

Chapter 185

1999 EDITION

Commissions for Disabled, Hispanic Affairs,
Black Affairs, Women and Asian Affairs

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CROSS-REFERENCES

- Administrative Procedures Act, 183.310 to 183.550
- Agencies, generally, Ch. 182
- Center for Housing Innovation, University of Oregon, 352.048
- Discrimination, Ch. 659
- Salaries and expenses, Ch. 292
- 185.120
- Institutional physical access committees, higher education, 352.015

Note: The name of the Department of Human Resources has been changed to the Department of Human Services and the title of the Director of Human Resources to the Director of Human Services. The name and title changes become operative on July 1, 2000. See sections 10 and 11, chapter 421, Oregon Laws 1999. References to the department and the director in this chapter use the name and the title that become operative on July 1, 2000.

OREGON DISABILITIES COMMISSION

(Generally)

185.110 Definitions for ORS 185.110 to 185.230. As used in ORS 185.110 to 185.230, unless the context requires otherwise:

- (1) "Advocate self-help group" means any organized group of individuals with disabilities who have joined together for purposes of informing the public of their needs and obtaining resources, services and benefits for their membership.
- (2) "Consumer" means an individual with a disability, or a parent or legal guardian, other than the State of Oregon, of an individual with a disability, who utilizes the services made available by public and private organizations which serve individuals with disabilities.
- (3) "Disabled individual" means anyone who:
 - (a) Has a physical or mental impairment which substantially limits one or more of the individual's major life activities;
 - (b) Has a record of such impairment; or
 - (c) Is regarded as having such an impairment.
- (4) "Sign language interpreter" means a person who is readily able to communicate with a hearing impaired person, translate proceedings or conversations and accurately repeat and translate the statements of a hearing impaired person. [1983 c.726 s.1; 1989 c.224 s.15; 1991 c.365 s.1]

185.120 Policy. (1) The Legislative Assembly finds that there is a costly lack of coordination among the numerous public and private agencies and organizations serving individuals with disabilities in Oregon. There is, therefore, a need for an Oregon Disabilities Commission to act as a link among and between these entities so that limited resources can be used most efficiently better to serve the needs of individuals with disabilities.

(2) The Legislative Assembly further finds that there is a need for an Oregon Disabilities Commission to work for the implementation and establishment of economic, social, legal and political equity of individuals with disabilities. [1983 c.726 s.2; 1989 c.224 s.16; 1989 c.657 s.1]

185.130 Oregon Disabilities Commission; qualifications; confirmation. (1) The Oregon Disabilities Commission is created consisting of 15 members appointed by the Governor for not more than two consecutive three-year terms.

(2) Prior to making appointments, the Governor shall request and consider recommendations from advocate self-help groups and other interested public and private agencies.

(3) The membership of the commission shall be composed of members broadly representative of major public and private agencies who are experienced in or have demonstrated particular interest in the special needs of individuals with disabilities and consumers. Appointments shall be made with considerations given to geographic representation and a majority shall be individuals with disabilities as defined in ORS 185.110 (3). Appointments to the commission shall be subject to Senate confirmation as provided in ORS 171.562 and 171.565. [1983 c.726 s.3; 1987 c.80 s.1; 1989 c.224 s.17]

185.140 Advisory function. (1) The Oregon Disabilities Commission shall:

(a) Advise the Department of Human Services, the Governor, the Legislative Assembly and appropriate state agency administrators on services and resources needed to serve disabled individuals and recommend action by the Governor, the Legislative Assembly, state agencies, other governmental entities and the private sector appropriate to meet such needs.

(b) Advise the Governor, state and local elected officials and managers of public and private firms and agencies on issues related to achieving full economic, social, legal and political equity for individuals with disabilities.

