

Senate Joint Resolution 26

Sponsored by Senator THATCHER; Senator KNOPP, Representative HACK

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 modify gender-specific language and correct grammatical errors.

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. Sections 1, 2, 6, 10, 11, 12 and 18, Article I, sections 4, 5, 7, 11, 14a and 16, Article II, section 3, Article III, sections 4, 26 and 30, Article IV, sections 1, 2, 8a, 10, 11, 12, 13, 14 and 17, Article V, sections 1a, 2a, 7 and 8, Article VII (Amended), sections 2, 13 and 21, Article VII (Original), sections 1 and 2, Article VIII, section 3, Article X, sections 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 Article XI-F(2), sections 1 and 9, Article XV, and sections 1 and 2, Article XVII of the Constitution of the State of Oregon, are amended to read:

Sec. 1. We declare that all [*men*] **people**, when they form a social compact are equal in right: that all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; and they have at all times a right to alter, reform, or abolish the government in such manner as they may think proper.[-]

Sec. 2. All [*men*] **people** shall be secure in the Natural right, to worship Almighty God according to the dictates of their own consciences.[-]

Sec. 6. [*No person shall*] **A person may not** be rendered incompetent as a witness[,] or juror in consequence of [*his*] **the person's** opinions on matters of [*religion*] **religion**; nor be questioned in any Court of Justice touching [*his*] **the person's** [*religious*] **religious** belief to affect the weight of [*his*] **the person's** testimony.[-]

Sec. 10. No court shall be secret, but justice shall be administered, openly and without purchase, completely and without delay, and every [*man*] **person** shall have remedy by due course of law for injury done [*him in his person,*] **to that person or that person's** property[,] or reputation.[-]

Sec. 11. Rights of Accused in Criminal Prosecution. In all criminal prosecutions, the accused shall have the right to public trial by an impartial jury in the county in which the offense shall have been committed; to be heard by [*himself*] **the accused** and counsel; to demand the nature and cause of the accusation against [*him*] **the accused**, and to have a copy thereof; to meet the witnesses face to face, and to have compulsory process for obtaining witnesses in [*his*] **the accused's** favor; provided, however, that any accused person, in other than capital cases, and with the consent of the trial judge, may elect to waive trial by jury and consent to be tried by the judge of the court alone, such election to be in writing; provided, however, that in the circuit court ten members of the jury

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 render a verdict of guilty or not guilty, save and except a verdict of guilty of first degree
 2 murder, which shall be found only by a unanimous verdict, and not otherwise; provided further, that
 3 the existing laws and constitutional provisions relative to criminal prosecutions shall be continued
 4 and remain in effect as to all prosecutions for crimes committed before the taking effect of this
 5 amendment.

6 **Sec. 12.** No person shall be put in jeopardy twice for the same [*offence*] **offense**, nor **may a**
 7 **person** be compelled in any criminal prosecution to testify against [*himself*] **oneself**.[-]

8 **Sec. 18.** Private property shall not be taken for public use, nor the particular services of any
 9 [*man*] **person** be demanded, without just compensation; nor except in the case of the state, without
 10 such compensation first assessed and tendered; provided, that the use of all roads, ways and
 11 waterways necessary to promote the transportation of the raw products of mine or farm or forest
 12 or water for beneficial use or drainage is necessary to the development and welfare of the state and
 13 is declared a public use.

14 **Sec. 4.** For the purpose of voting, no person shall be deemed to have gained, or lost a residence,
 15 by reason of [*his*] **the person's** presence, or absence while employed in the service of the United
 16 States, or of this State; nor while engaged in the navigation of the waters of this State, or of the
 17 United States, or of the high seas; nor while a student of any Seminary of Learning; nor while kept
 18 at any alms house, or other [*assylum*] **asylum**, at public [*expen*] **expense**; nor while confined in
 19 any public prison.[-]

20 **Sec. 5.** No soldier, [*seaman*] **sailor**, or marine in the Army, or Navy of the United States, or of
 21 their allies, shall be deemed to have acquired a residence in the state, in consequence of having
 22 been stationed within the same; nor shall any such soldier, [*seaman*] **sailor**, or marine have the right
 23 to vote.[-]

