

# House Joint Resolution 43

Sponsored by Representatives HUNT, JENSON, TOMEI; Representatives BAILEY, BARKER, BARNHART, BEYER, BOONE, CANNON, COWAN, DEMBROW, DOHERTY, ESQUIVEL, FREDERICK, FREEMAN, GARRARD, GELSER, GILLIAM, GREENLICK, HARKER, HOLVEY, HOYLE, HUFFMAN, JOHNSON, KENNEMER, KOMP, KRIEGER, LINDSAY, MATTHEWS, NATHANSON, OLSON, PARRISH, READ, RICHARDSON, ROBLAN, SCHAUFLE, J SMITH, SPRENGER, THATCHER, THOMPSON, WAND, WEIDNER, WHISNANT, WINGARD

## 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**.

Eliminates Oregon Senate and establishes unicameral Legislative Assembly consisting of 60 Representatives. Establishes office of Speaker of Legislative Assembly.

Refers proposed amendment to people for 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 repealing section 18, Article IV, and section 5, Article XVIII, and by amending section 5, Article I, section 18, Article II, sections 3 and 4, Article III, sections 1, 2, 3, 4, 6, 7, 8, 9, 10, 10a, 11, 12, 13, 14, 15, 16, 17, 19, 21, 25, 26, 30, 31 and 33, Article IV, sections 4, 5, 8a, 12 and 15b, Article V, section 14, Article IX, section 15, Article XI, sections 4 and 11, Article XV, and sections 1 and 2, Article XVII, such sections to read:

**Sec. 5.** No money shall be drawn from the Treasury for the benefit of any [*religious,*] **religious** or theological institution, nor shall any money be appropriated for the payment of any [*religious services in either house of*] **religious services in** the Legislative Assembly.[-]

**Sec. 18.** [*Recall.*] (1) Every public officer in Oregon is subject, as herein provided, to recall by the electors of the state or of the electoral district from which the public officer is elected.

(2) Fifteen per cent, but not more, of the number of electors who voted for Governor in the officer's electoral district at the most recent election at which a candidate for Governor was elected to a full term, may be required to file their petition demanding the officer's recall by the people.

(3) They shall set forth in the petition the reasons for the demand.

(4) If the public officer offers to resign, the resignation shall be accepted and take effect on the day it is offered, and the vacancy shall be filled as may be provided by law. If the public officer does not resign within five days after the petition is filed, a special election shall be ordered to be held within 35 days in the electoral district to determine whether the people will recall the officer.

(5) On the ballot at the election shall be printed in not more than 200 words the reasons for demanding the recall of the officer as set forth in the recall petition, and, in not more than 200 words, the officer's justification of the officer's course in office. The officer shall continue to perform the duties of office until the result of the special election is officially declared. If an officer is recalled from any public office the vacancy shall be filled immediately in the manner provided by law for filling a vacancy in that office arising from any other cause.

(6) The recall petition shall be filed with the officer with whom a petition for nomination to such

**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 office should be filed, and the same officer shall order the special election when it is required. No  
2 such petition shall be circulated against any officer until the officer has actually held the office six  
3 months, save and except that it may be filed against a [*senator or representative in the legislative*  
4 *assembly*] **Representative in the Legislative Assembly** at any time after five days from the be-  
5 ginning of the first session after the election of the [*senator or representative*] **Representative**.

6 (7) After one such petition and special election, no further recall petition shall be filed against  
7 the same officer during the term for which the officer was elected unless such further petitioners  
8 first pay into the public treasury which has paid such special election expenses, the whole amount  
9 of its expenses for the preceding special election.

10 (8) Such additional legislation as may aid the operation of this section shall be provided by the  
11 [*legislative assembly*] **Legislative Assembly**, including provision for payment by the public treasury  
12 of the reasonable special election campaign expenses of such officer. But the words, “the [*legislative*  
13 *assembly*] **Legislative Assembly** shall provide,” or any similar or equivalent words in this consti-  
14 tution or any amendment thereto, shall not be construed to grant to the [*legislative assembly*] **Leg-**  
15 **islative Assembly** any exclusive power of lawmaking nor in any way to limit the initiative and  
16 referendum powers reserved by the people.

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

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

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

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

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

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

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

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

41 **Sec. 4.** (1) The Legislative Assembly in the manner provided by law may require that all ap-  
42 pointments and reappointments to state public office made by the Governor shall be subject to  
43 confirmation by the [*Senate*] **Legislative Assembly**.

44 (2) The appointee shall not be eligible to serve until confirmed in the manner required by law  
45 and if not confirmed in that manner, shall not be eligible to serve in the public office.

1 (3) In addition to appointive offices, the provisions of this section shall apply to any state elec-  
2 tive office when the Governor is authorized by law or this Constitution to fill any vacancy therein,  
3 except the office of judge of any court, United States Senator or Representative and a district,  
4 county or precinct office.

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

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

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

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

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

21 (e) An initiative petition shall be filed not less than four months before the election at which  
22 the proposed law or amendment to the Constitution is to be voted upon.

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

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

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

34 (4)(a) Petitions or orders for the initiative or referendum shall be filed with the Secretary of  
35 State. The Legislative Assembly shall provide by law for the manner in which the Secretary of State  
36 shall determine whether a petition contains the required number of signatures of qualified voters.  
37 The Secretary of State shall complete the verification process within the 30-day period after the last  
38 day on which the petition may be filed as provided in paragraph (e) of subsection (2) or paragraph  
39 (b) of subsection (3) of this section.

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

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

44 (d) Notwithstanding section 1, Article XVII of this Constitution, an initiative or referendum  
45 measure becomes effective 30 days after the day on which it is enacted or approved by a majority

1 of the votes cast thereon. A referendum ordered by petition on a part of an Act does not delay the  
2 remainder of the Act from becoming effective.

3 (5) The initiative and referendum powers reserved to the people by subsections (2) and (3) of this  
4 section are further reserved to the qualified voters of each municipality and district as to all local,  
5 special and municipal legislation of every character in or for their municipality or district. The  
6 manner of exercising those powers shall be provided by general laws, but cities may provide the  
7 manner of exercising those powers as to their municipal legislation. In a city, not more than 15  
8 percent of the qualified voters may be required to propose legislation by the initiative, and not more  
9 than 10 percent of the qualified voters may be required to order a referendum on legislation.

