

At the request of State Treasurer Tobias Read

**PROPOSED AMENDMENTS TO  
SENATE BILL 164**

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  
5 than two years following the date by which an employer is required to reg-  
6 ister with the plan, as prescribed by the Oregon Retirement Savings Board  
7 by rule.”.

8 In line 14, delete “shall” and insert “may”.

9 In line 16, delete “finds substantial evidence” and insert “issues a final  
10 order determining”.

11 Delete lines 19 through 24.

12 On page 2, delete lines 1 through 3 and insert:

13 **“SECTION 4. (1) The Commissioner of the Bureau of Labor and  
14 Industries shall inform the Oregon Retirement Savings Board of any  
15 final orders issued under section 3 of this 2019 Act.**

16 **“(2) The board shall include the commissioner’s final order deter-  
17 minations related to employers’ compliance in the annual reports de-  
18 scribed in ORS 178.235.**

19 **“SECTION 5. (1)(a) In addition to any other penalty provided by law, the  
20 Commissioner of the Bureau of Labor and Industries may assess against an  
21 employer who has engaged in an unlawful practice under section 2 of this**

1 2019 Act a civil penalty in an amount up to \$100 for each employee who is  
2 eligible to participate in the plan developed under ORS 178.205, not to exceed  
3 an aggregate amount of \$5,000 in a calendar year.

4 “(b) The commissioner may, upon a showing of any mitigating or aggra-  
5 vating circumstances, adjust the amount of a civil penalty imposed under  
6 this section.”.

7 Delete line 7 and insert “costs incurred by the commissioner in conduct-  
8 ing”.

9 Delete lines 37 through 39 and insert:

10 “(h) To request that the Commissioner of the Bureau of Labor and In-  
11 dustries investigate an employer under section 3 of this 2019 Act to deter-  
12 mine the employer’s compliance with the requirements of the defined  
13 contribution retirement plan developed under this section, if, after three at-  
14 tempts, using different means of communication when available, to bring the  
15 employer into compliance, the board has reasonable grounds to believe that  
16 the employer remains in violation of the requirements of the plan.”.

17 On page 3, delete lines 44 and 45.

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