

Senate Bill 746

Sponsored by Senator ROBLAN, Representative DOHERTY

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**.

Establishes Superintendent of Public Instruction as statewide elected office.

Modifies composition of State Board of Education. Prescribes that six members of board shall be elected in statewide election.

Modifies rulemaking procedures for State Board of Education.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the state administration of education; creating new provisions; amending ORS 171.130,
3 171.133, 171.735, 173.130, 240.205, 244.042, 244.050, 249.002, 249.056, 249.215, 254.005, 258.036,
4 258.055, 260.005, 260.076, 292.311, 292.430, 292.930, 326.021, 326.051, 329.837 and 343.465 and sec-
5 tion 72, chapter 774, Oregon Laws 2015; repealing ORS 326.300; and declaring an emergency.

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

7 **SECTION 1. (1) The Department of Education shall be under the control of the Super-**
8 **intendent of Public Instruction.**

9 **(2) The Superintendent of Public Instruction shall be elected for a term of four years.**

10 **(3) The Superintendent of Public Instruction must have at least five years of experience**
11 **as a teacher or an administrator in a public elementary school or a public secondary school.**

12 **(4) The Superintendent of Public Instruction shall coordinate with the Chief Education**
13 **Officer as provided by section 2, chapter 519, Oregon Laws 2011.**

14 **SECTION 2. (1) Notwithstanding section 1 of this 2017 Act:**

15 **(a) The Governor shall continue to serve as Superintendent of Public Instruction until a**
16 **candidate is elected as Superintendent of Public Instruction and takes the oath of office as**
17 **superintendent.**

18 **(b) The qualifications prescribed by section 1 of this 2017 Act apply only to a Super-**
19 **intendent of Public Instruction who is elected as the Superintendent of Public Instruction**
20 **after the effective date of this 2017 Act.**

21 **(2) An election for the office of Superintendent of Public Instruction shall occur at the**
22 **earlier of:**

23 **(a) The first general election held at least two years after the date the Governor submits**
24 **notice to the Legislative Assembly that:**

25 **(A) The Deputy Superintendent of Public Instruction holding office on the effective date**
26 **of this 2017 Act intends to leave the office of Deputy Superintendent of Public Instruction**
27 **or has left the office; or**

28 **(B) The Governor has removed the Deputy Superintendent of Public Instruction holding**
29 **the office on the effective date of this 2017 Act from office; or**

30 **(b) The general election held in November 2026.**

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 **(3) If the Deputy Superintendent of Public Instruction holding office on the effective date**
 2 **of this 2017 Act leaves the office or is removed from the office before an elected Super-**
 3 **intendent of Public Instruction takes the oath of office, the Governor shall appoint a Deputy**
 4 **Superintendent of Public Instruction, subject to ORS 326.300 and confirmation by the Senate**
 5 **as provided by ORS 171.562 and 171.565. An appointment made under this subsection does not**
 6 **affect the date of an election for the office of Superintendent of Public Instruction deter-**
 7 **mined under subsection (2) of this section.**

8 **SECTION 3.** Section 1 of this 2017 Act is amended to read:

9 **Sec. 1.** (1) The Department of Education shall be under the control of the Superintendent of
 10 Public Instruction.

11 (2) The Superintendent of Public Instruction shall be elected for a term of four years.

12 (3) The Superintendent of Public Instruction must have at least five years of experience as a
 13 teacher or an administrator in a public elementary school or a public secondary school.

14 *[(4) The Superintendent of Public Instruction shall coordinate with the Chief Education Officer as*
 15 *provided by section 2, chapter 519, Oregon Laws 2011.]*

16 **SECTION 4.** Section 72, chapter 774, Oregon Laws 2015, as amended by section 14, chapter 682,
 17 Oregon Laws 2015, and section 20, chapter 763, Oregon Laws 2015, is amended to read:

18 **Sec. 72.** (1)(a) Section 1, chapter 519, Oregon Laws 2011, as amended by section 8, chapter 519,
 19 Oregon Laws 2011, sections 20 and 21, chapter 36, Oregon Laws 2012, and section 1, chapter 774,
 20 Oregon Laws 2015, is repealed on June 30, 2019.

21 (b) Section 2, chapter 519, Oregon Laws 2011, as amended by section 1, chapter 36, Oregon Laws
 22 2012, section 29, chapter 747, Oregon Laws 2013, and section 4, chapter 774, Oregon Laws 2015, is
 23 repealed on June 30, 2019.

24 (c) Section 3, chapter 519, Oregon Laws 2011, as amended by section 5, chapter 774, Oregon
 25 Laws 2015, is repealed on June 30, 2019.

26 (2) The amendments to ORS 326.021 by section 42, chapter 774, Oregon Laws 2015, become op-
 27 erative on June 30, 2019.

28 *[(3) The amendments to ORS 326.300 by section 43, chapter 774, Oregon Laws 2015, become oper-*
 29 *ative on June 30, 2019.]*

30 **(3) The amendments to section 1 of this 2017 Act by section 3 of this 2017 Act become**
 31 **operative on June 30, 2019.**

32 (4) The amendments to ORS 326.425 by section 44, chapter 774, Oregon Laws 2015, become op-
 33 erative on June 30, 2019.

34 (5) The amendments to ORS 326.430 by section 45, chapter 774, Oregon Laws 2015, become op-
 35 erative on June 30, 2019.

36 (6) The amendments to ORS 326.500 by section 46, chapter 774, Oregon Laws 2015, become op-
 37 erative on June 30, 2019.

38 (7) The amendments to ORS 327.380 by section 8, chapter 739, Oregon Laws 2013, become op-
 39 erative on June 30, 2019.

40 (8) The amendments to ORS 327.800 by section 67a, chapter 774, Oregon Laws 2015, become
 41 operative on June 30, 2019.

42 (9) The amendments to ORS 327.810 by section 68a, chapter 774, Oregon Laws 2015, become
 43 operative on June 30, 2019.

44 (10) The amendments to ORS 327.815 by section 69a, chapter 774, Oregon Laws 2015, become
 45 operative on June 30, 2019.

1 (11) The amendments to ORS 327.820 by section 70a, chapter 774, Oregon Laws 2015, become
2 operative on June 30, 2019.

3 (12) The amendments to ORS 342.208 by section 53, chapter 774, Oregon Laws 2015, become
4 operative on June 30, 2019.

