

Senate Bill 363

Sponsored by Senators WALKER, KRUSE

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**.

Changes Superintendent of Public Instruction from elected office to appointed position.

Requires Superintendent of Public Instruction and Deputy Superintendents of Public Instruction to be licensed by Teacher Standards and Practices Commission at time of appointment.

Takes effect only if constitutional amendment proposed by Senate Joint Resolution 10 (2009) is approved by people at next regular general election. Takes effect on effective date of constitutional amendment proposed in Senate Joint Resolution 10 (2009).

A BILL FOR AN ACT

1
2 Relating to the administration of the Department of Education; creating new provisions; and
3 amending ORS 171.130, 171.133, 171.735, 173.130, 244.050, 249.002, 249.056, 254.005, 258.036,
4 258.055, 260.005, 260.076, 292.430, 292.930, 326.305 and 326.330.

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

6 **SECTION 1.** ORS 326.305 is amended to read:

7 326.305. The Superintendent of Public Instruction shall be [*elected*] **appointed by the Governor**
8 for a term of four years. **At the time of appointment, the superintendent must be licensed as**
9 **an administrator or a teacher by the Teacher Standards and Practices Commission.**

10 **SECTION 2.** ORS 326.330 is amended to read:

11 326.330. (1) The Superintendent of Public Instruction may appoint Deputy Superintendents of
12 Public Instruction, for whose acts the superintendent shall be responsible. A deputy may perform
13 any act or duty of the office of Superintendent of Public Instruction designated by the superinten-
14 dent.

15 **(2) At the time appointment, a deputy must be licensed as an administrator or a teacher**
16 **by the Teacher Standards and Practices Commission.**

17 [(2)] **(3)** Notice of the appointment of a deputy and the duties designated for the deputy shall
18 be filed with the Secretary of State.

19 **SECTION 3.** ORS 171.130 is amended to read:

20 171.130. (1) At any time in advance of any regular or special session of the Legislative Assembly
21 fixed by the Legislative Counsel Committee, or at any time in advance of a special session as may
22 be fixed by joint rules of both houses of the Legislative Assembly, the following may file a proposed
23 legislative measure with the Legislative Counsel:

24 (a) Members who will serve in the session and members-elect.

25 (b) Interim and statutory committees of the Legislative Assembly.

26 (2) On or before December 15 of the year preceding a regular legislative session, or at any time
27 in advance of a special session as may be fixed by joint rules of both houses of the Legislative As-
28 sembly, the following may file a proposed legislative measure with the Legislative Counsel:

29 (a) The Oregon Department of Administrative Services, to implement the fiscal recommendations

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 of the Governor contained in the budget report of the Governor.

2 (b) The person who will serve as Governor during the session.

3 (c) The Secretary of State, the State Treasurer, the Attorney General[,] **and** the Commissioner
4 of the Bureau of Labor and Industries [*and the Superintendent of Public Instruction*].

5 (d) The Judicial Department.

6 (3) Notwithstanding subsection (2) of this section, a statewide elected official who initially as-
7 sumes office in January of an odd-numbered year may submit proposed measures for introduction
8 by members or committees of the Legislative Assembly until the calendar day designated by rules
9 of either house of the Legislative Assembly. The exemption granted by this subsection to a newly
10 elected Governor does not apply to state agencies in the executive branch.

11 (4) On or before December 15 of the year preceding a regular legislative session, a state agency
12 may file a proposed legislative measure with the Legislative Counsel through a member or commit-
13 tee of the Legislative Assembly.

14 (5) The Legislative Counsel shall order each measure filed pursuant to subsections (1) to (4) of
15 this section prepared for printing and may order the measure printed. If the person filing a measure
16 specifically requests in writing that the measure be made available for distribution, the Legislative
17 Counsel shall order the measure printed and shall make copies of the printed measure available for
18 distribution before the beginning of the session to members and members-elect and to others upon
19 request.

20 (6) Copies of all measures filed and prepared for printing or printed pursuant to this section
21 shall be forwarded by the Legislative Counsel to the chief clerk of the house designated by the
22 person filing the measure for introduction.

23 (7) The costs of carrying out this section shall be paid out of the money appropriated for the
24 expenses of that session of the Legislative Assembly for which the measure is to be printed.

25 (8) The Legislative Counsel Committee may adopt rules or policies to accomplish the purpose
26 of this section.

27 (9) This section does not affect any law or any rule of the Legislative Assembly or either house
28 thereof relating to the introduction of legislative measures.

29 **SECTION 4.** ORS 171.133 is amended to read:

30 171.133. (1) A state agency shall not cause a bill or measure to be introduced before the Legis-
31 lative Assembly if the bill or measure has not been approved by the Governor.

32 (2) As used in ORS 171.130 and this section, "state agency" means every state agency whose
33 costs are paid wholly or in part from funds held in the State Treasury, except:

34 (a) The Legislative Assembly, the courts and their officers and committees;

35 (b) The Public Defense Services Commission; and

36 (c) The Secretary of State, the State Treasurer, the Attorney General[,] **and** the Commissioner
37 of the Bureau of Labor and Industries [*and the Superintendent of Public Instruction*].

