

# House Joint Resolution 40

Sponsored by Representative GARRETT, Senator MORSE, Representative HARKER; Representatives BAILEY, BARKER, BARNHART, BEYER, BOONE, BREWER, BUCKLEY, CLEM, COWAN, DOHERTY, GELSER, GREENLICK, HOLVEY, HOYLE, HUNT, JENSON, MATTHEWS, NATHANSON, READ, SCHAUFLEER, J SMITH, TOMEI, WITT, Senator BONAMICI

## 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 that initiative petition proposing law or constitutional amendment with fiscal impact also provide new tax or fee or increase in rate of existing tax or fee to cover immediate and future costs of law or amendment.

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

## JOINT RESOLUTION

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

**PARAGRAPH 1.** The Constitution of the State of Oregon is amended by creating a new section 1c to be added to and made a part of Article IV, and by amending section 1, Article IV, such sections to read:

**Sec. 1.** (1) The legislative power of the state, except for the initiative and referendum powers reserved to the people, is vested in a Legislative Assembly, consisting of a Senate and a House of Representatives.

(2)(a) The people reserve to themselves the initiative power, which is to propose laws and amendments to the Constitution and enact or reject them at an election independently of the Legislative Assembly.

(b) An initiative law may be proposed only by a petition signed by a number of qualified voters equal to six percent of the total number of votes cast for all candidates for Governor at the election at which a Governor was elected for a term of four years next preceding the filing of the petition.

(c) An initiative amendment to the Constitution may be proposed only by a petition signed by a number of qualified voters equal to eight percent of the total number of votes cast for all candidates for Governor at the election at which a Governor was elected for a term of four years next preceding the filing of the petition.

(d) An initiative petition shall include the full text of the proposed law or amendment to the Constitution. A proposed law or amendment to the Constitution shall embrace one subject only and matters properly connected therewith.

**(e)(A) An initiative law or amendment to the Constitution that requires the appropriation or expenditure of public moneys shall include as part of the proposed law or amendment to the Constitution a new tax or fee, or an increase in the rate of an existing tax or fee, sufficient to cover the immediate and future costs of the law or amendment to the Constitution, if enacted.**

**(B) If an initiative law or amendment to the Constitution that includes a new or increased tax or fee is enacted and the new or increased tax or fee is insufficient to cover the**

**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 **costs of the law or amendment to the Constitution for each fiscal year, the Legislative As-**  
2 **sembly may reduce the appropriation or expenditure of public moneys for implementation**  
3 **of the law or amendment to the Constitution to the amount of funding supplied by the new**  
4 **or increased tax or fee. Notwithstanding section 1, Article XVII of this Constitution, if an**  
5 **initiative amendment to the Constitution specifies the rate of a new tax or fee or adjusts the**  
6 **rate of an existing tax or fee, the Legislative Assembly may adjust the rate of the tax or fee**  
7 **by law in accordance with the provisions of this Constitution.**

8 **(C) For purposes of paragraph (d) of this subsection, the new or increased tax or fee is**  
9 **considered a matter properly connected with the subject of the proposed law or amendment**  
10 **to the Constitution.**

11 **(D) For purposes of section 1, Article XVII of this Constitution, the new or increased tax**  
12 **or fee included as part of a proposed amendment to the Constitution is not considered a**  
13 **separate amendment to the Constitution.**

14 [(e)] **(f)** An initiative petition shall be filed not less than four months before the election at  
15 which the proposed law or amendment to the Constitution is to be voted upon.

16 (3)(a) The people reserve to themselves the referendum power, which is to approve or reject at  
17 an election any Act, or part thereof, of the Legislative Assembly that does not become effective  
18 earlier than 90 days after the end of the session at which the Act is passed.

19 (b) A referendum on an Act or part thereof may be ordered by a petition signed by a number  
20 of qualified voters equal to four percent of the total number of votes cast for all candidates for  
21 Governor at the election at which a Governor was elected for a term of four years next preceding  
22 the filing of the petition. A referendum petition shall be filed not more than 90 days after the end  
23 of the session at which the Act is passed.

24 (c) A referendum on an Act may be ordered by the Legislative Assembly by law.  
25 Notwithstanding section 15b, Article V of this Constitution, bills ordering a referendum and bills  
26 on which a referendum is ordered are not subject to veto by the Governor.

27 (4)(a) Petitions or orders for the initiative or referendum shall be filed with the Secretary of  
28 State. The Legislative Assembly shall provide by law for the manner in which the Secretary of State  
29 shall determine whether a petition contains the required number of signatures of qualified voters.  
30 The Secretary of State shall complete the verification process within the 30-day period after the last  
31 day on which the petition may be filed as provided in paragraph [(e)] **(f)** of subsection (2) **of this**  
32 **section** or paragraph (b) of subsection (3) of this section.

33 (b) Initiative and referendum measures shall be submitted to the people as provided in this sec-  
34 tion and by law not inconsistent therewith.

35 (c) All elections on initiative and referendum measures shall be held at the regular general  
36 elections, unless otherwise ordered by the Legislative Assembly.

37 (d) Notwithstanding section 1, Article XVII of this Constitution, an initiative or referendum  
38 measure becomes effective 30 days after the day on which it is enacted or approved by a majority  
39 of the votes cast thereon. A referendum ordered by petition on a part of an Act does not delay the  
40 remainder of the Act from becoming effective.

41 (5) The initiative and referendum powers reserved to the people by subsections (2) and (3) of this  
42 section are further reserved to the qualified voters of each municipality and district as to all local,  
43 special and municipal legislation of every character in or for their municipality or district. The  
44 manner of exercising those powers shall be provided by general laws, but cities may provide the  
45 manner of exercising those powers as to their municipal legislation. In a city, not more than 15

1 percent of the qualified voters may be required to propose legislation by the initiative, and not more  
2 than 10 percent of the qualified voters may be required to order a referendum on legislation.

3 **SECTION 1c. (1) The amendment to section 1 of this Article by House Joint Resolution**  
4 **40 (2011) applies to any initiative petition proposing an amendment to this Constitution, or**  
5 **any initiative petition proposing a law, for which a prospective petition is filed with the**  
6 **Secretary of State on or after the effective date of the amendment to section 1 of this Article**  
7 **by House Joint Resolution 40 (2011).**

8 **(2) This section is repealed on January 2, 2015.**

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

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