5 (13) The amendments to ORS 342.350 by section 54, chapter 774, Oregon Laws 2015, become
6 operative on June 30, 2019.

7 (14) The amendments to ORS 342.410 by section 55, chapter 774, Oregon Laws 2015, become
8 operative on June 30, 2019.

9 (15) The amendments to ORS 342.443 by section 56, chapter 774, Oregon Laws 2015, become
10 operative on June 30, 2019.

11 **(16) The amendments to ORS 342.448 by section 76a, chapter 774, Oregon Laws 2015, be-**
12 **come operative on June 30, 2019.**

13 [(16)] (17) The amendments to ORS 342.950 by section 57, chapter 774, Oregon Laws 2015, and
14 section 8c, chapter 790, Oregon Laws 2015, become operative on June 30, 2019.

15 **(18) The amendments to ORS 344.059 and 344.141 by sections 13 and 14, chapter 763,**
16 **Oregon Laws 2015, become operative on June 30, 2019.**

17 [(17) *The amendments to ORS 351.077 by section 75a, chapter 774, Oregon Laws 2015, become op-*
18 *erative on June 30, 2019.*]

19 [(18) *The amendments to ORS 351.203 by section 58, chapter 774, Oregon Laws 2015, become op-*
20 *erative on June 30, 2019.*]

21 (19) The amendments to ORS [351.725] **350.065** by section 60, chapter 774, Oregon Laws 2015,
22 become operative on June 30, 2019.

23 (20) The amendments to ORS [351.735] **350.075** by section 61, chapter 774, Oregon Laws 2015,
24 become operative on June 30, 2019.

25 **(21) The amendments to ORS 350.100 by section 75a, chapter 774, Oregon Laws 2015, be-**
26 **come operative on June 30, 2019.**

27 **(22) The amendments to ORS 352.018 by section 58, chapter 774, Oregon Laws 2015, be-**
28 **come operative on June 30, 2019.**

29 [(21)] (23) The amendments to ORS 417.796 by section 62, chapter 774, Oregon Laws 2015, be-
30 come operative on June 30, 2019.

31 [(22)] (24) The amendments to ORS 417.847 by section 63, chapter 774, Oregon Laws 2015, be-
32 come operative on June 30, 2019.

33 [(23)] (25) The amendments to ORS 417.852 by section 64, chapter 774, Oregon Laws 2015, be-
34 come operative on June 30, 2019.

35 [(24)] (26) The amendments to ORS 660.324 by section 65, chapter 774, Oregon Laws 2015, be-
36 come operative on June 30, 2019.

37 [(25) *The amendments to section 11, chapter 188, Oregon Laws 2015, by section 76a, chapter 774,*
38 *Oregon Laws 2015, become operative on June 30, 2019.*]

39 [(26)] (27) Section 8, chapter 85, Oregon Laws 2014, becomes operative on June 30, 2019.

40 [(27) *The amendments to sections 11 and 12 of this 2015 Act by sections 13 and 14 of this 2015*
41 *Act become operative on June 30, 2019.*]

42 **SECTION 5. ORS 326.300 is repealed and section 6 of this 2017 Act is enacted in lieu**
43 **thereof.**

44 **SECTION 6. (1) The Superintendent of Public Instruction may appoint deputy super-**
45 **intendents of public instruction, for whose acts the superintendent shall be responsible. A**

1 **deputy may perform any act or duty of the office of Superintendent of Public Instruction**
 2 **designated by the superintendent.**

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

5 **SECTION 7. Section 6 of this 2017 Act and the repeal of ORS 326.300 by section 5 of this**
 6 **2017 Act become operative on the date a candidate who was elected as Superintendent of**
 7 **Public Instruction takes the oath of office as superintendent as provided by section 2 of this**
 8 **2017 Act.**

9 **SECTION 8. ORS 326.021 is amended to read:**

10 326.021. *[(1) The State Board of Education shall consist of:]*

11 *[(a) The State Treasurer, or the designee of the State Treasurer;]*

12 *[(b) The Secretary of State, or the designee of the Secretary of State; and]*

13 *[(c) Seven members, appointed by the Governor for a term of four years beginning July 1 of the*
 14 *year of appointment, subject to confirmation by the Senate in the manner provided in ORS 171.562 and*
 15 *171.565. A person appointed under this paragraph may not be appointed to serve consecutively more*
 16 *than two full terms as a board member.]*

17 *[(2) In making appointments under subsection (1) of this section, the Governor shall select from*
 18 *residents of Oregon one member from each congressional district and two members from the state at*
 19 *large. An appointed member may not be engaged in teaching or participate in the administration or*
 20 *operation of any school.]*

21 **(1) The State Board of Education shall consist of:**

22 **(a) Six members who are elected in a statewide election for a term of four years; and**

23 **(b) Five members who are appointed by the Governor, subject to confirmation by the**
 24 **Senate in the manner provided in ORS 171.562 and 171.565.**

25 **(2) For the six members elected as provided by subsection (1)(a) of this section, three**
 26 **must have at least five years of experience as a teacher or an administrator in a public ele-**
 27 **mentary school or a public secondary school.**

28 **(3)(a) In making appointments under subsection (1)(b) of this section, the Governor shall:**

29 **(A) Select members from each of the congressional districts; and**

30 **(B) Consider a list of persons that:**

31 **(i) Is jointly submitted by labor organizations representing school employees in this state,**
 32 **an organization representing school administrators in this state and an organization repre-**
 33 **senting school district boards in this state; and**

34 **(ii) Consists of a total of 15 persons, with the names of three persons from each con-**
 35 **gressional district.**

36 **(b) A person appointed under subsection (1)(b) of this section:**

37 **(A) Shall be appointed for a term of four years beginning July 1 of the year of appoint-**
 38 **ment; and**

39 **(B) May not be appointed to serve consecutively more than two full terms as a board**
 40 **member.**

41 *[(3)] (4) The Governor may remove appointed members of the State Board of Education for cause*
 42 *at any time after notice and public hearing.*

43 *[(4) The State Treasurer and the Secretary of State, or the designee of the State Treasurer or*
 44 *Secretary of State, are nonvoting, ex officio members of the board.]*

45 **(5) A member of the board is not entitled to compensation, but may be reimbursed for**

1 **actual and necessary travel and other expenses incurred by the member in the performance**
 2 **of the member's official duties in the manner and amount provided in ORS 292.495.**

3 [(5)] (6) The board shall coordinate and collaborate with the Chief Education Office as provided
 4 by section 1, chapter 519, Oregon Laws 2011.