10 **Sec. 2.** *[The Senate shall consist of sixteen, and the House of Representatives of thirty four mem-*  
11 *bers, which number shall not be increased until the year Eighteen Hundred and Sixty, after which time*  
12 *the Legislative Assembly may increase the number of Senators and Representatives, always keeping as*  
13 *near as may be the same ratio as to the number of Senators, and Representatives: Provided that the*  
14 *Senate shall never exceed thirty and the House of Representatives sixty members.-]* **The Legislative**  
15 **Assembly shall consist of 60 Representatives.**

16 **Sec. 3.** (1) The *[senators and representatives]* **Representatives** shall be chosen by the electors  
17 of the respective counties or districts or subdistricts within a county or district into which the state  
18 may from time to time be divided by law.

19 (2)(a) If a vacancy occurs in the office of *[senator or representative]* **Representative** from any  
20 county or district or subdistrict, the vacancy shall be filled as may be provided by law.

21 (b) Except as provided in paragraph (c) of this subsection, a person who is appointed to fill a  
22 vacancy in the office of *[senator or representative]* **Representative** must be an inhabitant of the  
23 district the person is appointed to represent for at least one year next preceding the date of the  
24 appointment.

25 (c) For purposes of an appointment occurring during the period beginning on January 1 of the  
26 year a reapportionment becomes operative under section 6 of this Article, the person must have  
27 been an inhabitant of the district for one year next preceding the date of the appointment or from  
28 January 1 of the year the reapportionment becomes operative to the date of the appointment,  
29 whichever is less.

30 **Sec. 4.** *[(1)]* The *[Senators shall be elected for the term of four years, and]* Representatives **shall**  
31 **be elected** for the term of two years. The term of each *[Senator and]* Representative shall commence  
32 on the second Monday in January following *[his]* **the Representative's** election, and shall continue  
33 for the full period of *[four years or two years, as the case may be,]* **two years** unless a different  
34 commencing day for such terms shall have been appointed by law.

35 *[(2) The Senators shall continue to be divided into two classes, in accordance with the division by*  
36 *lot provided for under the former provisions of this Constitution, so that one-half, as nearly as possible,*  
37 *of the number of Senators shall be elected biennially.]*

38 *[(3) Any Senator or Representative whose term, under the former provisions of this section, would*  
39 *have expired on the first Monday in January 1961, shall continue in office until the second Monday*  
40 *in January 1961.]*

41 **Sec. 6.** (1) At the odd-numbered year regular session of the Legislative Assembly next following  
42 an enumeration of the inhabitants by the United States Government, the number of *[Senators and]*  
43 Representatives shall be fixed by law and apportioned among legislative districts according to pop-  
44 ulation. *[A senatorial district shall consist of two representative districts. Any Senator whose term*  
45 *continues through the next odd-numbered year regular legislative session after the operative date of the*

1 *reapportionment shall be specifically assigned to a senatorial district. The ratio of Senators and Rep-*  
2 *resentatives, respectively,]* **The ratio of Representatives** to population shall be determined by di-  
3 *viding the total population of the state [by the number of Senators and]* by the number of  
4 Representatives. A reapportionment by the Legislative Assembly becomes operative as described in  
5 subsection [(6)] (5) of this section.

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

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

11 (b) If the Supreme Court determines that the reapportionment thus reviewed complies with  
12 subsection (1) of this section and all law applicable thereto, it shall dismiss the petition by written  
13 opinion on or before September 1 of the same year and the reapportionment becomes operative as  
14 described in subsection [(6)] (5) of this section.

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

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

29 (e) The corrected reapportionment becomes operative as described in subsection [(6)] (5) of this  
30 section.

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

35 (a) The Secretary of State shall make a reapportionment of the [Senators and] Representatives  
36 in accordance with the provisions of subsection (1) of this section and all law applicable thereto.  
37 The Secretary of State shall conduct a hearing on the reapportionment at which the public may  
38 submit evidence, views and argument. The Secretary of State shall cause a transcription of the  
39 hearing to be prepared which, with the evidence, shall become part of the record. The reapportion-  
40 ment so made shall be filed with the Supreme Court by August 15 of the same year. The reappor-  
41 tionment becomes operative as described in subsection [(6)] (5) of this section.

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

45 (c) If the Supreme Court determines that the reapportionment thus reviewed complies with

1 subsection (1) of this section and all law applicable thereto, it shall dismiss the petition by written  
 2 opinion on or before October 15 of the same year and the reapportionment becomes operative as  
 3 described in subsection [(6)] (5) of this section.

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

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

14 (f) The reapportionment becomes operative as described in subsection [(6)] (5) of this section.

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

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

25 [(6)(a)] (5)(a) Except as provided in paragraph (b) of this subsection, a reapportionment made  
 26 under this section becomes operative on the second Monday in January of the next odd-numbered  
 27 year after the applicable deadline for making a final reapportionment under this section.

28 (b) For purposes of electing [*Senators and*] Representatives to the next term of office that com-  
 29 mences after the applicable deadline for making a final reapportionment under this section, a reap-  
 30 portionment made under this section becomes operative on January 1 of the calendar year next  
 31 following the applicable deadline for making a final reapportionment under this section.

32 **Sec. 7.** [*A senatorial district, when more than one county shall constitute the same, shall be com-*  
 33 *posed of contiguous counties, and no county shall be divided in creating such senatorial districts.*  
 34 *Senatorial or*] Representative districts comprising not more than one county may be divided into  
 35 subdistricts from time to time by law. Subdistricts shall be composed of contiguous territory within  
 36 the district; and the ratios to population of [*senators or representatives, as the case may be,*] **Repre-**  
 37 **sentatives** elected from the subdistricts[,] shall be substantially equal within the district.

38 **Sec. 8.** (1)(a) Except as provided in paragraph (b) of this subsection, a person may not be a  
 39 [*Senator or*] Representative if the person at the time of election:

40 (A) Is not a citizen of the United States; and

41 (B) Has not been for one year next preceding the election an inhabitant of the district from  
 42 which the [*Senator or*] Representative may be chosen.

