

House Bill 4133

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D.)

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**.

Directs Legislative Counsel and Department of Justice to review statute laws and identify those that are outdated, obsolete, duplicative, unconstitutional or contrary to federal law. Authorizes Legislative Counsel, in consultation with Department of Justice, to prepare measures for odd-numbered year regular session to repeal or amend statutes so identified. Requires report explaining reason for statutory modification to accompany each measure and to be entered in legislative record. Limits amendment of measures to content related to reason statutes are being repealed or amended.

Sunset on January 2, 2018.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1 Relating to a process for the revision of statutes due to obsolescence; and declaring an emergency.

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

3 **SECTION 1. (1) The Legislative Counsel and the Department of Justice shall review the**
4 **statutory laws of the State of Oregon each biennium and identify those laws that:**

5 **(a) Are outdated, obsolete or duplicative of other laws;**

6 **(b) Have been determined by the Oregon Supreme Court to be unconstitutional under the**
7 **Oregon Constitution; or**

8 **(c) Have been determined by the Oregon Supreme Court, the United States Court of Ap-**
9 **peals for the Ninth Circuit or the United States Supreme Court to be unconstitutional under**
10 **the United States Constitution or wholly preempted by federal law.**

11 **(2) The Legislative Counsel, in consultation with the Department of Justice, may prepare**
12 **one or more legislative measures to repeal or amend statutes identified in the review de-**
13 **scribed in subsection (1) of this section so as to eliminate the reason the statute was iden-**
14 **tified in the review.**

15 **(3) A measure prepared under this section shall be accompanied by a report explaining**
16 **the reason each statute in the measure is being repealed or amended. A report prepared**
17 **under this subsection shall be entered into the legislative record accompanying the measure.**

18 **(4) A measure prepared under this section is not subject to ORS 171.130, but shall be**
19 **prepared so as to permit filing with the Secretary of the Senate or the Chief Clerk of the**
20 **House of Representatives by the deadline fixed for pre-session filing of legislative measures**
21 **for the odd-numbered year regular session. A measure may not be prepared under this sec-**
22 **tion for consideration during an even-numbered year regular session or a special session.**

23 **(5) A statute may be identified under subsection (1)(b) or (c) of this section only if at**
24 **least one case has been determined with finality and from which no further appeal may be**
25 **made.**

26 **(6) A measure prepared under this section must expressly state that it is being prepared**

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.

1 pursuant to this section.

2 **SECTION 2.** (1) The Legislative Assembly or a committee of the Legislative Assembly
3 may not amend a legislative measure described in section 1 of this 2014 Act so as to add
4 material that is unrelated to the reason a statute repealed or amended by the measure was
5 identified under section 1 (1) of this 2014 Act.

6 (2) This section applies only if the measure for which amendment is being sought ex-
7 pressly states that the measure was prepared pursuant to section 1 of this 2014 Act.

8 **SECTION 3.** Sections 1 and 2 of this 2014 Act are repealed on January 2, 2018.

9 **SECTION 4.** This 2014 Act being necessary for the immediate preservation of the public
10 peace, health and safety, an emergency is declared to exist, and this 2014 Act takes effect
11 on its passage.

12
