

# House Bill 3096

Sponsored by Representative HICKS

## 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**.

Designates Governor as Superintendent of Public Instruction. Requires Governor to appoint Deputy Superintendent of Public Instruction. Allows current Superintendent of Public Instruction to complete term of office.

## A BILL FOR AN ACT

1  
2 Relating to Superintendent of Public Instruction; creating new provisions; amending ORS 171.130,  
3 171.133, 171.735, 173.130, 240.205, 244.050, 249.002, 249.056, 249.215, 254.005, 258.036, 258.055,  
4 260.005, 260.076, 292.311, 292.430, 292.930, 329.837, 343.465 and 458.558 and section 1, chapter 856,  
5 Oregon Laws 2009; and repealing ORS 326.305 and 326.330.

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

7 **SECTION 1. ORS 326.330 is repealed and section 2 of this 2011 Act is enacted in lieu**  
8 **thereof.**

9 **SECTION 2. (1) As provided by section 1, Article VIII of the Oregon Constitution, the**  
10 **Governor is the Superintendent of Public Instruction.**

11 **(2)(a) The Governor, acting as Superintendent of Public Instruction, shall appoint a**  
12 **Deputy Superintendent of Public Instruction. The appointment of the deputy superintendent**  
13 **shall be subject to confirmation by the Senate as provided by ORS 171.562 and 171.565.**

14 **(b) The deputy superintendent shall perform any act or duty of the office of Superinten-**  
15 **dent of Public Instruction that is designated by the Governor, and the Governor is respon-**  
16 **sible for any acts of the deputy superintendent.**

17 **(3) The deputy superintendent may be removed from office by the Governor following**  
18 **consultation with the State Board of Education.**

19 **(4) The deputy superintendent shall receive a salary set by the Governor, and shall be**  
20 **reimbursed for all expenses actually and necessarily incurred by the deputy superintendent**  
21 **in the performance of official duties.**

22 **SECTION 3. (1) Notwithstanding section 2 of this 2011 Act, the Governor shall become**  
23 **the Superintendent of Public Instruction when one of the following first occurs:**

24 **(a) The expiration of the term of the Superintendent of Public Instruction holding office**  
25 **on the effective date of this 2011 Act; or**

26 **(b) The vacancy for any cause in the office of Superintendent of Public Instruction that**  
27 **occurs on or after the effective date of this 2011 Act.**

28 **(2) The Superintendent of Public Instruction holding office on the effective date of this**  
29 **2011 Act shall continue to serve as superintendent until the date on which the Governor be-**  
30 **comes Superintendent of Public Instruction as provided by subsection (1) of this section. A**  
31 **superintendent so continuing to serve shall have the authority, powers, functions and duties**

**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, and be subject to other provisions of law applicable to, the superintendent.**

2 **(3) The Governor may appoint a Deputy Superintendent of Public Instruction pursuant**  
 3 **to section 2 of this 2011 Act to take office on or after the date on which the Governor be-**  
 4 **comes Superintendent of Public Instruction as provided in subsection (1) of this section.**

5 **SECTION 4.** ORS 171.130 is amended to read:

6 171.130. (1) At any time in advance of any regular or special session of the Legislative Assembly  
 7 fixed by the Legislative Counsel Committee, or at any time in advance of a special session as may  
 8 be fixed by joint rules of both houses of the Legislative Assembly, the following may file a proposed  
 9 legislative measure with the Legislative Counsel:

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

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

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

15 (a) The Oregon Department of Administrative Services, to implement the fiscal recommendations  
 16 of the Governor contained in the budget report of the Governor.

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

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

20 (d) The Judicial Department.

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

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

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

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

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

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

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

44 **SECTION 5.** ORS 171.133 is amended to read:

45 171.133. (1) A state agency shall not cause a bill or measure to be introduced before the Legis-

1 lative Assembly if the bill or measure has not been approved by the Governor.

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

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

5 (b) The Public Defense Services Commission; and

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

8 **SECTION 6.** ORS 171.735 is amended to read:

9 171.735. ORS 171.740 and 171.745 do not apply to the following persons:

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

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

14 (3) Any individual who does not receive compensation or reimbursement of expenses for lobby-  
15 ing, who limits lobbying activities solely to formal appearances to give testimony before public ses-  
16 sions of committees of the Legislative Assembly, or public hearings of state agencies, and who, when  
17 testifying, registers an appearance in the records of the committees or agencies.

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

21 (5) The Governor, chief of staff for the Governor, deputy chief of staff for the Governor, legal  
22 counsel to the Governor, deputy legal counsel to the Governor, Secretary of State, Deputy Secretary  
23 of State appointed pursuant to ORS 177.040, State Treasurer, Chief Deputy State Treasurer ap-  
24 pointed pursuant to ORS 178.060, chief of staff for the office of the State Treasurer, Attorney Gen-  
25 eral, Deputy Attorney General appointed pursuant to ORS 180.130, [*Superintendent of Public*  
26 *Instruction*,] Deputy Superintendent of Public Instruction appointed pursuant to [*ORS 326.330*] **sec-**  
27 **tion 2 of this 2011 Act**, Commissioner of the Bureau of Labor and Industries, deputy commissioner  
28 of the Bureau of Labor and Industries appointed pursuant to ORS 651.060, members and staff of the  
29 Oregon Law Commission who conduct the law revision program of the commission or any judge.

