

Enrolled
Senate Bill 135

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CHAPTER

AN ACT

Relating to employment; creating new provisions; amending ORS 183.635, 244.050, 282.230, 651.120, 651.160, 653.050, 653.305, 653.307, 653.310, 653.320, 653.326, 653.360, 653.370, 653.520, 653.525, 653.535, 653.545 and 653.991; repealing ORS 653.505, 653.510, 653.515, 653.530 and 653.540; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

WAGE AND HOUR COMMISSION ABOLISHED

SECTION 1. (1) The Wage and Hour Commission is abolished. On the effective date of this section, the tenure of office of the members of the Wage and Hour Commission ceases.

(2) All the duties, functions and powers of the Wage and Hour Commission are imposed upon, transferred to and vested in the Bureau of Labor and Industries.

RECORDS, PROPERTY, EMPLOYEES

SECTION 2. (1) The chairperson of the Wage and Hour Commission shall:

(a) Deliver to the Commissioner of the Bureau of Labor and Industries all records and property within the jurisdiction of the Wage and Hour Commission that relate to the duties, functions and powers transferred by section 1 of this 2013 Act; and

(b) Transfer to the Bureau of Labor and Industries those employees engaged primarily in the exercise of the duties, functions and powers transferred by section 1 of this 2013 Act.

(2) The Commissioner of the Bureau of Labor and Industries shall take possession of the records and property, and shall take charge of the employees and employ them in the exercise of the duties, functions and powers transferred by section 1 of this 2013 Act, without reduction of compensation but subject to change or termination of employment or compensation as provided by law.

(3) The Governor shall resolve any dispute between the Wage and Hour Commission and the Bureau of Labor and Industries relating to transfers of records, property and employees under this section, and the Governor's decision is final.

UNEXPENDED REVENUES

SECTION 3. (1) The unexpended balances of amounts authorized to be expended by the Wage and Hour Commission for the biennium beginning July 1, 2011, from revenues dedicated, continuously appropriated, appropriated or otherwise made available for the purpose of administering and enforcing the duties, functions and powers transferred by section 1 of this 2013 Act are transferred to and are available for expenditure by the Bureau of Labor and Industries for the biennium beginning July 1, 2011, for the purpose of administering and enforcing the duties, functions and powers transferred by section 1 of this 2013 Act.

(2) The expenditure classifications, if any, established by Acts authorizing or limiting expenditures by the Wage and Hour Commission remain applicable to expenditures by the Bureau of Labor and Industries under this section.

ACTION, PROCEEDING, PROSECUTION

SECTION 4. The transfer of duties, functions and powers to the Bureau of Labor and Industries by section 1 of this 2013 Act does not affect any action, proceeding or prosecution involving or with respect to such duties, functions and powers begun before and pending at the time of the transfer, except that the Bureau of Labor and Industries is substituted for the Wage and Hour Commission in the action, proceeding or prosecution.

LIABILITY, DUTY, OBLIGATION

SECTION 5. (1) Nothing in sections 1 to 8 of this 2013 Act, the amendments to statutes by sections 10 to 28 of this 2013 Act or the repeal of statutes by section 9 of this 2013 Act relieves a person of a liability, duty or obligation accruing under or with respect to the duties, functions and powers transferred by section 1 of this 2013 Act. The Bureau of Labor and Industries may undertake the collection or enforcement of any such liability, duty or obligation.

(2) The rights and obligations of the Wage and Hour Commission legally incurred under contracts, leases and business transactions executed, entered into or begun before the effective date of section 1 of this 2013 Act are transferred to the Bureau of Labor and Industries. For the purpose of succession to these rights and obligations, the Bureau of Labor and Industries is a continuation of the Wage and Hour Commission and not a new authority.

RULES

SECTION 6. Notwithstanding the transfer of duties, functions and powers by section 1 of this 2013 Act, the rules of the Wage and Hour Commission in effect on the effective date of section 1 of this 2013 Act continue in effect until superseded or repealed by rules adopted by the Bureau of Labor and Industries. References in rules of the Wage and Hour Commission to the Wage and Hour Commission or an officer or employee of the commission are considered to be references to the Bureau of Labor and Industries or an officer or employee of the bureau.

