

Senate Bill 601

Sponsored by Senator FREDERICK (Pre-session filed.)

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 office of Superintendent of Public Instruction as statewide elected office.

Provides for election of Superintendent of Public Instruction, with first election occurring at general election held in November 2022.

Prescribes duties, functions and powers of office of Superintendent of Public Instruction when office is filled by person elected to office.

A BILL FOR AN ACT

Relating to the Superintendent of Public Instruction; creating new provisions; amending ORS 171.130, 171.133, 171.735, 173.130, 240.205, 244.042, 244.050, 249.002, 249.056, 249.215, 254.005, 258.036, 258.055, 260.005, 260.076, 292.311, 292.430, 292.930, 326.555, 329.837, 343.465, 357.021 and 458.558; and repealing ORS 326.300.

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

ESTABLISHMENT OF THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION

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 ORS 326.300 is repealed and section 2 of this 2021 Act is enacted in lieu thereof.

SECTION 2. (1) The Superintendent of Public Instruction shall be elected for a term of four years.

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

(3) The superintendent may appoint a Deputy Superintendent of Public Instruction, for whose acts the superintendent shall be responsible. The deputy superintendent may perform any act or duty of the office of Superintendent of Public Instruction designated by the superintendent. The appointment of the deputy superintendent shall be by written order, filed with the Secretary of State.

SECTION 3. Sections 1 and 2 of this 2021 Act and the repeal of ORS 326.300 by section 1 of this 2021 Act become operative on January 2, 2023.

ELECTION OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION

SECTION 4. ORS 249.002 is amended to read:

249.002. As used in this chapter:

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

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

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

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

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

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

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

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

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

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

21 **SECTION 5.** ORS 249.056 is amended to read:

22 249.056. (1) At the time of filing a declaration of candidacy a candidate for the following offices
 23 shall pay to the officer with whom the declaration is filed the following fee:

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

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

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

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

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

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

36 249.215. (1) If a vacancy occurs in a state office before the 61st day before the first general
 37 election to be held during that term of office, the remaining two years of the term of the state office
 38 shall be filled by the electors at that general election.

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

42 (3) Candidates for the remaining two years of the term of the state office under this section shall
 43 be nominated as provided in this chapter, with major political parties following the procedure set
 44 forth in ORS 249.200, except as follows:

45 (a) A minor political party, by party rule, or an assembly of electors or individual electors, may

1 select a nominee; and

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

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

8 **SECTION 7.** ORS 254.005 is amended to read:

9 254.005. As used in this chapter:

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

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

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

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

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

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

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

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

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

27 (a) A proposed law.

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

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

30 (d) Local, special or municipal legislation.

31 (e) A proposition or question.

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

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

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

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

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

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

3 **SECTION 8.** ORS 258.036 is amended to read:

4 258.036. (1) Not later than the 40th day after the election or the seventh day after completion
 5 of a recount of votes cast in connection with the election, any person authorized to contest a result
 6 of the election may file a petition of contest. The petition shall be filed with:

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

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

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

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

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

- 24 (a) The cause of the contest; and
- 25 (b) The names of all contestees.

26 **SECTION 9.** ORS 258.055 is amended to read:

27 258.055. (1) Except as provided in subsection (2) of this section, when a contestant files a peti-
 28 tion of contest with the circuit court described under ORS 258.036, the contestant shall, within three
 29 business days of filing the petition, publish a notice stating that the petition has been filed and
 30 identifying the date of the deadline described in this subsection for filing a motion to intervene. The
 31 notice must be published at least once in the next available issue of a newspaper of general circu-
 32 lation published in the county where the proceeding is pending. Jurisdiction over the election
 33 contest shall be complete within 10 days after the notice is published as provided in this subsection.
 34 Any person interested may at any time before the expiration of the 10 days appear and contest the
 35 validity of the proceeding, or of any of the acts or things enumerated in the proceeding.

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

- 37 (a) A state measure.
- 38 (b) The election of a candidate to the office of elector of President and Vice President of the
 39 United States.