43 (b) For purposes of the general election next following the applicable deadline for making a final  
 44 apportionment under section 6 of this Article, the person must have been an inhabitant of the dis-  
 45 trict from January 1 of the year following the applicable deadline for making the final reapportion-

1 ment to the date of the election.

2 (2) [*Senators and*] Representatives shall be at least twenty one years of age.

3 (3) A person may not be a [*Senator or*] Representative if the person has been convicted of a  
4 felony during:

5 (a) The term of office of the person as a [*Senator or*] Representative; or

6 (b) The period beginning on the date of the election at which the person was elected to the of-  
7 fice of [*Senator or*] Representative and ending on the first day of the term of office to which the  
8 person was elected.

9 (4) A person is not eligible to be elected as a [*Senator or*] Representative if that person has been  
10 convicted of a felony and has not completed the sentence received for the conviction prior to the  
11 date that person would take office if elected. As used in this subsection, “sentence received for the  
12 conviction” includes a term of imprisonment, any period of probation or post-prison supervision and  
13 payment of a monetary obligation imposed as all or part of a sentence.

14 (5) Notwithstanding sections 11 and 15, Article IV of this Constitution:

15 (a) The office of a [*Senator or*] Representative convicted of a felony during the term to which  
16 the [*Senator or*] Representative was elected or appointed shall become vacant on the date the [*Sen-  
17 ator or*] Representative is convicted.

18 (b) A person elected to the office of [*Senator or*] Representative and convicted of a felony during  
19 the period beginning on the date of the election and ending on the first day of the term of office to  
20 which the person was elected shall be ineligible to take office and the office shall become vacant  
21 on the first day of the next term of office.

22 (6) Subject to subsection (4) of this section, a person who is ineligible to be a [*Senator or*] Rep-  
23 resentative under subsection (3) of this section may:

24 (a) Be a [*Senator or*] Representative after the expiration of the term of office during which the  
25 person is ineligible; and

26 (b) Be a candidate for the office of [*Senator or*] Representative prior to the expiration of the  
27 term of office during which the person is ineligible.

28 (7)(a) Except as provided in paragraph (b) of this subsection, a person may not be a [*Senator  
29 or*] Representative if the person at all times during the term of office of the person as a [*Senator  
30 or*] Representative is not an inhabitant of the district from which the [*Senator or*] Representative  
31 may be chosen or which the [*Senator or*] Representative has been appointed to represent. A person  
32 does not lose status as an inhabitant of a district if the person is absent from the district for pur-  
33 poses of business of the Legislative Assembly.

34 (b) Following the applicable deadline for making a final apportionment under section 6 of this  
35 Article, until the expiration of the term of office of the person, a person may be an inhabitant of  
36 any district.

37 **Sec. 9.** [*Senators and*] Representatives in all cases, except for treason, felony, or breaches of the  
38 peace, shall be privileged from arrest during the session of the Legislative Assembly, and in going  
39 to and returning from the same; and shall not be subject to any civil process during the session of  
40 the Legislative Assembly, nor during the fifteen days next before the commencement thereof: Nor  
41 shall a member for words uttered in debate in [*either house,*] **the Legislative Assembly** be ques-  
42 tioned in any other place.[-]

43 **Sec. 10.** (1) The Legislative Assembly shall hold annual sessions at the Capitol of the State.  
44 Each session must begin on the day designated by law as the first day of the session. Except as  
45 provided in subsection (3) of this section:

1 (a) A session beginning in an odd-numbered year may not exceed 160 calendar days in duration;  
2 and

3 (b) A session beginning in an even-numbered year may not exceed 35 calendar days in duration.

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

9 (3) A regular session, as described in subsection (1) of this section, may be extended for a period  
10 of five calendar days by the affirmative vote of two-thirds of the members of *[each house]* **the Leg-**  
11 **islative Assembly**. A session may be extended more than once. An extension must begin on the first  
12 calendar day after the end of the immediately preceding session or extension except that if the first  
13 calendar day is a Sunday, the extension may begin on the next Monday.

14 **Sec. 10a.** In the event of an emergency the Legislative Assembly shall be convened by the  
15 *[presiding officers of both Houses]* **Speaker of the Legislative Assembly** at the Capitol of the State  
16 at times other than required by section 10 of this Article upon the written request of the majority  
17 of the members of *[each House]* **the Legislative Assembly** to commence within five days after re-  
18 ceipt of the minimum requisite number of requests.

19 **Sec. 11.** *[Each house]* **The Legislative Assembly** when assembled, shall choose its own officers,  
20 judge of the election, qualifications, and returns of its own members; determine its own rules of  
21 proceeding, and sit upon its own adjournments.; *but neither house shall without the concurrence of*  
22 *the other, adjourn for more than three days, nor to any other place than that in which it may be*  
23 *sitting.-]*

24 **Sec. 12.** Two thirds of *[each house]* **the Legislative Assembly** shall constitute a quorum to do  
25 business, but a smaller number may meet; adjourn from day to day, and compel the attendance of  
26 absent members. A quorum being in attendance, if *[either house fail]* **the Legislative Assembly fails**  
27 to effect an organization within the first five days thereafter, the members *[of the house so failing*  
28 *shall be entitled to no]* **may not be entitled to** compensation from the end of the said five days until  
29 an organization shall have been effected.*[-]*

30 **Sec. 13.** *[Each house]* **The Legislative Assembly** shall keep a journal of its proceedings.-The  
31 yeas and nays on any question, shall at the request of any two members, be entered, together with  
32 the names of the members demanding the same, on the journal; provided that on a motion to adjourn  
33 it shall require one tenth of the members present to order the yeas, and nays.

