

House Bill 3141

Sponsored by Representative SHIELDS; Representatives BARKER, BOONE, GELSER, HOLVEY, KAHL, KOTEK, G SMITH, STIEGLER, Senator ROSENBAUM

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**.

Creates Construction Diversity Oversight Board and prescribes powers and duties of board. Authorizes Governor, Commissioner of Bureau of Labor and Industries, Director of Transportation, Director of Employment Department and Commissioner for Community College Services to appoint members of board.

Establishes Construction Diversity Oversight Fund separate and distinct from General Fund. Provides that moneys in fund are continuously appropriated to Construction Diversity Oversight Board for carrying out purposes of board.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to diversity in the construction workforce; appropriating money; and declaring an emer-
3 gency.

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

5 **SECTION 1. Sections 2, 3 and 4 of this 2009 Act are added to and made a part of ORS**
6 **chapter 279C.**

7 **SECTION 2. (1) There is created the Construction Diversity Oversight Board, which**
8 **consists of 15 members appointed as follows:**

9 (a) **The Governor shall appoint as a member the Advocate for Minority, Women and**
10 **Emerging Small Business, or an employee of the Office for Minority, Women and Emerging**
11 **Small Business, and seven additional members as follows:**

12 (A) **One member that represents a nonprofit organization that has demonstrated exper-**
13 **tise in providing services to members of minority groups that are underrepresented in skilled**
14 **crafts or occupations in the construction industry;**

15 (B) **Two members who represent labor organizations for highway building trades, with**
16 **at least one member also serving as a member of a local joint committee that administers**
17 **an apprenticeship or training program and at least one member who is a woman or a mem-**
18 **ber of a minority group;**

19 (C) **Two members who are construction contractors, at least one of whom is certified as**
20 **a disadvantaged, minority, women or small business enterprise under ORS 200.055; and**

21 (D) **Two members who represent organizations with experience in community develop-**
22 **ment, with at least one member who is also a member of a faith-based organization and one**
23 **member who has workforce experience.**

24 (b) **The Commissioner of the Bureau of Labor and Industries shall appoint one member**
25 **to represent the Bureau of Labor and Industries and three additional members as follows:**

26 (A) **One member who represents a nonprofit organization that has demonstrated exper-**
27 **tise in providing services that prepare women for employment in the construction industry;**

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 and

2 (B) Two members who represent nonprofit organizations that have demonstrated exper-
 3 tise in providing services to or representing contractors who are members of minority
 4 groups.

5 (c) The Director of Transportation shall appoint one member to represent the Depart-
 6 ment of Transportation.

7 (d) The Director of the Employment Department shall appoint one member to represent
 8 the Employment Department.

9 (e) The Commissioner for Community College Services shall appoint one member to rep-
 10 resent the Department of Community Colleges and Workforce Development.

11 (2) The term of office for a member of the Construction Diversity Oversight Board is four
 12 years, but a member serves at the pleasure of the appointing authority. If a position on the
 13 board becomes vacant, the appointing authority shall immediately appoint a replacement,
 14 who shall serve until the term for the vacated position expires. The appointing authority
 15 may reappoint a member, but no member may serve more than two consecutive terms.

16 (3) The board shall elect from among the members of the board a chair, who shall have
 17 such powers and duties as the board prescribes by rule.

18 (4) A member of the board is entitled to compensation and expenses as provided in ORS
 19 292.495.

20 (5) Before assuming membership on the board, a member shall furnish a fidelity bond in
 21 favor of the State of Oregon in the penal sum of \$50,000 issued by one or more corporate
 22 sureties authorized to do business in this state and conditioned on the faithful and honest
 23 handling of moneys in the Construction Diversity Oversight Fund and other moneys for
 24 which the member has responsibility in the course of the member's duties as a member of
 25 the board. The board shall pay the premium for the bond from the appropriations of the
 26 board.

