

Memorandum

PREPARED FOR: House Committee on Rules

DATE: March 23, 2023

BY: Melissa Leoni, LPRO Analyst

RE: Measures related to states of emergency or legislative oversight



LPRO
LEGISLATIVE POLICY
AND RESEARCH OFFICE

This memorandum lists the 2023 House and Senate measures that are either related to the Governor's authority to declare a state of emergency or public health emergency (Table 1) or the legislative oversight of executive branch actions (Table 2).

Table 1. 2023 Measures Relating to Executive Emergency Authority

Measure	Amends	Measure Summary
HB 2220	ORS chapters 401 and 433	Prohibits Governor or state officer or agency from requiring lawful ongoing business concern to close or suspend operations during a declared state of emergency or declared public health emergency. Declares emergency, effective on passage.
HB 2221	ORS chapter 401	Limits declaration of state of emergency to 30 days duration, unless extended by Legislative Assembly by joint resolution for additional 30 days. Permits Legislative Assembly to extend state of emergency unlimited number of times, but limits duration of each extension to 30 days. Takes effect on 91st day following adjournment sine die.
HB 2399	ORS chapters 401 and 433	Requires declaration or extension of a state of emergency to include a written, public statement identifying specific details of the emergency, including reasons and geographic scope for state of emergency and the circumstances necessitating its extension. Terminates state of emergency or public health emergency after 60 days; allows Governor to extend once for maximum of 30 days, or in 60-day increments if Legislative Assembly is convened. Provides that emergency rules and orders expire upon termination of state of emergency. Restricts declaration of another state of emergency or public health emergency for same purpose unless authorized by Legislative Assembly. Takes effect on 91st day following adjournment sine die.
HB 2407	ORS chapter 401	Establishes a durational limit of 60 days for a state of emergency declared by the Governor. Allows Legislative Assembly, by joint resolution, to authorize an extension of the state of emergency in up to 60-day increments until the Legislative Assembly determines that the emergency no longer exists, or the threat of an emergency has passed. Takes effect on 91st day following adjournment sine die.
HJR 9	Article V (Executive Branch)	Proposes amendment to Oregon Constitution to limit ability of Governor to declare emergency or to exercise powers under declaration of emergency to only those powers granted by law and for 30 days' duration. Authorizes county governing bodies in counties subject to declaration of emergency to extend declaration of emergency in up to 30-day increments and to reduce powers that may be exercised under declaration of emergency in their respective counties.

Measure	Amends	Measure Summary
SB 22	ORS chapters 401 and 433	Requires declaration or extension of a state of emergency to include a written, public statement identifying specific details of the emergency, including reasons and geographic scope for the state of emergency and the circumstances necessitating its extension. Terminates state of emergency or public health emergency after 30 days; allows Governor to extend once for maximum of 30 days, or in up to 60-day increments if approved by resolution adopted by two-thirds of Legislative Assembly. Provides that emergency rules and orders expire upon termination of state of emergency. Restricts declaration of another state of emergency or public health emergency for same purpose unless authorized by Legislative Assembly. Declares emergency, effective on passage.
SB 640	ORS chapters 401 and 433	Limits declaration of state of emergency and public health emergency to 31 days duration, unless extended by Legislative Assembly by joint resolution for a specified duration. Permits Legislative Assembly to extend state of emergency or public health emergency an unlimited number of times. Restricts declaration of another state of emergency or public health emergency for same purpose unless authorized by Legislative Assembly.
SJR 14	Article I (Bill of Rights)	Proposes amendment to Oregon Constitution to limit ability of Governor to declare emergency or to exercise powers under declaration of emergency to only those powers granted by law and to 30 days' duration. Authorizes county governing bodies in counties subject to declaration of emergency to extend declaration of emergency in up to 30-day increments and to reduce powers that may be exercised under declaration of emergency in their respective counties.

Source: Legislative Policy and Research Office (LPRO)

Table 2. 2023 Measures Relating to Legislative Oversight of Executive Branch

Measure	Measure Summary
HB 2755	Establishes bipartisan bicameral Legislative Oversight and Accountability Committee and directs committee to select Legislative Oversight and Accountability Director. Establishes the duties of the Director, including investigating, reviewing activities of, and conducting oversight of executive branch agencies, programs, and functions; taking in and investigating complaints made by the public about executive branch agencies, programs, and functions; conducting performance audits of executive branch agencies, programs, and functions; and issuing reports, findings, and studies and reporting on work to Committee. Takes effect on 91st day following adjournment sine die.



Measure	Measure Summary
HB 2995	Expands duties of Legislative Policy and Research Director to include investigating, reviewing activities of, and conducting oversight of executive branch agencies to identify opportunities and areas of improvement, and taking in, investigating, and reporting to legislative committees on complaints made by the public concerning executive branch agency. Modifies existing administrative rule review process by Legislative Counsel to include review of whether rule promotes, implements, or carries out the legislative direction or policy of the subject of the rule. Expands scope of review by appropriate interim committee to include determination of whether rule carries out legislative direction or policy or fails to do so. Directs Legislative Counsel to post committee’s determination of legal flaw in rule on Legislative Counsel website. Takes effect on 91st day following adjournment sine die.
SB 39	Requires agency to report to appropriate committee or interim committee of Legislative Assembly before permanently amending rule that was adopted or last amended less than five years earlier.
SB 1008	Directs the Legislative Policy and Research Office to study methods for legislative oversight of administrative rules.