38 **SECTION 5.** ORS 171.735 is amended to read:

39 171.735. ORS 171.740 and 171.745 do not apply to the following persons:

40 (1) News media, or their employees or agents, that in the ordinary course of business directly
41 or indirectly urge legislative action but that engage in no other activities in connection with the
42 legislative action.

43 (2) Any legislative official acting in an official capacity.

44 (3) Any individual who does not receive compensation or reimbursement of expenses for lobby-
45 ing, who limits lobbying activities solely to formal appearances to give testimony before public ses-

1 sions of committees of the Legislative Assembly, or public hearings of state agencies, and who, when
2 testifying, registers an appearance in the records of the committees or agencies.

3 (4) A person who does not spend more than an aggregate amount of 24 hours during any cal-
4 endar quarter lobbying and who does not spend an aggregate amount in excess of \$100 lobbying
5 during any calendar quarter.

6 (5) The Governor, chief of staff for the Governor, deputy chief of staff for the Governor, legal
7 counsel to the Governor, deputy legal counsel to the Governor, Secretary of State, Deputy Secretary
8 of State appointed pursuant to ORS 177.040, State Treasurer, Chief Deputy State Treasurer ap-
9 pointed pursuant to ORS 178.060, chief of staff for the office of the State Treasurer, Attorney Gen-
10 eral, Deputy Attorney General appointed pursuant to ORS 180.130, [*Superintendent of Public*
11 *Instruction,*] Commissioner of the Bureau of Labor and Industries, members and staff of the Oregon
12 Law Commission who conduct the law revision program of the commission or any judge.

13 **SECTION 6.** ORS 173.130 is amended to read:

14 173.130. (1) The Legislative Counsel shall prepare or assist in the preparation of legislative
15 measures when requested to do so by a member or committee of the Legislative Assembly.

16 (2) Upon the written request of a state agency, the Legislative Counsel may prepare or assist
17 in the preparation of legislative measures that have been approved for preparation in writing by the
18 Governor or the Governor's designated representative. The Legislative Counsel may also prepare
19 or assist in the preparation of legislative measures that are requested in writing by the Judicial
20 Department, the Governor, the Secretary of State, the State Treasurer, the Attorney General[,] **or**
21 the Commissioner of the Bureau of Labor and Industries [*or the Superintendent of Public*
22 *Instruction*]. In accordance with ORS 283.110, the Legislative Counsel may charge the agency or
23 officer for the services performed.

24 (3) The Legislative Counsel shall give such consideration to and service concerning any measure
25 or other legislative matter before the Legislative Assembly as is requested by the House of Repre-
26 sentatives, the Senate or any committee of the Legislative Assembly that has the measure or other
27 matter under consideration.

28 (4) The Legislative Counsel, pursuant to the policies and directions of the Legislative Counsel
29 Committee and in conformity with any applicable rules of the House of Representatives or Senate,
30 shall perform or cause to be performed research service requested by any member or committee of
31 the Legislative Assembly in connection with the performance of legislative functions. Research as-
32 signments made by joint or concurrent resolution of the Legislative Assembly shall be given priority
33 over other research requests received by the Legislative Counsel. The research service to be per-
34 formed includes the administrative services incident to the accomplishment of the research requests
35 or assignments.

36 (5) The Legislative Counsel shall give an opinion in writing upon any question of law in which
37 the Legislative Assembly or any member or committee of the Legislative Assembly may have an
38 interest when the Legislative Assembly or any member or committee of the Legislative Assembly
39 requests the opinion. Except as provided in subsection (2) of this section and ORS 173.135, the
40 Legislative Counsel shall not give opinions or provide other legal services to persons or agencies
41 other than the Legislative Assembly and members and committees of the Legislative Assembly.

42 (6) The Legislative Counsel may enter into contracts to carry out the functions of the Legisla-
43 tive Counsel.

44 **SECTION 7.** ORS 244.050 is amended to read:

45 244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon

1 Government Ethics Commission a verified statement of economic interest as required under this
2 chapter:

3 (a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the
4 Bureau of Labor and Industries, [*Superintendent of Public Instruction,*] district attorneys and mem-
5 bers of the Legislative Assembly.

6 (b) Any judicial officer, including justices of the peace and municipal judges, except any pro tem
7 judicial officer who does not otherwise serve as a judicial officer.

8 (c) Any candidate for a public office designated in paragraph (a) or (b) of this subsection.

9 (d) The Deputy Attorney General.

10 (e) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the
11 Secretary of the Senate and the Chief Clerk of the House of Representatives.

12 (f) The Chancellor and Vice Chancellors of the Oregon University System and the president and
13 vice presidents, or their administrative equivalents, in each institution under the jurisdiction of the
14 State Board of Higher Education.

15 (g) The following state officers:

16 (A) Adjutant General.

17 (B) Director of Agriculture.

18 (C) Manager of State Accident Insurance Fund Corporation.

19 (D) Water Resources Director.

20 (E) Director of Department of Environmental Quality.

