



STATE OF OREGON  
Legislative Counsel Committee

March 10, 2015

To: Senator Sara Gelsler  
Chair, Senate Committee on Human Services and Early Childhood

From: Bealisa Sydlík, Deputy Legislative Counsel

Subject: SB 222—Appearance by Attorney in Juvenile Court Proceedings

Enclosed please find the -1 amendments to Senate Bill 222, as requested. Please note that a statute cannot be serially repealed with respect to different parts of the state at different times, as the proposed language that was submitted with this request suggested. One repeal date must be chosen for the law, with different applicability provisions for the different parts of the state and the different times they are to apply.

Even then, there is some question as to the constitutionality of this approach with respect to the amendments. Article I, section 21, and Article IV, section 1, of the Oregon Constitution, prohibit the unlawful delegation of legislative authority and provide that the power to make laws resides with the Legislative Assembly. Directing the Department of Justice and the Department of Human Services to designate which counties the law is to apply to, and at what times, may be viewed by a court as unconstitutionally delegating lawmaking authority to the executive branch.

Encl.