

C-Engrossed
House Joint Resolution 7

Ordered by the Senate June 15
Including House Amendments dated April 20 and Senate Amendments
dated May 27 and June 15

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Veterans and Emergency Services)

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.

Proposes revision of Oregon Constitution to authorize Governor and Legislative Assembly to take specified actions in case of catastrophic disaster.

Refers proposed revision to people for their approval or rejection at special election held on same date as next general election.

JOINT RESOLUTION

Be It Resolved by the Legislative Assembly of the State of Oregon, two-thirds of all the members of each house concurring:

PARAGRAPH 1. The Constitution of the State of Oregon is revised by creating a new Article to be known as Article X-A, such Article to read:

ARTICLE X-A

SECTION 1. (1) As used in this Article, "catastrophic disaster" means a natural or human-caused event that:

(a) Results in extraordinary levels of death, injury, property damage or disruption of daily life in this state; and

(b) Severely affects the population, infrastructure, environment, economy or government functioning of this state.

(2) As used in this Article, "catastrophic disaster" includes, but is not limited to, any of the following events if the event meets the criteria listed in subsection (1) of this section:

(a) Act of terrorism.

(b) Earthquake.

(c) Flood.

(d) Public health emergency.

(e) Tsunami.

(f) Volcanic eruption.

(g) War.

(3) The Governor may invoke the provisions of this Article if the Governor finds and declares that a catastrophic disaster has occurred. A finding required by this subsection shall specify the nature of the catastrophic disaster.

(4) At the time the Governor invokes the provisions of this Article under subsection (3) of this section, the Governor shall issue a proclamation convening 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 under section 12, Article V of this Constitution, unless:

2 (a) The Legislative Assembly is in session at the time the catastrophic disaster is de-
3 clared; or

4 (b) The Legislative Assembly is scheduled to convene in regular session within 30 days
5 after the date the catastrophic disaster is declared.

6 (5) If the Governor declares that a catastrophic disaster has occurred, the Governor shall
7 manage the immediate response to the disaster. The actions of the Legislative Assembly
8 under sections 3 and 4 of this Article are limited to actions necessary to implement the
9 Governor's immediate response to the disaster and to actions necessary to aid recovery from
10 the disaster.

11 SECTION 2. (1) If the Governor declares that a catastrophic disaster has occurred, the
12 Governor may:

13 (a) Use moneys appropriated from the General Fund to executive agencies for the cur-
14 rent biennium to respond to the catastrophic disaster, regardless of the legislatively ex-
15 pressed purpose of the appropriation at the time the appropriation was made.

16 (b) Use lottery funds allocated to executive agencies for the current biennium to respond
17 to the catastrophic disaster, regardless of the legislatively expressed purpose of the allo-
18 cation at the time the allocation was made. The Governor may not reallocate lottery funds
19 under this paragraph for purposes not authorized by section 4, Article XV of this Constitu-
20 tion.

21 (2) The authority granted to the Governor by this section terminates upon the taking
22 effect of a law enacted after the declaration of a catastrophic disaster that specifies purposes
23 for which appropriated General Fund moneys or allocated lottery funds may be used, or upon
24 the date on which the provisions of sections 1 to 5 of this Article cease to be operative as
25 provided in section 6 of this Article, whichever is sooner.

26 SECTION 3. If the Governor declares that a catastrophic disaster has occurred:

27 (1) Notwithstanding sections 10 and 10a, Article IV of this Constitution, the Legislative
28 Assembly may convene in a place other than the Capitol of the State if the Governor or the
29 Legislative Assembly determines that the Capitol is inaccessible.

30 (2) Notwithstanding section 12, Article IV of this Constitution, during any period of time
31 when members of the Legislative Assembly are unable to compel the attendance of two-
32 thirds of the members of each house because the catastrophic disaster has made it impossi-
33 ble to locate members or impossible for them to attend, two-thirds of the members of each
34 house who are able to attend shall constitute a quorum to do business.

35 (3) In a session of the Legislative Assembly that is called because of the catastrophic
36 disaster or that was imminent or ongoing at the time the catastrophic disaster was declared,
37 the number of members of each house that constitutes a quorum under subsection (2) of this
38 section may suspend the rule regarding reading of bills under the same circumstances and
39 in the same manner that two-thirds of the members may suspend the rule under section 19,
40 Article IV of this Constitution.

41 (4) Notwithstanding section 25, Article IV of this Constitution, during any period of time
42 when members of the Legislative Assembly are unable to compel the attendance of two-
43 thirds of the members of each house because the catastrophic disaster has made it impossi-
44 ble to locate members or impossible for them to attend, three-fifths of the members of each
45 house who are able to attend a session described in subsection (3) of this section shall be

1 necessary to pass every bill or joint resolution.