30 **SECTION 7.** ORS 173.130 is amended to read:

31 173.130. (1) The Legislative Counsel shall prepare or assist in the preparation of legislative  
32 measures when requested to do so by a member or committee of the Legislative Assembly.

33 (2) Upon the written request of a state agency, the Legislative Counsel may prepare or assist  
34 in the preparation of legislative measures that have been approved for preparation in writing by the  
35 Governor or the Governor’s designated representative. The Legislative Counsel may also prepare  
36 or assist in the preparation of legislative measures that are requested in writing by the Judicial  
37 Department, the Governor, the Secretary of State, the State Treasurer, the Attorney General[,] **or**  
38 the Commissioner of the Bureau of Labor and Industries [*or the Superintendent of Public*  
39 *Instruction*]. In accordance with ORS 283.110, the Legislative Counsel may charge the agency or  
40 officer for the services performed.

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

45 (4) The Legislative Counsel, pursuant to the policies and directions of the Legislative Counsel

1 Committee and in conformity with any applicable rules of the House of Representatives or Senate,  
 2 shall perform or cause to be performed research service requested by any member or committee of  
 3 the Legislative Assembly in connection with the performance of legislative functions. Research as-  
 4 signments made by joint or concurrent resolution of the Legislative Assembly shall be given priority  
 5 over other research requests received by the Legislative Counsel. The research service to be per-  
 6 formed includes the administrative services incident to the accomplishment of the research requests  
 7 or assignments.

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

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

16 **SECTION 8.** ORS 240.205 is amended to read:

17 240.205. The unclassified service shall comprise:

18 (1) One executive officer and one secretary for each board or commission, the members of which  
 19 are elected officers or are appointed by the Governor.

20 (2) The director of each department of state government, each full-time salaried head of a state  
 21 agency required by law to be appointed by the Governor and each full-time salaried member of a  
 22 board or commission required by law to be appointed by the Governor.

23 (3) The administrator of each division within a department of state government required by law  
 24 to be appointed by the director of the department with the approval of the Governor.

25 (4) Principal assistants and deputies and one private secretary for each executive or adminis-  
 26 trative officer specified in ORS 240.200 (1) and in subsections (1) to (3) of this section. "Deputy"  
 27 means the deputy or deputies to an executive or administrative officer listed in subsections (1) to  
 28 (3) of this section who is authorized to exercise that officer's authority upon absence of the officer.  
 29 "Principal assistant" means a manager of a major agency organizational component who reports  
 30 directly to an executive or administrative officer listed in subsections (1) to (3) of this section or  
 31 deputy and who is designated as such by that executive or administrative officer with the approval  
 32 of the Director of the Oregon Department of Administrative Services.

33 (5) Employees in the Governor's office and the principal assistant and private secretary in the  
 34 Secretary of State's division.

35 (6) The director, principals, instructors and teachers in the school operated under ORS 346.010.

36 (7) Apprentice trainees only during the prescribed length of their course of training.

37 (8) Licensed physicians and dentists employed in their professional capacities and student  
 38 nurses, interns, and patient or inmate help in state institutions.

39 (9) Lawyers employed in their professional capacities.

40 (10) All members of the Oregon State Police appointed under ORS 181.250 and 181.265.

41 (11) **The Deputy [superintendents] Superintendent of Public Instruction appointed under**  
 42 **section 2 of this 2011 Act** and associate superintendents in the Department of Education.

43 (12) Temporary seasonal farm laborers engaged in single phases of agricultural production or  
 44 harvesting.

45 (13) Any individual employed and paid from federal funds received under the Emergency Job and

1 Unemployment Assistance Act of 1974 (United States Public Law 93-567) or any other federal pro-  
 2 gram intended primarily to alleviate unemployment. However, persons employed under this sub-  
 3 section shall be treated as classified employees for purposes of ORS 243.650 to 243.782.

4 (14) Managers, department heads, directors, producers and announcers of the state radio and  
 5 television network.

6 (15) Employees, including managers, of the foreign trade offices of the Oregon Business Devel-  
 7 opment Department located outside the country.

8 (16) Any other position designated by law as unclassified.

9 **SECTION 9.** ORS 244.050 is amended to read:

10 244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon  
 11 Government Ethics Commission a verified statement of economic interest as required under this  
 12 chapter:

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

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

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

19 (d) The Deputy Attorney General.

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

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

25 (g) The following state officers:

26 (A) Adjutant General.

27 (B) Director of Agriculture.

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

29 (D) Water Resources Director.

30 (E) Director of Department of Environmental Quality.

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

32 (G) State Fish and Wildlife Director.

33 (H) State Forester.

34 (I) State Geologist.

35 (J) Director of Human Services.

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

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

38 (M) State Librarian.

39 (N) Administrator of Oregon Liquor Control Commission.

40 (O) Superintendent of State Police.

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

42 (Q) Director of Department of Revenue.

43 (R) Director of Transportation.

44 (S) Public Utility Commissioner.

45 (T) Director of Veterans' Affairs.

