

Enrolled

House Joint Resolution 7

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Veterans and Emergency Services)

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.

Adopted by House April 27, 2011

Readopted by House June 21, 2011

Ramona Kenady Line, Chief Clerk of House

Bruce Hanna, Speaker of House

Arnie Roblan, Speaker of House

Adopted by Senate June 17, 2011

Peter Courtney, President of Senate