

Senate Joint Resolution 202

Sponsored by Senator GIROD; Senators BAERTSCHIGER JR, BOQUIST, FERRIOLI, HANSELL, KNOPP, KRUSE, OLSEN, THATCHER, THOMSEN, WHITSETT (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Proposes amendment to Oregon Constitution to require Legislative Assembly to approve each administrative rule or amendment of administrative rule adopted by executive branch agency before taking effect. Authorizes Legislative Assembly to permit executive branch agencies to adopt or amend rules that take effect immediately if emergency conditions exist that satisfy criteria established by Legislative Assembly. Permits rule adopted or amended on emergency basis to be in effect for no more than 12 calendar months unless rule or amendment is approved by Legislative Assembly.

Applies to rules that are first adopted or amended on or after July 1, 2017.

Refers proposed amendment to people for their approval or rejection at next regular general election.

JOINT RESOLUTION

Be It Resolved by the Legislative Assembly of the State of Oregon:

PARAGRAPH 1. The Constitution of the State of Oregon is amended by creating new sections 5 and 5a to be added to and made a part of Article III, such sections to read:

SECTION 5. Notwithstanding section 1 of this Article, the Legislative Assembly may by law require any administrative rule or amendment of an administrative rule that is adopted by an Executive Branch agency:

(1) To be approved by joint resolution of the Legislative Assembly prior to taking effect;
or

(2) If the Executive Branch agency determines that the agency's failure to act promptly will result in serious prejudice to the public interest or the interest of the parties concerned and the specific reasons for its findings of prejudice satisfy the conditions established by the Legislative Assembly by law for the emergency adoption or amendment of a rule, to take effect immediately following adoption of the rule or amendment but to be in effect for no more than 12 calendar months before being approved by the Legislative Assembly.

SECTION 5a. (1) Section 5 of this Article applies to administrative rules that are first adopted or amended by an Executive Branch agency on or after July 1, 2017.

(2) This section is repealed on June 30, 2019.

PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at the next regular general election held throughout this state.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.