

Enrolled

House Joint Resolution 13

Sponsored by Representative HUNT, Senator DEVLIN; Representatives BAILEY, BARTON, BOONE, CANNON, DEMBROW, C EDWARDS, D EDWARDS, GALIZIO, HOLVEY, JENSON, KAHL, KOMP, READ, RILEY, ROBLAN, STIEGLER, VANORMAN, WEIDNER, Senator PROZANSKI

Be it Resolved by the Legislative Assembly of the State of Oregon, two-thirds of all the members of each house concurring:

PARAGRAPH 1. The Constitution of the State of Oregon is revised by creating a new section 11L to be added to and made a part of Article XI, such section to read:

SECTION 11L. (1) The limitations of sections 11 and 11b of this Article do not apply to bonded indebtedness incurred by local taxing districts if the bonded indebtedness was incurred on or after January 1, 2011, to finance capital costs as defined in subsection (5) of this section.

(2) Bonded indebtedness described in subsection (1) of this section includes bonded indebtedness issued to refund bonded indebtedness described in subsection (1) of this section.

(3) Notwithstanding subsection (1) of this section, subsection (8) of section 11 of this Article, as limited by section 11k of this Article, applies to measures that authorize bonded indebtedness described in subsection (1) of this section.

(4) The weighted average life of bonded indebtedness incurred on or after January 1, 2011, to finance capital costs may not exceed the weighted average life of the capital costs that are financed with that indebtedness.

(5)(a) As used in this section, "capital costs" means costs of land and of other assets having a useful life of more than one year, including costs associated with acquisition, construction, improvement, remodeling, furnishing, equipping, maintenance or repair.

(b) "Capital costs" does not include costs of routine maintenance or supplies.

PARAGRAPH 2. The Constitution of the State of Oregon is revised by creating a new Article to be known as Article XI-P, such Article to read:

ARTICLE XI-P

SECTION 1. (1) In the manner provided by law and notwithstanding the limitations contained in section 7, Article XI of this Constitution, the State of Oregon may loan its credit and incur indebtedness, in an aggregate outstanding principal amount not to exceed, at any one time, one-half of one percent of the real market value of the real property in this state, to provide funds to be advanced by grant or loan to school districts to finance the capital costs of the school districts. Bonds issued under this section may not be paid from ad valorem property taxes.

(2) Indebtedness incurred under this section must be in the form of general obligation bonds of the State of Oregon containing a direct promise to pay the principal, interest and premium, if any, of the bonds in an aggregate outstanding principal amount not to exceed the amount authorized in subsection (1) of this section. The bonds are the direct obligation of the State of Oregon and must be in such form, run for such periods of time, have such terms and bear such rates of interest as may be provided by statute. The State of Oregon

shall pledge its full faith and credit and taxing power to the payment of the principal, interest and premium, if any, of the bonds. However, the State of Oregon may not pledge its ad valorem taxing power to the payment of the bonds.

(3) The proceeds from bonds issued under this section may be used only to provide matching funds to finance the capital costs of school districts that have received voter approval for local general obligation bonds and to provide for the costs of issuing bonds and the payment of debt service.

(4) The proceeds from bonds issued under this section may not be used to finance the operating costs of school districts.

SECTION 2. The principal, interest and premium, if any, of the bonds issued under section 1 of this Article must be repaid as determined by the Legislative Assembly from the following sources:

(1) Amounts appropriated for repayment by the Legislative Assembly from the General Fund, including taxes levied to pay the bonds except ad valorem property taxes;

(2) Amounts appropriated or allocated for repayment by the Legislative Assembly from other sources of revenue; or

(3) Any other available moneys.

SECTION 3. Bonds issued under section 1 of this Article may be refunded with bonds of like obligation.

SECTION 4. (1) There is created a school capital matching fund. Moneys in the fund may be invested and the earnings shall be retained in the fund or expended as provided by the Legislative Assembly.

(2) The Legislative Assembly may by law appropriate, allocate or transfer moneys or revenue to the school capital matching fund.

(3) The Legislative Assembly may appropriate, allocate or transfer moneys in the school capital matching fund and earnings on moneys in the fund for the purposes of providing:

(a) State matching funds to school districts to finance capital costs; and

(b) Payment of debt service for general obligation bonds issued pursuant to this Article.

SECTION 5. As used in this Article, "capital costs" means costs of land and of other assets having a useful life of more than one year, including costs associated with acquisition, construction, improvement, remodeling, furnishing, equipping, maintenance or repair.

SECTION 6. The Legislative Assembly may enact legislation to carry out the provisions of this Article.

