

**HOUSE COMMITTEE ON**  
**AGRICULTURE AND NATURAL RESOURCES**

**April 20, 2005 Hearing Room C**

**9:00 A.M. Tapes 49 - 51**

**MEMBERS PRESENT:           Rep. Patti Smith, Chair**

**Rep. Brian Boquist, Vice-Chair**

**Rep. Arnie Roblan, Vice-Chair**

**Rep. Terry Beyer**

**Rep. Chuck Burley**

**Rep. Mark Hass**

**Rep. Mac Sumner**

**STAFF PRESENT:           Patrick Brennan, Committee Administrator**

**Jania Zeeb, Committee Assistant**

**MEASURES/ISSUES HEARD:**

**HB 3258 – Public Hearing and Work Session**

**These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.**

<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
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**TAPE 49, A**

<b>002</b>	<b>Chair P. Smith</b>
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Calls meeting to order at 9:02 a.m. Opens a public hearing on HB 3258.

**HB 3258 – PUBLIC HEARING**

006	Patrick Brennan	Committee Administrator. Summarizes HB 3258.
012	Tim Bernasek	Oregon Farm Bureau. Submits copies of prepared testimony in support of HB 3258 ( <b>EXHIBIT A</b> ). Discusses the history behind this legislation.
116	Bernasek	Continues discussing the history behind HB 3258. Talks about the issues that HB 3258 addresses.
163	Mark Simmons	Oregon Association of Nurseries. Submits and reads prepared testimony in support of HB 3258 ( <b>EXHIBIT B</b> ). Testifies in support of HB 3258.
239	Simmons	Discusses the desired outcome of HB 3258 for farm workers.
245	Kirk Peterson	NorPac. Testifies in support of HB 3258. Submits and reads prepared testimony in support of HB 3258 ( <b>EXHIBIT C</b> ). Gives a definition of collective bargaining.
321	Peterson	Continues reading prepared testimony.
347	Ken Bailey	Vice Chairman, Oregon Board of Agriculture. Testifies in support of HB 3258. Submits a letter from the Board of Agriculture in support of HB 3258 ( <b>EXHIBIT D</b> ). States that the issue is what is in the best interest of the worker.
389	Bailey	Talks about reasons why the past legislation has not been successful.

**TAPE 50, A**

013	Rep. Beyer	Comments on binding arbitration and the situation in California. Asks what would prevent what is happening in California from happening in Oregon if the bill is passed.
024	Bailey	

Disagrees with the assumption that what has happened in California will happen in Oregon.

031	Peterson	Answers that in California the culture is different, and there are many reasons why collective bargaining agreements have not been reached. Discusses what is happening in California.
049	Rep. Boquist	Asks what groups are represented by members on the Board of Agriculture.
053	Bailey	Answers by listing who the members of the Board of Agriculture represent, and how they are appointed to the board.
061	Rep. Boquist	Inquires if it is still correct that no more than five members can be of the same political party
063	Bailey	Concurs
068	Rep. Boquist	Refers to the letter from the Board of Agriculture ( <b>EXHIBIT D</b> ). Asks how many members of the board were present when the letter was adopted.
070	Bailey	Responds that there was one member absent.
073	Rep. Roblan	Comments on uniqueness of agricultural work and the need for agriculture. Inquires how to ensure that everyone will be helped by this kind of legislation.
086	Bernasek	Discusses what is happening in California, and gives examples of success stories. Comments on the fear of a strike when the harvest is being brought in. States that the agriculture community is open to looking at this different ways to address the issue.
126	Bailey	States that HB 3258 does not eliminate the ability of the workers to strike, or the ability to call for a secondary boycott.
137	Rep. Roblan	Asks if proponents of the bill have looked at other options with binding arbitration.
141	Bailey	Speaks to the issue of binding arbitration.

154	Rep. Burley	Inquires where in the statute mandatory binding interest arbitration is dealt with.
161	Peterson	States that it is in ORS chapter 243.
170	Marty Myers	Threemile Canyon Farms. Submits and reads prepared testimony in support of HB 3258 <b>(EXHIBIT E)</b> .
244	Mark Dickman	Dickman Farms, Silverton Oregon. Submits and reads prepared testimony in support of HB 3258 <b>(EXHIBIT F)</b> .
298	Dickman	Gives an example from his time at NorPac.
334	Barry Bushue	OFB. Testifies in support of HB 3258. Discusses past attempts to address collective bargaining.

#### **TAPE 49, B**

020	Michael Dale	Northwest Workers Justice Project. Submits prepared testimony in opposition to HB 3258 <b>(EXHIBIT G)</b> . Discusses the problem and uses the pear industry as an example. States that moving the bill forward will not solve any of the problems with collective bargaining.
111	Leo DeGaric- Vallejo	Testifies in opposition to HB 3258. Comments that farm work is different than other types of work.
159	Vallejo	States that many of the concepts work theoretically, but do not work when applied.
193	Vallejo	Lists reasons he opposes HB 3258.
198	Ramon Ramirez	President, Oregon Farm Worker United (PCUN). Submits prepared testimony in opposition to HB 3258 <b>(EXHIBIT H)</b> . Discusses the five principles that are important for farm workers to have in regard to this issue.
244	Ramirez	Voices disagreement with comments made earlier that labor has not entered into negotiations. References the work group labor participated in.

