

Enrolled
Senate Bill 359

Sponsored by COMMITTEE ON RULES (at the request of Governor Theodore R. Kulongoski)

CHAPTER

AN ACT

Relating to Oregon Advocacy Commissions Office; creating new provisions; amending ORS 185.320, 185.420, 185.520, 185.550 and 185.610; repealing ORS 185.340, 185.350, 185.440, 185.450, 185.570, 185.630 and 185.640; appropriating money; limiting expenditures; and declaring an emergency.

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

SECTION 1. The Oregon Advocacy Commissions Office is established to provide administrative support to:

- (1) The Commission on Hispanic Affairs;**
- (2) The Commission on Black Affairs;**
- (3) The Commission for Women; and**
- (4) The Commission on Asian Affairs.**

SECTION 2. (1) The Oregon Advocacy Commissions Office is under the supervision and control of an administrator, who is responsible for the performance of the duties, functions and powers of the office.

(2) The Director of the Oregon Department of Administrative Services shall establish the qualifications for and appoint the Administrator of the Oregon Advocacy Commissions Office. The Director of the Oregon Department of Administrative Services shall consult with the commissions served by the office before appointing the Administrator of the Oregon Advocacy Commissions Office.

(3) The Administrator of the Oregon Advocacy Commissions Office shall receive a salary as prescribed by law, or as prescribed by the Director of the Oregon Department of Administrative Services if a salary is not prescribed by law.

(4) The Administrator of the Oregon Advocacy Commissions Office is in the unclassified service.

(5) The Administrator of the Oregon Advocacy Commissions Office shall provide each commission served by the office with the administrative support needed by the commission to carry out the statutory duties of the commission. Subject to any applicable provisions of the State Personnel Relations Law, the administrator shall employ all persons necessary for the operation of the office, prescribe the duties of those employees and establish the compensation payable to those employees.

SECTION 3. The Administrator of the Oregon Advocacy Commissions Office may adopt rules necessary for the administration of sections 1 to 5 of this 2005 Act.

SECTION 4. In performing powers and duties under sections 1 to 5 of this 2005 Act, the Oregon Advocacy Commissions Office may utilize the administrative assistance of the Oregon Department of Administrative Services. The office shall pay to the department a

proportionate share of the cost of such administrative services, such share to be fixed by biennial negotiation between the office and the department.

SECTION 5. (1) The Oregon Advocacy Commissions Office Account is established in the General Fund of the State Treasury. The account consists of the moneys received by the Oregon Advocacy Commissions Office, or by the commissions served by the office, other than moneys appropriated to the office by the Legislative Assembly. All moneys in the account are appropriated continuously to the office, and may be used by the office only for the commission to which the contribution was made and for the purposes for which the contributions were made.

(2) The Oregon Advocacy Commissions Office, and the commissions served by the office, may accept contributions of funds and assistance from the United States, agencies of the United States or any other source, public or private, and agree to conditions on receiving the funds or assistance. Any funds received under this section must be deposited in the Oregon Advocacy Commissions Office Account.

SECTION 6. ORS 185.320 is amended to read:

185.320. (1) The Commission on Hispanic Affairs shall be comprised of 11 members, to include two representatives from the Legislative Assembly, one appointed by the President of the Senate, one appointed by the Speaker of the House of Representatives. Nine members shall be appointed by the Governor and confirmed by the Senate pursuant to section 4, Article III, Oregon Constitution. **To the extent possible, members appointed by the Governor shall provide for representation from all areas of the state. All of the members of the commission shall be residents of this state.**

(2) Members appointed by the Governor shall serve three-year terms. Legislators shall serve two-year terms.

(3) The commission members shall elect a chairperson and vice chairperson.

(4) A majority of the members of the commission constitute a quorum for the transaction of business.

(5) Appointments to the commission shall be made to [*insure*] **ensure** representation of Hispanics in Oregon.

