

House Bill 3778

Sponsored by Representative ELMER

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 **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act directs the DCBS to obtain approval from federal OSHA to withdraw the state plan. The Act repeals the statutes that implemented the state plan. The Act takes effect when the Governor signs it. (Flesch Readability Score: 69.3).

Directs the Director of the Department of Consumer and Business Services to notify the United States Secretary of Labor of the intent to withdraw the federally approved state plan.

The Act forbids the Director of the Department of Consumer and Business Services to adopt or enforce any rule, regulation or standard that is more stringent than any federal occupational health and safety rule, regulation or standard adopted under the federal Occupational Safety and Health Act.

Becomes operative on December 1, 2026, or 60 days after the date on which the United States Secretary of Labor approves the withdrawal of the state plan.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

Relating to the withdrawal of the federally approved state plan concerning workplace safety; creating new provisions; amending ORS 307.480, 307.495, 307.505, 410.604, 433.502, 453.307, 475C.353, 656.018, 656.430, 656.708, 656.726, 658.440, 658.453, 658.991, 731.418 and 824.064; repealing ORS 654.001, 654.003, 654.005, 654.010, 654.015, 654.020, 654.022, 654.025, 654.031, 654.035, 654.056, 654.062, 654.067, 654.071, 654.078, 654.082, 654.086, 654.090, 654.097, 654.101, 654.120, 654.130, 654.150, 654.160, 654.165, 654.170, 654.172, 654.174, 654.176, 654.182, 654.189, 654.191, 654.192, 654.196, 654.200, 654.202, 654.206, 654.212, 654.216, 654.251, 654.285, 654.290, 654.293, 654.295, 654.310, 654.412, 654.413, 654.414, 654.416, 654.418, 654.421, 654.423, 654.750, 654.760, 654.770, 654.780, 654.991 and 731.480; and declaring an emergency.

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

WITHDRAWAL OF STATE PLAN

SECTION 1. (1) Not later than September 15, 2025, the Director of the Department of Consumer Business Services shall notify the United States Secretary of Labor, in writing in accordance with federal requirements governing procedures for withdrawal of approval of a state plan, of the intent to withdraw the state plan.

(2) As used in this section "state plan" means a state-operated workplace safety and health program that has been approved by the federal Occupational Safety and Health Administration.

SECTION 2. The Director of the Department of Consumer and Business Services may not adopt or enforce any rule, regulation or standard regarding occupational health and safety that is more stringent than any federal occupational health and safety rule, regulation or standard adopted under the federal Occupational Safety and Health Act.

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.

CONFORMING AMENDMENTS

SECTION 3. ORS 656.708 is amended to read:

656.708. The Hearings Division is continued within the Workers' Compensation Board. The division has the responsibility for providing an impartial forum for deciding [*all cases, disputes and controversies arising under ORS 654.001 to 654.295, 654.412 to 654.423 and 654.750 to 654.780,*] all cases, disputes and controversies regarding matters concerning a claim under this chapter, and for conducting such other hearings and proceedings as may be prescribed by law.

SECTION 4. ORS 656.726 is amended to read:

656.726. (1) The Workers' Compensation Board in its name and the Director of the Department of Consumer and Business Services in the director's name as director may sue and be sued, and each shall have a seal.

(2) The board hereby is charged with reviewing appealed orders of Administrative Law Judges in controversies concerning a claim arising under this chapter, exercising own motion jurisdiction under this chapter and providing such policy advice as the director may request, and providing such other review functions as may be prescribed by law. To that end any of its members or assistants authorized thereto by the members shall have power to:

(a) Hold sessions at any place within the state.

(b) Administer oaths.

(c) Issue and serve by the board's representatives, or by any sheriff, subpoenas for the attendance of witnesses and the production of papers, contracts, books, accounts, documents and testimony before any hearing under [*ORS 654.001 to 654.295, 654.412 to 654.423, 654.750 to 654.780 and*] this chapter.

(d) Generally provide for the taking of testimony and for the recording of proceedings.

(3) The board chairperson is hereby charged with the administration of and responsibility for the Hearings Division.

(4) The director hereby is charged with duties of administration, regulation and enforcement of [*ORS 654.001 to 654.295, 654.412 to 654.423, 654.750 to 654.780 and*] this chapter. To that end the director may:

(a) Make and declare all rules and issue orders which are reasonably required in the performance of the director's duties. Unless otherwise specified by law, all reports, claims or other documents shall be deemed timely provided to the director or board if mailed by regular mail or delivered within the time required by law. Notwithstanding any other provision of this chapter, the director may adopt rules to allow for the electronic transmission and filing of reports, claims or other documents required to be filed under this chapter and to require the electronic transmission and filing of proof of coverage required under ORS 656.419, 656.423 and 656.427. Notwithstanding ORS 183.310 to 183.410, if a matter comes before the director that is not addressed by rule and the director finds that adoption of a rule to accommodate the matter would be inefficient, unreasonable or unnecessarily burdensome to the public, the director may resolve the matter by issuing an order, subject to review under ORS 656.704. Such order shall not have precedential effect as to any other situation.

(b) Hold sessions at any place within the state.

(c) Administer oaths.

(d) Issue and serve by representatives of the director, or by any sheriff, subpoenas for the attendance of witnesses and the production of papers, contracts, books, accounts, documents and tes-

1 timony in any inquiry, investigation, proceeding or rulemaking hearing conducted by the director
 2 or the director's representatives. The director may require the attendance and testimony of em-
 3 ployers, their officers and representatives in any inquiry under this chapter, and the production by
 4 employers of books, records, papers and documents without the payment or tender of witness fees
 5 on account of such attendance.

6 (e) Generally provide for the taking of testimony and for the recording of such proceedings.

7 (f) Provide standards for the evaluation of disabilities. The following provisions apply to the
 8 standards:

9 (A) The criterion for evaluation of permanent impairment under ORS 656.214 is the loss of use
 10 or function of a body part or system due to the compensable industrial injury or occupational dis-
 11 ease. Permanent impairment is expressed as a percentage of the whole person. The impairment value
 12 may not exceed 100 percent of the whole person.

13 (B) Impairment is established by a preponderance of medical evidence based upon objective
 14 findings.

15 (C) The criterion for evaluation of work disability under ORS 656.214 is permanent impairment
 16 as modified by the factors of age, education and adaptability to perform a given job.

17 (D) When, upon reconsideration of a notice of closure pursuant to ORS 656.268, it is found that
 18 the worker's disability is not addressed by the standards adopted pursuant to this paragraph,
 19 notwithstanding ORS 656.268, the director shall, in the order on reconsideration, determine the ex-
 20 tent of permanent disability that addresses the worker's impairment.

