

SENATE COMMITTEE ON BUSINESS & CONSUMER AFFAIRS

April 16, 1999 Hearing Room C

1:00 PM Tapes 86 - 88

MEMBERS PRESENT: Sen. David Nelson, Chair

Sen. Lee Beyer, Vice-Chair

Sen. Rick Metsger

Sen. Randy Miller

Sen. Charles Starr

MEMBER EXCUSED:

STAFF PRESENT: Y. Sherry Sheng, Administrator

Nancy Masee, Administrative Support

MEASURE/ISSUES HEARD:

SB 791 Public Hearing and Work Session

SB 587 Work Session

SB 1115 Public Hearing

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 86, A		
003	Chair Nelson	Opens meeting at 1:00 PM. Opens public hearing on SB 791.
<u>SB 791 PUBLIC HEARING</u>		

007	Staff	Presents (EXHIBIT A) .
008	Shawn Miller	Independent Electrical Contractors of Oregon. Explains SB 791 allows a local joint committee to select apprenticeship applicants for employment with applicant's current employer, under certain conditions. Says the six-month issue would impact families and the bill amendments consider this. Presents (EXHIBIT B) .
031	Jack Roberts	Commissioner, Bureau of Labor and Industries (BOLI). Says BOLI helped draft this bill. Explains the bill amendment that would be enforced by the apprenticeship council. The current employer gets the first claim to that person when that person becomes eligible.
066	John Egge	Co-chair of the apprenticeship coalition of union and non-union local joint committees trying to create a better training model for apprentices. Individual employers could promote employees that meet minimum requirements.
090	Roberts	Describes selection methods used. Says in Oregon the statistics for women and minorities are difficult to rely upon due to the state's small population in these categories. BOLI has tried to choose a fail-safe selection method based on circumstances.
123	Egge	Discusses the methods of representing women and minorities.
148	Chair Nelson	Asks if he is concerned with the federal government oversight.
150	Egge	Responds that some of the ways that the federal government arrives at these numbers are unrealistic.
160	Roberts	Says Egge's committee recommended the original selection. BOLI is going to authorize continuing the present system. The way the bill is written there will not be a problem.
184	Sen. Beyer	Asks if those who staff the apprenticeship program are BOLI staff.
198	Roberts	Says BOLI staff will be involved. BOLI is doing compliance reviews and looking at how close they are to their goals. Discusses exceptions and proof of circumstances.
226	Sen. Beyer	Asks if the council makes the determination, if an affirmative action review needs to be done.
234	Roberts	Answers the selection method needs to be approved by the council. BOLI determines if the selection system is fair and nondiscriminatory. When the council determines there is a problem, the burden of proof is on the council.

268	Egge	Says the intention of the framers of the bill is to provide incentive.
294	Sen. Beyer	Comments that the language is not right, if that is the intent.
305	Egge	Responds to changing the language.
335	Roberts	Says, as he reads the bill, he believes it will work. The bill gives the tools they need.
341	Sen. Miller	Asks about line 4 of the ñ1 amendments. Comments that anyone who is bumped in this process has a gripe.
353	Roberts	The question is whether the system has an unfair impact. This system should not tip the system one way or another.
	Sen. Miller	Says this bill covers everybody. Asks if this is read as a group or individually.
388	Roberts	Explains there should be no adverse affect on apprenticeship opportunities.
414	Egge	Says the attempt of the bill was to mirror the federal language. Adds that the coalition wishes to train plumbers and electricians.
TAPE 87, A		
013	Bob Bachofner	Describes the process of hiring into the apprenticeship program. Says they are moving ahead.
049	Chair Nelson	Closes public hearing on SB 791. Opens work session on SB 791.
<u>SB 791 WORK SESSION</u>		
050	Chair Nelson	MOTION: Moves to ADOPT SB 791-1 amendments dated 4/16/99.
		VOTE: 5-0
052	Chair Nelson	Hearing no objection, declares the motion CARRIED.
053	Chair Nelson	MOTION: Moves SB 791 to the floor with a DO PASS AS AMENDED recommendation.

