

**GUEST EDITORIAL FROM THE EAST OREGONIAN**

## Guestworker minimum wage needlessly costs local farmers

A small facet of a once little-known federal program now poses a big threat to many farmers and orchardists across the nation. The H-2A visa program has for years been used by farms and orchards to obtain adequate numbers of farmworkers for harvest, pruning trees and other chores. The visa allows farmers to hire temporary foreign guestworkers.

To do that, farmers have to scale a mountain of paperwork, advertise the job openings, pay for transportation to and from the workers' home country and provide housing for them while they are on the job.

The use of H-2A workers has grown exponentially as the supply of domestic workers has dropped, mainly because they are finding jobs in other industries. The number of H-2A guestworkers has grown from 5,318 in 1990 to 242,762 in 2018.

The reason: Farmers cannot find enough domestic workers. They advertise the jobs, but the number of U.S. citizens who are willing and able to work is inadequate. As the Northwest tree fruit industry continues to grow the labor shortage has become even more critical.

Foreign guestworkers appreciate the opportunity to work in the U.S. They make many times more than they would make in their home country. For example, a field worker in Mexico makes about \$10.50 a day. The same worker made at least \$14.12 an hour in Washington state last year.

By and large, the H-2A program has allowed many farmers to continue when the lack of domestic workers would have otherwise crippled them.

A single aspect of the H-2A program, however, threatens to destroy it and the farmers who use it.

The adverse effect wage rate — known as AEWR — it is the minimum wage the federal Department of Labor sets for H-2A workers in each state. Farmers must pay all of their workers the artificially high AEWR wage.

The problem is H-2A workers don't adversely affect domestic farmworkers, who are in short supply anyway. But it does hurt farmers, who are stuck paying their employees more than the market would otherwise dictate.

Just this year, the Department of Labor increased the H-2A minimum wage 22.8% in Nevada, Utah and Colorado; 15.9% in Idaho, Montana and Wyoming; and 14.7% in Arizona and New Mexico.

The AEWR is set to increase 6.4%, to \$15.03 an hour in Oregon and Washington — far above the state minimum wages of \$11.25 and \$12, respectively.

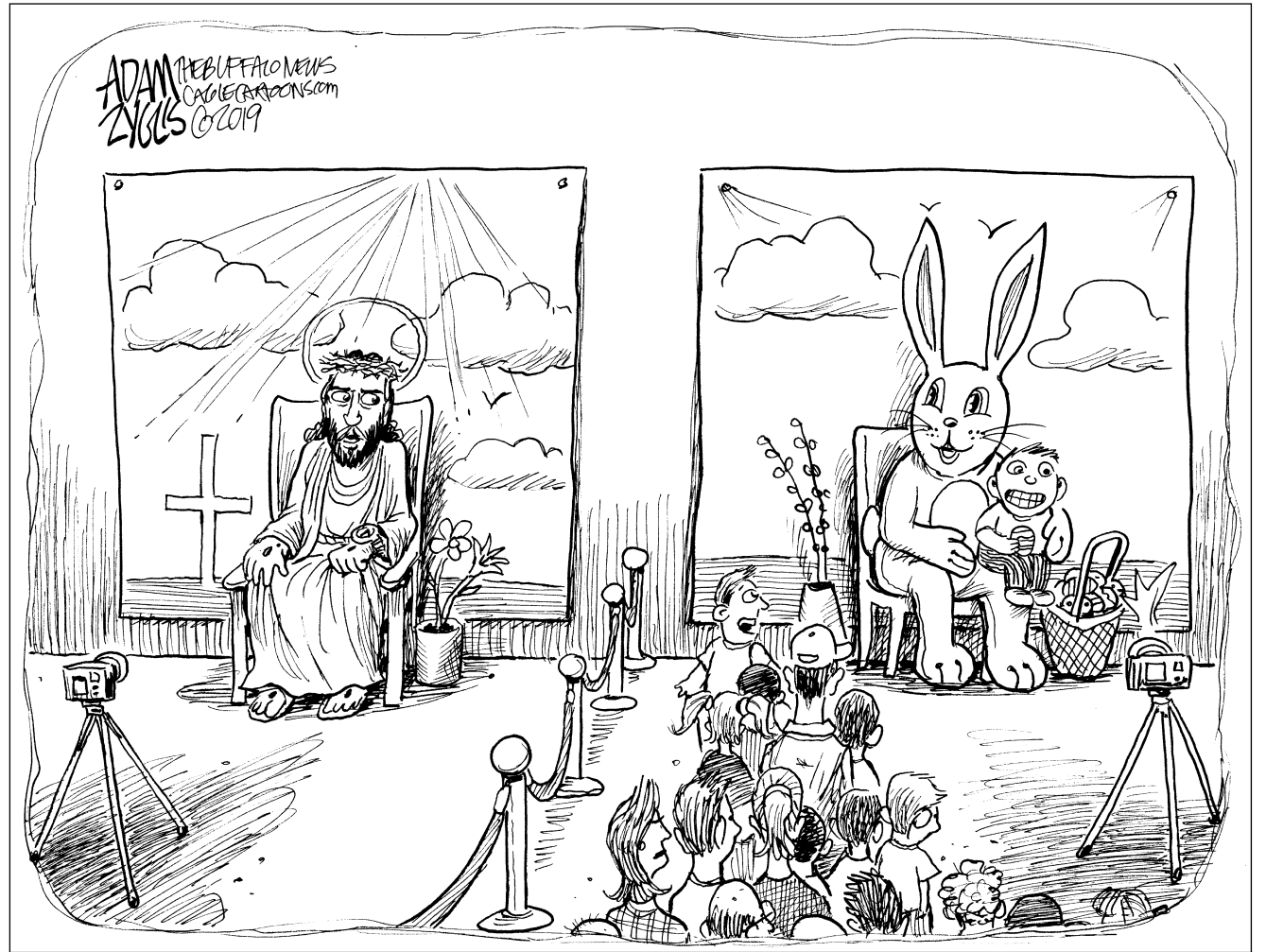
Compared to the rate of inflation, 2.8%, the AEWR is indefensible and unaffordable, agricultural groups argue.

