
MEMORANDUM

Legislative Fiscal Office
900 Court St. NE, Room H-178
Salem, Oregon 97301
Phone 503-986-1828
FAX 503-373-7807

To: *Transportation and Economic Development Subcommittee*

From: *Michelle Deister*, Legislative Fiscal Office
(503) 986-1817

Date: May 9, 2013

Subject: *HB 3315-A*
Work Session Recommendations

HB 3315-A relates to forestland employment.

The measure, the original staff measure summary, preliminary Joint Committee on Ways and Means staff measure summary, and fiscal impact statement are available on the Oregon Legislative Information System (OLIS).

The measure previously had a public hearing in the House Committee on Business and Labor on April 5 and April 17, 2013

Adoption of amendments in the policy committee resulted in the bill having no fiscal impact, but the subsequent referral to Ways and Means was not rescinded.

Recommendation:

The Legislative Fiscal Office recommends that HB 3315-A be moved to the full Joint Committee on Ways and Means with a do pass recommendation.

Motion #1: Move HB 3315-A to the full committee with a “do pass” recommendation.

Assignment of Carriers

Full: _____
2nd Chamber: _____

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 3315 - A

Seventy-Seventh Oregon Legislative Assembly – 2013 Regular Session
Legislative Fiscal Office

*Only Impacts on Original or Engrossed
Versions are Considered Official*

Prepared by: Krista McDowell
Reviewed by: Michelle Deister
Date: 4/18/2013

Measure Description:

Requires that Director of the Employment Department's investigations of contractors performing reforestation work on federal forestland include investigation of contractor compliance with federal employment eligibility verification law.

Government Unit(s) Affected:

Employment Department

Analysis:

The proposed legislation has been determined to have

NO EXPENDITURE IMPACT

on state or local government.

Joint Committee on Ways and Means

Carrier – House: Rep.
Carrier – Senate: Sen.

Revenue: No Revenue Impact

Fiscal: No Fiscal Impact

Action:

Vote:

House

Yeas:

Nays:

Exc:

Senate

Yeas:

Nays:

Exc:

Prepared By: Michelle Deister, Legislative Fiscal Office

Meeting Date: [Full Committee Meeting Date]

WHAT THE MEASURE DOES:

Requires Oregon Employment Department (OED) to inform employer and U.S. Department of Labor if Department becomes aware, in normal course of business, that employer has federal contract to conduct forest maintenance and is not in compliance with certain requirements under H-2B program. Requires OED to confirm whether listed forest maintenance activity jobs under H-2B program are available to Oregon resident workers. Requires OED to notify U.S. Department of Labor, union halls, and community agencies serving unemployed Oregon workers that job has been listed under H-2B program. Requires OED to prominently display in public locations information about jobs listed under H-2B program. Requires OED to periodically inform employers of workers in forest maintenance activity jobs regarding local availability of Oregon resident workers.

ISSUES DISCUSSED:

-

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: The bill has no revenue and no fiscal impact. The subsequent referral to Ways and Means was not rescinded in time to avoid Ways and Means consideration.

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass as Amended, Be Printed Engrossed, and Be Referred to the Committee on Ways and Means by Prior Reference
Vote:	10 - 0 - 0
Yeas:	Barton, Fagan, Holvey, Kennemer, Matthews, Thatcher, Thompson, Weidner, Witt, Doherty
Nays:	0
Exc.:	0
Prepared By:	Jan Nordlund, Administrator
Meeting Dates:	4/5, 4/17

WHAT THE MEASURE DOES: Requires Oregon Employment Department (OED) to inform employer and U.S. Department of Labor if Department becomes aware, in normal course of business, that employer has federal contract to conduct forest maintenance and is not in compliance with certain requirements under H-2B program. Requires OED to confirm whether listed forest maintenance activity jobs under H-2B program are available to Oregon resident workers. Requires OED to notify U.S. Department of Labor, union halls, and community agencies serving unemployed Oregon workers that job has been listed under H-2B program. Requires OED to prominently display in public locations information about jobs listed under H-2B program. Requires OED to periodically inform employers of workers in forest maintenance activity jobs regarding local availability of Oregon resident workers.

ISSUES DISCUSSED:

- Employment of foreign workers when local workers available
- Contractors advertising for workers in other states for work to be performed in Oregon
- Lack of enforcement at federal level

EFFECT OF COMMITTEE AMENDMENT: Replaces the original measure.

BACKGROUND: In a letter to the U.S. Secretary of Labor from the Director of the Oregon Employment Department in February 2012, a plea was made for the U.S. Department of Labor to help ensure that U.S. workers are getting every opportunity to take advantage of the jobs created by the Collaborative Forest Landscape Restoration (CFLR) program. The Office of the Inspector General at the U.S. Department of Labor found that even though 146 U.S. workers were contacted by the four contractors and 29 were offered jobs, none were hired. Instead, 254 foreign workers were brought into Oregon for jobs under the CFLR program. A similar situation occurred in 2009 when Oregonians workers were passed over for forest thinning work funded by federal stimulus money in favor of foreign workers on H-2B visas.

According to the U.S. Department of Labor, the H-2B program permits employers to temporarily hire nonimmigrants to perform nonagricultural work in the United States. The H-2B program requires the employer to attest that it will offer a wage that equals or exceeds the highest of the prevailing wage, applicable federal minimum wage, state minimum wage, or local minimum wage to the H-2B worker for the occupation in the area of the intended employment. The H-2B program also requires certain recruitment and displacement standards as a means to protect similarly employed U.S. workers. An employer must establish the following in order to qualify for the H-2B classification: 1) there are not enough U.S. workers able, willing, qualified, and available to do the temporary work; 2) the employment of H-2B workers will not adversely affect the wages and working conditions of similarly employed U.S. workers; and 3) the need is temporary.

4/22/2013 3:18:00 PM

This summary has not been adopted or officially endorsed by action of the committee.