

Enrolled Senate Bill 552

Sponsored by Senator EDWARDS, Representatives HOYLE, HUFFMAN, CLEM; Senators HASS, MORSE, Representatives BAILEY, BARKER, BARNHART, CANNON, CONGER, DOHERTY, ESQUIVEL, FREEMAN, GARRETT, GREENLICK, HARKER, JOHNSON, KOMP, KOTEK, LINDSAY, MATTHEWS, OLSON, READ, SHEEHAN, SPRENGER, THATCHER, WAND (Pre-session filed.)

CHAPTER

AN ACT

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

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

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 ORS 326.330 is repealed and section 2 of this 2011 Act is enacted in lieu thereof.

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

(2)(a) The Governor, acting as Superintendent of Public Instruction, shall appoint a Deputy Superintendent of Public Instruction. The deputy superintendent must have at least five years of experience in the administration of an elementary school or a secondary school. The appointment of the deputy superintendent shall be subject to confirmation by the Senate as provided by ORS 171.562 and 171.565.

(b) The deputy superintendent shall perform any act or duty of the office of Superintendent of Public Instruction that is designated by the Governor, and the Governor is responsible for any acts of the deputy superintendent.

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

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

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

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

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

(2) The Superintendent of Public Instruction holding office on the effective date of this 2011 Act shall continue to serve as superintendent until the date on which the Governor

becomes Superintendent of Public Instruction as provided by subsection (1) of this section. A superintendent so continuing to serve shall have the authority, powers, functions and duties of, and be subject to other provisions of law applicable to, the superintendent.

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

SECTION 4. ORS 171.130 is amended to read:

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

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

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

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

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

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

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

(d) The Judicial Department.

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

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

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

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

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

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

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

SECTION 5. ORS 171.133 is amended to read:

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

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

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

(b) The Public Defense Services Commission; and

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

SECTION 6. ORS 171.735 is amended to read:

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

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

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

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

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

(5) The Governor, chief of staff for the Governor, deputy chief of staff for the Governor, legal counsel to the Governor, deputy legal counsel to the Governor, Secretary of State, Deputy Secretary of State appointed pursuant to ORS 177.040, State Treasurer, Chief Deputy State Treasurer appointed pursuant to ORS 178.060, chief of staff for the office of the State Treasurer, Attorney General, Deputy Attorney General appointed pursuant to ORS 180.130, [*Superintendent of Public Instruction*,] Deputy Superintendent of Public Instruction appointed pursuant to [*ORS 326.330*] **section 2 of this 2011 Act**, Commissioner of the Bureau of Labor and Industries, deputy commissioner of the Bureau of Labor and Industries appointed pursuant to ORS 651.060, members and staff of the Oregon Law Commission who conduct the law revision program of the commission or any judge.

SECTION 7. ORS 173.130 is amended to read:

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

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

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

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

(5) The Legislative Counsel shall give an opinion in writing upon any question of law in which the Legislative Assembly or any member or committee of the Legislative Assembly may have an interest when the Legislative Assembly or any member or committee of the Legislative Assembly requests the opinion. Except as provided in subsection (2) of this section and ORS 173.135, the

Legislative Counsel shall not give opinions or provide other legal services to persons or agencies other than the Legislative Assembly and members and committees of the Legislative Assembly.

(6) The Legislative Counsel may enter into contracts to carry out the functions of the Legislative Counsel.

SECTION 8. ORS 240.205 is amended to read:

240.205. The unclassified service shall comprise:

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

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

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

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

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

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

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

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

(9) Lawyers employed in their professional capacities.

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

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

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

(13) Any individual employed and paid from federal funds received under the Emergency Job and Unemployment Assistance Act of 1974 (United States Public Law 93-567) or any other federal program intended primarily to alleviate unemployment. However, persons employed under this subsection shall be treated as classified employees for purposes of ORS 243.650 to 243.782.

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

(15) Employees, including managers, of the foreign trade offices of the Oregon Business Development Department located outside the country.