(2) The commission in no way shall impinge upon the authority or responsibilities of any other existing or duly appointed commissions, boards, councils or committees. The commission shall act as a coordinating link between and among public and private organizations serving disabled individuals. [1983 c.726 ss.4, 8(2); 1989 c.224 s.18; 1989 c.470 s.3; 1989 c.657 s.2]

185.150 Duties. The duties of the Oregon Disabilities Commission shall combine the functions of the Governor's Steering Committee on the Handicapped and the Governor's Committee on Employment of the Handicapped, and shall include:

- (1) Identifying and hearing the concerns of individuals with disabilities;
- (2) Publicizing the needs and concerns of individuals with disabilities as they relate to the full achievement of economic, social, legal and political equity;
- (3) Advising the Department of Human Services, the Governor, the Legislative Assembly and appropriate state agency administrators on how state services for individuals with disabilities might be improved or better coordinated to meet the needs of the individuals with disabilities;
- (4) Advising local government agencies on matters which affect individuals with disabilities;
- (5) Submitting a report of commission activities and recommendations to the Governor at least annually, and to the Legislative Assembly at least biennially and nominating qualified individuals with disabilities for appointment to boards, commissions and policy level management and professional positions;
- (6) Studying and reporting on state agency programs and budgets that affect individuals with disabilities;
- (7) Informing individuals with disabilities where they may obtain assistance in rehabilitation and employment and about laws prohibiting discrimination in employment as a result of disability;
- (8) Cooperating with and assisting other interest groups in rehabilitation and employment of individuals with disabilities and encouraging public and private employers to undertake affirmative action to assure equitable employment of individuals with disabilities;
- (9) Giving impetus and assistance to local community committees and fostering a more equitable climate for rehabilitation and equitable employment of individuals with disabilities;
- (10) Promoting a continuous program of information and education to employers and the general public so they are aware of and sensitive to the needs and desires of individuals with disabilities for equitable education and training that will assure individuals with disabilities of their full vocational potentials;
- (11) Promoting a continuous information program for placement of individuals with disabilities in suitable employment;
- (12) Coordinating and executing programs of the President's Committee on Employment of the Handicapped, if any, and participating with other groups in sponsoring suitable public recognition programs for individuals with disabilities; and
- (13) Assisting members of the public and state agencies in making agency programs available and accessible to individuals who are deaf and hearing impaired. The Deaf and Hearing Impaired Access Program shall perform the activities of this effort. [1983 c.726 s.5; 1989 c.47 s.1; 1989 c.224 s.19; 1989 c.470 s.4; 1989 c.657 s.3]

185.155 Monitoring of progress of institutions of higher education and colleges in eliminating barriers to access. The Oregon Disabilities Commission shall monitor the progress of each institution or college in accomplishing the elimination of barriers to access and shall be consulted if access needs and priorities determined by the physical access committee are significantly revised. The commission may recommend revision if the commission believes the needs or priorities, or both, should be changed. [1991 c.935 s.4]

Note: 185.155 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 185 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

185.160 Application for funds. The Oregon Disabilities Commission can apply for federal, state or private funds. [1983 c.726 s.6; 1989 c.224 s.20]

185.165 Revolving fund. When requested in writing by the Executive Director of the Oregon Disabilities Commission, the Oregon Department of Administrative Services shall draw a warrant on funds available to the

commission in favor of the commission for use as a revolving fund. The State Treasurer shall hold the revolving fund in a special account against which the commission shall draw checks for contracts with sign language interpreters and shall deposit fees received under ORS 185.230 (2). [1991 c.748 s.3]

185.170 Retaliation for legislative testimony prohibited. No employer shall retaliate against any employee member of the Oregon Disabilities Commission for any testimony given by the member of the commission before the Legislative Assembly or a legislative committee. [1983 c.726 s.7; 1989 c.224 s.21]

185.180 Executive director; secretary; staff. (1) The Oregon Disabilities Commission may employ an executive director, who shall be in the exempt service and who shall be responsible for the performance of duties as assigned by the commission.

(2) Subject to any applicable provisions of State Personnel Relations Law, the executive director may appoint a secretary, whose duties shall be prescribed and compensation fixed by the executive director.

