



League of Women Voters State Ballot Measure Review 2016 Measure 95 Public State Universities allowed to Invest in Equities

Financial Impact: According to the Oregon Financial Estimate Committee there is no financial effect on either state or local government expenditures or revenues required by this measure. The revenue and expenditure impact on public universities is dependent upon decisions made by each university on the type and amount of private equity in which they choose (or choose not) to invest and the return on those investments.

Probable results of a YES VOTE: If this measure passes, the Oregon Constitution would be amended to allow public state universities to invest in equities (stocks).

Probable results of a NO VOTE: If this measure fails, the Oregon Constitution would remain unchanged and the prohibition against public universities investing in equities would remain in place.

Background: Article XI, Section 6, of the Oregon Constitution prohibits the State from owning stock, except under limited circumstances where the funds invested were donated, gifted, or involved in technology transfers.

In 2013 the Oregon Legislative Assembly passed Senate Bill 270, which allowed Oregon public universities to each have its own governance board with the authority to manage its own finances and to invest in equities. When the universities started exercising the duties, privileges and obligations granted by SB 270, a legal question arose as to whether the prohibition against the State owning stock (Article XI, Section 6) applies to them. Independent legal analysis suggests that it may, even with the statutory provisions of SB 270. Thus universities cannot invest in equities without legal risk.

The universities that would be affected by this measure are: Eastern Oregon University, Oregon Institute of Technology, Oregon State University, Portland State University, Southern Oregon University, University of Oregon and Western Oregon University.

Proposal: Ballot Measure 95 would amend the Oregon Constitution to ensure that public universities could invest in equities.

Supporters Say:

- Ballot Measure 95 would amend the Oregon Constitution to ensure that public universities could invest in equities. Allowing investment in equities could benefit students by helping to minimize tuition increases and by funding programs important to students.
- Allowing investment in equities will provide universities the ability to diversify their investments and to better prepare for market fluctuations.
- Investing in equities gives universities the ability to generate additional funds.

Opponents Say:

- The investment in Equities, exposes University endowments to market fluctuation, this provision was added after the disaster of the 1929 crash, when large fortunes of money were wiped away because they were invested in Stocks. Stocks go up in a good market and fall in a bad market, causing losses of investment capital. Keep state funds in bonds rather than risky equities.

How We Researched the Ballot Measures

League of Women Voters members have researched and written these ballot measure reports. Researchers try to verify all factual information. We work diligently to ensure that our reports are balanced, accurate, and fair. We strive to provide the information you need to make an informed VOTE! Our sources include:

- Financial Impact and Explanatory Statements from the Secretary of State
- Measure supporters and opponents
- State agencies and economists

Reports and published information, including current press coverage