

Dickman Farms, Inc.

Silverton, OR 97381

April 5, 2013

Oregon Senate Committee on General Government, Consumer and Small Business Protection  
Oregon State Capitol  
900 Court St. NE  
Salem, Oregon 97301

VIA: Email to Channa Newell<channa.newell@state.or.us>; USPS to follow

RE: In opposition to SB 573

Chair Senator Shields, and honorable members of the Committee:

I'm writing you today in strong opposition to SB573, which would allow an employee to file a lien against an employer's property simply by filing a lawsuit claiming they are owed unpaid wages. This lien would attach to an employer's property before the employer is able to respond and defend the charges.

My family farms in Marion and Clackamas counties, producing both food crops, like green beans, sweet corn, cauliflower and onions, and seed crops, including certified turf seed. Although we have chosen to mechanize our operations wherever possible, we still rely on both full time and seasonal employees to get our crops planted, grown, harvested, and delivered to our customers.

I strongly object to giving a disgruntled employee (or former employee, or alleged employee) lien rights over my real property, the land on which I grow my crops, or my personal property, including my production tools and supplies, and the very products I produce and sell. SB 573 would allow anyone to file a lien without due process. This could seriously jeopardize my relationships with my lenders, and with my customers: It could stand in the way of my obtaining needed funds to operate (including paying my employees), and it could prevent my customers from taking delivery of my crops, many of which are perishable.

SB 573 is unnecessary because an employee who prevails in a wage claim against an employer has a judgment lien against the employer's property. This lien is automatic. The crucial difference is that for a judgment lien to attach to property, the employee must prevail in an action where the employer has had a chance to defend itself. SB 573 upsets current law by allowing a lien to be filed before an employer has had its day in court.

We are very proud of the relationship we have with our employees, and our spotless record of paying wages in full, and when due. The vast majority of Oregon's farmers share this philosophy. For those who do not, Oregon's laws already provide ample remedies.

I believe SB 573 is unfair to employers, unnecessary, and probably unconstitutional. Please reject SB 573 for the good of Oregon farmers. Thank you for your consideration!

Sincerely,

Mark Dickman