054		VOTE: 5-0
055	Chair Nelson	<p>Hearing no objection, declares the motion CARRIED.</p> <p>Sen. NELSON will lead discussion on the floor.</p>
055	Chair Nelson	Closes work session on SB 791. Opens work session on SB 587.
<u>SB 587 WORK SESSION</u>		
071	Staff	Presents (EXHIBIT C).
072	Sen. Beyer	Explains the ñ3 amendments are replacing the ñ2 amendments. Describes the work group's changes in the amendments.
076	Joe Brewer	Administrator, Building Codes Division (BCD). Explains the ñ3 amendments. Page 1, lines 1 through 9 are editorial changes. Lines 9 and 10 clarify that the bill does not require licensing for inspectors. Subsection 3, line 17, speaks to fee charges by individuals. Section 10 is the funding mechanism setting up a loan. Lines 22 through 29 are editorial changes. Line 30 refers to not impacting certified inspectors and plan reviewers. Lines 5 and 6 relate the outcome for jurisdiction that does not comply.
123	Brewer	Continues explaining the ñ3 amendments. Subsection E describes the development of standard application forms and procedures. Subsection F develops standard forms and procedures for reviewing plans. There is a standardized method for determining fee amounts. Section 23 designates time frames for municipal programs. Page 5, Section 26, lays out a statewide minor label program. Labels sold could be used anywhere in the state. Section 27 implements a chief inspector who renders statewide interpretations. Major code interpretations affect more than one work site. Section 28 is modified to give the department the ability to collect surcharges from third parties.
294	Chair Nelson	Asks for questions.
202	Jane Cummins	League of Oregon Cities. Opposes SB 587. Says the League disagrees with some of the work group decisions. Dedication of fees in Section 6 is an issue opposed by the league.
250	Cummins	Wants discussion on what "BCD standardization" means. Says this is a work in progress which needs to be further studied. Wants a statewide code that is delivered locally and inspection by local areas. Major problems relate to certification. Cross-certification is needed.

291	Bill Cross	Building Officials Association (BOA). Opposes SB 587. Agrees SB 587 is a work in process. Does not agree with some of the language in the bill. The schedule of fees by BCD is not agreed with. BCD establishes fees for jurisdictions. Asks if special inspectors are included. The appeals process precludes a local appeal option. Suggests the issues raised be discussed further and that the language in the bill be improved.
TAPE 86, B		
008	Chair Nelson	Asks for questions.
010	Sen. Beyer	Says the issues are new and the language is not perfect. Asks the committee if he should work further with this bill or have it passed to the House for further work.
023	Brewer	Says the language would not preclude working with a third party. Regarding certification issues, this is not a certification bill. It licenses third party providers. Section 23, subsection 3 enables jurisdictions to hire a third party provider. There is no attempt to regulate.
045	Sen. Metsger	Asks if SB 512 and SB 587 are duplicating processes.
055	Brewer	SB 587 is the statewide plan for these issues. SB 512 is for the Portland metro area.
061	Sen. Beyer	Says they are not duplicative, but complementary. Does not think there is anything in the ñ3 amendments that conflict.
072	Sen. Metsger	Says in SB 512 a board was set up. In SB 587 DCBS does this. Asks if this is going to confuse people.
079	Sen. Beyer	Says the same people will be doing both sets.
083	Chair Nelson	Says he wants to move this bill and keep the process going. Sen. Beyer will keep working on this.
092	Sen. Beyer	Thanks the people who came together on this and for their continued work on it.
093	Sen. Beyer	MOTION: Moves to ADOPT SB 587-3 amendments dated 4/16/99.
		VOTE: 5-0

094	Chair Nelson	Hearing no objection, declares the motion CARRIED.
095	Sen. Beyer	MOTION: Moves SB 587 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-0
096	Chair Nelson	Hearing no objection, declares the motion CARRIED. Sen. BEYER will lead discussion on the floor.
097	Chair Nelson	Closes work session. Opens public hearing on SB 1115.
<u>SB 1115 PUBLIC HEARING</u>		
128	Jack Roberts	Commissioner, BOLI. Discusses background on SB 1115. Discusses court case of <i>Oregon Roses</i> in the Court of Appeals. SB 1115 includes everything that was in SB 1205, plus Section 7. Says this bill covers his concern. Believes private right of action should be allowed.
201	Chair Nelson	Asks for questions.
220	Tim Bernasck	Oregon Farm Bureau. States workers should not be discharged for talking over the concerns of wages and working conditions, as long as it does not interfere with harvesting. Presents (EXHIBIT D) .
271	Barry Bushue	Oregon Farm Bureau. Supports SB 1115 which is a fix to the <i>Oregon Roses</i> issues. SB 1115 is similar to SB 1205. SB 1115 addresses the Governor's concerns. Discusses the problems agriculture faces.
234	Sen. Metsger	Asks if the bill allows for private right of action. Asks if that is a concern.
330	Bushue	Responds the bureau feels the complaints should go through BOLI. The legal service provides help for workers who need legal assistance. Farmers do not have a legal center to pay for litigation.
367	Sen. Susan Castillo	Senate District 15. Opposes SB 1115. Concerned that the bill will do the opposite of what is needed in farm labor law. More protection is needed for farm worker labor, not less. Supports the agriculture industry. Stresses the need to enforce laws for the protection of workers. Suggests the interested parties continue trying to come to a compromise.