21 (E) Notwithstanding any other provision of this section, only impairment benefits shall be
 22 awarded under ORS 656.214 if the worker has been released to regular work by the attending phy-
 23 sician or nurse practitioner authorized to provide compensable medical services under ORS 656.245
 24 or has returned to regular work at the job held at the time of injury.

25 (g) Prescribe procedural rules for and conduct hearings, investigations and other proceedings
 26 pursuant to [ORS 654.001 to 654.295, 654.412 to 654.423, 654.750 to 654.780 and] this chapter regard-
 27 ing all matters other than those specifically allocated to the board or the Hearings Division.

28 (h) Participate fully in any proceeding before the Hearings Division, board or Court of Appeals
 29 in which the director determines that the proceeding involves a matter that affects or could affect
 30 the discharge of the director's duties of administration, regulation and enforcement of [ORS 654.001
 31 to 654.295, 654.412 to 654.423, 654.750 to 654.780 and] this chapter.

32 (5)(a) The board may make and declare all rules which are reasonably required in the perform-
 33 ance of its duties, including but not limited to rules of practice and procedure in connection with
 34 hearing and review proceedings and exercising its authority under ORS 656.278. The board shall
 35 adopt standards governing the format and timing of the evidence. The standards shall be uniformly
 36 followed by all Administrative Law Judges and practitioners. The rules may provide for informal
 37 prehearing conferences in order to expedite claim adjudication, amicably dispose of controversies,
 38 if possible, narrow issues and simplify the method of proof at hearings. The rules shall specify who
 39 may appear with parties at prehearing conferences and hearings.

40 (b) Notwithstanding any other provision of this chapter, the board may adopt rules to allow for
 41 the electronic transmission of filings, reports, notices and other documents required to be filed under
 42 the board's authority.

43 (6) The director and the board chairperson may incur such expenses as they respectively de-
 44 termine are reasonably necessary to perform their authorized functions.

45 (7) The director, the board chairperson and the State Accident Insurance Fund Corporation shall

1 have the right, not subject to review, to contract for the exchange of, or payment for, such services
2 between them as will reduce the overall cost of administering this chapter.

3 (8) The director shall have lien and enforcement powers regarding assessments to be paid by
4 subject employers in the same manner and to the same extent as is provided for lien and enforce-
5 ment of collection of premiums and assessments by the corporation under ORS 656.552 to 656.566.

6 (9) The director shall have the same powers regarding inspection of books, records and payrolls
7 of employers as are granted the corporation under ORS 656.758. The director may disclose infor-
8 mation obtained from such inspections to the Director of the Department of Revenue to the extent
9 the Director of the Department of Revenue requires such information to determine that a person
10 complies with the revenue and tax laws of this state and to the Director of the Employment De-
11 partment to the extent the Director of the Employment Department requires such information to
12 determine that a person complies with ORS chapter 657.

13 (10) The director shall collect hours-worked data information in addition to total payroll for
14 workers engaged in various jobs in the construction industry classifications described in the job
15 classification portion of the Workers' Compensation and Employers Liability Manual and the Oregon
16 Special Rules Section published by the National Council on Compensation Insurance. The informa-
17 tion shall be collected in the form and format necessary for the National Council on Compensation
18 Insurance to analyze premium equity.

19 **SECTION 5.** ORS 824.064 is amended to read:

20 824.064. (1) No railroad shall permit or require an employee to use a self-propelled vehicle in its
21 yards or terminals for inspecting trains, equipment or facilities or transporting employees or mate-
22 rials for the repair of trains, equipment or facilities, unless the vehicle is designed, constructed and
23 operated in accordance with the safety orders and regulations *[adopted under ORS 654.001 to 654.170*
24 *and 654.202 to 654.216]* **of the federal Occupational Safety and Health Administration.**

25 (2) As used in subsection (1) of this section, "railroad" means a railroad as defined by ORS
26 824.020 and 824.022.

27 **SECTION 6.** ORS 410.604 is amended to read:

28 410.604. (1) The Home Care Commission shall ensure the quality of home care services by:

29 (a) Establishing qualifications for home care workers and personal support workers, with the
30 advice and consent of the Department of Human Services, to ensure the effective delivery of home
31 care services by a qualified, committed, experienced and well-trained workforce;

32 (b) Conducting orientation sessions for home care workers and personal support workers;

33 (c) Ensuring training opportunities for home care workers and personal support workers in ac-
34 cordance with ORS 410.598;

35 (d) Providing training opportunities to elderly persons and persons with disabilities who employ
36 home care workers or personal support workers;

37 (e) Establishing the home care registry and maintaining the registry with qualified home care
38 workers and personal support workers;

39 (f) Providing routine, emergency and respite referrals of home care workers and personal sup-
40 port workers;

41 (g) Entering into contracts with public and private organizations and individuals for the purpose
42 of obtaining or developing training materials and curriculum or other services as may be needed by
43 the commission;

44 (h) Establishing occupational health and safety standards for home care workers and personal
45 support workers[*in accordance with ORS 654.003 (3),*] and informing home care workers and per-

sonal support workers of the standards; and

(i) Working on its own, if resources are available, or cooperatively with area agencies and state and local agencies to accomplish the duties listed in paragraphs (a) to (h) of this subsection.

(2)(a) The commission shall enter into an interagency agreement with the department to contract for a department employee to serve as executive director of the commission. The executive director shall be appointed by the Director of Human Services in consultation with the Governor and subject to approval by the commission, and shall serve at the pleasure of the Director of Human Services. The commission may delegate to the executive director the authority to act on behalf of the commission to carry out its duties and responsibilities, including but not limited to:

(A) Entering into contracts or agreements; and

(B) Taking reasonable or necessary actions related to the commission's role as employer of record for home care workers and personal support workers under ORS 410.612.

(b) The commission shall enter into an interagency agreement with the department for carrying out any of the duties or functions of the commission, for department expenditures and for the provision of staff support by the department.

(3) When conducting its activities, and in making decisions relating to those activities, the commission shall first consider the effect of its activities and decisions on:

(a) Improving the quality of service delivered by home care workers and personal support workers;

(b) Ensuring adequate hours of service are provided to elderly persons and persons with disabilities by home care workers and personal support workers; and

(c) Ensuring that services, activities and purchases that are purchased by elderly persons and persons with disabilities other than home care services, including adult support services, are not compromised or diminished.

(4) The commission shall work with culturally diverse community-based organizations to train and certify community health workers and personal health navigators. The workers and navigators shall work as part of a multidisciplinary team under the direction of a licensed or certified health care professional. The commission shall recruit qualified home care workers and personal support workers who desire to be trained and certified as community health workers or personal health navigators.

(5) The commission shall ensure that each coordinated care organization honors all of the terms and conditions of employment established by the commission with respect to the community health workers and personal health navigators referred by the commission. This subsection does not require a coordinated care organization to employ or contract with community health workers and personal health navigators certified by the commission so long as the community health workers and personal health navigators employed or otherwise retained by the organization meet competency standards established by the authority under ORS 414.665.

