction is indeterminate.

EMO Recommendation — *Vote “NO” on Measure 84* based on social principles regarding human rights, economic justice and support for adequate government revenue. At a time of growing economic inequality, and underfunding of public education and other critical state programs, it makes no sense to eliminate estate taxes that affect only a small percentage of wealthy Oregonians and that impose a modest and reasonable rate of taxation on the transfer of estates only after exempting the first one million dollars of value from taxation.

Measure 85: Constitutional Amendment—*Allocates corporate income/excise tax “kicker” refund to additionally fund K through 12 public education.*

Summary & Analysis — Under the “corporate kicker” provision of the state constitution, certain excess corporate income and excise tax revenues collected during a two-year state budget cycle (a biennium) are returned to corporate taxpayers. This occurs if the actual amount of collected corporate income and excise tax revenue exceeds (by more than two percent) the amount of revenue that was expected during that two-year cycle (based on estimates by the governor at the beginning of the cycle). Measure 85 would amend the constitution to provide that the excess revenues would be retained in the state’s general fund and used to provide additional funding for kindergarten through 12th grade public education. The state constitution also contains an “individual kicker” provision that provides for personal income tax refunds in some cases, but this provision is not changed or amended in any way by Measure 85

Financial Impact — The specific financial impact of this measure is unknowable, or indeterminate, due to the fact that it depends on unknown future events. However, had this measure been in place over the past ten two-year budget cycles, the increase in general fund revenue retained would have ranged from \$101 million to \$203 million in three of the ten budget periods. However, there were actually five budget cycles in which the corporate kicker would have been triggered, except that the Legislature, by the two-thirds super-majority vote required by the state constitution, voted to suspend the corporate kicker in two of those five biennia. Here are the five biennia in which collected revenues exceeded projections by more than two percent and therefore triggered (or would

have triggered) the corporate kicker, along with the amount that was (or would have been) returned:

1991-93: \$18 million, (suspended)

1993-95: \$167 million

1995-97: \$203 million

2003-05: \$101 million

2005-07: \$344 million (suspended)

An average amount of \$83.3 million per budget cycle could have been refunded over ten cycles.

EMO Recommendation — Vote “YES” on Measure 85, based on human right to public education and need for adequate levels of government revenue. Due primarily to state budget cuts, Oregon schools have been forced to lay off nearly 16 percent of teachers (plus thousands of support and administrative staff), while average class sizes have climbed by nearly 20 percent over the last three years, according to data collected by the Confederation of Oregon School Administrators. Other critical state programs have also suffered dramatic cuts. Eliminating the corporate kicker, which EMO opposed when it was first proposed, is a small but important step toward restoring adequate levels of school funding.

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