2 (5) Notwithstanding section 1a, Article IX of this Constitution, the Legislative Assembly
3 may declare an emergency in any bill regulating taxation or exemption, including but not
4 limited to any bill that decreases or suspends taxes or postpones the due date of taxes, if the
5 Legislative Assembly determines that the enactment of the bill is necessary to provide an
6 adequate response to the catastrophic disaster.

7 SECTION 4. (1) If the Governor declares that a catastrophic disaster has occurred:

8 (a) The Legislative Assembly may enact laws authorizing the use of revenue described in
9 section 3a, Article IX of this Constitution, for purposes other than those described in that
10 section.

11 (b) The Legislative Assembly may, by a vote of the number of members of each house
12 that constitutes a quorum under subsection (2) of section 3 of this Article, appropriate
13 moneys that would otherwise be returned to taxpayers under section 14, Article IX of this
14 Constitution, to state agencies for the purpose of responding to the catastrophic disaster.

15 (c) Notwithstanding section 7, Article XI of this Constitution, the Legislative Assembly
16 may lend the credit of the state or create debts or liabilities in an amount the Legislative
17 Assembly considers necessary to provide an adequate response to the catastrophic disaster.

18 (d) The provisions of section 15, Article XI of this Constitution, do not apply to any law
19 that is approved by three-fifths of the members of each house who are able to attend a ses-
20 sion described in subsection (3) of section 3 of this Article.

21 (e) The Legislative Assembly may take action described in subsection (6) of section 15,
22 Article XI of this Constitution, upon approval by three-fifths of the members of each house
23 who are able to attend a session described in subsection (3) of section 3 of this Article.

24 (f) Notwithstanding section 4, Article XV of this Constitution, the Legislative Assembly
25 may allocate proceeds from the State Lottery for any purpose and in any ratio the Legisla-
26 tive Assembly determines necessary to provide an adequate response to the catastrophic
27 disaster.

28 (2) Nothing in this section overrides or otherwise affects the provisions of section 15b,
29 Article V of this Constitution.

30 SECTION 5. For purposes of sections 3 and 4 of this Article, a member of the Legislative
31 Assembly who cannot be physically present at a session convened under section 1 of this
32 Article shall be considered in attendance if the member is able to participate in the session
33 through electronic or other means that enable the member to hear or read the proceedings
34 as the proceedings are occurring and enable others to hear or read the member's votes or
35 other contributions as the votes or other contributions are occurring.

36 SECTION 6. (1) Except as provided in subsection (2) of this section, the provisions of
37 sections 1 to 5 of this Article, once invoked, shall cease to be operative not later than 30 days
38 following the date the Governor invoked the provisions of sections 1 to 5 of this Article, or
39 on an earlier date recommended by the Governor and determined by the Legislative Assem-
40 bly. The Governor may not recommend a date under this subsection unless the Governor
41 finds and declares that the immediate response to the catastrophic disaster has ended.

42 (2) Prior to expiration of the 30-day limit established in subsection (1) of this section, the
43 Legislative Assembly may extend the operation of sections 1 to 5 of this Article beyond the
44 30-day limit upon the approval of three-fifths of the members of each house who are able to
45 attend a session described in subsection (3) of section 3 of this Article.

1 **(3) The determination by the Legislative Assembly required by subsection (1) of this**
2 **section or an extension described in subsection (2) of this section shall take the form of a**
3 **bill. A bill that extends the operation of sections 1 to 5 of this Article shall establish a date**
4 **upon which the provisions of sections 1 to 5 of this Article shall cease to be operative. A bill**
5 **described in this subsection shall be presented to the Governor for action in accordance with**
6 **section 15b, Article V of this Constitution.**

7 **(4) A bill described in subsection (3) of this section may include any provisions the Leg-**
8 **islative Assembly considers necessary to provide an orderly transition to compliance with the**
9 **requirements of this Constitution that have been overridden under this Article because of**
10 **the Governor's declaration of a catastrophic disaster.**

11 **(5) The Governor may not invoke the provisions of sections 1 to 5 of this Article more**
12 **than one time with respect to the same catastrophic disaster. A determination under sub-**
13 **section (1) of this section or an extension described in subsection (2) of this section that es-**
14 **tablishes a date upon which the provisions of sections 1 to 5 of this Article shall cease to be**
15 **operative does not prevent invoking the provisions of sections 1 to 5 of this Article in re-**
16 **sponse to a new declaration by the Governor that a different catastrophic disaster has oc-**
17 **curred.**

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19 **PARAGRAPH 2. The revision proposed by this resolution shall be submitted to the people**
20 **for their approval or rejection at a special election held on the same date as the next general**
21 **election.**