

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action:	Do Adopt with Amendments and Requesting Subsequent Referral to Ways and Means be Rescinded. (Printed C-Engrossed)
Vote:	5 - 0 - 0
Yeas:	Atkinson, Beyer, Burdick, Ferrioli, Rosenbaum
Nays:	0
Exc.:	0
Prepared By:	Erin Seiler, Administrator
Meeting Dates:	6/13

WHAT THE MEASURE DOES: Proposes amendment of Oregon constitution to provide for government action in event of catastrophic disaster. Grants governor temporary authority to redirect general fund and lottery monies for thirty days following declaration of disaster, unless legislature extends or passes law specifying use of funds. Permits extension of time limit with approval of three-fifths of each chamber able to attend and requires bill establishing termination date. Permits legislative operation in location other than Capitol and with quorum of two-thirds of members able to attend, rather than two-thirds of total members. Permits legislator attendance via electronic means. Restricts governor to one-time invocation per catastrophic disaster. Refers proposed amendment for vote in special election on same date as next general election.

ISSUES DISCUSSED:

- Possibility of catastrophic event in Oregon
- Lack of established plan for legislative or executive action
- Current level of emergency preparedness
- Potential for earthquake in Oregon
- Ability of legislature and governor to respond to catastrophic event
- Previous legislative efforts to address emergency preparedness

EFFECT OF COMMITTEE AMENDMENT: Limits governor's authority to redirect general fund appropriations and lottery allocations to thirty days after declaration of disaster, unless legislature extends, or passes law specifying use of funds, whichever is sooner.

BACKGROUND: Oregon does not currently have an established plan for legislative succession after a catastrophic disaster. Proposed resolutions for a constitutional amendment have been introduced in prior legislative sessions, but none have yet been adopted and referred to the voters.

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action:	Be Adopted as Amended and Be Printed Engrossed and Be Referred to the Committee on Rules and then Be Referred to the Committee on Ways and Means by Prior Reference
Vote:	4 - 0 - 0
Yeas:	Monnes Anderson, Olsen, President Courtney, Boquist
Nays:	0
Exc.:	0
Prepared By:	Lori Brocker, Administrator
Meeting Dates:	5/18, 5/25

WHAT THE MEASURE DOES: Proposes revision to Oregon Constitution to give new appropriation authority to Governor and Legislative Assembly if catastrophic disaster is declared. Allows Legislature to operate with a quorum of two-thirds of members able to attend as opposed to two-thirds of all members. Allows Legislature to convene in place other than Capitol. Specifies that legislator shall be considered in attendance of legislative session if participating through electronic means. Specifies that substantive provisions cease to be operative not later than 30 days following time provisions are invoked. Allows for extension of 30-day limit if three-fifths of members of each house able to attend session contemplated by provisions approve. Requires bill establishing date provisions cease to be operative. Restricts Governor to one time invocation of measure provisions for same catastrophic disaster. Allows invocation of provisions for different catastrophic disaster. Refers proposed revision for vote in special election on same date as next general election.

ISSUES DISCUSSED:

- Legislative action after catastrophic disaster
- Emergency preparedness
- Dealing with the disaster after the disaster
- Difference between initial response and recovery
- Current applicable provisions in catastrophic disaster
- Consideration of issues in prior legislative sessions
- Potential need for appropriations decisions after disaster
- Amendments

EFFECT OF COMMITTEE AMENDMENT: Specifies that substantive provisions cease to be operative not later than 30 days following time provisions are invoked. Allows for extension of 30-day limit if three-fifths of members of each house able to attend session contemplated by provisions approve. Requires bill establishing date provisions cease to be operative. Restricts Governor to one time invocation of measure provisions for same catastrophic disaster. Allows invocation of provisions for different catastrophic disaster.

BACKGROUND: Oregon does not currently have an established plan for legislative succession after a catastrophic disaster. Proposed resolutions for a constitutional amendment have been introduced in prior legislative sessions, but none have been adopted and referred to the voters.