SECTION 7. This Article supersedes any conflicting provision of this Constitution.

PARAGRAPH 3. Section 4, Article XV of the Constitution of the State of Oregon, is revised to read:

Sec. 4. (1) Except as provided in subsections (2), (3), (4), [(10)] (8) and [(11)] (9) of this section, lotteries and the sale of lottery tickets, for any purpose whatever, are prohibited, and the Legislative Assembly shall prevent the same by penal laws.

(2) The Legislative Assembly may provide for the establishment, operation, and regulation of raffles and the lottery commonly known as bingo or lotto by charitable, fraternal, or religious organizations. As used in this section, charitable, fraternal or religious organization means such organizations or foundations as defined by law because of their charitable, fraternal, or religious purposes. The regulations shall define eligible organizations or foundations, and may prescribe the frequency of raffles, bingo or lotto, set a maximum monetary limit for prizes and require a statement of the odds on winning a prize. The Legislative Assembly shall vest the regulatory authority in any appropriate state agency.

(3) There is hereby created the State Lottery Commission which shall establish and operate a State Lottery. All proceeds from the State Lottery, including interest, but excluding costs of administration and payment of prizes, shall be used for any of the following purposes: creating jobs, furthering economic development, financing public education in Oregon or restoring and protecting Oregon's parks, beaches, watersheds and critical fish and wildlife habitats.

(4)(a) The State Lottery Commission shall be comprised of five members appointed by the Governor and confirmed by the Senate who shall serve at the pleasure of the Governor. At least one of the Commissioners shall have a minimum of five years experience in law enforcement and at least one of the Commissioners shall be a certified public accountant. The Commission is empowered to promulgate rules related to the procedures of the Commission and the operation of the State Lottery. Such rules and any statutes enacted to further implement this article shall insure the integrity, security, honesty, and fairness of the Lottery. The Commission shall have such additional powers and duties as may be provided by law.

(b) The Governor shall appoint a Director subject to confirmation by the Senate who shall serve at the pleasure of the Governor. The Director shall be qualified by training and experience to direct the operations of a state-operated lottery. The Director shall be responsible for managing the affairs of the Commission. The Director may appoint and prescribe the duties of no more than four Assistant Directors as the Director deems necessary. One of the Assistant Directors shall be responsible for a security division to assure security, integrity, honesty, and fairness in the operations and administration of the State Lottery. To fulfill these responsibilities, the Assistant Director for security shall be qualified by training and experience, including at least five years of law enforcement experience, and knowledge and experience in computer security.

(c) The Director shall implement and operate a State Lottery pursuant to the rules, and under the guidance, of the Commission. The State Lottery may operate any game procedure authorized by the commission, except parimutuel racing, social games, and the games commonly known in Oregon as bingo or lotto, whereby prizes are distributed using any existing or future methods among adult persons who have paid for tickets or shares in that game; provided that, in lottery games utilizing computer terminals or other devices, no coins or currency shall ever be dispensed directly to players from such computer terminals or devices.

(d) There is hereby created within the General Fund the Oregon State Lottery Fund which is continuously appropriated for the purpose of administering and operating the Commission and the State Lottery. The State Lottery shall operate as a self-supporting revenue-raising agency of state government and no appropriations, loans, or other transfers of state funds shall be made to it. The State Lottery shall pay all prizes and all of its expenses out of the revenues it receives from the sale of tickets or shares to the public and turnover the net proceeds therefrom to a fund to be established by the Legislative Assembly from which the Legislative Assembly shall make appropriations for the benefit of any of the following public purposes: creating jobs, furthering economic development, financing public education in Oregon or restoring and protecting Oregon's parks, beaches, watersheds and critical fish and wildlife habitats. Effective July 1, 1997, 15% of the net proceeds from the State Lottery shall be deposited, from the fund created by the Legislative Assembly under this paragraph, in an education stability fund. Effective July 1, 2003, 18% of the net proceeds from the State Lottery shall be deposited, from the fund created by the Legislative Assembly under this paragraph, in an education stability fund. Earnings on moneys in the education stability fund shall be retained in the fund or expended for the public purpose of financing public education in Oregon as provided by law. Except as provided in [subsections (6) and (8)] **subsection (6)** of this section, moneys in the education stability fund shall be invested as provided by law and shall not be subject to the limitations of section 6, Article XI of this Constitution. The Legislative Assembly may appropriate other moneys or revenue to the education stability fund. The Legislative Assembly shall appropriate amounts sufficient to pay lottery bonds before appropriating the net proceeds from the State Lottery for any other purpose. At least 84% of the total annual revenues from the sale of all lottery tickets or shares shall be returned to the public in the form of prizes and net revenues benefiting the public purpose.