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

45 (d) The recall of a person from the office of Governor, Secretary of State, State Treasurer, At-

1 torney General, Commissioner of the Bureau of Labor and Industries, **Superintendent of Public**
 2 **Instruction** or a position of judge on the Oregon Supreme Court, the Oregon Court of Appeals or
 3 the Oregon Tax Court.

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

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

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

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

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

26 **SECTION 10.** ORS 260.005 is amended to read:

27 260.005. As used in this chapter:

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

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

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

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

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

43 (2) "Committee director" means any person who directly and substantially participates in
 44 decision-making on behalf of a political committee concerning the solicitation or expenditure of
 45 funds and the support of or opposition to candidates or measures. The officers of a political party

1 shall be considered the directors of any political party committee of that party, unless otherwise
2 provided in the party's bylaws.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (9) "Filing officer" means:

34 (a) The Secretary of State:

35 (A) Regarding a candidate for public office;

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

37 (C) Regarding any measure; or

38 (D) Regarding any political committee.

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

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

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

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

1 formation election.

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (A)(i) The communication, when taken as a whole and with limited reference to external events,
25 such as the proximity to the election, could only be interpreted by a reasonable person as containing
26 advocacy for the election or defeat of a clearly identified candidate for nomination or election to
27 public office, or the passage or defeat of a clearly identified measure; and

28 (ii) The electoral portion of the communication is unmistakable, unambiguous and suggestive of
29 only one meaning; or

30 (B)(i) The communication involves aggregate expenditures of more than \$250 by a person;

31 (ii) The communication refers to a clearly identified candidate or measure that will appear on
32 the ballot or to a political party; and

33 (iii) The communication is published and disseminated to the relevant electorate within 60 cal-
34 endar days before a primary election, 120 calendar days before a general election or 90 calendar
35 days before an election other than a primary election or a general election.

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

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

43 (i) Based on information about the plans, projects or needs of the candidate, or of the political
44 committee supporting or opposing a measure, and provided to the expending person by the candidate
45 or by the candidate's agent, or by any political committee or agent of a political committee sup-

1 porting or opposing a measure, with a view toward having an expenditure made; or

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

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

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

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

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

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

- 19 (a) A proposed law.
- 20 (b) An Act or part of an Act of the Legislative Assembly.
- 21 (c) A revision of or amendment to the Oregon Constitution.
- 22 (d) Local, special or municipal legislation.
- 23 (e) A proposition or question.

24 (15) "Occupation" means:

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

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

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

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

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

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

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

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

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

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

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

6 (23) "State office" means the office of Governor, Secretary of State, State Treasurer, Attorney
7 General, Commissioner of the Bureau of Labor and Industries, **Superintendent of Public Instruc-**
8 **tion**, state Senator, state Representative, judge or district attorney.

9 **SECTION 11.** ORS 260.076 is amended to read:

10 260.076. (1) A legislative official, statewide official or candidate therefor, or the official's or
11 candidate's principal campaign committee, shall file statements showing contributions received by
12 or on behalf of the official, candidate or committee during the period beginning January 1 and end-
13 ing upon adjournment of the regular session of the Legislative Assembly, or during any special
14 session of the Legislative Assembly.

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

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

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

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

40 (6) As used in this section:

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

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

1 person filing the measure for introduction.

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

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

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

8 **SECTION 14.** ORS 171.133 is amended to read:

9 171.133. (1) A state agency shall not cause a bill or measure to be introduced before the Legis-
10 lative Assembly if the bill or measure has not been approved by the Governor.

