

Requested by Representative VALDERRAMA

**PROPOSED AMENDMENTS TO
HOUSE BILL 2548**

1 On page 1 of the printed bill, line 2, after the semicolon insert “creating
2 new provisions; amending ORS 659A.885;”.

3 Delete lines 4 through 20 and delete pages 2 through 7 and insert:
4

5 **“DEFINITIONS**

6
7 **“SECTION 1. Definitions. As used in sections 1 to 13 of this 2025
8 Act:**

9 **“(1) ‘Agricultural worker’ means an individual who performs ser-**
10 **vices in agriculture for an employer in exchange for an agreed**
11 **remuneration or rate of pay.**

12 **“(2) ‘Agriculture’ has the meaning given that term in ORS 653.271,**
13 **including the planting, pruning and harvesting of Christmas trees.**

14 **“(3) ‘Christmas tree’ has the meaning given that term in ORS**
15 **571.505.**

16 **“(4) ‘Employer’ has the meaning given that term in ORS 653.010.**

17 **“(5) ‘Farm labor contractor’ has the meaning given that term in**
18 **ORS 658.405.**

19 **“(6) ‘Worker organization’ means an organization that provides**
20 **services to low-wage and immigrant workers, including agricultural**
21 **workers.**

1 **“AGRICULTURAL WORKFORCE LABOR STANDARDS BOARD**

2
3 **“SECTION 2. Establishment; members; term; vacancies. (1) There**
4 **is established within the Bureau of Labor and Industries the Agricul-**
5 **tural Workforce Labor Standards Board, the purpose of which is to**
6 **establish minimum standards for the working conditions of agricul-**
7 **tural workers, including but not limited to compensation, work**
8 **schedules and other working conditions that are necessary to protect**
9 **the health and welfare of such workers.**

10 **“(2) The board shall consist of 13 members, appointed by the Com-**
11 **missioner of the Bureau of Labor and Industries as follows:**

12 **“(a) Two members who are employers of agricultural workers.**

13 **“(b) Two members who are from an organization that represents**
14 **the interests of employers of agricultural workers.**

15 **“(c) Two members who are agricultural workers.**

16 **“(d) Two members who are from an organization that represents**
17 **the interests of agricultural workers.**

18 **“(e) Two members who are representatives of the Bureau of Labor**
19 **and Industries, one of whom represents the Civil Rights Division of the**
20 **bureau and who has experience enforcing civil rights and one of whom**
21 **represents the division within the bureau responsible for enforcing**
22 **wage and hour laws and who has experience in wage and hour laws in**
23 **the agricultural sector.**

24 **“(f) Two members who are representatives of the Occupational**
25 **Health and Safety Division of the Department of Consumer and Busi-**
26 **ness Services.**

27 **“(h) One member of the public with knowledge and expertise in the**
28 **laws and regulations that govern agriculture or the civil rights laws**
29 **affecting agricultural workers.**

30 **“(3) Members of the board are subject to and must comply with the**

1 provisions of ORS 244.120 relating to potential and actual conflicts of
2 interest, as those terms are defined in ORS 244.020.

3 “(4) The term of a member of the board is four years. A member
4 is eligible for reappointment but may not serve for more than two full
5 terms.

6 “(5) Before the expiration of a term of a member, the commissioner
7 shall appoint a successor whose term begins on January 1 next fol-
8 lowing. If a vacancy occurs for any reason before the expiration of the
9 term of a member, the commissioner shall make an appointment to
10 fill the vacancy, in the same manner as an appointment to a full term,
11 to become immediately effective for the unexpired term.

12 “(6) The members of the board shall elect from among themselves
13 a chairperson who shall preside over meetings and a vice chairperson
14 who shall exercise the functions of the chairperson during any absence
15 of the chairperson.

16 “(7) The commissioner shall appoint an executive director for the
17 board who is responsible for the performance of duties assigned by the
18 board. The executive director may employ appropriate staff to carry
19 out the duties assigned by the board.

20 **SECTION 3. Compensation; meetings.** (1) Members of the Agricul-
21 tural Workforce Labor Standards Board shall receive such compen-
22 sation as the board determines is necessary, but at a minimum, shall
23 be reimbursed on a per diem basis in an amount that is not less than
24 \$151 for the expenses the members incur in the exercise of board du-
25 ties.

26 “(2) The board shall adopt rules for conducting meetings and any
27 other rules as necessary for carrying out the duties of the board.