- 1 (U) Executive director of Oregon Government Ethics Commission.
- 2 (V) Director of the State Department of Energy.
- 3 (W) Director and each assistant director of the Oregon State Lottery.
- 4 (X) Director of the Department of Corrections.
- 5 (Y) Director of the Oregon Department of Aviation.
- 6 (Z) Executive director of the Oregon Criminal Justice Commission.
- 7 (AA) Director of the Oregon Business Development Department.
- 8 (BB) Director of the Office of Emergency Management.
- 9 (CC) Director of the Employment Department.
- 10 (DD) Chief of staff for the Governor.
- 11 (EE) Administrator of the Office for Oregon Health Policy and Research.
- 12 (FF) Director of the Housing and Community Services Department.
- 13 (GG) State Court Administrator.
- 14 (HH) Director of the Department of Land Conservation and Development.
- 15 (II) Board chairperson of the Land Use Board of Appeals.
- 16 (JJ) State Marine Director.
- 17 (KK) Executive director of the Oregon Racing Commission.
- 18 (LL) State Parks and Recreation Director.
- 19 (MM) Public defense services executive director.
- 20 (NN) Chairperson of the Public Employees' Benefit Board.
- 21 (OO) Director of the Department of Public Safety Standards and Training.
- 22 (PP) Chairperson of the Oregon Student Assistance Commission.
- 23 (QQ) Executive director of the Oregon Watershed Enhancement Board.
- 24 (RR) Director of the Oregon Youth Authority.
- 25 (SS) Director of the Oregon Health Authority.
- 26 **(TT) Deputy Superintendent of Public Instruction.**
- 27 (h) Any assistant in the Governor's office other than personal secretaries and clerical personnel.
- 28 (i) Every elected city or county official.
- 29 (j) Every member of a city or county planning, zoning or development commission.
- 30 (k) The chief executive officer of a city or county who performs the duties of manager or prin-  
31 cipal administrator of the city or county.
- 32 (L) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
- 33 (m) Every member of a governing body of a metropolitan service district and the executive of-  
34 ficer thereof.
- 35 (n) Each member of the board of directors of the State Accident Insurance Fund Corporation.
- 36 (o) The chief administrative officer and the financial officer of each common and union high  
37 school district, education service district and community college district.
- 38 (p) Every member of the following state boards and commissions:
  - 39 (A) Board of Geologic and Mineral Industries.
  - 40 (B) Oregon Business Development Commission.
  - 41 (C) State Board of Education.
  - 42 (D) Environmental Quality Commission.
  - 43 (E) Fish and Wildlife Commission of the State of Oregon.
  - 44 (F) State Board of Forestry.
  - 45 (G) Oregon Government Ethics Commission.

- 1 (H) Oregon Health Policy Board.
- 2 (I) State Board of Higher Education.
- 3 (J) Oregon Investment Council.
- 4 (K) Land Conservation and Development Commission.
- 5 (L) Oregon Liquor Control Commission.
- 6 (M) Oregon Short Term Fund Board.
- 7 (N) State Marine Board.
- 8 (O) Mass transit district boards.
- 9 (P) Energy Facility Siting Council.
- 10 (Q) Board of Commissioners of the Port of Portland.
- 11 (R) Employment Relations Board.
- 12 (S) Public Employees Retirement Board.
- 13 (T) Oregon Racing Commission.
- 14 (U) Oregon Transportation Commission.
- 15 (V) Wage and Hour Commission.
- 16 (W) Water Resources Commission.
- 17 (X) Workers' Compensation Board.
- 18 (Y) Oregon Facilities Authority.
- 19 (Z) Oregon State Lottery Commission.
- 20 (AA) Pacific Northwest Electric Power and Conservation Planning Council.
- 21 (BB) Columbia River Gorge Commission.
- 22 (CC) Oregon Health and Science University Board of Directors.
- 23 (DD) Capitol Planning Commission.
- 24 (q) The following officers of the State Treasurer:
- 25 (A) Chief Deputy State Treasurer.
- 26 (B) Chief of staff for the office of the State Treasurer.
- 27 (C) Director of the Investment Division.
- 28 (r) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725
- 29 or 777.915 to 777.953.
- 30 (s) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.
- 31 (2) By April 15 next after the date an appointment takes effect, every appointed public official
- 32 on a board or commission listed in subsection (1) of this section shall file with the Oregon Govern-
- 33 ment Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070
- 34 and 244.090.
- 35 (3) By April 15 next after the filing deadline for the primary election, each candidate described
- 36 in subsection (1) of this section shall file with the commission a statement of economic interest as
- 37 required under ORS 244.060, 244.070 and 244.090.
- 38 (4) Within 30 days after the filing deadline for the general election, each candidate described in
- 39 subsection (1) of this section who was not a candidate in the preceding primary election, or who
- 40 was nominated for public office described in subsection (1) of this section at the preceding primary
- 41 election by write-in votes, shall file with the commission a statement of economic interest as re-
- 42 quired under ORS 244.060, 244.070 and 244.090.
- 43 (5) Subsections (1) to (4) of this section apply only to persons who are incumbent, elected or
- 44 appointed public officials as of April 15 and to persons who are candidates on April 15. Subsections
- 45 (1) to (4) of this section also apply to persons who do not become candidates until 30 days after the

1 filing deadline for the statewide general election.

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

7 **SECTION 10.** ORS 249.002, as amended by section 2, chapter 18, Oregon Laws 2010, is amended  
 8 to read:

9 249.002. As used in this chapter:

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

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

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

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

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

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

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

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

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

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

31 **SECTION 11.** ORS 249.056 is amended to read:

32 249.056. (1) At the time of filing a declaration of candidacy a candidate for the following offices  
 33 shall pay to the officer with whom the declaration is filed the following fee:

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

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

39 (c) County officer, district attorney, county judge who exercises judicial functions or circuit  
 40 court judge, \$50.