5 **SECTION 9.** ORS 326.021, as amended by section 42, chapter 774, Oregon Laws 2015, is
 6 amended to read:

7 326.021. [(1) *The State Board of Education shall consist of:*]

8 [(a) *The State Treasurer, or the designee of the State Treasurer;*]

9 [(b) *The Secretary of State, or the designee of the Secretary of State; and*]

10 [(c) *Seven members, appointed by the Governor for a term of four years beginning July 1 of the*
 11 *year of appointment, subject to confirmation by the Senate in the manner provided in ORS 171.562 and*
 12 *171.565. A person appointed under this paragraph may not be appointed to serve consecutively more*
 13 *than two full terms as a board member.*]

14 [(2) *In making appointments under subsection (1) of this section, the Governor shall select from*
 15 *residents of Oregon one member from each congressional district and two members from the state at*
 16 *large. An appointed member may not be engaged in teaching or participate in the administration or*
 17 *operation of any school.*]

18 **(1) The State Board of Education shall consist of:**

19 **(a) Six members who are elected in a statewide election for a term of four years; and**

20 **(b) Five members who are appointed by the Governor, subject to confirmation by the**
 21 **Senate in the manner provided in ORS 171.562 and 171.565.**

22 **(2) For the six members elected as provided by subsection (1)(a) of this section, three**
 23 **must have at least five years of experience as a teacher or an administrator in a public ele-**
 24 **mentary school or a public secondary school.**

25 **(3)(a) In making appointments under subsection (1)(b) of this section, the Governor shall:**

26 **(A) Select members from each of the congressional districts; and**

27 **(B) Consider a list of persons that:**

28 **(i) Is jointly submitted by labor organizations representing school employees in this state,**
 29 **an organization representing school administrators in this state and an organization repre-**
 30 **senting school district boards in this state; and**

31 **(ii) Consists of a total of 15 persons, with the names of three persons from each con-**
 32 **gressional district.**

33 **(b) A person appointed under subsection (1)(b) of this section:**

34 **(A) Shall be appointed for a term of four years beginning July 1 of the year of appoint-**
 35 **ment; and**

36 **(B) May not be appointed to serve consecutively more than two full terms as a board**
 37 **member.**

38 [(3)] (4) The Governor may remove appointed members of the State Board of Education for cause
 39 at any time after notice and public hearing.

40 [(4) *The State Treasurer and the Secretary of State, or the designee of the State Treasurer or*
 41 *Secretary of State, are nonvoting, ex officio members of the board.*]

42 **(5) A member of the board is not entitled to compensation, but may be reimbursed for**
 43 **actual and necessary travel and other expenses incurred by the member in the performance**
 44 **of the member's official duties in the manner and amount provided in ORS 292.495.**

45 **SECTION 10.** (1) The amendments to ORS 326.021 by sections 8 and 9 of this 2017 Act

1 **become operative on January 7, 2019.**

2 (2) **On January 7, 2019, the terms of office of the current members of the State Board**
3 **of Education expire.**

4 (3) **Notwithstanding the prohibition under ORS 326.021 that an appointed member may**
5 **not serve consecutively more than two full terms as a board member, a member is eligible**
6 **for reappointment to the board if the member's term of office is terminated pursuant to this**
7 **section, the member meets the qualifications prescribed by ORS 326.021 and the member is**
8 **appointed as prescribed by ORS 326.021.**

9 **SECTION 11. (1) Notwithstanding the terms of office specified by ORS 326.021:**

10 (a) **For the members elected as provided by ORS 326.021 (1)(a), the members shall deter-**
11 **mine by lot the length of their terms such that:**

12 (A) **Three shall serve for a term expiring on the first Monday in January, 2021; and**

13 (B) **Three shall serve for a term expiring on the first Monday in January, 2023.**

14 (b) **For the members first appointed as provided by ORS 326.021 (1)(b), the members shall**
15 **determine by lot the length of their terms such that:**

16 (A) **Two shall serve for a term expiring on July 1, 2021; and**

17 (B) **Three shall serve for a term expiring on July 1, 2023.**

18 (2) **A term that expires in 2021 as provided by this section shall not be considered a full**
19 **term.**

20 **SECTION 12. ORS 171.130, as amended by section 38, chapter 117, Oregon Laws 2016, is**
21 **amended to read:**

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

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

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

28 (2) **On or before December 15 of an even-numbered year, or at any time in advance of a special**
29 **session as may be fixed by joint rules of both houses of the Legislative Assembly, the following may**
30 **file a proposed legislative measure with the Legislative Counsel:**

31 (a) **The Oregon Department of Administrative Services, to implement the fiscal recommendations**
32 **of the Governor contained in the Governor's budget.**

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

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

36 (d) **The Judicial Department.**

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

42 (4) **On or before December 15 of an even-numbered year, a state agency may file a proposed**
43 **legislative measure with the Legislative Counsel through a member or committee of the Legislative**
44 **Assembly.**

45 (5) **The Legislative Counsel shall order each measure filed pursuant to subsections (1) to (4) of**

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

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

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

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

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

15 **SECTION 13.** ORS 171.133 is amended to read:

16 171.133. (1) A state agency shall not cause a bill or measure to be introduced before the Legis-
 17 lative Assembly if the bill or measure has not been approved by the Governor.

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

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

21 (b) The Public Defense Services Commission; and

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

24 **SECTION 14.** ORS 171.735 is amended to read:

25 171.735. ORS 171.740 and 171.745 do not apply to the following persons:

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

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

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

34 (4) A person who does not:

35 (a) Agree to provide personal services for money or any other consideration for the purpose of
 36 lobbying;

37 (b) Spend more than an aggregate amount of 24 hours during any calendar quarter lobbying; and

38 (c) Spend an aggregate amount in excess of \$100 lobbying during any calendar quarter.

