

DRAFT

SUMMARY

Establishes office of Superintendent of Public Instruction as statutory office.

Takes effect on passage of _____ Joint Resolution ____ (2021) (LC 728) at next regular general election held throughout state.

A BILL FOR AN ACT

Relating to the Superintendent of Public Instruction; creating new provisions; amending ORS 171.735, 240.205, 244.050, 326.555, 329.837, 357.021 and 458.558; repealing ORS 326.300; and prescribing an effective date.

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

SECTION 1. ORS 326.300 is repealed and section 2 of this 2021 Act is enacted in lieu thereof.

SECTION 2. (1)(a) The Governor shall appoint a Superintendent of Public Instruction, who holds office at the pleasure of the Governor.

(b) The appointment of the superintendent is subject to confirmation by the Senate as provided by ORS 171.562 and 171.565.

(2) In addition to any duties and powers prescribed by law, the superintendent shall supervise and control the Department of Education.

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

SECTION 3. 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:

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

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

(c) 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, 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, [*Deputy Superintendent of Public Instruction appointed pursuant to ORS 326.300,*] 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 4. 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

1 salaried head of a state agency required by law to be appointed by the Gov-
2 ernor and each full-time salaried member of a board or commission required
3 by law to be appointed by the Governor.

4 (3) The administrator of each division within a department of state gov-
5 ernment required by law to be appointed by the director of the department
6 with the approval of the Governor.

7 (4) Principal assistants and deputies and one private secretary for each
8 executive or administrative officer specified in ORS 240.200 (1) and in sub-
9 sections (1) to (3) of this section. "Deputy" means the deputy or deputies to
10 an executive or administrative officer listed in subsections (1) to (3) of this
11 section who is authorized to exercise that officer's authority upon absence
12 of the officer. "Principal assistant" means a manager of a major agency or-
13 ganizational component who reports directly to an executive or administra-
14 tive officer listed in subsections (1) to (3) of this section or deputy and who
15 is designated as such by that executive or administrative officer with the
16 approval of the Director of the Oregon Department of Administrative Ser-
17 vices.

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

20 (6) The director, principals, instructors and teachers in the school oper-
21 ated under ORS 346.010.

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

24 (8) Licensed physicians and dentists employed in their professional ca-
25 pacities and student nurses, interns, and patient or adult in custody help in
26 state institutions.

27 (9) Lawyers employed in their professional capacities.

28 (10) All members of the Oregon State Police appointed under ORS
29 181A.050.

30 (11) The *[Deputy]* Superintendent of Public Instruction appointed under
31 *[ORS 326.300]* **section 2 of this 2021 Act** and *[associate]* **any deputy or**

1 **assistant** superintendents in the Department of Education.

2 (12) Temporary seasonal farm laborers engaged in single phases of agri-
3 cultural production or harvesting.

4 (13) Any individual employed and paid from federal funds received under
5 a federal program intended primarily to alleviate unemployment. However,
6 persons employed under this subsection shall be treated as classified em-
7 ployees for purposes of ORS 243.650 to 243.806.

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

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

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

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

14 244.050. (1) On or before April 15 of each year the following persons shall
15 file with the Oregon Government Ethics Commission a verified statement of
16 economic interest as required under this chapter:

17 (a) The Governor, Secretary of State, State Treasurer, Attorney General,
18 Commissioner of the Bureau of Labor and Industries, district attorneys and
19 members of the Legislative Assembly.

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

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

25 (d) The Deputy Attorney General.

26 (e) The Deputy Secretary of State.

27 (f) The Legislative Administrator, the Legislative Counsel, the Legislative
28 Fiscal Officer, the Legislative Policy and Research Director, the Secretary
29 of the Senate, the Chief Clerk of the House of Representatives and the Leg-
30 islative Equity Officer.

31 (g) The president and vice presidents, or their administrative equivalents,

1 in each public university listed in ORS 352.002.

2 (h) The following state officers:

3 (A) Adjutant General.

4 (B) Director of Agriculture.