21 (F) Director of Oregon Department of Administrative Services.

22 (G) State Fish and Wildlife Director.

23 (H) State Forester.

24 (I) State Geologist.

25 (J) Director of Human Services.

26 (K) Director of the Department of Consumer and Business Services.

27 (L) Director of the Department of State Lands.

28 (M) State Librarian.

29 (N) Administrator of Oregon Liquor Control Commission.

30 (O) Superintendent of State Police.

31 (P) Director of the Public Employees Retirement System.

32 (Q) Director of Department of Revenue.

33 (R) Director of Transportation.

34 (S) Public Utility Commissioner.

35 (T) Director of Veterans' Affairs.

36 (U) Executive Director of Oregon Government Ethics Commission.

37 (V) Director of the State Department of Energy.

38 (W) Director and each assistant director of the Oregon State Lottery.

39 **(X) Superintendent of Public Instruction.**

40 (h) Any assistant in the Governor's office other than personal secretaries and clerical personnel.

41 (i) Every elected city or county official.

42 (j) Every member of a city or county planning, zoning or development commission.

43 (k) The chief executive officer of a city or county who performs the duties of manager or prin-
44 cipal administrator of the city or county.

45 (L) Members of local government boundary commissions formed under ORS 199.410 to 199.519.

1 (m) Every member of a governing body of a metropolitan service district and the executive of-
 2 ficer thereof.

3 (n) Each member of the board of directors of the State Accident Insurance Fund Corporation.

4 (o) The chief administrative officer and the financial officer of each common and union high
 5 school district, education service district and community college district.

6 (p) Every member of the following state boards and commissions:

7 (A) Board of Geologic and Mineral Industries.

8 (B) Oregon Economic and Community Development Commission.

9 (C) State Board of Education.

10 (D) Environmental Quality Commission.

11 (E) Fish and Wildlife Commission of the State of Oregon.

12 (F) State Board of Forestry.

13 (G) Oregon Government Ethics Commission.

14 (H) Oregon Health Policy Commission.

15 (I) State Board of Higher Education.

16 (J) Oregon Investment Council.

17 (K) Land Conservation and Development Commission.

18 (L) Oregon Liquor Control Commission.

19 (M) Oregon Short Term Fund Board.

20 (N) State Marine Board.

21 (O) Mass transit district boards.

22 (P) Energy Facility Siting Council.

23 (Q) Board of Commissioners of the Port of Portland.

24 (R) Employment Relations Board.

25 (S) Public Employees Retirement Board.

26 (T) Oregon Racing Commission.

27 (U) Oregon Transportation Commission.

28 (V) Wage and Hour Commission.

29 (W) Water Resources Commission.

30 (X) Workers' Compensation Board.

31 (Y) Oregon Facilities Authority.

32 (Z) Oregon State Lottery Commission.

33 (AA) Pacific Northwest Electric Power and Conservation Planning Council.

34 (BB) Columbia River Gorge Commission.

35 (CC) Oregon Health and Science University Board of Directors.

36 (q) The following officers of the State Treasurer:

37 (A) Chief Deputy State Treasurer.

38 (B) Chief of staff for the office of the State Treasurer.

39 (C) Director of the Investment Division.

40 (r) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725
 41 or 777.915 to 777.953.

42 (s) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.

43 (2) By April 15 next after the date an appointment takes effect, every appointed public official
 44 on a board or commission listed in subsection (1) of this section shall file with the Oregon Govern-
 45 ment Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070

1 and 244.090.

2 (3) By April 15 next after the filing deadline for the primary election, each candidate for public
3 office described in subsection (1) of this section shall file with the commission a statement of eco-
4 nomic interest as required under ORS 244.060, 244.070 and 244.090.

5 (4) Within 30 days after the filing deadline for the general election, each candidate for public
6 office described in subsection (1) of this section who was not a candidate in the preceding primary
7 election, or who was nominated for public office described in subsection (1) of this section at the
8 preceding primary election by write-in votes, shall file with the commission a statement of economic
9 interest as required under ORS 244.060, 244.070 and 244.090.

10 (5) Subsections (1) to (4) of this section apply only to persons who are incumbent, elected or
11 appointed public officials as of April 15 and to persons who are candidates for public office on April
12 15. Subsections (1) to (4) of this section also apply to persons who do not become candidates until
13 30 days after the filing deadline for the statewide general election.

14 (6) If a statement required to be filed under this section has not been received by the commis-
15 sion within five days after the date the statement is due, the commission shall notify the public of-
16 ficial or candidate and give the public official or candidate not less than 15 days to comply with the
17 requirements of this section. If the public official or candidate fails to comply by the date set by the
18 commission, the commission may impose a civil penalty as provided in ORS 244.350.

19 **SECTION 8.** ORS 249.002 is amended to read:

20 249.002. As used in this chapter:

21 (1) "Candidate" means an individual whose name is or is expected to be printed on the official
22 ballot.

23 (2) "County clerk" means the county clerk or the county official in charge of elections.

24 (3) "Elector" means an individual qualified to vote under section 2, Article II, Oregon Consti-
25 tution.