REFERENCES

SECTION 7. Whenever, in any uncodified law or resolution of the Legislative Assembly or in any rule, document, record or proceeding authorized by the Legislative Assembly, reference is made to the Wage and Hour Commission or an officer or employee of the commission, the reference is considered to be a reference to the Bureau of Labor and Industries or an officer or employee of the bureau.

NAME CHANGE

SECTION 8. For the purpose of harmonizing and clarifying statute sections published in Oregon Revised Statutes, the Legislative Counsel may substitute for words designating the “Wage and Hour Commission” or its officers, wherever they occur in Oregon Revised Statutes, words designating the “Bureau of Labor and Industries” or its officers.

REPEALS AND CONFORMING AMENDMENTS

SECTION 9. ORS 653.505, 653.510, 653.515, 653.530 and 653.540 are repealed.

SECTION 10. ORS 653.520 is amended to read:

653.520. The [*Wage and Hour Commission*] **Bureau of Labor and Industries** shall administer, execute and carry out the provisions of ORS 653.010 to 653.545 and 653.991.

SECTION 11. ORS 653.525 is amended to read:

653.525. The [*Wage and Hour Commission*] **Bureau of Labor and Industries** may prepare, adopt and promulgate rules for the carrying into effect of ORS 653.305[, 653.315] **to 653.370** and 653.505 to 653.540[, *including rules for the selection of members and the mode of procedure of conferences*].

SECTION 12. ORS 653.535 is amended to read:

653.535. The [*Wage and Hour Commission*] **Bureau of Labor and Industries** shall, from time to time, investigate and ascertain whether [*or not*] employers are observing and complying with its [*orders*] **rules under ORS 653.010 to 653.545** and take such steps as may be necessary to prosecute [*such*] employers [*as*] **that** are not observing or complying with its [*orders*] **rules**.

SECTION 13. ORS 653.545 is amended to read:

653.545. (1) The [*Wage and Hour Commission or*] **Bureau of Labor and Industries** or anyone authorized by the [*commission*] **bureau** in writing may visit [*the factories, workshops and mercantile establishments in their several towns and cities and*] **any place of business** to ascertain whether any minors are employed [*therein*] contrary to ORS 653.310, 653.315, 653.320 and 653.340 and the rules [*promulgated*] **adopted** by the [*Wage and Hour Commission*] **bureau** pursuant to ORS 653.307 [*and*]. **The bureau or authorized persons** shall report any cases of illegal employment to the proper school authorities and to the district attorney of the county. The [*commission*] **bureau** may require [*that*] **the business to produce** the annual employment certificates and lists of minors employed [*in such factories, workshops, or mercantile establishments, shall be produced for their*] **for** inspection.

(2) The [*commission*] **bureau** shall bring complaints for offenses under ORS 653.310, 653.315, 653.320 and 653.340 to the attention of the proper district attorney who shall prosecute such offenses.

SECTION 14. ORS 651.120 is amended to read:

651.120. (1) The Commissioner of the Bureau of Labor and Industries may:

(a) Enter any factory, mill, office, workshop, or public or private works, at any reasonable time, for the purpose of gathering facts such as are contemplated by ORS 279C.850, 652.330, 653.045[, 653.540] and 659A.835.

(b) Examine into the methods of protection from danger to employees, and the sanitary conditions in and around such buildings and places, and make a record thereof.

(2) [*No*] **An** owner or occupant, or the respective agent, of any factory, mill, office, or workshop, or public or private works, [*shall*] **may not** refuse to allow an inspector or employee of the Bureau of Labor and Industries to enter.

SECTION 15. ORS 244.050, as amended by section 9, chapter 90, Oregon Laws 2012, is amended to read:

244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon Government Ethics Commission a verified statement of economic interest as required under this chapter:

(a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, district attorneys and members of the Legislative Assembly.

(b) Any judicial officer, including justices of the peace and municipal judges, except any pro tem judicial officer who does not otherwise serve as a judicial officer.