(3) Subject to the State Personnel Relations Law, the executive director, in cooperation with the commission, may employ appropriate staff to carry out the activities outlined in ORS 185.150 (13). [1983 c.726 ss.8(1), 9; 1989 c.47 s.2; 1989 c.224 s.22]

185.190 Meetings; quorum; duties of chairperson. The Oregon Disabilities Commission shall meet at a place, date and hour determined by the commission. The commission shall meet at other times and places specified by the call of the chairperson or a majority of the members of the commission. A majority of the members of the commission constitutes a quorum for the transaction of business. The chairperson shall exercise powers necessary for the performance of the functions of the office of the chairperson as determined by the commission. [1983 c.726 s.10; 1985 c.184 s.3; 1987 c.80 s.2; 1989 c.224 s.23; 1999 c.26 s.1]

185.200 Compensation and expenses. Members of the Oregon Disabilities Commission shall receive compensation and expenses as provided in ORS 292.495. Travel and per diem for state employees shall be compensated by the commission. [1983 c.726 s.11; 1989 c.224 s.24]

(Sign Language Interpreters)

185.220 Testing and certification of certified sign language interpreters; certification not required. (1) The Oregon Disabilities Commission shall establish procedures for testing and certification of persons wishing to become certified sign language interpreters.

(2) The commission shall by rule establish procedures relating to testing and certification of sign language interpreters, including but not limited to:

(a) Minimum qualifications for certification as a sign language interpreter;

(b) Procedures for receiving applications and examining applicants for certification;

(c) The content and administration of examinations for certification as a sign language interpreter; and

(d) Fees for application, examination, certification, renewal of certification and such other fees as the commission determines necessary.

(3) No sign language interpreter is required to undergo the testing and certification performed by the commission under subsection (1) of this section. However, no person shall use the title of "certified sign language interpreter" unless the person has been tested and certified under the procedures established by the commission. [1991 c.365 s.3]

185.225 Standards for sign language interpreters in public schools. The State Board of Education shall adopt by rule standards for sign language interpreters for the deaf and hearing impaired in the public schools. In developing the standards, the state board shall consult with the Oregon Disabilities Commission. [1991 c.365 s.4]

185.230 Contract to provide sign language interpreters for state agencies; fees. (1) Any public agency may contract with the Oregon Disabilities Commission for the coordination and provision of sign language interpreter services.

(2) From funds available under subsection (1) of this section, the commission shall contract with certified sign language interpreters to provide, for a fee established by rule of the commission, sign language interpretation services to public agencies with whom the commission has a contract for such services. [1991 c.748 s.2]

COMMISSION ON HISPANIC AFFAIRS

185.310 Policy. (1) It is declared to be the policy and intent of the Legislative Assembly that the Commission on Hispanic Affairs is created to work for the implementation and establishment of economic, social, legal and political equality for Hispanics in Oregon.

(2) The commission shall make recommendations to the Governor and shall report to each regular session of the Legislative Assembly. [1983 c.132 s.1]

185.320 Commission on Hispanic Affairs; confirmation; term; officers; quorum; compensation and expenses.

(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.

(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 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. [1983 c.132 s.2; 1987 c.879 s.6; 1991 c.643 s.34]

185.330 Duties. In carrying out the duties of ORS 185.310 to 185.340, the Commission on Hispanic Affairs shall:

(1) Monitor existing programs and legislation designed to meet the needs of the Hispanic population.

(2) Identify and research problem areas and issues affecting the Hispanic community and recommend actions to the Governor and the Legislative Assembly, including recommendations on legislative programs.

(3) Maintain a liaison between the Hispanic community and government entities.

(4) Encourage Hispanic representation on state boards and commissions. [1983 c.132 s.3]

185.340 Executive director; staff; special committees. The Commission on Hispanic Affairs may employ an executive director and other staff as may be necessary to carry out its functions. The commission may also establish special committees as it considers necessary. [1983 c.132 s.4]

COMMISSION ON BLACK AFFAIRS

185.410 Policy. (1) It is declared to be the policy and intent of the Legislative Assembly that the Commission on Black Affairs is created to work for the implementation and establishment of economic, social, legal and political equality for blacks in Oregon.