34 **Sec. 14.** The deliberations of *[each house, of committees of each house or joint committees]* **the**  
35 **Legislative Assembly** and of committees of the *[whole]* **Legislative Assembly**, shall be open. *[Each*  
36 *house]* **The Legislative Assembly** shall adopt rules to implement the requirement of this section  
37 *[and the houses jointly shall adopt rules to implement the requirements of this section in any joint ac-*  
38 *tivity that the two houses may undertake].*

39 **Sec. 15.** *[Either house]* **The Legislative Assembly** may punish its members for disorderly be-  
40 havior, and may with the concurrence of two thirds, expel a member; but not a second time for the  
41 same cause.*[-]*

42 **Sec. 16.** *[Either house]* **The Legislative Assembly**, during its session, may punish by  
43 imprisonment, any person, not a member, who shall have been guilty of disrespect to the *[house]*  
44 **assembly** by disorderly or *[contemptious]* **contemptuous** behavior in its presence, but such  
45 imprisonment shall not at any time, exceed *[twenty]* twenty four hours.*[-]*



1       **Sec. 17.** [*Each house*] **The Legislative Assembly** shall have all powers necessary for a **legis-**  
2 **lative** branch of [*the Legislative Department, of*] a free, and [*independant*] **independent** State.[-]

3       **Sec. 19.** Every bill shall be read by title only on three several days, in [*each house*] **the Legis-**  
4 **lative Assembly**, unless in case of emergency two-thirds of the [*house where such bill may be*  
5 *pending*] **assembly** shall, by a vote of yeas and nays, deem it expedient to dispense with this rule;  
6 provided, however, on its final passage such bill shall be read section by section unless such re-  
7 quirement be suspended by a vote of two-thirds of the [*house where such bill may be pending,*] **as-**  
8 **sembly** and the vote on the final passage of every bill or [*joint*] resolution shall be taken by yeas  
9 and nays.

10       **Sec. 21.** Every act[,] and [*joint*] resolution shall be plainly worded, avoiding as far as practicable  
11 the use of technical terms.[-]

12       **Sec. 25.** (1) Except as otherwise provided in subsection (2) of this section, a majority of all the  
13 members elected to [*each House*] **the Legislative Assembly** shall be necessary to pass every bill  
14 or [*Joint*] resolution.

15       (2) Three-fifths of all members elected to [*each House*] **the Legislative Assembly** shall be nec-  
16 essary to pass bills for raising revenue.

17       (3) All bills[,] and [*Joint*] resolutions passed, shall be signed by the [*presiding officers of the re-*  
18 *spective houses*] **Speaker of the Legislative Assembly**.

19       **Sec. 26.** Any member of [*either house*] **the Legislative Assembly**, shall have the right to pro-  
20 test, and have [*his*] **the member's** protest, with [*his*] reasons for dissent, entered on the journal.[-]

21       **Sec. 30.** No [*Senator or*] Representative shall, during the time for which [*he*] **the Represen-**  
22 **tative** may have been elected, be eligible to any office the election to which is vested in the Leg-  
23 islative Assembly; nor shall be appointed to any civil office of profit which shall have been created,  
24 or the emoluments of which shall have been increased during such term; but this latter provision  
25 shall not be construed to apply to any officer elective by the people.[-]

26       **Sec. 31.** The members of the Legislative Assembly shall before they enter on the duties of their  
27 respective offices, take and subscribe the following oath or affirmation;-I do solemnly swear (or af-  
28 firm as the case may be) that I will support the Constitution of the United States, and the Consti-  
29 tution of the State of Oregon, and that I will faithfully discharge the duties of [*Senator (or*  
30 *Representative as the case may be)*] **Representative** according to the best of my Ability, And such  
31 oath may be administered by the [*Governor*] **Governor**, Secretary of State, or a judge of the Supreme  
32 Court.[-]

33       **Sec. 33.** Notwithstanding the provisions of section 25 of this Article, a two-thirds vote of all the  
34 members elected to [*each house*] **the Legislative Assembly** shall be necessary to pass a bill that  
35 reduces a criminal sentence approved by the people under section 1 of this Article.

36       **Sec. 4.** The Governor shall be elected by the qualified Electors of the State at the times, and  
37 places of choosing members of the Legislative Assembly; and the returns of every Election for  
38 Governor, shall be sealed up, and transmitted to the Secretary of State; directed to the Speaker of  
39 the [*House of Representatives*] **Legislative Assembly**, who shall open, and publish them in the  
40 presence of [*both houses of*] the Legislative Assembly.[-]

41       **Sec. 5.** The person having the highest number of votes for Governor, shall be elected; but in  
42 case two or more persons shall have an equal and the highest number of votes for Governor, the  
43 [*two houses of the*] Legislative Assembly at the next regular session thereof, shall forthwith by  
44 [*joint*] vote, proceed to elect one of the said persons Governor.[-]

45       **Sec. 8a.** In case of the removal from office of the Governor, or of [*his*] **the** death, resignation,

1 or disability to discharge the duties of *[his]* **the office of Governor** as prescribed by law, the Sec-  
 2 retary of State; or if there be none, or in case of *[his]* **the** removal from office, death, resignation,  
 3 or disability to discharge the duties of *[his]* **the office of Secretary of State** as prescribed by law,  
 4 then the State Treasurer; or if there be none, or in case of *[his]* **the** removal from office, death,  
 5 resignation, or disability to discharge the duties of *[his]* **the office of State Treasurer** as prescribed  
 6 by law, then the *[President of the Senate; or if there be none, or in case of his removal from office,*  
 7 *death, resignation, or disability to discharge the duties of his office as prescribed by law, then the*  
 8 *Speaker of the House of Representatives]* **Speaker of the Legislative Assembly**, shall become Gov-  
 9 ernor until the disability be removed, or a Governor be elected at the next general biennial election.  
 10 The Governor elected to fill the vacancy shall hold office for the unexpired term of the outgoing  
 11 Governor. The Secretary of State or the State Treasurer shall appoint a person to fill *[his]* **the** office  
 12 **of Secretary of State or State Treasurer** until the election of a Governor, at which time the office  
 13 so filled by appointment shall be filled by election; or, in the event of a disability of the Governor,  
 14 to be Acting Secretary of State or Acting State Treasurer until the disability be removed. The per-  
 15 son so appointed shall not be eligible to succeed to the office of Governor by automatic succession  
 16 under this section during the term of his appointment.

