

Senate Joint Resolution 202

Sponsored by Senators THATCHER, JOHNSON; Senators BAERTSCHIGER JR, BOLES, FINDLEY, GIROD, HANSELL, HEARD, KNOPP, LINTHICUM, Representatives NOBLE, POST

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 eliminate even-numbered year regular sessions of Legislative Assembly.

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. (1) The Legislative Assembly shall hold [*annual*] **biennial regular** sessions at the Capitol of the State. Each **regular** session must begin on the day **in an odd-numbered year** designated by law as the first day of the session. Except as provided in subsection (3) of this section,[:]

[(a) A **regular** session [*beginning in an odd-numbered year*] may not exceed 160 calendar days in duration.[: and]

[(b) A session *beginning in an even-numbered year* may not exceed 35 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 a period of five calendar days by the affirmative vote of two-thirds of the members of each house. A session may be extended more than once. An extension must begin on the first calendar day after the end of the immediately preceding session or extension except that if the first calendar day is a Sunday, the extension may begin on the next Monday.

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

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

(b) Where an emergency exists, to authorize any state agency to expend, from funds dedicated or continuously appropriated for the uses and purposes of the agency, sums in excess of the amount

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 of the budget of the agency as approved in accordance with law.

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

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

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

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

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

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

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

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

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

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

44 (d) On or before November 15, the Supreme Court shall review the corrected reapportionment
45 to assure its compliance with subsection (1) of this section and all law applicable thereto and may

1 further correct the reapportionment if the court considers correction to be necessary.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (3) If the revenues received by the General Fund from corporate income and excise taxes during
 17 the biennium exceed the amount estimated to be received from corporate income and excise taxes
 18 for the biennium, by two percent or more, the total amount of the excess shall be retained in the
 19 General Fund and used to provide additional funding for public education, kindergarten through
 20 twelfth grade.

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

25 (5) The Legislative Assembly may enact laws:

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

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

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

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

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

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

41 (7) This section does not apply:

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

44 (b) To revenues derived from any minimum tax imposed on corporations for the privilege of
 45 carrying on or doing business in this state that is imposed as a fixed amount and that is nonappor-

1 tioned (except for changes of accounting periods).

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

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

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