280	Ramirez	Comments on the compromises labor has made.
304	Ramirez	States that PCUN is willing to sit down with the industry, but not to rehash things that have been discussed in previous sessions.
330	Eduardo Angulo	Testifies in opposition to HB 3258. Submits newspaper articles regarding taxation of illegal immigrants <b>(EXHIBIT I)</b> .
381	Norene Goplen	Director of Advocacy, Lutheran Advocacy Ministry of Oregon. Testifies in support of HB 3258. Submits and reads prepared testimony in support to HB 3258 <b>(EXHIBIT J)</b> .

**TAPE 50, B**

021	Edrin Hilgato	Farm worker. Testifies in support of HB 3258.
050	Steven Witte	Executive Director, Oregon Farm Workers Ministry. Submits prepared testimony in opposition to HB 3258 <b>(EXHIBIT K)</b> .
087	Lynn Lundquist	President, Oregon Business Association. Testifies in support of HB 3258 and comments on the need for certainty in the business world.
117	Bob Terry	Oregon Association of Nurseries. Testifies in support of HB 3258. States that there are farms in Oregon that employ year round. Comments on the stability that HB 3258 would provide.
151	Chair P. Smith	Speaks about the need to have this discussion, regardless of what has happened with this in the Legislature in the past.
154	Rep. Beyer	Comments that she can sympathize with both sides the issue, and the need for both sides to come to a consensus.
170	Dick Joyce	Joyce Farms; Oregon Association of Nurseries. Testifies in support of HB 3258. Comments that the union issue should not be discussed in terms of religion.
212	Matt Swanson	Oregon American Federation of Labor – Congress of Industrial Organization (AFL-CIO). Testifies in opposition to HB 3258. Discusses reasons why AFL-CIO is opposed to HB 3258. Talks about the average time line for arbitration.

259	Robert Castagna	General Counsel, Oregon Catholic Conference. Testifies in opposition to HB 3258. Discusses reasons for his organization's opposition to HB 3258.
325	Bernasek	Addresses some of the concerns that have been discussed in this meeting.
422	Rep. Hass	Asks if the bill's proponents would still support the bill if there was a sunset provision added.

#### **TAPE 51, A**

016	Bernasek	Comments that the proponents would be willing to seriously consider such an amendment.
021	Rep. Burley	Comments that the bill gives farm workers the same framework as any other employee in the state. Asks if people who are seasonal workers in the forest industry would have the same rights under ORS Chapter 663 if the measure passes.
029	Bernasek	Concurs.
033	Simmons	Comments that the employees in the nursery industry are employed year round, rather than seasonal workers.
052	Chair Smith	Closes the public hearing and opens a work session on HB 3258.

#### **HB 3258 – WORK SESSION**

<b>053</b>	<b>Rep. Boquist</b>	<b>MOTION: Moves HB 3258 to the floor with a DO PASS recommendation.</b>
058	Rep. Hass	Remarks that he wants to support the concept but asserts that changes need to be made.
066	Rep. Roblan	Mentions the importance of having groups negotiate and work things out. States that he will vote for the measure, but reserves the right to vote against it when it gets to the floor. Comments on the importance of this conversation.

077	Rep. Beyer	States that she wants to support HB 3258, but she does not believe that it will work
083	Rep. Boquist	Comments that this is part of a 30-year disagreement and reviews what has happened over the years. Comments on the need to move this out and have the Governor deal with the issue.
098	Rep. Burley	Responds to some of the testimony that has been heard during the meeting.
113	Rep. Sumner	States that this is a framework of legislation that can be built from.
118	Chair P. Smith	Remarks that she was on the Agriculture and Forestry Committee in 2001, and this was discussed in that committee. States that this is a good bill.
120		<p><b>VOTE: 6-1-0</b></p> <p><b>AYE:           6 - Boquist, Burley, Hass, Roblan, Sumner, Smith P.</b></p> <p><b>NAY:           1 - Beyer</b></p> <p> <b>Chair P. Smith       The motion CARRIES.</b></p> <p><b>REP. BOQUIST will lead discussion on the floor.</b></p>
129	Chair P. Smith	Closes the work session on HB 3258 and adjourns the meeting at 11:03 a.m.

## **EXHIBIT SUMMARY**

- A. HB 3258, prepared testimony, Tim Bernasek, 3 pp
- B. HB 3258, prepared testimony, Mark Simmons, 3 pp
- C. HB 3258, prepared testimony, Kirk Paterson, 4 pp
- D. HB 3258, letter, Ken Bailey, 1 p
- E. HB 3258, prepared testimony, Marty Myers, 3 pp
- F. HB 3258, prepared testimony, Mark Dickman, 2 pp
- G. HB 3258, prepared testimony, Michael Dale, 2 pp
- H. HB 3258, prepared testimony, Ramon Ramirez, 3 pp
- I. HB 3258, newspaper articles, Eduardo Angulo, 3 pp

- J. HB 3258, prepared testimony, Norene Goplen, 2 pp
- K. HB 3258, prepared testimony, Steven Witte, 1 p
- L. HB 3258, prepared testimony, Erik Necholson, 1 p
- M. HB 3258, prepared testimony, Joe Schaeffer, 1 p
- N. HB 3258, prepared testimony, Phillip Kennedy-Wong, 1 p
- O. HB 3258, prepared testimony, Rick Jacobson, 6 pp