

SENATE SPECIAL COMMITTEE ON
GOVERNMENT AFFAIRS

February 27, 2002 Hearing Room C
4:15 p.m. Tapes 2 - 5

MEMBERS PRESENT: **Sen. Bev Clarno, Chair**
 Sen. Ted Ferrioli
 Sen. Avel Gordly

STAFF PRESENT: **Marjorie Taylor, Administrator**
 Patsy Wood, Committee Assistant

MEASURE/ISSUES HEARD: **HB 4025 Public Hearing and Work Session**
 HB 4026A 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.

TAPE/#	Speaker	Comments
TAPE 2, A		
004	Chair Clarno	Calls the meeting to order at 4:30 p.m. Opens a public hearing on HB 4025.
<u>HB 4025 PUBLIC HEARING</u>		
014	Steven Witte	Executive Director of Oregon Farm Worker Ministry. Testifies in opposition to HB 4025. Mentions the misinformation he heard in the House Chambers regarding boycotts, violence and vandalism. Points out that the secondary boycott has gotten NORPAC Foods, Inc. and PCUN (Pineros y Campesinos Unidos del Noroeste – a Spanish acronym for Northwest Treeplanters and Farmworkers United) to the bargaining table.
053	Chair Clarno	Asks a gentleman from the audience (Mr. Larry Klineman) to interpret for the Spanish-only speaking members of the audience.
069	Mr. Witte	Continues his testimony in opposition to HB 4025. Feels that HB 4025 should not go to the floor, but have all parties come to the table with equal power. Believes there are forces affecting Oregon's agricultural profitably, but to be fair, everyone has to work together to develop legislation for the next session. Indicates that this bill would be detrimental to the workers in the state.
118	Sen. Gordly	Expresses her discomfort with the process of not providing an interpreter for this hearing. Wonders about Mr. Klineman's willingness to act as an interpreter throughout the hearing.

145	Mr. Klineman	Interprets what Sen. Gordly said for the audience. Confesses his discomfort interpreting in front of the room, but feels deeply committed that the Spanish-speaking workers in the room know what is happening in the proceedings.
173	Chair Clarno	Asks if he'd rather interpret from the back of the room.
176	Mr. Klineman	Says, yes.
185	Sen. Ferrioli	Comments that an interpreter was provided for the farm worker housing task force when advance notice was given that one was needed.
201	Michael Dale	Lawyer working with farm workers. Testifies in opposition to HB 4025. Discusses the negotiations going on between the NORPAC growers and their workers, and the problems of secret ballot elections being done by mail. Says a system that works needs to be designed during a regular session – not in this rush.
281	Ramon Ramirez	President of PCUN. Submits testimony and testifies in opposition to HB 4025 (EXHIBIT A). Describes why HB 4025 is unworkable in its current form. Says that lifting the exemptions (collective bargaining) sounds good, but unless it is enforceable with union representation and fair elections, it will not do any good.
379	Mr. Ramirez	Relates that he has heard lies and half-truths during this last special session as well as the fear on the part of the grower community as a result of the secondary boycott. Speaks about the sacrifice of the workers involved in the secondary boycott to bring about awareness that change had to happen. States that PCUN is committed to build a partnership with Oregon agriculture.

TAPE 3, A

009	Brad Witt	Secretary-Treasurer, Oregon AFL-CIO. Submits testimony and testifies in opposition to HB 4025 (EXHIBIT B). States that this legislation is a disincentive to collective bargaining and gives two key reasons why it is an impediment to collective bargaining: 1) the transitory nature of farm workers and 2) the sunset clause.
075	Sen. Ferrioli	Points out the emotional nature of this issue by the previous witness alluding to misinformation, innuendo, violence and vandalism. Asks why there has been such a change in attitude about collective bargaining if not for the success of the secondary boycott.
105	Mr. Ramirez	Describes how the NORPAC boycott has created a lot of fear, and that fear has to do with the change.
136	Sen. Ferrioli	Notes that the farm workers have been denied collective bargaining for years and wonders if the Employee Relations Board (ERB) is the correct entity to resolve this issue. Asks where in the bill is the prohibition against the use of a secondary boycott.
155	Mr. Dale	Responds that the bill does not have that provision, but part of Chapter 663 lists unfair labor practices including a secondary