(5) Notwithstanding paragraph (d) of subsection (4) of this section, the amount in the education stability fund created under paragraph (d) of subsection (4) of this section may not exceed an amount that is equal to five percent of the amount that was accrued as revenues in the state's General Fund during the prior biennium. If the amount in the education stability fund exceeds five percent of the amount that was accrued as revenues in the state's General Fund during the prior biennium:

(a) Additional net proceeds from the State Lottery may not be deposited in the education stability fund until the amount in the education stability fund is reduced to less than five percent of the amount that was accrued as revenues in the state's General Fund during the prior biennium; and

(b) Fifteen percent of the net proceeds from the State Lottery shall be deposited into the school capital matching *[subaccount]* **fund** created under *[subsection (8) of this section]* **section 4, Article XI-P of this Constitution.**

(6) The Legislative Assembly may by law appropriate, allocate or transfer any portion of the principal of the education stability fund created under paragraph (d) of subsection (4) of this section for expenditure on public education if:

(a) The proposed appropriation, allocation or transfer is approved by three-fifths of the members serving in each house of the Legislative Assembly and the Legislative Assembly finds one of the following:

(A) That the last quarterly economic and revenue forecast for a biennium indicates that moneys available to the state's General Fund for the next biennium will be at least three percent less than appropriations from the state's General Fund for the current biennium;

(B) That there has been a decline for two or more consecutive quarters in the last 12 months in seasonally adjusted nonfarm payroll employment; or

(C) That a quarterly economic and revenue forecast projects that revenues in the state's General Fund in the current biennium will be at least two percent below what the revenues were projected to be in the revenue forecast on which the legislatively adopted budget for the current biennium was based; or

(b) *[If the]* **The** proposed appropriation, allocation or transfer is approved by three-fifths of the members serving in each house of the Legislative Assembly and the Governor declares an emergency.

(7) The Legislative Assembly may by law prescribe the procedures to be used and identify the persons required to make the forecasts described in subsection (6) of this section.

[(8)(a) There is created a school capital matching subaccount within the education stability fund created under paragraph (d) of subsection (4) of this section.]

[(b) The Legislative Assembly may by law appropriate, allocate or transfer moneys or revenue to the school capital matching subaccount.]

[(c) To the extent funds are available, the Legislative Assembly may appropriate, allocate or transfer moneys in the school capital matching subaccount and earnings on moneys in the subaccount for the purpose of providing state matching funds to school districts for capital costs incurred by the school districts.]

[(9) Notwithstanding paragraph (d) of subsection (4) of this section, on May 1, 2003, the State Treasurer shall transfer \$150 million from the education stability fund created under paragraph (d) of subsection (4) of this section to a fund created by law and known as the State School Fund. Moneys transferred under this subsection may be used in the manner provided by law for moneys in the State School Fund.]

[(10)] **(8)** Effective July 1, 1999, 15% of the net proceeds from the State Lottery shall be deposited in a parks and natural resources fund created by the Legislative Assembly. Of the moneys in the parks and natural resources fund, 50% shall be distributed for the public purpose of financing the protection, repair, operation, and creation of state parks, ocean shore and public beach access areas, historic sites and recreation areas, and 50% shall be distributed for the public purpose of financing the restoration and protection of native salmonid populations, watersheds, fish and wildlife habitats and water quality in Oregon. The Legislative Assembly shall not limit expenditures from the parks and natural resources fund. The Legislative Assembly may appropriate other moneys or revenue to the parks and natural resources fund.

[(11)] **(9)** Only one State Lottery operation shall be permitted in the State.

[(12)] **(10)** The Legislative Assembly has no power to authorize, and shall prohibit, casinos from operation in the State of Oregon.

PARAGRAPH 4. The Constitution of the State of Oregon is revised by creating a new section 4e to be added to and made a part of Article XV, such section to read:

SECTION 4e. (1) **On the effective date of this section, all of the moneys in the school capital matching subaccount formerly created under subsection (8) of section 4 of this Article are transferred to the school capital matching fund created under section 4, Article XI-P of this Constitution. Moneys transferred under this section may be used as provided in section 4, Article XI-P of this Constitution.**

(2) **This section is repealed January 2, 2011.**

PARAGRAPH 5. The revision proposed by this resolution shall be submitted to the people for their approval or rejection at the next primary election.

Adopted by House May 26, 2009

Chief Clerk of House

Speaker of House

Adopted by Senate June 26, 2009

President of Senate