39 (5) The Governor, chief of staff for the Governor, deputy chief of staff for the Governor, legal
 40 counsel to the Governor, deputy legal counsel to the Governor, Secretary of State, Deputy Secretary
 41 of State appointed pursuant to ORS 177.040, State Treasurer, Deputy State Treasurer appointed
 42 pursuant to ORS 178.060, chief of staff for the office of the State Treasurer, Attorney General,
 43 Deputy Attorney General appointed pursuant to ORS 180.130, [Deputy Superintendent of Public In-
 44 struction appointed pursuant to ORS 326.300,] **Superintendent of Public Instruction, deputy su-
 45 perintendents of public instruction appointed pursuant to section 6 of this 2017 Act,**

1 Commissioner of the Bureau of Labor and Industries, deputy commissioner of the Bureau of Labor
2 and Industries appointed pursuant to ORS 651.060, members and staff of the Oregon Law Commission
3 who conduct the law revision program of the commission or any judge.

4 **SECTION 15.** ORS 173.130 is amended to read:

5 173.130. (1) The Legislative Counsel shall prepare or assist in the preparation of legislative
6 measures when requested to do so by a member or committee of the Legislative Assembly.

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

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

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

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

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

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

36 240.205. The unclassified service shall comprise:

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

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

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

44 (4) Principal assistants and deputies and one private secretary for each executive or adminis-
45 trative officer specified in ORS 240.200 (1) and in subsections (1) to (3) of this section. "Deputy"

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

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

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

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

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

13 (9) Lawyers employed in their professional capacities.

14 (10) All members of the Oregon State Police appointed under ORS 181A.050.

15 (11) [*The Deputy Superintendent of Public Instruction*] **Deputy superintendents of public in-**
 16 **struction** appointed under [*ORS 326.300*] **section 6 of this 2017 Act** and associate superintendents
 17 in the Department of Education.

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

20 (13) Any individual employed and paid from federal funds received under a federal program in-
 21 tended primarily to alleviate unemployment. However, persons employed under this subsection shall
 22 be treated as classified employees for purposes of ORS 243.650 to 243.782.

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

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

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

28 **SECTION 17.** ORS 244.042 is amended to read:

29 244.042. (1) Except as provided in subsections (3) and (4) of this section, a public official may
 30 not solicit or receive, whether directly or indirectly, honoraria for the public official or any member
 31 of the household of the public official if the honoraria are solicited or received in connection with
 32 the official duties of the public official.

33 (2) Except as provided in subsection (3) of this section, a candidate may not solicit or receive,
 34 whether directly or indirectly, honoraria for the candidate or any member of the household of the
 35 candidate if the honoraria are solicited or received in connection with the official duties of the
 36 public office for which the person is a candidate.

37 (3) Except as provided in subsection (4) of this section, this section does not prohibit:

38 (a) The solicitation or receipt of an honorarium or a certificate, plaque, commemorative token
 39 or other item with a value of \$50 or less; or

40 (b) The solicitation or receipt of an honorarium for services performed in relation to the private
 41 profession, occupation, avocation or expertise of the public official or candidate.

42 (4)(a) The Governor, First Partner, Secretary of State, State Treasurer, Attorney General,
 43 [*and*] Commissioner of the Bureau of Labor and Industries, **Superintendent of Public Instruction**
 44 **and elected members of the State Board of Education** may not solicit or receive an honorarium,
 45 money or any other consideration, as defined in ORS 171.725, for any speaking engagement or

1 presentation.

2 (b) This subsection does not prevent a public official listed in paragraph (a) of this subsection
3 from receiving any food, beverage, travel or lodging expenses otherwise authorized by this chapter
4 for a speaking engagement or presentation.

5 **SECTION 18.** ORS 244.050 is amended to read:

6 244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon
7 Government Ethics Commission a verified statement of economic interest as required under this
8 chapter:

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

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

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

15 (d) The Deputy Attorney General.

16 (e) The Deputy Secretary of State.

17 (f) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the
18 Secretary of the Senate and the Chief Clerk of the House of Representatives.

19 (g) The president and vice presidents, or their administrative equivalents, in each public uni-
20 versity listed in ORS 352.002.

21 (h) The following state officers:

22 (A) Adjutant General.

23 (B) Director of Agriculture.

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

25 (D) Water Resources Director.

26 (E) Director of Department of Environmental Quality.

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

28 (G) State Fish and Wildlife Director.

29 (H) State Forester.

30 (I) State Geologist.

31 (J) Director of Human Services.

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

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

34 (M) State Librarian.

35 (N) Administrator of Oregon Liquor Control Commission.

36 (O) Superintendent of State Police.

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

38 (Q) Director of Department of Revenue.

39 (R) Director of Transportation.

40 (S) Public Utility Commissioner.

41 (T) Director of Veterans' Affairs.

42 (U) Executive director of Oregon Government Ethics Commission.

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

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

45 (X) Director of the Department of Corrections.

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

- 1 (K) Oregon Liquor Control Commission.
2 (L) Oregon Short Term Fund Board.
3 (M) State Marine Board.
4 (N) Mass transit district boards.
5 (O) Energy Facility Siting Council.
6 (P) Board of Commissioners of the Port of Portland.
7 (Q) Employment Relations Board.
8 (R) Public Employees Retirement Board.
9 (S) Oregon Racing Commission.
10 (T) Oregon Transportation Commission.
11 (U) Water Resources Commission.
12 (V) Workers' Compensation Board.
13 (W) Oregon Facilities Authority.
14 (X) Oregon State Lottery Commission.
15 (Y) Pacific Northwest Electric Power and Conservation Planning Council.
16 (Z) Columbia River Gorge Commission.
17 (AA) Oregon Health and Science University Board of Directors.
18 (BB) Capitol Planning Commission.
19 (CC) Higher Education Coordinating Commission.
20 (DD) Oregon Growth Board.
21 (EE) Early Learning Council.
22 (r) The following officers of the State Treasurer:
23 (A) Deputy State Treasurer.
24 (B) Chief of staff for the office of the State Treasurer.
25 (C) Director of the Investment Division.
26 (s) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725
27 or 777.915 to 777.953.
28 (t) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.
29 (u) Every member of a governing board of a public university listed in ORS 352.002.
30 (v) Every member of the board of directors of an authority created under ORS 465.600 to
31 465.621.
32 (2) By April 15 next after the date an appointment takes effect, every appointed public official
33 on a board or commission listed in subsection (1) of this section shall file with the Oregon Govern-
34 ment Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070
35 and 244.090.
36 (3) By April 15 next after the filing deadline for the primary election, each candidate described
37 in subsection (1) of this section shall file with the commission a statement of economic interest as
38 required under ORS 244.060, 244.070 and 244.090.
39 (4) Within 30 days after the filing deadline for the general election, each candidate described in
40 subsection (1) of this section who was not a candidate in the preceding primary election, or who
41 was nominated for public office described in subsection (1) of this section at the preceding primary
42 election by write-in votes, shall file with the commission a statement of economic interest as re-
43 quired under ORS 244.060, 244.070 and 244.090.
44 (5) Subsections (1) to (4) of this section apply only to persons who are incumbent, elected or
45 appointed public officials as of April 15 and to persons who are candidates on April 15. Subsections

1 (1) to (4) of this section also apply to persons who do not become candidates until 30 days after the
2 filing deadline for the statewide general election.