		boycott which is not applicable to PCUN because agricultural workers are excluded.
167	Sen. Ferrioli	Asks why a secondary boycott is called an unfair labor practice.
169	Mr. Dale	Tells why the secondary boycott is considered an unfair labor practice.
227	Mr. Witt	Discusses the imbalances in HB 4025 that could lead to further labor relations strife.
260	Sen. Ferrioli	Says that there are no rules of engagement so each side is free to grapple with this issue in any creative way that they can. Asks if the Employee Relations Board, which was primarily set up for public employees, needs to change its policies through statute or administrative rule to deal with this issue.
291	Mr. Dale	Says it is both a statutory and administrative rule issue as well as a budgetary issue.
301	Sen. Gordly	Asks what he means by a budgetary issue.
305	Mr. Dale	Responds that removing one line in statute will impose significant obligations on an agency that has seen cuts on their budget and will experience more cuts. Says it would be important to have Spanish-speaking employees on the ERB if an election is held in June. Discusses the uniqueness of writing rules for transitory groups like farm workers and small construction contractors.
347	Sen. Ferrioli	Asks if ERB is set up to do this, and if not, who is.
351	Mr. Ramirez	Replies that he does not know of any other state agency who could handle the magnitude of this task.
357	Sen. Ferrioli	Says without a mechanism to bring people together, with rules of engagement that are clearly understandable, this will never move forward. Agrees that ERB, in its present configuration, is the wrong place to handle this issue saying served communities need to be inside the agency. Points out that there needs to be a mechanism for fair and reasonable conduct of activities and negotiations between farm workers and growers. Says the committee has the authority to order the agency to construct rules that have a specific outcome.

TAPE 2, B

009	Sen. Gordly	Cites the last sentence on page 1 of Exhibit B and speaks to the role of the legislature in righting past wrongs and injustices that exist in improving wages and working conditions for Oregon's farm workers. Asks Mr. Ramirez if he is going to continue his participation on the Farm Worker Task Force.
044	Mr. Ramirez	Speaks to his participation on the task force saying he is committed to a process to develop the "rules of engagement" to build a consensus.
083	Sen. Gordly	Comments on previous testimony heard on the House floor today concerning allegations of property damage and boycotts planned by PCUN of the wine and Christmas tree industry – fear issues. Asks Mr. Ramirez to clarify the issue in order to

		remove some of the fear and anxiety in Oregon's farm communities.
111	Mr. Ramirez	Responds that PCUN has never engaged in the destruction of any property – they share principles of non-violence to respect people's property. Says they are committed to making the NORPAC process work.
154	Sen. Gordly	Asks if there is a plan for a secondary boycott of the wine and Christmas tree industry.
160	Mr. Ramirez	Says, at this point, no.
169	Mr. Witt	Stresses that the imbalance of power is at the root of the problem, and suggests that a system with a balance of power will alleviate some of the strife.
206	Sen. Ferrioli	Agrees that acts of vandalism would discredit a group. Asks if there have been problems with vandalism creating a climate of fear.
241	Mr. Ramirez	Says there is fear out there and has been violence – shouting and yelling. Feels PCUN has been the victim of that violence from farmers. Describes different acts of violence perpetrated against him. Says workers would be fired if they engaged in that kind of activity.
281	Sen. Ferrioli	Says HB 4025 may not be the perfect vehicle, but it would “lower the threshold of pain.” Would like to see a process that requires administrative rules to be written for fair elections.
318	Mr. Dale	Indicates that the NORPAC process is the most hopeful way to getting to a solution of the “presenting” problem.
337	Sen. Ferrioli	Feels this legislation is sending a message to the state agencies that changes need to be made.
362	Mr. Witt	Says you can't have effective “disarmament” unless it is unilateral. Feels HB 4025 would engender further labor relations strife.
398	Bob Castagna	Oregon Catholic Conference. Submits testimony (EXHIBIT C). Describes the ways in which HB 4025 is premature and inappropriate citing the short notice given when making a decision about a major, public-policy development in labor law.
TAPE 3, B		
010	Sen. Gordly	In response to the short notice, asks how he found out about the public hearing.
015	Mr. Castagna	Responds that a co-worker alerted him. Points out that HB 4025 is designed to provide a right to workers (collective bargaining) and yet the representatives of farm workers are here opposing the bill.
042	Chair Clarno	Asks the committee administrator to explain the notice process for the meeting.
044	Administrator Marjorie Taylor	Explains the process used today to give notice for this meeting.
053	Sen. Gordly	Comments that people from a distance did not have a chance to participate.