24 **Sec. 7.** Every person shall be disqualified from holding office, during the term for which [*he*] **the**
 25 **person** may have been elected, who shall have given, or offered a bribe, threat, or reward to procure
 26 [*his*] **that** election.[-]

27 **Sec. 11.** No person who may hereafter be a collector, or holder of public moneys, shall be eli-
 28 gible to any office of trust or profit, until [*he*] **the person** shall have accounted for, and paid over
 29 according to law, all sums for which [*he*] **the person** may be liable.[-]

30 **Sec. 14a.** Incorporated cities and towns shall hold their nominating and regular elections for
 31 their several elective officers at the same time that the primary and general biennial elections for
 32 State and county officers are held, and the election precincts and officers shall be the same for all
 33 elections held at the same time. All provisions of the charters and ordinances of incorporated cities
 34 and towns pertaining to the holding of elections shall continue in full force and effect except so far
 35 as they relate to the time of holding such elections. Every officer who, at the time of the adoption
 36 of this amendment, is the duly qualified incumbent of an elective office of an incorporated city or
 37 town shall hold [*his*] **the** office for the term for which [*he*] **the officer** was elected and until [*his*]
 38 **a** successor is elected and qualified. The Legislature, and cities and towns, shall enact such sup-
 39 plementary legislation as may be necessary to carry the provisions of this amendment into effect.

40 **Sec. 16.** In all elections authorized by this [*constitution*] **Constitution** until otherwise provided
 41 by law, the person or persons receiving the highest number of votes shall be declared elected, but
 42 provision may be made by law for elections by equal proportional representation of all the voters
 43 for every office which is filled by the election of two or more persons whose official duties, rights
 44 and powers are equal and concurrent. Every qualified elector resident in [*his*] **a** precinct and regis-
 45 tered as may be required by law, may vote for one person under the title for each office. Provision

1 may be made by law for the voter's direct or indirect expression of *[his]* **the voter's** first, second
 2 or additional choices among the candidates for any office. For an office which is filled by the
 3 election of one person it may be required by law that the person elected shall be the final choice
 4 of a majority of the electors voting for candidates for that office. These principles may be applied
 5 by law to nominations by political parties and organizations.

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

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

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

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

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

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

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

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

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

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

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

42 **Sec. 26.** Any member of either house, shall have the right to protest, and have *[his]* **the**
 43 **member's** protest, with *[his]* **the** reasons for dissent, entered on the journal.[-]

44 **Sec. 30.** No Senator or Representative shall, during the time for which *[he]* **the Senator or**
 45 **Representative** may have been elected, be eligible to any office the election to which is vested in

1 the Legislative Assembly; nor shall be appointed to any civil office of profit which shall have been
 2 created, or the emoluments of which shall have been increased during such term; but this latter
 3 provision shall not be construed to apply to any officer elective by the people.[-]

4 **Sec. 1.** The [*cheif*] **chief** executive power of the State, shall be vested in a Governor, who shall
 5 hold [*his*] **the** office for the term of four years; and no person shall be eligible to such office more
 6 than Eight, in any period of twelve years.[-]

7 **Sec. 2.** No person except a citizen of the United States, shall be eligible to the Office of Gov-
 8 ernor, nor shall any person be eligible to that office who shall not have attained the age of thirty
 9 years, and who shall not have been three years next preceding [*his*] **the person's** election, a resi-
 10 dent within this State. The minimum age requirement of this section does not apply to a person who
 11 succeeds to the office of Governor under section 8a of this Article.