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

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

45 **SECTION 12.** ORS 249.215 is amended to read:



1 249.215. (1) If a vacancy occurs in a state office before the 61st day before the first general  
 2 election to be held during that term of office, the remaining two years of the term of the state office  
 3 shall be filled by the electors at that general election.

4 (2) The remaining two years of the term of the state office shall commence on the second  
 5 Monday in January following the general election. Any appointment made to fill the vacancy shall  
 6 expire when a successor to the office is elected and qualified.

7 (3) Candidates for the remaining two years of the term of the state office under this section shall  
 8 be nominated as provided in this chapter except as follows:

9 (a) A major political party or a minor political party, by party rule, or an assembly of electors  
 10 or individual electors, may select a nominee; and

11 (b) The Secretary of State shall accept certificates of nomination and notifications of nominees  
 12 filed with the secretary pursuant to a schedule for filing set by the secretary, but in any case not  
 13 later than the 62nd day before the first general election.

14 (4) As used in this section, “state office” means the office of Governor, Secretary of State, State  
 15 Treasurer, Attorney General[,] **and** Commissioner of the Bureau of Labor and Industries [*and Su-*  
 16 *perintendent of Public Instruction*].

17 **SECTION 13.** ORS 254.005, as amended by section 3, chapter 18, Oregon Laws 2010, is amended  
 18 to read:

19 254.005. As used in this chapter:

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

23 (2) “Chief elections officer” means the:

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

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

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

30 (3) “County clerk” means the county clerk or the county official in charge of elections.

31 (4) “Elector” means an individual qualified to vote under section 2, Article II, Oregon Consti-  
 32 tution.

33 (5) “Major political party” means a political party that has qualified as a major political party  
 34 under ORS 248.006.

35 (6) “Measure” includes any of the following submitted to the people for their approval or re-  
 36 jection at an election:

37 (a) A proposed law.

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

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

40 (d) Local, special or municipal legislation.

41 (e) A proposition or question.

42 (7) “Minor political party” means a political party that has qualified as a minor political party  
 43 under ORS 248.008.

44 (8) “Nonpartisan office” means the office of judge of the Supreme Court, Court of Appeals, cir-  
 45 cuit court or the Oregon Tax Court, [*Superintendent of Public Instruction*,] Commissioner of the

1 Bureau of Labor and Industries, any elected office of a metropolitan service district under ORS  
 2 chapter 268, justice of the peace, county clerk, county assessor, county surveyor, county treasurer,  
 3 county judge who exercises judicial functions, sheriff, district attorney or any office designated  
 4 nonpartisan by a home rule charter.

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

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

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

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

13 **SECTION 14.** ORS 258.036 is amended to read:

14 258.036. (1) Not later than the 40th day after the election or the seventh day after completion  
 15 of a recount of votes cast in connection with the election, any person authorized to contest a result  
 16 of the election may file a petition of contest. The petition shall be filed with:

17 (a) The Circuit Court for Marion County if the petition involves a state measure, a candidate  
 18 for election to the office of elector of President and Vice President of the United States or a candi-  
 19 dicate for nomination or election to the office of United States Senator, United States Represen-  
 20 tative in Congress, Governor, Secretary of State, State Treasurer, Attorney General, Commissioner  
 21 of the Bureau of Labor and Industries[, *Superintendent of Public Instruction*] or a position of judge  
 22 on the Oregon Supreme Court, the Oregon Court of Appeals or the Oregon Tax Court.

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

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

30 (d) The circuit court for the county in which the filing officer authorized to order the recall  
 31 election is located if the petition involves the recall of a public officer.

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

34 (a) The cause of the contest; and

35 (b) The names of all contestees.

36 **SECTION 15.** ORS 258.055 is amended to read:

37 258.055. (1) Except as provided in subsection (2) of this section, when a contestant files a peti-  
 38 tion of contest with the circuit court described under ORS 258.036, the contestant shall, within three  
 39 business days of filing the petition, publish a notice stating that the petition has been filed and  
 40 identifying the date of the deadline described in this subsection for filing a motion to intervene. The  
 41 notice must be published at least once in the next available issue of a newspaper of general circu-  
 42 lation published in the county where the proceeding is pending. Jurisdiction over the election  
 43 contest shall be complete within 10 days after the notice is published as provided in this subsection.  
 44 Any person interested may at any time before the expiration of the 10 days appear and contest the  
 45 validity of the proceeding, or of any of the acts or things enumerated in the proceeding.

(2) Subsection (1) of this section does not apply if the contest involves:

(a) A state measure.

(b) The election of a candidate to the office of elector of President and Vice President of the United States.

(c) The nomination or election of a candidate to the office of United States Senator, United States Representative in Congress, Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries[, *Superintendent of Public Instruction*] or a position of judge on the Oregon Supreme Court, the Oregon Court of Appeals or the Oregon Tax Court.

(d) The recall of a person from the office of Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries[, *Superintendent of Public Instruction*] or a position of judge on the Oregon Supreme Court, the Oregon Court of Appeals or the Oregon Tax Court.

