

**REVENUE:** No revenue impact

**FISCAL:** Fiscal statement issued

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<b>Action:</b>	Do Pass as Amended, Be Printed Engrossed, and Be Referred to the Committee on Ways and Means by Prior Reference
<b>Vote:</b>	6 - 4 - 0
<b>Yeas:</b>	Barton, Fagan, Holvey, Matthews, Witt, Doherty
<b>Nays:</b>	Kenemer, Thatcher, Thompson, Weidner
<b>Exc.:</b>	0
<b>Prepared By:</b>	Jan Nordlund, Administrator
<b>Meeting Dates:</b>	3/13, 4/12, 4/17

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**WHAT THE MEASURE DOES:** Requires construction labor contractors to be licensed by the Commissioner of the Bureau of Labor and Industries. Establishes licensing requirements, fees and exceptions. Directs the Commissioner to administer and enforce licensing and regulatory requirements and to adopt rules. Establishes grounds for denying, suspending and revoking licenses. Specifies duties of construction labor contractors. Authorizes the Commissioner to assess civil penalties for violations. Prohibits certain actions and discrimination against employees. Creates a cause of action against persons acting as construction labor contractors without a license and against persons using an unlicensed contractor. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Prevalence of wage theft among construction labor contractors
- Whether contractors who do not follow existing regulations will follow provisions of measure
- Need for employee to know identity of employer of record
- Whether certain provisions for farm labor contractors are relevant for construction labor contractors
- Increased outreach and enforcement by BOLI as an alternative to licensing construction labor contractors

**EFFECT OF COMMITTEE AMENDMENT:** Specifies that nothing in farm labor contractor statutes affects whether a person is an employee of a construction labor contractor or a user of services of construction labor contractor for purposes of wage claim under ORS chapters 652 (age and hour), 653 (minimum wage and employment conditions) and ORS 658.415 (farm labor contractors).

**BACKGROUND:** Under current law, farm labor contractors must be licensed with the Bureau of Labor and Industries (BOLI) and are subject to examination, insurance and bonding requirements; BOLI is authorized to assess civil penalties not to exceed \$2,000 for violations. House Bill 2977-A brings construction labor contractors under the same statutes as farm labor contractors.