House Joint Resolution 206

Sponsored by Representative OWENS, Senator FINDLEY, Representatives DRAZAN, GEORGE, MORGAN, RESCHKE, Senators ANDERSON, THATCHER; Representatives BOSHART DAVIS, CATE, GOODWIN, LEVY, LEWIS, SCHARF, SMITH DB, SMITH G, WRIGHT, Senator HANSELL (at the request of Kevin Mannix) (Presession filed.)

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 limit ability of Governor to declare emergency or to exercise powers under declaration of emergency to only those powers granted by law and to 30 days' duration. Authorizes county governing bodies in counties subject to declaration of emergency to extend declaration of emergency in up to 30-day increments and to reduce powers that may be exercised under declaration of emergency in their respective counties.

Refers proposed amendment to voters for their approval or rejection at next regular general election.

1   **JOINT RESOLUTION**

2   **Be It Resolved by the Legislative Assembly of the State of Oregon:**

3   **PARAGRAPH 1.** The Constitution of the State of Oregon is amended by creating a new section

4   19 to be added to and made a part of Article V, such section to read:

5   **SECTION 19. (1) The Governor has no inherent power to declare an emergency, and may**

6   **declare an emergency or exercise emergency powers only if a statute or this Constitution**

7   **authorizes the declaration or exercise of emergency powers.**

8   **(2) If authorized by law, a declaration of emergency must specify each county of this**

9   **state where the emergency exists and each reason for the declaration of emergency.**

10   **(3) Under a declaration of emergency, the Governor may use existing powers of this state**

11   **and existing state funding, but may not create new powers that do not otherwise exist in law**

12   **or create new sources of state funding.**

13   **(4) Except as provided in subsection (5) of this section, a declaration of emergency may**

14   **not exist for more than 30 days after the date of the declaration of emergency.**

15   **(5) The governing body of a county that is subject to a declaration of emergency, on or**

16   **before the date the declaration is set to expire, may extend the declaration of emergency as**

17   **applicable to that county for up to an additional 30 days. The governing body of a county**

18   **may determine to extend the declaration of emergency as applicable to that county in suc-**

19   **cessive extensions, each of up to 30 days duration. In extending the declaration of emer-**

20   **gency, the governing body of a county may determine to reduce state powers and authorities**

21   **being applied to the county under the declaration, but may not expand the state powers and**

22   **authorities being applied to the county under the declaration.**

23   **(6) The Governor may not retaliate against a county whose governing body has deter-**

24   **mined to not fully continue a declaration of emergency beyond the initial 30 days of the**

25   **declaration.**

26   **(7) The Legislative Assembly may terminate a declaration of emergency at any time by**

27   **adopting a joint resolution terminating the declaration.**

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 **(8) When a declaration of emergency ceases to have operative effect in any county of this**

2 **state to which it originally applied or is terminated under subsection (7) of this section, the**

3 **Governor may not issue a new declaration of emergency pertaining to any matter or situ-**

4 **ation reasonably related to the original declaration of emergency until at least one year after**

5 **the cessation or termination of the original declaration of emergency.**

6 **(9) This section does not apply to a catastrophic disaster for which Article X-A of this**

7 **Constitution has been invoked.**

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9 <u>PARAGRAPH 2.</u> **The amendment proposed by this resolution shall be submitted to the**

10 **people for their approval or rejection at the next regular general election held throughout**

11 **this state.**

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