26 (4) "Judge" means judge of the Supreme Court, Court of Appeals, circuit court or the Oregon
27 Tax Court, or any county judge who exercises judicial functions.

28 (5) "Member" means an individual who is registered as being affiliated with the political party.

29 (6) "Minor political party" means a political party that has qualified as a minor political party
30 under ORS 248.008.

31 (7) "Nonpartisan office" means the office of judge, [*Superintendent of Public Instruction*,] Com-
32 missioner of the Bureau of Labor and Industries, any elected office of a metropolitan service district
33 under ORS chapter 268, justice of the peace, county clerk, county assessor, county surveyor, county
34 treasurer, sheriff, district attorney or any office designated nonpartisan by a home rule charter.

35 (8) "Prospective petition" means the information, except signatures and other identification of
36 petition signers, required to be contained in a completed petition.

37 (9) "Public office" means any national, state, county, city or district office or position, except
38 a political party office, filled by the electors.

39 (10) "State office" means Governor, Secretary of State, State Treasurer, Attorney General,
40 Commissioner of the Bureau of Labor and Industries, [*Superintendent of Public Instruction*,] judge,
41 state Senator, state Representative or district attorney.

42 **SECTION 9.** ORS 249.056 is amended to read:

43 249.056. (1) At the time of filing a declaration of candidacy a candidate for the following offices
44 shall pay to the officer with whom the declaration is filed the following fee:

45 (a) United States Senator, \$150.

1 (b) Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bu-
 2 reau of Labor and Industries, [*Superintendent of Public Instruction,*] Representative in Congress,
 3 judge of the Supreme Court, Court of Appeals or Oregon Tax Court, or executive officer or auditor
 4 of a metropolitan service district, \$100.

5 (c) County office, district attorney or circuit court judge, \$50.

6 (d) State Senator or Representative or councilor of a metropolitan service district under ORS
 7 chapter 268, \$25.

8 (2) No filing fee shall be required of persons filing a declaration of candidacy for precinct com-
 9 mitteeperson or justice of the peace.

10 **SECTION 10.** ORS 254.005 is amended to read:

11 254.005. As used in this chapter:

12 (1) "Ballot" means any material on which votes may be cast for candidates or measures. In the
 13 case of a recall election, "ballot" includes material posted in a voting compartment or delivered to
 14 an elector by mail.

15 (2) "Chief elections officer" means the:

16 (a) Secretary of State, regarding a candidate for a state office or an office to be voted on in the
 17 state at large or in a congressional district, or a measure to be voted on in the state at large.

18 (b) County clerk, regarding a candidate for a county office, or a measure to be voted on in a
 19 county only.

20 (c) City clerk, auditor or recorder, regarding a candidate for a city office, or a measure to be
 21 voted on in a city only.

22 (3) "County clerk" means the county clerk or the county official in charge of elections.

23 (4) "Elector" means an individual qualified to vote under section 2, Article II, Oregon Consti-
 24 tution.

25 (5) "Major political party" means a political party that has qualified as a major political party
 26 under ORS 248.006.

27 (6) "Measure" includes any of the following submitted to the people for their approval or re-
 28 jection at an election:

29 (a) A proposed law.

30 (b) An Act or part of an Act of the Legislative Assembly.

31 (c) A revision of or amendment to the Oregon Constitution.

32 (d) Local, special or municipal legislation.

33 (e) A proposition or question.

34 (7) "Minor political party" means a political party that has qualified as a minor political party
 35 under ORS 248.008.

36 (8) "Nonpartisan office" means the office of judge of the Supreme Court, Court of Appeals, cir-
 37 cuit court or the Oregon Tax Court, [*Superintendent of Public Instruction,*] Commissioner of the
 38 Bureau of Labor and Industries, any elected office of a metropolitan service district under ORS
 39 chapter 268, justice of the peace, county clerk, county assessor, county surveyor, county treasurer,
 40 county judge who exercises judicial functions, sheriff, district attorney or any office designated
 41 nonpartisan by a home rule charter.

42 (9) "Prospective petition" means the information, except signatures and other identification of
 43 petition signers, required to be contained in a completed petition.

44 (10) "Regular district election" means the election held each year for the purpose of electing
 45 members of a district board as defined in ORS 255.005 (2).

1 (11) "Vote tally system" means one or more pieces of equipment necessary to examine and tally
2 automatically the marked ballots.

3 (12) "Voting machine" means any device that will record every vote cast on candidates and
4 measures and that will either internally or externally total all votes cast on that device.

5 **SECTION 11.** ORS 258.036 is amended to read:

6 258.036. (1) Not later than the 40th day after the election or the seventh day after completion
7 of a recount of votes cast in connection with the nomination, office or measure, any person au-
8 thorized to contest a result of the election may file a petition of contest. The petition shall be filed
9 with:

10 (a) The Circuit Court for Marion County if the petition involves a state measure, a candidate
11 for election to the office of elector of President and Vice President of the United States or a can-
12 didate for nomination or election to the office of United States Senator, United States Represen-
13 tative in Congress, Governor, Secretary of State, State Treasurer, Attorney General, Commissioner
14 of the Bureau of Labor and Industries[, *Superintendent of Public Instruction*] or a position of judge
15 on the Oregon Supreme Court, the Oregon Court of Appeals or the Oregon Tax Court.

