

# Senate Joint Resolution 41

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Rules)

## 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 require annual sessions of Legislative Assembly. Provides that session beginning in odd-numbered year may not exceed \_\_\_\_ calendar days, and session beginning in even-numbered year may not exceed \_\_\_\_ calendar days. Allows extensions by affirmative vote of two-thirds of members of each house.

Refers proposed amendment to people for their approval or rejection at \_\_\_\_ election \_\_\_\_.

## JOINT RESOLUTION

**Be It Resolved by the Legislative Assembly of the State of Oregon:**

**PARAGRAPH 1.** Section 3, Article III, sections 6 and 10, Article IV, and sections 5 and 14, Article IX of the Constitution of the State of Oregon, are amended to read:

**Sec. 10.** [*The sessions of the Legislative Assembly shall be held biennially at the Capitol of the State commencing on the second Monday of September, in the year eighteen hundred and fifty eight, and on the same day of every second year thereafter, unless a different day shall have been appointed by law.*-]

**(1) The Legislative Assembly shall hold annual sessions at the Capitol of the State. Each session must begin on the day designated by law as the first day of the session. Except as provided in subsection (2) of this section:**

**(a) A session beginning in an odd-numbered year may not exceed \_\_\_\_\_ calendar days in duration; and**

**(b) A session beginning in an even-numbered year may not exceed \_\_\_\_\_ calendar days in duration.**

**(2) A session may be extended for a period of \_\_\_\_\_ calendar days by the affirmative vote of two-thirds of the members of each house. A session may be extended more than once. An extension must begin on the first calendar day after the end of the immediately preceding session or extension except that if the first calendar day is a Sunday, the extension may begin on the next Monday.**

**Sec. 3.** (1) The Legislative Assembly is authorized to establish by law a joint committee composed of members of both houses of the Legislative Assembly, the membership to be as fixed by law, which committee may exercise, during the interim between sessions of the Legislative Assembly, such of the following powers as may be conferred upon it by law:

(a) Where an emergency exists, to allocate to any state agency, out of any emergency fund that may be appropriated to the committee for that purpose, additional funds beyond the amount appropriated to the agency by the Legislative Assembly, or funds to carry on an activity required by law for which an appropriation was not made.

**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 (b) Where an emergency exists, to authorize any state agency to expend, from funds dedicated  
2 or continuously appropriated for the uses and purposes of the agency, sums in excess of the amount  
3 of the budget of the agency as approved in accordance with law.

4 (c) In the case of a new activity coming into existence at such a time as to preclude the possi-  
5 bility of submitting a budget to the Legislative Assembly for approval, to approve, or revise and  
6 approve, a budget of the money appropriated for such new activity.

7 (d) Where an emergency exists, to revise or amend the budgets of state agencies to the extent  
8 of authorizing transfers between expenditure classifications within the budget of an agency.

9 (2) The Legislative Assembly shall prescribe by law what shall constitute an emergency for the  
10 purposes of this section.

11 (3) As used in this section, "state agency" means any elected or appointed officer, board, com-  
12 mission, department, institution, branch or other agency of the state government.

13 (4) The term of members of the joint committee established pursuant to this section shall run  
14 from the adjournment of one **odd-numbered year** regular session to the organization of the next  
15 **odd-numbered year** regular session. No member of a committee shall cease to be such member  
16 solely by reason of the expiration of his term of office as a member of the Legislative Assembly.

17 **Sec. 6.** (1) At the **odd-numbered year** regular session of the Legislative Assembly next follow-  
18 ing an enumeration of the inhabitants by the United States Government, the number of Senators and  
19 Representatives shall be fixed by law and apportioned among legislative districts according to pop-  
20 ulation. A senatorial district shall consist of two representative districts. Any Senator whose term  
21 continues through the next **odd-numbered year** regular legislative session after the operative date  
22 of the reapportionment shall be specifically assigned to a senatorial district. The ratio of Senators  
23 and Representatives, respectively, to population shall be determined by dividing the total population  
24 of the state by the number of Senators and by the number of Representatives. A reapportionment  
25 by the Legislative Assembly becomes operative as described in subsection (6) of this section.

26 (2) This subsection governs judicial review and correction of a reapportionment enacted by the  
27 Legislative Assembly.

28 (a) Original jurisdiction is vested in the Supreme Court, upon the petition of any elector of the  
29 state filed with the Supreme Court on or before August 1 of the year in which the Legislative As-  
30 sembly enacts a reapportionment, to review any reapportionment so enacted.

31 (b) If the Supreme Court determines that the reapportionment thus reviewed complies with  
32 subsection (1) of this section and all law applicable thereto, it shall dismiss the petition by written  
33 opinion on or before September 1 of the same year and the reapportionment becomes operative as  
34 described in subsection (6) of this section.

