

**SENATE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES**

**April 21, 1999 Hearing Room 50**

**4:30 p.m. Tapes 104 - 107**

**MEMBERS PRESENT: Sen. Gary George, Chair**

**Sen. Joan Dukes**

**Sen. Ted Ferrioli**

**Sen. Bill Fisher**

**Sen. Marylin Shannon**

**MEMBER EXCUSED: Sen. Thomas Wilde, Vice-Chair**

**Sen. Tony Corcoran**

**STAFF PRESENT: Brad Harper, Administrator**

**Patrick Brennan, Administrative Support**

**MEASURE/ISSUES HEARD: SB 1234 Public Hearing**

**SB 972 Public Hearing**

**SJM 13 Public Hearing**

**SB 1267 Public Hearing**

**SB 958 Public Hearing and Work Session**

**SB 980 Public Hearing**

**SJR 38 Public Hearing**

**SB 948 Work Session**

**SB 678 Work Session**

**SB 1231 Public Hearing**

**SB 1264 Public Hearing**

TAPE/#	Speaker	Comments
<b>TAPE 104, A</b>		
002	Chair George	Calls the meeting to order at 4:42 p.m. Opens a public hearing on SB 1234.
<b><u>SB 1234 PUBLIC HEARING</u></b>		
007	Chair George	Mentions that the bill may receive hearings in the future. Closes the public hearing on SB 1234 and opens a public hearing on SB 972.
<b><u>SB 972 PUBLIC HEARING</u></b>		
010	Chair George	Mentions that the bill may receive hearings in the future. Closes the public hearing on SB 972 and opens a public hearing on SJM 13.
		Testimony was submitted to the committee regarding SB 972 for the consideration of the members <b>(EXHIBIT A)</b> .
<b><u>SJM 13 PUBLIC HEARING</u></b>		
012	Chair George	Mentions that the memorial may receive hearings in the future. Closes the public hearing on SJM 13 and opens a public hearing on SB 1267.
<b><u>SB 1267 PUBLIC HEARING</u></b>		
015	Brad Harper	Committee Administrator. Gives a brief description of the bill. Says that under current law, farm labor contractors must provide written notification regarding terms of employment to all workers, with updates when the terms are changed. Indicates that the bill would eliminate the requirement to reissue notice when changes are made and would eliminate penalties unless the worker was harmed by the omission.
030	James H. Peterson	Reforestation Contractor. Testifies in support of SB 1267 <b>(EXHIBIT B)</b> . Asserts that reforestation contractors are over-regulated in Oregon. Describes the process by which payroll reports are made. Says that the bill does not address all reporting problems, but focuses upon the burdensome worker notifications
074	Chair George	Declares the meeting in recess until 5:00.
075	Chair George	Reconvenes the meeting at 5:00. Closes the public hearing on SB 1267 and opens a public hearing on SB 958.

**SB 958 PUBLIC HEARING**

078	Leigh Johnson	Representative, Bear Creek Corporation. Testifies in support of SB 958 ( <b>EXHIBIT C</b> ). Discusses the need for additional housing for migrant workers.
110	John McCulley	Representative, Tree Fruit Growers. Testifies in support of SB 958 ( <b>EXHIBIT D</b> ). Mentions that related legislation passed during the 1995 Session. States that the bill is an important step towards providing improved farm worker housing in Jackson County.
130	Chair George	Closes the public hearing on SB 958 and reopens the public hearing on SB 1267.

**SB 1267 PUBLIC HEARING**

133	Sen. Susan Castillo	Senate District 20. Testifies in opposition to SB 1267. States that there are too few protections for farm workers. Asserts that the bill would take away an existing protection by eliminating a required notification for employment contracts. Clarifies that the law exists not for those employers who treat workers well, but for those who do not.
155	Chair George	Closes the public hearing on SB 1267 and opens a public hearing on SB 980.

