

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: SB 380 B

Seventy-Eighth Oregon Legislative Assembly – 2015 Regular Session
Legislative Fiscal Office

*Only Impacts on Original or Engrossed
Versions are Considered Official*

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Date: 06/08/2015

Measure Description:

Makes certain actions based on complaints filed with Commissioner of Bureau of Labor and Industries discretionary on part of commissioner.

Government Unit(s) Affected:

Bureau of Labor and Industries (BOLI)

Summary of Expenditure Impact:

See Analysis.

Local Government Mandate:

This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

Analysis: This bill would provide that the Commissioner of the Bureau of Labor and Industries would retain discretion at key points in BOLI's enforcement process; whether or not to issue formal charges in a case, and whether or not to pursue a claim in court on behalf of a complainant alleging an unlawful practice under the housing discrimination statutes. The –A2 amendment requires BOLI to report to the Legislative Assembly on the resolution of complaints over the previous two years and sunsets the provisions of the bill on October 1, 2017.

Current law allows a respondent or complainant to remove housing discrimination cases from BOLI's administrative hearings process. BOLI is then required to pay DOJ costs for the suit to go forward under the judicial process regardless of the merit of the suit. The bill would allow BOLI to judge the merits of the case and go forward with the judicial process or excuse themselves from the suit, at which point, the complainant or respondent would be responsible for attorney costs should they wish to pursue the case in court. BOLI contends that allowing the Commissioner prosecutorial discretion to choose which cases to pursue and how far to pursue could potentially save the agency \$500,000 per biennium. Upon the sunseting of the measure, the Commissioner's discretion would be rescinded.