(3) Not later than two business days after the contestant files a petition of contest with the circuit court, the contestant shall serve a copy of the petition by certified mail on each contestee. If the Secretary of State or county clerk is not a contestee, not later than one business day after the contestant files a petition of contest with the circuit court, the contestant shall file a copy of the petition with:

(a) The Secretary of State if the petition involves a candidate for state office, the recall of a person from state office or a state measure; or

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

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

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

**SECTION 16.** ORS 260.005 is amended to read:

260.005. As used in this chapter:

(1)(a) “Candidate” means:

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

(B) An individual who has solicited or received and accepted a contribution, made an expenditure, or given consent to an individual, organization, political party or political committee to solicit or receive and accept a contribution or make an expenditure on the individual’s behalf to secure

1 nomination or election to any public office at any time, whether or not the office for which the in-  
 2 dividual will seek nomination or election is known when the solicitation is made, the contribution  
 3 is received and retained or the expenditure is made, and whether or not the name of the individual  
 4 is printed on a ballot; or

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

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

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

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

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

17 (A) For the purpose of influencing an election for public office or an election on a measure, or  
 18 of reducing the debt of a candidate for nomination or election to public office or the debt of a pol-  
 19 itical committee; or

20 (B) To or on behalf of a candidate, political committee or measure;

21 (b) Any unfulfilled pledge, subscription, agreement or promise, whether or not legally enforcea-  
 22 ble, to make a contribution; and

23 (c) The excess value of a contribution made for compensation or consideration of less than  
 24 equivalent value.

25 (4) “Controlled committee” means a political committee that, in connection with the making of  
 26 contributions or expenditures:

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

28 (b) Acts jointly with a candidate or controlled committee.

29 (5) “Controlled directly or indirectly by a candidate” means:

30 (a) The candidate, the candidate’s agent, a member of the candidate’s immediate family or any  
 31 other political committee that the candidate controls has a significant influence on the actions or  
 32 decisions of the political committee; or

33 (b) The candidate’s principal campaign committee and the political committee both have the  
 34 candidate or a member of the candidate’s immediate family as a treasurer or director.

35 (6) “County clerk” means the county clerk or the county official in charge of elections.

36 (7) “Elector” means an individual qualified to vote under section 2, Article II of the Oregon  
 37 Constitution.

38 (8) Except as provided in ORS 260.007, “expend” or “expenditure” includes the payment or fur-  
 39 nishing of money or anything of value or the incurring or repayment of indebtedness or obligation  
 40 by or on behalf of a candidate, political committee or person in consideration for any services,  
 41 supplies, equipment or other thing of value performed or furnished for any reason, including support  
 42 of or opposition to a candidate, political committee or measure, or for reducing the debt of a can-  
 43 didate for nomination or election to public office. “Expenditure” also includes contributions made  
 44 by a candidate or political committee to or on behalf of any other candidate or political committee.

45 (9) “Filing officer” means:

- 1 (a) The Secretary of State:
- 2 (A) Regarding a candidate for public office;
- 3 (B) Regarding a statement required to be filed under ORS 260.118;
- 4 (C) Regarding any measure; or
- 5 (D) Regarding any political committee.
- 6 (b) In the case of an irrigation district formed under ORS chapter 545, "filing officer" means:
- 7 (A) The county clerk, regarding any candidate for office or any measure at an irrigation district
- 8 formation election where the proposed district is situated wholly in one county;
- 9 (B) The county clerk of the county in which the office of the secretary of the proposed irrigation
- 10 district will be located, regarding any candidate for office or any measure at an irrigation district
- 11 formation election where the proposed district is situated in more than one county; or
- 12 (C) The secretary of the irrigation district for any election other than an irrigation district
- 13 formation election.
- 14 (10) "Independent expenditure" means an expenditure by a person for a communication in sup-
- 15 port of or in opposition to a clearly identified candidate or measure that is not made with the co-
- 16 operation or with the prior consent of, or in consultation with, or at the request or suggestion of,
- 17 a candidate or any agent or authorized committee of the candidate, or any political committee or
- 18 agent of a political committee supporting or opposing a measure. For purposes of this subsection:
- 19 (a) "Agent" means any person who has:
- 20 (A) Actual oral or written authority, either express or implied, to make or to authorize the
- 21 making of expenditures on behalf of a candidate or on behalf of a political committee supporting or
- 22 opposing a measure; or
- 23 (B) Been placed in a position within the campaign organization where it would reasonably ap-
- 24 pear that in the ordinary course of campaign-related activities the person may authorize expen-
- 25 ditures.
- 26 (b)(A) "Clearly identified" means, with respect to candidates:
- 27 (i) The name of the candidate involved appears;
- 28 (ii) A photograph or drawing of the candidate appears; or
- 29 (iii) The identity of the candidate is apparent by unambiguous reference.
- 30 (B) "Clearly identified" means, with respect to measures:
- 31 (i) The ballot number of the measure appears;
- 32 (ii) A description of the measure's subject or effect appears; or
- 33 (iii) The identity of the measure is apparent by unambiguous reference.
- 34 (c) "Communication in support of or in opposition to a clearly identified candidate or measure"
- 35 means:
- 36 (A) The communication, taken in its context, clearly and unambiguously urges the election or
- 37 defeat of a clearly identified candidate for nomination or election to public office, or the passage
- 38 or defeat of a clearly identified measure;
- 39 (B) The communication, as a whole, seeks action rather than simply conveying information; and
- 40 (C) It is clear what action the communication advocates.
- 41 (d) "Made with the cooperation or with the prior consent of, or in consultation with, or at the
- 42 request or suggestion of, a candidate or any agent or authorized committee of the candidate, or any
- 43 political committee or agent of a political committee supporting or opposing a measure":
- 44 (A) Means any arrangement, coordination or direction by the candidate or the candidate's agent,
- 45 or by any political committee or agent of a political committee supporting or opposing a measure,

1 prior to the publication, distribution, display or broadcast of the communication. An expenditure  
 2 shall be presumed to be so made when it is:

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

7 (ii) Made by or through any person who is or has been authorized to raise or expend funds, who  
 8 is or has been an officer of a political committee authorized by the candidate or by a political  
 9 committee or agent of a political committee supporting or opposing a measure, or who is or has been  
 10 receiving any form of compensation or reimbursement from the candidate, the candidate's principal  
 11 campaign committee or agent or from any political committee or agent of a political committee  
 12 supporting or opposing a measure.