**SB 980 PUBLIC HEARING**

157	Sen. Susan Castillo	Senate District 20. Testifies in support of SB 980. Indicates that a group appointed by the Labor Commission produced the bill. Says that the bill should address licensing issues.
165	Chair George	Closes the public hearing on SB 980 and opens a public hearing on SJR 38.

**SJR 38 PUBLIC HEARING**

167	Sen. Susan Castillo	Senate District 20. Testifies in support of SJR 38. States that a task force could address the issue of migrant worker housing in a positive and effective way.
187	Sen. Peter Courtney	Senate District 17. Testifies in support of SJR 38. Says that the bill does a good job of providing relevant information so as to highlight the need for a task force to consider the problem. Indicates that the bill describes how the task force will be appointed and staffed and to whom it will report within the legislature. Acknowledges that migrant workers provide an important service to Oregon.
231	Sen. Ferrioli	Agrees that a task force would be valuable, but that there are problems with how the bill would put structure it. Indicates that two of its members would represent legal service organizations. Asks Sen. Courtney to describe the problems caused by litigation against migrant housing providers. Says that there is a disincentive

		to allow inspections by groups that litigate against them regularly.
260	Sen. Courtney	Replies that is one of the issues that the task force could consider. Asserts that the task force could potentially resolve such issues.
275	Sen. Ferrioli	Mentions that many of his constituents provide housing for guest workers. Indicates that many such growers have been the target of "frivolous" litigation. Asserts that such lawsuits could be another issue of concern for the task force. Acknowledges that there is also an ongoing grassroots effort to address the problem.
300	Sen. Fisher	Concurs with Sen. Ferrioli, indicating that he has toured many migrant housing facilities.
317	Bob Castagna	Representative, Oregon Catholic Conference. Testifies in support of SJR 38. Asserts that the housing problem faced by migrant workers continues to be an urgent one, despite nearly a decade of efforts to rectify the problem.
340	Francisco Lopez	Representative, St. Pius X Catholic Church, Washington County. Testifies in support of SJR 38 ( <b>EXHIBIT E</b> ). Indicates that his church became involved with migrant worker housing after visiting one of the sites and seeing the deplorable conditions. Asserts that addressing the housing issue must involve more than just the farmers and the workers, it must also include churches and communities. States that the task force will help bring all parties together on the issue.
390	Chair George	Indicates that the problem existed as far back as the 1940s. Agrees that the situation has not improved, despite widespread wealth and prosperity. Notes that the agriculture industry in Oregon is under "tremendous stress" and that the housing issue must be treated delicately.
410	Lynn Schoessler	Deputy Director, Oregon Housing and Community Services Department. Expresses willingness to work with any group that is formed to address the issue of migrant housing. Indicates that he would like the bill to clarify the expectations of the task force. Notes that a review process for prospective solutions has begun. Differentiates between migrant and seasonal farm workers.
<b>TAPE 105, A</b>		
028	Lucia Pena	Representative, Casa of Oregon. Testifies in support of SJR 38. States that she lived in migrant camps in 1949 and that they have changed very little since. Acknowledges that diverse groups have made efforts and that it would make sense to bring all groups together. Asserts that there is a need for coordination and leadership.
060	Chair George	Indicates that there are very few alternatives for migrant workers. Asks for solutions to the land use problem.

