

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 2888 - 3

82nd Oregon Legislative Assembly – 2023 Regular Session

Legislative Fiscal Office

Only Impacts on Original or Engrossed Versions are Considered Official

Prepared by: Haylee Morse-Miller
Reviewed by: Tom MacDonald, Ben Ruef, John Borden
Date: March 27, 2023

Measure Description:

Expands regular employment protections afforded for performance of legislative duties by members or prospective members of Legislative Assembly.

Government Unit(s) Affected:

Legislative Administration, Judicial Department, Bureau of Labor and Industries, Legislative Assembly, Department of Justice

Summary of Fiscal Impact:

Costs related to the measure are indeterminate at this time - See explanatory analysis.

Analysis:

HB 2888 - 3 states that it is the policy of the State of Oregon that members and prospective members of the Legislative Assembly be accorded employment protections sufficient to allow them to attend to legislative duties without negative impact to outside employment relationships. Members of the Legislative Assembly are to be granted time off from other employment during the workday if they need to attend virtual committee meetings or perform legislative duties using communication technologies. An employer of a legislative member that has furnished the member with a workspace that permits private conversation, must allow the workspace to be used to perform legislative duties; and allow a member to temporarily leave the premises to perform legislative duties.

Employers are not required to compensate members for time spent performing legislative duties, but may not withhold from compensation amounts that exceed the hourly rate of compensation, as computed in 15-minute increments, for time that a member spends performing legislative duties; and may seek compensation from the Legislative Administrator for the reasonable market value of the use of the office or other workspace for the duration of time that the member actually uses the office or other workspace in order to perform legislative duties. The Legislative Administrator may establish a process for an employer to submit claims for compensation, and for determining the reasonable market value, on an hourly basis, for the use of an employer's office or workspace for the performance of legislative duties. This does not apply if the employer is a business with which the person or a relative of the person is associated, and under certain other circumstances. The measure takes effect on the 91st day after the Legislature adjourns sine die.

Legislative Administration will need to establish a process for employers to submit claims for compensation; there is minimal cost to establish the process. However, there is an indeterminate impact for Legislative Administration to compensate employers for use of a workspace when members use this space to perform legislative duties. This amount will be dependent on the number of members who are eligible for compensation, number of employers that seek compensation, and how often members use an employer's workspace for legislative activities. As a baseline, Legislative Administration estimates that costs could be approximately \$40,000 General Fund each biennium. This assumes a rate of \$277 per member per month, with six members being eligible and eight hours per month spent on legislative duties using their employer's workspace. However, given the large number of unknown factors related to this measure, Legislative Administration may need to return to the Legislative Emergency Board or a subsequent legislative session to request an appropriation to comply with the provisions of this measure.

There is no fiscal impact for the Legislative Assembly, Oregon Judicial Department and Department of Justice, and minimal impact for the Bureau of Labor and Industries.

This measure warrants a subsequent referral to the Joint Committee on Ways and Means for consideration of the impact on the state's General Fund.