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

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

14 (b) The Public Defense Services Commission; and

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

17 **SECTION 15.** ORS 171.735 is amended to read:

18 171.735. ORS 171.740 and 171.745 do not apply to the following persons:

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

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

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

27 (4) A person who does not:

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

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

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

32 (5) The Governor, chief of staff for the Governor, deputy chief of staff for the Governor, legal
33 counsel to the Governor, deputy legal counsel to the Governor, Secretary of State, Deputy Secretary
34 of State appointed pursuant to ORS 177.040, State Treasurer, Deputy State Treasurer appointed
35 pursuant to ORS 178.060, chief of staff for the office of the State Treasurer, Attorney General,
36 Deputy Attorney General appointed pursuant to ORS 180.130, **Superintendent of Public Instruc-**
37 **tion**, Deputy Superintendent of Public Instruction appointed pursuant to [ORS 326.300] **section 2**
38 **of this 2021 Act**, Commissioner of the Bureau of Labor and Industries, deputy commissioner of the
39 Bureau of Labor and Industries appointed pursuant to ORS 651.060, members and staff of the Oregon
40 Law Commission who conduct the law revision program of the commission or any judge.

41 **SECTION 16.** ORS 173.130 is amended to read:

42 173.130. (1) The Legislative Counsel shall prepare or assist in the preparation of legislative
43 measures when requested to do so by a member or committee of the Legislative Assembly.

44 (2) Upon the written request of a state agency, the Legislative Counsel may prepare or assist
45 in the preparation of legislative measures that have been approved for preparation in writing by the

1 Governor or the Governor's designated representative. The Legislative Counsel may also prepare
 2 or assist in the preparation of legislative measures that are requested in writing by the Judicial
 3 Department, the Governor, the Secretary of State, the State Treasurer, the Attorney General, [or]
 4 the Commissioner of the Bureau of Labor and Industries **or the Superintendent of Public In-**
 5 **struction**. In accordance with ORS 283.110, the Legislative Counsel may charge the agency or offi-
 6 cer for the services performed.

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

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

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

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

27 **SECTION 17.** ORS 240.205 is amended to read:

28 240.205. The unclassified service shall comprise:

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

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

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

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

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

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

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

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

5 (9) Lawyers employed in their professional capacities.

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

7 (11) The Deputy Superintendent of Public Instruction appointed under [ORS 326.300] **section 2**
8 **of this 2021 Act** and [associate] **any deputy or assistant** superintendents in the Department of
9 Education.

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

12 (13) Any individual employed and paid from federal funds received under a federal program in-
13 tended primarily to alleviate unemployment. However, persons employed under this subsection shall
14 be treated as classified employees for purposes of ORS 243.650 to 243.806.

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

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

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

20 **SECTION 18.** ORS 244.042 is amended to read:

21 244.042. (1) Except as provided in subsections (3) and (4) of this section, a public official may
22 not solicit or receive, whether directly or indirectly, honoraria for the public official or any member
23 of the household of the public official if the honoraria are solicited or received in connection with
24 the official duties of the public official.

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

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

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

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

34 (4)(a) The Governor, First Partner, Secretary of State, State Treasurer, Attorney General,
35 [and] Commissioner of the Bureau of Labor and Industries **and Superintendent of Public In-**
36 **struction** may not solicit or receive an honorarium, money or any other consideration, as defined
37 in ORS 171.725, for any speaking engagement or presentation.

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

41 **SECTION 19.** ORS 244.050 is amended to read:

42 244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon
43 Government Ethics Commission a verified statement of economic interest as required under this
44 chapter:

45 (a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the

1 Bureau of Labor and Industries, **Superintendent of Public Instruction**, district attorneys and
 2 members of the Legislative Assembly.

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

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

6 (d) The Deputy Attorney General.

7 (e) The Deputy Secretary of State.

8 (f) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the
 9 Legislative Policy and Research Director, the Secretary of the Senate, the Chief Clerk of the House
 10 of Representatives and the Legislative Equity Officer.

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

13 (h) The following state officers:

14 (A) Adjutant General.

15 (B) Director of Agriculture.

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

17 (D) Water Resources Director.

18 (E) Director of Department of Environmental Quality.

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

20 (G) State Fish and Wildlife Director.

21 (H) State Forester.

22 (I) State Geologist.

23 (J) Director of Human Services.

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

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

26 (M) State Librarian.

27 (N) Administrator of Oregon Liquor Control Commission.