REVENUE: No revenue impact
FISCAL: Fiscal statement issued

Action:	Be Adopted as Amended and Be Printed Engrossed and Rescind the Subsequent Referral to the Joint Committee on Ways and Means
Vote:	8 - 0 - 0
Yeas:	Cameron, Clem, Conger, Matthews, Sheehan, Smith J., Holvey, Whisnant
Nays:	0
Exc.:	0
Prepared By:	Jan Nordlund, Administrator
Meeting Dates:	2/24, 4/12, 4/14

WHAT THE MEASURE DOES: Proposes revision to the Oregon Constitution to give new appropriation authority to the Governor and Legislative Assembly if a catastrophic disaster is declared. Allows the Legislature to operate with a quorum of two-thirds of those members able to attend as opposed to two-thirds of all members. Allows the Legislature to convene in a place other than the capitol. Specifies that a legislator shall be considered in attendance of a legislative session if participating through electronic means. Refers proposed revision for a vote in the next general election.

ISSUES DISCUSSED:

- Difference between disaster response and recovery efforts
- Disaster response plans are well established for the Governor
- Cascadia Fault threat
- Focus on financial issues in the recovery period
- Vague definition of “catastrophic disaster”
- Leadership succession
- Ability to have Emergency Board take the lead in a disaster recovery effort
- Whether other states have adopted similar constitutional provisions

EFFECT OF COMMITTEE AMENDMENT: Substitutes public health emergency for pandemic illness as a type of catastrophic disaster. Specifies that the Governor will manage the immediate response and the Legislative Assembly will be limited to taking actions necessary to implement the Governor’s response and aid recovery from the disaster. Specifies that a legislator shall be considered in attendance of a legislative session if participating through electronic means. Changes the referral to the next general election.

BACKGROUND: A constitutional revision requires a super majority of two-thirds in both chambers before being referred to the people for a vote. A similar measure (Senate Joint Resolution 6) was considered in 2007 but never passed out of committee.

Without such a constitutional revision, a special session would need to be called in the event of a catastrophic disaster to change laws appropriating funds to agencies. Prior legislative committees considered options for members unable to reach Salem and questioned the definitions, or lack thereof, for catastrophic disaster.

House Joint Resolution 7—Referred to the Electorate of Oregon by the Legislative Assembly of the 2011 Regular Session to be voted on at the General Election, November 6, 2012.

Ballot Title

77

Amends Constitution: Governor may declare “catastrophic disaster” (defined); requires legislative session; authorizes suspending specified constitutional spending restrictions

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Legislative Argument in Support	37
Arguments in Favor	none
Arguments in Opposition	none

Result of “Yes” Vote

“Yes” vote grants Governor constitutional authority to declare “catastrophic disaster” (defined); requires legislative session; legislature may suspend specified constitutional spending restrictions to aid response, recovery.

Result of “No” Vote

“No” vote retains Governor’s statutory authority to declare state of emergency; retains constitutional spending restrictions and constitutional restrictions on legislative authority without exception for emergency.

Summary

Amends Constitution. Currently, Governor has statutory, but not constitutional, authority to declare state of emergency and direct response to emergency. Measure grants Governor constitutional authority to declare and respond to natural or human-caused “catastrophic disaster” (defined). Authorizes Governor to redirect previously allocated General Fund and lottery monies to disaster response. Requires legislative session (under emergency conditions, if necessary) to enact implementing legislation; legislation may include temporarily suspending specified constitutional spending restrictions. Terminates Governor’s disaster spending authority upon enactment of law specifying purposes for which funds may be used. Limits disaster authority of Governor and legislature to 30 days unless legislature acts to shorten/lengthen period; such legislation may include any provision legislature deems necessary to provide “orderly transition” (undefined) to normal conditions. Other provisions.

Estimate of Financial Impact

Referral 401 allows for government action in the event of a catastrophic disaster. It grants the Governor temporary authority to redirect certain state monies from legislatively-approved purposes to disaster response. It requires the Governor to convene the legislature unless the Legislative Assembly is already in session or scheduled to convene within 30 days.

The financial effect of the measure is indeterminate.

Explanation of Estimate of Financial Impact

The financial impact of the measure is indeterminate. The actual cost will depend on the frequency or occurrence of catastrophic event(s); whether it is necessary to call the legislature into special session; and the length of the special session. The length of special legislative sessions can only be determined by Legislative Assembly members at the time of the session.

The measure will have no financial impact on local government spending.

Committee Members:

Secretary of State Kate Brown
 State Treasurer Ted Wheeler
 Michael Jordan, Director, Dept. of Administrative Services
 James Bucholz, Director, Dept. of Revenue
 Debra Guzman, Local Government Representative

(The estimate of financial impact and explanation was provided by the above committee pursuant to ORS 250.127.)