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

8 **SECTION 19.** ORS 244.050, as amended by section 10, chapter 88, Oregon Laws 2016, is
9 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
15 members 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 Deputy Secretary of State.

21 (f) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the
22 Legislative Policy and Research Director, the Secretary of the Senate and the Chief Clerk of the
23 House of Representatives.

24 (g) The president and vice presidents, or their administrative equivalents, in each public uni-
25 versity listed in ORS 352.002.

26 (h) The following state officers:

27 (A) Adjutant General.

28 (B) Director of Agriculture.

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

30 (D) Water Resources Director.

31 (E) Director of Department of Environmental Quality.

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

33 (G) State Fish and Wildlife Director.

34 (H) State Forester.

35 (I) State Geologist.

36 (J) Director of Human Services.

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

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

39 (M) State Librarian.

40 (N) Administrator of Oregon Liquor Control Commission.

41 (O) Superintendent of State Police.

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

43 (Q) Director of Department of Revenue.

44 (R) Director of Transportation.

45 (S) Public Utility Commissioner.

- 1 (T) Director of Veterans' Affairs.
- 2 (U) Executive director of Oregon Government Ethics Commission.
- 3 (V) Director of the State Department of Energy.
- 4 (W) Director and each assistant director of the Oregon State Lottery.
- 5 (X) Director of the Department of Corrections.
- 6 (Y) Director of the Oregon Department of Aviation.
- 7 (Z) Executive director of the Oregon Criminal Justice Commission.
- 8 (AA) Director of the Oregon Business Development Department.
- 9 (BB) Director of the Office of Emergency Management.
- 10 (CC) Director of the Employment Department.
- 11 (DD) Chief of staff for the Governor.
- 12 (EE) Administrator of the Office for Oregon Health Policy and Research.
- 13 (FF) Director of the Housing and Community Services Department.
- 14 (GG) State Court Administrator.
- 15 (HH) Director of the Department of Land Conservation and Development.
- 16 (II) Board chairperson of the Land Use Board of Appeals.
- 17 (JJ) State Marine Director.
- 18 (KK) Executive director of the Oregon Racing Commission.
- 19 (LL) State Parks and Recreation Director.
- 20 (MM) Public defense services executive director.
- 21 (NN) Chairperson of the Public Employees' Benefit Board.
- 22 (OO) Director of the Department of Public Safety Standards and Training.
- 23 (PP) Executive director of the Higher Education Coordinating Commission.
- 24 (QQ) Executive director of the Oregon Watershed Enhancement Board.
- 25 (RR) Director of the Oregon Youth Authority.
- 26 (SS) Director of the Oregon Health Authority.
- 27 [(TT) *Deputy Superintendent of Public Instruction.*]
- 28 (i) The First Partner, the legal counsel, the deputy legal counsel and all policy advisors within
29 the Governor's office.
- 30 (j) Every elected city or county official.
- 31 (k) Every member of a city or county planning, zoning or development commission.
- 32 (L) The chief executive officer of a city or county who performs the duties of manager or prin-
33 cipal administrator of the city or county.
- 34 (m) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
- 35 (n) Every member of a governing body of a metropolitan service district and the auditor and
36 executive officer thereof.
- 37 (o) Each member of the board of directors of the State Accident Insurance Fund Corporation.
- 38 (p) The chief administrative officer and the financial officer of each common and union high
39 school district, education service district and community college district.
- 40 (q) Every member of the following state boards and commissions:
- 41 (A) Board of Geologic and Mineral Industries.
- 42 (B) Oregon Business Development Commission.
- 43 (C) State Board of Education.
- 44 (D) Environmental Quality Commission.
- 45 (E) Fish and Wildlife Commission of the State of Oregon.

- 1 (F) State Board of Forestry.
- 2 (G) Oregon Government Ethics Commission.
- 3 (H) Oregon Health Policy Board.
- 4 (I) Oregon Investment Council.
- 5 (J) Land Conservation and Development Commission.
- 6 (K) Oregon Liquor Control Commission.
- 7 (L) Oregon Short Term Fund Board.
- 8 (M) State Marine Board.
- 9 (N) Mass transit district boards.
- 10 (O) Energy Facility Siting Council.
- 11 (P) Board of Commissioners of the Port of Portland.
- 12 (Q) Employment Relations Board.
- 13 (R) Public Employees Retirement Board.
- 14 (S) Oregon Racing Commission.
- 15 (T) Oregon Transportation Commission.
- 16 (U) Water Resources Commission.
- 17 (V) Workers' Compensation Board.
- 18 (W) Oregon Facilities Authority.
- 19 (X) Oregon State Lottery Commission.
- 20 (Y) Pacific Northwest Electric Power and Conservation Planning Council.
- 21 (Z) Columbia River Gorge Commission.
- 22 (AA) Oregon Health and Science University Board of Directors.
- 23 (BB) Capitol Planning Commission.
- 24 (CC) Higher Education Coordinating Commission.
- 25 (DD) Oregon Growth Board.
- 26 (EE) Early Learning Council.
- 27 (r) The following officers of the State Treasurer:
- 28 (A) Deputy State Treasurer.
- 29 (B) Chief of staff for the office of the State Treasurer.
- 30 (C) Director of the Investment Division.
- 31 (s) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725
- 32 or 777.915 to 777.953.
- 33 (t) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.
- 34 (u) Every member of a governing board of a public university listed in ORS 352.002.
- 35 (v) Every member of the board of directors of an authority created under ORS 465.600 to
- 36 465.621.
- 37 (2) By April 15 next after the date an appointment takes effect, every appointed public official
- 38 on a board or commission listed in subsection (1) of this section shall file with the Oregon Govern-
- 39 ment Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070
- 40 and 244.090.
- 41 (3) By April 15 next after the filing deadline for the primary election, each candidate described
- 42 in subsection (1) of this section shall file with the commission a statement of economic interest as
- 43 required under ORS 244.060, 244.070 and 244.090.
- 44 (4) Within 30 days after the filing deadline for the general election, each candidate described in
- 45 subsection (1) of this section who was not a candidate in the preceding primary election, or who

1 was nominated for public office described in subsection (1) of this section at the preceding primary
2 election by write-in votes, shall file with the commission a statement of economic interest as re-
3 quired under ORS 244.060, 244.070 and 244.090.

