

IN THE SUPREME COURT OF THE STATE OF OREGON

**ANDREA R. MEYER and
DAVID FIDANQUE,**

Plaintiffs-Appellants,

v.

**BILL BRADBURY, Secretary of State
for the State of Oregon,**

Defendant-Respondent,

and

DAVID DELK,

Defendant-Intervenor-Respondent.

**Marion County Circuit Court
No. 04C-20669**

CA A127935

SC S53693

SECOND ORAL ARGUMENT EXHIBIT OF DAVID DELK (DEFENDANT-INTERVENOR-RESPONDENT)

**(TABLE OF PREVIOUSLY ENACTED CONSTITUTIONAL
AMENDMENTS AND TWO ON NOVEMBER 2006 BALLOT)**

Petition for Review of the Decision of the Court of Appeals on Appeal
from a Judgment of the Circuit Court for Marion County
Honorable Claudia M. Burton, Judge

DANIEL W. MEEK
OSB No. 79124
10949 S.W. 4th Avenue
Portland, OR 97219
(503) 293-9021 voice
dan@meek.net

Attorney for Defendant-Intervenor-Respondent David Delk

<p>EXAMPLES OF MEASURES IN EACH CATEGORY</p>	<p>Effect on Article IV, Section 25(1) (if "necessary" is interpreted to mean "sufficient")</p>
<p>CATEGORY A:</p> <p>Amendment includes substantive requirement or prohibition; makes no mention of voting requirements for the Legislative Assembly</p> <p>Measure 28 (1996): Repeals residency requirements for state veterans' loans.</p> <p>Measure 49 (1997): Restricts inmate lawsuits; allows interstate shipment of prison made products</p> <p>Measure 66 (1998): Dedicates some lottery funding to parks, beaches; habitat, watershed</p> <p>Measure 68 (1999): Allows protecting business, certain government programs from prison work programs</p> <p>Measure 71 (1999): Limits pretrial release of accused person to protect victims, public</p> <p>Measure 74 (1999): Requires Terms of Imprisonment announced in court be fully served, with exceptions</p> <p>Measure 75 (1999): Persons convicted of certain crimes cannot serve on grand juries, criminal trial juries</p> <p>Measure 76 (1999): Requires light, heavy motor vehicle classes proportionately share highway costs</p> <p>Measure 83 (1999): Authorizes new standards, priorities for veterans' loans; expands qualified recipients</p> <p>Measure 99 (2000): Creates commission ensuring quality home care services for elderly, disabled</p> <p>Measure 11 (2002): Authorizes less expensive general obligation bond financing for OHSU medical research and other capital costs</p>	<p>Implicitly amends it, because Legislative Assembly is prohibited from enacting laws that are contrary to the new amendment, whether or not each house votes by simple majority to do so.</p>

<p>CATEGORY B:</p> <p>Amendment includes substantive requirements or prohibitions and imposes a supermajority voting requirement upon the Legislative Assembly pertaining to the subject matter of the measure</p> <p>Measure 30 (1996): State must pay local governments costs of state-mandated programs (referral by Legislature).</p> <p>Measure 86 (2000): Requires refunding general fund revenues exceeding state estimates to taxpayers (referral by Legislature) (income tax "kicker").</p> <p>Measure 84 (2000): State must pay local governments costs of state-mandated programs (referral by Legislature).</p> <p>Measure 19 (2002): Dedication of additional lottery funds to education (referral by Legislature).</p> <p>Measure 48 (on 2006 ballot): Limits biennial percentage increase in state spending to percentage increase in state population, plus inflation</p>	<p>Implicitly amends it (less), because Legislative Assembly is allowed to enact laws pertaining to the new amendment but only by the supermajorities specified in the amendment. This is a reduction in power of the Legislative Assembly.</p>
<p>CATEGORY C:</p> <p>Amendment grants to Legislative Assembly power to enact laws previously beyond the authority of the Legislative Assembly; requires supermajority votes.</p> <p>Initiative Petition 8</p> <p>Measure 46 (for 2006 ballot): Allows laws regulating election contributions, expenditures adopted by initiative or 3/4 of both legislative houses</p>	<p>Does not amend it, because Legislative Assembly did not previously have the power to enact such laws by simple majority votes. This measure causes a limited increase to the power of the Legislative Assembly.</p>

CERTIFICATE OF SERVICE

I hereby certify that I filed the original and 12 copies with the State Court Administrator and served a true copy of the foregoing SECOND ORAL ARGUMENT EXHIBIT OF DAVID DELK (DEFENDANT-INTERVENOR-RESPONDENT) by personal delivery to the State Court Administrator and to all parties listed below eligible to participate in oral argument (indicated by an asterisk).

Charles Hinkle*

Scott Kaplan

Stoel, Rives

900 S.W. 5th Avenue #2600

Portland, OR 97204-1268

503-224-3380

John Dilorenzo

Davis Wright Tremaine

1300 S.W. 5th Avenue #2300

Portland, OR 97201

503-241-2300

Charles Fletcher*

Trial Attorney

Oregon Department of Justice

1162 Court Street N.E.

Salem, OR 97301-4096

502-378-6313

Thomas Christ

805 S.W. Broadway

8th Floor

Portland, OR 97205

503-323-9000

Dated: August 29, 2006

Daniel W. Meek