

Enrolled Senate Bill 1544

Sponsored by Senator ROBLAN, Representative BERGER; Senators DEVLIN, EDWARDS, HANSELL, MONROE, OLSEN, ROSENBAUM, Representatives BARKER, BUCKLEY, FREDERICK, GALLEGOS, HARKER, KENY-GUYER, KOMP, MCKEOWN, NATHANSON, OLSON, PARRISH, WITT (Presession filed.)

CHAPTER

AN ACT

Relating to Citizens' Initiative Review Commission; creating new provisions; amending ORS 182.454, 250.137, 250.139 and 251.185; repealing sections 21 and 22, chapter 722, Oregon Laws 2013; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 250.137 is amended to read:

250.137. (1) The Citizens' Initiative Review Commission is established as a semi-independent state agency subject to ORS 182.456 to 182.472. The commission shall consist of 11 members. The members shall be appointed in the following manner:

(a) The Governor shall appoint three members who have at some time been selected by the four appointed members of an explanatory statement committee under ORS 251.205 (5) to prepare an explanatory statement, as follows:

(A) One member recommended by the leadership of the Democratic party in the Senate and one member recommended by the leadership of the Republican party in the Senate.

(B) Except as provided in subparagraph (C) of this paragraph, one member recommended by the leadership of the political party with the largest representation in the Senate that is not the same party as the Governor.

(C) If more than two political parties are represented in the Senate, one member recommended by the leadership of a third political party with the largest representation in the Senate.

(b) ~~Four~~ **Two** former moderators shall be appointed as members as described in ORS 250.143.

(c) ~~Four~~ **Six** electors who have served on a citizen panel shall be appointed as members as described in ORS 250.143.

(2) The term of office of a member of the commission is four years, with the terms of no more than six members expiring every two years. Vacancies shall be filled by the Governor for the unexpired term, consistent with subsection (1) of this section.

(3) The commission shall:

(a) Ensure that the citizen panels are convened to review initiated measures in a fair and impartial manner.

(b) Adopt rules necessary to carry out the commission's duties under ORS 250.137 to 250.149.

SECTION 2. ORS 250.139 is amended to read:

250.139. (1) The Citizens' Initiative Review Commission shall select one or more state measures proposed by initiative petition to be voted on at a general election and convene a separate citizen panel to review each selected measure.

(2) In selecting a measure to be reviewed by a citizen panel, the commission shall consider the following criteria:

- (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.

(3) Each citizen panel shall evaluate and write statements for the measure considered by the panel.

(4)(a) The commission shall select citizens for each panel from a representative sample of anonymous electors, using survey sampling methods that, to the extent practicable, give every elector a similar chance of being selected. Each citizen panel shall consist of not fewer than 18 and not more than 24 electors.

(b) The commission shall ensure, to the extent practicable and legally permissible, that the demographic makeup of each panel fairly reflects the population of the electorate of this state as a whole, with respect to the following characteristics, prioritized in the following order:

- (A) The location of the elector's residence.
- (B) The elector's party affiliation, if any.
- (C) The elector's voting history.
- (D) The elector's age.

(c) In addition to the criteria described in paragraph (b) of this subsection, the commission may also consider:

- (A) The elector's gender.
- (B) The elector's ethnicity.
- (C) Any other criteria.

(5) The commission shall, from moneys in the account established under ORS 182.470:

(a) Compensate each elector for each day served on a panel in an amount [*calculated using the average weekly wage as defined in ORS 656.211*] **established by the commission by rule;**

(b) Reimburse each elector who serves on a panel for travel expenses in accordance with reimbursement policies determined by the commission by rule;

(c) Provide for costs required to convene and conduct a citizen panel; and

(d) Transfer to the Secretary of State all moneys necessary to pay the costs of printing any statements described in ORS 250.141 in the voters' pamphlet.

(6)(a) Each panel shall meet to review the measure on **not fewer than three and not more than** five consecutive days for a total of not less than [25] **24** hours unless otherwise provided by commission rule.

(b) Each panel shall conduct public hearings at which the panel shall receive testimony or other information from both proponents and opponents of the measure. Unless otherwise determined by a majority of the panelists, equal time shall be allotted to proponents and opponents of a measure.