070	Schoessler	Replies that there are provisions for siting of facilities. Says that housing must be on the land of the employer, which creates difficulty in maintaining various sites.
077	Pena	Asserts that migrant housing should be placed within cities and towns, where the infrastructure exists to support such communities.
093	John McCulley	Representative, Tree Fruit Growers. Testifies in opposition to SJR 38. Asserts that the opposition is not to the concept of a task force, but rather to the composition of the one outlined by the resolution. Argues that the task force is unbalanced, containing 2 representatives from growers and 8 advocacy representatives. Indicates that the definition of "farm worker" should differentiate between resident, seasonal, and migrant farm workers. Asserts that the actions of the task force should be made on a consensus basis, rather than by majority vote, especially given the imbalance of the task force.
139	Sen. Ferrioli	Wonders what purpose is served by having representatives for public interest law firms on the task force, considering that they may be involved in litigation against growers whom they are inspecting.
144	McCulley	Replies that they may be able to inform the task force of litigious issues, so as to avoid problems before they go to court. Suggests that attorneys who defend growers could be represented on the task force.
151	Sen. Ferrioli	Asserts that the process must be developed in a way that avoids litigation where possible. Believes that putting employers "in harm's way" by allowing them to be investigated by potential litigants is unfair. Expresses support for the concept of the task force but insists that its structure could be improved.
173	Chair George	Closes the public hearing on SJR 38 and opens a work session on SB 948.
<b><u>SB 948 WORK SESSION</u></b>		
176	Sen. Fisher	<b>MOTION: Moves SB 948 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Trade and Economic Development.</b>
	Chair George	<b>Hearing no objection, declares the motion CARRIED.</b>
181	Chair George	Closes the work session on SB 948 and opens a work session on SB 958
<b><u>SB 958 WORK SESSION</u></b>		
188	Harper	States that the bill is ready to be moved to the floor.

191	Sen. Fisher	<b>MOTION: Moves SB 958 to the floor with a DO PASS recommendation.</b>
194		<b>VOTE: 5-0-2</b> <b>AYE: In a roll call vote, all members present vote Aye.</b> <b>EXCUSED: 2 - Corcoran, Wilde</b>
	Chair George	<b>The motion CARRIES.</b>  <b>SEN. GEORGE will lead discussion on the floor.</b>
203	Chair George	Closes the work session on SB 958 and reopens the public hearing on SJR 38.
<b><u>SJR 38 PUBLIC HEARING</u></b>		
208	Sen. Fisher	Indicates that he has experience with migrant worker housing. States that the migrant workers he visited made no effort to keep the housing clean or maintain the appliances.
230	Thom Nelson	Executive Director, Hood River Grower Shippers Association. Explains that maintenance and upkeep of migrant housing is an ongoing issue. Says that there are instances of both immaculate housekeeping and of serious abuse. States that it is the responsibility of the employer to maintain the facility. Explains that some growers perform inspections or have management rules. Notes that the Oregon Occupational Safety and Health Administration (OrOSHA) can fine growers who fail to keep their facilities clean and functional.
260	Sen. Fisher	Asks if the occupants have any legal responsibility to keep up the facility.
263	Nelson	Replies that there is no legal responsibility, but that if a farmer has a set of documented camp management rules explaining the responsibility of the tenants he has done his part. Indicates that it is a delicate issue, as the tenants consider what they do within the housing to be their business.
276	Sen. Fisher	Asserts that the actions of workers also affects the pocketbook of the farmer if they result in fines by OrOSHA. Asks if employers are allowed to require damage deposits or levy fines for cleanup.
290	Nelson	Replies that some growers charge modest cleaning deposits, but that the primary problem is vandalism.
300	Sen. Fisher	Inquires as to whether there are restrictions on such charges.

