

# House Joint Resolution 33

Sponsored by Representative KENNEMER

## 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 Acts that declare emergency to contain justification statement explaining factual circumstances of emergency and how circumstances differ from normal circumstances so as to warrant declaration of emergency. Allows court of law to review justification statement to determine veracity or accuracy of statement. Directs court to strike declaration of emergency if court finds that justification statement is not fundamentally truthful or accurate. Provides for effective date of Act if court strikes declaration of emergency.

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 28, Article IV of the Constitution of the State of Oregon, is amended to read:

**Sec. 28. (1)** No *[act]* Act shall take effect, until ninety days from the end of the session at which the same shall have been passed, except in case of emergency; which emergency shall be declared in the preamble, or in the body of the law.

**(2)** An Act that declares an emergency in the preamble or body of the law must also contain a justification statement explaining the factual circumstances of the emergency and how those circumstances differ from normal circumstances so as to warrant the declaration of emergency.

**(3)** A court of law may review the justification statement described in subsection (2) of this section to ascertain the veracity and accuracy of the justification statement. If the court finds that the justification statement is not fundamentally truthful or accurate, the court shall determine that the declaration of emergency is not warranted and shall strike the declaration of emergency from the Act.

**(4)** A determination to strike the declaration of emergency from an Act does not invalidate any other provision of the Act, but shall cause the Act to take effect on the later of:

**(a)** Ninety days after the date of the final judicial determination to strike the declaration of emergency; or

**(b)** The date otherwise assigned by law as the effective date of the Act.

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

**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.