(6) The commission has the authority to contract for services, lease, acquire, hold, own, encumber, insure, sell, replace, deal in and with and dispose of real and personal property in its own name.

(7) As used in this section, "community health worker," "coordinated care organization" and "personal health navigator" have the meanings given those terms in ORS 414.025.

SECTION 7. ORS 433.502 is amended to read:

433.502. As used in ORS 433.502 to 433.526, 455.445 and 468A.775 to 468A.785:

(1) **"Employee" includes:**

(a) Any individual, including a minor whether lawfully or unlawfully employed, who engages to furnish services for a remuneration, financial or otherwise, subject to the direction and control of an employer.

(b) Salaried, elected and appointed officials of the state, state agencies, counties, cities, school districts and other public corporations.

(c) Any individual who is provided with workers' compensation coverage as a subject worker pursuant to ORS chapter 656, whether by operation of law or by election.

[(1)] (2) "Office workplace" means any enclosed nonmanufacturing indoor area, located in a building of more than 4,000 square feet, and in which 50 or more employees[, as defined in ORS 654.005] spend any part of their working hours.

[(2)] (3) "Public area" means any enclosed indoor area open to and frequented by the public and where, during a representative 24-hour period the number of public occupants exceeds the number of employees, except private residences. "Public area" includes a health care facility as defined in ORS 442.015.

[(3)] (4) "Remodeling" means any change, addition or modification in the ventilation system for which a building permit is or was required.

[(4)] (5) "Significant indoor air pollutant" means any solid, liquid, semisolid, dissolved solid, biological organism, aerosol or gaseous material, including combinations or mixtures of substances, which has an adverse effect on human health and has been designated by the state for regulation under ORS 433.502 to 433.526, 455.445 and 468A.775 to 468A.785.

SECTION 8. ORS 453.307, as amended by section 96, chapter 73, Oregon Laws 2024, is amended to read:

453.307. As used in ORS 453.307 to 453.414:

(1) "Community right to know regulatory program" or "local program" means any law, rule, ordinance, regulation or charter amendment established, enforced or enacted by a local government that requires an employer to collect or report information relating to the use, storage, release, possession or composition of hazardous substances and toxic substances if a primary intent of the law, rule, ordinance, regulation or charter amendment is the public distribution of the information.

(2) "Emergency service personnel" includes those entities providing emergency services as defined in ORS 401.025.

(3) "Employer" means:

(a) Any person operating a facility that is included in one or more of the 21 standard industrial classification categories in Appendix B of the Natural Resources Defense Council v. Train Consent Decree of June 8, 1976 (8 E.R.C. 2120); or

(b) Any person operating a facility designated by the State Fire Marshal.

(4) "Fire district" means any agency having responsibility for providing fire protection services.

(5) "Hazardous substance" means:

(a) Any substance designated as hazardous by the [Director of the Department of Consumer and Business Services or by the] State Fire Marshal;

(b) Any substance [for which a material safety data sheet is required by the Director of the Department of Consumer and Business Services under ORS 654.035 and] which appears on the list of Threshold Limit Values for Chemical Substances and Physical Agents in the Work Environment by the American Conference of Governmental Industrial Hygienists; or

(c) Radioactive waste and material as defined in ORS 469.300 and radioactive substance as defined in ORS 453.005.

(6) "Health professional" means a physician licensed under ORS chapter 677, naturopathic physician licensed under ORS chapter 685, physician associate licensed under ORS 677.505 to 677.525, registered nurse, industrial hygienist, toxicologist, epidemiologist or emergency medical services provider.

(7) "Law enforcement agency" has the meaning given that term in ORS 181A.010.

(8) "Local government" means a city, town, county, regional authority or other political subdivision of this state.

(9) "Person" includes individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, the state and any agency thereof, and the federal government and any agency thereof.

(10) "Trade secret" has the meaning given that term in ORS 192.345 (2).

SECTION 9. ORS 475C.353 is amended to read:

475C.353. (1) Except as provided in subsections (3), (5) and (6) of this section, a felony under ORS 475C.337 or 475C.341 shall be classified as crime category 1 of the sentencing guidelines grid of the Oregon Criminal Justice Commission.

(2) Except as provided in subsections (3), (5) and (6) of this section, a felony under ORS 475C.345 or 475C.349 shall be classified as crime category 4 of the sentencing guidelines grid of the Oregon Criminal Justice Commission.

(3) Subject to subsection (4) of this section, a felony under ORS 475C.337, 475C.341, 475C.345 or 475C.349 shall be classified as crime category 8 of the sentencing guidelines grid of the Oregon Criminal Justice Commission if the violation is a commercial marijuana offense. A violation is a commercial marijuana offense for purposes of this subsection if the violation was accompanied by at least three of the following factors:

(a) The offender delivered a marijuana item for consideration;

(b) The offender was in possession of \$300 or more in cash;

(c) The offender was unlawfully in possession of a firearm or other weapon as described in ORS 166.270 (2), the offender used, attempted to use or threatened to use a deadly weapon or dangerous weapon, as those terms are defined in ORS 161.015, or the offender was in possession of a firearm or other deadly weapon or dangerous weapon for the purpose of using the deadly weapon or dangerous weapon;

(d) The offender was in possession of materials being used for the packaging of marijuana items, such as scales, wrapping or foil, other than a material used to contain the marijuana item that is the subject of the violation;

(e) The offender was in possession of marijuana item transaction records or customer lists;

(f) The offender was in possession of stolen property;

(g) The offender was in possession of manufacturing paraphernalia specifically designed for producing marijuana, such as recipes, precursor chemicals, laboratory equipment, lighting equipment, ventilating equipment or power generation equipment;

(h) The offender modified structures by painting, wiring, plumbing or lighting the structures to facilitate the offense;

(i) The offender used public lands to manufacture the marijuana item; or

(j) The offender constructed fortifications or took security measures that had the potential to injure persons.

(4) To prove that a violation is a commercial marijuana offense for purposes of subsection (3) of this section, the state must plead in the accusatory instrument at least three of the factors de-

scribed in subsection (3) of this section. The state has the burden of proving each factor beyond a reasonable doubt.