304	Nelson	Indicates that fine restrictions vary, depending on the type of housing and the ability of the workers to pay. Says that migrant workers do not usually arrive at the job site with much money and that high deposits make it difficult to attract workers.
321	Sen. Fisher	Asserts that the bulk of the responsibility is laid onto the employer and owner of housing. Argues that the workers should have responsibilities as well.
373	Nelson	Indicates that most operators of migrant housing agree with Sen. Fisher's assessment.
377	Sen. Ferrioli	Wonders if opposition to the bill would be reduced if the composition of the task force were changed to make it more equitable.
383	McCulley	Replies that they are supportive of the task force if it is structured in a more equitable manner.
386	Chair George	Requests that the interested parties work out a solution.
408	Peter Grundfossen	Representative, Association of Oregon Housing Authorities (AOHA). Testifies in support of SJR 38 ( <b>EXHIBIT F</b> ). Says that there is a great deal to be done and that migrant worker housing is only a part of the larger problem of low income housing. Asserts that "skyrocketing housing prices" have outpaced wage growth. Says that the housing problem will take a great deal of money to address.
<b>TAPE 104, B</b>		
025	Ellen C. Lowe	Service Director of Public Policy, Ecumenical Ministries of Oregon. Testifies in support of SJR 38. States that many congregations are working with migrant workers. Says that some types of activities are mentoring and teaching English. Concurs with Mr. Grundfossen regarding the need for low income housing.
055	Michael Dale	Representative, Legal Services Attorneys. Testifies in support of SJR 38. Indicates that there are many legal issues regarding migrant housing and that Legal Services attorneys have been involved in many ways. States that land use issues are a serious problem. Asserts that attorneys are knowledgeable about the legal requirements of housing construction and would therefore be an important resource for the task force. Indicates that migrant housing is already open to inspection and that inclusion of attorneys on the task force would therefore not subject employers to additional litigation.
100	Chair George	Suggests that litigation has acted as a disincentive to the construction of additional migrant housing in the past.
106	Dale	Concurs and states that he has suggested to litigants who were awarded damages in the past that their restitution should be put back into more and improved housing. Says that public interest attorneys have access to migrant worker camps without being part of the task force and could agree to abstain from site visits in

		order to alleviate concern.
119	Sen. Ferrioli	Wonders if litigation is filed on behalf of workers or of nonprofit corporations.
122	Dale	Replies that litigation is usually filed on behalf of individual workers.
125	Sen. Ferrioli	Asks who receives restitution when it is paid by defendants.
126	Dale	Indicates that the plaintiff receives the restitution, meaning that the worker would receive the money.
130	Sen. Ferrioli	Inquires whether most cases are settled through negotiation or litigation.
132	Dale	Replies that grievances are "overwhelmingly" settled through negotiation.
133	Sen. Ferrioli	Asks if the negotiation is brought about by the threat of litigation.
134	Dale	Replies that the threat of litigation is usually implied.
135	Sen. Ferrioli	Asks for the average attorney fee award for cases involving migrant worker complaints.
136	Dale	Replies that he cannot say, given the many variables involved. Submits that public interest law firms have played other roles than litigants in the migrant housing issue.
147	Sen. Ferrioli	Wonders if Mr. Dale would provide a waiver that would prevent litigation based upon observations made while serving as a member of the task force, as a conflict-of-interest measure.
155	Dale	Indicates that such a waiver would be possible. States that a task force would be concerned less with observing the problems and more with coming up with workable solutions.
158	Sen. Ferrioli	Mentions that many growers receive threatening letters that are intended to precipitate cash settlements. Adds that there is an impression that such settlements accrue to the law firms, rather than to the workers. States that there should be a way to insure that the task force's activities will not result in incidental litigation against employers.
168	Sen. Fisher	Asserts that settlement funds should be put towards better housing. Wonders if a county planner should be involved in the task force in order to provide information regarding to permits that may be necessary to address the problem.



