

Senate Joint Resolution 18

Sponsored by Senator BONHAM (Pre-session 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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The measure proposes new limits on the Governor's power to declare emergencies. The limits would go to a vote of the people. (Flesch Readability Score: 61.0).

Proposes an amendment to the Oregon Constitution to place durational and other limitations on declarations of emergency by the Governor.

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

JOINT RESOLUTION

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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 48 to be added to and made part of Article I, such section to read:

5 **SECTION 48. (1) The Governor has no inherent power to declare an emergency as to any**
6 **matter, except where a statute specifically authorizes such a declaration.**

7 **(2) Any declaration of emergency by the Governor must specify the county or counties**
8 **in which the emergency exists, so as to apply an emergency declaration, and the reason or**
9 **reasons for the declaration of emergency.**

10 **(3) Any declaration of emergency may implement or apply existing state powers and**
11 **funding, but may not create or implement new powers or funding and may not expand the**
12 **jurisdiction or authority of any government agency or institution.**

13 **(4) Any declaration of emergency, and authority granted and actions taken thereunder,**
14 **may not exist for more than 30 days after the date of the declaration of emergency, except**
15 **as provided in subsection (5) of this section.**

16 **(5) In each county subject to a declaration of emergency by the Governor, upon the ex-**
17 **piration of the initial 30 days of emergency, the governing body of the county may extend the**
18 **emergency, for that county, by 30 days. The emergency declaration shall cease to have legal**
19 **effect for that county after these 30 calendar days have passed, unless the governing body**
20 **extends the emergency for that county by another 30 days. The governing body of a county**
21 **subject to an emergency declaration may continue the emergency declaration in successive**
22 **30-day extensions. The governing body may not expand the authority and powers under the**
23 **original declaration of emergency, but may reduce the authority and powers as they apply**
24 **to their county.**

25 **(6) The Legislative Assembly, by resolution passed by a majority vote of the House of**
26 **Representatives and a majority vote of the Senate, may terminate any declaration of emer-**
27 **gency by the Governor. Such resolution is effective without approval by the Governor.**

28 **(7) After a declaration of emergency has expired or been terminated, the Governor may**

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 not declare another emergency as to any matter or situation reasonably related to the ori-
2 ginal declaration of emergency until at least one year after the expiration or termination of
3 the original declaration of emergency.

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

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