

House Joint Resolution 23

Sponsored by Representative HELM

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 modify return of surplus revenue to personal income taxpayers by directing percentage of surplus revenue to reserve fund established to combat drought. Maintains return of surplus to taxpayers with lower incomes and phases out amount returned to taxpayers with higher incomes.

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, 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 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 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]* **12th** 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.]* **divided as follows:**

(a) The lesser of five percent of the excess, or the amount sufficient to raise the balance of a reserve fund established to combat drought to \$300 million, adjusted for inflation, shall be transferred to the reserve fund established to combat drought.

(b) After the transfer required by paragraph (a) of this subsection, the remainder of the excess shall be returned to personal income taxpayers, with the amount returned to personal income taxpayers with household income not in excess of 200 percent of the federal poverty

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 level returned as a percentage of the prior year liability of all personal income taxpayers,
2 calculated before the transfer required by paragraph (a) of this section.

3 (c) In order to accommodate the transfer required by paragraph (a) of this subsection,
4 amounts returned to personal income taxpayers with household income equal to or in excess
5 of 200 percent of the federal poverty level may be reduced, if necessary, by a percentage that
6 is inversely proportional to the income percentile of each taxpayer.

7 (5) The Legislative Assembly may enact laws:

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

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

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

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

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

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

23 (7) This section does not apply:

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

26 (b) To revenues derived from any minimum tax imposed on corporations for the privilege of
27 carrying on or doing business in this state that is imposed as a fixed amount and that is nonappor-
28 tioned (except for changes of accounting periods).

29 (c) To biennia beginning before July 1, 2001.

30 **SECTION 14a. (1) The amendment to section 14 of this Article by _____ Joint Re-**
31 **solution _____ (2023) (LC 3501) applies to biennia beginning on or after July 1, 2023.**

32 **(2) This section is repealed on June 30, 2027.**

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