

Senate Bill 394

Sponsored by Senator FERRIOLI (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**.

Allows President of Senate, Speaker of House of Representatives, Minority Leader of Senate or Minority Leader of House of Representatives to petition Supreme Court for injunction requiring agency of executive department to execute law.

Provides that legal expenses of legislator filing petition shall be paid by Legislative Assembly.

Directs court to give proceeding priority over other matters.

Permits court to appoint special master for proceeding.

A BILL FOR AN ACT

1
2 Relating to petitions by members of the Legislative Assembly for injunctions to require executive
3 department agencies to execute the law.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. (1) The President of the Senate, the Speaker of the House of Represen-**
6 **tatives, the Minority Leader of the Senate or the Minority Leader of the House of Repre-**
7 **sentatives has standing to petition the Supreme Court under this section for an injunction**
8 **requiring an agency of the executive department, as defined in ORS 174.112, to execute the**
9 **law.**

10 (2) Jurisdiction is conferred on the Supreme Court to hear actions under this section.

11 (3) The President of the Senate, the Speaker of the House of Representatives, the Mi-
12 nority Leader of the Senate or the Minority Leader of the House of Representatives may
13 institute a proceeding under this section by filing a petition for injunction with the Supreme
14 Court. The petition must include a statement describing how the agency failed to execute the
15 law.

16 (4) The petitioner shall serve a copy of the petition by registered or certified mail upon
17 the agency claimed to have not executed the law, the Attorney General and the Governor.

18 (5) Proceedings under this section shall be given priority over all other matters before
19 the Supreme Court.

20 (6) Legal expenses incurred by a member of the Senate or the House of Representatives
21 who files a petition under this section shall be paid out of funds appropriated to the Legis-
22 lative Assembly for that purpose.

23 (7) In the event the Supreme Court determines that there are factual issues in the peti-
24 tion, the Supreme Court may appoint a special master to hear evidence and to prepare re-
25 commended findings of fact.

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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.