

Enrolled Senate Bill 1089

Sponsored by Senators CARTER, GORDLY, WESTLUND, Representatives BUCKLEY, BOQUIST; Senators ATKINSON, BATES, BEYER, BROWN, BURDICK, COURTNEY, DEVLIN, FERRIOLI, GEORGE, JOHNSON, KRUSE, METSGER, MORRISSETTE, MORSE, PROZANSKI, RINGO, SCHRADER, SHIELDS, C STARR, VERGER, WALKER, WHITSETT, WINTERS, Representatives ACKERMAN, ANDERSON, BARKER, BOONE, DINGFELDER, FARR, FLORES, HANNA, HANSEN, HOLVEY, HUNT, MERKLEY, NELSON, NOLAN, RILEY, SCHAUFLEER, SHIELDS, WIRTH, WITT

CHAPTER

AN ACT

Relating to Republic of the Sudan; and declaring an emergency.

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

SECTION 1. Sections 2 to 8 of this 2005 Act are added to and made a part of ORS 293.701 to 293.820.

SECTION 2. Sections 2 to 8 of this 2005 Act may be cited as the Oregon Human Rights and Anti-Genocide Act of 2005.

SECTION 3. As used in sections 2 to 8 of this 2005 Act:

(1) "Company" means any sole proprietorship, organization, firm, association, corporation, utility, partnership, venture, public franchise, franchisor, franchisee or its wholly owned subsidiary that exists for profit-making purposes or otherwise to secure economic advantage.

(2) "Doing business" means maintaining equipment, facilities, personnel or any other apparatus of business or commerce in Sudan, including the ownership or possession of real or personal property located in Sudan.

(3) "Investment" or "invest" means the commitment of funds or other assets to a company, including a loan or other extension of credit made to that company, or the ownership or control of a share or interest in that company or of a bond or other debt instrument issued by that company.

(4) "Subject investment funds" means:

- (a) The Public Employees Retirement Fund referred to in ORS 238.660;
- (b) The Industrial Accident Fund referred to in ORS 656.632;
- (c) The Common School Fund referred to in ORS 327.405;
- (d) The Oregon War Veterans' Fund referred to in ORS 407.495; and

(e) Investment funds of the State Board of Higher Education available for investment or reinvestment by the Oregon Investment Council.

(5) "Sudan" means the Republic of the Sudan and any territory under the administration, legal or illegal, of Sudan, including but not limited to the Darfur region.

SECTION 4. (1) The people of Oregon condemn the human rights abuses, enslavement and genocide in Sudan and declare these atrocities to be absolutely contrary to the fundamental principles of human rights and standards of justice and individual freedom.

(2) The Legislative Assembly finds:

(a) The Congress of the United States has declared that genocide is occurring in the Darfur region of Sudan;

(b) The National Black Caucus of State Legislators Resolution 05-144 declares that the atrocities unfolding in Darfur are genocide under Articles 1 to 3 of the 1948 United Nations Convention;

(c) The United Nations International Commission of Inquiry on Darfur found that government forces and militias of Sudan have conducted indiscriminate attacks, including the killing of civilians, torture, enforced disappearances, the destruction of villages, rape and other forms of sexual violence, pillaging and forced displacement throughout Darfur;

(d) Sudanese government forces and government-supported militia forces have implemented a coordinated policy of ethnic cleansing;

(e) More than 2.2 million people are affected by the crisis in Sudan, with 1.2 million displaced inside Sudan, 200,000 living as refugees and more than 50,000 people having died, according to the Catholic Relief Services;

(f) Sixty percent of the villages in Northern Darfur have been destroyed or abandoned according to the Intermediate Technology Development Group;

(g) Sudanese government forces have pursued a scorched earth policy aimed at removing populations from around a newly constructed oil pipeline and other oil production facilities, according to the United States Department of State Report on Human Rights Practices in Sudan;

(h) Fourteen thousand Dinka women and children have been abducted in Sudan according to the United States Department of State 2005 Trafficking in Persons Report;

(i) Christian Solidarity International reports that the government of Sudan is responsible for the revival of the evil institution of slavery;

(j) The Methodist Church of Southern Africa reports mass rapes of girls and women, the displacement of millions of people and genocide and ethnic cleansing in Darfur;

(k) The Committee on Conscience of the United States Holocaust Memorial Museum has declared a genocide emergency in Sudan;

(L) Genocide, enslavement and such atrocities are repugnant to the basic principles of liberty and justice in the Bill of Rights, Article I of the Oregon Constitution, which are fundamental to the character of a free society; and

(m) The investment of subject investment funds in business firms and financial institutions with ties to the repressive regime in Sudan is inconsistent with the moral and political values of the people of Oregon.

SECTION 5. (1) The Oregon Investment Council and the State Treasurer, in the State Treasurer's role as investment officer for the council, shall act reasonably and in a manner consistent with ORS 293.721 and 293.726 to try to ensure that subject investment funds are not invested in any company that the council knows is doing business in Sudan for as long as the Sudanese government's campaign of human rights violations, atrocities or genocide continues in Sudan.

(2) Divestment and reinvestment of subject investment funds under the provisions of this section shall be accomplished by the Oregon Investment Council and the State Treasurer without monetary loss to the funds through reasonable, prudent and productive investments in companies and institutions generating returns that are comparable to the returns generated by the companies subject to the divestment.

SECTION 6. The Oregon Investment Council and the State Treasurer, in the State Treasurer's role as investment officer for the council, shall make reasonable efforts to investigate all companies in which the council has invested subject investment funds to de-

termine whether any of those companies are doing business in Sudan. If the State Treasurer determines that a company is doing business in Sudan, the State Treasurer shall give notice to the company that the council will withdraw subject investment funds that are invested in the company as provided in section 5 of this 2005 Act for as long as the company does business in Sudan and the Sudanese government's campaign of human rights violations, atrocities or genocide continues in Sudan.

SECTION 7. Sections 5 and 6 of this 2005 Act do not apply to:

(1) Investments in companies that are engaged solely in the provision of goods and services intended to relieve human suffering or to promote welfare, health, education or religious or spiritual activities;

(2) Investments in United States companies authorized by the federal government to do business in Sudan; or

(3) Investments in companies that are engaged solely in journalistic activities.

SECTION 8. On or before January 15 of each year, the State Treasurer shall report to the Legislative Assembly in the manner provided by ORS 192.245 on actions taken by the State Treasurer and the Oregon Investment Council pursuant to the provisions of sections 2 to 8 of this 2005 Act. The State Treasurer shall consult with the council in preparing reports under this section.

SECTION 9. 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 18, 2005

Received by Governor:

Repassed by Senate August 3, 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 August 2, 2005

Filed in Office of Secretary of State:

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

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Speaker of House

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Secretary of State