(5) A violation of ORS 475C.337 (3)(d), 475C.341 (4), 475C.349 (3)(c)(B) or 475C.349 (3)(c)(C) shall be classified as a crime category 6 of the sentencing guidelines grid of the Oregon Criminal Justice Commission if the violation constitutes a marijuana offense involving reckless unlawful conduct. A violation of ORS 475C.337 (3)(d), 475C.341 (4), 475C.349 (3)(c)(B) or 475C.349 (3)(c)(C) is a marijuana offense involving reckless unlawful conduct if the person is aware of and consciously disregards a substantial and justifiable risk that the violation is accompanied by:

(a) Any of the following factors:

(A) Abusing or threatening to abuse the law or legal process;

(B) Destroying, concealing, removing, confiscating or possessing an actual or purported passport or immigration document, or other actual or purported government identification document, of another person;

(C) Threatening to report another person to a government agency for the purpose of the other person's arrest or deportation;

(D) Threatening to collect an unlawful debt;

(E) Instilling in another person a fear that the person will withhold from the other person the necessities of life, including but not limited to lodging, food and clothing; or

(F) Withholding wages earned without lawful justification; **or**

[(b) The issuance of a citation to a person under ORS 654.071 for a violation of any state occupational safety or health law, regulation, rule or order, including any safety and health standards for agricultural labor housing and related facilities under the Oregon Safe Employment Act; or]

[(c)] **(b)** Any of the following factors related to the environment:

(A) Discharging, placing or causing to be placed any wastes, as defined in ORS 468B.005, into the waters of this state or in a location where the wastes are likely to escape or be carried into the waters of this state;

(B) The unlawful use, storage, disposal, treatment or transport of hazardous waste, as defined in ORS 466.005;

(C) The unlawful possession, use or application of a pesticide, as defined in ORS 634.006; or

(D) The use of surface water or ground water in violation of ORS chapter 537.

(6) A violation of ORS 475C.337 (3)(d), 475C.341 (4), 475C.349 (3)(c)(B) or 475C.349 (3)(c)(C) shall be classified as a crime category 8 of the sentencing guidelines grid of the Oregon Criminal Justice Commission if the violation constitutes a marijuana offense involving knowing unlawful conduct. A violation of ORS 475C.337 (3)(d), 475C.341 (4), 475C.349 (3)(c)(B) or 475C.349 (3)(c)(C) is a marijuana offense involving knowing unlawful conduct if the person acts with knowledge, or with a conscious purpose to avoid knowledge, that the violation is accompanied by:

(a) Any of the following factors:

(A) Abusing or threatening to abuse the law or legal process;

(B) Destroying, concealing, removing, confiscating or possessing an actual or purported passport or immigration document, or other actual or purported government identification document, of another person;

(C) Threatening to report another person to a government agency for the purpose the other person's arrest or deportation;

(D) Threatening to collect an unlawful debt;

(E) Instilling in another person a fear that the person will withhold from the other person the

necessities of life, including but not limited to lodging, food and clothing; or

(F) Withholding wages earned without lawful justification; **or**

[(b) The issuance of a citation to a person under ORS 654.071 for a violation of any state occupational safety or health law, regulation, rule or order, including any safety and health standards for agricultural labor housing and related facilities under the Oregon Safe Employment Act; or]

[(c)] (b) Any of the following factors related to the environment:

(A) Discharging, placing or causing to be placed any wastes, as defined in ORS 468B.005, into the waters of this state or in a location where the wastes are likely to escape or be carried into the waters of this state;

(B) The unlawful use, storage, disposal, treatment or transport of hazardous waste, as defined in ORS 466.005;

(C) The unlawful possession, use or application of a pesticide, as defined in ORS 634.006; or

(D) The use of surface water or ground water in violation of ORS chapter 537.

SECTION 10. ORS 656.018 is amended to read:

656.018. (1)(a) The liability of every employer who satisfies the duty required by ORS 656.017 (1) is exclusive and in place of all other liability arising out of injuries, diseases, symptom complexes or similar conditions arising out of and in the course of employment that are sustained by subject workers, the workers' beneficiaries and anyone otherwise entitled to recover damages from the employer on account of such conditions or claims resulting therefrom, specifically including claims for contribution or indemnity asserted by third persons from whom damages are sought on account of such conditions, except as specifically provided otherwise in this chapter.

(b) This subsection shall not apply to claims for indemnity or contribution asserted by a railroad, as defined in ORS 824.020, or by a corporation, individual or association of individuals which is subject to regulation pursuant to ORS chapter 757 or 759.

(c) Except as provided in paragraph (b) of this subsection, all agreements or warranties contrary to the provisions of paragraph (a) of this subsection entered into after July 19, 1977, are void.

(2) The rights given to a subject worker and the beneficiaries of the subject worker under this chapter for injuries, diseases, symptom complexes or similar conditions arising out of and in the course of employment are in lieu of any remedies they might otherwise have for such injuries, diseases, symptom complexes or similar conditions against the worker's employer under ORS 654.305 to 654.336 or other laws, common law or statute, except to the extent the worker is expressly given the right under this chapter to bring suit against the employer of the worker for an injury, disease, symptom complex or similar condition.

(3) The exemption from liability given an employer under this section is also extended to the employer's insurer, the self-insured employer's claims administrator, the Department of Consumer and Business Services, and to the contracted agents, employees, partners, limited liability company members, general partners, limited liability partners, limited partners, officers and directors of the employer, the employer's insurer, the self-insured employer's claims administrator and the department, except that the exemption from liability shall not apply:

(a) If the willful and unprovoked aggression by a person otherwise exempt under this subsection is a substantial factor in causing the injury, disease, symptom complex or similar condition;

(b) If the worker and the person otherwise exempt under this subsection are not engaged in the furtherance of a common enterprise or the accomplishment of the same or related objectives; **or**

[(c) If the failure of the employer to comply with a notice posted pursuant to ORS 654.082 is a substantial factor in causing the injury, disease, symptom complex or similar condition; or]

1 [(d)] (c) If the negligence of a person otherwise exempt under this subsection is a substantial
 2 factor in causing the injury, disease, symptom complex or similar condition and the negligence oc-
 3 curs outside of the capacity that qualifies the person for exemption under this section.

4 (4) The exemption from liability given an employer under this section applies to a worker leasing
 5 company and the client to whom workers are provided when the worker leasing company and the
 6 client comply with ORS 656.850 (3).

7 (5)(a) The exemption from liability given an employer under this section applies to a temporary
 8 service provider, as that term is used in ORS 656.850, and also extends to the client to whom
 9 workers are provided when the temporary service provider complies with ORS 656.017.

10 (b) The exemption from liability given a client under paragraph (a) of this subsection is also
 11 extended to the client's insurer, the self-insured client's claims administrator, the department, and
 12 the contracted agents, employees, officers and directors of the client, the client's insurer, the self-
 13 insured client's claims administrator and the department, except that the exemption from liability
 14 shall not apply:

15 (A) If the willful and unprovoked aggression by a person otherwise exempt under this subsection
 16 is a substantial factor in causing the injury, disease, symptom complex or similar condition;

17 (B) If the worker and the person otherwise exempt under this subsection are not engaged in the
 18 furtherance of a common enterprise or the accomplishment of the same or related objectives; **or**

19 [(C) *If the failure of the client to comply with a notice posted pursuant to ORS 654.082 is a sub-*
 20 *stantial factor in causing the injury, disease, symptom complex or similar condition; or*]

21 [(D)] (C) If the negligence of a person otherwise exempt under this subsection is a substantial
 22 factor in causing the injury, disease, symptom complex or similar condition and the negligence oc-
 23 curs outside of the capacity that qualifies the person for exemption under this subsection.