12 **Sec. 8a.** In case of the removal from office of the Governor, or of [*his*] **the Governor's** death,
 13 resignation, or disability to discharge the duties of [*his*] **the** office as prescribed by law, the Secre-
 14 tary of State; or if there be none, or in case of [*his*] **the Secretary of State's** removal from office,
 15 death, resignation, or disability to discharge the duties of [*his*] **the** office as prescribed by law, then
 16 the State Treasurer; or if there be none, or in case of [*his*] **the State Treasurer's** removal from
 17 office, death, resignation, or disability to discharge the duties of [*his*] **the** office as prescribed by
 18 law, then the President of the Senate; or if there be none, or in case of [*his*] **the President of the**
 19 **Senate's** removal from office, death, resignation, or disability to discharge the duties of [*his*] **the**
 20 office as prescribed by law, then the Speaker of the House of Representatives, shall become Gover-
 21 nor until the disability be removed, or a Governor be elected at the next general biennial election.
 22 The Governor elected to fill the vacancy shall hold office for the unexpired term of the outgoing
 23 Governor. The Secretary of State or the State Treasurer shall appoint a person to fill [*his*] **the** office
 24 **of the Secretary of State or the State Treasurer** until the election of a Governor, at which time
 25 the office so filled by appointment shall be filled by election; or, in the event of a disability of the
 26 Governor, to be Acting Secretary of State or Acting State Treasurer until the disability be removed.
 27 The person so appointed shall not be eligible to succeed to the office of Governor by automatic
 28 succession under this section during the term of [*his*] **the** appointment.

29 **Sec. 10.** [*He*] **The Governor** shall take care that the Laws be faithfully executed.[-]

30 **Sec. 11.** [*He*] **The Governor** shall from time to time give to the Legislative Assembly informa-
 31 tion touching the condition of the State, and [*reccommend*] **recommend** such measures as [*he*] **the**
 32 **Governor** shall judge to be expedient.

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

36 **Sec. 13.** [*He*] **The Governor** shall transact all necessary business with the officers of govern-
 37 ment, and may require information in writing from the offices of the Administrative, and Military
 38 Departments upon any subject relating to the duties of their respective offices.[-]

39 **Sec. 14.** [*He*] **The Governor** shall have power to grant reprieves, commutations, and pardons,
 40 after conviction, for all [*offences*] **offenses** except treason, subject to such regulations as may be
 41 provided by law. Upon conviction **of a person** for treason [*he*] **the Governor** shall have power to
 42 suspend the execution of the sentence until the case shall be reported to the Legislative Assembly,
 43 at its next meeting, when the Legislative Assembly shall either grant a pardon, commute the sen-
 44 tence, direct the execution of the sentence, or grant a [*farther*] **further** reprieve.[-]

1 [He] **The Governor** shall have power to remit fines, and forfeitures, under such regulations as may
 2 be prescribed by law; and shall report to the Legislative Assembly at its next meeting each case of
 3 reprieve, commutation, or pardon granted, and the reasons for granting the same; and also the
 4 names of all persons in whose favor remission of fines, and forfeitures shall have been made, and the
 5 several amounts remitted.

6 **Sec. 17.** [He] **The Governor** shall issue writs of Election to fill such vacancies as may have
 7 [occured] **occurred** in the Legislative Assembly.

8 **Sec. 1a.** Notwithstanding the provisions of section 1, Article VII (Amended) of this Constitution,
 9 a judge of any court shall retire from judicial office at the end of the calendar year in which [he]
 10 **the judge** attains the age of 75 years. The Legislative Assembly or the people may by law:

11 (1) Fix a lesser age for mandatory retirement not earlier than the end of the calendar year in
 12 which the judge attains the age of 70 years;

13 (2) Provide for recalling retired judges to temporary active service on the court from which they
 14 are retired; and

15 (3) Authorize or require the retirement of judges for physical or mental disability or any other
 16 cause rendering judges incapable of performing their judicial duties.

17 This section shall not affect the term to which any judge shall have been elected or appointed
 18 prior to or at the time of approval and ratification of this section.

19 **Sec. 2a.** The Legislative Assembly or the people may by law empower the Supreme Court to:

20 (1) Appoint retired judges of the Supreme Court or judges of courts inferior to the Supreme
 21 Court as temporary members of the Supreme Court.