(2) The commission shall make recommendations to the Governor and shall report to each regular session of the Legislative Assembly. [1983 c.161 s.1]

185.420 Commission on Black Affairs; confirmation; term; officers; quorum; compensation and expenses.

(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.

(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 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. [1983 c.161 s.2; 1987 c.879 s.7; 1991 c.643 s.35]

185.430 Duties. In carrying out the duties of ORS 185.410 to 185.440, the Commission on Black Affairs shall:

- (1) Monitor existing programs and legislation designed to meet the needs of the black population.
- (2) Identify and research problem areas and issues affecting the black community and recommend actions to the Governor and the Legislative Assembly, including recommendations on legislative programs.
- (3) Maintain a liaison between the black community and government entities.
- (4) Encourage black representation on state boards and commissions. [1983 c.161 s.3]

185.440 Executive director; staff; special committees. The Commission on Black Affairs may employ an executive director and other staff as may be necessary to carry out its functions. The commission may also establish special committees as it considers necessary. [1983 c.161 s.4]

COMMISSION FOR WOMEN

185.510 Policy; report. (1) It is declared to be the policy and intent of the Legislative Assembly that the Commission for Women is created to work for the implementation and establishment of economic, social, legal and political equality for women and to maintain a continuing assessment of the issues and needs confronting women in Oregon.

(2) The commission shall submit to the Governor at the commencement of each biennium a report containing the concerns and issues confronting the women of Oregon which have been identified pursuant to the terms of ORS 185.510 to 185.550 and further identifying the programs, projects and activities which the commission will undertake regarding those issues. [1983 c.105 s.1]

185.520 Commission for Women; confirmation; term; officers; meetings; funds. (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.

- (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. [1983 c.105 s.2]

185.530 Special study committees. (1) The commission may establish ad hoc committees to study specific areas and make periodic reports to the commission.

(2) The chairpersons of such ad hoc committees shall be appointed by the chairperson of the commission, subject to approval by the commission.

(3) Membership on ad hoc committees shall not be limited to members of the commission.

(4) The period during which an ad hoc committee may function shall be determined at the time of its creation by the commission according to the nature of the study and project undertaken.

(5) Members of the ad hoc committees shall be designated as consultants to the full commission. [1983 c.105 s.3; 1995 c.79 s.67]

185.540 Duties. The Commission for Women shall:

(1)(a) Analyze the legal status of women and men under the laws of Oregon relating to civil rights, contracts, income, property and the family in order to assure full equality and treatment under the law;

(b) Monitor the implementation of laws affecting the legal rights and duties of women; and

(c) Educate women about their legal rights and responsibilities under the law.

(2)(a) Work for equal opportunity and treatment for women in employment through an analysis of the employment policies and practices of employers, both public and private;

(b) Evaluate the development of methods to assure fuller employment options for women including nontraditional job opportunities, child care, job sharing and flextime and part-time employment; and

(c) Examine methods to develop greater employment opportunities and potentials for women with particular consideration for the needs of minority women, older women, rural women and displaced homemakers.

(3)(a) Evaluate the progress of providing equality of educational opportunities for women in Oregon as mandated by state and federal law;

(b) Assist efforts to inform women about nontraditional educational and employment opportunities; and

(c) Promote the elimination of sexist and racist barriers in the educational process, such as staffing patterns, teacher training, curriculum and textbook selection.

(4)(a) Encourage women to pursue a variety of roles in life, both in the community and in the family;

(b) Promote the full recognition of the contributions of women whether in the home, as volunteers in the community or in the labor market;

(c) Promote the valuation of work within the home at a level comparable with work outside the home; and

(d) Investigate family relationships which are detrimental to women and to the development of productive family life.

(5) Encourage and recommend women to serve on appointive boards and commissions and encourage them to seek elective office.

(6) Identify and address issues which may be unique to special categories of women including minority women, juvenile women, older women, rural women and displaced homemakers. [1983 c.105 s.5; 1995 c.79 s.68; 1995 c.278 s.29]

185.550 Compensation and expenses. (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. [1983 c.105 s.4; 1987 c.879 s.8; 1991 c.643 s.36]

185.560 Service contracts for child care information and referral. (1) The Commission for Women may enter into service contracts on a competitive bid basis to public and private agencies, organizations and individuals for the purpose of establishing and operating community child care program information and referral services.