28 (O) Superintendent of State Police.

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

30 (Q) Director of Department of Revenue.

31 (R) Director of Transportation.

32 (S) Public Utility Commissioner.

33 (T) Director of Veterans' Affairs.

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

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

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

37 (X) Director of the Department of Corrections.

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

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

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

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

42 (CC) Director of the Employment Department.

43 (DD) Chief of staff for the Governor.

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

45 (FF) State Court Administrator.

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

- 1 (T) Oregon Transportation Commission.
 2 (U) Water Resources Commission.
 3 (V) Workers' Compensation Board.
 4 (W) Oregon Facilities Authority.
 5 (X) Oregon State Lottery Commission.
 6 (Y) Pacific Northwest Electric Power and Conservation Planning Council.
 7 (Z) Columbia River Gorge Commission.
 8 (AA) Oregon Health and Science University Board of Directors.
 9 (BB) Capitol Planning Commission.
 10 (CC) Higher Education Coordinating Commission.
 11 (DD) Oregon Growth Board.
 12 (EE) Early Learning Council.
 13 (r) The following officers of the State Treasurer:
 14 (A) Deputy State Treasurer.
 15 (B) Chief of staff for the office of the State Treasurer.
 16 (C) Director of the Investment Division.
 17 (s) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725
 18 or 777.915 to 777.953.
 19 (t) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.
 20 (u) Every member of a governing board of a public university listed in ORS 352.002.
 21 (v) Every member of the board of directors of an authority created under ORS 465.600 to
 22 465.621.
 23 (2) By April 15 next after the date an appointment takes effect, every appointed public official
 24 on a board or commission listed in subsection (1) of this section shall file with the Oregon Govern-
 25 ment Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070
 26 and 244.090.
 27 (3) By April 15 next after the filing deadline for the primary election, each candidate described
 28 in subsection (1) of this section shall file with the commission a statement of economic interest as
 29 required under ORS 244.060, 244.070 and 244.090.
 30 (4) Not later than the 40th day before the date of the statewide general election, each candidate
 31 described in subsection (1) of this section who will appear on the statewide general election ballot
 32 and who was not required to file a statement of economic interest under subsections (1) to (3) of this
 33 section shall file with the commission a statement of economic interest as required under ORS
 34 244.060, 244.070 and 244.090.
 35 (5) Subsections (1) to (3) of this section apply only to persons who are incumbent, elected or
 36 appointed public officials as of April 15 and to persons who are candidates on April 15.
 37 (6) If a statement required to be filed under this section has not been received by the commis-
 38 sion within five days after the date the statement is due, the commission shall notify the public of-
 39 ficial or candidate and give the public official or candidate not less than 15 days to comply with the
 40 requirements of this section. If the public official or candidate fails to comply by the date set by the
 41 commission, the commission may impose a civil penalty as provided in ORS 244.350.
 42 **SECTION 20.** ORS 292.311 is amended to read:
 43 292.311. The incumbents of each of the following offices shall be paid an annual salary on a
 44 monthly basis, as follows:
 45 (1) Governor, \$98,600 for the year beginning January 1, 2014, and for each year thereafter. The

1 Governor shall also be paid \$1,000 per month regularly for expenses necessarily incurred but not
 2 otherwise provided for.

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

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

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

12 (5) Commissioner of the Bureau of Labor and Industries, \$77,000 for the year beginning January
 13 1, 2014, and for each year thereafter. The commissioner shall also be paid \$250 per month regularly
 14 for expenses necessarily incurred but not otherwise provided for.

15 **(6) Superintendent of Public Instruction, \$77,000 for the year beginning January 1, 2023,**
 16 **and for each year thereafter. The superintendent shall also be paid \$250 per month regularly**
 17 **for expenses necessarily incurred but not otherwise provided for.**

18 **SECTION 21.** ORS 292.430 is amended to read:

19 292.430. (1) In addition to the annual salaries established as provided in ORS 292.930, the Oregon
 20 Department of Administrative Services may “pick-up,” assume and pay to the Public Employees Re-
 21 tirement Fund any employee contributions, otherwise required by ORS 238.200, for the Governor,
 22 Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and
 23 Industries, **Superintendent of Public Instruction** and members of the Legislative Assembly.