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

15 (11) "Initiative petition" means a petition to initiate a measure for which a prospective petition  
 16 has been filed but that is not yet a measure.

17 (12) "Judge" means judge of the Supreme Court, Court of Appeals, circuit court or the Oregon  
 18 Tax Court.

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

22 (14) "Measure" includes any of the following submitted to the people for their approval or re-  
 23 jection at an election:

- 24 (a) A proposed law.
- 25 (b) An Act or part of an Act of the Legislative Assembly.
- 26 (c) A revision of or amendment to the Oregon Constitution.
- 27 (d) Local, special or municipal legislation.
- 28 (e) A proposition or question.

29 (15) "Occupation" means:

- 30 (a) The nature of an individual's principal business; and
- 31 (b) If the individual is employed by another person, the business name and address, by city and  
 32 state, of the employer.

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

36 (17) "Petition committee" means an initiative, referendum or recall petition committee organized  
 37 under ORS 260.118.

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

- 40 (a) Received a contribution for the purpose of supporting or opposing a candidate, measure or  
 41 political party; or
- 42 (b) Made an expenditure for the purpose of supporting or opposing a candidate, measure or  
 43 political party. For purposes of this paragraph, an expenditure does not include:

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

1 260.112; or

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

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

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

8 (21) "Referendum petition" means a petition to refer a measure for which a prospective petition  
9 has been filed but that is not yet a measure.

10 (22) "Regular district election" means the regular district election described in ORS 255.335.

11 (23) "Slate mailer" means a mass mailing that supports or opposes a total of three or more  
12 candidates or measures.

13 (24)(a) "Slate mailer organization" means any person who directly or indirectly:

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

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

19 (b) "Slate mailer organization" does not include:

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

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

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

26 **SECTION 17.** ORS 260.076 is amended to read:

27 260.076. (1) A legislative official, statewide official or candidate therefor, or the official's or  
28 candidate's principal campaign committee, shall file statements showing contributions received by  
29 or on behalf of the official, candidate or committee during the period beginning January 1 imme-  
30 diately preceding a regular biennial session of the Legislative Assembly and ending upon  
31 adjournment of the regular biennial session of the Legislative Assembly, or during any special ses-  
32 sion of the Legislative Assembly.

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

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

1 (4) A person or political committee affiliated with a political party, caucus of either house of the  
2 Legislative Assembly, legislative official, statewide official or the Governor, Governor-elect or candi-  
3 dicate for Governor shall file statements showing contributions received by the person or committee  
4 on behalf of the Governor, Governor-elect or candidate for Governor, during the period beginning  
5 January 1 immediately preceding a regular biennial session of the Legislative Assembly and ending  
6 30 business days following adjournment of the regular biennial session of the Legislative Assembly,  
7 or during any special session of the Legislative Assembly.

8 (5) A statement described in subsections (1) to (4) of this section shall be filed with the Secretary  
9 of State on a form prescribed by the secretary. For contributions received during the period begin-  
10 ning on January 1 immediately preceding a regular biennial session of the Legislative Assembly and  
11 ending on the first day of the regular biennial session, a statement shall be filed not later than two  
12 business days after the first day of the regular biennial session. For contributions received on or  
13 after the first day of the regular biennial session, a statement shall be filed not later than two  
14 business days after the date a contribution is received. For contributions received during any special  
15 session of the Legislative Assembly, a statement shall be filed not later than two business days after  
16 the date a contribution is received.

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

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

22 (8) As used in this section:

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

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

28 **SECTION 18.** ORS 292.311 is amended to read:

29 292.311. The incumbents of each of the following offices shall be paid an annual salary on a  
30 monthly basis, as follows:

31 (1) Governor, \$93,600 for the year beginning July 1, 2009, and for each year thereafter. The  
32 Governor shall also be paid \$1,000 per month regularly for expenses necessarily incurred but not  
33 otherwise provided for.

34 (2) Secretary of State, \$72,000 for the year beginning July 1, 2009, and for each year thereafter.  
35 The Secretary of State shall also be paid \$250 per month regularly for expenses necessarily incurred  
36 but not otherwise provided for.

37 (3) State Treasurer, \$72,000 for the year beginning July 1, 2009, and for each year thereafter.  
38 The State Treasurer shall also be paid \$250 per month regularly for expenses necessarily incurred  
39 but not otherwise provided for.

40 (4) Attorney General, \$77,200 for the year beginning July 1, 2009, and for each year thereafter.  
41 The Attorney General shall also be paid \$250 per month regularly for expenses necessarily incurred  
42 but not otherwise provided for.

43 [(5) *Superintendent of Public Instruction, \$72,000 for the year beginning July 1, 2009, and for each*  
44 *year thereafter. The superintendent shall also be paid \$250 per month regularly for expenses neces-*  
45 *sarily incurred but not otherwise provided for.*]



1 [(6)] (5) Commissioner of the Bureau of Labor and Industries, \$72,000 for the year beginning July  
 2 1, 2009, and for each year thereafter. The commissioner shall also be paid \$250 per month regularly  
 3 for expenses necessarily incurred but not otherwise provided for.

