

Senate Bill 732

Sponsored by Senators GELSER BLOUIN, MEEK; Senators BONHAM, GOLDEN, SOLLMAN, WEBER (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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act tells the Governor to pick a new head of some agencies within three months after the Senate fails to confirm the reappointment of the head. (Flesch Readability Score: 63.4).

Directs the Governor to appoint a new head of certain agencies within three months after the Senate fails to confirm the reappointment of the head of the agency.

A BILL FOR AN ACT

1
2 Relating to executive appointments; amending ORS 184.620, 326.300, 409.100 and 413.033; and re-
3 pealing ORS 184.623.

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

5 **SECTION 1.** ORS 184.620 is amended to read:

6 184.620. (1) The Department of Transportation shall be under the supervision of a Director of
7 Transportation. The Oregon Transportation Commission shall appoint the director **for a term of**
8 **four years**, after consultation with the Governor. The director serves at the pleasure of the com-
9 mission.

10 (2) The appointment of the director shall be subject to confirmation by the Senate [*in the manner*
11 *provided in ORS 184.623*] **as provided by ORS 171.562 and 171.565.**

12 (3) **Before the expiration of any term of the director, the Governor may appoint the**
13 **current director to another term of four years, subject to confirmation by the Senate as**
14 **provided by ORS 171.562 and 171.565. If the Senate fails to confirm the current director to**
15 **another term during the regular or special session or convening of the Senate to carry out**
16 **its duties under Article III, section 4, of the Oregon Constitution, after the current director's**
17 **name is submitted, then no later than three months after the end of the session or conven-**
18 **ing, the Governor shall appoint a new director and submit the name of the new director for**
19 **confirmation by the Senate as provided by ORS 171.562 and 171.565.**

20 [(3)] (4) The director may appoint:

21 (a) Deputy directors with full authority to act for the director, but subject to the director's
22 control. The appointment of a deputy director shall be by written order filed with the Secretary of
23 State. A deputy director shall be in the unclassified services for purposes of the State Personnel
24 Relations Law.

25 (b) All subordinate officers and employees of the department and may prescribe their duties,
26 assignments and reassignments and fix their compensation, subject to any applicable provisions of
27 the State Personnel Relations Law.

28 [(4)] (5) Subject to the approval of the commission, the director may organize and reorganize the
29 department as the director considers necessary to properly conduct the work of the department. As

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 directed by the chairperson of the commission, the director shall assign employees of the department
2 to staff the commission.

3 [(5)] (6) When service of summons or other process is required by statute to be served on the
4 Director of Transportation, the Department of Transportation or the Oregon Transportation Com-
5 mission, such service shall be made upon the office of the director.

6 **SECTION 2.** ORS 326.300 is amended to read:

7 326.300. (1) As provided by section 1, Article VIII of the Oregon Constitution, the Governor is
8 the Superintendent of Public Instruction.

9 (2)(a) The Governor, acting as Superintendent of Public Instruction, shall appoint a Deputy Su-
10 perintendent of Public Instruction **for a term of four years**. The deputy superintendent must have
11 at least five years of experience in the administration of an elementary school or a secondary
12 school. The appointment of the deputy superintendent shall be subject to confirmation by the Senate
13 as provided by ORS 171.562 and 171.565.

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

17 **(3) Before the expiration of any term of the deputy superintendent, the Governor may**
18 **appoint the current deputy superintendent to another term of four years, subject to confir-**
19 **mation by the Senate as provided by ORS 171.562 and 171.565. If the Senate fails to confirm**
20 **the current deputy superintendent to another term during the regular or special session or**
21 **convening of the Senate to carry out its duties under Article III, section 4, of the Oregon**
22 **Constitution, after the current deputy superintendent's name is submitted, then no later**
23 **than three months after the end of the session or convening, the Governor shall appoint a**
24 **new deputy superintendent and submit the name of the new deputy superintendent for con-**
25 **firmation by the Senate as provided by ORS 171.562 and 171.565.**

26 [(3)] (4) The deputy superintendent may be removed from office by the Governor following con-
27 sultation with the State Board of Education.

