

House Joint Resolution 8

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Revenue)

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 **as introduced**.

Proposes amendment to Oregon Constitution to repeal individual income tax surplus refund "kicker" provision.

Refers proposed amendment to people for their approval or rejection at next 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 a new section 14a to be added to and made a part of Article IX, and by amending section 14, Article IX, and section 4, Article X-A, such sections to read:

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

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

(3) If the revenues received by the General Fund from corporate income and excise taxes during the biennium exceed the amount estimated to be received from corporate income and excise taxes for the biennium[,] by two percent or more, the total amount of the excess shall be retained in the General Fund and used to provide additional funding for public education, kindergarten through twelfth grade.

[(4) If the revenues received from General Fund revenue sources, exclusive of those described in subsection (3) of this section, during the biennium exceed the amount estimated to be received from such sources for the biennium, by two percent or more, the total amount of the excess shall be returned to personal income taxpayers.]

[(5) The Legislative Assembly may enact laws:]

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

[(b) Allowing the excess revenues to be reduced by administrative costs associated with returning the excess revenues.]

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

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

3 *[(6)(a)]* **(4)(a)** Prior to the close of a biennium for which an estimate described in subsection (1)
 4 of this section has been made, the Legislative Assembly, by a two-thirds majority vote of all mem-
 5 bers elected to each *[House]* **house**, may enact legislation declaring an emergency and increasing
 6 the amount of the estimate prepared pursuant to subsection (1) of this section.

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

10 *[(7)]* **(5)** This section does not apply:

11 *[(a) If, for a biennium or any portion of a biennium, a state tax is not imposed on or measured by*
 12 *the income of individuals.]*

13 *[(b)]* **(a)** To revenues derived from any minimum tax imposed on corporations for the privilege
 14 of carrying on or doing business in this state that is imposed as a fixed amount and that is nonap-
 15 portioned (except for changes of accounting periods).

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

17 **SECTION 14a. (1) The amendment to section 14 of this Article and the amendment to**
 18 **section 4, Article X-A of this Constitution, by House Joint Resolution 8 (2015) apply to**
 19 **biennia beginning on or after July 1, 2015.**

20 **(2) This section is repealed on June 30, 2019.**

21 **Sec. 4.** (1) If the Governor declares that a catastrophic disaster has occurred:

22 (a) The Legislative Assembly may enact laws authorizing the use of revenue described in section
 23 3a, Article IX of this Constitution, for purposes other than those described in that section.

24 *[(b) The Legislative Assembly may, by a vote of the number of members of each house that consti-*
 25 *tutes a quorum under subsection (2) of section 3 of this Article, appropriate moneys that would other-*
 26 *wise be returned to taxpayers under section 14, Article IX of this Constitution, to state agencies for the*
 27 *purpose of responding to the catastrophic disaster.]*

28 *[(c)]* **(b)** Notwithstanding section 7, Article XI of this Constitution, the Legislative Assembly may
 29 lend the credit of the state or create debts or liabilities in an amount the Legislative Assembly
 30 considers necessary to provide an adequate response to the catastrophic disaster.

31 *[(d)]* **(c)** The provisions of section 15, Article XI of this Constitution, do not apply to any law
 32 that is approved by three-fifths of the members of each house who are able to attend a session de-
 33 scribed in subsection (3) of section 3 of this Article.

34 *[(e)]* **(d)** The Legislative Assembly may take action described in subsection (6) of section 15,
 35 Article XI of this Constitution, upon approval by three-fifths of the members of each house who are
 36 able to attend a session described in subsection (3) of section 3 of this Article.

37 *[(f)]* **(e)** Notwithstanding section 4, Article XV of this Constitution, the Legislative Assembly
 38 may allocate proceeds from the State Lottery for any purpose and in any ratio the Legislative As-
 39 sembly determines necessary to provide an adequate response to the catastrophic disaster.

40 (2) Nothing in this section overrides or otherwise affects the provisions of section 15b, Article
 41 V of this Constitution.

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