[*(6) Subject to the availability of funds therefor:*]

[*(a) Members appointed by the Governor shall be paid compensation and expenses as provided in ORS 292.495 from such funds as may be available to the commission.*]

[*(b) Legislators may receive the amount fixed by ORS 171.072 from funds appropriated to the Legislative Assembly for interim committee duty.*]

(6) Members of the commission who are not legislators shall be paid compensation and expenses as provided in ORS 292.495 from funds appropriated to the Oregon Advocacy Commissions Office.

(7) Members of the commission who are legislators shall be paid compensation and expense reimbursement as provided in ORS 171.072, payable from funds appropriated to the Legislative Assembly.

SECTION 7. ORS 185.420 is amended to read:

185.420. (1) The Commission on Black Affairs shall be comprised of 11 members, to include two representatives from the Legislative Assembly, one appointed by the President of the Senate, one appointed by the Speaker of the House of Representatives. Nine members shall be appointed by the Governor and confirmed by the Senate pursuant to section 4, Article III, Oregon Constitution. **To the extent possible, members appointed by the Governor shall provide for representation from all areas of the state. All of the members of the commission shall be residents of this state.**

(2) Members appointed by the Governor shall serve three-year terms. Legislators shall serve two-year terms.

(3) The commission members shall elect a chairperson and vice chairperson.

(4) A majority of the members of the commission constitute a quorum for the transaction of business.

(5) Appointments to the commission shall be made to [*insure*] **ensure** representation of blacks in Oregon.

[(6) Subject to the availability of funds therefor:]

[(a) Members appointed by the Governor shall be paid compensation and expenses as provided in ORS 292.495 from such funds as may be available to the commission.]

[(b) Legislators may receive the amount fixed by ORS 171.072 from funds appropriated to the Legislative Assembly for interim committee duty.]

(6) Members of the commission who are not legislators shall be paid compensation and expenses as provided in ORS 292.495 from funds appropriated to the Oregon Advocacy Commissions Office.

(7) Members of the commission who are legislators shall be paid compensation and expense reimbursement as provided in ORS 171.072, payable from funds appropriated to the Legislative Assembly.

SECTION 7a. ORS 185.520 is amended to read:

185.520. (1) The membership of the Commission for Women shall be comprised of 11 members, to include two representatives from the Legislative Assembly, one appointed by the President of the Senate, one appointed by the Speaker of the House of Representatives. Nine members shall be appointed by the Governor and confirmed by the Senate pursuant to section 4, Article III, Oregon Constitution. **To the extent possible, members appointed by the Governor shall provide for representation from all areas of the state. All of the members of the commission shall be residents of this state.**

(2) Members appointed by the Governor shall serve for three-year terms. Legislators shall serve two-year terms.

(3) The Governor shall designate the chairperson of the commission to serve for a term of one year.

(4) Members shall meet at the call of the chairperson not less than three times annually.

(5) Consistent with Oregon law, the commission may receive and accept funds for purposes consistent with the creation of the commission.

SECTION 8. ORS 185.550 is amended to read:

185.550. *[(1) Members of the commission who are not members of the Legislative Assembly shall be paid compensation and expenses as provided in ORS 292.495. Such compensation and expenses shall be paid from the budget of the commission or from member agency accounts subject to applicable state law. Members of ad hoc committees shall not receive such compensation.]*

[(2) Members of the commission who are members of the Legislative Assembly shall be paid compensation and expense reimbursement as provided in ORS 171.072, payable from funds appropriated to the Legislative Assembly.]

(1) Members of the Commission for Women who are not legislators shall be paid compensation and expenses as provided in ORS 292.495 from funds appropriated to the Oregon Advocacy Commissions Office.

(2) Members of the commission who are legislators shall be paid compensation and expense reimbursement as provided in ORS 171.072, payable from funds appropriated to the Legislative Assembly.

