

April 22, 2020

The Honorable Katherine Brown
State of Oregon
160 State Capitol
900 Court Street
Salem, Oregon 97301-4047

Dear Governor Brown,

On March 23rd executive orders 20-07, 20-12 and 20-14 invoke the State of Emergency Declaration powers of ORS 433.441(3). ORS 433.441(5) stating the following:

“A proclamation of a state of public health emergency expires when terminated by a declaration of the Governor or no more than 14 days after the date the public health emergency is proclaimed unless the Governor expressly extends the proclamation for an additional 14-day period.”

In executive order 20-12 and 20-14 you declare the state of emergency to be indefinite. This is not legal as per the above. You, as Governor, only have authority to renew the state of emergency described in ORS 433.441 in 14 day increments. In the absence of legal extensions of executive orders 20-07 and 20-12, their provisions are therefore no longer enforceable.

Furthermore, you recently issued executive order 20-15 renewing the abnormal market disruption in order 20-06. This renewal states “This Executive Order remains in effect until terminated by the Governor.” This statement is not legal per ORS 401.965(6)(d) which explicitly states:

“That the declaration will terminate automatically 30 days after the date on which the Governor makes the declaration unless the Governor extends the declaration in accordance with paragraph (d) of this subsection or unless the Governor or the Legislative Assembly terminates the declaration sooner.”

The Governor does not have legal authority to extend the abnormal disruption of market indefinitely. The declaration must be renewed every 30 days by executive order.

That such renewals may be inconvenient for the Governor is irrelevant. As Oregon’s highest executive you must, more than any one else, obey the laws of our land.

Sincerely,

Michael Robinson B.S., RDMS, RVT