4 **SECTION 19.** ORS 292.430 is amended to read:

5 292.430. (1) In addition to the annual salaries established as provided in ORS 292.907 to 292.930,  
 6 the Oregon Department of Administrative Services may “pick-up,” assume and pay to the Public  
 7 Employees Retirement Fund any employee contributions, otherwise required by ORS 238.200, for the  
 8 Governor, Secretary of State, State Treasurer, Attorney General, [*Superintendent of Public Instruc-*  
 9 *tion,*] Commissioner of the Bureau of Labor and Industries and members of the Legislative Assembly.

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

14 **SECTION 20.** ORS 292.930 is amended to read:

15 292.930. Each of the following elective officers shall be paid an annual salary on a monthly basis  
 16 as determined by the Legislative Assembly each biennium:

- 17 (1) Governor.
- 18 (2) Secretary of State.
- 19 (3) State Treasurer.
- 20 (4) Attorney General.
- 21 [(5) *Superintendent of Public Instruction.*]
- 22 [(6)] (5) Commissioner of the Bureau of Labor and Industries.
- 23 [(7)] (6) Chief Judge of the Court of Appeals.
- 24 [(8)] (7) Court of Appeals Judge.
- 25 [(9)] (8) Chief Justice of the Supreme Court.
- 26 [(10)] (9) Supreme Court Judge.
- 27 [(11)] (10) Circuit Court Judge.
- 28 [(12)] (11) Tax Court Judge.

29 **SECTION 21.** ORS 329.837 is amended to read:

30 329.837. The University of Oregon shall report annually on the implementation, longitudinal  
 31 progress and results of the Early Success Reading Initiative to the Governor[, *the Superintendent of*  
 32 *Public Instruction*] and the appropriate legislative committees.

33 **SECTION 22.** ORS 343.465 is amended to read:

34 343.465. (1) It is the policy of this state to respect the unique nature of each child, family and  
 35 community with particular attention to cultural and linguistic diversity, and to support a system of  
 36 services for preschool children with disabilities and their families that:

- 37 (a) Recognizes the importance of the child’s family, supports and builds on each family’s  
 38 strengths and respects family decision-making and input regarding service options and public policy.
- 39 (b) Identifies, evaluates and refers services for preschool children with disabilities at the earliest  
 40 possible time.
- 41 (c) Uses specialized services and all other community services and programs for children, in-  
 42 cluding community preschools, Head Start programs, community health clinics, family support pro-  
 43 grams and other child-oriented agencies.
- 44 (d) Uses a variety of funding sources for preschool children with disabilities and their families,  
 45 including public and private funding, insurance and family resources.

1 (e) Assists families in utilizing necessary services in the most cost-effective and efficient manner  
 2 possible by using a coordinated planning and implementation process.

3 (f) Insures that all children and their families, regardless of disability, risk factors or cultural  
 4 or linguistic differences, are able to utilize services for which they would otherwise be qualified.

5 (g) Encourages services and supports for preschool children with disabilities and their families  
 6 in their home communities and in settings with children without disabilities.

7 (h) Recognizes the importance of developing and supporting well-trained and competent person-  
 8 nel to provide services to preschool children with disabilities, and their families.

9 (i) Evaluates the system's impact on the child and family, including child progress, service  
 10 quality, family satisfaction, transition into public schooling, longitudinal and cumulative reporting  
 11 over several biennia and interagency coordination at both the state and local level.

12 (j) Reports information described in paragraph (i) of this subsection to the State Interagency  
 13 Coordinating Council, the Governor, [*the Superintendent of Public Instruction,*] the State Board of  
 14 Education and the Legislative Assembly each biennium.

15 (2) In carrying out the provisions of subsection (1) of this section, the Department of Education,  
 16 the Department of Human Services and the Oregon University System shall coordinate services to  
 17 preschool children with disabilities, or who are at risk of developing disabling conditions, and their  
 18 families. All program planning, standards for service, policies regarding services delivery and budget  
 19 development for services for preschool children with disabilities, and their families shall reflect the  
 20 policy outlined in subsection (1) of this section and elaborated through rules and agreements.

21 **SECTION 23.** Section 1, chapter 856, Oregon Laws 2009, as amended by section 31, chapter 856,  
 22 Oregon Laws 2009, is amended to read:

23 **Sec. 1.** (1) There is created the Alcohol and Drug Policy Commission, which is charged with  
 24 producing a plan for the funding and effective delivery of alcohol and drug treatment and prevention  
 25 services. The commission shall recommend:

- 26 (a) A strategy for delivering state-funded treatment and prevention services;
- 27 (b) The priority of funding for treatment and prevention services;
- 28 (c) Strategies to maximize accountability for performance of treatment and prevention services;
- 29 (d) Methods to standardize data collection and reporting; and
- 30 (e) A strategy to consolidate treatment and prevention services and reduce the fragmentation  
 31 in the delivery of services.

