

HOUSE COMMITTEE ON
LABOR

Hearing Room
Tapes - 80

MEMBERS PRESENT:

Rep. John Watt, Chair
Rep. Lee Beyer, Vice-Chair
Rep. Kate Brown
Rep. Chuck Carpenter
Rep. Mike Fahey
Rep. Lynn Lundquist
Rep. Lynn Snodgrass

STAFF PRESENT:

Aaron Felton, Committee Counsel
Paula Gilmer Purcell, Committee Assistant

MEASURES HEARD:

Public Hearing on House Bill 3388
Public Hearing on House Bill 3393
Public Hearing on House Bill 2921
Work Session on House Bill 2921
Work Session on House Bill 2992
Work Session on House Bill 2494

These minutes contain materials which paraphrase and/or summarize
statements made during this session. Only text enclosed in quotation marks
report a speaker's exact words. For complete contents of the proceedings,
please refer to the tapes.

TAPE , SIDE A

06 CHAIR WATT: Brings hearing to order at 1:30 p.m.

Public Hearing on House Bill 3388

Closes Public Hearing on House Bill 3388

Opens Public Hearing on House Bill 3393

Closes Public Hearing on House Bill 2293

Opens Public Hearing on House Bill 2921

Witnesses: Rep. Vanleeuwen
Paul Tiffany
Jack Roberts

20 REP. VANLEEUEWEN, SPONSOR OF BILL: Discusses why she has sponsored this
bill.

35 REP. BROWN: Is an agricultural warehouse is a special definition?

37 VANLEEUEWEN: Provides a definition of "agricultural warehouse".

46 PAUL TIFFANY, ADMINISTRATOR WAGE AND HOUR DIVISION: I am not sure if it
is in the statute or not.

53 CHAIR WATT: Is there equipment stored there, would they be using a
forklift?

57 VANLEEUEWEN: They would be using a lift to stack bags of seed.

70 TIFFANY: There is a combination of state and federal rules right now,
and that is confusing.

83 CHAIR WATT: So we would be coming into line with the federal
government?

84 TIFFANY: Yes.

87 REP. FAHEY: Do fifteen and sixteen year olds have a higher accident
rate?

91 TIFFANY: Right now that type of work is prohibited at those ages.

97 REP. FAHEY: Would they require forklift training?

99 TIFFANY: The farmers would have to do if there is no training.

130 JACK ROBERTS, COMMISSIONER OF THE BUREAU OF LABOR AND INDUSTRIES: We
are just concerned about the equipment question. But these laws should be
reviewed.

Closes Public Hearing on House Bill 2921

Opens Work Session on House Bill 2921

159 REP. BEYER: Would this countermand the laws about what age you can use equipment?

163 ROBERTS: This bill would not authorize the use of using a forklift. The federal government exempts those laws for agriculture work.

182 CHAIR WATT: You were saying that minors can be hired to work on combines?

184 VANLEEUWEN: Yes that is correct.

191 TIFFANY: The operation of farm machinery can be done by minors as long as they have the appropriate training under the age of sixteen. The state has extended that to eighteen years of age.

210 REP. BEYER: If it is an agricultural warehouse on the farm then they could use a fork lift because it is agriculture?

221 TIFFANY: They lose the exemption if they are cleaning other people's seeds.

244 CHAIR WATT : So, you would need the language "in any occupation"?

246 TIFFANY: Yes.

251 CHAIR WATT: Why would we need to single out seed cleaning plants. Representative VanLeeuwen, can you work with Paul on these issues?

264 REP. BROWN: How do you make the distinction of agricultural warehouse vs. a barn?

268 VANLEEUWEN: In my definition it would be the farms warehouse if they do not do commercial cleaning for other farmers.

270 ROBERTS: You want to be able to use the equipment with the appropriate training as they do for other agricultural up to the age of eighteen?

281 VANLEEUWEN: Yes.

Closes Work Session on House Bill 2921

Opens Work Session on House Bill 2494

287 AARON FELTON, COUNSEL FOR THE HOUSE LABOR COMMITTEE: Provides a summary of House Bill 2494.

302 CHAIR WATT: What is the effect of the dash one amendments?

305 VANLEEUWEN: They made what we wanted more clear and satisfied the Employment Department.

321 REP. BEYER: Does this bill do what you wanted?

326 DONNA HUNTER EMPLOYMENT DEPARTMENT: Yes, these amendments would take care of what Representative VanLeeuwen wants.

336 MOTION: REP. BEYER: MOVES amendments to House Bill 2494.

342 REP. FAHEY: Did we take care of that family corporation problem?

350 HUNTER: Yes, they could elect on to cover corporate officers.

356 VOTE: CHAIR WATT: Discussion? Hearing none, the amendments to House Bill 2494 are adopted.

361 MOTION: REP. BEYER: MOVES House Bill 2494 to the floor with a DO
PASS recommendation.

362 VOTE: 5-0 MOTION PASSES
AYE: Fahey, Snodgrass, Beyer, Brown, Watt
NO: None

Representatives Carpenter and Lundquist are excused.

Closes Work Session on House Bill 2494

Opens Work Session on House Bill 2992

378 CHAIR WATT: Lets adjourn the hearing until 2:15 p.m.

384 Lets reconvene the work session on House Bill 2992.

391 REP. BEYER: I have amendments to House Bill 2992. Let me go over the amendments.

425 ROBERTS: The only change is page three the bold face near the bottom were it still talks about using the Construction Contractors Board was just

a mistake. And then the top of page five the bold language which was intended to make sure some was debarred because he has not paid, and once he was paid they would be restored. The problem with that is it seems to

imply they have by right automatically to be restored no matter how many times they have done it.

458 CHAIR WATT: I want a way to determine a fair prevailing wage. Maybe we could use the Department of Higher Education to do this, and have parties work on this bill on its way to the Senate.

TAPE 80, SIDE A

51 MOTION: REP. BEYER: MOVES the dash four amendments to House Bill 2992 with the following change: On page three starting on line twenty-seven through line thirty strike the bold text and additionally on page five, line one, strike the bold text.

62 VOTE: 4-3 MOTION FAILS
AYE: Beyer, Brown, Fahey
NO: Lundquist, Snodgrass, Carpenter, Watt

69 MOTION: REP. LUNDQUIST: MOVES House Bill 2992 to the floor with a DO PASS recommendation.

VOTE: 3-4 MOTION PASSES
AYE: Lundquist, Snodgrass, Carpenter, Watt
NO: Beyer, Brown, Fahey

07 CHAIR WATT: House Bill 2992 goes to the floor with a do pass recommendation. Representative Luke will you carry?

108 REP. LUKE: Yes I will.

110 CHAIR WATT: The committee will stand adjourned.

Submitted by, Reviewed by,

Paula Gilmer Purcell Aaron Felton
Committee Assistant Committee Counsel

EXHIBIT SUMMARY:

A - Testimony on House Bills 3388 and 3393, submitted by The Oregon Education Association