22 (2) Appoint members of the bar as judges pro tempore of courts inferior to the Supreme Court.

23 (3) Assign judges of courts inferior to the Supreme Court to serve temporarily outside the dis-
 24 trict for which they were elected.

25 A judge or member of the bar so appointed or assigned shall while serving have all the judicial
 26 powers and duties of a regularly elected judge of the court to which [he] **the judge or member of**
 27 **the bar** is assigned or appointed.

28 **Sec. 7.** Every judge of the [supreme court] **Supreme Court**, before entering upon the duties of
 29 [his] **the** office, shall take and subscribe, and transmit to the [secretary] **Secretary** of [state] **State**,
 30 the following oath:

31 "I, _____, do solemnly swear (or affirm) that I will support the [constitution]
 32 **Constitution** of the United States, and the [constitution] **Constitution** of the State of Oregon, and
 33 that I will faithfully and impartially discharge the duties of a judge of the [supreme court] **Supreme**
 34 **Court** of this state, according to the best of my ability, and that I will not accept any other office,
 35 except judicial offices, during the term for which I have been elected."

36 **Sec. 8.** (1) In the manner provided by law, and notwithstanding section 1 of this Article, a judge
 37 of any court may be removed or suspended from [his] **the** judicial office by the Supreme Court, or
 38 censured by the Supreme Court, for:

39 (a) Conviction in a court of this or any other state, or of the United States, of a crime
 40 punishable as a felony or a crime involving moral turpitude; or

41 (b) [Wilful] **Willful** misconduct in a judicial office where such misconduct bears a demonstrable
 42 relationship to the effective performance of judicial duties; or

43 (c) [Wilful] **Willful** or persistent failure to perform judicial duties; or

44 (d) Generally incompetent performance of judicial duties; or

45 (e) [Wilful] **Willful** violation of any rule of judicial conduct as shall be established by the Su-

1 preme Court; or

2 (f) Habitual drunkenness or illegal use of narcotic or dangerous drugs.

3 (2) Notwithstanding section 6 of this Article, the methods provided in this section, section 1a
4 of this Article and in section 18, Article II of this Constitution, are the exclusive methods of the
5 removal, suspension, or censure of a judge.

6 **Sec. 2.** The Supreme Court shall consist of Four Justices to be chosen in districts by the elec-
7 tors thereof, who shall be citizens of the United States, and who shall have resided in the State at
8 least three years next preceding their election, and after their election to reside in their respective
9 districts: The number of Justices, the Districts may be increased, but shall never exceed seven; and
10 the boundaries of districts may be changed, but no Change of Districts, shall have the effect to re-
11 move a Judge from office, or require [him] **the judge** to change [his] **the judge's** residence without
12 [his] **the judge's** consent.

13 **Sec. 13.** The County Judge may grant preliminary [*injunctions*] **injunctions**, and such other writs
14 as the Legislative Assembly may authorize [him] **the County Judge** to grant, returnable to the
15 Circuit Court, or otherwise as may be provided by law; and may hear, and decide questions arising
16 upon habeas corpus; provided such decision be not against the authority, or proceedings of a Court,
17 or Judge of equal, or higher jurisdiction.[-]

18 **Sec. 21.** Every judge of the Supreme Court before entering upon the duties of [his] **the** office
19 shall take, subscribe, and transmit to the Secretary of State the following oath.[-]

20 "I _____ do solemnly swear (or affirm) that I will support the Constitution of
21 the United States, and the [*constitution*] **Constitution** of the State of Oregon, and that I will
22 faithfully, and impartially discharge the duties of a Judge of the Supreme, and [*Circuits*] **Circuit**
23 Courts of said State according to the best of my ability, and that I will not accept any other office,
24 except Judicial offices during the term for which I have been elected.[-]"

25 **Sec. 1.** The Governor shall be superintendent of public instruction, and [his] **the Governor's**
26 powers, and duties in that capacity shall be such as may be prescribed by law; but after the term
27 of five years from the adoption of this Constitution, it shall be competent for the Legislative As-
28 sembly to provide by law for the election of a superintendent, to provide for [his] **the**
29 **superintendent's** compensation, and prescribe [his] **the superintendent's** powers and duties.[—]

30 **Sec. 2.** (1) The sources of the Common School Fund are:

31 (a) The proceeds of all lands granted to this state for educational purposes, except the lands
32 granted to aid in the establishment of institutions of higher education under the Acts of February
33 14, 1859 (11 Stat. 383) and July 2, 1862 (12 Stat. 503).

