

Requested by Representative BOWMAN

**PROPOSED AMENDMENTS TO
HOUSE BILL 3183**

1 On page 1 of the printed bill, delete lines 6 through 29 and delete page
2 2 and insert:

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

4 **“(a) ‘Applicant’ means an applicant for a license or certification or**
5 **renewal of a license or certification issued under ORS 475C.085,**
6 **475C.097, 475C.125, 475C.133, 475C.289 or 475C.548.**

7 **“(b) ‘Bona fide labor organization’ means a labor organization as**
8 **defined in 29 U.S.C. 402:**

9 **“(A) That is recognized to be engaged in an industry affecting**
10 **commerce; and**

11 **“(B) The operations of which are not deemed to be a part of an in-**
12 **tegrated enterprise that includes a licensee or licensee representative**
13 **or an association of licensees or licensee representatives.**

14 **“(c) ‘Employee’ does not include employees who perform agricul-**
15 **tural labor as described in ORS 657.045.**

16 **“(d) ‘Industry affecting commerce’ has the meaning given that term**
17 **in 29 U.S.C. 402.**

18 **“(e) ‘Integrated enterprise’ means an enterprise in which the oper-**
19 **ations of two or more separate entities are sufficiently intertwined,**
20 **as determined in consideration of the factors provided under ORS**
21 **653.422, such that the operations of one entity are considered to be**

1 under the control of another entity.

2 “(f) ‘Labor dispute’ has the meaning given that term in ORS 663.005.

3 “(g) ‘Labor peace agreement’ means an agreement under which, at
4 a minimum:

5 “(A) An applicant or licensee agrees to remain neutral with respect
6 to a bona fide labor organization’s representatives communicating
7 with the employees of the applicant or the licensee about the rights
8 afforded to such employees under ORS 663.110; and

9 “(B) The bona fide labor organization has agreed to refrain from
10 engaging in strikes, work stoppages, boycotts or other economic in-
11 terference with the business of the applicant or licensee to resolve a
12 labor dispute.

13 “(h) ‘Licensee’ means a holder of a license or certification issued
14 under ORS 475C.085, 475C.097, 475C.125, 475C.133, 475C.289 or 475C.548.

15 “(i) ‘Strike’ has the meaning given that term in ORS 662.205.

16 “(2) In addition to and not in lieu of any other requirement for
17 licensure or certification, or renewal of a license or certification under
18 ORS 475C.085, 475C.097, 475C.125, 475C.133, 475C.289 or 475C.548 with
19 which an applicant must comply, the Oregon Liquor and Cannabis
20 Commission shall require the applicant to submit, along with an ap-
21 plication for a license or certification or renewal of a license or certi-
22 fication:

23 “(a) A signed labor peace agreement entered into between the ap-
24 plicant and a bona fide labor organization actively engaged in repre-
25 senting or attempting to represent the applicant’s employees; or

26 “(b) An attestation signed by the applicant and the bona fide labor
27 organization stating that the applicant and the bona fide labor organ-
28 ization have entered into and will abide by the terms of a labor peace
29 agreement.

30 “(3) Failure to provide a signed labor peace agreement or

1 attestation or to abide by the terms of a labor peace agreement de-
2 scribed in subsection (2) of this section is grounds for the commission
3 to deny an application for licensure or certification or renewal of a
4 license or certification under ORS 475C.085, 475C.097, 475C.125, 475C.133,
5 475C.289 or 475C.548.

6 “(4)(a) If a labor peace agreement described under subsection (2) of
7 this section is terminated for any reason after issuance of a license
8 or certification under ORS 475C.085, 475C.097, 475C.125, 475C.133,
9 475C.289 or 475C.548, the licensee or certificate holder shall notify the
10 commission in writing of the termination within 10 business days of
11 the date of termination.

12 “(b) The licensee or certificate holder shall include with the notice
13 an attestation stating that the licensee or certificate holder will enter
14 into a new labor peace agreement within 30 days following the date
15 on which the previous agreement was terminated.

16 “(c) Not later than 30 days following the date of termination, the
17 licensee or certificate holder shall provide evidence to the commission
18 that the licensee or certificate holder has entered into a new labor
19 peace agreement by submitting the following information to the com-
20 mission:

21 “(A) A signed copy of the new labor peace agreement entered into
22 between the licensee or certificate holder and the bona fide labor or-
23 ganization; or

24 “(B) An attestation signed by the licensee or certificate holder and
25 the bona fide labor organization stating that the licensee or certificate
26 holder and the bona fide labor organization have entered into and will
27 abide by the terms of a labor peace agreement.

28 “(d) The administrator of the Oregon Liquor and Cannabis Com-
29 mission shall impose the following sanctions against a licensee or
30 certificate holder that fails to provide evidence that the licensee or

1 certificate holder has entered into a new labor peace agreement in
2 accordance with paragraph (c) of this subsection:

3 “(A) If the licensee or certificate holder fails to provide the evidence
4 within 30 days following the date of termination of the previous labor
5 peace agreement, suspension of the license or certificate for not more
6 than 10 days or imposition of a fine in the amount of \$1,650.

7 “(B) If the licensee or certificate holder fails to provide the evidence
8 within 60 days following the date of termination of the previous labor
9 peace agreement, suspension of the license or certificate for not more
10 than 30 days or imposition of a fine in the amount of \$4,950.

11 “(C) If the licensee or certificate holder fails to provide the evidence
12 within 90 days following the date of termination of the previous labor
13 peace agreement, suspension of the license or certificate for not more
14 than 30 days.

15 “(D) If the licensee or certificate holder fails to provide the evidence
16 within 120 days following the date of termination of the previous labor
17 peace agreement, revocation of the license or certification.

18 “SECTION 3. The requirements of section 2 of this 2023 Act apply
19 to applications for licenses and certifications and renewals for licenses
20 and certifications received by the Oregon Liquor and Cannabis Com-
21 mission on or after the effective date of this 2023 Act.”.

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