

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

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

**(SECOND 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

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EXAMPLES OF CATEGORY A:

Measure 28 (1996): Repeals residency requirements for state veterans' loans.

After enactment of this amendment, the Legislative Assembly does not have authority to enact laws, by simple majority vote, reinstating the residency requirements that this amendment repealed.

Measure 49 (1997): Restricts inmate lawsuits; allows interstate shipment of prison made products.

After enactment of this amendment, the Legislative Assembly does not have authority to allow the specified type of inmate lawsuits or to ban interstate shipment of prison-made products, whether or not such laws are passed by simple majority votes of both houses of the Legislative Assembly.

Measure 66 (1998): dedicates some lottery funding to parks, beaches; habitat, watershed.

This amendment specified that 15% of net lottery proceeds must be spent on parks and wildlife. It does not allow the Legislative Assembly to change this allocation by statute, whether or not such laws are passed by simple majority votes of both houses of the Legislative Assembly.

Measure 68 (1999): Allows protecting business, certain government programs from prison work programs.

This amendment directs the Corrections Director, to the extent he determines possible, to avoid programs that would "displace or significantly reduce preexisting private enterprise," among other provisions. It also provides that "the decision to establish, maintain, expand, reduce or terminate any prison work program remains in the sole discretion of the corrections director." After enactment of this amendment, the Legislative Assembly does not have authority to tell the Corrections Director to establish work programs that compete with private enterprise, whether or not such laws are passed by simple majority votes of both houses of the Legislative Assembly.

Measure 71 (1999): Limits pretrial release of accused person to protect victims, public.

This amendment created more constitutional rights for the victims of crime, including "the right to be reasonable protected from the criminal defendant or the convicted criminal throughout the criminal justice process." After enactment of this amendment, the Legislative Assembly does not have authority to enact laws that repeal or modify those rights, whether or not such laws are passed by simple majority votes of both houses of the Legislative Assembly.

Measure 74 (1999): Requires Terms of Imprisonment announced in court be fully served, with exceptions.

After enactment of this amendment, the Legislative Assembly does not have authority to enact laws that allow prisoners to be released before serving their full sentences, whether or not such laws are passed by simple majority votes of both houses of the Legislative Assembly.

Measure 75 (1999): Persons convicted of certain crimes cannot serve on grand juries, criminal trial juries.

After enactment of this amendment, the Legislative Assembly does not have authority to enact laws that allow persons convicted of these crimes to serve on grand juries or criminal trial juries, whether or not such laws are passed by simple majority votes of both houses of the Legislative Assembly.

Measure 76 (1999): Requires light, leavy motor vehicle classes proportionately share highway costs.

After enactment of this amendment, the Legislative Assembly does not have authority to enact laws that tax motor vehicles in a manner that does not ensure that the share of revenues paid by light vehicles v. heavy vehicles (including trucks) is not "fair and proportionate to the costs incurred for the highway system because of each class of vehicle," whether or not such laws are passed by simple majority votes of both houses of the Legislative Assembly.

Measure 83 (1999): Authorizes new standards, priorities for veterans' loans; expands qualified recipients.

This amendment authorized the Director of Veterans' Affairs to establish standards and priorities with respect to the granting of loans. It also expanded eligibility for the loans to the veterans of post-1976 conflicts but restricted eligibility to those who served honorably in active duty other than mere training. After enactment of this amendment, the Legislative Assembly does not have authority to enact laws that repeal or modify this authority of the Director of Veterans' Affairs or to change the specified eligibility requirements, whether or not such laws are passed by simple majority votes of both houses of the Legislative Assembly.

EXAMPLES OF CATEGORY B:

Measure 30 (1996): state must pay local governments costs of state-mandated programs.

This amendment expressly allows initiatives to create exceptions to the requirement that the state reimburse local governments for the cost of "state mandates." It also allows the Legislative Assembly to create exceptions but only with a 3/5 vote of both houses. This measure was readopted by 85% of Oregon voters in 2000 as Measure 84.

Measure 84 (2000): state must pay local governments costs of state-mandated programs.

This readopted Measure 30 on a permanent basis.

Measure 86 (2000): the income tax "kicker" (requires refunding general fund revenues exceeding state estimates to taxpayers)

This amendment requires the state to refund to taxpayers all excess revenue, if actual revenue collected is more than 2% above the revenue forecast by the Governor at the time the Legislative Assembly adopted the biennial budget. It allows the Legislative Assembly to change the revenue forecast of the Governor, but only by a 2/3 vote of both houses.

Measure 19 (2002): dedication of additional lottery funds to education.

This amendment increased the percentage of net lottery proceeds going to the education stability fund from 15% to 18%. It allows banned the Legislative Assembly from appropriating funds from the principal of the education stability fund, except upon a 3/5 of both houses of the Legislature and a declaration of emergency by the Governor.

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 **THIRD 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).

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Dated: August 29, 2006

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