062	Glen Zielinski	Zielinski Farms. Testifies in support of HB 4025. Discusses how the farming industry in Oregon is at a crossroads. Wonders how many paying dues members PCUN has – 4900 or 50? Describes the damage done to his farm during a PCUN strike. Thinks HB 4025 is fair and will equal the playing field. Feels a secondary boycott could put the cherry industry out of business so there is some necessity to this legislation.
157	Norene Goplen	Lutheran Advocacy Ministry. Submits testimony and testifies in support of HB 4025 (EXHIBIT D). Discusses why administrative rules need to be developed that are equitable.
258	Sen. Ferrioli	Says this issue impacts more than farm workers – all agriculture – not a collective bargaining issue, but a public policy issue that has far larger implications.
274	Ms. Goplen	Speaks to the issue of racism against farm workers.
302	Sen. Gordly	Discusses the issue of breaks not being allowed for farm workers under the current labor law and says the labor commissioner does not feel a need to hold hearings on this issue.
349	Ms. Goplen	Shares her concerns about previous statements made by the labor commissioner and conditions in labor camps.
400	Andy Anderson	Executive Vice President, Oregon Farm Bureau. Testifies in support of HB 4025 saying it does three things: <ul style="list-style-type: none"> • removes the exemption for agricultural workers for collective bargaining, • has an emergency clause to go into effect right away, and • has a sunset clause that says December 2003 the bill will expire. Discusses PCUN’s negotiating with NORPAC, but lack of involvement with the Oregon Farm Bureau and the interim legislative task force.

TAPE 4, A

019	Mr. Anderson	Continues testimony in support of HB 4025. Says ERB is not equipped to handle collective bargaining. Agrees that agricultural workforce is unique, but the legislature is a fair place to bring forth this issue. Addresses the sunset clause in HB 4025 saying it was put in the bill at the request of the Governor’s office. Discusses the issue of funding a private commission. Feels this bill will have no implications on the negotiations between PCUN and NORPAC.
163	Tim Bernasek	Attorney representing the Oregon Farm Bureau Federation. Submits statistics and testifies in support of HB 4025 (EXHIBIT E). Speaks to how Oregon has one of the highest wages paid in the country, including Hawaii.
193	Mr. Bernasek	Speaks to the issue of secondary boycotts.
233	Mr. Bernasek	Says this bill is an issue of accountability. Wonders who holds PCUN accountable without this bill. Questions the process of getting to an agreement between NORPAC and PCUN.
341	Sen. Gordly	

		Wonders how many people in the room are raising a family on \$7.21/hr.
348	Audience	Several people raise their hands.
363	Pieper Sweeney	Farm owner. Testifies in support of HB 4025. Speaks to the issue of farm workers being called slave labor. Says this is not a farmer/farm worker issue, but a union issue. Talks about the expense of NORPAC fighting with PCUN during negotiations.
TAPE 5, A		
025	Kandis Gilbert	Willamette Valley Grower. Testifies in support of HB 4025. Discusses tours of farms she organized in the Willamette Valley to check out the working environment of farm workers. States that this legislation is needed to hold PCUN to good-faith negotiations.
060	Trini Marquez	Representing farm workers. Describes her 30+ years of working in the fields of Oregon. Says she did not know PCUN existed until two years ago. Says farm workers she talked to want a choice of who would represent them – they do not want a union or third party. Describes her newfound fear of PCUN.
105	Chair Clarno	Asks what field work she had performed.
107	Ms. Marquez	Describes the various crops she has worked in, including berries, zucchini, broccoli and cucumbers.
116	Chair Clarno	Asks if her parents continued coming to the same farms.
121	Ms. Marquez	Speaks to the good relations her family has had with the farmers.
149	Del Shirley	United Methodist Church member from Tangent. Testifies in support of HB 4025. Expresses his concern about farm workers and describes how HB 4025 would help level the playing field for farm workers. Would like to see the opportunity for farm workers to decide if they want a union or not. Feels that Oregon agriculture, employers, and farm workers are being sacrificed so PCUN can achieve recognition. Estimates that PCUN represents about 600 workers.
209	Chair Clarno	Asks how he arrived at the estimate of 600 workers.
211	Mr. Shirley	Gives the basis for arriving at that figure. Supports working toward legislation and a private commission.
237	Chair Clarno	Asks if they are still interested in collective bargaining, but want to suspend the boycott.
238	Mr. Shirley	Responds that they suspended support of the PCUN boycott.
254	Scott Ashcom	Oregon Association of Nurserymen. Testifies in support of HB 4025. Speaks to the conflict between PCUN and NORPAC and says that an agreement has been reached. Asks if it is good public policy to allow farm workers the same labor relation rights as other workers in Oregon. Feels the time has come to treat all workers alike.
373	Chair Clarno	Closes the public hearing on HB 4025 and opens a work session.

