

# Senate Joint Resolution 46

Sponsored by Senator KNOPP

## 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 proposed elector enactments requiring expenditure of public moneys include proposed source of revenue sufficient to pay for expenditure. Specifies that proposed source of revenue may not draw from existing revenues or from projected revenues of existing source. Allows Legislative Assembly to limit expenditure to amount supplied by source of revenue.

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

## JOINT RESOLUTION

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

3 **PARAGRAPH 1.** The Constitution of the State of Oregon is amended by creating a new section  
4 1c to be added to and made a part of Article IV, and by amending section 1, Article IV, such  
5 sections to read:

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

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

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

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

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

22 **(e) An initiative law, or an initiative amendment to the Constitution, that requires the**  
23 **expenditure of public moneys shall include as part of the proposed law or amendment, or in**  
24 **connection with the proposed law or amendment, a proposed source of revenue sufficient to**  
25 **fund the expenditure if the proposed law or amendment is adopted by the people. The pro-**  
26 **posed source of revenue may not draw from existing revenue or from the projected revenues**  
27 **of an existing source. If the source of revenue is insufficient in any biennium to cover the**  
28 **expenditure required by the initiative law or initiative amendment, the Legislative Assembly**

**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 **may reduce the expenditure to the amount supplied by the source of revenue. For purposes**  
2 **of paragraph (d) of this subsection, the proposed source of revenue is considered a matter**  
3 **properly connected with the subject of the proposed law or amendment to the Constitution.**  
4 **For purposes of section 1, Article XVII of this Constitution, the proposed source of revenue**  
5 **is not considered a separate amendment to this Constitution.**

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

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

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

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

19 **(d) If the Legislative Assembly orders a referendum on an Act or joint resolution that**  
20 **requires the expenditure of public moneys, the Legislative Assembly shall include as part of**  
21 **the Act or joint resolution, or in connection with the Act or joint resolution, a proposed**  
22 **source of revenue sufficient to fund the expenditure if the Act or joint resolution is approved**  
23 **by the people. The proposed source of revenue may not draw from existing revenue or from**  
24 **the projected revenues of an existing source. If the source of revenue is insufficient in any**  
25 **biennium to cover the expenditure required by the Act or joint resolution, the Legislative**  
26 **Assembly may reduce the expenditure to the amount supplied by the source of revenue. If**  
27 **a joint resolution described in this paragraph amends this Constitution, for purposes of sec-**  
28 **tion 1, Article XVII of this Constitution, the proposed source of revenue is not considered a**  
29 **separate amendment to this Constitution.**

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

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

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

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

44 (5) The initiative and referendum powers reserved to the people by subsections (2) and (3) of this  
45 section are further reserved to the qualified voters of each municipality and district as to all local,

1 special and municipal legislation of every character in or for their municipality or district. The  
2 manner of exercising those powers shall be provided by general laws, but cities may provide the  
3 manner of exercising those powers as to their municipal legislation. In a city, not more than 15  
4 percent of the qualified voters may be required to propose legislation by the initiative, and not more  
5 than 10 percent of the qualified voters may be required to order a referendum on legislation.

6 **SECTION 1c. (1) The amendment to section 1 of this Article by Senate Joint Resolution**  
7 **46 (2017) applies to:**

8 (a) **An initiative law or initiative amendment to the Constitution for which a prospective**  
9 **petition is filed with the Secretary of State on or after the effective date of the amendment**  
10 **to section 1 of this Article by Senate Joint Resolution 46 (2017); and**

11 (b) **An Act or joint resolution that the Legislative Assembly refers on or after the ef-**  
12 **fective date of the amendment to section 1 of this Article by Senate Joint Resolution 46**  
13 **(2017) to the people for their approval or rejection.**

14 (2) **This section is repealed on January 2, 2022.**

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