28 “(3) A majority of voting members of the board constitutes a quo-
29 rum for the transaction of business.

30 “(4) An affirmative vote by the majority of voting members of the

1 board is necessary for the board to take any action.

2 “(5) All meetings of the board shall:

3 “(a) Be held as public meetings in accordance with ORS 192.610 to
4 192.705.

5 “(b) Be held at least once per month at locations rotating
6 throughout this state to ensure that local considerations of each ag-
7 ricultural area of this state inform the decisions of the board regard-
8 ing minimum standards for the working conditions of agricultural
9 workers.

10 “(c) Encourage wider participation of agricultural workers in the
11 meetings by providing accessibility and accommodations that include,
12 but are not limited to:

13 “(A) Closed captioning.

14 “(B) Breaks during meetings.

15 “(C) Sign language interpretation.

16 “(D) Large-print or Braille documents.

17 “(E) Translated written materials.

18 “(F) Language interpretation.

19 “(G) Extra time to review meeting materials.

20

21 “DUTIES OF THE BOARD

22

23 “SECTION 4. Minimum workforce standards. (1) The Agricultural
24 Workforce Labor Standards Board shall establish recommended mini-
25 mum standards for agricultural workers that are designed to ensure
26 the health and welfare of such workers. In establishing recommended
27 standards, the board shall consult with the Bureau of Labor and In-
28 dustries, the Department of Consumer and Business Services, the
29 State Department of Agriculture and any other relevant state agency.
30 The board may not establish recommended standards:

1 “(a) That are less protective of or beneficial to agricultural workers
2 than any other applicable statute or rule or any standard previously
3 established by the board.

4 “(b) Regarding overtime compensation requirements for agricul-
5 tural workers under ORS 653.272, including the maximum allowable
6 hour thresholds, the criteria for which agricultural workers are sub-
7 ject to the overtime compensation requirements and the rate at which
8 overtime compensation must be paid.

9 “(c) That provide for the provision of paid benefits.

10 “(2) At a minimum, the standards must:

11 “(a) Set compensation rates for paying agricultural workers, pro-
12 vided that the rates are not less than the greater of the following, as
13 applicable:

14 “(A) The minimum wage rate established under ORS 653.025.

15 “(B) The minimum wage rate established by the United States De-
16 partment of Labor for agricultural workers employed under a tempo-
17 rary or seasonal agricultural worker visa program.

18 “(b) Set compensation rates for agricultural workers who perform
19 agricultural labor on a piece-rate basis, taking into account the ge-
20 ographic area where the labor is performed, the type of labor per-
21 formed and the potential need for cost of living adjustments.

22 “(c) Establish requirements for working conditions such as rest
23 breaks, work schedules and working hours, excluding working condi-
24 tions that apply to overtime compensation for agricultural workers
25 under ORS 653.272.

26 “(d) Require the provision of training for agricultural workers that
27 is:

28 “(A) In accordance with the training described under section 5 of
29 this 2025 Act; and

30 “(B) Made available to agricultural workers during working hours

1 without the loss of time or pay.

2 “(e) Establish workplace health and safety requirements specific to
3 agricultural workers that address the particular concerns of agricul-
4 tural workers that are in addition to and no less protective than ap-
5 plicable health and safety requirements prescribed by the Oregon Safe
6 Employment Act.

7 “(3) Before establishing minimum standards under this section, the
8 board shall:

9 “(a) Evaluate and consider the following information to ensure that
10 the standards adopted by the board meet or exceed prevailing market
11 conditions:

12 “(A) Labor market data, including but not limited to:

13 “(i) Wage levels and benefit data from comparable occupations and
14 industries within different geographic regions in this state;

15 “(ii) Workplace policies concerning working conditions in relation
16 to:

17 “(I) Workforce needs based on farm size;

18 “(II) Seasonal versus year-round work;

19 “(III) Different types of farm products; and

20 “(IV) The role of farm labor contractors;

21 “(iii) Collective bargaining agreements applicable to workers in
22 comparable occupations and industries within different geographic re-
23 gions in this state; and

24 “(iv) Existing state and local minimum standards for agricultural
25 workers;

26 “(B) Health and safety data in the agricultural sector;

27 “(C) Testimony from current and former agricultural workers,
28 worker organizations, employers and other interested stakeholders;

29 “(D) Data submitted by or obtained from state and local govern-
30 ment entities; and