- (c) Any candidate for a public office designated in paragraph (a) or (b) of this subsection.
- (d) The Deputy Attorney General.
- (e) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the Secretary of the Senate and the Chief Clerk of the House of Representatives.
- (f) The Chancellor and Vice Chancellors of the Oregon University System and the president and vice presidents, or their administrative equivalents, in each public university listed in ORS 352.002.
- (g) The following state officers:
 - (A) Adjutant General.
 - (B) Director of Agriculture.
 - (C) Manager of State Accident Insurance Fund Corporation.
 - (D) Water Resources Director.
 - (E) Director of Department of Environmental Quality.
 - (F) Director of Oregon Department of Administrative Services.
 - (G) State Fish and Wildlife Director.
 - (H) State Forester.
 - (I) State Geologist.
 - (J) Director of Human Services.
 - (K) Director of the Department of Consumer and Business Services.
 - (L) Director of the Department of State Lands.
 - (M) State Librarian.
 - (N) Administrator of Oregon Liquor Control Commission.
 - (O) Superintendent of State Police.
 - (P) Director of the Public Employees Retirement System.
 - (Q) Director of Department of Revenue.
 - (R) Director of Transportation.
 - (S) Public Utility Commissioner.
 - (T) Director of Veterans' Affairs.
 - (U) Executive director of Oregon Government Ethics Commission.
 - (V) Director of the State Department of Energy.
 - (W) Director and each assistant director of the Oregon State Lottery.
 - (X) Director of the Department of Corrections.
 - (Y) Director of the Oregon Department of Aviation.
 - (Z) Executive director of the Oregon Criminal Justice Commission.
 - (AA) Director of the Oregon Business Development Department.
 - (BB) Director of the Office of Emergency Management.
 - (CC) Director of the Employment Department.
 - (DD) Chief of staff for the Governor.
 - (EE) Administrator of the Office for Oregon Health Policy and Research.
 - (FF) Director of the Housing and Community Services Department.
 - (GG) State Court Administrator.
 - (HH) Director of the Department of Land Conservation and Development.
 - (II) Board chairperson of the Land Use Board of Appeals.
 - (JJ) State Marine Director.
 - (KK) Executive director of the Oregon Racing Commission.
 - (LL) State Parks and Recreation Director.
 - (MM) Public defense services executive director.
 - (NN) Chairperson of the Public Employees' Benefit Board.
 - (OO) Director of the Department of Public Safety Standards and Training.
 - (PP) Chairperson of the Oregon Student Access Commission.
 - (QQ) Executive director of the Oregon Watershed Enhancement Board.
 - (RR) Director of the Oregon Youth Authority.
 - (SS) Director of the Oregon Health Authority.

- (TT) Deputy Superintendent of Public Instruction.
- (h) Any assistant in the Governor's office other than personal secretaries and clerical personnel.
- (i) Every elected city or county official.
- (j) Every member of a city or county planning, zoning or development commission.
- (k) The chief executive officer of a city or county who performs the duties of manager or principal administrator of the city or county.
- (L) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
- (m) Every member of a governing body of a metropolitan service district and the executive officer thereof.
- (n) Each member of the board of directors of the State Accident Insurance Fund Corporation.
- (o) The chief administrative officer and the financial officer of each common and union high school district, education service district and community college district.
- (p) Every member of the following state boards and commissions:
 - (A) Board of Geologic and Mineral Industries.
 - (B) Oregon Business Development Commission.
 - (C) State Board of Education.
 - (D) Environmental Quality Commission.
 - (E) Fish and Wildlife Commission of the State of Oregon.
 - (F) State Board of Forestry.
 - (G) Oregon Government Ethics Commission.
 - (H) Oregon Health Policy Board.
 - (I) State Board of Higher Education.
 - (J) Oregon Investment Council.
 - (K) Land Conservation and Development Commission.
 - (L) Oregon Liquor Control Commission.
 - (M) Oregon Short Term Fund Board.
 - (N) State Marine Board.
 - (O) Mass transit district boards.
 - (P) Energy Facility Siting Council.
 - (Q) Board of Commissioners of the Port of Portland.
 - (R) Employment Relations Board.
 - (S) Public Employees Retirement Board.
 - (T) Oregon Racing Commission.
 - (U) Oregon Transportation Commission.
 - [(V) *Wage and Hour Commission.*]
 - [(W)] **(V)** Water Resources Commission.
 - [(X)] **(W)** Workers' Compensation Board.
 - [(Y)] **(X)** Oregon Facilities Authority.
 - [(Z)] **(Y)** Oregon State Lottery Commission.
 - [(AA)] **(Z)** Pacific Northwest Electric Power and Conservation Planning Council.
 - [(BB)] **(AA)** Columbia River Gorge Commission.
 - [(CC)] **(BB)** Oregon Health and Science University Board of Directors.
 - [(DD)] **(CC)** Capitol Planning Commission.
 - [(EE)] **(DD)** Higher Education Coordinating Commission.
 - [(FF)] **(EE)** Oregon Growth Board.
- (q) The following officers of the State Treasurer:
 - (A) Deputy State Treasurer.
 - (B) Chief of staff for the office of the State Treasurer.
 - (C) Director of the Investment Division.
- (r) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725 or 777.915 to 777.953.
- (s) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.