16 (b) The circuit court for the county where a majority of the electors in the electoral district
17 reside if the petition involves a candidate for nomination or election to the office of state Senator,
18 state Representative, circuit court judge or district attorney.

19 (c) The circuit court for the county in which the filing officer is located if the petition involves
20 a candidate for nomination or election to county, city or district office or a county, city or district
21 measure. If a district is located in more than one county, the petition shall be filed with the circuit
22 court for the county in which the administrative office of the district is located.

23 (2) The petition shall be verified in the manner required for verification of complaints in civil
24 cases and shall specify:

25 (a) The cause of the contest; and

26 (b) The names of all contestees.

27 **SECTION 12.** ORS 258.055 is amended to read:

28 258.055. (1) Except as provided in subsection (2) of this section, when a contestant files a peti-
29 tion of contest with the circuit court described under ORS 258.036 (1), the contestant shall, within
30 three business days of filing the petition, publish a notice stating that the petition has been filed
31 and identifying the date of the deadline described in this subsection for filing a motion to intervene.
32 The notice shall be published at least once in the next available issue of a newspaper of general
33 circulation published in the county where the proceeding is pending. Jurisdiction over the election
34 contest shall be complete within 10 days after the notice is published as provided in this section.
35 Any person interested may at any time before the expiration of the 10 days appear and contest the
36 validity of the proceeding, or of any of the acts or things enumerated in the proceeding.

37 (2) Subsection (1) of this section does not apply if the contest involves a state measure, the
38 election of a candidate to the office of elector of President and Vice President of the United States
39 or the nomination or election of a candidate to the office of United States Senator, United States
40 Representative in Congress, Governor, Secretary of State, State Treasurer, Attorney General, Com-
41 missioner of the Bureau of Labor and Industries[, *Superintendent of Public Instruction*] or a position
42 of judge on the Oregon Supreme Court, the Oregon Court of Appeals or the Oregon Tax Court.

43 (3) Not later than two business days after a petition of contest is filed with the circuit court,
44 the contestant shall serve a copy of the petition by certified mail on each contestee. If the Secre-
45 tary of State or county clerk is not a contestee, not later than one business day after a petition of

1 contest is filed with the circuit court, the contestant shall file a copy of the petition with:

2 (a) The Secretary of State if the petition involves a candidate for state office or a state measure;

3 or

4 (b) The county clerk if the petition involves a candidate for county, city or district office or a
 5 county, city or district measure. As used in this paragraph, “county clerk” includes the county clerk
 6 of the county in which the administrative office of a city or district is located regarding a measure
 7 or a candidate for an office to be voted on in a city or district located in more than one county.

8 (4) The circuit court shall fix a time for the hearing by the circuit court of the contest pro-
 9 ceeding, and not later than the fifth day before the hearing shall give written notice of the hearing
 10 to each party to the proceeding. In fixing the time for the hearing, the court shall consider the dates
 11 set in any notice published under subsection (1) of this section and the dates of service on the
 12 contestees. The contest proceeding shall take precedence over all other business on the circuit court
 13 docket.

14 (5) The circuit court shall hear and determine the proceeding without a jury and shall issue
 15 written findings of law and fact. The practice and procedure otherwise applicable to civil cases
 16 shall govern the proceeding, except that the contestant has the burden of proof by clear and con-
 17 vincing evidence.

18 **SECTION 13.** ORS 260.005 is amended to read:

19 260.005. As used in this chapter:

20 (1)(a) “Candidate” means:

21 (A) An individual whose name is printed on a ballot, for whom a declaration of candidacy,
 22 nominating petition or certificate of nomination to public office has been filed or whose name is
 23 expected to be or has been presented, with the individual’s consent, for nomination or election to
 24 public office;

25 (B) An individual who has solicited or received and accepted a contribution, made an expendi-
 26 ture, or given consent to an individual, organization, political party or political committee to solicit
 27 or receive and accept a contribution or make an expenditure on the individual’s behalf to secure
 28 nomination or election to any public office at any time, whether or not the office for which the in-
 29 dividual will seek nomination or election is known when the solicitation is made, the contribution
 30 is received and retained or the expenditure is made, and whether or not the name of the individual
 31 is printed on a ballot; or

32 (C) A public office holder against whom a recall petition has been completed and filed.

33 (b) For purposes of this section and ORS 260.035 to 260.156, “candidate” does not include a
 34 candidate for the office of precinct committeeperson.

35 (2) “Committee director” means any person who directly and substantially participates in
 36 decision-making on behalf of a political committee concerning the solicitation or expenditure of
 37 funds and the support of or opposition to candidates or measures. The officers of a political party
 38 shall be considered the directors of any political party committee of that party, unless otherwise
 39 provided in the party’s bylaws.