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

SECTION 9. ORS 244.050 is amended to read:

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

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

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

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

- (d) The Deputy Attorney General.
- (e) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the Secretary of the Senate and the Chief Clerk of the House of Representatives.
- (f) The Chancellor and Vice Chancellors of the Oregon University System and the president and vice presidents, or their administrative equivalents, in each institution under the jurisdiction of the State Board of Higher Education.
- (g) The following state officers:
 - (A) Adjutant General.
 - (B) Director of Agriculture.
 - (C) Manager of State Accident Insurance Fund Corporation.
 - (D) Water Resources Director.
 - (E) Director of Department of Environmental Quality.
 - (F) Director of Oregon Department of Administrative Services.
 - (G) State Fish and Wildlife Director.
 - (H) State Forester.
 - (I) State Geologist.
 - (J) Director of Human Services.
 - (K) Director of the Department of Consumer and Business Services.
 - (L) Director of the Department of State Lands.
 - (M) State Librarian.
 - (N) Administrator of Oregon Liquor Control Commission.
 - (O) Superintendent of State Police.
 - (P) Director of the Public Employees Retirement System.
 - (Q) Director of Department of Revenue.
 - (R) Director of Transportation.
 - (S) Public Utility Commissioner.
 - (T) Director of Veterans' Affairs.
 - (U) Executive director of Oregon Government Ethics Commission.
 - (V) Director of the State Department of Energy.
 - (W) Director and each assistant director of the Oregon State Lottery.
 - (X) Director of the Department of Corrections.
 - (Y) Director of the Oregon Department of Aviation.
 - (Z) Executive director of the Oregon Criminal Justice Commission.
 - (AA) Director of the Oregon Business Development Department.
 - (BB) Director of the Office of Emergency Management.
 - (CC) Director of the Employment Department.
 - (DD) Chief of staff for the Governor.
 - (EE) Administrator of the Office for Oregon Health Policy and Research.
 - (FF) Director of the Housing and Community Services Department.
 - (GG) State Court Administrator.
 - (HH) Director of the Department of Land Conservation and Development.
 - (II) Board chairperson of the Land Use Board of Appeals.
 - (JJ) State Marine Director.
 - (KK) Executive director of the Oregon Racing Commission.
 - (LL) State Parks and Recreation Director.
 - (MM) Public defense services executive director.
 - (NN) Chairperson of the Public Employees' Benefit Board.
 - (OO) Director of the Department of Public Safety Standards and Training.
 - (PP) Chairperson of the Oregon Student Assistance Commission.
 - (QQ) Executive director of the Oregon Watershed Enhancement Board.
 - (RR) Director of the Oregon Youth Authority.
 - (SS) Director of the Oregon Health Authority.

(TT) Deputy Superintendent of Public Instruction.

- (h) Any assistant in the Governor's office other than personal secretaries and clerical personnel.
- (i) Every elected city or county official.
- (j) Every member of a city or county planning, zoning or development commission.
- (k) The chief executive officer of a city or county who performs the duties of manager or principal administrator of the city or county.
- (L) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
- (m) Every member of a governing body of a metropolitan service district and the executive officer thereof.
- (n) Each member of the board of directors of the State Accident Insurance Fund Corporation.
- (o) The chief administrative officer and the financial officer of each common and union high school district, education service district and community college district.
- (p) Every member of the following state boards and commissions:
 - (A) Board of Geologic and Mineral Industries.
 - (B) Oregon Business Development Commission.
 - (C) State Board of Education.
 - (D) Environmental Quality Commission.
 - (E) Fish and Wildlife Commission of the State of Oregon.
 - (F) State Board of Forestry.
 - (G) Oregon Government Ethics Commission.
 - (H) Oregon Health Policy Board.
 - (I) State Board of Higher Education.
 - (J) Oregon Investment Council.
 - (K) Land Conservation and Development Commission.
 - (L) Oregon Liquor Control Commission.
 - (M) Oregon Short Term Fund Board.
 - (N) State Marine Board.
 - (O) Mass transit district boards.
 - (P) Energy Facility Siting Council.
 - (Q) Board of Commissioners of the Port of Portland.
 - (R) Employment Relations Board.
 - (S) Public Employees Retirement Board.
 - (T) Oregon Racing Commission.
 - (U) Oregon Transportation Commission.
 - (V) Wage and Hour Commission.
 - (W) Water Resources Commission.
 - (X) Workers' Compensation Board.
 - (Y) Oregon Facilities Authority.
 - (Z) Oregon State Lottery Commission.
 - (AA) Pacific Northwest Electric Power and Conservation Planning Council.
 - (BB) Columbia River Gorge Commission.
 - (CC) Oregon Health and Science University Board of Directors.
 - (DD) Capitol Planning Commission.
- (q) The following officers of the State Treasurer:
 - (A) Chief Deputy State Treasurer.
 - (B) Chief of staff for the office of the State Treasurer.
 - (C) Director of the Investment Division.
- (r) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725 or 777.915 to 777.953.
- (s) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.
- (2) By April 15 next after the date an appointment takes effect, every appointed public official on a board or commission listed in subsection (1) of this section shall file with the Oregon Govern-