(2) By April 15 next after the date an appointment takes effect, every appointed public official on a board or commission listed in subsection (1) of this section shall file with the Oregon Government Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.

(3) By April 15 next after the filing deadline for the primary election, each candidate described in subsection (1) of this section shall file with the commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.

(4) Within 30 days after the filing deadline for the general election, each candidate described in subsection (1) of this section who was not a candidate in the preceding primary election, or who was nominated for public office described in subsection (1) of this section at the preceding primary election by write-in votes, shall file with the commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.

(5) Subsections (1) to (4) of this section apply only to persons who are incumbent, elected or appointed public officials as of April 15 and to persons who are candidates on April 15. Subsections (1) to (4) of this section also apply to persons who do not become candidates until 30 days after the filing deadline for the statewide general election.

(6) If a statement required to be filed under this section has not been received by the commission within five days after the date the statement is due, the commission shall notify the public official or candidate and give the public official or candidate not less than 15 days to comply with the requirements of this section. If the public official or candidate fails to comply by the date set by the commission, the commission may impose a civil penalty as provided in ORS 244.350.

SECTION 16. ORS 244.050, as amended by sections 9 and 29, chapter 90, Oregon Laws 2012, is amended to read:

244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon Government Ethics Commission a verified statement of economic interest as required under this chapter:

(a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, district attorneys and members of the Legislative Assembly.

(b) Any judicial officer, including justices of the peace and municipal judges, except any pro tem judicial officer who does not otherwise serve as a judicial officer.

(c) Any candidate for a public office designated in paragraph (a) or (b) of this subsection.

(d) The Deputy Attorney General.

(e) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the Secretary of the Senate and the Chief Clerk of the House of Representatives.

(f) The Chancellor and Vice Chancellors of the Oregon University System and the president and vice presidents, or their administrative equivalents, in each public university listed in ORS 352.002.

(g) The following state officers:

(A) Adjutant General.

(B) Director of Agriculture.

(C) Manager of State Accident Insurance Fund Corporation.

(D) Water Resources Director.

(E) Director of Department of Environmental Quality.

(F) Director of Oregon Department of Administrative Services.

(G) State Fish and Wildlife Director.

(H) State Forester.

(I) State Geologist.

(J) Director of Human Services.

(K) Director of the Department of Consumer and Business Services.

(L) Director of the Department of State Lands.

(M) State Librarian.

(N) Administrator of Oregon Liquor Control Commission.

(O) Superintendent of State Police.

