

HOUSE AMENDMENTS TO HOUSE BILL 4087

By COMMITTEE ON BUSINESS AND LABOR

February 14

1 On page 1 of the printed bill, delete lines 4 through 24 and delete page 2 and insert:

2 “**SECTION 1.** ORS 653.256 is amended to read:

3 “653.256. (1) In addition to any other penalty provided by law, the Commissioner of the Bureau
4 of Labor and Industries may assess a civil penalty not to exceed \$1,000 against any person that
5 willfully violates ORS 653.025, 653.030, 653.045, 653.050, 653.060, 653.261, 653.265, 653.606, 653.611,
6 653.616, 653.621, 653.626, 653.631 or 653.636 or section 5, chapter 537, Oregon Laws 2015, or any rule
7 adopted thereunder.

8 “(2) In addition to any other penalty provided by law, the commissioner may assess a civil pen-
9 alty not to exceed \$1,000 against any person that intentionally violates ORS 653.077 or any rule
10 adopted thereunder.

11 “(3) Civil penalties authorized by this section shall be imposed in the manner provided in ORS
12 183.745.

13 “(4)(a) All sums collected as penalties under this section shall be first applied toward re-
14 imbursement of costs incurred in determining the violations, conducting hearings under this section
15 and addressing and collecting the penalties.

16 “(b) The remainder, if any, of the sums collected as penalties under subsection (1) of this section
17 shall be paid over by the commissioner [*to the Department of State Lands for the benefit of the Com-*
18 *mon School Fund of this state. The department shall issue a receipt for the money to the*
19 *commissioner.*] **as provided in section 3 of this 2020 Act.**

20 “(c) The remainder, if any, of the sums collected as penalties under subsection (2) of this section
21 shall be paid over by the commissioner [*to the Department of Human Services for the benefit of the*
22 *Breastfeeding Mother Friendly Employer Project. The department shall issue a receipt for the moneys*
23 *to the commissioner.*] **as follows:**

24 “**(A) Seventy-five percent of the remainder of the sums collected shall be paid into the**
25 **State Treasury and credited to the Bureau of Labor and Industries Account under ORS**
26 **651.160 for the purpose of providing technical assistance to employers; and**

27 “**(B) Twenty-five percent of the remainder of the sums collected shall be paid into the**
28 **State Treasury and credited to the Wage Security Fund under ORS 652.409.**

29 “**SECTION 2.** ORS 653.370 is amended to read:

30 “653.370. (1) In addition to any other penalty provided by law, the Commissioner of the Bureau
31 of Labor and Industries may impose upon any person who violates ORS 653.305 to 653.370, or any
32 rule adopted by the Bureau of Labor and Industries under ORS 653.305 to 653.370 or 653.400, a civil
33 penalty not to exceed \$1,000 for each violation.

34 “(2) Notwithstanding ORS 183.482, any petition for review of an order imposing a civil penalty
35 under this section must be filed within 30 days following the date the order upon which the petition

1 is based is served.

2 “(3) Except as otherwise provided in this section, civil penalties under this section shall be im-
3 posed as provided in ORS 183.745.

4 “(4) All sums collected as penalties pursuant to this section shall be first applied toward re-
5 imbursement of the costs incurred in determining the violations, conducting hearings under this
6 section and assessing and collecting such penalties. The remainder, if any, of the sums collected as
7 penalties pursuant to this section shall be paid over by the commissioner [*to the Department of State
8 Lands for the benefit of the Common School Fund of this state. The department shall issue a receipt
9 for the money to the commissioner.*] **as provided in section 3 of this 2020 Act.**

10 “(5)(a) Notwithstanding subsection (1) of this section, the commissioner may not impose a civil
11 penalty pursuant to this section upon any person who provides evidence satisfactory to the com-
12 missioner that:

13 “(A) The person has paid a civil penalty to the United States Department of Labor for violation
14 of the child labor provisions of the federal Fair Labor Standards Act (29 U.S.C. 201 et seq.); and

15 “(B) The civil penalty involved the same factual circumstances at issue before the commissioner.

16 “(b) Notwithstanding subsection (1) of this section, the commissioner shall refund any civil
17 penalty previously imposed on and collected from any person pursuant to this section if the person
18 provides evidence satisfactory to the commissioner that:

19 “(A) The person has paid a civil penalty to the United States Department of Labor for violation
20 of the child labor provisions of the federal Fair Labor Standards Act (29 U.S.C. 201 et seq.); and

21 “(B) The civil penalty involved the same factual circumstances underlying the commissioner’s
22 imposition of a civil penalty.

23 “**SECTION 3. (1)(a) After all sums collected as penalties under ORS 653.256 (1) have been
24 applied in accordance with ORS 653.256 (4)(a), the remainder, if any, shall be paid over by the
25 Commissioner of the Bureau of Labor and Industries as follows:**

26 “(A) **Seventy-five percent of the remainder of the sums collected shall be paid into the
27 State Treasury and credited to the Bureau of Labor and Industries Account under ORS
28 651.160 for the purpose of providing technical assistance to employers.**

29 “(B) **Twenty-five percent of the remainder of the sums collected shall be paid into the
30 State Treasury and credited to the Wage Security Fund under ORS 652.409.**

31 “(b) **After all sums collected as penalties under ORS 653.370 have been applied in ac-
32 cordance with ORS 653.370 (4), the remainder, if any, shall be paid over by the commissioner
33 as follows:**

34 “(A) **Seventy-five percent of the remainder of the sums collected shall be paid into the
35 State Treasury and credited to the Bureau of Labor and Industries Account under ORS
36 651.160 for the purpose of providing technical assistance to employers.**

37 “(B) **Twenty-five percent of the remainder of the sums collected shall be paid into the
38 State Treasury and credited to the Wage Security Fund under ORS 652.409.**

39 “(c) **The total amounts paid and credited under paragraphs (a) and (b) of this subsection
40 may not exceed \$290,000 per year.**

41 “(2) **Any amount remaining after the payments have been made under subsection (1) of
42 this section shall be paid to the Department of State Lands for the benefit of the Common
43 School Fund of this state. The department shall issue a receipt to the commissioner for the
44 sums paid under this subsection.”.**

45 On page 3, line 1, delete “3” and insert “4”.

1 On page 4, delete lines 7 through 16.

2 In line 19, delete the colon and insert “describes how the moneys credited to the Bureau of
3 Labor and Industries Account under ORS 653.256 and 653.370 were spent on providing technical
4 assistance to employers.

5 “**SECTION 6. Section 5 of this 2020 Act is repealed on January 1, 2023.**”.

6 Delete lines 20 through 24.

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