

D R A F T

SUMMARY

Transfers civil rights programs and functions from Department of Transportation to Bureau of Labor and Industries.
Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to civil rights; and declaring an emergency.

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

SECTION 1. (1) Unless otherwise prohibited or provided by federal civil rights laws, the duties, functions and powers of the Department of Transportation relating to civil rights are imposed upon, transferred to and vested in the Bureau of Labor and Industries.

(2) Civil rights related program areas that may be transferred under subsection (1) of this section include but are not limited to:

(a) Affirmative action and equal employment opportunity;

(b) Contract compliance;

(c) Small business development;

(d) Disadvantaged business enterprises as defined in ORS 200.005;

(e) Compliance with Title VI of the Civil Rights Act of 1964, including limited English proficiency and environmental justice;

(f) On-the-job training and supportive services;

(g) Compliance with the Americans with Disabilities Act of 1990 (P.L. 101-336); and

(h) Other relevant federal and state statutes prohibiting discrimination.

1 **(3) The provisions of subsection (1) of this section are subject to**
2 **applicable state and federal agreements. Subsection (1) of this section**
3 **does not limit or prohibit federal monitoring or oversight of agency**
4 **implementation of civil rights programs and functions as permitted**
5 **by federal law.**

6 **SECTION 2.** **(1) The Director of Transportation shall:**

7 **(a) Deliver to the Bureau of Labor and Industries all records and**
8 **property within the jurisdiction of the director that relate to the du-**
9 **ties, functions and powers transferred by section 1 of this 2015 Act; and**

10 **(b) Transfer to the bureau those employees engaged primarily in the**
11 **exercise of the duties, functions and powers transferred by section 1**
12 **of this 2015 Act.**

13 **(2) The Commissioner of the Bureau of Labor and Industries shall**
14 **take possession of the records and property, and shall take charge of**
15 **the employees and employ them in the exercise of the duties, functions**
16 **and powers transferred by section 1 of this 2015 Act, without reduction**
17 **of compensation but subject to change or termination of employment**
18 **or compensation as provided by law.**

19 **(3) The Governor shall resolve any dispute between the Department**
20 **of Transportation and the Bureau of Labor and Industries relating to**
21 **transfers of records, property and employees under this section, and**
22 **the Governor's decision is final.**

23 **SECTION 3.** **(1) The unexpended balances of amounts authorized to**
24 **be expended by the Department of Transportation for the biennium**
25 **beginning July 1, 2015, from revenues dedicated, continuously appro-**
26 **propriated, appropriated or otherwise made available for the purpose of**
27 **administering and enforcing the duties, functions and powers trans-**
28 **ferred by section 1 of this 2015 Act are transferred to and are available**
29 **for expenditure by the Bureau of Labor and Industries for the**
30 **biennium beginning July 1, 2015, for the purpose of administering and**
31 **enforcing the duties, functions and powers transferred by section 1 of**

1 **this 2015 Act.**

2 **(2) The expenditure classifications, if any, established by Acts au-**
3 **thorizing or limiting expenditures by the Department of Transporta-**
4 **tion remain applicable to expenditures by the Bureau of Labor and**
5 **Industries under this section.**

6 **SECTION 4. The transfer of duties, functions and powers to the**
7 **Bureau of Labor and Industries by section 1 of this 2015 Act does not**
8 **affect any action, proceeding or prosecution involving or with respect**
9 **to such duties, functions and powers begun before and pending at the**
10 **time of the transfer, except that the bureau is substituted for the De-**
11 **partment of Transportation in the action, proceeding or prosecution.**

12 **SECTION 5. (1) Nothing in sections 1 to 4 of this 2015 Act relieves**
13 **a person of a liability, duty or obligation accruing under or with re-**
14 **spect to the duties, functions and powers transferred by section 1 of**
15 **this 2015 Act. The Bureau of Labor and Industries may undertake the**
16 **collection or enforcement of any such liability, duty or obligation.**

17 **(2) The rights and obligations of the Department of Transportation**
18 **legally incurred under contracts, leases and business transactions ex-**
19 **ecuted, entered into or begun before the operative date of section 1**
20 **of this 2015 Act accruing under or with respect to the duties, functions**
21 **and powers transferred by section 1 of this 2015 Act are transferred to**
22 **the Bureau of Labor and Industries. For the purpose of succession to**
23 **these rights and obligations, the bureau is a continuation of the de-**
24 **partment and not a new authority.**

25 **SECTION 6. Notwithstanding the transfer of duties, functions and**
26 **powers by section 1 of this 2015 Act, the rules of the Department of**
27 **Transportation with respect to such duties, functions or powers that**
28 **are in effect on the operative date of section 1 of this 2015 Act continue**
29 **in effect until superseded or repealed by rules of the Bureau of Labor**
30 **and Industries. References in such rules of the department to the**
31 **department or an officer or employee of the department are considered**

1 to be references to the bureau or an officer or employee of the bureau.

2 **SECTION 7.** Whenever, in any uncodified law or resolution of the
3 Legislative Assembly or in any rule, document, record or proceeding
4 authorized by the Legislative Assembly, in the context of the duties,
5 functions and powers transferred by section 1 of this 2015 Act, refer-
6 ence is made to the Department of Transportation, or an officer or
7 employee of the department, whose duties, functions or powers are
8 transferred by section 1 of this 2015 Act, the reference is considered
9 to be a reference to the Bureau of Labor and Industries or an officer
10 or employee of the bureau who by this 2015 Act is charged with car-
11 rying out such duties, functions and powers.

12 **SECTION 8.** (1) Sections 1 to 7 of this 2015 Act become operative
13 on January 1, 2016.

14 (2) The Department of Transportation and the Bureau of Labor and
15 Industries may take any action before the operative date specified in
16 subsection (1) of this section that is necessary to enable the depart-
17 ment and bureau to exercise, on and after the operative date specified
18 in subsection (1) of this section all the duties, functions and powers
19 conferred on the department and the bureau by sections 1 to 7 of this
20 2015 Act.

21 **SECTION 9.** This 2015 Act being necessary for the immediate pres-
22 ervation of the public peace, health and safety, an emergency is de-
23 clared to exist, and this 2015 Act takes effect on its passage.

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