

Senate Bill 755

Sponsored by Senator JOHNSON (at the request of NW Education Service District)

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**.

Specifies quorum for transaction of business for board of pilot education service district. Allows members of board to be recalled. Staggers terms of office of board members. Allows appointed board members to promote or oppose candidates or political measures in same manner as elected board members.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to education service districts; amending ORS 260.432 and sections 11, 12, 13, 14 and 15,
3 chapter 828, Oregon Laws 2005; and declaring an emergency.

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

5 **SECTION 1.** Section 11, chapter 828, Oregon Laws 2005, is amended to read:

6 **Sec. 11.** (1) Notwithstanding ORS chapter 334, the board of directors of a pilot education service
7 district shall consist of nine members as follows:

8 (a) Five directors shall represent zones established under ORS 334.032 and shall be elected by
9 the boards of the component school districts;

10 (b) Four directors shall be appointed by the directors described in paragraph (a) of this sub-
11 section, including one at-large director and a director representing each of the following:

12 (A) Public post-secondary institutions located within the pilot education service district;

13 (B) Social service providers; and

14 (C) The business community.

15 (2) Prior to April 1, 2006, the board of directors of a pilot education service district shall divide
16 the pilot education service district into five zones as nearly equal in census population as may be
17 practicable, measured along common school district boundary lines.

18 (3) The board of directors of a pilot education service district may readjust the boundaries of
19 the zones once each year and shall readjust the boundaries of the zones immediately upon any
20 change of the boundaries of the pilot education service district or a component school district.

21 (4) *[Prior to July 1, 2006,]* The boards of the component school districts within each zone shall
22 elect a representative to serve on the board of directors of the pilot education service district. Each
23 component school district board shall have one vote.

24 (5) Notwithstanding ORS 334.090, the terms of office of directors serving on the board of a pilot
25 education service district who were not elected or appointed pursuant to this section shall terminate
26 on June 30, 2006.

27 (6) Any vacancy on the board of directors of a pilot education service district that occurs before
28 the end of the term of office of a director of a pilot education service district shall be filled following
29 the process described in this section.

30 **(7) Five directors of the pilot education service district board shall constitute a quorum.**

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 **If a quorum is present when a vote is taken, the affirmative vote of a majority of the di-**
 2 **rectors present is required to transact any business.**

3 **SECTION 2.** Section 12, chapter 828, Oregon Laws 2005, is amended to read:

4 **Sec. 12.** (1) ORS 334.095 does not apply to a pilot education service district. However, the board
 5 of directors of a pilot education service district shall declare the office of director vacant upon the
 6 occurrence of any of the following:

7 (a) When an incumbent dies or resigns;

8 (b) When an incumbent is removed from office or the election or appointment thereto has been
 9 declared void by the judgment of any court;

10 (c) When an incumbent ceases to be a resident of the pilot education service district;

11 (d) When an incumbent ceases to be a resident of the zone from which elected; [or]

12 (e) When an incumbent ceases to discharge the duties of office for two consecutive months un-
 13 less prevented therefrom by sickness or other unavoidable cause; **or**

14 **(f) When an incumbent is recalled as provided in subsection (3) or (4) of this section.**

15 (2) A director guilty of misfeasance or malfeasance in office, by the appropriate proceeding, may
 16 be removed from office by a court of competent jurisdiction.

17 **(3) An elected director may be recalled by the vote of a majority of the school districts**
 18 **that elected the director.**

19 **(4) An appointed director may be recalled by the vote of a majority of the elected direc-**
 20 **tors.**

21 **SECTION 3.** Section 13, chapter 828, Oregon Laws 2005, is amended to read:

22 **Sec. 13.** Each pilot education service district shall report to the interim legislative committees
 23 relating to education on the governance structure of the board of the pilot education service district
 24 prior to October 1, 2006, [and] October 1, 2008, **and October 1, 2010.**

25 **SECTION 4.** Section 14, chapter 828, Oregon Laws 2005, is amended to read:

26 **Sec. 14.** (1) Prior to February 1, [2010] **2012**, the board of directors of a pilot education service
 27 district shall divide the pilot education service district into as many zones as the board considers
 28 necessary, but not fewer than seven or more than 11. The zones shall be as nearly equal in census
 29 population as may be practicable. If possible, the board shall establish the zones so that each county
 30 within the education service district, the majority of the land area of which lies within the bound-
 31 aries of the education service district, has at least one member on the board.

32 (2) Within 90 days after the zones required in subsection (1) of this section are established, the
 33 board shall call a special election in the education service district for the purpose of electing di-
 34 rectors, one of whom shall be elected by the electors of each zone established under subsection (1)
 35 of this section.

36 (3) ORS 334.750 applies to a board of directors elected under this section.

