

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

HOUSE BILL HB2602:

Lindley

AS INTRODUCED

An Act relating to state government; creating Oklahoma Latino Affairs Commission; establishing requirements for membership; defining term; requiring appointment of Director; providing for succession of members; providing for meetings of Commission; specifying purpose of Commission; providing for selection of Chair; providing for appointment of advisory committees; authorizing investigation; authorizing filing of findings with Merit Protection Commission; requiring annual report; creating Oklahoma Latino Affairs Commission Revolving Fund; designating use of fund; providing for codification; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1230 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Oklahoma Latino Affairs Commission. The Commission shall consist of nineteen (19) members: seven appointed members and twelve ex officio members.

B. 1. The appointed members shall be:

- a. appointed by the Governor,
- b. residents of the State of Oklahoma and United States citizens or permanent residents obtaining citizenship at the time of their appointment, and
- c. appointed for terms of three (3) years.

2. Appointed members shall serve until their successors are appointed and confirmed.

3. Failure of any appointed member to attend three consecutive regularly scheduled monthly meetings shall result in forfeiture of

appointment. However, absences may be excused under extraordinary circumstances as determined by the Commission.

C. Appointments to the Commission shall be as follows:

1. One of the members shall represent the Mexican-American community;

2. One of the members shall represent the Central American community;

3. One of the members shall represent the South American community;

4. One of the members shall represent the Puerto Rican community;

5. One of the members shall represent the Cuban or other Latino community; and

6. Two of the members shall be appointed at large.

D. The following twelve nonvoting, ex officio members shall be:

1. The Superintendent of Public Instruction, or designee;

2. The Executive Director of the Oklahoma Department of Commerce, or designee;

3. The Director of the Oklahoma Department of Tourism and Recreation, or designee;

4. The Director of the Department of Human Services, or designee;

5. The Director of the Oklahoma Historical Society, or designee;

6. The Director of the Oklahoma Arts Council, or designee;

7. The Attorney General, or designee;

8. The Secretary of State, or designee;

9. The Secretary of Transportation, or designee;

10. The Governor of the State of Oklahoma, or designee;

11. The Director of the Department of Human Services, or designee; and

12. The Director of the Department of Mental Health and Substance Abuse Services, or designee.

E. For purposes of this act, "Latino" means those persons who:

1. Classified themselves in one of the specific Spanish, Hispanic, or Latino categories listed on the U.S. Census 2000 questionnaire as Mexican, Mexican-American, Chicano, Puerto Rican, or Cuban; and

2. Indicate that they are "other Spanish/Hispanic/Latino" on the U.S. Census questionnaire. Persons who indicated on the Census that they are "other Spanish/Hispanic/Latino" include those whose origins are from Spain, the Spanish-speaking countries of Central or South America, the Dominican Republic or people identifying themselves generally as Spanish, Spanish-American, Hispanic, Hispano, Latino, or Chicano.

F. A Director, who shall have a quantum of at least one-quarter (1/4) Latino blood, shall be appointed by the Commission to serve at the pleasure of the Commission. The Director shall attend and serve as secretary of all meetings of the Commission and shall be responsible for the execution and administration of the programs and projects of the Commission authorized by law and adopted by the Commission in furtherance thereof.

G. In appointing members of the Commission to succeed those previously appointed, appointments shall be restricted to not more than one representative of any Latino community. Appointments to the Commission may be geographically distributed to represent the various Latinos in Oklahoma.

H. The Department of Central Services shall provide suitable office space for the Commission in the State Capitol or other buildings in the State Capitol area.

I. The Commission shall meet regularly at least once every other month and at such other times as may be set by the Chair. Members of the Commission shall receive no salary, but shall be

entitled to travel reimbursement as provided by the State Travel Reimbursement Act.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1231 of Title 74, unless there is created a duplication in numbering, reads as follows:

It shall be the purpose of the Oklahoma Latino Affairs Commission to work toward promoting unity, purpose, and understanding among the Latino people of Oklahoma. The Commission shall serve as liaison between the Latino people of the state, Latino leaders of the state, private sector entities, the various federal and state agencies, and the executive and legislative branches of the state government, who share a concern for developing mutual goals beneficial to Latino affairs. In furtherance of such purpose, the Commission shall:

1. Annually choose from among its number a Chair, who shall be the presiding officer at all meetings of the Commission, and shall appoint other necessary part-time and full-time personnel;

2. Appoint an advisory committee or committees, limited to no more than fifteen (15) members, as it may deem advisable in furtherance of its purpose. Members of any such advisory committee shall receive no compensation, but shall be entitled to travel reimbursement as provided by the State Travel Reimbursement Act;

3. Foster, conduct, and contract for research projects and prepare and disseminate to private businesses and industry its reports, findings, and other pertinent facts and information that may assist business and industry in promoting opportunity for all Latino people;

4. Receive and investigate complaints of discrimination relating to Latinos and recommend ways of eliminating any injustices occasioned thereby and serve as a conciliator in regard thereto. In particular, The Commission shall receive and investigate complaints of violations of Section 954 of Title 74 of the Oklahoma Statutes

relating to discrimination in state employment of Latinos, and shall file its findings with the Oklahoma Merit Protection Commission and the Governor;

5. Serve in an advisory capacity in regard to discrimination in state employment to the Governor and to the Merit Protection Commission with the right to appear before the Merit Protection Commission;

6. Hold hearings and request the appearance of witnesses. The Attorney General shall advise and represent the Commission in all legal matters and serve as the attorney for the Commission;

7. Make an annual report to the Governor and to the Legislature of its activities;

8. Make recommendations concerning additional state and federal legislation in the field of Latino affairs; and

9. Develop and promote cooperative programs between local and state governments and private entities in the areas of health, education, tourism, and economic development.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1232 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created in the State Treasury a revolving fund for the Oklahoma Latino Affairs Commission to be designated the "Oklahoma Latino Affairs Commission Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Oklahoma Latino Affairs Commission from gifts, donations, grants and any other funds designated for use for purposes of this act.

B. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Oklahoma Latino Affairs Commission for the purpose of paying for operating expenses of the Oklahoma Latino Affairs Commission.

C. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

49-2-8195          SB          01/19/04