182	Dale	Indicates that he would be remiss if he were not to inform Sen. Ferrioli that settlements do not go to public interest law firms. Says that nonprofit corporations pay his salary which money from contributions and filing fees. Offers to provide a list of funding sources for his law firm.
197	Tim Bernasek	Associate Director of Government Affairs, Oregon Farm Bureau (OFB). Testifies to a position of neutrality on SJR 38 ( <b>EXHIBIT G</b> ). States that there is a need to look for proactive solutions for migrant worker housing. Says that the current climate will not allow the burden to be placed solely on growers, meaning that there should be more farm representation on the task force. Adds that the task force should seek consensus solutions as well.
226	Sen. Fisher	Suggests that there should not be 11 members of the legislature on the task force.
233	Sen. Ferrioli	Acknowledges that the margins under which the growers are operating on are very thin, making them unable to pay for the solution on their own.
244	Chair George	Closes the public hearing on SJR 38 and opens a public hearing on SB 980.
<b><u>SB 980 PUBLIC HEARING</u></b>		
250	Brad Harper	Committee Administrator. Gives a brief description of the bill.
264	Jack Roberts	Commissioner, Bureau of Labor and Industries (BOLI). Testifies in support of SB 980. Says that statute does not currently allow licensure of nonprofit organizations that participate in activities requiring a license. Asserts that the ñ1 amendments ( <b>EXHIBIT H</b> ) have been submitted and address the problem of clarifying what groups would fall under the definition of nonprofit organizations.
325	John McCulley	Representative, Tree Fruit Growers. Testifies in support of the ñ1 amendments. Indicates that there were discussions regarding licensure as a farm labor contractor, which resulted in the creation of the amendments.
348	Chair George	Asks if the interested parties would like more time to consider the amendments.
354	McCulley	Indicates that there is a portion of the ñ1 amendments which should not be included. States that it was to be a separate amendment. Requests that lines 24-30 of the ñ1 amendment be deleted, as SB 980 is not the appropriate vehicle for that language.
376	Thom Nelson	Executive Director, Hood River Grower Shipper Association. Testifies in support of SB 980. Says that the ñ1 amendments will allow his organization to be properly licensed.
400	Chair George	States that the bill will be brought back for further hearings. Closes the public hearing on SB 980 and opens a work session on SB 678.

**SB 678 WORK SESSION**

405	Brad Harper	Committee Administrator. Gives a brief description of the bill. Indicates that the ñ1 and ñ2 amendments have been submitted ( <b>EXHIBIT I</b> ), sponsored by Sens. Ferrioli and Fisher, respectively. Indicates that the committee should consider both sets of amendments.
425	Sen. Fisher	Indicates that both amendments are acceptable.
430	Sen. Ferrioli	<b>MOTION: Moves to ADOPT SB 678-1 amendments dated 4/7/99.</b>
	Chair George	<b>Hearing no objection, declares the motion CARRIED.</b>
433	Sen. Ferrioli	<b>MOTION: Moves to ADOPT SB 678-2 amendments dated 4/21/99.</b>
	Chair George	<b>Hearing no objection, declares the motion CARRIED.</b>

**TAPE 105, B**

040	Sen. Ferrioli	<b>MOTION: Moves SB 678 to the floor with a DO PASS AS AMENDED recommendation.</b>
045		<b>VOTE: 4-0-3</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>  <b>EXCUSED: 3 - Corcoran, Dukes, Wilde</b>
	Chair George	<b>The motion CARRIES.</b>  <b>SEN. FERRIOLI will lead discussion on the floor.</b>
055	Chair George	Closes the work session on SB 678 and reopens the public hearing on SB 1267.

