SUPREME COURT OF OREGON

Novick v. Myers

332 Or. 361 (2001) · No. SC S48562 · Decided August 9, 2001

SUMMARY

The Oregon Supreme Court reviewed a petition challenging the Attorney General's certified ballot title for Initiative Petition 44 (2002). The court rejected the challenge to the "yes" result statement and certified the ballot title concerning distribution of a portion of state personal and corporate income tax revenue to certain local governments.

OPINION

PER CURIAM.

Filed: August 9, 2001 IN THE SUPREME COURT OF THE STATE OF OREGON STEVEN NOVICK, Petitioner, v. HARDY MYERS, Attorney General, State of Oregon, Respondent. (SC S48562) En Banc On petition to review ballot title. Submitted on the record July 19, 2001. Steven Novick, in propria persona, filed the petition. Douglas F. Zier, Assistant Attorney General, Salem, filed the answering memorandum for respondent.

With him on the memorandum were Hardy Myers, Attorney General, and Michael D. Reynolds, Solicitor General. PER CURIAM Ballot title certified. This decision shall become effective in accordance with ORAP 11.30(10). PER CURIAM This ballot title review proceeding brought under ORS 250.085(2) concerns the Attorney General's certified ballot title for a proposed initiative measure, denominated by the Secretary of State as Initiative Petition 44 (2002).

Petitioner is an elector who timely submitted written comments to the Secretary of State concerning the content of the Attorney General's draft ballot title and who therefore is entitled to seek review in this court. See ORS 250.085(2) (stating that requirement).

We review the Attorney General's certified ballot title to determine whether it substantially complies with the requirements of ORS 250.035(2). ORS 250.085(5). (1) Petitioner challenges only the "yes" result statement in the Attorney General's certified ballot title.

We have considered petitioner's argument and have determined that it is not well taken. Accordingly, we certify the following ballot title to the Secretary of State: AMENDS CONSTITUTION: DISTRIBUTES TEN PERCENT OF STATE PERSONAL AND CORPORATE INCOME TAX REVENUE TO SOME LOCAL GOVERNMENTS RESULT OF "YES" VOTE: "Yes" vote requires distribution of ten percent of state personal and corporate income tax revenue to some local governments that do not tax business income.

RESULT OF "NO" VOTE: "No" vote retains the current tax system where personal and corporate income tax revenue collected by the state is directed to the state general fund. SUMMARY: Amends constitution. Currently, all state tax revenue collected from personal and corporate income is directed to the state general fund and is used to fund education, public safety, human services, and other state programs.

Measure requires ten percent of state personal and corporate income tax revenue (including corporate excise taxes) collected in tax years beginning on or after July 1, 2003 to be "equitably" distributed to local governments that do not impose taxes on business income. Measure defines "local governments" to include cities, counties, and local service districts providing "essential services"; excludes local school districts and metropolitan service districts from definition of "local governments."

Measure does not define terms "equitably" or "essential services." Reduces revenue available for state government expenditures and provides no replacement funds. Ballot title certified. This decision shall become effective in accordance with ORAP 11.30(10). 1.

The 2001 Legislative Assembly amended ORS 250.085 in a respect not relevant to this proceeding. Return to previous location.