- (P) Director of the Public Employees Retirement System.
- (Q) Director of Department of Revenue.
- (R) Director of Transportation.
- (S) Public Utility Commissioner.
- (T) Director of Veterans' Affairs.
- (U) Executive director of Oregon Government Ethics Commission.
- (V) Director of the State Department of Energy.
- (W) Director and each assistant director of the Oregon State Lottery.
- (X) Director of the Department of Corrections.
- (Y) Director of the Oregon Department of Aviation.
- (Z) Executive director of the Oregon Criminal Justice Commission.
- (AA) Director of the Oregon Business Development Department.
- (BB) Director of the Office of Emergency Management.
- (CC) Director of the Employment Department.
- (DD) Chief of staff for the Governor.
- (EE) Administrator of the Office for Oregon Health Policy and Research.
- (FF) Director of the Housing and Community Services Department.
- (GG) State Court Administrator.
- (HH) Director of the Department of Land Conservation and Development.
- (II) Board chairperson of the Land Use Board of Appeals.
- (JJ) State Marine Director.
- (KK) Executive director of the Oregon Racing Commission.
- (LL) State Parks and Recreation Director.
- (MM) Public defense services executive director.
- (NN) Chairperson of the Public Employees' Benefit Board.
- (OO) Director of the Department of Public Safety Standards and Training.
- (PP) Chairperson of the Oregon Student Access Commission.
- (QQ) Executive director of the Oregon Watershed Enhancement Board.
- (RR) Director of the Oregon Youth Authority.
- (SS) Director of the Oregon Health Authority.
- (TT) Deputy Superintendent of Public Instruction.
- (h) Any assistant in the Governor's office other than personal secretaries and clerical personnel.
- (i) Every elected city or county official.
- (j) Every member of a city or county planning, zoning or development commission.
- (k) The chief executive officer of a city or county who performs the duties of manager or principal administrator of the city or county.
- (L) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
- (m) Every member of a governing body of a metropolitan service district and the executive officer thereof.
- (n) Each member of the board of directors of the State Accident Insurance Fund Corporation.
- (o) The chief administrative officer and the financial officer of each common and union high school district, education service district and community college district.
- (p) Every member of the following state boards and commissions:
 - (A) Board of Geologic and Mineral Industries.
 - (B) Oregon Business Development Commission.
 - (C) State Board of Education.
 - (D) Environmental Quality Commission.
 - (E) Fish and Wildlife Commission of the State of Oregon.
 - (F) State Board of Forestry.
 - (G) Oregon Government Ethics Commission.
 - (H) Oregon Health Policy Board.
 - (I) State Board of Higher Education.

- (J) Oregon Investment Council.
- (K) Land Conservation and Development Commission.
- (L) Oregon Liquor Control Commission.
- (M) Oregon Short Term Fund Board.
- (N) State Marine Board.
- (O) Mass transit district boards.
- (P) Energy Facility Siting Council.
- (Q) Board of Commissioners of the Port of Portland.
- (R) Employment Relations Board.
- (S) Public Employees Retirement Board.
- (T) Oregon Racing Commission.
- (U) Oregon Transportation Commission.
- [(V) *Wage and Hour Commission.*]
- [(W)] (V) Water Resources Commission.
- [(X)] (W) Workers' Compensation Board.
- [(Y)] (X) Oregon Facilities Authority.
- [(Z)] (Y) Oregon State Lottery Commission.
- [(AA)] (Z) Pacific Northwest Electric Power and Conservation Planning Council.
- [(BB)] (AA) Columbia River Gorge Commission.
- [(CC)] (BB) Oregon Health and Science University Board of Directors.
- [(DD)] (CC) Capitol Planning Commission.
- [(EE)] (DD) Higher Education Coordinating Commission.
- (q) The following officers of the State Treasurer:
 - (A) Deputy State Treasurer.
 - (B) Chief of staff for the office of the State Treasurer.
 - (C) Director of the Investment Division.
- (r) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725 or 777.915 to 777.953.
 - (s) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.
- (2) By April 15 next after the date an appointment takes effect, every appointed public official on a board or commission listed in subsection (1) of this section shall file with the Oregon Government Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.
- (3) By April 15 next after the filing deadline for the primary election, each candidate described in subsection (1) of this section shall file with the commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.
- (4) Within 30 days after the filing deadline for the general election, each candidate described in subsection (1) of this section who was not a candidate in the preceding primary election, or who was nominated for public office described in subsection (1) of this section at the preceding primary election by write-in votes, shall file with the commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.
- (5) Subsections (1) to (4) of this section apply only to persons who are incumbent, elected or appointed public officials as of April 15 and to persons who are candidates on April 15. Subsections (1) to (4) of this section also apply to persons who do not become candidates until 30 days after the filing deadline for the statewide general election.
- (6) If a statement required to be filed under this section has not been received by the commission within five days after the date the statement is due, the commission shall notify the public official or candidate and give the public official or candidate not less than 15 days to comply with the requirements of this section. If the public official or candidate fails to comply by the date set by the commission, the commission may impose a civil penalty as provided in ORS 244.350.