ment Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.

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

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

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

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

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

249.002. As used in this chapter:

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

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

(3) "Elector" means an individual qualified to vote under section 2, Article II, Oregon Constitution.

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

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

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

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

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

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

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

SECTION 11. ORS 249.056 is amended to read:

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

(a) United States Senator, \$150.

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

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

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

(2) No filing fee shall be required of persons filing a declaration of candidacy for precinct committeeperson or justice of the peace.

SECTION 12. ORS 249.215 is amended to read:

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

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

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

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

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

(4) As used in this section, "state office" means the office of Governor, Secretary of State, State Treasurer, Attorney General[,] **and** Commissioner of the Bureau of Labor and Industries [*and Superintendent of Public Instruction*].

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

254.005. As used in this chapter:

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

(2) "Chief elections officer" means the:

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

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

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

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

(4) "Elector" means an individual qualified to vote under section 2, Article II, Oregon Constitution.

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

(6) "Measure" includes any of the following submitted to the people for their approval or rejection at an election:

(a) A proposed law.

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

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

(d) Local, special or municipal legislation.

(e) A proposition or question.

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

(8) "Nonpartisan office" means the office of judge of the Supreme Court, Court of Appeals, circuit court or the Oregon Tax Court, [*Superintendent of Public Instruction*,] Commissioner of the

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

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

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

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

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

SECTION 14. ORS 258.036 is amended to read:

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

(a) The Circuit Court for Marion County if the petition involves a state measure, a candidate for election to the office of elector of President and Vice President of the United States or a candidate for nomination or election 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.

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

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

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

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

(a) The cause of the contest; and

(b) The names of all contestees.

SECTION 15. ORS 258.055 is amended to read:

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

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

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

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

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

(3) Except as provided in ORS 260.007, "contribute" or "contribution" includes:

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

(A) For the purpose of influencing an election for public office or an election on a measure, or of reducing the debt of a candidate for nomination or election to public office or the debt of a political committee; or

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

(b) Any unfulfilled pledge, subscription, agreement or promise, whether or not legally enforceable, to make a contribution; and

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

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

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

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

(5) "Controlled directly or indirectly by a candidate" means:

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

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

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

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

(8) Except as provided in ORS 260.007, "expend" or "expenditure" includes the payment or furnishing of money or anything of value or the incurring or repayment of indebtedness or obligation by or on behalf of a candidate, political committee or person in consideration for any services, supplies, equipment or other thing of value performed or furnished for any reason, including support of or opposition to a candidate, political committee or measure, or for reducing the debt of a candidate for nomination or election to public office. "Expenditure" also includes contributions made by a candidate or political committee to or on behalf of any other candidate or political committee.

(9) "Filing officer" means:

(a) The Secretary of State:

(A) Regarding a candidate for public office;

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

(C) Regarding any measure; or

(D) Regarding any political committee.

(b) In the case of an irrigation district formed under ORS chapter 545, "filing officer" means:

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

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

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

(10) "Independent expenditure" means an expenditure by a person for a communication in support of or in opposition to a clearly identified candidate or measure that is not made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any agent or authorized committee of the candidate, or any political committee or agent of a political committee supporting or opposing a measure. For purposes of this subsection:

(a) "Agent" means any person who has:

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

(B) Been placed in a position within the campaign organization where it would reasonably appear that in the ordinary course of campaign-related activities the person may authorize expenditures.