32 (2) The membership of the commission consists of:

33 (a) Sixteen members appointed by the Governor, subject to confirmation by the Senate in the  
 34 manner prescribed in ORS 171.562 and 171.565, including:

- 35 (A) An elected district attorney;
- 36 (B) An elected county sheriff;
- 37 (C) A county commissioner;
- 38 (D) A representative of an Indian tribe;
- 39 (E) An alcohol or drug treatment provider;
- 40 (F) A chief of police;
- 41 (G) An alcohol or drug treatment researcher or epidemiologist;
- 42 (H) A criminal defense attorney;
- 43 (I) A judge of a circuit court, who shall be a nonvoting member;
- 44 (J) A representative of the health insurance industry;
- 45 (K) A representative of hospitals;

1 (L) An alcohol or treatment professional who is highly experienced in the treatment of persons  
 2 with a dual diagnosis of mental illness and substance abuse;

3 (M) An alcohol or drug abuse prevention representative;

4 (N) A consumer of alcohol or drug treatment who is in recovery;

5 (O) A representative of the business community; and

6 (P) An alcohol or drug prevention representative who specializes in youth.

7 (b) Two members of the Legislative Assembly appointed to the commission as nonvoting mem-  
 8 bers of the commission, acting in an advisory capacity only and including:

9 (A) One member from among members of the Senate appointed by the President of the Senate;  
 10 and

11 (B) One member from among members of the House of Representatives appointed by the Speaker  
 12 of the House of Representatives.

13 (c) The following voting ex officio members:

14 (A) The Governor or the Governor's designee;

15 (B) The Attorney General;

16 (C) The Director of the Oregon Health Authority;

17 (D) The Director of the Department of Corrections; and

18 (E) The **Deputy** Superintendent of Public Instruction **or the deputy superintendent's**  
 19 **designee.**

20 (3) The Alcohol and Drug Policy Commission shall select one of its members as chairperson and  
 21 another as vice chairperson, for such terms and with duties and powers necessary for the perform-  
 22 ance of the functions of such offices as the commission determines.

23 (4) A majority of the voting members of the commission constitutes a quorum for the transaction  
 24 of business.

25 (5) Official action of the commission requires the approval of a majority of the voting members  
 26 on the commission.

27 (6) The commission may establish a steering committee and subcommittees. These committees  
 28 may be continuing or temporary.

29 (7) Each commission member appointed by the Governor serves at the pleasure of the Governor.  
 30 If there is a vacancy for any cause, the Governor shall make an appointment to become immediately  
 31 effective.

32 (8) The Oregon Health Authority shall provide staff support to the commission. Subject to  
 33 available funding, the commission may contract with a public or private entity to provide staff sup-  
 34 port.

35 (9) Members of the commission who are not members of the Legislative Assembly are entitled  
 36 to compensation and expenses incurred by them in the performance of their official duties in the  
 37 manner and amounts provided for in ORS 292.495. Claims for compensation and expenses shall be  
 38 paid out of funds appropriated to the Oregon Health Authority or funds appropriated to the com-  
 39 mission for purposes of the commission.

40 **SECTION 24.** ORS 458.558 is amended to read:

41 458.558. (1) The members of the Oregon Volunteers Commission for Voluntary Action and Ser-  
 42 vice must be citizens of this state who have a proven commitment to community service and who  
 43 have a demonstrated interest in fostering and nurturing citizen involvement as a strategy for  
 44 strengthening communities and promoting the ethic of service in all sectors of this state.

45 (2) The Governor shall appoint as members of the commission at least one of each of the fol-

1 lowing:

2 (a) An individual with experience in educational, training and development needs of youth, par-  
3 ticularly disadvantaged youth.

4 (b) An individual with experience in promoting involvement of older adults in service and  
5 volunteerism.

6 (c) A representative of community-based agencies or organizations within this state.

7 (d) The **Deputy** Superintendent of Public Instruction or designee.

8 (e) A representative of local governments in this state.

9 (f) A representative of local labor unions in this state.

10 (g) A representative of business.

11 (h) A person at least 16, but not more than 25, years of age who is a participant or supervisor  
12 in a national service program.

13 (i) A representative of a national service program described in 42 U.S.C. 12572(a).

14 (3) In addition to appointing members under subsection (2) of this section, the Governor may  
15 appoint as members individuals from the following groups:

16 (a) Educators.

17 (b) Experts in the delivery of human, educational, environmental or public safety services to  
18 communities and individuals.

19 (c) Members of Native American tribes.

20 (d) At-risk youths who are out of school.

21 (e) Entities that receive assistance under the Domestic Volunteer Service Act of 1973 (42 U.S.C.  
22 4950 et seq.).

23 (4) In making appointments of members described in subsections (2) and (3) of this section, the  
24 Governor shall ensure that:

25 (a) No more than 50 percent of the appointed members are from the same political party; and

26 (b) No more than 25 percent of the appointed members are state employees.

27 **SECTION 25. ORS 326.305 is repealed.**

28 **SECTION 26. Section 2 of this 2011 Act and the amendments to ORS 171.130, 171.133,**  
29 **171.735, 173.130, 240.205, 244.050, 249.002, 249.056, 249.215, 254.005, 258.036, 258.055, 260.005,**  
30 **260.076, 292.311, 292.430, 292.930, 329.837, 343.465 and 458.558 and section 1, chapter 856, Oregon**  
31 **Laws 2009, by sections 4 to 24 of this 2011 Act and the repeal of ORS 326.305 and 326.330 by**  
32 **sections 1 and 25 of this 2011 Act do not apply to:**

33 **(1) A Superintendent of Public Instruction who is holding office on the effective date of**  
34 **this 2011 Act; or**

35 **(2) A Deputy Superintendent of Public Instruction who is appointed under the authority**  
36 **of a Superintendent of Public Instruction who is holding office on the effective date of this**  
37 **2011 Act.**

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