34 (b) All the moneys and clear proceeds of all property which may accrue to the state by escheat.

35 (c) The proceeds of all gifts, devises and bequests, made by any person to the state for common
36 school purposes.

37 (d) The proceeds of all property granted to the state, when the purposes of such grant shall not
38 be stated.

39 (e) The proceeds of the five hundred thousand acres of land to which this state is entitled under
40 the Act of September 4, 1841 (5 Stat. 455).

41 (f) The five percent of the net proceeds of the sales of public lands to which this state became
42 entitled on [her] **the state's** admission into the union.

43 (g) After providing for the cost of administration and any refunds or credits authorized by law,
44 the proceeds from any tax or excise levied on, with respect to or measured by the extraction, pro-
45 duction, storage, use, sale, distribution or receipt of oil or natural gas and the proceeds from any

1 tax or excise levied on the ownership of oil or natural gas. However, the rate of such taxes shall
 2 not be greater than six percent of the market value of all oil and natural gas produced or salvaged
 3 from the earth or waters of this state as and when owned or produced. This paragraph does not
 4 include proceeds from any tax or excise as described in section 3, Article IX of this Constitution.

5 (2) All revenues derived from the sources mentioned in subsection (1) of this section shall be-
 6 come a part of the Common School Fund. The State Land Board may expend moneys in the Common
 7 School Fund to carry out its powers and duties under subsection (2) of section 5 of this Article.
 8 Unexpended moneys in the Common School Fund shall be invested as the Legislative Assembly shall
 9 provide by law and shall not be subject to the limitations of section 6, Article XI of this Constitu-
 10 tion. The State Land Board may apply, as it considers appropriate, income derived from the invest-
 11 ment of the Common School Fund to the operating expenses of the State Land Board in exercising
 12 its powers and duties under subsection (2) of section 5 of this Article. The remainder of the income
 13 derived from the investment of the Common School Fund shall be applied to the support of primary
 14 and secondary education as prescribed by law.

15 **Sec. 3.** The Governor, in [*his*] **the Governor's** capacity as Commander-in-Chief of the military
 16 forces of the State, shall appoint and commission an Adjutant General. All other officers of the
 17 militia of the State shall be appointed and commissioned by the Governor upon the recommendation
 18 of the Adjutant General.

19 **Sec. 1.** Notwithstanding the limitations contained in [*Section 7 of*] **section 7**, Article XI of [*the*
 20 *constitution*] **this Constitution**, the credit of the State of Oregon may be loaned and indebtedness
 21 incurred to an amount not exceeding 5 percent of the assessed valuation of all the property in the
 22 state, for the purpose of creating a fund to be paid to residents of the State of Oregon who served
 23 in the armed forces of the United States between September 16, 1940, and June 30, 1946, and were
 24 honorably discharged from such service, which fund shall be known as the "World War II Veterans'
 25 Compensation Fund."

26 Bonds of the State of Oregon, containing a direct promise on behalf of the state to pay the face
 27 value thereof with the interest thereon provided for may be issued to an amount authorized in
 28 [*Section*] **section 1** hereof for the purpose of creating said World War II Veterans' Compensation
 29 Fund. Refunding bonds may be issued and sold to refund any bonds issued under authority of
 30 [*Section*] **section 1** hereof. There may be issued and outstanding at any one time bonds aggregating
 31 the amount authorized by [*Section*] **section 1**, but at no time shall the total of all bonds outstanding,
 32 including refunding bonds, exceed the amount so authorized. Said bonds shall be a direct obligation
 33 of the State and shall be in such form and shall run for such periods of time and bear such rates
 34 of interest as shall be provided by statute. No person shall be eligible to receive money from said
 35 fund except the veterans as defined in [*Section*] **section 3** of this [*act*] **Article**. The legislature shall
 36 and the people may provide any additional legislation that may be necessary, in addition to existing
 37 laws, to carry out the provisions of this section.