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

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

13 **SECTION 20.** ORS 249.002 is amended to read:

14 249.002. As used in this chapter:

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

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

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

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

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

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

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

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

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

33 (10) "State office" means Governor, Secretary of State, State Treasurer, Attorney General,
34 Commissioner of the Bureau of Labor and Industries, **Superintendent of Public Instruction,**
35 **elected member of the State Board of Education,** judge, state Senator, state Representative or
36 district attorney.

37 **SECTION 21.** ORS 249.056 is amended to read:

38 249.056. (1) At the time of filing a declaration of candidacy a candidate for the following offices
39 shall pay to the officer with whom the declaration is filed the following fee:

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

41 (b) Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bu-
42 reau of Labor and Industries, **Superintendent of Public Instruction, elected member of the**
43 **State Board of Education,** Representative in Congress, judge of the Supreme Court, Court of Ap-
44 peals or Oregon Tax Court, or executive officer or auditor of a metropolitan service district, \$100.

45 (c) County officer, district attorney, county judge who exercises judicial functions or circuit

1 court judge, \$50.

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

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

6 **SECTION 22.** ORS 249.215 is amended to read:

7 249.215. (1) If a vacancy occurs in a state office before the 61st day before the first general
8 election to be held during that term of office, the remaining two years of the term of the state office
9 shall be filled by the electors at that general election.

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

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

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

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

20 (4) As used in this section, "state office" means the office of Governor, Secretary of State, State
21 Treasurer, Attorney General, [and] Commissioner of the Bureau of Labor and Industries, **Super-**
22 **intendent of Public Instruction and elected member of the State Board of Education.**

23 **SECTION 23.** ORS 254.005 is amended to read:

24 254.005. As used in this chapter:

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

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

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

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

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

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

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

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

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

42 (a) A proposed law.

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

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

45 (d) Local, special or municipal legislation.

1 (e) A proposition or question.

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

4 (8) "Nonpartisan office" means the office of judge of the Supreme Court, Court of Appeals, cir-
5 cuit court or the Oregon Tax Court, Commissioner of the Bureau of Labor and Industries, **Super-**
6 **intendent of Public Instruction, elected member of the State Board of Education**, any elected
7 office of a metropolitan service district under ORS chapter 268, justice of the peace, county clerk,
8 county assessor, county surveyor, county treasurer, county judge who exercises judicial functions,
9 sheriff, district attorney or any office designated nonpartisan by a home rule charter.

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

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

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

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

18 **SECTION 24.** ORS 258.036 is amended to read:

19 258.036. (1) Not later than the 40th day after the election or the seventh day after completion
20 of a recount of votes cast in connection with the election, any person authorized to contest a result
21 of the election may file a petition of contest. The petition shall be filed with:

22 (a) The Circuit Court for Marion County if the petition involves a state measure, a candidate
23 for election to the office of elector of President and Vice President of the United States or a can-
24 didate for nomination or election to the office of United States Senator, United States Represen-
25 tative in Congress, Governor, Secretary of State, State Treasurer, Attorney General, Commissioner
26 of the Bureau of Labor and Industries, **Superintendent of Public Instruction, a position on the**
27 **State Board of Education** or a position of judge on the Oregon Supreme Court, the Oregon Court
28 of Appeals or the Oregon Tax Court.

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

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

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

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

40 (a) The cause of the contest; and

41 (b) The names of all contestees.

42 **SECTION 25.** ORS 258.055 is amended to read:

43 258.055. (1) Except as provided in subsection (2) of this section, when a contestant files a peti-
44 tion of contest with the circuit court described under ORS 258.036, the contestant shall, within three
45 business days of filing the petition, publish a notice stating that the petition has been filed and

1 identifying the date of the deadline described in this subsection for filing a motion to intervene. The
 2 notice must be published at least once in the next available issue of a newspaper of general circu-
 3 lation published in the county where the proceeding is pending. Jurisdiction over the election
 4 contest shall be complete within 10 days after the notice is published as provided in this subsection.
 5 Any person interested may at any time before the expiration of the 10 days appear and contest the
 6 validity of the proceeding, or of any of the acts or things enumerated in the proceeding.

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

8 (a) A state measure.

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

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

16 (d) The recall of a person from the office of Governor, Secretary of State, State Treasurer, At-
 17 torney General, Commissioner of the Bureau of Labor and Industries, **Superintendent of Public**
 18 **Instruction, an elected position on the State Board of Education** or a position of judge on the
 19 Oregon Supreme Court, the Oregon Court of Appeals or the Oregon Tax Court.

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

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

27 (b) The county clerk if the petition involves a candidate for county, city or district office, the
 28 recall of a person from county, city or district office or a county, city or district measure. As used
 29 in this paragraph, "county clerk" includes the county clerk of the county in which the administra-
 30 tive office of a city or district is located regarding a measure, a recall or a candidate for an office
 31 to be voted on in a city or district located in more than one county.

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

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

42 **SECTION 26.** ORS 260.005 is amended to read:

43 260.005. As used in this chapter:

44 (1)(a) "Candidate" means:

45 (A) An individual whose name is printed on a ballot, for whom a declaration of candidacy,

1 nominating petition or certificate of nomination to public office has been filed or whose name is
2 expected to be or has been presented, with the individual's consent, for nomination or election to
3 public office;

4 (B) An individual who has solicited or received and accepted a contribution, made an expendi-
5 ture, or given consent to an individual, organization, political party or political committee to solicit
6 or receive and accept a contribution or make an expenditure on the individual's behalf to secure
7 nomination or election to any public office at any time, whether or not the office for which the in-
8 dividual will seek nomination or election is known when the solicitation is made, the contribution
9 is received and retained or the expenditure is made, and whether or not the name of the individual
10 is printed on a ballot; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (8) Except as provided in ORS 260.007, "expend" or "expenditure" includes the payment or fur-
43 nishing of money or anything of value or the incurring or repayment of indebtedness or obligation
44 by or on behalf of a candidate, political committee or person in consideration for any services,
45 supplies, equipment or other thing of value performed or furnished for any reason, including support

1 of or opposition to a candidate, political committee or measure, or for reducing the debt of a can-
2 didate for nomination or election to public office. "Expenditure" also includes contributions made
3 by a candidate or political committee to or on behalf of any other candidate or political committee.

