

A-Engrossed
Senate Bill 31

Ordered by the Senate March 27
Including Senate Amendments dated March 27

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Labor and Business)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Requires Employment Department to study issues relating to family and medical leave insurance benefits. Directs department to submit findings to interim committees of Legislative Assembly related to business and labor not later than December 1, 2023.]

[Takes effect on 91st day following adjournment sine die.]

Requires Director of Employment Department to determine solvency of Paid Family and Medical Leave Insurance Fund for purposes of paying benefits and grant awards. Specifies timelines within which director shall make solvency determinations and regarding when payment of benefits and grant awards shall commence once fund is deemed solvent.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the family and medical leave insurance program; and declaring an emergency.

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

4 **SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS chapter 657B.**

5 **SECTION 2. (1) As used in this section:**

6 (a) **"Grant" means a grant awarded under ORS 657B.200.**

7 (b) **"Solvency of the fund" and "solvent" mean that the cumulative amount of contribu-**
8 **tions collected under the provisions of this chapter and deposited in the fund are sufficient**
9 **to pay, in full and in a timely manner, the benefits anticipated to be claimed by covered in-**
10 **dividuals under ORS 657B.090, grants awarded under ORS 657B.200 and any costs and ex-**
11 **penses associated with processing payments of the benefits and grant awards.**

12 (2) **Notwithstanding any other provision under this chapter:**

13 (a) **No later than August 11, 2023, the Director of the Employment Department shall de-**
14 **termine whether the fund is solvent with respect to the benefits anticipated to be claimed**
15 **and any grant moneys anticipated to be awarded on or after September 3, 2023.**

16 (b) **If, pursuant to paragraph (a) of this subsection, the director determines that the fund**
17 **is:**

18 (A) **Solvent, the director shall commence paying benefits and any grant awards on Sep-**
19 **tember 3, 2023.**

20 (B) **Insolvent, the director shall delay the start of benefit payments and grant awards**
21 **until December 3, 2023, and make further quarterly determinations of the solvency of the**
22 **fund under subsection (3) of this section.**

23 (3) **Notwithstanding any other provision of this chapter:**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (a)(A) If, pursuant to subsection (2) of this section, the director determines that the fund
2 is insolvent, the director shall, on a quarterly basis, determine whether the fund is solvent
3 with respect to the benefits anticipated to be claimed and any grants anticipated to be
4 awarded beginning with the first week of the last month of the current calendar quarter.

5 (B) Each quarterly determination shall be made no later than two weeks immediately
6 following the date on which the combined quarterly reports are due under ORS 657B.150 (12).

7 (b) If, pursuant to paragraph (a) of this subsection, the director determines that the fund
8 is:

9 (A) Solvent, the director shall commence paying benefits and any grant awards in ac-
10 cordance with paragraph (c) of this subsection.

11 (B) Insolvent, the director shall continue making quarterly determinations of the
12 solvency of the fund, as provided under paragraph (a) of this subsection, until the fund is
13 determined to be solvent.

14 (c) The director shall commence benefit payments and grant awards under this sub-
15 section beginning with the first week of the last month of the current calendar quarter or
16 30 days following the notice provided to employers and covered individuals under subsection
17 (4) of this section regarding the commencement of benefits or grants, whichever is later.

18 (4) The director shall provide at least 30 days' advance notice to employers and covered
19 individuals before commencing benefit payments or grants under subsection (3) of this sec-
20 tion.

21 SECTION 3. Section 2 of this 2023 Act is repealed on September 3, 2026.

22 SECTION 4. This 2023 Act being necessary for the immediate preservation of the public
23 peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect
24 on its passage.