TAPE 87, B

030	John McCulley	Tree Fruit Growers. Supports SB 1115. Concerned with public policy set by the Court of Appeals. Feels the legislature should set the policy. Accepts the Governor's language. Presents (EXHIBIT E) .
040	Tom Nelson	Executive Director of Hood River Growers. Supports SB 1115. Agrees that workers should not be discharged for discussing wages and problem areas of working conditions. Discusses the <i>Oregon Roses</i> case. Discusses the expense of litigation and need for workers and farmers to come to fairness and agreements. Compliance, not punishment, is the goal.
090	Michael Dale	Oregon Law Center. Opposes SB 1115. Explains the <i>Oregon Roses</i> case, in which he represented the workers. After workers and employers discussed the conflict which arose from workers' complaints that they were making less money under the piece wages than under the previous hourly wage, the supervisor decided the workers were acting like union workers. Subsequently, the supervisor fired the workers. Presents (EXHIBIT F) .
174	Dale	Continues discussing the case on appeal. Says the state of Washington has lived with the present laws for agriculture workers which are very satisfactory. Explains that SB 1115 does not protect the worker in many cases.
217	Dale	Says greater certainty is needed in this area. Says further negotiations on consensus are needed. The Law Center feels that SB 1115 is the same bill as was vetoed by the Governor last session: SB 1205 (1997).
267	Chair Nelson	Asks about Section 7 which responds to the Governor's objections.
270	Dale	Responds it would not protect <i>Oregon Roses</i> workers.
280	Sen. Beyer	Asks if, in Section 7, line 16, a period is inserted, if that will help.
300	Dale	Says it would change it favorably.
304	Chair Nelson	Asks witnesses to be aware of time.
317	Jeannie Berg-Rempel	Council of Service Employees. Represents 28,000 employees in Oregon. Opposes SB 1115. Says it limits farm workers to be free to undertake collective activity.
333	Ramon Ramirez	President, Oregon Farm Workers Union, PCUN. Opposes SB 1115. Gives personal experience of farm workers and their need for protection. Expresses the importance of farm workers in Oregon agriculture to make it successful. Describes conditions that farm workers must live in. Presents (EXHIBIT G) .

TAPE 88, A		
032	Brad Witt	AFL-CIO. Opposes SB 1115 which takes protections away from farm workers. Describes his experience representing sea food workers who have similar problems to farm workers. Explains how perishable goods are dependent on quick processing and harvesting. Presents (EXHIBIT H) .
088	Ellen Lowe	Ecumenical Ministries of Oregon. Concurrs with Michael Dale, of the Oregon Law Center, that SB 1115 takes existing rights away from farm workers. Says we should wait for the response of the Supreme Court in the <i>Oregon Roses</i> case. Asks the committee to reject SB 1115. Emphasizes that there is a real responsibility to support farm workers.
108	Chair Nelson	Adjourns meeting at 3:07 PM.

Submitted By, Reviewed By,

Nancy Massee, Y. Sherry Sheng,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 791, -1 Amendments, Staff, 1 p

B ñ SB 791, Written testimony, Shawn Miller, 2 pp

C ñ SB 587, -2 Amendments, -3 Amendments, Staff, 11 pp

D ñ SB 1115, Written testimony, Tim Bernasek, 1 p

E ñ SB 1115, Written testimony, John McCulley, 1 p

F ñ SB 1115, Written testimony, D. Michael Dale, 3 pp

G ñ SB 1115, Written testimony, Ramon Ramirez, 3 pp

H ñ SB 1115, Written testimony, Bradley Witt, 2 pp