Text of Measure

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 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 after the date the catastrophic disaster is declared.

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

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

- (a) Use moneys appropriated from the General Fund to executive agencies for the current biennium to respond to the catastrophic disaster, regardless of the legislatively expressed purpose of the appropriation at the time the appropriation was made.
- (b) Use lottery funds allocated to executive agencies for the current biennium to respond to the catastrophic disaster, regardless of the legislatively expressed purpose of the allocation at the time the allocation was made. The Governor may not reallocate lottery funds under this paragraph for purposes not authorized by section 4, Article XV of this Constitution.

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

provisions of sections 1 to 5 of this Article cease to be operative as provided in section 6 of this Article, whichever is sooner.

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

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

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

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

(4) Notwithstanding section 25, Article IV of this Constitution, during any period of time when members of the Legislative Assembly are unable to compel the attendance of two-thirds of the members of each house because the catastrophic disaster has made it impossible to locate members or impossible for them to attend, three-fifths of the members of each house who are able to attend a session described in subsection (3) of this section shall be necessary to pass every bill or joint resolution.

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

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

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

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

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

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

(e) The Legislative Assembly may take action described in subsection (6) of section 15, Article XI of this Constitution, upon approval by three-fifths of the members of each house

who are able to attend a session described in subsection (3) of section 3 of this Article.

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

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

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

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

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

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

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

(5) The Governor may not invoke the provisions of sections 1 to 5 of this Article more than one time with respect to the same catastrophic disaster. A determination under subsection (1) of this section or an extension described in subsection (2) of this section that establishes a date upon which the provisions of sections 1 to 5 of this Article shall cease to be operative does not prevent invoking the provisions of sections 1 to 5 of this Article in response to a new declaration by the Governor that a different catastrophic disaster has occurred.

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

Note: Boldfaced type indicates new language; [brackets and *italic*] type indicates deletions or comments.

Explanatory Statement

Ballot Measure 77 is a constitutional revision relating to state governmental responses to catastrophic disasters.

The measure allows the Governor to declare that a catastrophic disaster has occurred. Upon such declaration, the Governor and Legislature are granted new temporary powers not available under certain constitutional provisions and statutes:

- The Governor may override laws allocating moneys to state agencies in order to respond to the disaster.
- The Legislature may override constitutional provisions relating to legislative procedures and legislative powers.

A "catastrophic disaster" is a natural or human-caused event resulting in extraordinary levels of death, injury, property damage or disruption of daily life and severely affecting the population, infrastructure, environment, economy or government of Oregon. The terms "extraordinary levels" and "severely affects" are not defined. Examples include, but are not limited to, acts of terrorism, earthquakes, floods, public health emergencies, tsunamis, volcanic eruptions and war.

If the Governor declares that a catastrophic disaster has occurred, the Governor may manage immediate response to the disaster by:

- Redirecting general fund moneys for state agencies.
- Using only lottery funds allocated to state agencies.

If the Governor declares that a catastrophic disaster has occurred, the Governor also must convene the Legislature within 30 days. The Legislature may:

- Meet at a place other than the Capitol or by electronic means.
- Conduct business and suspend rules with two-thirds of the members able to attend, instead of two-thirds of all members.
- Pass bills with three-fifths of the members who are able to attend, instead of a majority of all members.
- Pass tax bills that take effect upon passage instead of 90 days after the Legislature adjourns.

The Legislature may take additional actions otherwise prohibited by the Oregon Constitution and are limited to actions necessary to implement immediate response and aid in recovery. The Legislature may:

- Spend State Highway Fund moneys (gas taxes) for any purpose.
- Spend moneys that otherwise would go to individual and corporate tax "kicker" refunds by vote of 2/3 of members able to attend.
- Exceed the state debt limit.
- Override funding of local mandate provisions.
- Spend any lottery funds.

The powers granted by Measure 77 end 30 days after the Governor declares the catastrophic disaster or at an earlier date determined by the Legislature. The Legislature by law may extend the 30-day limit but must set an ending date.

A law that ends or extends operation of the measure may include provisions necessary for an orderly transition to compliance with constitutional provisions overridden during the catastrophic disaster.

The Governor may not invoke the provisions of the measure more than once for the same catastrophic disaster.

