

House Bill 3457

Sponsored by COMMITTEE ON RULES (at the request of Richard Koenig)

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**.

Requires elected officials and public employees who must swear or affirm to support Constitution as condition of office or employment to take examination on constitutional principles. Makes results of examination accessible to public.

A BILL FOR AN ACT

1
2 Relating to constitutional competency examinations.

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

4 **SECTION 1. (1)(a) Every elected official or public employee who is required to swear or**
5 **affirm to support the United States Constitution or the Oregon Constitution as a condition**
6 **of office or employment shall take a constitutional competency examination developed under**
7 **subsection (2) of this section.**

8 **(b) The results of an examination required under this section are public records subject**
9 **to disclosure under ORS 192.410 to 192.505 and shall be posted on the website of and in the**
10 **office of the public agency or officer giving the examination in a location accessible to the**
11 **public. However, nothing in this paragraph requires a public agency to create or maintain a**
12 **website exclusively for posting examination results.**

13 **(2)(a) The constitutional competency examination required under subsection (1) of this**
14 **section shall consist of at least 50 multiple choice questions selected from a test bank de-**
15 **veloped by the State Court Administrator and from questions developed by local panels when**
16 **appropriate.**

17 **(b) Questions included in the test bank shall cover a wide variety of constitutional prin-**
18 **ciples including, but not limited to, protected rights, separation of powers and fundamental**
19 **principles of democratic government.**

20 **(3) The examination required under subsection (1) of this section shall be given to:**

21 **(a) Public safety officers by the Department of Public Safety Standards and Training.**

22 **(b) Officials elected to statewide office and members of the Legislative Assembly by the**
23 **State Court Administrator.**

24 **(c) Officials elected to local office and employees of local public agencies by the county**
25 **clerk of the county in which the official serves or the employee is employed.**

26 **(d) State employees by the state agency employing the employee required to take the**
27 **examination.**

28 **(4)(a) The examination given to officials elected to local office and to employees of a local**
29 **public agency shall be developed under the supervision of the district attorney of the juris-**
30 **isdiction by a panel of six people selected at random from the jury list specified under ORS**
31 **54.070.**

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 **(b) The panel may develop questions for inclusion in the examination and may select**
2 **questions for inclusion from the test bank developed under subsection (2) of this section.**

3 **(c) The officer or entity responsible for giving the examination required under this sec-**
4 **tion shall correct the examination and post the results as required in subsection (1) of this**
5 **section.**

6 **(5) As used in this section:**

7 **(a) "Public agency" means the State of Oregon, or any political division of the state or**
8 **any county, city, district, authority, public corporation or entity and any of their instru-**
9 **mentalities organized and existing under law or charter.**

10 **(b) "Public safety officer" has the meaning given that term in ORS 243.954.**

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