

A-Engrossed
Senate Joint Resolution 26

Ordered by the Senate May 9
Including Senate Amendments dated May 9

Sponsored by Senators MORSE, BURDICK, TELFER, HASS, THOMSEN, Representatives GELSER, READ; Senators NELSON, OLSEN, Representative OLSON

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Proposes revision of Oregon Constitution. Directs Legislative Assembly to leave amount unappropriated for biennium if Legislative Assembly determines that percentage increase in available General Fund revenues exceeds increase in rate of population and inflation. Sets amount left unappropriated at percentage difference between increase in revenues available for biennium and population and inflation growth, with three percent maximum. Requires deposit of unappropriated amount in Oregon Rainy Day Fund if General Fund revenues collected equal or exceed revenue estimate for biennium. Requires transfer of lesser of one percent of General Fund appropriations for biennium or ending balance to Oregon Rainy Day Fund.]

[Establishes Oregon Rainy Day Fund. Sets conditions for appropriation of moneys in fund. Transfers one-half of surplus personal income tax revenues to fund. Returns one-half of surplus personal income tax revenues to personal income taxpayers.]

[Establishes Oregon Universities Stability Fund. Sets conditions for appropriation of moneys in fund. Transfers surplus corporate income or excise tax revenue to fund.]

Proposes amendment to Oregon Constitution establishing Emergency Reserve Fund. Authorizes, upon making certain findings and passing with three-fifths majority vote, Legislative Assembly to appropriate moneys in fund. Limits appropriations that may be made from fund during any one biennium.

Provides that surpluses of personal income tax revenues in excess of two percent of forecast revenues are equally deposited in fund and returned to personal income taxpayers. Provides that surpluses of corporate excise or income tax revenues in excess of two percent be deposited in fund.

Refers proposed *[revision]* **amendment** to people for their approval or rejection at next *[primary]* **regular general** election.

JOINT RESOLUTION

Be It Resolved by the Legislative Assembly of the State of Oregon:

PARAGRAPH 1. The Constitution of the State of Oregon is amended by creating new sections 14a and 15 to be added to and made a part of Article IX, and by amending section 14, Article IX, such sections to read:

SECTION 15. (1) The Emergency Reserve Fund is established as an account in the General Fund. The Legislative Assembly may establish subaccounts within the Emergency Reserve Fund.

(2) The Legislative Assembly may appropriate moneys from the Emergency Reserve Fund only if the appropriation 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 General Fund for the next biennium will be at least three percent less than appropriations from the General Fund for the current biennium;

(b) That there has been a decline for two or more consecutive quarters in the last 12

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 months in seasonally adjusted nonfarm payroll employment; or

2 (c) That a quarterly economic and revenue forecast projects that revenues in the General
3 Fund in the current biennium will be at least two percent below what the revenues were
4 projected to be in the revenue forecast on which the legislatively adopted budget for the
5 current biennium was based.

6 (3) Once each month, in the manner provided by law, a state agency designated by law
7 shall calculate the amount of General Fund interest that is attributable to moneys in the
8 Emergency Reserve Fund. Except as provided in subsection (5) of this section, the amount
9 calculated under this subsection shall be transferred to the Emergency Reserve Fund. The
10 Legislative Assembly by law may attribute interest on moneys in a subaccount in the
11 Emergency Reserve Fund to the subaccount.

12 (4) The Legislative Assembly may not appropriate for any one biennium more than two-
13 thirds of the amount that is in the Emergency Reserve Fund at the beginning of that
14 biennium. If the appropriation is for a biennium that has not yet begun, the Legislative As-
15 sembly may use as the base the most recent estimate of the amount that will be in the
16 Emergency Reserve Fund at the beginning of the biennium for which the appropriation is
17 made.

18 (5) If the moneys in the Emergency Reserve Fund just prior to the time of a transfer to
19 the Emergency Reserve Fund scheduled under subsection (3) of this section, section 14 of
20 this Article or any other provision of law equal at least 14 percent of the amount of General
21 Fund revenues collected during the prior biennium, moneys that would otherwise be trans-
22 ferred to the Emergency Reserve Fund shall be deposited or retained in the General Fund
23 or returned to personal income taxpayers as provided in subsection (4) of section 14 of this
24 Article.