1 **“(E) Any other information the board deems relevant and reflective**
2 **of trends concerning the working conditions of agricultural workers.**

3 **“(b) Hold at least one public hearing at which members of the**
4 **public, including agricultural workers, shall have the opportunity to**
5 **provide input on any matter relating to the minimum standards being**
6 **considered by the board.**

7 **“SECTION 5. Uniform training standards; training certification. (1)**
8 **In addition to the duties provided under section 4 of this 2025 Act, the**
9 **Agricultural Workforce Labor Standards Board shall establish recom-**
10 **mended uniform standards for providing training for agricultural**
11 **workers, supervisory employees and nonsupervisory employees who**
12 **are not agricultural workers. At a minimum, the standards must in-**
13 **clude a training curriculum that provides the following information**
14 **to agricultural workers, supervisory employees and nonsupervisory**
15 **employees:**

16 **“(a) Any applicable minimum standards of the board adopted by the**
17 **Bureau of Labor and Industries or the Department of Consumer and**
18 **Business Services pursuant to a petition filed under section 6 of this**
19 **2025 Act.**

20 **“(b) The rights and remedies afforded to agricultural workers under**
21 **sections 1 to 13 of this 2025 Act, including the right to be protected**
22 **against retaliation.**

23 **“(c) A description of the duties and obligations of the board under**
24 **sections 1 to 13 of this 2025 Act.**

25 **“(d) The contact information of each state agency with enforcement**
26 **authority over subjects over which the board has established minimum**
27 **standards.**

28 **“(e) Any other information that the board deems appropriate and**
29 **necessary to facilitate compliance with the rules adopted by the Bu-**
30 **reau of Labor and Industries or the Department of Consumer and**

1 **Business Services, where applicable, pertaining to the minimum stan-**
2 **dards established by the board under section 4 of this 2025 Act.**

3 **“(2) Employers shall ensure that the training described under this**
4 **section is provided:**

5 **“(a) To agricultural workers, supervisory employees and non-**
6 **supervisory employees on an annual basis, without the loss of time or**
7 **pay.**

8 **“(b) To new hires, within five days of a new hire’s start date.**

9 **“(c) In a language that the employer typically uses to communicate**
10 **with the agricultural workers, supervisory employees and nonsupervi-**
11 **sory employees.**

12 **“(d) By a certified worker organization.**

13 **“(3) The Bureau of Labor and Industries shall establish a process**
14 **for a worker organization to become certified to provide the training**
15 **described under this section to agricultural workers. At a minimum,**
16 **the certification process established by rule must provide:**

17 **“(a) The criteria that a worker organization must meet to become**
18 **certified.**

19 **“(b) Application procedures by which a worker organization may**
20 **apply to become certified.**

21 **“(c) Policies and procedures for renewing, terminating or revoking**
22 **a certification.**

23 **“(d) Requirements for translation and accessibility services to be**
24 **made available to agricultural workers who attend a training provided**
25 **by a worker organization that has been certified to provide training.**

26 **“(4) The board shall hold at least one public hearing for public input**
27 **and deliberation before establishing uniform training standards under**
28 **this section.**

29 **“(5) An employer shall keep and maintain records necessary to**
30 **demonstrate compliance with this section. An employer must provide**

1 records kept and maintained under this section to the Bureau of Labor
2 and Industries upon request.

3 “(6) The Bureau of Labor and Industries may adopt any rules nec-
4 essary to implement the provisions of this section.

5 **“SECTION 6. Petition for rulemaking. (1) Subject to subsection (2)**
6 **of this section, whenever the Agricultural Workforce Labor Standards**
7 **Board establishes a recommended minimum standard under section 4**
8 **of this 2025 Act, the board shall petition the Bureau of Labor and In-**
9 **dustries requesting the bureau to promulgate, amend or repeal rules**
10 **necessary to implement the recommended minimum standards.**

11 **“(2) Whenever the board establishes a recommended minimum**
12 **standard under section 4 of this 2025 Act that concerns the health and**
13 **safety standards of agricultural workers that fall within the jurisdic-**
14 **tion of the Department of Consumer and Business Services, the board**
15 **shall petition the department requesting the department to**
16 **promulgate, amend or repeal rules necessary to implement the re-**
17 **commended minimum standards.**

18 **“(3) A petition to the Bureau of Labor and Industries or the De-**
19 **partment of Consumer and Business Services under this section shall**
20 **be reviewed in accordance with the provisions of ORS 183.390.**