24 (6) Nothing in this chapter shall prohibit payment, voluntarily or otherwise, to injured workers
 25 or their beneficiaries in excess of the compensation required to be paid under this chapter.

26 (7) The exclusive remedy provisions and limitation on liability provisions of this chapter apply
 27 to all injuries and to diseases, symptom complexes or similar conditions of subject workers arising
 28 out of and in the course of employment whether or not they are determined to be compensable under
 29 this chapter.

30 **SECTION 11.** ORS 656.430 is amended to read:

31 656.430. (1) Upon determining that an employer has qualified as a self-insured employer under
 32 ORS 656.407, the Director of the Department of Consumer and Business Services shall issue a cer-
 33 tificate to that effect to the employer.

34 (2) Coverage of a self-insured employer is effective on the date of certification unless a later
 35 date is specified in the certificate.

36 (3) Two or more entities may not be included in the certification of one employer unless in each
 37 entity the same person, or group of persons, or corporation owns a majority interest. If an entity
 38 owns a majority interest in another entity which in turn owns the majority interest in another en-
 39 tity, all entities so related may be combined regardless of the number of entities in succession. If
 40 more than one entity is included in the certification of one employer, each entity included is jointly
 41 and severally liable for any compensation and other amounts due the Department of Consumer and
 42 Business Services under this chapter by any entity included in the certification.

43 (4) In the term "majority interest," as used in this section, "majority" means more than 50 per-
 44 cent.

45 (5) If an entity other than a partnership:

1 (a) Has issued voting stock, "majority interest" means a majority of the issued voting stock;

2 (b) Has not issued voting stock, "majority interest" means a majority of the members; or

3 (c) Has not issued voting stock and has no members, "majority interest" means a majority of the
4 board of directors or comparable governing body.

5 (6) If the entity is a partnership, majority interest must be determined in accordance with the
6 participation of each general partner in the profits of the partnership.

7 (7)(a) Notwithstanding any other provision of this section, the director may certify five or more
8 subject employers as a self-insured employer group, which is an employer for purposes of this
9 chapter, if:

10 (A) The director finds that the employers as a group meet the requirements of ORS 656.407 (1)(b)
11 and (2);

12 (B) The director determines that the employers as a group meet the insurance coverage re-
13 tention and combined net worth requirements adopted by the director by rule;

14 (C) The director finds that the grouping is likely to improve accident prevention and claims
15 handling for the employer;

16 (D) Each employer executes and files with the designated entity a written agreement, in such
17 form as the director may prescribe, in which:

18 (i) The employer agrees to be jointly and severally liable for the payment of any compensation
19 and other amounts due to the Department of Consumer and Business Services under this chapter
20 incurred by a member of the group; or

21 (ii) The employer, if a city, county, special district described and listed in ORS 198.010 or
22 198.180, translator district formed under ORS 354.605 to 354.715, weed control district organized
23 under ORS 569.350 to 569.445, intergovernmental agency created under ORS 225.050, school district
24 as defined in ORS 255.005 (9), public housing authority created under ORS chapter 456 or regional
25 council of governments created under ORS chapter 190, agrees to be individually liable for the
26 payment of any compensation and other amounts due to the department under this chapter incurred
27 by the employer during the period of group self-insurance;

28 (E) The director finds that the employer group is organized as a corporation or cooperative
29 pursuant to ORS chapter 60, 62 or 65, is an intergovernmental entity created under ORS 190.003 to
30 190.130 or is a self-insurance program under ORS 30.282 (3), and the bylaws of the employer group
31 require the employer group to obtain fidelity bonds;

32 (F) The director finds that the employer group has designated an entity responsible for:

33 (i) Centralized claims processing in accordance with paragraph (b) of this subsection; and

34 (ii) Payroll records, safety requirements, recording and submitting assessments and contributions
35 and making such other reports as the director may require; and

36 (G) The employer has presented a method approved by the director to notify the department of:

37 (i) The commencement or termination of membership by employers in the group, and the effect
38 thereof on the net worth of the employers in the group; and

39 (ii) Whether an employer who terminates membership in the group continues to be a subject
40 employer; and

41 (b) Except for employer groups composed of cities, counties, special districts created under ORS
42 198.010, intergovernmental agencies created under ORS 225.050, school districts as defined in ORS
43 255.005, public housing authorities created under ORS chapter 456 and regional councils of govern-
44 ments created under ORS chapter 190, a group administrator may not be a group member or a
45 member of the board of the group.

(8) A self-insured employer must have excess insurance coverage appropriate for the employer's potential liability under this chapter with an insurer authorized to do business in this state. A self-insured employer certified prior to November 1, 1981, must have excess insurance coverage appropriate for the employer's potential liability under this chapter either with an insurer authorized to do business in this state or with any other insurer from whom such insurance can be obtained pursuant to ORS 744.305 to 744.405 (1985 Replacement Part). Evidence of such coverage must be submitted at the time application is made for self-insured certification in the form of an insurance binder providing the appropriate coverage effective the date of certification. The policy providing such coverage must be filed with the director not later than 30 days after the date the coverage is effective. Any changes in the insurer or the coverage must be filed with the department not later than 30 days after the effective date of the change. With respect to such coverage:

(a) The policy must include a provision, approved by the director, for reimbursement to the department of all expenses paid by the department on behalf of the employer pursuant to ORS 656.614 (1) and 656.443 in the same manner as if the department were the insured employer, subject to the policy limitations on amounts and limits of liability to the insured employer; and

(b) The period of coverage must be continuous and remain in effect until the certification is revoked or canceled.

(9) Notwithstanding ORS 656.440, the director may revoke the certification of any self-insured employer after giving 30 days' written notice if the employer:

(a) Fails to comply with subsection (8) of this section;

(b) In the case of an employer described in subsection (7) of this section, fails to comply with that subsection; or

(c) Fails to comply with rules adopted by the director as required by subsection [(11)] (10) of this section.

[(10) A self-insured employer must have an occupational safety and health loss control program as required by ORS 654.097.]

[(11)] (10) The director, by rule shall:

(a) Prescribe methods for determining and approving net worth.

(b) Prescribe the types and approve the retention and limitation levels of excess insurance policies.

(c) Establish reporting requirements.

(d) Prescribe information to be submitted in applications for self-insured employer certifications.

(e) Prescribe the form and manner of reporting commencement or termination in a self-insured employer group.