SECTION 17. ORS 282.230 is amended to read:

282.230. (1) All contracts for work to be performed outside [the] **this** state under ORS 282.210 shall provide and require that such work shall be performed under conditions of labor and employment which shall substantially conform to the laws of this state respecting hours of labor, the minimum wage scale for women and minors, and the rules and regulations [promulgated] **adopted** by the [Wage and Hour Commission of the State of Oregon] **Bureau of Labor and Industries** regarding conditions of employment, hours of labor and minimum wages.

(2) Violation [of the provision required by subsection (1)] of this section [shall be] **is** grounds for cancellation of the contract.

SECTION 18. ORS 651.160 is amended to read:

651.160. (1) There hereby is established in the General Fund in the State Treasury an account to be known as the Bureau of Labor and Industries Account. Except as otherwise provided by law, all fees of whatever kind, and moneys received or collected by the Bureau of Labor and Industries [and the Wage and Hour Commission], from every source, and paid into the State Treasury pursuant to law shall be credited to the Bureau of Labor and Industries Account. Except as otherwise provided by law, all moneys in the Bureau of Labor and Industries Account hereby are appropriated continuously for the payment of the salaries and all other expenses of the Bureau of Labor and Industries [and the Wage and Hour Commission]. All fees collected pursuant to ORS 651.060 (5) are appropriated continuously for the payment of expenses of public information programs conducted pursuant to ORS 651.060 (5).

(2) The Commissioner of the Bureau of Labor and Industries shall keep a record of all moneys deposited in the Bureau of Labor and Industries Account. The record shall indicate by separate cumulative accounts the source from which the moneys are derived and the individual activity or program against which each withdrawal is charged.

SECTION 19. ORS 183.635 is amended to read:

183.635. (1) Except as provided in this section, all agencies must use administrative law judges assigned from the Office of Administrative Hearings established under ORS 183.605 to conduct contested case hearings, without regard to whether those hearings are subject to the procedural requirements for contested case hearings.

(2) The following agencies need not use administrative law judges assigned from the office:

- (a) Attorney General.
- (b) Boards of stewards appointed by the Oregon Racing Commission.
- (c) Bureau of Labor and Industries and the Commissioner of the Bureau of Labor and Industries.
- (d) Department of Corrections.
- (e) Department of Education, State Board of Education and Superintendent of Public Instruction.
- (f) Department of Human Services for vocational rehabilitation services cases under 29 U.S.C. 722(c) and disability determination cases under 42 U.S.C. 405.
- (g) Department of Revenue.
- (h) Department of State Police.
- (i) Employment Appeals Board.
- (j) Employment Relations Board.
- (k) Energy Facility Siting Council.
- (L) Fair Dismissal Appeals Board.
- (m) Governor.
- (n) Land Conservation and Development Commission.
- (o) Land Use Board of Appeals.
- (p) Local government boundary commissions created pursuant to ORS 199.430.
- (q) Oregon University System and public universities listed in ORS 352.002.
- (r) Oregon Youth Authority.
- (s) Psychiatric Security Review Board.
- (t) The Oregon Health Authority for hearings conducted under ORS 161.315 to 161.351.
- (u) Public Utility Commission.
- (v) State Accident Insurance Fund Corporation.

- (w) State Apprenticeship and Training Council.
- (x) State Board of Parole and Post-Prison Supervision.
- (y) State Land Board.
- (z) State Treasurer.

[(aa) Wage and Hour Commission.]

(3) The Workers' Compensation Board is exempt from using administrative law judges assigned from the office for any hearing conducted by the board under ORS chapters 147, 654 and 656. Except as specifically provided in this subsection, the Department of Consumer and Business Services must use administrative law judges assigned from the office only for contested cases arising out of the department's powers and duties under:

- (a) ORS 86A.095 to 86A.198, 86A.990 and 86A.992 and ORS chapter 59;
- (b) ORS chapter 455;
- (c) ORS chapter 674;
- (d) ORS chapters 706 to 716;
- (e) ORS chapter 717;
- (f) ORS chapters 723, 725 and 726; and
- (g) ORS chapters 731, 732, 733, 734, 735, 737, 742, 743, 743A, 744, 746, 748 and 750.

(4) Notwithstanding any other provision of law, in any proceeding in which an agency is required to use an administrative law judge assigned from the office, an officer or employee of the agency may not conduct the hearing on behalf of the agency.