21 **“(4)(a) Subject to paragraph (b) of this subsection, the Bureau of**
22 **Labor and Industries and the Department of Consumer and Business**
23 **Services, respectively, shall adopt rules implementing the minimum**
24 **standards established by the board unless the bureau or the depart-**
25 **ment determines that a standard:**

26 **“(A) Is outside the statutory authority of the bureau or the de-**
27 **partment;**

28 **“(B) Presents enforceability challenges;**

29 **“(C) Is infeasible to implement; or**

30 **“(D) Is otherwise unlawful.**

1 **“(b) If the bureau or the department finds that implementation or**
2 **enforcement of a rule cannot be accomplished within the limits of**
3 **available funds made available to the bureau or the department within**
4 **the bureau’s or department’s biennial budget, or if legislative appro-**
5 **priation is less than what is necessary for implementation and**
6 **enforcement of the rule establishing the minimum standard, the bu-**
7 **reau and the department, respectively, shall implement and enforce**
8 **the rule to the maximum extent possible within existing budget con-**
9 **straints and shall submit a revised budget to the Legislative Assembly**
10 **or, if the Legislative Assembly is not in session, to the Emergency**
11 **Board requesting adequate funding to cover the costs of implementa-**
12 **tion and enforcement of the rule.**

13 **“SECTION 7. Comprehensive review. (1) At least once every two**
14 **years, the Agricultural Workforce Labor Standards Board shall con-**
15 **duct a comprehensive review of the minimum standards previously**
16 **established by the board under section 4 of this 2025 Act to determine**
17 **whether the standards have continuing applicability or whether the**
18 **board should establish new standards or revise the existing standards.**

19 **“(2) As part of the review, the board shall consider the information**
20 **described under section 4 (3)(a) of this 2025 Act.**

21 **“SECTION 8. Reporting. No later than December 1 of each year, the**
22 **Agricultural Workforce Labor Standards Board shall prepare and**
23 **submit a report in the manner provided in ORS 192.245 to the interim**
24 **committees of the Legislative Assembly related to business and labor**
25 **on the board’s activities and any recommendations for changes. The**
26 **report must include, at a minimum:**

27 **“(1) A statement of findings and conclusions of the comprehensive**
28 **review required under section 7 of this 2025 Act, including recommen-**
29 **dations for statutory changes.**

30 **“(2) A copy of financial statements showing aggregate data regard-**

1 ing compensation paid to agricultural workers.

2 “(3) A description of the public hearing process used to inform the
3 minimum standards established by the board under section 4 of this
4 2025 Act.

5 “(4) A description of the current minimum standards established
6 by the board and recommended changes to the standards, along with
7 any supporting documentation for the proposed changes.

8 “(5) The number and types of complaints or civil actions filed al-
9 leging a violation of any rule adopted by the Bureau of Labor and In-
10 dustries pertaining to the minimum standards established under
11 section 4 of this 2025 Act, if any.

12 “(6) A summary of all other actions taken during the prior year in
13 the performance of the board’s statutory responsibilities that is ade-
14 quate to allow evaluation of the board’s performance.

15
16 **“WORKER PROTECTIONS**

17
18 **“SECTION 9. Retaliation prohibited. (1) An employer may not ter-**
19 **minate, discipline, penalize, retaliate against or take any other adverse**
20 **action against an agricultural worker because the worker has:**

21 **“(a) Inquired about or exercised any right afforded to an agricul-**
22 **tural worker under sections 1 to 13 of this 2025 Act or under any rule**
23 **adopted by the Bureau of Labor and Industries or the Department of**
24 **Consumer and Business Services pertaining to minimum standards**
25 **established by the Agricultural Workforce Labor Standards Board un-**
26 **der section 4 of this 2025 Act.**

27 **“(b) Participated in any process or proceeding under or related to**
28 **sections 1 to 13 of this 2025 Act, or has testified or is about to testify**
29 **in any such proceeding.**

30 **“(c) Participated in any training provided by a certified worker or-**

1 **ganization pursuant to section 5 of this 2025 Act.**

2 **“(2) A violation of this section is an unlawful practice under ORS**
3 **chapter 659A. An agricultural worker alleging a violation of this sec-**
4 **tion may file a complaint under ORS 659A.820 with the Commissioner**
5 **of the Bureau of Labor and Industries and may bring a civil action**
6 **under ORS 659A.885 and recover relief as provided by ORS 659A.885 (3).**
7 **The complaint must be filed within one year of the occurrence of the**
8 **conduct giving rise to the complaint.**