4 (9) "Filing officer" means:

5 (a) The Secretary of State:

6 (A) Regarding a candidate for public office;

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

8 (C) Regarding any measure; or

9 (D) Regarding any political committee.

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

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

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

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

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

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

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

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

30 (b)(A) "Clearly identified" means, with respect to candidates:

31 (i) The name of the candidate involved appears;

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

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

34 (B) "Clearly identified" means, with respect to measures:

35 (i) The ballot number of the measure appears;

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

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

38 (c) "Communication in support of or in opposition to a clearly identified candidate or measure"
39 means:

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

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

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

45 (d) "Made with the cooperation or with the prior consent of, or in consultation with, or at the

1 request or suggestion of, a candidate or any agent or authorized committee of the candidate, or any
2 political committee or agent of a political committee supporting or opposing a measure”:

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

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

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

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

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

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

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

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

28 (a) A proposed law.

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

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

31 (d) Local, special or municipal legislation.

32 (e) A proposition or question.

33 (15) “Occupation” means:

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

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

37 (16) “Person” means an individual, corporation, limited liability company, labor organization,
38 association, firm, partnership, joint stock company, club, organization or other combination of indi-
39 viduals having collective capacity.

40 (17) “Petition committee” means an initiative, referendum or recall petition committee organized
41 under ORS 260.118.

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

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

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

3 (A) A contribution to a candidate or political committee that is required to report the contri-
4 bution on a statement filed under ORS 260.057 or 260.076 or a certificate filed under ORS 260.112;
5 or

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

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

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

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

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

15 (23) "State office" means the office of Governor, Secretary of State, State Treasurer, Attorney
16 General, Commissioner of the Bureau of Labor and Industries, **Superintendent of Public Instruc-**
17 **tion, elected member of the State Board of Education,** state Senator, state Representative, judge
18 or district attorney.

19 **SECTION 27.** ORS 260.076 is amended to read:

20 260.076. (1) A legislative official, statewide official or candidate therefor, or the official's or
21 candidate's principal campaign committee, shall file statements showing contributions received by
22 or on behalf of the official, candidate or committee during the period beginning January 1 and end-
23 ing upon adjournment of the regular session of the Legislative Assembly, or during any special
24 session of the Legislative Assembly.

25 (2) The Governor, Governor-elect or a candidate for Governor, or the principal campaign com-
26 mittee of the Governor, Governor-elect or candidate, shall file statements showing contributions re-
27 ceived by or on behalf of the Governor, Governor-elect, candidate or committee during the period
28 beginning January 1 and ending 30 business days following adjournment of the regular session of the
29 Legislative Assembly, or during any special session of the Legislative Assembly.

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

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

42 (5) A statement described in subsections (1) to (4) of this section shall be filed with the Secretary
43 of State on a form prescribed by the secretary. For contributions received during the period begin-
44 ning on January 1 and ending on the first day of the regular session, a statement shall be filed not
45 later than two business days after the first day of the regular session. For contributions received

1 on or after the first day of the regular session, a statement shall be filed not later than two business
 2 days after the date a contribution is received. For contributions received during any special session
 3 of the Legislative Assembly, a statement shall be filed not later than two business days after the
 4 date a contribution is received.

5 (6) As used in this section:

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

7 (b) "Statewide official" means the Secretary of State or Secretary of State-elect, State Treasurer
 8 or State Treasurer-elect, Attorney General or Attorney General-elect, [*and the*] Commissioner of the
 9 Bureau of Labor and Industries or [*the*] Commissioner-elect of the Bureau of Labor and Industries,
 10 **Superintendent of Public Instruction or Superintendent-elect of Public Instruction and**
 11 **elected member of the State Board of Education or elected member-elect of the State Board**
 12 **of Education.**

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

14 292.311. The incumbents of each of the following offices shall be paid an annual salary on a
 15 monthly basis, as follows:

16 (1) Governor, \$98,600 for the year beginning January 1, 2014, and for each year thereafter. The
 17 Governor shall also be paid \$1,000 per month regularly for expenses necessarily incurred but not
 18 otherwise provided for.

19 (2) Secretary of State, \$77,000 for the year beginning January 1, 2014, and for each year there-
 20 after. The Secretary of State shall also be paid \$250 per month regularly for expenses necessarily
 21 incurred but not otherwise provided for.

22 (3) State Treasurer, \$77,000 for the year beginning January 1, 2014, and for each year thereafter.
 23 The State Treasurer shall also be paid \$250 per month regularly for expenses necessarily incurred
 24 but not otherwise provided for.

25 (4) Attorney General, \$82,200 for the year beginning January 1, 2014, and for each year there-
 26 after. The Attorney General shall also be paid \$250 per month regularly for expenses necessarily
 27 incurred but not otherwise provided for.

28 (5) Commissioner of the Bureau of Labor and Industries, \$77,000 for the year beginning January
 29 1, 2014, and for each year thereafter. The commissioner shall also be paid \$250 per month regularly
 30 for expenses necessarily incurred but not otherwise provided for.

31 **(6) Superintendent of Public Instruction, \$77,000 for the year beginning January 1, 2019,**
 32 **and for each year thereafter. The superintendent shall also be paid \$250 per month regularly**
 33 **for expenses necessarily incurred but not otherwise provided for.**

34 **SECTION 29.** ORS 292.430 is amended to read:

35 292.430. (1) In addition to the annual salaries established as provided in ORS 292.907 to 292.930,
 36 the Oregon Department of Administrative Services may "pick-up," assume and pay to the Public
 37 Employees Retirement Fund any employee contributions, otherwise required by ORS 238.200, for the
 38 Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of
 39 Labor and Industries, **Superintendent of Public Instruction** and members of the Legislative As-
 40 sembly.