17 **Sec. 12.** *[He]* **The Governor** may on extraordinary occasions convene the Legislative Assembly  
 18 by proclamation, and shall state to *[both houses]* **the Legislative Assembly** when assembled, the  
 19 purpose for which they shall have been convened.[-]

20 **Sec. 15b.** (1) Every bill which shall have passed the Legislative Assembly shall, before it be-  
 21 comes a law, be presented to the Governor; if the Governor approve, the Governor shall sign it; but  
 22 if not, the Governor shall return it with written objections to *[that house in which it shall have*  
 23 *originated,]* **the Legislative Assembly**, which *[house]* shall enter the objections at large upon the  
 24 journal and proceed to reconsider it.

25 (2) If, after such reconsideration, two-thirds of the members present shall agree to pass the bill,  
 26 *[it shall be sent, together with the objections, to the other house, by which it shall likewise be recon-*  
 27 *sidered, and, if approved by two-thirds of the members present,]* it shall become a law. *[But in all*  
 28 *such]* **In all** cases, the votes of *[both houses]* **the Legislative Assembly** shall be determined by yeas  
 29 and nays, and the names of the members voting for or against the bill shall be entered *[on the*  
 30 *journal of each house respectively]* **in the journal.**

31 (3) If any bill shall not be returned by the Governor within five days (Saturdays and Sundays  
 32 excepted) after it shall have been presented to the Governor, it shall be a law without signature,  
 33 unless the general adjournment shall prevent its return, in which case it shall be a law, unless the  
 34 Governor within thirty days next after the adjournment (Saturdays and Sundays excepted) shall file  
 35 such bill, with written objections thereto, in the office of the Secretary of State, who shall lay the  
 36 same before the Legislative Assembly at its next session in like manner as if it had been returned  
 37 by the Governor.

38 (4) Before filing a bill after adjournment with written objections, the Governor must announce  
 39 publicly the possible intention to do so at least five days before filing the bill with written ob-  
 40 jections. However, nothing in this subsection requires the Governor to file any bill with objections  
 41 because of the announcement.

42 **Sec. 14.** (1) As soon as is practicable after adjournment sine die of an odd-numbered year reg-  
 43 ular session of the Legislative Assembly, the Governor shall cause an estimate to be prepared of  
 44 revenues that will be received by the General Fund for the biennium beginning July 1. The esti-  
 45 mated revenues from corporate income and excise taxes shall be separately stated from the esti-

1 mated revenues from other General Fund sources.

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

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

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

14 (5) The Legislative Assembly may enact laws:

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

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

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

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

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

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

30 (7) This section does not apply:

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

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

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

37 **Sec. 15.** (1) Except as provided in subsection (7) of this section, when the Legislative Assembly  
38 or any state agency requires any local government to establish a new program or provide an in-  
39 creased level of service for an existing program, the State of Oregon shall appropriate and allocate  
40 to the local government moneys sufficient to pay the ongoing, usual and reasonable costs of per-  
41 forming the mandated service or activity.

42 (2) As used in this section:

43 (a) "Enterprise activity" means a program under which a local government sells products or  
44 services in competition with a nongovernment entity.

45 (b) "Local government" means a city, county, municipal corporation or municipal utility oper-

1 ated by a board or commission.

2 (c) "Program" means a program or project imposed by enactment of the Legislative Assembly  
3 or by rule or order of a state agency under which a local government must provide administrative,  
4 financial, social, health or other specified services to persons, government agencies or to the public  
5 generally.

6 (d) "Usual and reasonable costs" means those costs incurred by the affected local governments  
7 for a specific program using generally accepted methods of service delivery and administrative  
8 practice.

9 (3) A local government is not required to comply with any state law or administrative rule or  
10 order enacted or adopted after January 1, 1997, that requires the expenditure of money by the local  
11 government for a new program or increased level of service for an existing program until the state  
12 appropriates and allocates to the local government reimbursement for any costs incurred to carry  
13 out the law, rule or order and unless the Legislative Assembly provides, by appropriation, re-  
14 imbursement in each succeeding year for such costs. However, a local government may refuse to  
15 comply with a state law or administrative rule or order under this subsection only if the amount  
16 appropriated and allocated to the local government by the Legislative Assembly for a program in a  
17 fiscal year:

18 (a) Is less than 95 percent of the usual and reasonable costs incurred by the local government  
19 in conducting the program at the same level of service in the preceding fiscal year; or

20 (b) Requires the local government to spend for the program, in addition to the amount appro-  
21 priated and allocated by the Legislative Assembly, an amount that exceeds one-hundredth of one  
22 percent of the annual budget adopted by the governing body of the local government for that fiscal  
23 year.

24 (4) When a local government determines that a program is a program for which moneys are re-  
25 quired to be appropriated and allocated under subsection (1) of this section, if the local government  
26 expended moneys to conduct the program and was not reimbursed under this section for the usual  
27 and reasonable costs of the program, the local government may submit the issue of reimbursement  
28 to nonbinding arbitration by a panel of three arbitrators. The panel shall consist of one represen-  
29 tative from the Oregon Department of Administrative Services, the League of Oregon Cities and the  
30 Association of Oregon Counties. The panel shall determine whether the costs incurred by the local  
31 government are required to be reimbursed under this section and the amount of reimbursement. The  
32 decision of the arbitration panel is not binding upon the parties and may not be enforced by any  
33 court in this state.

34 (5) In any legal proceeding or arbitration proceeding under this section, the local government  
35 shall bear the burden of proving by a preponderance of the evidence that moneys appropriated by  
36 the Legislative Assembly are not sufficient to reimburse the local government for the usual and  
37 reasonable costs of a program.

38 (6) Except upon approval by three-fifths of the membership of [*each house of*] the Legislative  
39 Assembly, the Legislative Assembly shall not enact, amend or repeal any law if the anticipated ef-  
40 fect of the action is to reduce the amount of state revenues derived from a specific state tax and  
41 distributed to local governments as an aggregate during the distribution period for such revenues  
42 immediately preceding January 1, 1997.

43 (7) This section shall not apply to:

44 (a) Any law that is approved by three-fifths of the membership of [*each house of*] the Legislative  
45 Assembly.

