

House Bill 2998

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**.

Modifies definition of "public works" to include fabrication or manufacture of nonstandard items produced by contract specifically for public works project for which prevailing wage rates are required.

A BILL FOR AN ACT

1
2 Relating to fabrication of nonstandard items specifically for public works project; amending ORS
3 279C.800.

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

5 **SECTION 1.** ORS 279C.800 is amended to read:

6 279C.800. As used in ORS 279C.800 to 279C.870, unless the context requires otherwise:

7 (1) "Fringe benefits" means the amount of:

8 (a) The rate of contribution irrevocably made by a contractor or subcontractor to a trustee or
9 to a third person under a plan, fund or program; and

10 (b) The rate of costs to the contractor or subcontractor that may be reasonably anticipated in
11 providing benefits to workers pursuant to an enforceable commitment to carry out a financially re-
12 sponsible plan or program that is committed in writing to the workers affected, for medical or hos-
13 pital care, pensions on retirement or death, compensation for injuries or illness resulting from
14 occupational activity, or insurance to provide any of the foregoing, for unemployment benefits, life
15 insurance, disability and sickness insurance or accident insurance, for vacation and holiday pay, for
16 defraying costs of apprenticeship or other similar programs or for other bona fide fringe benefits,
17 but only when the contractor or subcontractor is not required by other federal, state or local law
18 to provide any of these benefits.

19 (2) "Locality" means the following district in which the public works, or the major portion
20 thereof, is to be performed:

21 (a) District 1, composed of Clatsop, Columbia and Tillamook Counties;

22 (b) District 2, composed of Clackamas, Multnomah and Washington Counties;

23 (c) District 3, composed of Marion, Polk and Yamhill Counties;

24 (d) District 4, composed of Benton, Lincoln and Linn Counties;

25 (e) District 5, composed of Lane County;

26 (f) District 6, composed of Douglas County;

27 (g) District 7, composed of Coos and Curry Counties;

28 (h) District 8, composed of Jackson and Josephine Counties;

29 (i) District 9, composed of Hood River, Sherman and Wasco Counties;

30 (j) District 10, composed of Crook, Deschutes and Jefferson Counties;

31 (k) District 11, composed of Klamath and Lake Counties;

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 (L) District 12, composed of Gilliam, Grant, Morrow, Umatilla and Wheeler Counties;

2 (m) District 13, composed of Baker, Union and Wallowa Counties; and

3 (n) District 14, composed of Harney and Malheur Counties.

4 (3) "Prevailing rate of wage" means the rate of hourly wage, including all fringe benefits, paid
5 in the locality to the majority of workers employed on projects of similar character in the same
6 trade or occupation, as determined by the Commissioner of the Bureau of Labor and Industries. In
7 making such determinations, the commissioner shall rely on an independent wage survey to be
8 conducted once each year. However, if it appears to the commissioner that the data derived from
9 the survey alone are insufficient to establish the rate, the commissioner also shall consider addi-
10 tional information such as collective bargaining agreements, other independent wage surveys and
11 the prevailing rates of wage determined by appropriate federal agencies or agencies of adjoining
12 states. If there is not a majority in the same trade or occupation paid at the same rate, the average
13 rate of hourly wage, including all fringe benefits, paid in the locality to workers in the same trade
14 or occupation shall be the prevailing rate. If the wage paid by any contractor or subcontractor to
15 workers on any public works is based on some period of time other than an hour, the hourly wage
16 shall be mathematically determined by the number of hours worked in that period of time.

17 (4) "Public agency" means the State of Oregon or any political subdivision thereof or any
18 county, city, district, authority, public corporation or entity and any of their instrumentalities or-
19 ganized and existing under law or charter.

20 (5)(a) "Public works" includes, but is not limited to[,]:

21 (A) Roads, highways, buildings, structures and improvements of all types, the construction, re-
22 construction, major renovation or painting of which is carried on or contracted for by any public
23 agency to serve the public interest; **and**

24 (B) **The fabrication or manufacture of nonstandard items produced by contract specif-**
25 **ically for a public works project described in subparagraph (A) of this paragraph.**

26 (b) "Public works" [but] does not include the reconstruction or renovation of privately owned
27 property that is leased by a public agency.

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