9 **“SECTION 10. Limits. Nothing in sections 1 to 13 of this 2025 Act**
10 **is intended to:**

11 **“(1) Limit the rights of any parties to a collective bargaining**
12 **agreement.**

13 **“(2) Diminish the rights or remedies that are otherwise available**
14 **to an agricultural worker under federal or state law or regulation,**
15 **including the right to file a wage claim under ORS 652.310 to 652.414.**

16

17 **“ENFORCEMENT**

18

19 **“SECTION 11. Remedies. (1)(a) An agricultural worker asserting a**
20 **violation of a rule of the Bureau of Labor and Industries pertaining**
21 **to a minimum standard established by the Agricultural Workforce**
22 **Labor Standards Board under section 4 of this 2025 Act may file a**
23 **complaint with the Commissioner of the Bureau of Labor and Indus-**
24 **tries under ORS 659A.820 or a civil action as provided in ORS 659A.885.**

25 **“(b) In addition to any other penalty provided by law, the Commis-**
26 **sioner of the Bureau of Labor and Industries may assess a civil penalty**
27 **under ORS 183.745 not to exceed \$1,000 for each violation of a minimum**
28 **standard established by the board under section 4 of this 2025 Act.**

29 **“(2) The Department of Consumer and Business Services has the**
30 **same enforcement powers with respect to a violation of a rule adopted**

1 by the department pertaining to the board’s minimum standards re-
2 garding safety and health standards for agricultural workers as pro-
3 vided under the Oregon Safe Employment Act.

4 **“SECTION 12. Investigative authority.** Pursuant to the authority
5 granted to the Commissioner of the Bureau of Labor and Industries
6 under ORS 651.060, in order to determine any facts relevant to matters
7 concerning implementation of and compliance with the minimum
8 standards established by the Agricultural Workforce Labor Standards
9 Board under section 4 of this 2025 Act, the Bureau of Labor and In-
10 dustries may conduct investigations, issue subpoenas to compel the
11 testimony of any party or witness and require the production of doc-
12 uments, including any book, record, document, certificate, writing,
13 article and other information relevant to such matters.

14
15 **“MISCELLANEOUS**

16
17 **“SECTION 13. Budget requests.** The Bureau of Labor and Industries
18 and the Department of Consumer and Business Services shall request
19 any budgetary authority necessary to carry out the duties and powers
20 of the bureau under sections 5, 6, 9, 11 and 12 of this 2025 Act, and of
21 the department under sections 6 and 11 of this 2025 Act, including
22 implementation of a rule pertaining to a minimum standard of the
23 board, in the agency request budgets submitted under ORS 291.208 and
24 may submit such requests to the Emergency Board.

25 **“SECTION 14.** ORS 659A.885, as amended by section 58, chapter 700,
26 Oregon Laws 2019, section 46, chapter 367, Oregon Laws 2021, section 9,
27 chapter 99, Oregon Laws 2022, and section 49, chapter 9, Oregon Laws 2023,
28 is amended to read:

29 “659A.885. (1) Any person claiming to be aggrieved by an unlawful prac-
30 tice specified in subsection (2) of this section may file a civil action in cir-

1 cuit court. In any action under this subsection, the court may order
2 injunctive relief and any other equitable relief that may be appropriate, in-
3 cluding but not limited to reinstatement or the hiring of employees with or
4 without back pay. A court may order back pay in an action under this sub-
5 section only for the two-year period immediately preceding the filing of a
6 complaint under ORS 659A.820 with the Commissioner of the Bureau of La-
7 bor and Industries, or if a complaint was not filed before the action was
8 commenced, the two-year period immediately preceding the filing of the
9 action. In any action under this subsection, the court may allow the pre-
10 vailing party costs and reasonable attorney fees at trial and on appeal. Ex-
11 cept as provided in subsection (3) of this section:

12 “(a) The judge shall determine the facts in an action under this sub-
13 section; and

14 “(b) Upon any appeal of a judgment in an action under this subsection,
15 the appellate court shall review the judgment pursuant to the standard es-
16 tablished by ORS 19.415 (3).