1 (b) Any costs resulting from a law creating or changing the definition of a crime or a law es-  
2 tablishing sentences for conviction of a crime.

3 (c) An existing program as enacted by legislation prior to January 1, 1997, except for legislation  
4 withdrawing state funds for programs required prior to January 1, 1997, unless the program is made  
5 optional.

6 (d) A new program or an increased level of program services established pursuant to action of  
7 the Federal Government so long as the program or increased level of program services imposes costs  
8 on local governments that are no greater than the usual and reasonable costs to local governments  
9 resulting from compliance with the minimum program standards required under federal law or reg-  
10 ulations.

11 (e) Any requirement imposed by the judicial branch of government.

12 (f) Legislation enacted or approved by electors in this state under the initiative and referendum  
13 powers reserved to the people under section 1, Article IV of this Constitution.

14 (g) Programs that are intended to inform citizens about the activities of local governments.

15 (8) When a local government is not required under subsection (3) of this section to comply with  
16 a state law or administrative rule or order relating to an enterprise activity, if a nongovernment  
17 entity competes with the local government by selling products or services that are similar to the  
18 products and services sold under the enterprise activity, the nongovernment entity is not required  
19 to comply with the state law or administrative rule or order relating to that enterprise activity.

20 (9) Nothing in this section shall give rise to a claim by a private person against the State of  
21 Oregon based on the establishment of a new program or an increased level of service for an existing  
22 program without sufficient appropriation and allocation of funds to pay the ongoing, usual and rea-  
23 sonable costs of performing the mandated service or activity.

24 (10) Subsection (4) of this section does not apply to a local government when the local govern-  
25 ment is voluntarily providing a program four years after the effective date of the enactment, rule  
26 or order that imposed the program.

27 (11) In lieu of appropriating and allocating funds under this section, the Legislative Assembly  
28 may identify and direct the imposition of a fee or charge to be used by a local government to re-  
29 cover the actual cost of the program.

30 **Sec. 4.** (1) Except as provided in subsections (2), (3), (4), (8) and (9) of this section, lotteries and  
31 the sale of lottery tickets, for any purpose whatever, are prohibited, and the Legislative Assembly  
32 shall prevent the same by penal laws.

33 (2) The Legislative Assembly may provide for the establishment, operation, and regulation of  
34 raffles and the lottery commonly known as bingo or lotto by charitable, fraternal, or religious or-  
35 ganizations. As used in this section, charitable, fraternal or religious organization means such or-  
36 ganizations or foundations as defined by law because of their charitable, fraternal, or religious  
37 purposes. The regulations shall define eligible organizations or foundations, and may prescribe the  
38 frequency of raffles, bingo or lotto, set a maximum monetary limit for prizes and require a statement  
39 of the odds on winning a prize. The Legislative Assembly shall vest the regulatory authority in any  
40 appropriate state agency.

41 (3) There is hereby created the State Lottery Commission which shall establish and operate a  
42 State Lottery. All proceeds from the State Lottery, including interest, but excluding costs of ad-  
43 ministration and payment of prizes, shall be used for any of the following purposes: creating jobs,  
44 furthering economic development, financing public education in Oregon or restoring and protecting  
45 Oregon's parks, beaches, watersheds and native fish and wildlife.

1 (4)(a) The State Lottery Commission shall be comprised of five members appointed by the Gov-  
2 ernor and confirmed by the [*Senate*] **Legislative Assembly** who shall serve at the pleasure of the  
3 Governor. At least one of the Commissioners shall have a minimum of five years experience in law  
4 enforcement and at least one of the Commissioners shall be a certified public accountant. The  
5 Commission is empowered to promulgate rules related to the procedures of the Commission and the  
6 operation of the State Lottery. Such rules and any statutes enacted to further implement this article  
7 shall insure the integrity, security, honesty, and fairness of the Lottery. The Commission shall have  
8 such additional powers and duties as may be provided by law.

9 (b) The Governor shall appoint a Director subject to confirmation by the [*Senate*] **Legislative**  
10 **Assembly** who shall serve at the pleasure of the Governor. The Director shall be qualified by  
11 training and experience to direct the operations of a state-operated lottery. The Director shall be  
12 responsible for managing the affairs of the Commission. The Director may appoint and prescribe the  
13 duties of no more than four Assistant Directors as the Director deems necessary. One of the As-  
14 sistant Directors shall be responsible for a security division to assure security, integrity, honesty,  
15 and fairness in the operations and administration of the State Lottery. To fulfill these responsibil-  
16 ities, the Assistant Director for security shall be qualified by training and experience, including at  
17 least five years of law enforcement experience, and knowledge and experience in computer security.

18 (c) The Director shall implement and operate a State Lottery pursuant to the rules, and under  
19 the guidance, of the Commission. The State Lottery may operate any game procedure authorized  
20 by the commission, except parimutuel racing, social games, and the games commonly known in  
21 Oregon as bingo or lotto, whereby prizes are distributed using any existing or future methods among  
22 adult persons who have paid for tickets or shares in that game; provided that, in lottery games  
23 utilizing computer terminals or other devices, no coins or currency shall ever be dispensed directly  
24 to players from such computer terminals or devices.

25 (d) There is hereby created within the General Fund the Oregon State Lottery Fund which is  
26 continuously appropriated for the purpose of administering and operating the Commission and the  
27 State Lottery. The State Lottery shall operate as a self-supporting revenue-raising agency of state  
28 government and no appropriations, loans, or other transfers of state funds shall be made to it. The  
29 State Lottery shall pay all prizes and all of its expenses out of the revenues it receives from the sale  
30 of tickets or shares to the public and turnover the net proceeds therefrom to a fund to be estab-  
31 lished by the Legislative Assembly from which the Legislative Assembly shall make appropriations  
32 for the benefit of any of the following public purposes: creating jobs, furthering economic develop-  
33 ment, financing public education in Oregon or restoring and protecting Oregon's parks, beaches,  
34 watersheds and native fish and wildlife. Effective July 1, 1997, 15% of the net proceeds from the  
35 State Lottery shall be deposited, from the fund created by the Legislative Assembly under this par-  
36 agraph, in an education stability fund. Effective July 1, 2003, 18% of the net proceeds from the State  
37 Lottery shall be deposited, from the fund created by the Legislative Assembly under this paragraph,  
38 in an education stability fund. Earnings on moneys in the education stability fund shall be retained  
39 in the fund or expended for the public purpose of financing public education in Oregon as provided  
40 by law. Except as provided in subsection (6) of this section, moneys in the education stability fund  
41 shall be invested as provided by law and shall not be subject to the limitations of section 6, Article  
42 XI of this Constitution. The Legislative Assembly may appropriate other moneys or revenue to the  
43 education stability fund. The Legislative Assembly shall appropriate amounts sufficient to pay lot-  
44 tery bonds before appropriating the net proceeds from the State Lottery for any other purpose. At  
45 least 84% of the total annual revenues from the sale of all lottery tickets or shares shall be returned

1 to the public in the form of prizes and net revenues benefiting the public purpose.

