

Joint Committee on Ways and Means

Carrier – House: Rep. Komp
Carrier – Senate: Sen. Monroe

Revenue: No revenue impact

Fiscal: Fiscal statement issued

Action: Without recommendation as to Passage

Vote: 23 – 2 – 0

House

Yeas: Beyer, Buckley, Cowan, Freeman, Garrard, Komp, Kotek, McLane, Nathanson, Richardson,
G. Smith, Thatcher, Whisnant

Nays: Nolan

Exc:

Senate

Yeas: Bates, Devlin, Edwards, Girod, Johnson, Monroe, Nelson, Thomsen, Verger, Winters

Nays: Whitsett

Exc:

Prepared By: John Terpening, Legislative Fiscal Office

Meeting Date: June 17, 2011

WHAT THE MEASURE DOES: Designates Governor as Superintendent of Public Instruction upon the expiration of term of the currently-elected Superintendent of Public Instruction or if a vacancy occurs. Requires Governor to appoint Deputy Superintendent of Public Instruction. Specifies qualifications of Deputy Superintendent. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Fiscal impact of the measure

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Currently, the Superintendent of Public Instruction is an elected position in 14 states. In 36 states and the District of Columbia, either the Governor or the Board of Education appoints the State Superintendent of Public Instruction. The Oregon Constitution, Section 1 of Article VIII, originally designated the Governor as the Superintendent but also granted authority to the Legislature to enact provisions for an elected Superintendent. Article VIII Section 1 (dating from 1859) reads “The Governor shall be superintendent of public instruction, and his powers and duties in that capacity shall be such as may be prescribed by law; but after the term of five years from the adoption of this Constitution, it shall be competent for the Legislative Assembly to provide by law for the election of a superintendent, to provide for his compensation, and prescribe his powers and duties.” A 1997 Attorney General opinion (#8248) found that declaring the Governor the Superintendent and allowing the Governor to choose a Deputy would not conflict with the Constitution.

According to proponents, Senate Bill 552-A is a significant component of efforts to improve leadership, funding and efficiency of Oregon’s education system.