(5) Notwithstanding any other provision of ORS 183.605 to 183.690, an agency is not required to use an administrative law judge assigned from the office if:

- (a) Federal law requires that a different administrative law judge or hearing officer be used; or
- (b) Use of an administrative law judge from the office could result in a loss of federal funds.

(6) Notwithstanding any other provision of this section, the Department of Environmental Quality must use administrative law judges assigned from the office only for contested case hearings conducted under the provisions of ORS 183.413 to 183.470.

SECTION 20. ORS 653.050 is amended to read:

653.050. Every employer required by ORS 653.025 or by any rules, orders or permit issued under ORS 653.030 or 653.261 to pay a minimum wage to any of the employer's employees shall keep summaries of ORS 653.010 to 653.261[,] **and** summaries of all rules [*promulgated*] **adopted** by the Commissioner of the Bureau of Labor and Industries pursuant to ORS 653.010 to 653.261 and **653.307** [*summaries of all rules promulgated by the Wage and Hour Commission*] posted in a conspicuous and accessible place in or about the premises where the employees are employed. Employers may obtain the summaries from the website of the Bureau of Labor and Industries or upon request from the bureau, the first copy of which shall be furnished without charge. In addition, upon request, the bureau shall furnish the complete text of all rules [*promulgated*] **adopted** pursuant to ORS 653.010 to 653.261 and **653.307** [*by the Wage and Hour Commission*] to any employer without charge.

SECTION 21. ORS 653.305 is amended to read:

653.305. [(1)] The [*Wage and Hour Commission*] **Bureau of Labor and Industries** may at any time inquire into wages or hours or conditions of labor of minors employed in any occupation in this state and determine suitable hours and conditions of labor for such minors.

[(2) *When the commission has made such determination, it may issue an obligatory order in compliance with ORS chapter 183.*]

[(3) *After such order is effective, no employer in the occupation affected shall employ a minor for more hours or under different conditions of labor than are specified or required by the order; but no such order nor the commission shall authorize or permit the employment of any minor for more hours per day or per week than the maximum fixed by law or at times or under conditions prohibited by law.*]

SECTION 22. ORS 653.307 is amended to read:

653.307. (1) In accordance with the applicable provisions of ORS chapter 183, the [*Wage and Hour Commission*] **Bureau of Labor and Industries** shall adopt rules governing annual employment

certificates required under this section. After September 9, 1995, the rules governing the total hours a minor can work shall not be more restrictive than the requirements of the Federal Fair Labor Standards Act (29 U.S.C. 202, et seq.), unless otherwise provided by Oregon law.

(2) An employer who hires minors shall apply to the [*Wage and Hour Commission*] **bureau** for an annual employment certificate to employ minors. The application shall be on a form provided by the [*commission*] **bureau** and shall include, but **need** not be limited to:

- (a) The estimated or average number of minors to be employed during the year.
- (b) A description of the activities to be performed.
- (c) A description of the machinery or other equipment to be used by the minors.

(3) Once a year, the bureau [*of Labor and Industries*] shall provide to all employers applying for an annual employment certificate an information sheet summarizing all rules and laws governing the employment of minors.

(4) Failure by an employer to comply with ORS 653.305 to 653.340 or with the regulations adopted by the [*Wage and Hour Commission*] **bureau** pursuant to this section shall subject the employer to revocation of the right to hire minors in the future at the discretion of the [*Wage and Hour Commission*] **bureau**, provided that an employer shall be granted a hearing before the [*Wage and Hour Commission*] **bureau** prior to such action being taken.

(5) All school districts shall cooperate with the [*Wage and Hour Commission*] **bureau** and make available, upon request of the [*commission*] **bureau**, information concerning the age and schooling of minors.

SECTION 23. ORS 653.310 is amended to read:

653.310. No child under 18 years of age shall be employed or permitted to work in any employment listed in ORS 653.320 (2) unless the person employing the child keeps on file and accessible to the school authorities of the district where such child resides, and to the police and the [*Wage and Hour Commission*] **Bureau of Labor and Industries**, an annual employment certificate as prescribed by the rules adopted by the [*commission*] **bureau** pursuant to ORS 653.307 and keeps a complete list of all such children employed therein.