(f) Prescribe the form, amount and manner for establishing and operating a common claims fund.

(g) Prescribe such other requirements as the director considers necessary so that employers certified as self-insured employers will meet the financial responsibilities under this chapter.

[(12)] (11) For the purpose of certification as a self-insured employer group, cities, counties, special districts created under ORS 198.010, intergovernmental agencies created under ORS 225.050, school districts as defined in ORS 255.005, public housing authorities created under ORS chapter 456 and regional councils of governments created under ORS chapter 190 shall be considered by the director to be of the same industry.

[(13)] (12) Notwithstanding subsection (8) of this section, a public utility with assets of more than \$500 million may obtain excess insurance coverage from an eligible surplus lines insurer. As used in this subsection, "public utility" has the meaning given that term in ORS 757.005.

SECTION 12. ORS 731.418 is amended to read:

731.418. (1) The Director of the Department of Consumer and Business Services may refuse to continue or may suspend or revoke an insurer's certificate of authority if the director finds after a hearing that:

(a) The insurer has violated or failed to comply with any lawful order of the director, or any provision of the Insurance Code other than those for which suspension or revocation is mandatory.

(b) The insurer is in unsound condition, or in such condition or using such methods and practices in the conduct of its business, as to render its further transaction of insurance in this state hazardous or injurious to its policyholders or to the public.

(c) The insurer has failed, after written request by the director, to remove or discharge an officer or director who has been convicted in any jurisdiction of an offense which, if committed in this state, constitutes a misdemeanor involving moral turpitude or a felony, or is punishable by death or imprisonment under the laws of the United States, in any of which cases the record of the conviction shall be conclusive evidence.

(d) The insurer is affiliated with and under the same general management, interlocking directorate or ownership as another insurer that transacts direct insurance in this state without having a certificate of authority therefor, except as permitted under the Insurance Code.

(e) The insurer or an affiliate or holding company of the insurer refuses to be examined or any director, officer, employee or representative of the insurer, affiliate or holding company refuses to submit to examination relative to the affairs of the insurer, or to produce its accounts, records, and files for examination when required by the director or an examiner of the Department of Consumer and Business Services, or refuse to perform any legal obligation relative to the examination.

(f) The insurer has failed to pay any final judgment rendered against it in this state upon any policy, bond, recognizance or undertaking issued or guaranteed by it, within 30 days after the judgment became final, or within 30 days after time for taking an appeal has expired, or within 30 days after dismissal of an appeal before final determination, whichever date is the later.

(g) The insurer fails to comply with ORS 742.534 (1).

(h) The insurer has failed to comply with ORS 476.270 (1), (2) or (3) [*or 654.097 (1)*].

(2) Without advance notice or a hearing thereon, the director may suspend immediately the certificate of authority of any insurer as to which proceedings for receivership, conservatorship, rehabilitation, or other delinquency proceedings, have been commenced in any state by the public insurance supervisory official of such state.

SECTION 13. ORS 658.440 is amended to read:

658.440. (1) Each person acting as a labor contractor shall:

(a) Carry a labor contractor's license at all times and exhibit it upon request to any person with whom the labor contractor intends to deal in the capacity of a labor contractor.

(b) File immediately at the United States post office serving the labor contractor's address, as noted on the face of the license, a correct change of address if the labor contractor permanently changes address, and notify the Commissioner of the Bureau of Labor and Industries each time an address change is made.

(c) Pay or distribute promptly, when due, to the individuals entitled thereto all money or other things of value entrusted to the labor contractor by any person for that purpose.

(d) Comply with the terms and provisions of all legal and valid agreements or contracts entered into in the labor contractor's capacity as a labor contractor.

(e) File with the Bureau of Labor and Industries, as required by rule, information relating to

1 work agreements between the labor contractor and construction property owners or farmers and
2 between the labor contractor and workers or information concerning changes in the circumstances
3 under which the license was issued.

4 (f) Furnish to each worker, at the time of hiring, recruiting, soliciting or supplying, whichever
5 occurs first, a written statement in the English language and any other language used by the labor
6 contractor to communicate with the workers that contains a description of:

7 (A) The method of computing the rate of compensation.

8 (B) The terms and conditions of any bonus offered, including the manner of determining when
9 the bonus is earned.

10 (C) The terms and conditions of any loan made to the worker.

11 (D) The conditions of any housing, health and child care services to be provided.

12 (E) The terms and conditions of employment, including the approximate length of season or pe-
13 riod of employment and the approximate starting and ending dates thereof.

14 (F) The terms and conditions under which the worker is furnished clothing or equipment.

15 (G) The name and address of the owner of all operations where the worker will be working as
16 a result of being recruited, solicited, supplied or employed by the labor contractor.

17 (H) The existence of a labor dispute at the worksite.

18 (I) The worker's rights and remedies under ORS chapters 654 and 656, ORS 658.405 to 658.511,
19 the Service Contract Act (41 U.S.C. 351-401) and any other such law specified by the Commissioner
20 of the Bureau of Labor and Industries, in plain and simple language in a form specified by the
21 commissioner.

22 (g) At the time of hiring and prior to the worker performing any work for the labor contractor,
23 execute a written agreement between the worker and the labor contractor containing the terms and
24 conditions described in paragraph (f)(A) to (I) of this subsection. The written agreement shall be in
25 the English language and any other language used by the labor contractor to communicate with the
26 workers.

27 (h) Furnish to the worker, each time the worker receives a compensation payment from the la-
28 bor contractor, a written statement itemizing the total payment and amount and purpose of each
29 deduction therefrom, hours worked and rate of pay or rate of pay and pieces done if the work is
30 done on a piece rate basis, and if the work is done under the Service Contract Act (41 U.S.C.
31 351-401) or related federal or state law, a written statement of any applicable prevailing wage.

32 (i) Except for a person acting as a property services contractor, provide to the commissioner a
33 certified true copy of all payroll records for work done as a labor contractor when the contractor
34 pays employees directly. The records shall be submitted in such form and at such times and shall
35 contain such information as the commissioner, by rule, may prescribe.

36 (j)(A) If the person is a farm labor contractor engaged in the forestation or reforestation of
37 lands, provide workers' compensation insurance for each individual who performs manual labor in
38 forestation or reforestation activities regardless of the business form of the contractor and regard-
39 less of any contractual relationship that may be alleged to exist between the contractor and the
40 workers notwithstanding ORS 656.027, unless workers' compensation insurance is otherwise pro-
41 vided; or

42 (B) If the person is a farm labor contractor but is not engaged in the forestation or reforestation
43 of lands, provide workers' compensation insurance to the extent required under ORS chapter 656,
44 unless workers' compensation insurance is otherwise provided.