(2) The commission shall receive, evaluate and approve contract proposals pursuant to subsection (1) of this section.

(3) Contract proposals shall be in such form and contain such information as the commission shall specify.

(4) As used in this section, "child care program" means a publicly funded or privately operated program providing care of a child for a portion of the day, but less than 24 hours, outside of the child's own home, but does not include any program whose primary component is psychiatric treatment. [1985 c.462 s.1; 1995 c.278 s.30]

185.570 Commission for Women Account. (1) There is created a Commission for Women Account in the General Fund of the State Treasury. All moneys in the account are continuously appropriated for and shall be used by the Commission for Women, created by Executive Order 75-9, to carry out its purposes.

(2) All gifts and grants received by the commission or by the state for purposes of the commission shall be deposited in the account. [Formerly 184.940]

COMMISSION ON ASIAN AFFAIRS

185.610 Commission on Asian Affairs; confirmation; term; officers; quorum. (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.

(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. [1995 c.665 s.1; 1999 c.493 s.2]

Note: Section 4, chapter 493, Oregon Laws 1999, provides:

Sec. 4. Nothing in this 1999 Act affects the term of office or qualifications of any member of the Commission on Asian Affairs appointed prior to and serving on the effective date of this 1999 Act [October 23, 1999]. However, as vacancies occur appointments shall be made in accordance with the requirements of ORS 185.610, as amended by section 2 of this 1999 Act. [1999 c.493 s.4]

185.620 Duties. (1) The Commission on Asian Affairs shall:

(a) Encourage the economic development of Asian Americans within this state.

(b) Establish an Asian Affairs Network to facilitate the work of the commission.

(c) Identify and examine the needs of Asian American residents of this state.

(d) Compile information relating to services available to Asian American residents of this state, including but not limited to education and training programs, work programs, dispute resolution programs, trade opportunities, housing programs, health programs, mental health programs including alcohol and drug services, and welfare programs from local, state and federal sources and through private agencies.

(e) Develop and sponsor programs in cooperation with Asian American groups and organizations to inform Asian American residents of this state of services available to them.

(f) Assess all programs of state agencies operating for the benefit of Asian American residents of this state and make recommendations to the appropriate agencies for the improvement of those programs.

(g) In conjunction with the Oregon Heritage Commission, coordinate statewide celebrations during the fourth week of Asian American Heritage Month.

(h) Support the Economic and Community Development Department in its efforts to promote trade, tourism and economic development among this state, the United States and Asian countries.

(i) Submit to the Governor at the beginning of each biennium a report that describes the needs of Asian Americans identified under paragraph (c) of this subsection and that specifies the programs, projects and activities that the commission will undertake regarding those needs.

(2) As used in this section, "Asian American" means a resident of the United States who is of Asian ancestry. [1995 c.665 s.2; 1999 c.493 s.3; 1999 c.690 s.2]

185.625 Additional duties. The Legislative Assembly declares that the Commission on Asian Affairs shall work for the implementation and establishment of economic, social, legal and political equality for Asian Americans in this state and to maintain a continuing assessment of the issues and needs confronting Asian Americans in this state. [1999 c.493 s.1]

Note: 185.625 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 185 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

185.630 Executive officer; staff. The Commission on Asian Affairs may employ an executive officer and other staff as may be necessary to carry out the purposes of ORS 185.610 to 185.640. [1995 c.665 s.3]

185.640 Contributions of funds; deposit in General Fund. The Commission on Asian Affairs may accept contributions of funds and assistance from the United States, its agencies, or from any other source, public or private, and agree to conditions thereon not inconsistent with the purposes of the commission. All such funds are continuously

appropriated to aid in financing the functions of the commission and shall be deposited in the General Fund of the State Treasury to the credit of a separate account for the commission and shall be disbursed for the purpose for which contributed. [1995 c.665 s.4]