(c) The chief petitioners of the measure shall designate two persons to provide information in favor of the measure to the citizen panel. If the chief petitioners fail to timely designate two persons to appear before the panel, the commission may designate two persons who support the measure to provide information in favor of the measure.

(d) The commission shall designate two persons who oppose the measure to provide information in opposition to the measure.

(e) The commission, by rule, may specify additional criteria regarding the public hearings.

(7) The commission shall provide each panel with any complaints regarding the panel not later than the [*fourth*] **third** day the panel convenes.

(8) The commission shall, by rule, establish qualifications for moderators for each citizen panel. A moderator must have experience in mediation and shall complete a training course established by the commission.

(9) The commission shall contract with two moderators for each panel and shall compensate each moderator for service.

SECTION 3. ORS 182.454, as amended by section 19, chapter 722, Oregon Laws 2013, is amended to read:

182.454. The following semi-independent state agencies are subject to ORS 182.456 to 182.472:

- (1) The Appraiser Certification and Licensure Board.
- (2) The State Board of Architect Examiners.
- (3) The State Board of Examiners for Engineering and Land Surveying.
- (4) The State Board of Geologist Examiners.
- (5) The State Landscape Architect Board.
- (6) The Oregon Board of Optometry.
- (7) The Oregon Patient Safety Commission.
- (8) The Oregon Wine Board.
- (9) The State Board of Massage Therapists.
- (10) The Physical Therapist Licensing Board.
- (11) The State Landscape Contractors Board.

(12) The Citizens' Initiative Review Commission.

SECTION 4. ORS 251.185, as amended by section 20, chapter 722, Oregon Laws 2013, is amended to read:

251.185. (1) The Secretary of State shall have printed in the voters' pamphlet for a general election or any special election a copy of the title and text of each state measure to be submitted to the people at the election for which the pamphlet was prepared. The pamphlet must include the procedures for filing a complaint under ORS 260.345. Each measure shall be printed in the pamphlet with:

- (a) The number and ballot title of the measure;
- (b) The financial estimates and any statement prepared for the measure under ORS 250.125;
- (c) The explanatory statement prepared for the measure;
- (d) Arguments relating to the measure and filed with the Secretary of State; *[and]*
- (e) Any racial and ethnic impact statement prepared for the measure under section 3, chapter 600, Oregon Laws 2013[.]; **and**

(f) Any statement submitted for the measure by a citizen panel under ORS 250.141.

(2) A county measure or measure of a metropolitan service district organized under ORS chapter 268, and ballot title, explanatory statement and arguments relating to the measure, filed by the county or metropolitan service district under ORS 251.285 shall be included in the voters' pamphlet described in subsection (1) of this section if required under ORS 251.067.

SECTION 5. ORS 251.185, as amended by section 8, chapter 600, Oregon Laws 2013, and section 20, chapter 722, Oregon Laws 2013, is amended to read:

251.185. (1) The Secretary of State shall have printed in the voters' pamphlet for a general election or any special election a copy of the title and text of each state measure to be submitted to the people at the election for which the pamphlet was prepared. The pamphlet must include the procedures for filing a complaint under ORS 260.345. Each measure shall be printed in the pamphlet with:

- (a) The number and ballot title of the measure;
- (b) The financial estimates and any statement prepared for the measure under ORS 250.125;
- (c) The explanatory statement prepared for the measure; *[and]*
- (d) Arguments relating to the measure and filed with the Secretary of State[.]; **and**
- (e) **Any statement submitted for the measure by a citizen panel under ORS 250.141.**

(2) A county measure or measure of a metropolitan service district organized under ORS chapter 268, and ballot title, explanatory statement and arguments relating to the measure, filed by the

county or metropolitan service district under ORS 251.285 shall be included in the voters' pamphlet described in subsection (1) of this section if required under ORS 251.067.

SECTION 6. Sections 21 and 22, chapter 722, Oregon Laws 2013, are repealed.

SECTION 7. The amendments to ORS 250.137 by section 1 of this 2014 Act apply to appointments made on or after the effective date of this 2014 Act.

SECTION 8. This 2014 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2014 Act takes effect on its passage.

Passed by Senate February 21, 2014

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House March 3, 2014

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Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2014

Approved:

.....M,....., 2014

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2014

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Kate Brown, Secretary of State