37 (4)(a) The [term] **initial terms** of office of [a director who was appointed or] **two of the direc-**
 38 **tors who were** elected under section 11, **chapter 828, Oregon Laws 2005, terminate** [of this 2005
 39 Act terminates] on June 30, [2010] **2008.**

40 **(b) The initial terms of office of three of the directors who were elected under section**
 41 **11, chapter 828, Oregon Laws 2005, terminate on June 30, 2010.**

42 **(c) The initial terms of office of two of the directors who were appointed under section**
 43 **11, chapter 828, Oregon Laws 2005, terminate on June 30, 2008.**

44 **(d) The initial terms of office of two of the directors who were appointed under section**
 45 **11, chapter 828, Oregon Laws 2005, terminate on June 30, 2010.**

1 (e) **The board of directors of a pilot education service district shall determine by lots the**
2 **length of office for each director.**

3 **SECTION 5.** Section 15, chapter 828, Oregon Laws 2005, is amended to read:

4 **Sec. 15. (1)** Sections 11 to 14, **chapter 828, Oregon Laws 2005, [of this 2005 Act]** are repealed
5 on June 30, [2010] **2012.**

6 **(2) The amendments to ORS 260.432 by section 7 of this 2007 Act become operative on**
7 **June 30, 2012.**

8 **SECTION 6.** ORS 260.432 is amended to read:

9 260.432. (1) No person shall attempt to, or actually, coerce, command or require a public em-
10 ployee to influence or give money, service or other thing of value to promote or oppose any political
11 committee or to promote or oppose the nomination or election of a candidate, the gathering of sig-
12 natures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a
13 public office holder.

14 (2) No public employee shall solicit any money, influence, service or other thing of value or
15 otherwise promote or oppose any political committee or promote or oppose the nomination or
16 election of a candidate, the gathering of signatures on an initiative, referendum or recall petition,
17 the adoption of a measure or the recall of a public office holder while on the job during working
18 hours. However, this section does not restrict the right of a public employee to express personal
19 political views.

20 (3) Each public employer shall have posted in a conspicuous place likely to be seen by its em-
21 ployees the following notice in printed or typewritten form:

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23
24
25 **ATTENTION ALL PUBLIC EMPLOYEES:**

26 The restrictions imposed by the law of the State of Oregon on your political activities are that
27 "No public employee shall solicit any money, influence, service or other thing of value or otherwise
28 promote or oppose any political committee or promote or oppose the nomination or election of a
29 candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption
30 of a measure or the recall of a public office holder while on the job during working hours. However,
31 this section does not restrict the right of a public employee to express personal political views."

32 It is therefore the policy of the state and of your public employer that you may engage in poli-
33 tical activity except to the extent prohibited by state law when on the job during working hours.
34 _____

35
36 (4) As used in this section:

37 (a) "Public employee" does not include an elected official **or a person appointed as a director**
38 **to the board of a pilot education service district under section 11, chapter 828, Oregon Laws**
39 **2005.**

40 (b) "Public employer" includes any board, (b) commission, committee, department, division or insti-
41 tution in the executive, administrative, legislative or judicial branch of state government, and any
42 county, city, district or other municipal corporation or public corporation organized for a public
43 purpose, including a cooperative body formed between municipal or public corporations.

44 **SECTION 7.** ORS 260.432, as amended by section 6 of this 2007 Act, is amended to read:

45 260.432. (1) No person shall attempt to, or actually, coerce, command or require a public em-

1 ployee to influence or give money, service or other thing of value to promote or oppose any political
2 committee or to promote or oppose the nomination or election of a candidate, the gathering of sig-
3 natures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a
4 public office holder.

5 (2) No public employee shall solicit any money, influence, service or other thing of value or
6 otherwise promote or oppose any political committee or promote or oppose the nomination or
7 election of a candidate, the gathering of signatures on an initiative, referendum or recall petition,
8 the adoption of a measure or the recall of a public office holder while on the job during working
9 hours. However, this section does not restrict the right of a public employee to express personal
10 political views.

11 (3) Each public employer shall have posted in a conspicuous place likely to be seen by its em-
12 ployees the following notice in printed or typewritten form:

13
14
15
16 **ATTENTION ALL PUBLIC EMPLOYEES:**

17 The restrictions imposed by the law of the State of Oregon on your political activities are that
18 “No public employee shall solicit any money, influence, service or other thing of value or otherwise
19 promote or oppose any political committee or promote or oppose the nomination or election of a
20 candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption
21 of a measure or the recall of a public office holder while on the job during working hours. However,
22 this section does not restrict the right of a public employee to express personal political views.”

23 It is therefore the policy of the state and of your public employer that you may engage in poli-
24 tical activity except to the extent prohibited by state law when on the job during working hours.

25
26 (4) As used in this section:

27 (a) “Public employee” does not include an elected official [*or a person appointed as a director to*
28 *the board of a pilot education service district under section 11, chapter 828, Oregon Laws 2005*].

29 (b) “Public employer” includes any board, commission, committee, department, division or insti-
30 tution in the executive, administrative, legislative or judicial branch of state government, and any
31 county, city, district or other municipal corporation or public corporation organized for a public
32 purpose, including a cooperative body formed between municipal or public corporations.

33 **SECTION 8. This 2007 Act being necessary for the immediate preservation of the public**
34 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**
35 **on its passage.**
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