25 (6) If the moneys in the Emergency Reserve Fund just prior to the time of a transfer to
26 the Emergency Reserve Fund scheduled under subsection (3) of this section, section 14 of
27 this Article or any other provision of law do not equal at least 14 percent of the amount of
28 General Fund revenues collected during the prior biennium, the transfer to the Emergency
29 Reserve Fund shall be made regardless of whether that transfer increases the amount in the
30 Emergency Reserve Fund to at least 14 percent of the amount of General Fund revenues
31 collected during the prior biennium.

32 (7) As used in this section, "legislatively adopted budget" means the budget enacted by
33 the Legislative Assembly during an odd-numbered year regular session.

34 **Sec. 14.** (1) As soon as is practicable after adjournment sine die of an odd-numbered year reg-
35 ular session of the Legislative Assembly, the Governor shall cause an estimate to be prepared of
36 revenues that will be received by the General Fund for the biennium beginning July 1. The esti-
37 mated revenues from corporate income and excise taxes shall be separately stated from the esti-
38 mated revenues from other General Fund sources.

39 (2) As soon as is practicable after the end of the biennium, the Governor shall cause actual
40 collections of revenues received by the General Fund for that biennium to be determined. The re-
41 venues received from corporate income and excise taxes shall be determined separately from the
42 revenues received from other General Fund sources.

43 (3) If the revenues received by the General Fund from corporate income and excise taxes during
44 the biennium exceed the amount estimated to be received from corporate income and excise taxes
45 for the biennium, by two percent or more, the total amount of the excess shall be *returned to cor-*

1 *porate income and excise taxpayers*] **transferred to the Emergency Reserve Fund established by**
2 **section 15 of this Article or any subaccount in the Emergency Reserve Fund.**

3 (4) If the revenues received from General Fund revenue sources, exclusive of those described in
4 subsection (3) of this section, during the biennium exceed the amount estimated to be received from
5 such sources for the biennium, by two percent or more, **one-half of the total amount of the excess**
6 **shall be transferred to the Emergency Reserve Fund established by section 15 of this Article**
7 **and one-half of the total amount of the excess shall be returned to personal income taxpayers. If**
8 **a transfer may not be made to the Emergency Reserve Fund under subsection (5) of section**
9 **15 of this Article, the total amount of the excess shall be returned to personal income tax-**
10 **payers.**

11 (5) The Legislative Assembly may enact laws:

12 (a) Establishing a tax credit, refund payment or other mechanism by which the excess revenues
13 are returned to taxpayers, and establishing administrative procedures connected therewith.

14 (b) Allowing the excess revenues to be reduced by administrative costs associated with return-
15 ing the excess revenues.

16 (c) Permitting a taxpayer's share of the excess revenues not to be returned to the taxpayer if
17 the taxpayer's share is less than a de minimis amount identified by the Legislative Assembly.

18 (d) Permitting a taxpayer's share of excess revenues to be offset by any liability of the taxpayer
19 for which the state is authorized to undertake collection efforts.

20 (6)(a) Prior to the close of a biennium for which an estimate described in subsection (1) of this
21 section has been made, the Legislative Assembly, by a two-thirds majority vote of all members
22 elected to each [*House*] **house**, may enact legislation declaring an emergency and increasing the
23 amount of the estimate prepared pursuant to subsection (1) of this section.

24 (b) The prohibition against declaring an emergency in an act regulating taxation or exemption
25 in section 1a[, *Article IX of this Constitution*,] **of this Article** does not apply to legislation enacted
26 pursuant to this subsection.

27 (7) This section does not apply:

28 (a) If, for a biennium or any portion of a biennium, a state tax is not imposed on or measured
29 by the income of individuals.

30 [*(b) To revenues derived from any minimum tax imposed on corporations for the privilege of car-*
31 *rying on or doing business in this state that is imposed as a fixed amount and that is nonapportioned*
32 *(except for changes of accounting periods).]*

33 [*(c)*] (b) To biennia beginning before July 1, 2001.

34 **SECTION 14a. (1) Section 15 of this Article and the amendment to section 14 of this Ar-**
35 **ticle by Senate Joint Resolution 26 (2011) apply to biennia beginning on or after July 1, 2011.**

36 **(2) This section is repealed on June 30, 2015.**

37
38 **PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the**
39 **people for their approval or rejection at the next regular general election held throughout**
40 **this state.**