

Enrolled
Senate Bill 203

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Kate Brown for Oregon Department of Administrative Services)

CHAPTER

AN ACT

Relating to the Director of Affirmative Action; creating new provisions; and amending ORS 243.315.

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

TRANSFER

SECTION 1. ORS 243.315 is amended to read:

243.315. (1) There is hereby created in the [*office of the Governor*] **Oregon Department of Administrative Services** the position of Director of Affirmative Action. The primary duty of the occupant of this position shall be to direct and monitor affirmative action programs in all state agencies to implement the public policy stated in ORS 243.305. [*The director shall be appointed by the Governor, subject to confirmation by the Senate pursuant to section 4, Article III of the Oregon Constitution.*]

(2) The legislative and judicial branches shall each select a person to monitor the effectiveness of the branches' affirmative action programs.

SECTION 2. The duties, functions and powers of the office of the Governor relating to the Director of Affirmative Action are imposed upon, transferred to and vested in the Oregon Department of Administrative Services.

RECORDS AND PROPERTY

SECTION 3. (1) The office of the Governor shall deliver to the Oregon Department of Administrative Services all records and property within the jurisdiction of the office of the Governor that relate to the duties, functions and powers transferred by section 2 of this 2023 Act.

(2) **The Director of the Oregon Department of Administrative Services shall take possession of the records and property.**

UNEXPENDED REVENUES

SECTION 4. (1) The unexpended balances of amounts authorized to be expended by the office of the Governor for the biennium beginning July 1, 2023, from revenues dedicated,

continuously appropriated, appropriated or otherwise made available for the purpose of administering and enforcing the duties, functions and powers transferred by section 2 of this 2023 Act are transferred to and are available for expenditure by the Oregon Department of Administrative Services for the biennium beginning July 1, 2023, for the purpose of administering and enforcing the duties, functions and powers transferred by section 2 of this 2023 Act.

(2) The expenditure classifications, if any, established by Acts authorizing or limiting expenditures by the office of the Governor remain applicable to expenditures by the department under this section.

ACTION, PROCEEDING, PROSECUTION

SECTION 5. The transfer of duties, functions and powers to the Oregon Department of Administrative Services by section 2 of this 2023 Act does not affect any action, proceeding or prosecution involving or with respect to the duties, functions and powers begun before and pending at the time of the transfer, except that the department is substituted for the office of the Governor in the action, proceeding or prosecution.

LIABILITY, DUTY, OBLIGATION

SECTION 6. (1) Nothing in sections 2 to 8 of this 2023 Act relieves a person of a liability, duty or obligation accruing under or with respect to the duties, functions and powers transferred by section 2 of this 2023 Act. The Oregon Department of Administrative Services may undertake the collection or enforcement of any such liability, duty or obligation.

(2) The rights and obligations of the office of the Governor legally incurred under contracts, leases and business transactions executed, entered into or begun before the effective date of section 2 of this 2023 Act accruing under or with respect to the duties, functions and powers transferred by section 2 of this 2023 Act are transferred to the department. For the purpose of succession to these rights and obligations, the department is a continuation of the office of the Governor and not a new authority.

RULES

SECTION 7. Notwithstanding the transfer of duties, functions and powers by section 2 of this 2023 Act, the rules of the office of the Governor with respect to such duties, functions or powers that are in effect on the effective date of section 2 of this 2023 Act continue in effect until superseded or repealed by rules of the Oregon Department of Administrative Services. References in the rules of the office of the Governor to the office of the Governor or an officer or employee of the office of the Governor are considered to be references to the department or an officer or employee of the department.

SECTION 8. Whenever, in any uncodified law or resolution of the Legislative Assembly or in any rule, document, record or proceeding authorized by the Legislative Assembly, in the context of the duties, functions and powers transferred by section 2 of this 2023 Act, reference is made to the office of the Governor, or an officer or employee of the office of the Governor, whose duties, functions or powers are transferred by section 2 of this 2023 Act, the reference is considered to be a reference to the Oregon Department of Administrative Services or an officer or employee of the department who by this 2023 Act is charged with carrying out the duties, functions and powers.

UNIT CAPTIONS

SECTION 9. The unit captions used in this 2023 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2023 Act.

Passed by Senate April 3, 2023

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Lori L. Brocker, Secretary of Senate

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Rob Wagner, President of Senate

Passed by House May 8, 2023

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Dan Rayfield, Speaker of House

Received by Governor:

.....M,....., 2023

Approved:

.....M,....., 2023

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M,....., 2023

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Secretary of State