They are correct. An artificially high wage only puts farmers at risk.

A federal judge recently cited a technicality to rule against farmers who had challenged the AEWR and how it's set. He found that the lawsuit was beyond the statute of limitations for challenging the rule.

The Department of Labor would do well to rewrite that rule so the AEWR matches a state's minimum wage.

That's the only fair way to set a minimum wage in each state.



## Life, death and resurrection — having springtime at the Capitol

Happy Easter, everyone! I chose the title for this newsletter in the spirit of Easter. Last week was the first chamber deadline for bills here in the Legislature. Some bills are alive, some are dead and some have been referred to a committee hoping to be resurrected.

The first chamber deadline applies to bills that are introduced in a particular chamber (the House or Senate) and they must be out of committee by the first chamber deadline and ready to be brought to the floor. We will have a second chamber deadline in May. Joint Committees such as Ways & Means, Revenue and Rules committees do not have to abide by the chamber deadlines, and this can allow some bills to be "resurrected."

In all, I was the chief sponsor of 65 Senate bills. To date, 13 of these bills

have been passed out of the Senate, six have been addressed administratively, one has been merged with the House version, and 19 are dead. In addition, 26 are currently in committees that are active until the end of session. Hopefully, they will be resurrected.

A personal disappointment for me is that five of the 19 dead bills are sex trafficking bills that I introduced after meeting with survivors in La Grande. I introduced six bills addressing the issues that were discussed, and each one had bi-partisan support. Unfortunately, they did not receive a hearing in the Senate Judiciary Committee. There were some politics at play and, as I said, it was disappointing.

The one bill that did make it through was SB 786. This bill would re-



**My Voice ABOUT THE AUTHORS**

Bill Hansell represents the 29th District in the Oregon Senate. MyVoice columns reflect the views of the author only. My Voice columns should be 500-700 words.

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quire school districts to develop curriculums to teach students about the signs of sex trafficking and how to report it. The bill passed unanimously out of the Senate Education Committee and is now in the Joint Committee on Student Success. I'm proud that this bill has advanced, and I will continue my work to help victims of sex trafficking.

I am very pleased to report that one of my top bills this session, SB 290, passed out of the Senate unanimously. I call this bill a "Good Samaritan bill for farmers," because it grants civil immunity to people who help fight a wildfire on range and crop land in good faith.

This issue came to my

attention following the Sub-Station Fire last year, when many farmers mobilized and used their own equipment to create fire lines and saved the towns of Grass Valley and Moro, which had been evacuated. SB 290 will provide assurances to farmers and ranchers who need to act quickly to save their fields and range land from a fast-moving wildfire.

I will continue to work the 26 bills over the next few weeks, and hopefully most of them will be "resurrected."

If my office can answer any questions about legislation this session, please give us a call at: 503-986-1729. Thank you for the opportunity to serve and represent you in the Oregon Senate.

### CONTACT YOUR PUBLIC OFFICIALS

**City of La Grande:** Mayor Steve Clements, City Manager Robert Strope; P.O. Box 670, La Grande, OR 97850; 541-962-1309; fax 541-963-3333.

**Union County Commissioners:** Donna Beverage, Matt Scarfo and Paul Anderes; 1106 K Ave., La Grande, OR 97850; 541-963-1001; fax 541-963-1079.

**Wallowa County Commissioners:** John Hillock, Todd Nash and Susan Roberts; 101 S. River St., Room 202, Enterprise, OR 97828; 541-426-4543, ext. 11; fax 541-426-0582.

**Elgin City Councilors:** Mayor Allan Duffy, 501 N 11th St., 541-437-1016, mayor@cityofelginor.org; Mary West, 260 N 5th Ave., 541-805-0443, councilor3@cityofelginor.org; Kathy Warren, PO Box 697, 541-786-9611, councilor6@cityofelginor.org; Risa Halgarth, PO Box 525, 541-437-9462, councilor2@cityofelginor.org; Rocky Burgess, 800 N 14th St., P.O. Box 854, 541-786-2417, councilor1@cityofelginor.org; David Reed, 1011 Detroit St., PO Box 368; 541-975-3306, councilor4@cityofelginor.org;

Ryan Martin, councilor5@cityofelginor.org

**Enterprise City Councilors:** Mayor Stacey Karvoski, mayorofenterprise@gmail.com; Jenni Word; Dave Elliott; Ashley Sullivan; Micah Agnew; Larry Christman; Chris Pritchard; 541-426-4196; mail to City of Enterprise, 108 N.E. 1st Street, Enterprise, OR 97828

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**Joseph City Councilors:** Mayor Teresa Sajonia; Martin Hamilton; Pearl Strum; Tanya Collier; Michael J Lockhart; Patty Bufford 541-432-3832; P.O. Box 15, Joseph, Oregon 97846; 201 North Main St.; cityofjosephoregon@gmail.com

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Phone: **541-963-3161**  
Toll free (Oregon): 1-800-422-3110  
Fax: 541-963-7804  
Email: news@lagrandeobserver.com  
Website: www.lagrandeobserver.com  
Street address: 1406 Fifth St., La Grande

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