SECTION 24. ORS 653.320 is amended to read:

653.320. (1) No child under the age of 14 years shall be employed in any work, or labor of any form for wages or other compensation to whomsoever payable, during the term when the public schools of the town, district or city in which the child resides are in session.

(2) **Except as provided in subsections (3) and (4) of this section**, no child under 14 years of age shall be employed or permitted to work in, or in connection with, any [*factory, workshop, mercantile establishment, store, business office, restaurant, bakery, hotel or apartment house*] **place of business**.

(3) The [*Wage and Hour Commission*] **Bureau of Labor and Industries** may allow children between the ages of 12 and 14 to be employed in any suitable work during any school vacation extending over a term of two weeks and may issue permits therefor. The [*commission*] **bureau** shall exercise careful discretion as to the character of such employment and its effect on the physical and moral well-being of the child.

(4) Exceptions may be made by the [*Wage and Hour Commission*] **bureau** exempting a minor or class of minors from the [*above*] provisions **of this section**. [*The child so employed under this provision shall be given notice of confidential access to the Wage and Hour Commission.*]

SECTION 25. ORS 653.326 is amended to read:

653.326. (1) The [*Wage and Hour Commission*] **Bureau of Labor and Industries** may by special permit authorize a child under 18 years of age to engage in employment otherwise prohibited by law if the child has successfully completed professional training for such employment conducted by any school district, or training that the [*commission*] **bureau** considers equivalent thereto, and the child:

- (a) Has graduated from high school; or
- (b) Is employed during such time as public schools are not in session for a period exceeding 30 days.

(2) The [commission] **bureau** or [its representatives] **a person authorized by the bureau** shall investigate periodically the conditions of the employment for which a special permit has been issued, to determine whether [or not] the permit should be continued.

SECTION 26. ORS 653.360 is amended to read:

653.360. Notwithstanding any other provision of ORS 653.305 to 653.370:

(1) Minors 16 years of age and 17 years of age may be employed as assistants on chartered fishing or pleasure boats.

(2) Minors 14 years of age and 15 years of age may be employed at dock areas used by chartered fishing or pleasure boats.

(3) Minors less than 18 years of age may be employed on commercial fishing vessels without an employment permit when employed and supervised by the minor's grandfather, grandmother, father, mother, brother, sister, uncle or aunt.

(4) Minors 16 years of age and 17 years of age may be employed to operate power-driven machinery in connection with their employment in the processing of agricultural commodities in an agricultural warehouse on a farm by a farmer if each such minor has completed a training program in the safe operation of such machinery as prescribed by rule of the [*Wage and Hour Commission*] **Bureau of Labor and Industries under ORS 653.307.**

SECTION 27. ORS 653.370 is amended to read:

653.370. (1) In addition to any other penalty provided by law, the Commissioner of the Bureau of Labor and Industries may impose upon any person who violates ORS 653.305 to 653.370, or any rule adopted by the [*Wage and Hour Commission thereunder*] **Bureau of Labor and Industries under ORS 653.305 to 653.370 or 653.525**, a civil penalty not to exceed \$1,000 for each violation.

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

(3) Except as otherwise provided in this section, civil penalties under this section shall be imposed as provided in ORS 183.745.

(4) All sums collected as penalties pursuant to this section shall be first applied toward reimbursement of the costs incurred in determining the violations, conducting hearings under this section and assessing and collecting such penalties. The remainder, if any, of the sums collected as penalties pursuant to this section shall be paid over by the commissioner to the Department of State Lands for the benefit of the Common School Fund of this state. The department shall issue a receipt for the money to the commissioner.

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

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

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

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

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

(B) The civil penalty involved the same factual circumstances underlying the commissioner's imposition of a civil penalty.

SECTION 28. ORS 653.991 is amended to read:

653.991. Violation of any provision of this section or ORS 653.010 to 653.545 or of any rule adopted by the [*Wage and Hour Commission*] **Bureau of Labor and Industries** under ORS 653.307 [*shall be*] **is** punishable as a misdemeanor.

UNIT CAPTIONS

SECTION 29. The unit captions used in this 2013 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2013 Act.

EMERGENCY CLAUSE

SECTION 30. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.

Passed by Senate April 2, 2013

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House May 22, 2013

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Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2013

Approved:

.....M,....., 2013

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2013

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Kate Brown, Secretary of State