17 “(2) An action may be brought under subsection (1) of this section alleg-
18 ing a violation of:

19 “(a) ORS 10.090, 10.092, 25.337, 25.424, 171.120, 243.323, 408.230, 408.237 (2),
20 468B.519, 475C.285, 476.574, 652.020, 652.220, 652.355, 653.060, 653.263, 653.265,
21 653.547, 653.549, 653.601 to 653.661, 657B.060, 657B.070, 659.852, 659A.030,
22 659A.040, 659A.043, 659A.046, 659A.063, 659A.069, 659A.082, 659A.088, 659A.103
23 to 659A.145, 659A.147, 659A.150 to 659A.186, 659A.194, 659A.199, 659A.203,
24 659A.218, 659A.228, 659A.230, 659A.233, 659A.236, 659A.250 to 659A.262,
25 659A.277, 659A.290, 659A.300, 659A.306, 659A.309, 659A.315, 659A.318,
26 659A.320, 659A.343, 659A.355, 659A.357, 659A.370 or 659A.421 **or sections 4**
27 **and 9 of this 2025 Act;** or

28 “(b) ORS 653.470, except an action may not be brought for a claim relating
29 to ORS 653.450.

30 “(3) In any action under subsection (1) of this section alleging a violation

1 of ORS 25.337, 25.424, 243.323, 652.220, 652.355, 653.547, 653.549, 657B.060,
2 657B.070, 659.852, 659A.030, 659A.040, 659A.043, 659A.046, 659A.069, 659A.082,
3 659A.103 to 659A.145, 659A.199, 659A.203, 659A.228, 659A.230, 659A.250 to
4 659A.262, 659A.290, 659A.318, 659A.343, 659A.355, 659A.357, 659A.370 or
5 659A.421 **or section 9 of this 2025 Act:**

6 “(a) The court may award, in addition to the relief authorized under
7 subsection (1) of this section, compensatory damages or \$200, whichever is
8 greater, and punitive damages;

9 “(b) At the request of any party, the action shall be tried to a jury;

10 “(c) Upon appeal of any judgment finding a violation, the appellate court
11 shall review the judgment pursuant to the standard established by ORS
12 19.415 (1); and

13 “(d) Any attorney fee agreement shall be subject to approval by the court.

14 “(4) Notwithstanding ORS 31.730, in an action under subsection (1) of this
15 section alleging a violation of ORS 652.220, the court may award punitive
16 damages if:

17 “(a) It is proved by clear and convincing evidence that an employer has
18 engaged in fraud, acted with malice or acted with willful and wanton mis-
19 conduct; or

20 “(b) An employer was previously adjudicated in a proceeding under this
21 section or under ORS 659A.850 for a violation of ORS 652.220.

22 “(5) In any action under subsection (1) of this section alleging a violation
23 of ORS 653.060 or 659A.147, the court may award, in addition to the relief
24 authorized under subsection (1) of this section, compensatory damages or
25 \$200, whichever is greater.

26 “(6) In any action under subsection (1) of this section alleging a violation
27 of ORS 171.120, 476.574 or 659A.218, the court may award, in addition to the
28 relief authorized under subsection (1) of this section, compensatory damages
29 or \$250, whichever is greater.

30 “(7) In any action under subsection (1) of this section alleging a violation

1 of ORS 10.090 or 10.092, the court may award, in addition to the relief au-
2 thorized under subsection (1) of this section, a civil penalty in the amount
3 of \$720.

4 “(8) Any individual against whom any distinction, discrimination or re-
5 striction on account of race, color, religion, sex, sexual orientation, gender
6 identity, national origin, marital status or age, if the individual is 18 years
7 of age or older, has been made by any place of public accommodation, as
8 defined in ORS 659A.400, by any employee or person acting on behalf of the
9 place or by any person aiding or abetting the place or person in violation
10 of ORS 659A.406 may bring an action against the operator or manager of the
11 place, the employee or person acting on behalf of the place or the aider or
12 abettor of the place or person. Notwithstanding subsection (1) of this sec-
13 tion, in an action under this subsection:

14 “(a) The court may award, in addition to the relief authorized under
15 subsection (1) of this section, compensatory and punitive damages;

16 “(b) The operator or manager of the place of public accommodation, the
17 employee or person acting on behalf of the place, and any aider or abettor
18 shall be jointly and severally liable for all damages awarded in the action;

19 “(c) At the request of any party, the action shall be tried to a jury;

20 “(d) The court shall award reasonable attorney fees to a prevailing
21 plaintiff;

22 “(e) The court may award reasonable attorney fees and expert witness fees
23 incurred by a defendant who prevails only if the court determines that the
24 plaintiff had no objectively reasonable basis for asserting a claim or no
25 reasonable basis for appealing an adverse decision of a trial court; and

26 “(f) Upon any appeal of a judgment under this subsection, the appellate
27 court shall review the judgment pursuant to the standard established by ORS
28 19.415 (1).