45 (k) If the person is a property services contractor, provide time and pay records, as defined in

1 ORS 652.750, to the commissioner or an employee of the property services contractor who requests
 2 the records, no later than 45 days after receipt of the request. A property services contractor that
 3 fails to comply with the requirements of this paragraph is subject to civil penalty under ORS
 4 652.900.

5 (2) If the labor contractor:

6 [(a) *Employs workers, the labor contractor shall substantially comply with the provisions of ORS*
 7 *654.174 relating to field sanitation, and its implementing rules as adopted by the Department of Con-*
 8 *sumer and Business Services.*]

9 [(b)] (a) Owns or controls housing furnished to workers in connection with the recruitment or
 10 employment of workers, the labor contractor shall ensure that the housing substantially complies
 11 with any applicable law relating to the health, safety or habitability of the housing.

12 [(c)] (b) Recruits or solicits any worker to travel from one place to another for the purpose of
 13 working at a time prior to the availability of the employment, the labor contractor shall furnish to
 14 the worker, at no charge, lodging and an adequate supply of food until employment begins, in com-
 15 pliance with rules adopted by the Bureau of Labor and Industries. If employment does not begin
 16 within 30 days from the date the labor contractor represented employment would become available,
 17 the labor contractor shall refund to the worker all sums paid by the worker to the labor contractor
 18 and provide the worker, in cash or other form of payment authorized by ORS 652.110, the costs of
 19 transportation, including meals and lodging in transit, to return the worker to the place from which
 20 the worker was induced to travel or the costs of transportation, including meals and lodging in
 21 transit, to another worksite selected by the worker, whichever is less. For the purposes of this
 22 paragraph, "recruits or solicits" does not include the mere provision of housing or employment to
 23 persons who have not otherwise been recruited or solicited by the labor contractor or an agent of
 24 the labor contractor prior to their arrival at the place of housing or employment. Workers who ar-
 25 rive at the place of employment prior to the date they were instructed by the labor contractor to
 26 arrive are not entitled to the benefits of this subsection until the date they were instructed to ar-
 27 rive.

28 (3) A person acting as a labor contractor, or applying for a license to act as a labor contractor,
 29 may not:

30 (a) Make any misrepresentation, false statement or willful concealment in the application for a
 31 license.

32 (b) Willfully make or cause to be made to any person any false, fraudulent or misleading repre-
 33 sentation, or publish or circulate any false, fraudulent or misleading information concerning the
 34 terms, condition or existence of employment at any place or by any person.

35 (c) Solicit or induce, or cause to be solicited or induced, the violation of an existing contract
 36 of employment.

37 (d) Knowingly employ a noncitizen not legally present or legally employable in the United
 38 States.

39 (e) Assist an unlicensed person to act in violation of ORS 658.405 to 658.511.

40 (f) By force, intimidation or threat of procuring dismissal or deportation or by any other manner
 41 whatsoever, induce any worker employed or in a subcontracting relationship to the labor contractor
 42 to give up any part of the compensation to which the worker is entitled under the contract of em-
 43 ployment or under federal or state wage laws.

44 (g) Solicit or induce, or cause to be solicited or induced, the travel of a worker from one place
 45 to another by representing to a worker that employment for the worker is available at the destina-

tion when employment for the worker is not available within 30 days after the date the work was represented as being available.

SECTION 14. ORS 658.453 is amended to read:

658.453. (1) In addition to any other penalty provided by law, the Commissioner of the Bureau of Labor and Industries may assess a civil penalty not to exceed \$2,000 for each violation by:

(a) A labor contractor who, without the license required by ORS 658.405 to 658.511, recruits, solicits, supplies or employs a worker.

(b) A labor contractor who fails to comply with ORS 658.415 (16).

(c) A labor contractor who fails to comply with ORS 658.440 (1), [(2)(c)] **(2)(b)** or (3).

(d) Any person who violates ORS 658.452.

(e) A labor contractor who fails to comply with ORS 658.417 (1).

(f) Any person who uses an unlicensed labor contractor without complying with ORS 658.437.

(2) Civil penalties under this section shall be imposed as provided in ORS 183.745.

(3) All penalties recovered under this section shall be paid into the State Treasury and credited to the Agricultural Worker Housing Development Account of the Oregon Housing Fund.

(4) After filing a complaint with the commissioner, in addition to any other penalty provided by law, a worker has a right of action against a labor contractor who violates ORS 658.417 (1) or (2), 658.440 or 658.452 without exhausting any alternative administrative remedies. The action may not be commenced later than two years after the date of the violation giving rise to the right of action. The amount of damages recoverable for each violation under this subsection is actual damages or \$1,000, whichever amount is greater. In any such action the court may award to the prevailing party, in addition to costs and disbursements, reasonable attorney fees at trial and appeal.

SECTION 15. ORS 658.991 is amended to read:

658.991. (1) Violation of ORS 658.005 to 658.245 or 658.250 is a Class C misdemeanor.

(2) Violation of ORS 658.452 is a Class A misdemeanor.

(3) Any person who intentionally defaces, alters or changes a license or permit to act as a labor contractor, or who uses the license or permit of another or knowingly permits that person's license or permit to be used by another, or who acts as a labor contractor without a valid license or permit under ORS 658.405 to 658.511, commits a Class A misdemeanor.

(4) Any person who willfully swears or affirms falsely under ORS 658.415 (1), (2) or (3) in regard to any matter concerning which an oath or affirmation is required, or who solicits or induces another person to do so, whether or not the matter sworn to or affirmed is material, commits a Class A misdemeanor.

(5) Violation of ORS 658.440 (1)(f), (g) or (h), [(2)(c)] **(2)(b)** or (3)(a), (b), (c), (e), (f) or (g) is a Class C misdemeanor.

(6) Any person who violates the provisions of ORS 658.410 (1) or 658.417 (1) commits a Class C felony if:

(a) The person has previously been convicted of violating the provisions of ORS 658.410 (1) or 658.417 (1);

(b) The person's license to act as a labor contractor has been suspended, revoked or denied; or

(c) The person is acting in violation of an outstanding order of any court of competent jurisdiction arising out of the enforcement of ORS 658.405 to 658.511.

SECTION 16. ORS 307.480 is amended to read:

307.480. As used in ORS 307.480 to 307.510 unless the context requires otherwise:

(1) "Agricultural workforce housing" means housing:

(a) That is limited to occupancy by agricultural workers, including agricultural workers who are retired or disabled, and the immediate family members of the agricultural workers; and

(b) No dwelling unit of which is occupied by a relative of the owner or operator of the agricultural workforce housing, other than a manufactured dwelling in a manufactured dwelling park nonprofit cooperative as defined in ORS 62.803.

(2) "Eligible agricultural workforce housing" means agricultural workforce housing that:

(a) Is owned or operated by a nonprofit corporation as a nonprofit facility;

(b) Is not provided in connection with the recruitment or employment of agricultural workers; and

(c) Complies with all applicable local, state and federal building codes.