28 [(4)] (5) The deputy superintendent shall receive a salary set by the Governor, and shall be re-
29 imburSED for all expenses actually and necessarily incurred by the deputy superintendent in the
30 performance of official duties.

31 **SECTION 3.** ORS 409.100 is amended to read:

32 409.100. (1) The Department of Human Services shall be under the supervision and control of the
33 Director of Human Services, who is responsible for providing for programs for the delivery to the
34 public of the services assigned to the department by ORS 409.010 or otherwise, and for undertaking
35 long-range planning necessary for the effective and efficient delivery of these services.

36 (2) The Governor shall appoint the director **for a term of four years**. The director may be re-
37 moved at any time at the pleasure of the Governor. The appointment of the director is subject to
38 confirmation by the Senate in the manner provided in ORS 171.562 and 171.565.

39 **(3) Before the expiration of any term of the director, the Governor may appoint the**
40 **current director to another term of four years, subject to confirmation by the Senate as**
41 **provided by ORS 171.562 and 171.565. If the Senate fails to confirm the current director to**
42 **another term during the regular or special session or convening of the Senate to carry out**
43 **its duties under Article III, section 4, of the Oregon Constitution, after the current director's**
44 **name is submitted, then no later than three months after the end of the session or conven-**
45 **ing, the Governor shall appoint a new director and submit the name of the new director for**

1 **confirmation by the Senate as provided by ORS 171.562 and 171.565.**

2 [(3)] (4) The director shall receive such salary as may be provided by law or, if not so provided,
3 as may be fixed by the Governor, and shall be reimbursed for all expenses actually and necessarily
4 incurred by the director in the performance of official duties.

5 **SECTION 4.** ORS 413.033 is amended to read:

6 413.033. (1) The Oregon Health Authority is under the supervision and control of a director, who
7 is responsible for performing the duties, functions and powers of the authority.

8 (2) The Governor shall appoint the Director of the Oregon Health Authority[, *who holds office*]
9 **for a term of four years, but the director serves** at the pleasure of the Governor. The appoint-
10 ment of the director is subject to confirmation by the Senate in the manner provided by ORS 171.562
11 and 171.565.

12 (3) **Before the expiration of any term of the director, the Governor may appoint the**
13 **current director to another term of four years, subject to confirmation by the Senate as**
14 **provided by ORS 171.562 and 171.565. If the Senate fails to confirm the current director to**
15 **another term during the regular or special session or convening of the Senate to carry out**
16 **its duties under Article III, section 4, of the Oregon Constitution, after the current director's**
17 **name is submitted, then no later than three months after the end of the session or conven-**
18 **ing, the Governor shall appoint a new director and submit the name of the new director for**
19 **confirmation by the Senate as provided by ORS 171.562 and 171.565.**

20 [(3)] (4) In addition to the procurement authority granted by ORS 279A.050 (6)(b) and except as
21 provided in ORS 279A.050 (7), the director has all powers necessary to effectively and expeditiously
22 carry out the duties, functions and powers vested in the authority by ORS 413.032.

23 [(4)] (5) The director shall have the power to obtain such other services as the director consid-
24 ers necessary or desirable, including participation in organizations of state insurance supervisory
25 officials and appointment of advisory committees. A member of an advisory committee so appointed
26 may not receive compensation for services as a member, but, subject to any other applicable law
27 regulating travel and other expenses of state officers, shall receive actual and necessary travel and
28 other expenses incurred in performing official duties.

29 [(5)] (6) The director may apply for, receive and accept grants, gifts or other payments, including
30 property or services from any governmental or other public or private person, and may make ar-
31 rangement to use the receipts, including for undertaking special studies and other projects that re-
32 late to the costs of health care, access to health care, public health and health care reform.

33 **SECTION 5.** ORS 184.623 is repealed.

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