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

45 **SECTION 30.** ORS 292.930 is amended to read:

1 292.930. Each of the following elective officers shall be paid an annual salary on a monthly basis
 2 as determined by the Legislative Assembly each biennium:

- 3 (1) Governor.
- 4 (2) Secretary of State.
- 5 (3) State Treasurer.
- 6 (4) Attorney General.
- 7 (5) Commissioner of the Bureau of Labor and Industries.
- 8 **(6) Superintendent of Public Instruction.**
- 9 [(6)] (7) Chief Judge of the Court of Appeals.
- 10 [(7)] (8) Court of Appeals Judge.
- 11 [(8)] (9) Chief Justice of the Supreme Court.
- 12 [(9)] (10) Supreme Court Judge.
- 13 [(10)] (11) Circuit Court Judge.
- 14 [(11)] (12) Tax Court Judge.

15 **SECTION 31.** ORS 292.930, as amended by section 3, chapter 578, Oregon Laws 2013, is
 16 amended to read:

17 292.930. Each of the following elective officers shall be paid an annual salary on a monthly basis
 18 as determined by the Legislative Assembly each biennium:

- 19 (1) Governor.
- 20 (2) Secretary of State.
- 21 (3) State Treasurer.
- 22 (4) Attorney General.
- 23 (5) Commissioner of the Bureau of Labor and Industries.
- 24 **(6) Superintendent of Public Instruction.**
- 25 [(6)] (7) Chief Judge of the Court of Appeals.
- 26 [(7)] (8) Court of Appeals Judge.
- 27 [(8)] (9) Chief Justice of the Supreme Court.
- 28 [(9)] (10) Supreme Court Judge.
- 29 [(10)] (11) Circuit Court Judge.
- 30 [(11)] (12) Tax Court Judge.
- 31 [(12)] (13) State Senator.
- 32 [(13)] (14) State Representative.

33 **SECTION 32.** ORS 329.837 is amended to read:

34 329.837. The University of Oregon shall report annually on the implementation, longitudinal
 35 progress and results of the Early Success Reading Initiative to the Governor, **the Superintendent**
 36 **of Public Instruction** and the appropriate legislative committees.

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

38 343.465. (1) It is the policy of this state to respect the unique nature of each child, family and
 39 community with particular attention to cultural and linguistic diversity, and to support a system of
 40 services for preschool children with disabilities and their families that:

- 41 (a) Recognizes the importance of the child's family, supports and builds on each family's
 42 strengths and respects family decision-making and input regarding service options and public policy.
- 43 (b) Identifies, evaluates and refers services for preschool children with disabilities at the earliest
 44 possible time.
- 45 (c) Uses specialized services and all other community services and programs for children, in-

1 cluding community preschools, Head Start programs, community health clinics, family support pro-
2 grams and other child-oriented agencies.

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

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

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

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

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

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

16 (j) Reports information described in paragraph (i) of this subsection to the State Interagency
17 Coordinating Council, the Governor, **the Superintendent of Public Instruction**, the State Board
18 of Education, the public universities listed in ORS 352.002 and the Legislative Assembly each
19 biennium.

20 (2) In carrying out the provisions of subsection (1) of this section, the Department of Education,
21 the Department of Human Services and the public universities listed in ORS 352.002 shall coordinate
22 services to preschool children with disabilities, or who are at risk of developing disabling conditions,
23 and their families. All program planning, standards for service, policies regarding services delivery
24 and budget development for services for preschool children with disabilities, and their families shall
25 reflect the policy outlined in subsection (1) of this section and elaborated through rules and agree-
26 ments.

27 **SECTION 34. The amendments to ORS 171.130, 171.133, 171.735, 173.130, 240.205, 244.042,**
28 **244.050, 249.002, 249.056, 249.215, 254.005, 258.036, 258.055, 260.005, 260.076, 292.311, 292.430,**
29 **292.930, 329.837 and 343.465 by sections 12 to 33 of this 2017 Act apply only to:**

30 (1) **Members of the State Board of Education who take office on or after January 7, 2019.**

31 (2) **The Superintendent of Public Instruction who takes office following an election as**
32 **provided by section 2 of this 2017 Act.**

33 **SECTION 35.** ORS 326.051 is amended to read:

34 326.051. Subject to ORS 417.300 and 417.305:

35 (1) In addition to such other duties as are prescribed by law and pursuant to the requirement
36 of ORS chapter 183, the State Board of Education shall:

37 (a) Establish state standards for public kindergartens and public elementary and secondary
38 schools consistent with the policies stated in ORS 326.011.

39 (b) Adopt rules for the general governance of public kindergartens and public elementary and
40 secondary schools.

41 (c) Prescribe required or minimum courses of study.

42 (d) Adopt rules regarding school and interscholastic activities.

43 (e) Adopt rules that provide that no public elementary or secondary school shall discriminate
44 in determining participation in interscholastic activities. As used in this paragraph,
45 "discrimination" has the meaning given that term in ORS 659.850.

1 (f) Adopt rules that will eliminate the use and purchase of elemental mercury, mercury com-
2 pounds and mercury-added instructional materials by public elementary and secondary schools.

3 (2) The State Board of Education may:

4 (a) Consistent with the laws of this state, accept money or property not otherwise provided for
5 under paragraph (b) of this subsection, which is donated for the use or benefit of the public
6 kindergartens and public elementary and secondary schools and use such money or property for the
7 purpose for which it was donated. Until it is used, the board shall deposit any money received under
8 this paragraph in a special fund with the State Treasurer as provided in ORS 293.265 to 293.275.

9 (b) Apply for federal funds and accept and enter into any contracts or agreements on behalf of
10 the state for the receipt of such funds from the federal government or its agencies for:

11 (A) Educational purposes, including but not limited to any funds available for the school lunch
12 program;

13 (B) Career and technical education programs in public elementary and secondary schools; and

14 (C) Any grants available to the state or its political subdivisions for general federal aid for
15 public kindergartens, public elementary schools and public secondary schools and their auxiliary
16 services, improvement of teacher preparation, teacher salaries, construction of school buildings, ad-
17 ministration of the Department of Education and any other educational activities under the juris-
18 diction of the State Board of Education.

19 (c) Adopt rules to administer the United States Department of Agriculture's National School
20 Lunch Program and School Breakfast Program for public and private prekindergarten through grade
21 12 schools and residential child care facilities.

22 **(3) For the purpose of rules adopted by the State Board of Education, the board shall**
23 **allow persons to provide oral submissions of data or views at the time the board considers**
24 **adoption, amendment or repeal of a rule.**

25 **SECTION 36. This 2017 Act being necessary for the immediate preservation of the public**
26 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**
27 **on its passage.**

28