(3) "Eligible child care facility" means a child care facility that is:

(a) Certified under ORS 329A.250 to 329A.450;

(b) Owned or operated by a nonprofit corporation as a nonprofit facility; and

(c) Operated in conjunction or cooperation with an eligible farm labor camp.

(4) "Eligible farm labor camp" means a farm labor camp that:

(a) Is owned or operated by a nonprofit corporation as a nonprofit facility; and

(b) Complies with the **applicable federal and state** safety and health standards for agricultural labor housing and related facilities [*adopted under the Oregon Safe Employment Act*].

(5) "Farm labor camp" means any place, area or piece of land where housing or sleeping places are owned or maintained:

(a) By a person engaged in the business of providing housing or sleeping places for employees or prospective employees of another person and the immediate families of the employees or prospective employees if the employees or prospective employees are or will be engaged in agricultural work. Eligible farm labor camps may provide housing to workers not currently engaged in agricultural work if agricultural work is not available and employees or prospective employees are required either to engage in agricultural work or to leave the farm labor camp once agricultural work becomes available in the area.

(b) In connection with any work or place where agricultural work is being performed, whether the housing or sleeping places are owned or maintained by the employer or by another person.

(6) "Owned or operated by a nonprofit corporation as a nonprofit facility" includes, but is not limited to:

(a) The possession or operation of agricultural workforce housing, child care facility or farm labor camp property by a nonprofit corporation pursuant to a written lease or lease-purchase agreement if:

(A) The nonprofit corporation is obligated under the terms of the lease or lease-purchase agreement to pay the ad valorem taxes on the property used in operating the agricultural workforce housing, child care facility or farm labor camp; or

(B) The rent payable by the nonprofit corporation has been established to reflect the savings resulting from the exemption from taxation.

(b) The possession or operation of the property by a partnership of which the nonprofit corporation is:

(A) A general partner or the general manager; and

(B) Responsible for the day-to-day operation of the property.

(7)(a) "Rental" means the net amount of income from eligible agricultural workforce housing, an eligible child care facility or an eligible farm labor camp after deduction of costs paid or incurred

1 in the operation of the housing, facility or camp.

2 (b) Deductible costs under this subsection:

3 (A) Include, but are not limited to, salaries or other compensation, insurance, utilities, garbage
4 disposal, supplies, repairs and maintenance, interest and capital costs, whether capitalized and de-
5preciated or amortized or deducted currently.

6 (B) Do not include in lieu taxes imposed under ORS 307.490.

7 **SECTION 17.** ORS 307.495 is amended to read:

8 307.495. (1)(a) A nonprofit corporation claiming exemption under ORS 307.485 shall file with the
9 county assessor two copies of a written claim for exemption on or before April 1 of each assessment
10 year for which the exemption is claimed.

11 (b) Notwithstanding paragraph (a) of this subsection, if the property for which exemption is
12 claimed is acquired after March 1 and before July 1, the claim shall be filed within 30 days after
13 acquisition.

14 (2) The claim shall:

15 (a) Designate the property for which exemption is claimed;

16 (b) State the facts that make the property eligible within the definitions of ORS 307.480; and

17 (c) Include all verifications required under subsection (3) of this section.

18 (3) The claim for exemption under this section must include written verification:

19 (a) If for agricultural workforce housing, by the owner of the agricultural workforce housing
20 that the agricultural workforce housing is in compliance with all applicable local, state and federal
21 building codes.

22 (b) If for a child care facility, in whole or in part, by the Department of Early Learning and Care
23 that the child care facility is certified.

24 (c) If for a farm labor camp, by the appropriate authority **of the Department of Consumer and**
25 **Business Services, including the Occupational Safety and Health Division**, *[under the Oregon*
26 *Safe Employment Act]* that the farm labor camp is in compliance with the **applicable federal and**
27 **state** safety and health standards for agricultural labor housing and related facilities *[adopted under*
28 *the Oregon Safe Employment Act]*.

29 (4) Verification of compliance under subsection (3)(c) of this section may be denied if access to
30 the farm labor camp for purposes of inspection is denied to the appropriate authority.

31 (5) If any verification required under subsection (3) of this section is refused by the appropriate
32 authority or is otherwise not included with a claim for exemption, the county assessor shall deny
33 the claim and cause the nonprofit corporation to be billed for the real and personal property taxes.

34 (6) An exemption may not be allowed for any year subsequent to the first year unless the
35 nonprofit corporation submits to the assessor details as to the rentals for the prior year and proof
36 that the payments required by ORS 307.490 have been made.

37 **SECTION 18.** ORS 307.505 is amended to read:

38 307.505. The appropriate authority *[under the Oregon Safe Employment Act]* **of the Department**
39 **of Consumer and Business Services, including the Occupational Safety and Health Division**,
40 shall cause an inspection to be made of any farm labor camp that has filed for an exemption at any
41 time prior to August 15. If the conditions of the camp would not justify verification of compliance
42 with the health code for farm labor camps, even though verification has been made under ORS
43 307.500, the appropriate authority shall notify the county assessor who shall cancel the exemption
44 and cause the owner to be billed for the real and personal property taxes the owner would otherwise
45 be liable to pay.

REPEALS

SECTION 19. ORS 654.001, 654.003, 654.005, 654.010, 654.015, 654.020, 654.022, 654.025, 654.031, 654.035, 654.056, 654.062, 654.067, 654.071, 654.078, 654.082, 654.086, 654.090, 654.097, 654.101, 654.120, 654.130, 654.150, 654.160, 654.165, 654.170, 654.172, 654.174, 654.176, 654.182, 654.189, 654.191, 654.192, 654.196, 654.200, 654.202, 654.206, 654.212, 654.216, 654.251, 654.285, 654.290, 654.293, 654.295, 654.310, 654.412, 654.413, 654.414, 654.416, 654.418, 654.421, 654.423, 654.750, 654.760, 654.770, 654.780, 654.991 and 731.480 are repealed.

OPERATIVE DATE

SECTION 20. (1) Section 2 of this 2025 Act, the amendments to statutes by sections 3 to 18 of this 2025 Act and the repeal of statutes by section 19 of this 2025 Act become operative on the earlier of the following:

(a) December 1, 2026; or

(b) 60 days following the date on which the United States Secretary of Labor approves the withdrawal of the state plan described in section 1 of this 2025 Act.

(2) The Department of Consumer and Business Services shall notify the interim committees of the Legislative Assembly related to business and labor and the Legislative Counsel upon the occurrence of an event described in subsection (1) of this section.

CAPTIONS

SECTION 21. The unit captions used in this 2025 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 2025 Act.

EFFECTIVE DATE

SECTION 22. This 2025 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect on its passage.