40 (3)(a) Except as provided in ORS 260.007, “contribute” or “contribution” includes:

41 (A) The payment, loan, gift, forgiving of indebtedness, or furnishing without equivalent compen-
 42 sation or consideration, of money, services other than personal services for which no compensation
 43 is asked or given, supplies, equipment or any other thing of value:

44 (i) For the purpose of influencing an election for public office or an election on a measure, or
 45 of reducing the debt of a candidate for nomination or election to public office or the debt of a pol-

1 itical committee; or

2 (ii) To or on behalf of a candidate, political committee or measure; and

3 (B) Any unfulfilled pledge, subscription, agreement or promise, whether or not legally enforcea-
4 ble, to make a contribution.

5 (b) Regarding a contribution made for compensation or consideration of less than equivalent
6 value, only the excess value of it shall be considered a contribution.

7 (4)(a) "Controlled committee" means a political committee that, in connection with the making
8 of contributions or expenditures:

9 (A) Is controlled directly or indirectly by a candidate or a controlled committee; or

10 (B) Acts jointly with a candidate or controlled committee.

11 (b) For purposes of this subsection, a candidate controls a political committee if:

12 (A) The candidate, the candidate's agent, a member of the candidate's immediate family or any
13 other political committee that the candidate controls has a significant influence on the actions or
14 decisions of the political committee; or

15 (B) The candidate's principal campaign committee and the political committee both have the
16 candidate or a member of the candidate's immediate family as a treasurer or director.

17 (5) "County clerk" means the county clerk or the county official in charge of elections.

18 (6) "Elector" means an individual qualified to vote under section 2, Article II of the Oregon
19 Constitution.

20 (7) Except as provided in ORS 260.007, "expend" or "expenditure" includes the payment or fur-
21 nishing of money or anything of value or the incurring or repayment of indebtedness or obligation
22 by or on behalf of a candidate, political committee or person in consideration for any services,
23 supplies, equipment or other thing of value performed or furnished for any reason, including support
24 of or opposition to a candidate, political committee or measure, or for reducing the debt of a can-
25 didate for nomination or election to public office. "Expenditure" also includes contributions made
26 by a candidate or political committee to or on behalf of any other candidate or political committee.

27 (8) "Filing officer" means:

28 (a) The Secretary of State:

29 (A) Regarding a candidate for public office;

30 (B) Regarding a statement required to be filed under ORS 260.118;

31 (C) Regarding any measure; or

32 (D) Regarding any political committee.

33 (b) Notwithstanding paragraph (a) of this subsection, in the case of an irrigation district formed
34 under ORS chapter 545:

35 (A) The county clerk, regarding any candidate for office or any measure at an irrigation district
36 formation election where the proposed district is situated wholly in one county;

37 (B) The county clerk of the county in which the office of the secretary of the proposed irrigation
38 district will be located, regarding any candidate for office or any measure at an irrigation district
39 formation election where the proposed district is situated in more than one county; or

40 (C) The secretary of the irrigation district for any election other than an irrigation district
41 formation election.

42 (9) "Independent expenditure" means an expenditure by a person for a communication in support
43 of or in opposition to a clearly identified candidate or measure that is not made with the cooper-
44 ation or with the prior consent of, or in consultation with, or at the request or suggestion of, a
45 candidate or any agent or authorized committee of the candidate, or any political committee or

1 agent of a political committee supporting or opposing a measure. For purposes of this subsection:

2 (a) A communication is “in support of or in opposition to” a candidate or measure if:

3 (A) The communication, taken in its context, clearly and unambiguously urges the election or
4 defeat of a clearly identified candidate for nomination or election to public office, or the passage
5 or defeat of a clearly identified measure;

6 (B) The communication, as a whole, seeks action rather than simply conveying information; and

7 (C) It is clear what action the communication advocates.

8 (b) “Agent” means any person who has:

9 (A) Actual oral or written authority, either express or implied, to make or to authorize the
10 making of expenditures on behalf of a candidate or on behalf of a political committee supporting or
11 opposing a measure; or

12 (B) Been placed in a position within the campaign organization where it would reasonably ap-
13 pear that in the ordinary course of campaign-related activities the person may authorize expen-
14 ditures.

15 (c) “Clearly identified” means, with respect to candidates:

16 (A) The name of the candidate involved appears;

17 (B) A photograph or drawing of the candidate appears; or

18 (C) The identity of the candidate is apparent by unambiguous reference.

19 (d) “Clearly identified” means, with respect to measures:

20 (A) The ballot number of the measure appears;

21 (B) A description of the measure’s subject or effect appears; or

22 (C) The identity of the measure is apparent by unambiguous reference.

