



## TESTIMONY

### HOUSE COMMITTEE ON RULES

MARCH 4, 2019

### OPPOSITION FOR HB 2498

HB 2498 significantly changes Oregon's test for determining who is considered an independent contractor. Specifically, HB 2498 adds a requirement that one must **not** be providing services that are inside the usual course of business for the other person in order to be considered an independent contractor.

HB 2498 does not define what the "usual course of business" means. In our industries, we rely heavily on independent contractors to perform a number of essential services that could very well be considered within the usual course of business for our farms, ranches, dairies, nurseries, and small woodlands. Agricultural operations are varied, seasonal, and often vertically integrated. No day looks the same on a farm, and highly specialized or skilled labor is often needed for just a few days a year. Contracting with experts in those areas is cost effective for the farm operation and allows the skilled laborer the flexibility to specialize in their expertise.

HB 2498 could change the status of the following independent contractors:

- Crop consultants
- Veterinarians
- Technicians who preg-check and artificially inseminate livestock
- Farriers
- Animal Nutritionists
- Pesticide Consultants and Applicators
- Custom Harvesters
- Custom Seed Cleaners
- Processors
- Straw Balers
- Timber Fallers
- Loggers
- Other types of on-operation help

We have serious concerns about the implications of HB 2498 and its impacts on the aforementioned independent businesses. Therefore, we urge the Committee to oppose HB 2498.