

House Bill 2618

Sponsored by Representative HOLVEY

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits employers from entering into public works contracts for which contract price exceeds \$350,000 unless employer is approved apprenticeship training agent.

Requires specifications and contracts for public works for which contract price exceeds \$350,000 to require contractors and subcontractors to be approved training agents. Provides exceptions to provisions if no local joint committee or program of apprenticeship and training for apprenticeable occupations used by employer exists in state.

Requires specifications and contracts for public works for which contract price exceeds \$350,000 to require that at least 15 percent of total hours worked on project be performed by apprentices.

A BILL FOR AN ACT

1
2 Relating to apprenticeship; creating new provisions; and amending ORS 279C.830.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS 660.002 to**
5 **660.210.**

6 **SECTION 2. (1) Except as provided in subsection (2) of this section, an employer may not**
7 **enter into a contract for public works, as defined in ORS 279C.800, for which the contract**
8 **price exceeds \$350,000 unless the employer is a training agent approved by a local joint**
9 **committee under ORS 660.137.**

10 **(2) Before entering into a contract described in subsection (1) of this section, an em-**
11 **ployer is not required to become an approved training agent or start a new local joint com-**
12 **mittee if no committee or program of apprenticeship and training for the apprenticeable**
13 **occupations used by the employer exists in this state.**

14 **(3) If no local joint committee for an apprenticeable occupation used by an employer ex-**
15 **ists in the county in which the employer is located, the State Director of Apprenticeship and**
16 **Training may extend the jurisdiction of a local joint committee in an adjoining county to the**
17 **county in which the employer is located. The director's action is subject to ratification by**
18 **the State Apprenticeship and Training Council.**

19 **SECTION 3. ORS 279C.830 is amended to read:**

20 279C.830. (1)(a) The specifications for every contract for public works shall contain a provision
21 stating the existing state prevailing rate of wage and, if applicable, the federal prevailing rate of
22 wage required under the Davis-Bacon Act (40 U.S.C. 276a) that may be paid to workers in each trade
23 or occupation required for the public works employed in the performance of the contract either by
24 the contractor or subcontractor or other person doing or contracting to do the whole or any part
25 of the work contemplated by the contract.

26 (b) If a public agency is required under paragraph (a) of this subsection to include the state and
27 federal prevailing rates of wage in the specifications, the public agency also shall include in the
28 specifications information showing which prevailing rate of wage is higher for workers in each trade

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 or occupation in each locality, as determined by the Commissioner of the Bureau of Labor and In-
 2 dustries under ORS 279C.815 (2)(b).

3 (c) Every contract and subcontract shall contain a provision that the workers shall be paid not
 4 less than the specified minimum hourly rate of wage in accordance with ORS 279C.838.

5 (2) The specifications for every contract for public works between a public agency and a con-
 6 tractor shall contain a provision stating that a fee is required to be paid to the Commissioner of the
 7 Bureau of Labor and Industries as provided in ORS 279C.825 (1). The contract shall contain a pro-
 8 vision that the fee shall be paid to the commissioner under the administrative rule of the commis-
 9 sioner.

10 (3) The specifications for every contract for public works shall contain a provision stating that
 11 the contractor and every subcontractor must have a public works bond filed with the Construction
 12 Contractors Board before starting work on the project, unless exempt under ORS 279C.836 (7) or (8).
 13 Every contract awarded by a contracting agency shall contain a provision requiring the contractor:

14 (a) To have a public works bond filed with the Construction Contractors Board before starting
 15 work on the project, unless exempt under ORS 279C.836 (7) or (8).

16 (b) To include in every subcontract a provision requiring the subcontractor to have a public
 17 works bond filed with the Construction Contractors Board before starting work on the project, un-
 18 less exempt under ORS 279C.836 (7) or (8).

19 **(4)(a) The specifications for every contract for public works for which the contract price**
 20 **exceeds \$350,000 shall contain a provision stating that the contractor or subcontractor must**
 21 **be approved as a training agent by a local joint committee under ORS 660.137, if a committee**
 22 **or program of apprenticeship and training for the apprenticeable occupations used by the**
 23 **contractor or subcontractor exists in this state.**

24 **(b) For a contract between a public agency and a contractor, the specifications required**
 25 **by paragraph (a) of this subsection shall also contain a provision stating that at least 15**
 26 **percent of the total hours worked on the public works project by workers in apprenticeable**
 27 **occupations shall be performed by apprentices participating in programs of apprenticeship**
 28 **and training under ORS 660.002 to 660.210. The workers may be employed by the contractor**
 29 **or any subcontractor on the public works project.**

30 **(c) A contract or subcontract for public works for which the contract price exceeds**
 31 **\$350,000 shall contain a provision stating that the contractor or subcontractor is approved**
 32 **as a training agent by a local joint committee under ORS 660.137, if a committee or program**
 33 **of apprenticeship and training for the apprenticeable occupations used by the contractor or**
 34 **subcontractor exists in this state.**

35 **(d) A contract described in paragraph (c) of this subsection between a public agency and**
 36 **a contractor shall also contain a provision stating that at least 15 percent of the total hours**
 37 **worked on the public works project by workers in apprenticeable occupations shall be per-**
 38 **formed by apprentices participating in programs of apprenticeship and training under ORS**
 39 **660.002 to 660.210. The workers may be employed by the contractor or any subcontractor on**
 40 **the public works project.**

41 **SECTION 4. Section 2 of this 2007 Act and the amendments to ORS 279C.830 by section**
 42 **3 of this 2007 Act apply only to public works contracts first advertised, but if not advertised**
 43 **then entered into, on or after the effective date of this 2007 Act.**