



*from the offices of*

**SENATOR BRIAN BOQUIST  
&  
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**Statement from Senators Boquist and Baertschiger on  
merit of special session**

Salem, Ore. - Following yesterday's meeting of the Joint Committee on Sole Proprietors, Senator's Brian Boquist (R-Dallas) and Herman Baertschiger (R-Grants Pass) released the following statements regarding Governor Brown's politically motivated special session:

*"The Oregon Constitution allows the Governor to convene a Special Session only upon 'extraordinary occasions.' What is the extraordinary occasion here? Where is the so-called 'emergency' prompting the Governor to call all 90 legislators into special session? All I see is a political sham, a waste of tax payer money, and an abuse of power. If Governor Brown truly cared about small business she would have vetoed the \$1.3 billion small business tax increase she just signed last month." - Senator Herman Baertschiger*

*"Governor Brown is setting a dangerous precedent by convening a special session during legislative days. In 2010 the Oregon voters approved annual sessions: one month in even numbered years, 5 months in odd numbered years. Now, we are being convened quarterly with legislative days under so-called 'special sessions?' The Democrats just created a full-time legislature in direct violation of the Oregon Constitution and the will of the people. The length the Governor and her legislative cronies will go to prop her up politically is astounding. Giving small business a dollar after you just took a hundred is not leadership-it's gamesmanship and cynical politics at its worst, not to mention the violence it does to our constitutional system.*

*So-called emergency sessions can only be called upon 'extraordinary occasions' under the meaning at the time of Statehood in 1859. The Oregon Supreme Court has set precedence for determining legal definitions, and the dictionary of the time does not say reelection is an emergency. An extraordinary occasion in 1859 would have required Senator Bentz to take a steamer from Ontario to The Dalles, then rent a horse to Oregon City, taking more than a week of travel. Likewise, Senator Linthicum would have saddled his horse upon receiving the telegram then traveled more than ten days to the Capitol. What merited extraordinary occasions in the past; Governor Gibbs called the legislature into session to adopt an anti-slavery constitutional amendment, Governor Moody called for a special session to replace a dead U.S. Senator, and Governor Olcott called a session to deal with 'fiendish homicides.' Fiendish may be the right term for calling an emergency for a \$11 million dollar tax cut emergency with the stated intention of the Democrat majority to repeal next year. Especially after raising taxes on the same small business by \$258 million 3-months ago." - Senator Brian Boquist*

Note:

**Article IV, Section 12 of the Oregon Constitutions reads:**

Governor may convene legislature. He may on extraordinary occasions convene the Legislative Assembly by proclamation, and shall state to both houses when assembled, the purpose for which they shall have been convened.

**Article IV, Section 10 of the Oregon Constitution reads:**

Section 10. Annual regular sessions of the Legislative Assembly; organizational session; extension of regular sessions. (1) The Legislative Assembly shall hold annual sessions at the Capitol of the State. Each session must begin on the day designated by law as the first day of the session. Except as provided in subsection (3) of this section:

(a) A session beginning in an odd-numbered year may not exceed 160 calendar days in duration; and

(b) A session beginning in an even-numbered year may not exceed 35 calendar days in duration.

(2) The Legislative Assembly may hold an organizational session that is not subject to the limits of subsection (1) of this section for the purposes of introducing measures and performing the duties and effecting the organization described in sections 11 and 12 of this Article. The Legislative Assembly may not undertake final consideration of a measure or reconsideration of a measure following a gubernatorial veto when convened in an organizational session.

(3) A regular session, as described in subsection (1) of this section, may be extended for a period of five calendar days by the affirmative vote of two-thirds of the members of each house. A session may be extended more than once. An extension must begin on the first calendar day after the end of the immediately preceding session or extension except that if the first calendar day is a Sunday, the extension may begin on the next Monday. [Constitution of 1859; Amendment proposed by S.J.R. 41, 2010, and adopted by the people Nov. 2, 2010]

**CATASTROPHIC DISASTERS**

Section 1. Definitions; declaration of catastrophic disaster; convening of Legislative Assembly. (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. [Created through H.J.R. 7, 2011, and adopted by the people Nov. 6, 2012]

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