**SB 1267 PUBLIC HEARING**

064	Martin Desmond	Acting Director, Northwest Forestry Contractors Association. Testifies in support of SB 1267. Clarifies that the bill deals primarily with forestry workers. Offers the example of a contractor who was cited for over 230 violations for
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		failure to notify workers, execute written agreements, or pay workers properly. Notes that all fines were levied without a single worker claim issued against the contractor. Says that the bill takes the language back to its original intent, requiring execution of written agreement at the time of hire only. Adds that the bill would prevent penalties unless a worker complaint was submitted.
097	Sen. Shannon	Requests the total fines levied in the case mentioned by Mr. Desmond.
101	Desmond	Replies that the fines totaled \$273,000.
118	Dave Heida	Representative, Associated Oregon Loggers. Testifies in support of SB 1267 <b>(EXHIBIT J)</b> . Says that there has been no relief for contractors, despite efforts to rectify the situation with BOLI. Asserts that providing information regarding terms of employment at the time of hire is sufficient. Says that the creation of penalties for failure to notify workers in writing of changes in contract status has "criminalized everyday life for legitimate contractors."
161	Paul Washburn	Representative, Washburn Reforestation Inc. Testifies in support of SB 1267. Explains that the large number of contracts that he operated during the last year would have required filing over 8,000 separate forms. Asserts that the paper work required is "very burdensome."
185	Chair George	Says that the paperwork volume sounds "worse than a truckers logbook."
189	Sen. Ferrioli	Indicates that the dilemma is that the form is necessary to disclose the terms of agreement. Asserts that changes in working conditions require full disclosure. Suggests that the intent of the law is to provide workers with vital information but that the paper generated is infeasible. Wonders if another solution has been put forward.
214	Washburn	States that there has been an offer that would bring in workers and notify them in person at the central office.
222	Sen. Ferrioli	Asserts that there must be a clear line between reasonable disclosure and burdensome paperwork.
227	Lee Miller	Owner, Miller Timber Services. Testifies in support of SB 1267. States that the statute was designed to protect workers from being paid less than promised. Says that the result has been that workers are deluged with forms that they neither need nor want. Asserts that employers who do not pay their workers the expected amount would not provide the forms anyway.
250	Juan Ceja	Representative, Forest for the Future Inc. Testifies in support of SB 1267.
255	Sen. Ferrioli	Wonders if the contractors are simply misinterpreting the rules of disclosure.
276	Jack Roberts	Commissioner, BOLI. Testifies in opposition to SB 1267. States that the quoted

		<p>finances are maximum amounts, which are rarely levied. Says that the fines are designed to alter the behavior of contractors. Argues that BOLI is not requiring a burdensome amount of paperwork. Outlines the information that must be disclosed by employers at the time of hire.</p>
320	Roberts	<p>States that the question is what should happen when the terms of employment change. Lists the changes which require notification:</p> <ul style="list-style-type: none"> <li>• What is the location of the job site</li> <li>• Who owns the property</li> <li>• Rate of pay</li> </ul> <p>Reiterates that the documents do not have to be filed with BOLI but must be provided to the employees.</p>
370	Roberts	<p>Explains that farm and forest employers have these requirements because of serious violations during the past decade. Asserts that the current law, while stringent, is a good law. Offers various alternatives to paper reporting for some changes but reiterates the importance of written documentation regarding changes in the rate of pay. Disagrees with the assertion that fines should be levied only when harm is done, comparing such a practice to only issuing speeding tickets when there is an accident. Argues that the system is designed to prevent occasions where insufficient documentation prevents labor disputes from being resolved. States that SB 1267 would reduce the ability of BOLI to carry out that task.</p>
<b>TAPE 106, A</b>		
014	Sen. Ferrioli	<p>Wonders if the agency would be satisfied with notification by telephone.</p>
016	Roberts	<p>Replies that such notification would be sufficient for all information save for changes in rate of pay. Says that BOLI is open to suggestions for different forms of notification so long as workers have something in hand that can act as evidence of notification of change. Reiterates that the agency has no interest in assessing penalties.</p>
040	Sen. Shannon	<p>Inquires as to why a pay stub is not sufficient notification.</p>
045	Roberts	<p>Replies that the pay record is given to them after the increase has taken effect and work has been done under the new terms of agreement.</p>
049	Sen. Ferrioli	<p>Echoes Sen. Shannon's question, wondering why computer printouts would be insufficient. Argues that there should be some mechanism that meets the notification requirement while eliminating the huge volume of paperwork. Mentions that documents must be submitted in separate languages.</p>
074	Roberts	<p>States that multilingual statements are required. Indicates that the language burden is not difficult to address.</p>

