



Media Release: Common Sense for Oregon Asks Legislature to Restrict Emergency Powers

June 18, 2020 - Common Sense for Oregon President Kevin Mannix today issued an open letter to Oregon Legislators, calling upon them to use the Special Session scheduled for June 24 as an opportunity to rein in the Governor's emergency powers relating to the coronavirus pandemic.

“The Governor has become the Chief Jailer in a lockdown of the Oregon economy,” said Mannix. “Our legislators, as representatives of the people, should act independently to decide what is best for all Oregonians in response to the coronavirus pandemic.”

Mannix called upon legislators to enact legislation which does the following:

1. Limit the Governor’s emergency powers to 30 days after any declaration of any emergency. Prohibit extension or reestablishment of such emergency powers unless authorized by a majority vote of the House of Representatives and a majority vote of the Senate. Any such extension or reestablishment of emergency powers should be limited to 30 days.

2. Allow the Governor to provide guidance to religious organizations as to safe health practices during an epidemic, but prohibit the Governor from using emergency powers to subject religious organizations to orders, directives, or penalties for engaging in religious gatherings.

3. Change the penalties provisions of the emergency powers laws to remove the Class C Criminal Misdemeanor penalties and replace them with civil penalties, with a fine of no more than \$500 for a violation.

4. Prevent the Governor, during an emergency declared by the Governor, from cancelling or overriding the due process procedures of the Oregon Administrative Procedures Act.

5. Prevent the Governor from closing any school, college, or university, unless such closure is authorized by the involved school board or by a majority vote of the House and the Senate.

6. Prevent the Governor from creating new regulatory powers, or expanding existing regulatory powers beyond those authorized by statute, during a state of emergency. This includes prohibiting the Governor from unilaterally expanding the jurisdiction or authority of regulatory agencies, beyond that which is provided

in statute.

“Since the Oregon Supreme Court obviously is going to give the Governor very broad capability to address emergencies, it is up to the Legislature to put some restrictions on those broad emergency powers,” Mannix stated.

Mannix also announced that the 11 intervenors in the Elkhorn Baptist Church v. Governor Brown case have dismissed their case in Baker County Circuit Court. Mannix has been the attorney for the intervenors. “We recognize that the Supreme Court decision basically eliminates the enforcement of statutory time limits on emergency powers, which was a key part of our case,” Mannix stated. “Dismissal of this case does not prevent us from bringing other legal action, as necessary to address other issues,” Mannix added.

[Click Here to Read "An Open Letter to Oregon Legislators Regarding the June 24 Special Session"](#)