38 **Sec. 2.** The following words, terms, and phrases, as used in this [*act*] **Article** shall have the
 39 following meaning unless the text otherwise requires:

40 1. "Domestic service" means service within the continental limits of the United States, excluding
 41 Alaska, Hawaii, Canal Zone and Puerto Rico.

42 2. "Foreign Service" means service in all other places, including sea duty.

43 3. "Husband" means the unremarried husband, and "wife" means the unremarried wife.

44 4. "Child or Children" means child or children of issue, child or children by adoption or child
 45 or children to whom the deceased person has stood in loco parentis for one year or more imme-

1 diately preceding [*his*] **the deceased person's** death.

2 5. "Parent or Parents" means natural parent or parents; parent or parents by adoption; or,
3 person or persons, including stepparent or stepparents, who have stood in loco parentis to the de-
4 ceased person for a period of one year or more immediately prior to entrance into the armed service
5 of the United States.

6 6. "Veterans" means any person who shall have served in active duty in the armed forces of the
7 United States at any time between September 16, 1940, and June 30, 1946, both dates inclusive, and
8 who, at the time of commencing such service, was and had been a bona fide resident of the State
9 of Oregon for at least one year immediately preceding the commencement of such service, and who
10 shall have been separated from such service under honorable conditions, or who is still in such
11 service, or who has been retired.

12 **Sec. 3.** Every veteran who was in such service for a period of at least 90 days shall be entitled
13 to receive compensation at the rate of Ten Dollars (\$10.00) for each full month during which such
14 veteran was in active domestic service and Fifteen Dollars (\$15.00) for each full month during which
15 such veteran was in active foreign service within said period of time. Any veteran who was serving
16 on active duty in the armed forces between September 16, 1940, and June 30, 1946, whose services
17 were terminated by reason of service-connected disabilities, and who, upon filing a claim for disa-
18 bilities with the United States Veterans' Administration within three months after separation from
19 the armed service, was rated not less than 50% disabled as a result of such claim, shall be deemed
20 to have served sufficient time to entitle [*him or her*] **the veteran** to the maximum payment under
21 this [*act*] **Article** and shall be so entitled. The maximum amount of compensation payable under this
22 [*act*] **Article** shall be six hundred dollars (\$600.00) and no such compensation shall be paid to any
23 veteran who shall have received from another state a bonus or compensation because of such mili-
24 tary service.

25 **Sec. 4.** The survivor or survivors, of the deceased veteran whose death was caused or contrib-
26 uted to by a service-connected disease or disability incurred in service under conditions other than
27 dishonorable, shall be entitled, in the order of survivorship provided in this [*act*] **Article**, to receive
28 the maximum amount of said compensation irrespective of the amount such deceased would have
29 been entitled to receive if living.

30 **Sec. 5.** No compensation shall be paid under this [*act*] **Article** to any veteran who, during the
31 period of service refused on conscientious, political or other grounds to [*subject himself*] **be subject**
32 to full military discipline and unqualified service, or to any veteran for any periods of time spent
33 under penal confinement during the period of active duty, or for service in the merchant marine:
34 Provided, however, that for the purposes of this [*act*] **Article**, active service in the chaplain corps,
35 or medical corps shall be deemed unqualified service under full military discipline.

36 **Sec. 6.** The survivor or survivors of any deceased veteran who would have been entitled to
37 compensation under this [*act*] **Article**, other than those mentioned in [*Section*] **section** 4 of this
38 [*act*] **Article**, shall be entitled to receive the same amount of compensation as said deceased veteran
39 would have received, if living, which shall be distributed as follows:

- 40 1. To the husband or wife, as the case may be, the whole amount.
- 41 2. If there be no husband or wife, to the child or children, equally; and
- 42 3. If there be no husband or wife or child or children, to the parent or parents, equally.

