



STATE OF OREGON
LEGISLATIVE COUNSEL COMMITTEE

June 4, 2019

Senator Fred Girod
900 Court Street NE S401
Salem OR 97301

Re: Effect of emergency clause on ability to refer A-engrossed House Bill 2020

Dear Senator Girod:

You asked what effect an emergency clause in A-engrossed House Bill 2020 (2019) has on the ability of petitioners to collect signatures and refer the measure to the ballot for approval or rejection. The answer is that the emergency clause has the effect of making the measure not capable of being referred to the ballot. Instead, the measure will take effect immediately upon the Governor's signature.

House Bill 2020 generally establishes a number of new programs to reduce carbon emissions in this state. Section 135 of the A-engrossed bill declares an emergency and further provides that the Act "takes effect on its passage." Section 135 is thus an example of the Legislative Assembly exercising powers granted under Article IV, section 28, of the Oregon Constitution, which provides in relevant part that "[n]o act shall take effect, until ninety days from the end of the session . . . except in case of emergency, which emergency shall be declared . . . in the body of the law."

The effect of the emergency clause becomes apparent when one considers Article IV, section 1 (3)(a), of the Oregon Constitution, which provides:

The people reserve to themselves the referendum power, which is to approve or reject at an election any Act, or part thereof, of the Legislative Assembly that does not become effective earlier than 90 days after the end of the session at which the Act is passed.

Because HB 2020-A takes effect earlier than 90 days after the end of the session at which HB 2020-A is being considered—the 2019 regular session—the referendum power may not be exercised with respect to the bill.

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and rely upon the advice and opinion of the Attorney General, district attorney, county counsel, city attorney or other retained counsel. Constituents and other private persons and entities should seek and rely upon the advice and opinion of private counsel.

Very truly yours,

A handwritten signature in black ink, appearing to read "Dexter A. Johnson", with a long horizontal flourish extending to the right.

Dexter A. Johnson
Legislative Counsel