23 (e) “Made with the cooperation or with the prior consent of, or in consultation with, or at the
24 request or suggestion of, a candidate or any agent or authorized committee of the candidate, or any
25 political committee or agent of a political committee supporting or opposing a measure”:

26 (A) Means any arrangement, coordination or direction by the candidate or the candidate’s agent,
27 or by any political committee or agent of a political committee supporting or opposing a measure,
28 prior to the publication, distribution, display or broadcast of the communication. An expenditure
29 shall be presumed to be so made when it is:

30 (i) Based on information about the plans, projects or needs of the candidate, or of the political
31 committee supporting or opposing a measure, and provided to the expending person by the candidate
32 or by the candidate’s agent, or by any political committee or agent of a political committee sup-
33 porting or opposing a measure, with a view toward having an expenditure made; or

34 (ii) Made by or through any person who is or has been authorized to raise or expend funds, who
35 is or has been an officer of a political committee authorized by the candidate or by a political
36 committee or agent of a political committee supporting or opposing a measure, or who is or has been
37 receiving any form of compensation or reimbursement from the candidate, the candidate’s principal
38 campaign committee or agent or from any political committee or agent of a political committee
39 supporting or opposing a measure; and

40 (B) Does not include providing to the expending person upon request a copy of this chapter or
41 any rules adopted by the Secretary of State relating to independent expenditures.

42 (10) “Initiative petition” means a petition to initiate a measure for which a prospective petition
43 has been filed but that is not yet a measure.

44 (11) “Judge” means judge of the Supreme Court, Court of Appeals, circuit court or the Oregon
45 Tax Court.

1 (12) "Mass mailing" means more than 200 substantially similar pieces of mail, but does not in-
2 clude a form letter or other mail that is sent in response to an unsolicited request, letter or other
3 inquiry.

4 (13) "Measure" includes any of the following submitted to the people for their approval or re-
5 jection at an election:

6 (a) A proposed law.

7 (b) An Act or part of an Act of the Legislative Assembly.

8 (c) A revision of or amendment to the Oregon Constitution.

9 (d) Local, special or municipal legislation.

10 (e) A proposition or question.

11 (14) "Occupation" means:

12 (a) The nature of an individual's principal business; and

13 (b) If the individual is employed by another person, the business name and address, by city and
14 state, of the employer.

15 (15) "Person" means an individual, corporation, limited liability company, labor organization,
16 association, firm, partnership, joint stock company, club, organization or other combination of indi-
17 viduals having collective capacity.

18 (16)(a) "Political committee" means a combination of two or more individuals, or a person other
19 than an individual, that has:

20 (A) Received a contribution for the purpose of supporting or opposing a candidate, measure or
21 political party; or

22 (B) Made an expenditure for the purpose of supporting or opposing a candidate, measure or
23 political party.

24 (b) For purposes of paragraph (a)(B) of this subsection, an expenditure does not include:

25 (A) A contribution to a candidate or political committee that is required to report the contri-
26 bution on a statement filed under ORS 260.057, 260.076 or 260.102 or a certificate filed under ORS
27 260.112; or

28 (B) An independent expenditure for which a statement is required to be filed by a person under
29 ORS 260.044 (1).

30 (17) "Public office" means any national, state, county, district, city office or position, except a
31 political party office, that is filled by the electors.

32 (18) "Recall petition" means a petition to recall a public officer for which a prospective petition
33 has been filed but that is not yet a measure.

34 (19) "Referendum petition" means a petition to refer a measure for which a prospective petition
35 has been filed but that is not yet a measure.

36 (20) "Regular district election" means the regular district election described in ORS 255.335.

37 (21) "Slate mailer" means a mass mailing that supports or opposes a total of three or more
38 candidates or measures.

39 (22)(a) "Slate mailer organization" means, except as provided in paragraph (b) of this subsection,
40 any person who directly or indirectly:

41 (A) Is involved in the production of one or more slate mailers and exercises control over the
42 selection of the candidates and measures to be supported or opposed in the slate mailers; and

43 (B) Receives or is promised payment for producing one or more slate mailers or for endorsing
44 or opposing, or refraining from endorsing or opposing, a candidate or measure in one or more slate
45 mailers.

1 (b) Notwithstanding paragraph (a) of this subsection, “slate mailer organization” does not in-
2 clude:

3 (A) A political committee organized by a political party; or

4 (B) A political committee organized by the caucus of either the Senate or the House of Repre-
5 sentatives of the Legislative Assembly.

6 (23) “State office” means the office of Governor, Secretary of State, State Treasurer, Attorney
7 General, Commissioner of the Bureau of Labor and Industries, [*Superintendent of Public*
8 *Instruction,*] state Senator, state Representative, judge or district attorney.

9 **SECTION 14.** ORS 260.076 is amended to read:

10 260.076. (1) A legislative official, statewide official or candidate therefor, or the official’s or
11 candidate’s principal campaign committee, shall file statements showing contributions received by
12 or on behalf of the official, candidate or committee during the period beginning January 1 imme-
13 diately preceding a regular biennial session of the Legislative Assembly and ending upon
14 adjournment of the regular biennial session of the Legislative Assembly, or during any special ses-
15 sion of the Legislative Assembly.

16 (2) The Governor, Governor-elect or a candidate for Governor, or the principal campaign com-
17 mittee of the Governor, Governor-elect or candidate, shall file statements showing contributions re-
18 ceived by or on behalf of the Governor, Governor-elect, candidate or committee during the period
19 beginning January 1 immediately preceding a regular biennial session of the Legislative Assembly
20 and ending 30 business days following adjournment of the regular biennial session of the Legislative
21 Assembly, or during any special session of the Legislative Assembly.

