

## SENATE AMENDMENTS TO SENATE BILL 164

By COMMITTEE ON WORKFORCE

March 22

- 1 On page 1 of the printed bill, line 2, after “provisions;” insert “and”.
- 2 In line 3, after “178.225” insert a period and delete the rest of the line.
- 3 In line 5, delete “5” and insert “4”.
- 4 In line 11, after the period insert “A complaint may not be filed earlier than two years following
- 5 the date by which an employer is required to register with the plan, as prescribed by the Oregon
- 6 Retirement Savings Board by rule.”.
- 7 In line 14, delete “shall” and insert “may”.
- 8 In line 16, delete “finds substantial evidence” and insert “issues a final order determining”.
- 9 Delete lines 19 through 24.
- 10 On page 2, delete lines 1 through 3 and insert:
- 11 **“SECTION 4. (1) The Commissioner of the Bureau of Labor and Industries shall inform**
- 12 **the Oregon Retirement Savings Board of any final orders issued under section 3 of this 2019**
- 13 **Act.**
- 14 **“(2) The board shall include the commissioner’s final order determinations related to**
- 15 **employers’ compliance in the annual reports described in ORS 178.235.**
- 16 **“SECTION 5. (1)(a)** In addition to any other penalty provided by law, the Commissioner of the
- 17 Bureau of Labor and Industries may assess against an employer who has engaged in an unlawful
- 18 practice under section 2 of this 2019 Act a civil penalty in an amount up to \$100 for each employee
- 19 who is eligible to participate in the plan developed under ORS 178.205, not to exceed an aggregate
- 20 amount of \$5,000 in a calendar year.
- 21 **“(b)** The commissioner may, upon a showing of any mitigating or aggravating circumstances,
- 22 adjust the amount of a civil penalty imposed under this section.”.
- 23 Delete line 7 and insert “costs incurred by the commissioner in conducting”.
- 24 Delete lines 37 through 39 and insert:
- 25 **“(h)** To request that the Commissioner of the Bureau of Labor and Industries investigate an
- 26 employer under section 3 of this 2019 Act to determine the employer’s compliance with the re-
- 27 quirements of the defined contribution retirement plan developed under this section, if, after three
- 28 attempts, using different means of communication when available, to bring the employer into com-
- 29 pliance, the board has reasonable grounds to believe that the employer remains in violation of the
- 30 requirements of the plan.”.
- 31 On page 3, delete lines 44 and 45.
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