

# Senate Bill 884

Sponsored by COMMITTEE ON BUSINESS AND TRANSPORTATION

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

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

1  
2 Relating to civil rights; and declaring an emergency.

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

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

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

9 **(a) Affirmative action and equal employment opportunity;**

10 **(b) Contract compliance;**

11 **(c) Small business development;**

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

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

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

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

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

18 **(3) The provisions of subsection (1) of this section are subject to applicable state and**  
19 **federal agreements. Subsection (1) of this section does not limit or prohibit federal moni-**  
20 **toring or oversight of agency implementation of civil rights programs and functions as per-**  
21 **mitted by federal law.**

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

23 **(a) Deliver to the Bureau of Labor and Industries all records and property within the**  
24 **jurisdiction of the director that relate to the duties, functions and powers transferred by**  
25 **section 1 of this 2015 Act; and**

26 **(b) Transfer to the bureau those employees engaged primarily in the exercise of the du-**  
27 **ties, functions and powers transferred by section 1 of this 2015 Act.**

28 **(2) The Commissioner of the Bureau of Labor and Industries shall take possession of the**  
29 **records and property, and shall take charge of the employees and employ them in the exer-**  
30 **cise of the duties, functions and powers transferred by section 1 of this 2015 Act, without**  
31 **reduction of compensation but subject to change or termination of employment or compen-**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 sation as provided by law.

2 (3) The Governor shall resolve any dispute between the Department of Transportation  
3 and the Bureau of Labor and Industries relating to transfers of records, property and em-  
4 ployees under this section, and the Governor's decision is final.

5 **SECTION 3.** (1) The unexpended balances of amounts authorized to be expended by the  
6 Department of Transportation for the biennium beginning July 1, 2015, from revenues dedi-  
7 cated, continuously appropriated, appropriated or otherwise made available for the purpose  
8 of administering and enforcing the duties, functions and powers transferred by section 1 of  
9 this 2015 Act are transferred to and are available for expenditure by the Bureau of Labor and  
10 Industries for the biennium beginning July 1, 2015, for the purpose of administering and en-  
11 forcing the duties, functions and powers transferred by section 1 of this 2015 Act.

12 (2) The expenditure classifications, if any, established by Acts authorizing or limiting  
13 expenditures by the Department of Transportation remain applicable to expenditures by the  
14 Bureau of Labor and Industries under this section.

15 **SECTION 4.** The transfer of duties, functions and powers to the Bureau of Labor and  
16 Industries by section 1 of this 2015 Act does not affect any action, proceeding or prosecution  
17 involving or with respect to such duties, functions and powers begun before and pending at  
18 the time of the transfer, except that the bureau is substituted for the Department of  
19 Transportation in the action, proceeding or prosecution.

20 **SECTION 5.** (1) Nothing in sections 1 to 4 of this 2015 Act relieves a person of a liability,  
21 duty or obligation accruing under or with respect to the duties, functions and powers  
22 transferred by section 1 of this 2015 Act. The Bureau of Labor and Industries may undertake  
23 the collection or enforcement of any such liability, duty or obligation.

24 (2) The rights and obligations of the Department of Transportation legally incurred under  
25 contracts, leases and business transactions executed, entered into or begun before the op-  
26 erative date of section 1 of this 2015 Act accruing under or with respect to the duties, func-  
27 tions and powers transferred by section 1 of this 2015 Act are transferred to the Bureau of  
28 Labor and Industries. For the purpose of succession to these rights and obligations, the bu-  
29 reau is a continuation of the department and not a new authority.

30 **SECTION 6.** Notwithstanding the transfer of duties, functions and powers by section 1  
31 of this 2015 Act, the rules of the Department of Transportation with respect to such duties,  
32 functions or powers that are in effect on the operative date of section 1 of this 2015 Act  
33 continue in effect until superseded or repealed by rules of the Bureau of Labor and Indus-  
34 tries. References in such rules of the department to the department or an officer or em-  
35 ployee of the department are considered to be references to the bureau or an officer or  
36 employee of the bureau.

37 **SECTION 7.** Whenever, in any uncodified law or resolution of the Legislative Assembly  
38 or in any rule, document, record or proceeding authorized by the Legislative Assembly, in  
39 the context of the duties, functions and powers transferred by section 1 of this 2015 Act,  
40 reference is made to the Department of Transportation, or an officer or employee of the  
41 department, whose duties, functions or powers are transferred by section 1 of this 2015 Act,  
42 the reference is considered to be a reference to the Bureau of Labor and Industries or an  
43 officer or employee of the bureau who by this 2015 Act is charged with carrying out such  
44 duties, functions and powers.

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

1           **(2) The Department of Transportation and the Bureau of Labor and Industries may take**  
2 **any action before the operative date specified in subsection (1) of this section that is neces-**  
3 **sary to enable the department and bureau to exercise, on and after the operative date spec-**  
4 **ified in subsection (1) of this section all the duties, functions and powers conferred on the**  
5 **department and the bureau by sections 1 to 7 of this 2015 Act.**

6           **SECTION 9.** **This 2015 Act being necessary for the immediate preservation of the public**  
7 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**  
8 **on its passage.**

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