22 (3) A person or political committee affiliated with a political party, caucus of either house of the
23 Legislative Assembly, legislative official, statewide official or the Governor, Governor-elect or can-
24 didate for Governor shall file statements showing contributions received by the person or committee
25 on behalf of a legislative official, statewide official or candidate therefor, during the period begin-
26 ning January 1 immediately preceding a regular biennial session of the Legislative Assembly and
27 ending upon adjournment of the regular biennial session of the Legislative Assembly, or during any
28 special session of the Legislative Assembly.

29 (4) A person or political committee affiliated with a political party, caucus of either house of the
30 Legislative Assembly, legislative official, statewide official or the Governor, Governor-elect or can-
31 didate for Governor shall file statements showing contributions received by the person or committee
32 on behalf of the Governor, Governor-elect or candidate for Governor, during the period beginning
33 January 1 immediately preceding a regular biennial session of the Legislative Assembly and ending
34 30 business days following adjournment of the regular biennial session of the Legislative Assembly,
35 or during any special session of the Legislative Assembly.

36 (5) A statement described in subsections (1) to (4) of this section shall be filed with the Secretary
37 of State on a form prescribed by the secretary. For contributions received during the period begin-
38 ning on January 1 immediately preceding a regular biennial session of the Legislative Assembly and
39 ending on the first day of the regular biennial session, a statement shall be filed not later than two
40 business days after the first day of the regular biennial session. For contributions received on or
41 after the first day of the regular biennial session, a statement shall be filed not later than two
42 business days after the date a contribution is received.

43 (6) If a statement has been filed under subsections (1) to (4) of this section, the next statement
44 filed by the Governor, Governor-elect, official, candidate, principal campaign committee or other
45 political committee under ORS 260.057 shall include the contributions reported in statements filed

1 under this section.

2 (7) This section applies notwithstanding the filing of a certificate under ORS 260.112.

3 (8) As used in this section:

4 (a) "Legislative official" means any member or member-elect of the Legislative Assembly.

5 (b) "Statewide official" means the Secretary of State or Secretary of State-elect, State Treasurer
6 or State Treasurer-elect, [*Superintendent of Public Instruction or Superintendent-elect of Public In-*
7 *struction,*] Attorney General or Attorney General-elect and the Commissioner of the Bureau of Labor
8 and Industries or the Commissioner-elect of the Bureau of Labor and Industries.

9 **SECTION 15.** ORS 292.430 is amended to read:

10 292.430. (1) In addition to the annual salaries established as provided in ORS 292.907 to 292.930,
11 the Oregon Department of Administrative Services may "pick-up," assume and pay to the Public
12 Employees Retirement Fund any employee contributions, otherwise required by ORS 238.200, for the
13 Governor, Secretary of State, State Treasurer, Attorney General, [*Superintendent of Public Instruc-*
14 *tion,*] Commissioner of the Bureau of Labor and Industries and members of the Legislative Assembly.

15 (2) The department may provide health, dental, life and long-term disability insurance without
16 cost to the officers referred to in subsection (1) of this section and to judges of the Supreme Court,
17 Court of Appeals, Oregon Tax Court and circuit courts in such amounts as are provided from time
18 to time to employees in the unclassified service of the state.

19 **SECTION 16.** ORS 292.930 is amended to read:

20 292.930. Each of the following elective officers shall be paid an annual salary on a monthly ba-
21 sis:

22 (1) Governor.

23 (2) Secretary of State.

24 (3) State Treasurer.

25 (4) Attorney General.

26 [(5) *Superintendent of Public Instruction.*]

27 [(6)] (5) Commissioner of the Bureau of Labor and Industries.

28 [(7)] (6) Chief Judge of the Court of Appeals.

29 [(8)] (7) Court of Appeals Judge.

30 [(9)] (8) Chief Justice of the Supreme Court.

31 [(10)] (9) Supreme Court Judge.

32 [(11)] (10) Circuit Court Judge.

33 [(12)] (11) Tax Court Judge.

34 **SECTION 17.** (1) **The amendments to ORS 171.130, 171.133, 171.735, 173.130, 244.050,**
35 **249.002, 249.056, 254.005, 258.036, 258.055, 260.005, 260.076, 292.430, 292.930, 326.305 and 326.330**
36 **by sections 1 to 16 of this 2009 Act do not take effect unless the amendment to section 1,**
37 **Article VIII of the Oregon Constitution, proposed by Senate Joint Resolution 10 (2009), is**
38 **approved by the people at the next regular general election held throughout this state.**

39 (2) **The amendments to ORS 171.130, 171.133, 171.735, 173.130, 244.050, 249.002, 249.056,**
40 **254.005, 258.036, 258.055, 260.005, 260.076, 292.430, 292.930, 326.305 and 326.330 by sections 1 to**
41 **16 of this 2009 Act become effective on the effective date of Senate Joint Resolution 10 (2009).**