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

6 (D) Water Resources Director.

7 (E) Director of Department of Environmental Quality.

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

9 (G) State Fish and Wildlife Director.

10 (H) State Forester.

11 (I) State Geologist.

12 (J) Director of Human Services.

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

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

15 (M) State Librarian.

16 (N) Administrator of Oregon Liquor Control Commission.

17 (O) Superintendent of State Police.

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

19 (Q) Director of Department of Revenue.

20 (R) Director of Transportation.

21 (S) Public Utility Commissioner.

22 (T) Director of Veterans' Affairs.

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

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

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

26 (X) Director of the Department of Corrections.

27 (Y) Director of the Oregon Department of Aviation.

28 (Z) Executive director of the Oregon Criminal Justice Commission.

29 (AA) Director of the Oregon Business Development Department.

30 (BB) Director of the Office of Emergency Management.

31 (CC) Director of the Employment Department.

(DD) Chief of staff for the Governor.

(EE) Director of the Housing and Community Services Department.

(FF) State Court Administrator.

(GG) Director of the Department of Land Conservation and Development.

(HH) Board chairperson of the Land Use Board of Appeals.

(II) State Marine Director.

(JJ) Executive director of the Oregon Racing Commission.

(KK) State Parks and Recreation Director.

(LL) Public defense services executive director.

(MM) Chairperson of the Public Employees' Benefit Board.

(NN) Director of the Department of Public Safety Standards and Training.

(OO) Executive director of the Higher Education Coordinating Commission.

(PP) Executive director of the Oregon Watershed Enhancement Board.

(QQ) Director of the Oregon Youth Authority.

(RR) Director of the Oregon Health Authority.

(SS) [*Deputy*] Superintendent of Public Instruction.

(i) The First Partner, the legal counsel, the deputy legal counsel and all policy advisors within the Governor's office.

(j) Every elected city or county official.

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

(L) The chief executive officer of a city or county who performs the duties of manager or principal administrator of the city or county.

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

(n) Every member of a governing body of a metropolitan service district and the auditor and executive officer thereof.

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

(p) The chief administrative officer and the financial officer of each

1 common and union high school district, education service district and com-
2 munity college district.

3 (q) Every member of the following state boards and commissions:

4 (A) Governing board of the State Department of Geology and Mineral
5 Industries.

6 (B) Oregon Business Development Commission.

7 (C) State Board of Education.

8 (D) Environmental Quality Commission.

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

10 (F) State Board of Forestry.

11 (G) Oregon Government Ethics Commission.

12 (H) Oregon Health Policy Board.

13 (I) Oregon Investment Council.

14 (J) Land Conservation and Development Commission.

15 (K) Oregon Liquor Control Commission.

16 (L) Oregon Short Term Fund Board.

17 (M) State Marine Board.

18 (N) Mass transit district boards.

19 (O) Energy Facility Siting Council.

20 (P) Board of Commissioners of the Port of Portland.

21 (Q) Employment Relations Board.

22 (R) Public Employees Retirement Board.

23 (S) Oregon Racing Commission.

24 (T) Oregon Transportation Commission.

25 (U) Water Resources Commission.

26 (V) Workers' Compensation Board.

27 (W) Oregon Facilities Authority.

28 (X) Oregon State Lottery Commission.

29 (Y) Pacific Northwest Electric Power and Conservation Planning Council.

30 (Z) Columbia River Gorge Commission.

31 (AA) Oregon Health and Science University Board of Directors.

1 (BB) Capitol Planning Commission.

2 (CC) Higher Education Coordinating Commission.

3 (DD) Oregon Growth Board.

4 (EE) Early Learning Council.

5 (r) The following officers of the State Treasurer:

6 (A) Deputy State Treasurer.

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

8 (C) Director of the Investment Division.

9 (s) Every member of the board of commissioners of a port governed by
10 ORS 777.005 to 777.725 or 777.915 to 777.953.

11 (t) Every member of the board of directors of an authority created under
12 ORS 441.525 to 441.595.