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

28 **SECTION 22.** ORS 292.930 is amended to read:

29 292.930. Each of the following elective officers shall be paid an annual salary on a monthly basis
 30 as determined by the Legislative Assembly each biennium:

- 31 (1) Governor.
- 32 (2) Secretary of State.
- 33 (3) State Treasurer.
- 34 (4) Attorney General.
- 35 (5) Commissioner of the Bureau of Labor and Industries.

36 **(6) Superintendent of Public Instruction.**

- 37 [(6)] (7) Chief Judge of the Court of Appeals.
- 38 [(7)] (8) Court of Appeals Judge.
- 39 [(8)] (9) Chief Justice of the Supreme Court.
- 40 [(9)] (10) Supreme Court Judge.
- 41 [(10)] (11) Circuit Court Judge.
- 42 [(11)] (12) Tax Court Judge.

43 **SECTION 23.** ORS 326.555 is amended to read:

44 326.555. There is established a State Council for Educational Opportunity for Military Children,
 45 as described in Article VIII of the Interstate Compact on Educational Opportunity for Military

1 Children under ORS 326.552, consisting of the [*Deputy*] Superintendent of Public Instruction, the
2 members of the State Board of Education, the military family education liaison and the compact
3 commissioner. The Governor may appoint other individuals to the state council and shall make a
4 good faith effort to ensure that other individuals appointed are individuals who are described in
5 Article VIII of the Interstate Compact on Educational Opportunity for Military Children under ORS
6 326.552 and who are well informed on the principles of education of military children.

7 **SECTION 24.** ORS 329.837 is amended to read:

8 329.837. The University of Oregon shall report annually on the implementation, longitudinal
9 progress and results of the Early Success Reading Initiative to the Governor, **the Superintendent**
10 **of Public Instruction** and the appropriate legislative committees.

11 **SECTION 25.** ORS 343.465 is amended to read:

12 343.465. (1) It is the policy of this state to respect the unique nature of each child, family and
13 community with particular attention to cultural and linguistic diversity, and to support a system of
14 services for preschool children with disabilities and their families that:

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

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

19 (c) Uses specialized services and all other community services and programs for children, in-
20 cluding community preschools, Head Start programs, community health clinics, family support pro-
21 grams and other child-oriented agencies.

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

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

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

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

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

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

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

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

SECTION 26. 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 27. ORS 458.558 is amended to read:

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

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

- (a) An individual with experience in educational, training and development needs of youth, particularly disadvantaged youth.
- (b) An individual with experience in promoting involvement of older adults in service and volunteerism.
- (c) A representative of community-based agencies or organizations within this state.
- (d) The *[Deputy]* Superintendent of Public Instruction or designee.
- (e) A representative of local governments in this state.
- (f) A representative of local labor unions in this state.
- (g) A representative of business.
- (h) A person at least 16, but not more than 25, years of age who is a participant or supervisor

1 in a national service program.

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

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

5 (a) Educators.

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

8 (c) Members of Native American tribes.

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

10 (e) Entities that receive assistance under the Domestic Volunteer Service Act of 1973 (42 U.S.C.
11 4950 et seq.).

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

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

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

16 **SECTION 28. The amendments to ORS 171.130, 171.133, 171.735, 173.130, 240.205, 244.042,**
17 **244.050, 292.311, 292.430, 292.930, 326.555, 329.837, 343.465, 357.021 and 458.558 by sections 13 to**
18 **27 of this 2021 Act become operative on January 2, 2023.**

19
20 **MISCELLANEOUS**

21
22 **SECTION 29. The unit captions used in this 2021 Act are provided only for the conven-**
23 **ience of the reader and do not become part of the statutory law of this state or express any**
24 **legislative intent in the enactment of this 2021 Act.**