

HOUSE AMENDMENTS TO RESOLVE CONFLICTS TO A-ENGROSSED SENATE BILL 913

By COMMITTEE ON BUSINESS AND LABOR

April 27

1 On page 1 of the printed A-engrossed bill, line 4, after “657B.420” insert “and section 13, chapter
2 ___, Oregon Laws 2023 (Enrolled Senate Bill 912)”.

3 On page 12, after line 13, insert:

4 “**SECTION 9a. If Senate Bill 912 becomes law, section 9 of this 2023 Act (amending ORS
5 657B.410) is repealed and ORS 657B.410, as amended by section 12, chapter ___, Oregon Laws
6 2023 (Enrolled Senate Bill 912), is amended to read:**

7 “657B.410. (1) The Director of the Employment Department shall establish a process by which:

8 “(a) An employer may request a hearing to obtain review of a final decision of the director re-
9 garding any of the following:

10 “(A) Approval or denial of an employer’s application for approval of a plan under ORS 657B.210;

11 “(B) The assessment of penalties under section 7 [*of this 2023 Act*], **chapter ___, Oregon Laws
12 2023 (Enrolled Senate Bill 912)**; or

13 “(C) A determination made under ORS 657B.120.

14 “(b) A covered individual may request a hearing to obtain review of a final decision of the di-
15 rector regarding any of the following:

16 “(A) Approval or denial of a claim submitted to the director for payment of family and medical
17 leave insurance benefits;

18 “(B) The weekly benefit amount payable to a covered individual as determined under ORS
19 657B.050; [*or*]

20 “[*(C) Disqualification from the receipt of benefits including liability or repayment of benefits as
21 determined under ORS 657B.120 and section 2 of this 2023 Act.*]

22 “(C) **Matters affecting the covered individual under ORS 657B.040 or 657B.120; or**

23 “(D) **Benefit overpayments, including overpayments under section 2, chapter ___, Oregon
24 Laws 2023 (Enrolled Senate Bill 912).**

25 “(c) **A self-employed individual or a tribal government may request a hearing to review
26 a final decision of the director regarding elective coverage under ORS 657B.130.**

27 “(d) **An employer may request a hearing:**

28 “(A) **To review a final decision of the director regarding contributions under this chapter;**

29 “(B) **Regarding decisions of the director regarding penalties under this chapter; or**

30 “(C) **To review a final decision of the director regarding a grant made available under this
31 chapter.**

32 “(2) Notwithstanding ORS 183.315, the process established by the director under this section
33 shall comply with provisions for a contested case under ORS chapter 183 and is subject to judicial
34 review as provided in ORS 183.482.

35 “(3)(a) **Notwithstanding any other law, a party to a proceeding described under this sec-**

1 tion may authorize a legal representative or other person to represent the party in the pro-
2 ceeding in the manner prescribed by the director by rule. A legal representative or other
3 person who is authorized to represent the party in the proceeding must comply with any
4 procedures or process regarding such representation established by the department by rule,
5 including, but not limited to, a rule establishing the maximum amount that the legal repre-
6 sentative or other authorized person may charge for such representation.

7 “(b) For purposes of this subsection, ‘person’ includes individuals, corporations, associ-
8 ations, firms, partnerships, limited liability companies and joint stock companies, this state
9 and the political subdivisions of this state.”.

10 On page 18, after line 13, insert:

11 “**SECTION 16a.** If Senate Bill 912 becomes law, section 16 of this 2023 Act is amended to read:

12 “**Sec. 16.** (1) Section 2 of this 2023 Act applies to requests for hearings made on or after January
13 1, 2023.

14 “(2) The amendments to ORS 657B.015, 657B.030, 657B.090 and 657B.210 by sections 3, 4, 7 and
15 14 of this 2023 Act apply to benefits paid or made available on or after September 3, 2023.

16 “(3) The amendments to ORS 657B.150 by section 5 of this 2023 Act apply to contributions due
17 on or after January 1, 2023.

18 “(4) The amendments to ORS 657B.150 by section 6 of this 2023 Act apply to contributions due
19 on or after January 1, 2024.

20 “(5) The amendments to ORS 657B.400 by section 8 of this 2023 Act apply to disclosures of in-
21 formation made by the Employment Department on or after September 3, 2023.

22 “(6) The amendments to ORS 657B.410 by section [9] **9a** of this 2023 Act apply to hearings re-
23 garding final decisions of the Director of the Employment Department occurring on or after January
24 1, 2023.

25 “(7) The amendments to ORS 657B.420 by section 10 of this 2023 Act apply to determinations
26 by the department that occurred on or after September 3, 2023.

27 “(8) The amendments to ORS 657B.010 by section 11 of this 2023 Act apply to contributions paid
28 and benefits made available on or after January 1, 2023.

29 “(9) The amendments to ORS 183.471 by section 12 of this 2023 Act apply to final orders issued
30 in contested cases on or after January 1, 2023.

31 “(10) The amendments to ORS 657B.175 by section 13 of this 2023 Act apply to wages earned
32 on or after January 1, 2023.

33 “(11) The amendments to ORS 305.410 by section 15 of this 2023 Act apply to actions and pro-
34 ceedings commenced on or after January 1, 2023.

35 “**SECTION 16b.** If Senate Bill 912 becomes law, section 13, chapter ___, Oregon Laws 2023
36 (Enrolled Senate Bill 912), is amended to read:

37 “**Sec. 13.** (1) Sections 2 to 5 [of this 2023 Act], chapter ___, Oregon Laws 2023 (Enrolled
38 Senate Bill 912), and the amendments to ORS 657B.120 by section 9 [of this 2023 Act], chapter ___,
39 Oregon Laws 2023 (Enrolled Senate Bill 912), apply to benefits paid on or after September 3, 2023.

40 “(2) Section 6 [of this 2023 Act], chapter ___, Oregon Laws 2023 (Enrolled Senate Bill 912),
41 applies to amounts owed by a debtor on or after January 1, 2023.

42 “(3) Section 7 [of this 2023 Act], chapter ___, Oregon Laws 2023 (Enrolled Senate Bill 912),
43 applies to penalties assessed on or after September 3, 2023.

44 “(4) Section 8 [of this 2023 Act], chapter ___, Oregon Laws 2023 (Enrolled Senate Bill 912),
45 applies to contributions due or paid on or after January 1, 2023.

1 “(5) The amendments to ORS 657B.280 by section 10 [*of this 2023 Act*], **chapter __, Oregon**
2 **Laws 2023 (Enrolled Senate Bill 912)**, apply to amounts due or liable to be repaid on or after
3 January 1, 2023.

4 “(6) The amendments to ORS 657B.320 by section 11 [*of this 2023 Act*], **chapter __, Oregon**
5 **Laws 2023 (Enrolled Senate Bill 912)**, apply to grant moneys awarded on or after September 3,
6 2023.

7 “(7) The amendments to ORS 657B.410 by section 12 [*of this 2023 Act*], **chapter __, Oregon**
8 **Laws 2023 (Enrolled Senate Bill 912)**, apply to final decisions of the director issued on or after
9 [*September 3*] **January 1, 2023.**”.

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