35 (c) If the Supreme Court determines that the reapportionment does not comply with subsection  
36 (1) of this section and all law applicable thereto, the reapportionment shall be void. In its written  
37 opinion, the Supreme Court shall specify with particularity wherein the reapportionment fails to  
38 comply. The opinion shall further direct the Secretary of State to draft a reapportionment of the  
39 Senators and Representatives in accordance with the provisions of subsection (1) of this section and  
40 all law applicable thereto. The Supreme Court shall file its order with the Secretary of State on or  
41 before September 15. The Secretary of State shall conduct a hearing on the reapportionment at  
42 which the public may submit evidence, views and argument. The Secretary of State shall cause a  
43 transcription of the hearing to be prepared which, with the evidence, shall become part of the re-  
44 cord. The Secretary of State shall file the corrected reapportionment with the Supreme Court on or  
45 before November 1 of the same year.

1 (d) On or before November 15, the Supreme Court shall review the corrected reapportionment  
2 to assure its compliance with subsection (1) of this section and all law applicable thereto and may  
3 further correct the reapportionment if the court considers correction to be necessary.

4 (e) The corrected reapportionment becomes operative as described in subsection (6) of this sec-  
5 tion.

6 (3) This subsection governs enactment, judicial review and correction of a reapportionment if  
7 the Legislative Assembly fails to enact any reapportionment by July 1 of the year of the **odd-**  
8 **numbered year** regular session of the Legislative Assembly next following an enumeration of the  
9 inhabitants by the United States Government.

10 (a) The Secretary of State shall make a reapportionment of the Senators and Representatives in  
11 accordance with the provisions of subsection (1) of this section and all law applicable thereto. The  
12 Secretary of State shall conduct a hearing on the reapportionment at which the public may submit  
13 evidence, views and argument. The Secretary of State shall cause a transcription of the hearing to  
14 be prepared which, with the evidence, shall become part of the record. The reapportionment so made  
15 shall be filed with the Supreme Court by August 15 of the same year. The reapportionment becomes  
16 operative as described in subsection (6) of this section.

17 (b) Original jurisdiction is vested in the Supreme Court upon the petition of any elector of the  
18 state filed with the Supreme Court on or before September 15 of the same year to review any re-  
19 apportionment and the record made by the Secretary of State.

20 (c) If the Supreme Court determines that the reapportionment thus reviewed complies with  
21 subsection (1) of this section and all law applicable thereto, it shall dismiss the petition by written  
22 opinion on or before October 15 of the same year and the reapportionment becomes operative as  
23 described in subsection (6) of this section.

24 (d) If the Supreme Court determines that the reapportionment does not comply with subsection  
25 (1) of this section and all law applicable thereto, the reapportionment shall be void. The Supreme  
26 Court shall return the reapportionment by November 1 to the Secretary of State accompanied by a  
27 written opinion specifying with particularity wherein the reapportionment fails to comply. The  
28 opinion shall further direct the Secretary of State to correct the reapportionment in those partic-  
29 ulars, and in no others, and file the corrected reapportionment with the Supreme Court on or before  
30 December 1 of the same year.

31 (e) On or before December 15, the Supreme Court shall review the corrected reapportionment  
32 to assure its compliance with subsection (1) of this section and all law applicable thereto and may  
33 further correct the reapportionment if the court considers correction to be necessary.

34 (f) The reapportionment becomes operative as described in subsection (6) of this section.

35 (4) Any reapportionment that becomes operative as provided in this section is a law of the state  
36 except for purposes of initiative and referendum.

37 (5) Notwithstanding section 18, Article II of this Constitution, after the convening of the next  
38 **odd-numbered year** regular legislative session following the reapportionment, a Senator whose  
39 term continues through that legislative session is subject to recall by the electors of the district to  
40 which the Senator is assigned and not by the electors of the district existing before the latest re-  
41 apportionment. The number of signatures required on the recall petition is 15 percent of the total  
42 votes cast for all candidates for Governor at the most recent election at which a candidate for  
43 Governor was elected to a full term in the two representative districts comprising the senatorial  
44 district to which the Senator was assigned.

45 (6)(a) Except as provided in paragraph (b) of this subsection, a reapportionment made under this

1 section becomes operative on the second Monday in January of the next odd-numbered year after  
2 the applicable deadline for making a final reapportionment under this section.

3 (b) For purposes of electing Senators and Representatives to the next term of office that com-  
4 mences after the applicable deadline for making a final reapportionment under this section, a reap-  
5 portionment made under this section becomes operative on January 1 of the calendar year next  
6 following the applicable deadline for making a final reapportionment under this section.

7 **Sec. 5.** An accurate statement of the receipts, and expenditures of the public money shall be  
8 published with the laws of each **odd-numbered year** regular session of the Legislative  
9 Assembly.[-]

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

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

19 (3) If the revenues received by the General Fund from corporate income and excise taxes during  
20 the biennium exceed the amount estimated to be received from corporate income and excise taxes  
21 for the biennium, by two percent or more, the total amount of the excess shall be returned to cor-  
22 porate income and excise taxpayers.

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

27 (5) The Legislative Assembly may enact laws:

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

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

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

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

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

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

43 (7) This section does not apply:

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

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

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

5

6 **PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the**  
7 **people for their approval or rejection at \_\_\_\_\_ election held throughout this state**

8 \_\_\_\_\_.

9 \_\_\_\_\_