

House Joint Resolution 7

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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 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 next primary 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) Pandemic illness.

(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 under section 12, Article V of this Constitution, unless:

(a) The Legislative Assembly is in session at the time the catastrophic disaster is declared; or

(b) The Legislative Assembly is scheduled to convene in regular session within 30 days

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 after the date the catastrophic disaster is declared.

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

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

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

12 (2) The authority granted to the Governor by this section terminates upon the taking
13 effect of a law enacted after the declaration of a catastrophic disaster that specifies purposes
14 for which appropriated General Fund moneys and allocated lottery funds may be used.

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

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

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

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

30 (4) Notwithstanding section 25, Article IV of this Constitution:

31 (a) Except as otherwise provided in paragraph (b) of this subsection, a majority of the
32 members of each house who are able to attend a session described in subsection (3) of this
33 section shall be necessary to pass every bill or joint resolution.

34 (b) Three-fifths of the members of each house who are able to attend a session described
35 in subsection (3) of this section shall be necessary to pass bills for raising revenue.

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

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

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

45 (b) The Legislative Assembly may, by a vote of the number of members of each house

1 that constitutes a quorum under subsection (2) of section 3 of this Article, appropriate
2 moneys that would otherwise be returned to taxpayers under section 14, Article IX of this
3 Constitution, to state agencies for the purpose of responding to the catastrophic disaster.

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

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

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

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

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

19 SECTION 5. (1) The provisions of sections 1 to 4 of this Article, once invoked, shall cease
20 to be operative on a date recommended by the Governor and determined by the Legislative
21 Assembly. The Governor may not recommend a date under this subsection unless the Gov-
22 ernor finds and declares that the immediate response to the catastrophic disaster has ended.

23 (2) The determination by the Legislative Assembly required by subsection (1) of this
24 section shall take the form of a bill declaring that invocation of the provisions of sections 1
25 to 4 of this Article is no longer necessary. The bill shall be presented to the Governor for
26 action in accordance with section 15b, Article V of this Constitution.

27 (3) A bill described in subsection (2) of this section may include any provisions the Leg-
28 islative Assembly considers necessary to provide an orderly transition to compliance with the
29 requirements of this Constitution that have been overridden under this Article because of
30 the Governor's declaration of a catastrophic disaster.

31 (4) A determination under subsection (1) of this section that invocation of the provisions
32 of this Article is no longer necessary does not prevent invoking the provisions of this Article
33 in response to a new declaration by the Governor that a catastrophic disaster has occurred.

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35 **PARAGRAPH 2.** The revision proposed by this resolution shall be submitted to the people
36 for their approval or rejection at the next primary election.

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