2 (5) Notwithstanding paragraph (d) of subsection (4) of this section, the amount in the education  
3 stability fund created under paragraph (d) of subsection (4) of this section may not exceed an amount  
4 that is equal to five percent of the amount that was accrued as revenues in the state's General Fund  
5 during the prior biennium. If the amount in the education stability fund exceeds five percent of the  
6 amount that was accrued as revenues in the state's General Fund during the prior biennium:

7 (a) Additional net proceeds from the State Lottery may not be deposited in the education sta-  
8 bility fund until the amount in the education stability fund is reduced to less than five percent of  
9 the amount that was accrued as revenues in the state's General Fund during the prior biennium;  
10 and

11 (b) Fifteen percent of the net proceeds from the State Lottery shall be deposited into the school  
12 capital matching fund created under section 4, Article XI-P of this Constitution.

13 (6) The Legislative Assembly may by law appropriate, allocate or transfer any portion of the  
14 principal of the education stability fund created under paragraph (d) of subsection (4) of this section  
15 for expenditure on public education if:

16 (a) The proposed appropriation, allocation or transfer is approved by three-fifths of the members  
17 serving in [*each house of*] the Legislative Assembly and the Legislative Assembly finds one of the  
18 following:

19 (A) That the last quarterly economic and revenue forecast for a biennium indicates that moneys  
20 available to the state's General Fund for the next biennium will be at least three percent less than  
21 appropriations from the state's General Fund for the current biennium;

22 (B) That there has been a decline for two or more consecutive quarters in the last 12 months  
23 in seasonally adjusted nonfarm payroll employment; or

24 (C) That a quarterly economic and revenue forecast projects that revenues in the state's General  
25 Fund in the current biennium will be at least two percent below what the revenues were projected  
26 to be in the revenue forecast on which the legislatively adopted budget for the current biennium  
27 was based; or

28 (b) The proposed appropriation, allocation or transfer is approved by three-fifths of the members  
29 serving in [*each house of*] the Legislative Assembly and the Governor declares an emergency.

30 (7) The Legislative Assembly may by law prescribe the procedures to be used and identify the  
31 persons required to make the forecasts described in subsection (6) of this section.

32 (8) Effective July 1, 1999, 15% of the net proceeds from the State Lottery shall be deposited in  
33 a parks and natural resources fund created by the Legislative Assembly. Of the moneys in the parks  
34 and natural resources fund, 50% shall be deposited in a parks subaccount and distributed for the  
35 public purposes of financing the protection, repair, operation, and creation of state, regional and  
36 local public parks, ocean shore and public beach access areas, historic sites and recreation areas,  
37 and 50% shall be deposited in a natural resources subaccount and distributed for the public pur-  
38 poses of financing the restoration and protection of native fish and wildlife, watersheds and water  
39 quality in Oregon. The Legislative Assembly shall not limit expenditures from the parks and natural  
40 resources fund, or from the parks or natural resources subaccounts. The Legislative Assembly may  
41 appropriate other moneys or revenue to the parks and natural resources fund.

42 (9) Only one State Lottery operation shall be permitted in the State.

43 (10) The Legislative Assembly has no power to authorize, and shall prohibit, casinos from oper-  
44 ation in the State of Oregon.

45 **Sec. 11.** (1) Ensuring High Quality Home Care Services: Creation and Duties of the Quality

1 Home Care Commission. (a) The Home Care Commission is created as an independent public com-  
2 mission consisting of nine members appointed by the Governor.

3 (b) The duties and functions of the Home Care Commission include, but are not limited to:

4 (A) Ensuring that high quality, comprehensive home care services are provided to the elderly  
5 and people with disabilities who receive personal care services in their homes by home care workers  
6 hired directly by the client and financed by payments from the State or by payments from a county  
7 or other public agency which receives money for that purpose from the State;

8 (B) Providing routine, emergency and respite referrals of qualified home care providers to the  
9 elderly and people with disabilities who receive personal care services by home care workers hired  
10 directly by the client and financed in whole or in part by the State, or by payment from a county  
11 or other public agency which receives money for that purpose from the State;

12 (C) Provide training opportunities for home care workers, seniors and people with disabilities  
13 as consumers of personal care services;

14 (D) Establish qualifications for home care workers;

15 (E) Establish and maintain a registry of qualified home care workers;

16 (F) Cooperate with area agencies on aging and disability services and other local agencies to  
17 provide the services described and set forth in this section.

18 (2) Home Care Commission Operation/Selection. (a) The Home Care Commission shall be com-  
19 prised of nine members. Five members of the Commission shall be current or former consumers of  
20 home care services for the elderly or people with disabilities. One member shall be a representative  
21 of the Oregon Disabilities Commission, (or a successor entity, for as long as a comparable entity  
22 exists). One member shall be a representative of the Governor's Commission on Senior Services, (or  
23 a successor entity, for as long as a comparable entity exists). One member shall be a representative  
24 of the Oregon Association of Area Agencies on Aging and Disabilities, (or a successor entity, for  
25 as long as a comparable entity exists). One member shall be a representative of the Senior and  
26 Disabled Services Division, (or a successor entity, for as long as a comparable entity exists).