29 “(9) When the commissioner or the Attorney General has reasonable cause
30 to believe that a person or group of persons is engaged in a pattern or

1 practice of resistance to the rights protected by ORS 659A.145 or 659A.421
2 or federal housing law, or that a group of persons has been denied any of the
3 rights protected by ORS 659A.145 or 659A.421 or federal housing law, the
4 commissioner or the Attorney General may file a civil action on behalf of
5 the aggrieved persons in the same manner as a person or group of persons
6 may file a civil action under this section. In a civil action filed under this
7 subsection, the court may assess against the respondent, in addition to the
8 relief authorized under subsections (1) and (3) of this section, a civil penalty:

9 “(a) In an amount not exceeding \$50,000 for a first violation; and

10 “(b) In an amount not exceeding \$100,000 for any subsequent violation.

11 “(10) In any action under subsection (1) of this section alleging a vio-
12 lation of ORS 659A.145 or 659A.421 or alleging discrimination under federal
13 housing law, when the commissioner is pursuing the action on behalf of an
14 aggrieved complainant, the court shall award reasonable attorney fees to the
15 commissioner if the commissioner prevails in the action. The court may
16 award reasonable attorney fees and expert witness fees incurred by a de-
17 fendant that prevails in the action if the court determines that the commis-
18 sioner had no objectively reasonable basis for asserting the claim or for
19 appealing an adverse decision of the trial court.

20 “(11) In an action under subsection (1) or (9) of this section alleging a
21 violation of ORS 659A.145 or 659A.421 or discrimination under federal hous-
22 ing law:

23 “(a) ‘Aggrieved person’ includes a person who believes that the person:

24 “(A) Has been injured by an unlawful practice or discriminatory housing
25 practice; or

26 “(B) Will be injured by an unlawful practice or discriminatory housing
27 practice that is about to occur.

28 “(b) An aggrieved person in regard to issues to be determined in an action
29 may intervene as of right in the action. The Attorney General may intervene
30 in the action if the Attorney General certifies that the case is of general

1 public importance. The court may allow an intervenor prevailing party costs
2 and reasonable attorney fees at trial and on appeal.

3 **“(12) In any action under subsection (1) of this section alleging a**
4 **violation of section 4 or 9 of this 2025 Act, the court may award, in**
5 **addition to the relief authorized under subsection (1) of this section,**
6 **compensatory damages or \$1,000, whichever is greater, including**
7 **damages for emotional distress.**

8 **“SECTION 15. (1) All appointments to the Agricultural Workforce**
9 **Labor Standards Board made under section 2 of this 2025 Act, includ-**
10 **ing the appointment of the executive director, must be completed by**
11 **January 1, 2026.**

12 **“(2) Notwithstanding the term of office specified by section 2 of this**
13 **2025 Act, of the members first appointed to the board:**

14 **“(a) Four members shall serve for a term ending January 1, 2027.**

15 **“(b) Four members shall serve for a term ending January 1, 2028.**

16 **“(c) Five members shall serve for a term ending January 1, 2029.**

17 **“SECTION 16. The Agricultural Workforce Labor Standards Board**
18 **shall establish the initial recommended minimum standards under**
19 **section 4 of this 2025 Act in time for the board to submit a petition to**
20 **the relevant agencies under section 6 of this 2025 Act no later than**
21 **August 1, 2028.**

22 **“SECTION 17. No later than December 15, 2029, the Agricultural**
23 **Workforce Labor Standards Board shall submit an initial report in the**
24 **manner provided in ORS 192.245 to the interim committees of the**
25 **Legislative Assembly related to business and labor on the board’s ac-**
26 **tivities. The report shall include the board’s initial recommended**
27 **minimum standards described under section 16 of this 2025 Act and the**
28 **results of a petition submitted to the Bureau of Labor and Industries**
29 **or the Department of Consumer and Business Services in accordance**
30 **with the specified timeframe under section 16 of this 2025 Act.**