HB 4025 WORK SESSION

376 Sen. Ferrioli

MOTION: Moves HB 4025 to the floor with a DO PASS recommendation.

414 Sen. Gordly

Explains why she will be voting in opposition to HB 4025.

465

VOTE: 2-1

AYE: 2 – Clarno, Ferrioli

NAY: 1 – Gordly

468 Chair Clarno

The motion CARRIES.

SEN. ATKINSON AND SEN. FERRIOLI will lead discussion on the floor.

TAPE 4, B

020 Chair Clarno

Closes the work session on HB 4025 with the remarks that she felt there was adequate testimony. Opens a public hearing on HB 4026A.

HB 4026A PUBLIC HEARING

038 Bob Castagna

Oregon Catholic Conference. Submits amendments regarding the bio-science task force created in Section 2 of HB 4026A **(EXHIBIT F)**.

051 Chair Clarno

Asks if the A3 amendments to HB 4026A have been approved by the Senate President's office. Informs the witness that she is not able to accept amendments without prior approval.

053 Mr. Castagna

Responds that he was not aware that prior approval was required before submitting amendments. Requests that the record show that the amendments were submitted to raise concerns about the moral and ethical issues currently being debated at the highest levels of the U. S. Government.

064 Bruce Anderson

House Majority Office. Testifies in support of HB 4026A. Informs the committee that Rep. Karen Minnis, Majority Leader, brought this bill forward to help the state in terms of economic development.

077 Sen. Gordly

Asks if Rep. Minnis worked with Sen. Yih on this bill.

080 Mr. Anderson

Says he doesn't know.

082 Chair Clarno

Clarifies the question by citing Sen. Yih's intense interest in the economic development of the state. Asks if the Majority office could visit with Sen. Yih in case she has input on this legislation.

087 Mr. Anderson

Asks if Sen. Yih's interest is specifically on the task force portion of the bill or on the report portion.

088 Sen. Gordly

Responds, the report portion of the bill.

089 Mr. Anderson

Assures the committee that this information will be passed on to Rep. Minnis.

093 Sen. Ferrioli

Speaks to the bond funding given to OHSU to bring forth this type of biotechnology development in Oregon.

116 Chair Clarno

Closes the public hearing on HB 4026A and opens a work session.

HB 4026A WORK SESSION

119 Sen. Ferrioli

MOTION: Moves HB 4026A to the floor with a DO PASS recommendation.

122	Sen. Gordly	Says this issue deserves more time spent on it, but will vote yes.
133		VOTE: 3-0
134	Chair Clarno	Hearing no objection, declares the motion CARRIED. SEN. CLARNO AND SEN. MINNIS will lead discussion on the floor.
144	Chair Clarno	Adjourns the meeting at 7:28 p.m.

Submitted By, Reviewed By,

Patsy Wood Committee Assistant	Marjorie Taylor, Administrator
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EXHIBIT SUMMARY

A – HB 4025, testimony submitted by Ramon Ramirez, PCUN, dated 2/25/02, 5 pgs.
B – HB 4025, testimony submitted by Brad Witt, Oregon AFL-CIO, dated 2/27/02, 2 pgs.
C – HB 4025, testimony submitted by Bob Castagna, Oregon Catholic Conference, 15 pgs.
D – HB 4025, testimony submitted by Norene Goplen, Lutheran Advocacy Ministry of Oregon, dated 2/27/02, 2 pgs.
E – HB 4025, statistics submitted by Tim Bernasek, Oregon Farm Bureau Federation, email dated 12/14/01, 2 pgs.
F – HB 4026A, A3 amendments submitted by Bob Castagna, Oregon Catholic Conference, dated 2/26/02, 1 pg.