087	Sen. Shannon	Wonders what difference is made by a change in location, if the owner of the property is the same.
092	Roberts	Replies that such changes are not an issue and that the owner is the key piece of information. Indicates that the change of owner notification is of secondary importance to rate of pay.
106	Ramon Ramirez	President, Oregon Farmer and Tree Planter Union. Testifies against SB 1267. Asserts that there is a history of exploitation that led to the very notification laws that would be curtailed by the bill. Asserts that documentation helps prevent abuses by requiring terms to be given in advance. Suggests that passage of SB 1267 would bring back conditions that existed 30 years ago. Asserts that good contractors should have nothing to fear from paperwork. Acknowledges that there is room for change.
175	Sen. Ferrioli	Concurs that there has been a struggle to get to the point where migrant workers receive reasonable treatment. Suggests that the heart of the issue is whether workers would consider it a burden to file as much paperwork as is required by employers.
206	Ramirez	States that there is a partnership being developed between growers and farm workers. Argues that workers should have a voice in the work place. Insists that worker protection must be maintained.
233	Sen. Ferrioli	Agrees that the problem has been and continues to be real. Says that the intent is not to weaken the disclosure requirements but to find a better way to maintain records.
260	Chair George	Wonders what could be done to make the bill more equitable.
267	Michael Dale	Representative, Legal Services Attorneys. Testifies in opposition to SB 1267 ( <b>EXHIBIT K</b> ). Notes that the bill would only require disclosure at the point of hire, while current practice requires disclosure at the point of recruitment or hire, whichever comes first. Asserts that disclosure at the time of recruitment is important for workers traveling great distances to work. Suggests that notification can be easier if employees are considered as seasonal, with disclosure for multiple sites made in advance. Asserts that employers are loathe to do so because they desire to have flexibility within their work force and to avoid unwanted obligation to employees. Explains that since employers treat the work season as "a series of jobs" they are required to file reports accordingly.
319	Chair George	Asks for suggestions for amendments that would make the bill acceptable.
322	Dale	Indicates that he opposes the concept of the bill.
330	Randy Clark	Representative, National Environmental Fuels Association (NEFA). Testifies in support of SB 1267 ( <b>EXHIBIT L</b> ). Says that tracking the job location for workers is the most cumbersome type of reporting that is required. Indicates that the payroll reports filed with BOLI contain the information regarding employer

		and location. Expresses support for worker protection. Suggests that the reason that the proponents of earlier reform efforts are now supporting curtailing notification requirements is that administrative rule has altered the meaning of the bills that were passed years ago.
370	Neil Summers	Representative, Shiloh Forestry. Testifies in support of SB 1267. Clarifies that pay rate notification must be given regarding federal programs as well. Indicates that there are cases of even greater paperwork caseloads than indicated by previous testimony.
<b>TAPE 107, A</b>		
010	Bruce Ferguson	Representative, Pacific Northwest Chapter, National Wildfire Suppression Organization; Operating owner, Ferguson Management Company. Testifies in support of SB 1267 ( <b>EXHIBIT M</b> ). Asserts that the multiple forms required by BOLI are wasteful. Argues that the requirements are forcing legitimate business owners out of the business. States that protection of workers rights is important to employers as well, as it allows good employers to choose from a better crop of workers.
050	Chair George	Asks if the various parties would be willing to work together to find a reasonable solution for the bill.
060	Summers	Indicates that there was a request for a meeting filed with BOLI over a year ago and that only the threat of legislation brought about action. States that employers feel that they did not get "an honest effort" out of BOLI to resolve the issue.
070	Ellen C. Lowe	Representative, Ecumenical Ministries of Oregon. Testifies in opposition to SB 1267. Expresses a need for full disclosure at the time of hire and recruitment. Says that recruitment under false expectations creates "desperate situations." Suggests that there may be ways to group workers or jobs in order to reduce paperwork.
095	Chair George	Requests that Mr. Roberts work with the proponents of the bill to find a solution.
096	Roberts	Replies that he will work with the supporters of the bill but that there is little likelihood that a bill can be produced that BOLI will be able to support.
105	Chair George	Closes the public hearing on SB 1267 and opens a public hearing on SB 1231.
<b><u>SB 1231 PUBLIC HEARING</u></b>		
107	Chair George	Mentions that the bill may receive hearings in the future. Closes the public hearing on SB 1231 and opens a public hearing on SB 1264.
<b><u>SB 1264 PUBLIC HEARING</u></b>		

