

HB 3193 -1, -4 STAFF MEASURE SUMMARY

House Committee On Labor and Workplace Standards

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Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 3/10, 3/24

WHAT THE MEASURE DOES:

The measure appropriates \$10,000,000 to Oregon Health Authority (OHA) to establish a permanent fund to provide financial support for farmworkers who lose income or wages due to a qualifying disaster.

Detailed Summary:

The measure requires OHA to establish and implement a permanent farmworker disaster relief program to provide financial support to farmworkers who lose income or wages due to a qualifying disaster.

Defines “qualifying disaster” to include:

- A drought, wildfire, earthquake, hurricane, flood, excessive heat, tornado, winter storm, snowstorm, freeze, hail, smoke, tsunami, volcanic eruption or other adverse weather event.
- A pandemic or other public health crisis.
- A declaration of an emergency under ORS 401.165 or public health emergency under ORS 433.441 by the Governor.
- An emergency declaration related to public health or a natural disaster that is issued by a municipality, county or public health official.

OHA must contract with a worker relief organization to distribute financial support to eligible farmworkers under the program. A worker relief organization must be registered in Oregon for at least six months prior to start of contract and specialize in providing financial support to workers experiencing a financial hardship in order to eligible to receive contract.

A farmworker is eligible to receive financial support from the fund, if the worker relief organization receives evidence of:

- A qualifying disaster that resulted in a loss of income or wages, including a loss of income due to slower work for piece-rate workers.
- Specific zip code and county in which the farmworker was employed during the qualifying disaster.
- Having experienced a financial hardship due to the qualifying disaster’s impact on the ability of the farmworker to pay for reasonable and necessary living expenses.

The measure provides OHA authority to adopt rules necessary including rules establishing application procedures for farmworkers to apply for financial support.

Fiscal impact: Fiscal impact issued

Revenue impact: No revenue impact

ISSUES DISCUSSED:

- How funds used for wage replacement support farmworkers and employer
- Types of weather-related and public health events that impact farmworkers' ability to work.
- Previous funds made available through the Worker Relief Fund to support farmworkers
- Existing heat and smoke rules that provide protections for workers
- Definition of "other adverse weather event"

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- Ability of farmworkers, including H-2A workers, to receive unemployment benefits
- Farmworkers perspectives about the impact and importance of the ability to access funds
- Other legislative measures to provide workers' wages when extreme weather or public health event occurs
- Efficacy of contracting with non-profit organization to administer permanent fund

EFFECT OF AMENDMENT:

-1 Replaces the measure. The amendment requires the Oregon Employment Department (OED) to establish a special financial assistance programs for farmworkers that lose wages as a result of a qualifying disaster, as determined by OED. The amendment requires a farmworker to submit an application for financial assistance in the form and manner determined by OED. OED will utilize moneys in the Unemployment Compensation Benefit Fund to provide financial assistance.

-4 The amendment clarifies definition of "farmworker" to mean an individual employed in the planting or harvesting of Christmas trees.

Fiscal impact: Fiscal impact issued

Revenue impact: No revenue impact

BACKGROUND:

In 2023, the Legislative Assembly appropriated \$1,000,000 in one-time funds to the Oregon Worker Relief Climate Change Fund. The Climate Change Fund provided temporary financial support to farmworkers when unsafe heat or smoke pollution prevented them from being in the fields.

House Bill 3193 establishes a permanent fund in Oregon Health Authority (OHA) to provide financial support for farmworkers who lose income or wages due to a qualifying disaster such as drought, wildfire, excessive heat, winter storm, snowstorm, or declared public health emergency. The measure appropriates \$10,000,000 to OHA for the fund.