43 **Sec. 7.** No sale or assignment of any right or claim to compensation under this [*act*] **Article**
44 shall be valid, no claims of creditors shall be [*enforcible*] **enforceable** against rights or claims to or
45 payments of such compensation, and such compensation shall be exempt from all taxes imposed by

1 the laws of this state.

2 **Sec. 8.** The director of Veterans' Affairs, State of Oregon, referred to herein as the "director"
3 hereby is authorized and empowered, and it shall be *[his]* **the director's** duty, to administer the
4 provisions of this *[act]* **Article**, and with the approval of the veterans advisory committee may make
5 such rules and regulations as are deemed necessary to accomplish the purpose hereof.

6 **Sec. 9.** All applications for certificates under this *[act]* **Article** shall be made within two years
7 from the effective date hereof and upon forms to be supplied by the director. Said applications shall
8 be duly verified by the claimant before a notary public or other person authorized to take ac-
9 knowledgments, and shall set forth applicant's name, residence at the time of entry into the service,
10 date and place of enlistment, induction or entry upon active federal service, beginning and ending
11 dates of foreign service, date of discharge, retirement or release from active federal service, state-
12 ment of time lost by reason of penal confinement during the period of active duty; together with the
13 applicant's original discharge, or certificate in lieu of lost discharge, or certificate of service, or if
14 the applicant has not been released at the time of application, a statement by competent military
15 authority that the applicant during the period for which compensation is claimed did not refuse to
16 *[subject himself]* **be subject** to full military discipline and unqualified service, and that the applicant
17 has not been separated from service under circumstances other than honorable. The director may
18 require such further information to be included in such application as deemed necessary to enable
19 *[him]* **the director** to determine the eligibility of the applicant. Such applications, together with
20 satisfactory evidence of honorable service, shall be filed with the director. The director shall make
21 such reasonable requirements for applicants as may be necessary to prevent fraud or the payment
22 of compensation to persons not entitled thereto.

23 **Sec. 10.** The director shall furnish free of charge, upon request, the necessary forms upon which
24 applications may be made and may authorize the county clerks, Veterans organizations and other
25 organizations, and notaries public willing to assist veterans without charge, to act for *[him]* **the**
26 **director** in receiving application under this *[act]* **Article**, and shall furnish such clerks, organiza-
27 tions and notaries public, with the proper forms for such purpose. The director hereby is authorized
28 and directed with the approval of the veterans' advisory committee, to procure such printing, office
29 supplies and equipment and to employ such persons as may be necessary in order to properly carry
30 out the provisions of this *[act]* **Article**, and all expense incurred by *[him]* **the director** in the ad-
31 ministration thereof shall be paid out of the World War II Veterans' Compensation Fund, in the
32 manner provided by law for payment of claims from other state funds.

33 **Sec. 1.** (1) All officers, except members of the Legislative Assembly and incumbents who seek
34 reelection and are defeated, shall hold their offices until their successors are elected, and qualified.

35 (2) If an incumbent seeks reelection and is defeated, *[he]* **the incumbent** shall hold office only
36 until the end of *[his]* **the incumbent's** term; and if an election contest is pending in the courts re-
37 garding that office when the term of such an incumbent ends and a successor to the office has not
38 been elected or if elected, has not qualified because of such election contest, the person appointed
39 to fill the vacancy thus created shall serve only until the contest and any appeal is finally deter-
40 mined notwithstanding any other provision of this *[constitution]* **Constitution**.

41 **Sec. 9.** The Legislative Assembly may provide that any elective public office becomes vacant,
42 under such conditions or circumstances as the Legislative Assembly may specify, whenever a person
43 holding the office is elected to another public office more than 90 days prior to the expiration of the
44 term of the office *[he]* **the person** is holding. For the purposes of this section, a person elected is
45 considered to be elected as of the date the election is held.

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

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

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

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

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

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

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

9

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

13