Committee Members:
 Senator Brian Boquist
 Representative Jean Cowan
 Representative Tim Freeman
 Representative Kim Thatcher
 Jim Nass

Appointed by:
 President of the Senate
 Speaker of the House
 Secretary of State
 Secretary of State
 Members of the Committee

(This committee was appointed to provide an impartial explanation of the ballot measure pursuant to ORS 251.215.)

Legislative Argument in Support

The Oregon State Constitution does not provide state government the flexibility to respond quickly and appropriately to aid Oregon's citizens should catastrophic disasters strike.

We are at risk of severe natural disasters (volcanic eruptions, major flooding, earthquakes or tsunamis); wars and terrorism are also possible. Currently our state government lacks the constitutional authority to efficiently and effectively meet the critical needs after such an event.

Existing state constitutional limitations restrict the Governor's ability to immediately implement and fund critically needed recovery efforts.

Existing state constitutional limitations restrict the Governor's ability to call the Legislature into session outside of the Capitol building in Salem.

Existing state constitutional limitations prevent the Legislature from meeting in session if some of the legislators do not survive the event, are incapacitated, or are unable to travel to Salem.

Measure 77 will allow the Governor and the Legislature to play a critical role in directing the recovery effort. The measure retains the Governor's responsibility to oversee immediate response efforts, maintaining his/her role in the process of disaster declaration and deployment of an incident command structure. It grants the Governor temporary access to a defined and limited portion of otherwise budgeted funds to cover critical, urgent needs.

Measure 77 will allow the Legislature to convene quickly in order to pass laws in an alternative location, or by electronic means; and to do so with only those members who are well enough and able to take part.

Measure 77 allows the Legislature to repurpose additional recovery funding from certain delineated budget components.

Measure 77 will maintain our system of checks and balances, allowing state government to effectively react to a critical and tragically challenging event.

Measure 77 assures that the Governor and the Legislature will be able to work as a team to meet the urgent needs of Oregonians who have been subjected to a catastrophic disaster.

We urge your "YES" vote on Measure 77.

Committee Members:
 Senator Brian Boquist
 Representative Jean Cowan
 Representative Gene Whisnant

Appointed by:
 President of the Senate
 Speaker of the House
 Speaker of the House

(This Joint Legislative Committee was appointed to provide the legislative argument in support of the ballot measure pursuant to ORS 251.245.)

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	4 - 0 - 1
Yeas:	Cowan, Krieger, Schaufler, Boone
Nays:	0
Exc.:	Nelson
Prepared By:	Jim Keller, Administrator
Meeting Dates:	3/2, 4/24

WHAT THE MEASURE DOES: Authorizes Director of Human Services to appoint Public Health Director. Defines duties of Public Health Director. Establishes authority of Public Health Director, State Public Health Authority and local public health authority to take certain actions during public health emergency. Modifies authority of Governor to take certain actions during state of public health emergency.

ISSUES DISCUSSED:

- Limitations under current statutes
- Approval process
- Public health is not a key agency in a health emergency
- Creating a common framework for public health providers
- Tailor to address large and small scale emergencies
- Current quarantine and isolation process does not protect individuals or communities

EFFECT OF COMMITTEE AMENDMENT: Expands definitions. Expands authority given to the Public Health Director. Requires the Department of Human Services (DHS) to adopt temporary rules to implement sections of the measure. Provides compensation for property taken. Requires DHS to adopt rules related to reportable diseases and provide immunity for reporting reportable diseases. Require DHS to adopt rules for the Oregon Vaccine Education and Prioritization Plan. Extends maximum duration for isolation and quarantine to 60 days. Provides counsel for persons who are unable to afford legal counsel during a hearing on isolation and quarantine. Direct state and local law enforcement to assist to the extent resources are available. Removes control of a health care facility when responding to a public health emergency. Allows the Public Health Director to supersede authority granted to the local public health authority if their actions are inconsistent with guidelines or rules adopted by DHS. Requires the medical examiner to certify the cause and manner of death.

BACKGROUND: Under current statutes, the Director of the Department of Human Services and the local public health administrator determine if there is an impending public health crisis.

House Bill 2185-A allows for the appointment of a Public Health Director to perform the duties related to public health emergencies in the state. The measure also adds and expands definitions and duties related to public health and defines the authority and responsibility of the Governor, the Public Health Director, and state and local authorities during a public health emergency.