(b)(A) “Clearly identified” means, with respect to candidates:

(i) The name of the candidate involved appears;

(ii) A photograph or drawing of the candidate appears; or

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

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

(i) The ballot number of the measure appears;

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

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

(c) “Communication in support of or in opposition to a clearly identified candidate or measure” means:

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

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

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

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

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

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

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

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

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

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

(13) “Mass mailing” means more than 200 substantially similar pieces of mail, but does not include a form letter or other mail that is sent in response to an unsolicited request, letter or other inquiry.

(14) “Measure” includes any of the following submitted to the people for their approval or rejection at an election:

(a) A proposed law.

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

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

(d) Local, special or municipal legislation.

(e) A proposition or question.

(15) "Occupation" means:

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

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

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

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

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

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

(b) Made an expenditure for the purpose of supporting or opposing a candidate, measure or political party. For purposes of this paragraph, an expenditure does not include:

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

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

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

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

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

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

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

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

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

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

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

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

(B) A political committee organized by the caucus of either the Senate or the House of Representatives of the Legislative Assembly.

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

SECTION 17. ORS 260.076 is amended to read:

260.076. (1) A legislative official, statewide official or candidate therefor, or the official's or candidate's principal campaign committee, shall file statements showing contributions received by or on behalf of the official, candidate or committee during the period beginning January 1 immediately preceding a regular biennial session of the Legislative Assembly and ending upon adjournment of the regular biennial session of the Legislative Assembly, or during any special session of the Legislative Assembly.

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

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

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

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

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

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

(8) As used in this section:

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

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

SECTION 18. ORS 292.311 is amended to read:

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

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

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

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

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

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

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

SECTION 19. ORS 292.430 is amended to read:

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

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

SECTION 20. ORS 292.930 is amended to read:

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

(1) Governor.

(2) Secretary of State.

(3) State Treasurer.

(4) Attorney General.

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

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

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

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

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

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

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

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

SECTION 21. ORS 329.837 is amended to read:

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

SECTION 22. ORS 343.465 is amended to read:

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

(a) Recognizes the importance of the child’s family, supports and builds on each family’s strengths and respects family decision-making and input regarding service options and public policy.

(b) Identifies, evaluates and refers services for preschool children with disabilities at the earliest possible time.

(c) Uses specialized services and all other community services and programs for children, including community preschools, Head Start programs, community health clinics, family support programs and other child-oriented agencies.

(d) Uses a variety of funding sources for preschool children with disabilities and their families, including public and private funding, insurance and family resources.

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

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

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

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

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

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

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

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

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

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

(2) The membership of the commission consists of:

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

- (A) An elected district attorney;
- (B) An elected county sheriff;
- (C) A county commissioner;
- (D) A representative of an Indian tribe;
- (E) An alcohol or drug treatment provider;
- (F) A chief of police;
- (G) An alcohol or drug treatment researcher or epidemiologist;
- (H) A criminal defense attorney;
- (I) A judge of a circuit court, who shall be a nonvoting member;
- (J) A representative of the health insurance industry;
- (K) A representative of hospitals;
- (L) An alcohol or treatment professional who is highly experienced in the treatment of persons with a dual diagnosis of mental illness and substance abuse;
- (M) An alcohol or drug abuse prevention representative;
- (N) A consumer of alcohol or drug treatment who is in recovery;
- (O) A representative of the business community; and
- (P) An alcohol or drug prevention representative who specializes in youth.

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

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

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

(c) The following voting ex officio members:

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

(B) The Attorney General;

(C) The Director of the Oregon Health Authority;

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

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

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

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

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

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

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

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

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

SECTION 24. ORS 458.558 is amended to read:

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

(2) The Governor shall appoint as members of the commission at least one of each of the following:

(a) An individual with experience in educational, training and development needs of youth, particularly disadvantaged youth.

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

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

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

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

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

(g) A representative of business.

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

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

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

- (a) Educators.
- (b) Experts in the delivery of human, educational, environmental or public safety services to communities and individuals.
- (c) Members of Native American tribes.
- (d) At-risk youths who are out of school.
- (e) Entities that receive assistance under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.).

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

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

SECTION 25. ORS 326.305 is repealed.

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

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

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

SECTION 27. This 2011 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect on its passage.

Passed by Senate April 6, 2011

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House June 21, 2011

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

Received by Governor:

.....M.,....., 2011

Approved:

.....M.,....., 2011

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2011

.....
Kate Brown, Secretary of State