

Minority Report
B-Engrossed
Senate Joint Resolution 41

Ordered by the House February 23
Including Senate Amendments dated February 15 and House Minority
Report Amendments dated February 23

Sponsored by nonconcurring members of the House Committee on Rules: Representatives HANNA, GARRARD

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.

Proposes amendment to Oregon Constitution to require annual sessions of Legislative Assembly. Provides that session beginning in odd-numbered year may not exceed 135 calendar days, and session beginning in even-numbered year may not exceed 45 calendar days. Permits organizational session that is not subject to time limits. Allows extensions by affirmative vote of two-thirds of members of each house.

Limits type of legislative action that may be taken during regular session in even-numbered year.

Refers proposed amendment to people for their approval or rejection at next regular general election held throughout this state.

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 (3) of this section:

(a) A session beginning in an odd-numbered year may not exceed 135 calendar days in duration; and

(b) A session beginning in an even-numbered year may not exceed 45 calendar days in duration.

(2) The Legislative Assembly may hold an organizational session that is not subject to the limits of subsection (1) of this section for the purposes of introducing measures and performing the duties and effecting the organization described in sections 11 and 12 of this Article. The Legislative Assembly may not undertake final consideration of a measure or reconsideration of a measure following a gubernatorial veto when convened in an organizational session.

(3) A regular session, as described in subsection (1) of this section, may be extended for

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

5 (4) During a regular session in an even-numbered year, the Legislative Assembly may
6 only do any of the following:

7 (a) Adopt memorials and resolutions.

8 (b) Take action described in section 11 of this Article.

9 (c) Pass bills and adopt resolutions proposing constitutional amendment or revision that:

10 (A) Appropriate or allocate moneys or limit expenditures;

11 (B) Regulate taxation or exemption; or

12 (C) Receive at least a two-thirds vote in favor of passage in each house.

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

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

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

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

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

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

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

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

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

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

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

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

10 (c) If the Supreme Court determines that the reapportionment does not comply with subsection
11 (1) of this section and all law applicable thereto, the reapportionment shall be void. In its written
12 opinion, the Supreme Court shall specify with particularity wherein the reapportionment fails to
13 comply. The opinion shall further direct the Secretary of State to draft a reapportionment of the
14 Senators and Representatives in accordance with the provisions of subsection (1) of this section and
15 all law applicable thereto. The Supreme Court shall file its order with the Secretary of State on or
16 before September 15. The Secretary of State shall conduct a hearing on the reapportionment at
17 which the public may submit evidence, views and argument. The Secretary of State shall cause a
18 transcription of the hearing to be prepared which, with the evidence, shall become part of the re-
19 cord. The Secretary of State shall file the corrected reapportionment with the Supreme Court on or
20 before November 1 of the same year.

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

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

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

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

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

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

44 (d) If the Supreme Court determines that the reapportionment does not comply with subsection
45 (1) of this section and all law applicable thereto, the reapportionment shall be void. The Supreme

1 Court shall return the reapportionment by November 1 to the Secretary of State accompanied by a
 2 written opinion specifying with particularity wherein the reapportionment fails to comply. The
 3 opinion shall further direct the Secretary of State to correct the reapportionment in those partic-
 4 ulars, and in no others, and file the corrected reapportionment with the Supreme Court on or before
 5 December 1 of the same year.

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

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

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

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

20 (6)(a) Except as provided in paragraph (b) of this subsection, a reapportionment made under this
 21 section becomes operative on the second Monday in January of the next odd-numbered year after
 22 the applicable deadline for making a final reapportionment under this section.

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

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

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

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

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

43 (4) If the revenues received from General Fund revenue sources, exclusive of those described in
 44 subsection (3) of this section, during the biennium exceed the amount estimated to be received from
 45 such sources for the biennium, by two percent or more, the total amount of the excess shall be re-

1 turned to personal income taxpayers.

2 (5) The Legislative Assembly may enact laws:

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

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

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

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

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

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

18 (7) This section does not apply:

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

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

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

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

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