13 (u) Every member of a governing board of a public university listed in
14 ORS 352.002.

15 (v) Every member of the board of directors of an authority created under
16 ORS 465.600 to 465.621.

17 (2) By April 15 next after the date an appointment takes effect, every
18 appointed public official on a board or commission listed in subsection (1)
19 of this section shall file with the Oregon Government Ethics Commission a
20 statement of economic interest as required under ORS 244.060, 244.070 and
21 244.090.

22 (3) By April 15 next after the filing deadline for the primary election,
23 each candidate described in subsection (1) of this section shall file with the
24 commission a statement of economic interest as required under ORS 244.060,
25 244.070 and 244.090.

26 (4) Not later than the 40th day before the date of the statewide general
27 election, each candidate described in subsection (1) of this section who will
28 appear on the statewide general election ballot and who was not required to
29 file a statement of economic interest under subsections (1) to (3) of this
30 section shall file with the commission a statement of economic interest as
31 required under ORS 244.060, 244.070 and 244.090.

(5) Subsections (1) to (3) 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.

(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 6. ORS 326.555 is amended to read:

326.555. There is established a State Council for Educational Opportunity for Military Children, as described in Article VIII of the Interstate Compact on Educational Opportunity for Military Children under ORS 326.552, consisting of the [Deputy] Superintendent of Public Instruction, the members of the State Board of Education, the military family education liaison and the compact commissioner. The Governor may appoint other individuals to the state council and shall make a good faith effort to ensure that other individuals appointed are individuals who are described in Article VIII of the Interstate Compact on Educational Opportunity for Military Children under ORS 326.552 and who are well informed on the principles of education of military children.

SECTION 7. 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 8. ORS 357.021 is amended to read:

357.021. (1) The State Library Board is established, consisting of nine voting members.

(2) The Governor, after consultation with the Oregon Library Association,

shall appoint seven voting members as follows:

- (a) Two members from two different state agencies;
- (b) One member representing a public library in eastern Oregon;
- (c) One member representing a public library in western Oregon;
- (d) One public member from eastern Oregon;
- (e) One public member from western Oregon; and
- (f) One member representing a community college library or a public university library in this state.

(3) The [*Deputy*] Superintendent of Public Instruction, or a designee of the [*deputy*] superintendent, shall be a voting member of the board.

(4) The administrator of the Commission for the Blind, or a designee of the administrator, shall be a voting member of the board.

(5) The State Librarian shall serve ex officio as a nonvoting member of the board.

(6) A board member described in subsection (2) of this section shall serve a four-year term, but a member described in subsection (2) of this section serves at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on July 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(7) A board member described in subsection (2) of this section shall be eligible for reappointment for only one additional term, but any person may be reappointed to the board after an interval of one year.

(8) The appointment of a board member described in subsection (2) of this section is subject to confirmation by the Senate in the manner prescribed in ORS 171.562 and 171.565.

(9) A member of the State Library Board is entitled to compensation and expenses as provided in ORS 292.495.

SECTION 9. ORS 458.558 is amended to read:

458.558. (1) The members of the Oregon Volunteers Commission for Vol-

1 untary Action and Service must be citizens of this state who have a proven
2 commitment to community service and who have a demonstrated interest in
3 fostering and nurturing citizen involvement as a strategy for strengthening
4 communities and promoting the ethic of service in all sectors of this state.

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

7 (a) An individual with experience in educational, training and develop-
8 ment needs of youth, particularly disadvantaged youth.

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

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

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

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

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

16 (g) A representative of business.

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

19 (i) A representative of a national service program described in 42 U.S.C.
20 12572(a).

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

23 (a) Educators.

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

26 (c) Members of Native American tribes.

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

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

30 (4) In making appointments of members described in subsections (2) and
31 (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 10. This 2021 Act does not take effect unless the amendment to the Oregon Constitution proposed by ____ Joint Resolution ____ (2021) (LC 728) is approved by the people at the next regular general election held throughout this state. This 2021 Act takes effect on the effective date of that amendment.