

House Joint Resolution 2

Sponsored by Representative WILDE (Presession filed.)

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 Legislative Assembly to convene in single regular session each two-year period, during which Legislative Assembly must meet for at least six months during odd-numbered year and for at least six months during even-numbered year. Prohibits Legislative Assembly from adjourning sine die until minimum session duration requirements have been met.

Authorizes each house of Legislative Assembly, with concurrence of other, to adjourn for period longer than existing three-day limit to future date certain. Authorizes each house, with concurrence of other, to convene, deliberate, and enact legislation or adopt other measures using electronic technology that enables virtual sessions.

Authorizes Emergency Board to meet in periods of regular session during which Legislative Assembly is adjourned for more than one month.

Makes conforming changes to redistricting provisions and provisions governing surplus "kicker" procedures.

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

JOINT RESOLUTION

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

PARAGRAPH 1. Section 3, Article III, sections 6, 10 and 11, 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 sessions*] **a biennial regular session** at the Capitol of the State. [*Each*] **The session must begin on the day designated by [*law*] resolution as the first day of the session. [*Except as provided in subsection (3) of this section.*] **The session must meet for at least six months during each odd-numbered year and for at least six months during each even-numbered year.****

[(a) *A 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, **adopting a resolution establishing the date of commencement of the regular session** and performing the duties and effecting the organization described in sections 11 and 12 of this Article. [*The*] **Except as described in this subsection, the** Legislative Assembly may not undertake final consideration of a measure [*or reconsideration of*] **and may not reconsider** 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.*] **The regular session, as described in subsection (1) of**

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 **this section, may not be adjourned sine die until the Legislative Assembly has met in session**
2 **for at least six months in the odd-numbered year and at least six months in the even-**
3 **numbered year.**

4 **Sec. 11. (1)** Each house when assembled, shall choose its own officers, judge of the election,
5 qualifications, and returns of its own members; determine its own rules of proceeding, and sit upon
6 its own adjournments; but neither house shall without the concurrence of the other, adjourn for
7 more than three days[, *nor to any other place than that in which it may be sitting.*].

8 **(2) Each house, with the concurrence of the other house, may adjourn for more than**
9 **three days to a date certain.**

10 **(3) Each house, with the concurrence of the other house, may convene, deliberate, meet**
11 **in committee, enact legislation and adopt other legislative measures using electronic tech-**
12 **nology to meet in virtual session. If meeting virtually, the requirements of section 14 of this**
13 **Article are satisfied if the public can contemporaneously observe all legislative proceedings**
14 **through Internet streaming or video broadcast technology.**

15 **Sec. 3. (1)** The Legislative Assembly is authorized to establish by law a joint committee com-
16 posed of members of both houses of the Legislative Assembly, the membership to be as fixed by law,
17 which committee may exercise, during the interim between sessions of the Legislative Assembly **and**
18 **during periods within a regular session in which the Legislative Assembly is adjourned for a**
19 **period of more than one month**, such of the following powers as may be conferred upon it by law:

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

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

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

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

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

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

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

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

1 a senatorial district. The ratio of Senators and Representatives, respectively, to population shall be
2 determined by dividing the total population of the state by the number of Senators and by the
3 number of Representatives. A reapportionment by the Legislative Assembly becomes operative as
4 described in subsection (6) of this section.

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

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

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

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

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

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

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

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

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

44 (c) If the Supreme Court determines that the reapportionment thus reviewed complies with
45 subsection (1) of this section and all law applicable thereto, it shall dismiss the petition by written

1 opinion on or before October 15 of the same year and the reapportionment becomes operative as
2 described in subsection (6) of this section.

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

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

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

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

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

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

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

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

33 **Sec. 14.** (1) As soon as is practicable after [adjournment sine die of an odd-numbered year regular
34 session of the Legislative Assembly] **the adoption of a biennial budget for the period beginning**
35 **on July 1 of an odd-numbered year and ending on June 30 of the odd-numbered year that is**
36 **two years hence**, the Governor shall cause an estimate to be prepared of revenues that will be
37 received by the General Fund for the biennium beginning July 1. The estimated revenues from cor-
38 porate income and excise taxes shall be separately stated from the estimated revenues from other
39 General Fund sources.

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

44 (3) If the revenues received by the General Fund from corporate income and excise taxes during
45 the biennium exceed the amount estimated to be received from corporate income and excise taxes

1 for the biennium, by two percent or more, the total amount of the excess shall be retained in the
2 General Fund and used to provide additional funding for public education, kindergarten through
3 twelfth grade.

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

8 (5) The Legislative Assembly may enact laws:

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

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

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

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

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

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

24 (7) This section does not apply:

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

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

30 *[(c) To biennia beginning before July 1, 2001.]*

31
32 **PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the**
33 **people for their approval or rejection at the next regular general election held throughout**
34 **this state.**