27 **SECTION 3.** (1) The Construction Diversity Oversight Board shall:

28 (a) Approve and make project assistance grants on a competitive basis from moneys in
 29 the Construction Diversity Oversight Fund established under section 4 of this 2009 Act. The
 30 board by rule may establish eligibility criteria for project assistance grants and approve and
 31 make grants to assist eligible organizations in providing:

- 32 (A) Pre-employment services;
- 33 (B) Pre-apprenticeship training;
- 34 (C) Apprenticeship or skills training;
- 35 (D) Wage subsidies or stipends under criteria the board specifies by rule; or
- 36 (E) Retention incentives.

37 (b) Monitor how effectively organizations that receive grants approved under paragraph
 38 (a) of this subsection provide assistance in the identified areas.

39 (c) Recommend goals for representation of women and members of minority groups and
 40 utilization of apprentices in the construction industry workforce, review the extent to which
 41 state contracting agencies and contractors have met or implemented or have made progress
 42 toward meeting or implementing the recommended goals and publish annually a report that
 43 evaluates compliance.

44 (d) Develop strategies and recommend best practices for increasing the number of con-
 45 tracts awarded to contractors who are women or members of minority groups and increasing

1 the representation of women and members of minority groups and the utilization of appren-
2 tices in the construction industry workforce.

3 (e) Collect, compile, report and make available information about how funds expended for
4 project assistance and provided to contractors who are women or members of minority
5 groups are used and the results that are achieved.

6 (f) Review the performance of the Office of Minority, Women and Emerging Small Busi-
7 ness and the office's rules and enforcement practices to assess needs and recommend im-
8 provements.

9 (2) The board shall meet each quarter of the calendar year or at the call of the chair or
10 a majority of the members of the board. The board shall meet at a time and in a location the
11 chair specifies.

12 (3) A majority of the members of the board constitutes a quorum for the transaction of
13 the business of the board. Official action by the board requires the approval of a majority
14 of the members of the board.

15 (4) Except as otherwise provided by law, the board is subject to and shall adopt rules in
16 accordance with the applicable provisions of ORS chapter 183.

17 (5) The chair may appoint subcommittees and working groups to carry out or facilitate
18 the business of the board.

19 (6) The Bureau of Labor and Industries shall provide staff assistance to the board.

20 (7) State contracting agencies shall assist the board in performing the board's duties and,
21 to the extent permitted by laws related to confidentiality, furnish information and advice
22 that members of the board consider necessary to perform the members' duties. State con-
23 tracting agencies shall report to the board each month in a form the board specifies by rule
24 the extent to which the state contracting agencies have met or implemented or made
25 progress toward meeting or implementing the goals, recommendations, strategies and prac-
26 tices the board establishes or recommends.

27 **SECTION 4.** (1) There is established the Construction Diversity Oversight Fund, separate
28 and distinct from the General Fund. All moneys the Construction Diversity Oversight Board
29 receives from allocations of federal funds and other funds for apprenticeship training and
30 education and other sources, other than appropriations from the General Fund, shall be de-
31 posited in the Construction Diversity Oversight Fund and are continuously appropriated to
32 the board for the purposes identified in section 3 of this 2009 Act.

33 (2) Interest earned on the moneys in the fund shall be credited to the fund.

34 **SECTION 5.** (1) Sections 2, 3 and 4 of this 2009 Act become operative January 1, 2010.

35 (2) The Governor, the Commissioner of the Bureau of Labor and Industries, the Director
36 of Transportation, the Director of the Employment Department and the Commissioner for
37 Community College Services may, before January 1, 2010, appoint the members of the Con-
38 struction Diversity Oversight Board in accordance with the provisions of section 2 of this
39 2009 Act.

40 (3) The Construction Diversity Oversight Board may adopt rules and take related actions
41 that are necessary to enable the board to exercise, on and after January 1, 2010, all the du-
42 ties, functions and powers conferred on the board by sections 2, 3 and 4 of this 2009 Act.

43 **SECTION 6.** This 2009 Act being necessary for the immediate preservation of the public
44 peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect
45 on its passage.