SECTION 9. ORS 185.610 is amended to read:

185.610. *[(1) The Commission on Asian Affairs is created and shall be comprised of 11 members. Nine of the 11 members shall be appointed by the Governor, subject to confirmation by the Senate under ORS 171.562 and 171.565. Of the nine members appointed by the Governor, at least one member shall be appointed from each of the congressional districts referred to in ORS 188.135. One member shall be appointed by the President of the Senate, and one member shall be appointed by the Speaker of the House of Representatives. In addition to the 11 members, two representatives from the Legislative Assembly, one appointed by the President of the Senate and one appointed by the Speaker of the*

House of Representatives, shall serve as nonvoting, ex officio members of the commission. All of the members of the commission shall be residents of this state.]

(1) The Commission on Asian Affairs is created. The commission has 11 members. Nine of the 11 members shall be appointed by the Governor, subject to confirmation by the Senate under ORS 171.562 and 171.565. The President of the Senate shall appoint one senator as a member of the commission, and the Speaker of the House of Representatives shall appoint one representative as a member of the commission. To the extent possible, members appointed by the Governor shall provide for representation from all areas of the state. All of the members of the commission shall be residents of this state.

(2) The term of office is three years. Appointments to fill a vacancy for the unexpired term shall be made by the person who made the original appointment.

(3) The commission shall elect a chairperson and vice chairperson for a term of one year and shall determine the duties of the officers.

(4) A majority of the members of the commission constitutes a quorum for the transaction of business but no final decision may be made without an affirmative vote of the majority of the members appointed to the commission.

(5) Appointments to the commission shall be made to ensure, to the greatest extent possible, ethnic representation of Asian Americans in Oregon.

(6) Members of the commission who are not legislators shall be paid compensation and expenses as provided in ORS 292.495 from funds appropriated to the Oregon Advocacy Commissions Office.

(7) Members of the commission who are legislators shall be paid compensation and expense reimbursement as provided in ORS 171.072, payable from funds appropriated to the Legislative Assembly.

SECTION 10. ORS 185.340, 185.350, 185.440, 185.450, 185.570, 185.630 and 185.640 are repealed.

SECTION 11. There is appropriated to the Oregon Advocacy Commissions Office, for the biennium beginning July 1, 2005, out of the General Fund, the amount of \$333,203.

SECTION 12. Notwithstanding any other law limiting expenditures, the amount of \$184,672 is established for the biennium beginning July 1, 2005, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Oregon Advocacy Commissions Office.

SECTION 13. (1) Any amounts in the Commission on Hispanic Affairs Account, the Commission on Black Affairs Account and the Commission for Women Account that are unexpended on the effective date of this 2005 Act are transferred to the Oregon Advocacy Commissions Office Account and may be used as provided in section 5 of this 2005 Act.

(2) Any amounts that are unexpended on the effective date of this 2005 Act and that were authorized to be expended by the Commission on Hispanic Affairs, the Commission on Black Affairs, the Commission for Women and the Commission on Asian Affairs from revenues dedicated, continuously appropriated, appropriated or otherwise made available for the purpose of administering and enforcing the duties, functions and powers of the commissions are appropriated and transferred to and are available for expenditure by the Oregon Advocacy Commissions Office for the biennium beginning July 1, 2005, for the purpose of administering and enforcing the duties, functions and powers of the office under sections 1 to 5 of this 2005 Act.

SECTION 14. All rights and obligations of the Commission on Hispanic Affairs, the Commission on Black Affairs, the Commission for Women and the Commission on Asian Affairs legally incurred under contracts, leases and business transactions executed, entered into or begun before the effective date of this 2005 Act are transferred to the Oregon Advocacy Commissions Office. For the purpose of succession to these rights and obligations, the Oregon Advocacy Commissions Office is a continuation of the Commission on Hispanic Af-

fairs, the Commission on Black Affairs, the Commission for Women and the Commission on Asian Affairs and is not a new authority.

SECTION 15. This 2005 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect on its passage.

Passed by Senate July 19, 2005

Received by Governor:

Repassed by Senate July 30, 2005

.....M.,....., 2005

Approved:

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Secretary of Senate

.....M.,....., 2005

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President of Senate

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Governor

Passed by House July 28, 2005

Filed in Office of Secretary of State:

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Speaker of House

.....M.,....., 2005

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Secretary of State