

SB 913-A3
(LC 4030)
4/24/23 (JAS/ps)

Requested by HOUSE COMMITTEE ON BUSINESS AND LABOR

**PROPOSED AMENDMENTS TO RESOLVE CONFLICTS TO
A-ENGROSSED SENATE BILL 913**

1 On page 1 of the printed A-engrossed bill, line 4, after “657B.420” insert
2 “and section 13, chapter ___, 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**
5 **Act (amending ORS 657B.410) is repealed and ORS 657B.410, as**
6 **amended by section 12, chapter ___, Oregon Laws 2023 (Enrolled Senate**
7 **Bill 912), is amended to read:**

8 “657B.410. (1) The Director of the Employment Department shall establish
9 a process by which:

10 “(a) An employer may request a hearing to obtain review of a final deci-
11 sion of the director regarding any of the following:

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

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

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

17 “(b) A covered individual may request a hearing to obtain review of a
18 final decision of the director regarding any of the following:

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

21 “(B) The weekly benefit amount payable to a covered individual as de-

1 terminated under ORS 657B.050; [or]

2 “[(C) *Disqualification from the receipt of benefits including liability or re-*
3 *payment of benefits as determined under ORS 657B.120 and section 2 of this*
4 *2023 Act.*]

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

7 **“(D) Benefit overpayments, including overpayments under section**
8 **2, chapter __, Oregon Laws 2023 (Enrolled Senate Bill 912).**

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

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

13 **“(A) To review a final decision of the director regarding contribu-**
14 **tions under this chapter;**

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

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

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

22 **“(3)(a) Notwithstanding any other law, a party to a proceeding de-**
23 **scribed under this section may authorize a legal representative or**
24 **other person to represent the party in the proceeding in the manner**
25 **prescribed by the director by rule. A legal representative or other**
26 **person who is authorized to represent the party in the proceeding must**
27 **comply with any procedures or process regarding such representation**
28 **established by the department by rule, including, but not limited to,**
29 **a rule establishing the maximum amount that the legal representative**
30 **or other authorized person may charge for such representation.**

1 **“(b) For purposes of this subsection, ‘person’ includes individuals,**
2 **corporations, associations, firms, partnerships, limited liability com-**
3 **panies and joint stock companies, this state and the political subdi-**
4 **visions of this state.”.**

5 On page 18, after line 13, insert:

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

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

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

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

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

17 “(5) The amendments to ORS 657B.400 by section 8 of this 2023 Act apply
18 to disclosures of information made by the Employment Department on or
19 after September 3, 2023.

20 “(6) The amendments to ORS 657B.410 by section [9] **9a** of this 2023 Act
21 apply to hearings regarding final decisions of the Director of the Employ-
22 ment Department occurring on or after January 1, 2023.

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

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

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

30 “(10) The amendments to ORS 657B.175 by section 13 of this 2023 Act

1 apply to wages earned on or after January 1, 2023.

2 “(11) The amendments to ORS 305.410 by section 15 of this 2023 Act apply
3 to actions and proceedings commenced on or after January 1, 2023.

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

6 **“Sec. 13.** (1) Sections 2 to 5 [*of this 2023 Act*], **chapter ___, Oregon Laws**
7 **2023 (Enrolled Senate Bill 912)**, and the amendments to ORS 657B.120 by
8 section 9 [*of this 2023 Act*], **chapter ___, Oregon Laws 2023 (Enrolled**
9 **Senate Bill 912)**, apply to benefits paid on or after September 3, 2023.

10 “(2) Section 6 [*of this 2023 Act*], **chapter ___, Oregon Laws 2023 (En-**
11 **rolled Senate Bill 912)**, applies to amounts owed by a debtor on or after
12 January 1, 2023.

13 “(3) Section 7 [*of this 2023 Act*], **chapter ___, Oregon Laws 2023 (En-**
14 **rolled Senate Bill 912)**, applies to penalties assessed on or after September
15 3, 2023.

16 “(4) Section 8 [*of this 2023 Act*], **chapter ___, Oregon Laws 2023 (En-**
17 **rolled Senate Bill 912)**, applies to contributions due or paid on or after
18 January 1, 2023.

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

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

25 “(7) The amendments to ORS 657B.410 by section 12 of this 2023 Act apply
26 to final decisions of the director issued on or after [*September 3*] **January**
27 **1, 2023.”.**

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