

Requested by Representative MARSH

**PROPOSED AMENDMENTS TO
HOUSE BILL 3194**

1 On page 1 of the printed bill, line 2, delete “658.705 and”.

2 Delete lines 6 through 28 and delete page 2 and insert:

3 **“SECTION 2. (1) As used in this section, ‘landowner’ means any**
4 **person that has a substantial ownership interest in real property.**

5 **“(2) A landowner who, at the time of the farmworker camp’s oper-**
6 **ation, knows or should have known that the landowner’s property is**
7 **being used as the site of a farmworker camp shall be jointly and se-**
8 **verally liable with the person acting as the farmworker camp operator**
9 **to the same extent and in the same manner as provided in ORS 658.805**
10 **(3) and (4).**

11 **“(3) There is a rebuttable presumption that a landowner did not**
12 **know and could not reasonably have known of the operation of an**
13 **unregistered farmworker camp on the landowner’s property if the**
14 **landowner produces a written lease agreement or a copy thereof that**
15 **expressly prohibits the operation of an unregistered farmworker camp**
16 **on the property by the lessee or any other person. The presumption**
17 **may be rebutted by a preponderance of the evidence that the land-**
18 **owner knew or should have known of the operation of the farmworker**
19 **camp.**

20 **“SECTION 3. ORS 658.805 is amended to read:**

21 **“658.805. (1) Except to appeal from an act or determination of the Com-**

1 commissioner of the Bureau of Labor and Industries or the Department of Con-
2 sumer and Business Services, no person operating a farmworker camp, as
3 defined in ORS 658.705, is entitled to demand, receive or accept any fee di-
4 rectly or indirectly or maintain any suit or action in the courts of this state
5 involving the farmworker camp, without alleging and proving that the person
6 was registered or indorsed to operate a farmworker camp.

7 “(2) The commissioner, Director of the Department of Consumer and
8 Business Services or any local governmental agency may bring suit in any
9 court of competent jurisdiction to enjoin any person from violating any of
10 the provisions of ORS 658.705 to 658.850, or rules adopted pursuant thereto,
11 and from committing future violations.

12 “(3) Any aggrieved person may bring suit in any court of competent ju-
13 risdiction [*to enjoin*] **against** any person violating ORS 658.715 (1) or 658.755
14 (2)(a) [*from violating*] **who violates** any of the provisions of ORS 658.705 to
15 658.850, or rules adopted pursuant thereto, **to recover damages and to en-**
16 **join the person** [*and*] from committing future violations.

17 “(4) In actions brought pursuant to this section, the court may award to
18 the prevailing party costs and disbursements and a reasonable attorney fee.
19 In addition, if damages are found, the amount of damages recoverable from
20 a farmworker camp operator who is subject to suit pursuant to subsection
21 (3) of this section who violates ORS 658.705 to 658.850 is actual damages or
22 [*\$500*] **\$2,000**, whichever is greater.”.

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