110	Brad Harper	Committee Administrator. Gives a brief description of the bill.
126	Ken Evans	Representative, Sustainable Energy Development (SED). Testifies in support of SB 1264.
140	Marc Rappaport	Representative, SED. Testifies in support of SB 1264. Indicates that the ñ1 amendments ( <b>EXHIBIT N</b> ) have been submitted for consideration by the committee.
158	Mike Grainey	<p>Representative, Office of Energy. Testifies in support of SB 1264 (<b>EXHIBIT O</b>). Says that the amendment reflects the comments by the committee at a previous hearing. Explains that the bill would do the following:</p> <ul style="list-style-type: none"> <li>• Clarify the energy facility siting process</li> <li>• Allow an exemption ruling to be requested for larger facilities using an existing industrial site</li> <li>• Make it easier to give loans to renewable resource projects</li> <li>• Make changes in the tax credit program, setting a size limit rather than a program limit</li> </ul>
190	Chair George	Asks if there is a revenue impact to the bill.
193	Grainey	Estimates that the change from a program cap to a project cap will have an impact of \$110,000 during the current biennium, \$354,000 in the next. Indicates that the sunset would be extended and that the extension would have an impact of \$840,000 in the next biennium.
204	Chair George	Asks what the "backlash" effect will be to the economy.
210	Grainey	Replies that there will be a positive feedback through jobs and benefits. Indicates that renewable resource programs have demonstrated benefits in the past ( <b>EXHIBIT P</b> ).
228	Cindy Finlayson	Representative, Portland General Electric (PGE). Testifies in support of SB 1264 ( <b>EXHIBIT Q</b> ). Says that the bill is a good opportunity for economic development, especially in rural areas in the state. Mentions that a company is looking at investing up to \$200 million in plants, which would create over 200 jobs.
240	Chair George	Expresses concern about possible opposition by the Economic Development Department (EDD).
247	Grainey	Says that EDD supports the bill. Says that projects would have to go thorough local siting processes and would be subject to voter approval.
258	Gary Neal	General Manager, Port of Morrow. Testifies in support of SB 1264. Indicates that he is involved in the development of an ethanol facility and that the amendments would be helpful to that process. Acknowledges that the process is

		lengthy, cumbersome, and detrimental to the process.
290	Chair George	Indicates that the committee will react favorably to the bill. Closes the public hearing on SB 1264 and adjourns the meeting at 7:30 p.m.

Submitted By, Reviewed By,

Patrick Brennan, Brad Harper,

Administrative Support Administrator

#### **EXHIBIT SUMMARY**

**A ñ SB 972, testimony, Charles Woosley, 2 pp.**

**B ñ SB 1267, testimony, James H. Peterson, 4 pp.**

**C ñ SB 958, testimony, Leigh Johnson, 2 pp.**

**D ñ SB 958, testimony, John McCulley, 2 pp.**

**E ñ SJR 38, fact sheet, Francisco Lopez, 2 pp.**

**F ñ SJR 38, testimony, Peter Grundfossen, 1 p.**

**G ñ SJR 38, testimony, Tim Bernasek, 1 p.**

**H ñ SB 980, -1 amendments, Jack Roberts, 9 pp.**

**I ñ SB 678, -1 and ñ2 amendments, staff, 2 pp.**

**J ñ SB 1267, testimony, Dave Heida, 2 pp.**

**K ñ SB 1267, testimony, Michael Dale, 2 pp.**

**L ñ SB 1267, testimony, Randy Clark, 1 p.**

**M ñ SB 1267, testimony, Bruce Ferguson, 1 p.**

**N ñ SB 1264, -1 amendment, Marc Rappaport, 2 pp.**

**O ñ SB 1264, testimony, Mike Grainey, 5 pp.**

**P ñ SB 1264, chart, Mike Grainey, 1 p.**

**Q ñ SB 1264, testimony, Cindy Finlayson, 2 pp.**