5/11/2007 12:58:00 PM

This summary has not been adopted or officially endorsed by action of the committee.

HOUSE AMENDMENTS TO HOUSE BILL 2185

By JOINT COMMITTEE ON EMERGENCY PREPAREDNESS AND OCEAN POLICY

May 11

1 On page 1 of the printed bill, line 2, after "433.001," insert "433.004, 433.009,".

2 In line 3, delete "433.140," and insert "433.040, 433.140, 433.156,".

3 In line 5, delete "433.130, 433.135 and 433.156" and insert "433.130 and 433.135".

4 In line 25, delete the first "of" and insert "granted to" and after "Director" insert "by section
5 of this 2007 Act and ORS 433.443".

6 Delete line 29.

7 On page 2, delete lines 1 through 38 and insert:

8 "**SECTION 3. As used in ORS 431.035 to 431.530:**

9 "(1) 'Children's facility' has the meaning given that term in ORS 433.235.

10 "(2) 'Communicable disease' means a disease or condition, the infectious agent of which
11 may be transmitted by any means from one person or from an animal to another person,
12 that may result in illness, death or severe disability.

13 "(3) 'Condition of public health importance' means a disease, syndrome, symptom, injury
14 or other threat to public health that is identifiable on an individual or community level.

15 "(4) 'Disease outbreak' means a significant or notable increase in the number of cases
16 of a disease or other condition of public health importance.

17 "(5) 'Epidemic' means the occurrence in a community or region of a group of similar
18 conditions of public health importance that are in excess of normal expectancy and derived
19 from a common or propagated source.

20 "(6) 'Local public health administrator' means the public health administrator of a
21 county or health district appointed under ORS 431.418 or the authorized representative of
22 that public health administrator.

23 "(7) 'Local public health authority' means a county government, or a health district
24 created under ORS 431.414 or a person or agency a county or health district has contracted
25 with to act as the local public health authority.

26 "(8) 'Public health law' means any statute, rule or local ordinance that has the purpose
27 of promoting or protecting the public health and that establishes the authority of the De-
28 partment of Human Services, the Public Health Director, the Public Health Officer, a local
29 public health authority or local public health administrator to enforce the statute, rule or
30 local ordinance.

31 "(9) 'Public health measure' means a test, medical examination, treatment, isolation,
32 quarantine or other measure imposed on an individual or group of individuals in order to
33 prevent the spread of or exposure to a communicable disease, toxic substance or
34 transmissible agent.

35 "(10) 'Reportable disease' means a disease or condition, the reporting of which enables a

Senate Joint Resolution 6

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Joint Interim Committee on Emergency Preparedness)

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

1
2 **Be It Resolved by the Legislative Assembly of the State of Oregon, two-thirds of all the**
3 **members of each house concurring:**

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

ARTICLE X-A

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

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

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

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

15 (a) **Act of terrorism.**

16 (b) **Earthquake.**

17 (c) **Flood.**

18 (d) **Pandemic illness.**

19 (e) **Tsunami.**

20 (f) **Volcanic eruption.**

21 (g) **War.**

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

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

28 (a) **The Legislative Assembly is in session at the time the catastrophic disaster is de-**
29 **clared; or**

30 (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 of 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 any moneys appropriated from the General Fund to executive agencies for the
5 current 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 each house because the catastrophic disaster has made it impossible to locate
22 members or impossible for them to attend, two-thirds of the members of each house who are
23 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 of the catastrophic disaster, the
26 number of members of each house that constitutes a quorum under subsection (2) of this
27 section may suspend the rules regarding reading of bills in the same circumstances that
28 two-thirds of the members may suspend the rules under section 19, Article IV of this Con-
29 stitution.

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 decides that the enactment of the bill is necessary to provide an ade-
40 quate 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 respond adequately 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 of 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 any provision of section 4, Article XV of this Constitution, the Leg-
14 islative Assembly may allocate proceeds from the State Lottery for any purpose and in any
15 ratio the Legislative Assembly determines necessary to respond to the catastrophic disaster.

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

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

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 the provisions of sections 1 to 4 of this
25 Article are no longer necessary. The bill shall be presented to the Governor for action in
26 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 a
30 declaration of a catastrophic disaster.

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

34
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.
37