27 (b) The term of office of each member is three years, subject to confirmation by the [*Senate*]  
28 **Legislative Assembly**. If there is a vacancy for any cause, the Governor shall make an appointment  
29 to become immediately effective for the unexpired term. A member is eligible for reappointment and  
30 may serve no more than three consecutive terms. In making appointments to the Commission, the  
31 Governor may take into consideration any nominations or recommendations made by the represen-  
32 tative groups or agencies.

33 (3) Other Provisions - Legal Duties and Responsibilities of the Commission. (a) The Home Care  
34 Commission shall, in its own name, for the purpose of carrying into effect and promoting its func-  
35 tions, have authority to contract, lease, acquire, hold, own, encumber, insure, sell, replace, deal in  
36 and with and dispose of real and personal property.

37 (b) When conducting any activities in this Section or in subsection (1) of this section, and in  
38 making decisions relating to those activities, the Home Care Commission shall first consider the  
39 effect of its activities and its decisions on improving the quality of service delivery and ensuring  
40 adequate hours of service are provided to clients who are served by home care workers.

41 (c) Clients of home care services retain their right to select the providers of their choice, in-  
42 cluding family members.

43 (d) Employees of the Commission are not employees of the State of Oregon for any purpose.

44 (e) Notwithstanding the provisions in paragraph (d) of this subsection, the State of Oregon shall  
45 be held responsible for unemployment insurance payments for home care workers.



1 (f) For purposes of collective bargaining, the Commission shall be the employer of record of  
2 home care workers hired directly by the client and paid by the State, or by a county or other public  
3 agency which receives money for that purpose from the State. Home care workers have the right  
4 to form, join and participate in the activities of labor organizations of their own choosing for the  
5 purpose of representation and collective bargaining with the Commission on matters concerning  
6 employment relations. These rights shall be exercised in accordance with the rights granted to  
7 public employees with mediation and interest arbitration as the method of concluding the collective  
8 bargaining process. Home care workers shall not have the right to strike.

9 (g) The Commission may adopt rules to carry out its functions.

10 **Sec. 1.** Any amendment or amendments to this Constitution may be proposed in [*either branch*  
11 *of the legislative assembly*] **the Legislative Assembly**, and if the same shall be agreed to by a ma-  
12 jority of all the members elected [*to each of the two houses*], such proposed amendment or amend-  
13 ments shall, with the yeas and nays thereon, be entered in [*their journals*] **the journal** and referred  
14 by the secretary of state to the people for their approval or rejection, at the next regular general  
15 election, except when the [*legislative assembly*] **Legislative Assembly** shall order a special election  
16 for that purpose. If a majority of the electors voting on any such amendment shall vote in favor  
17 thereof, it shall thereby become a part of this Constitution. The votes for and against such amend-  
18 ment, or amendments, severally, whether proposed by the [*legislative assembly*] **Legislative Assem-**  
19 **bly** or by initiative petition, shall be canvassed by the secretary of state in the presence of the  
20 governor, and if it shall appear to the governor that the majority of the votes cast at said election  
21 on said amendment, or amendments, severally, are cast in favor thereof, it shall be his duty forth-  
22 with after such canvass, by his proclamation, to declare the said amendment, or amendments, se-  
23 verally, having received said majority of votes to have been adopted by the people of Oregon as part  
24 of the Constitution thereof, and the same shall be in effect as a part of the Constitution from the  
25 date of such proclamation. When two or more amendments shall be submitted in the manner afore-  
26 said to the voters of this state at the same election, they shall be so submitted that each amendment  
27 shall be voted on separately. No convention shall be called to amend or propose amendments to this  
28 Constitution, or to propose a new Constitution, unless the law providing for such convention shall  
29 first be approved by the people on a referendum vote at a regular general election. This article shall  
30 not be construed to impair the right of the people to amend this Constitution by vote upon an ini-  
31 tiative petition therefor.

32 **Sec. 2.** (1) In addition to the power to amend this Constitution granted by section 1, Article IV,  
33 and section 1 of this Article, a revision of all or part of this Constitution may be proposed in [*either*  
34 *house of*] the Legislative Assembly and, if the proposed revision is agreed to by at least two-thirds  
35 of all the members [*of each house*], the proposed revision shall, with the yeas and nays thereon, be  
36 entered in [*their journals*] **the journal** and referred by the Secretary of State to the people for their  
37 approval or rejection, notwithstanding section 1, Article IV of this Constitution, at the next regular  
38 state-wide primary election, except when the Legislative Assembly orders a special election for that  
39 purpose. A proposed revision may deal with more than one subject and shall be voted upon as one  
40 question. The votes for and against the proposed revision shall be canvassed by the Secretary of  
41 State in the presence of the Governor and, if it appears to the Governor that the majority of the  
42 votes cast in the election on the proposed revision are in favor of the proposed revision, he shall,  
43 promptly following the canvass, declare, by his proclamation, that the proposed revision has re-  
44 ceived a majority of votes and has been adopted by the people as the Constitution of the State of  
45 Oregon or as a part of the Constitution of the State of Oregon, as the case may be. The revision

1 shall be in effect as the Constitution or as a part of this Constitution from the date of such procla-  
2 mation.

3 (2) Subject to subsection (3) of this section, an amendment proposed to the Constitution under  
4 section 1, Article IV, or under section 1 of this Article may be submitted to the people in the form  
5 of alternative provisions so that one provision will become a part of the Constitution if a proposed  
6 revision is adopted by the people and the other provision will become a part of the Constitution if  
7 a proposed revision is rejected by the people. A proposed amendment submitted in the form of al-  
8 ternative provisions as authorized by this subsection shall be voted upon as one question.

9 (3) Subsection (2) of this section applies only when:

10 (a) The Legislative Assembly proposes and refers to the people a revision under subsection (1)  
11 of this section; and

12 (b) An amendment is proposed under section 1, Article IV, or under section 1 of this Article;  
13 and

14 (c) The proposed amendment will be submitted to the people at an election held during the pe-  
15 riod between the adjournment of the legislative session at which the proposed revision is referred  
16 to the people and the next regular legislative session.

17  
18 **PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the**  
19 **people for their approval or rejection at the next regular general election held throughout**  
20 **this state.**

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