

House Bill 3365

Sponsored by Representative WITT

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 Task Force on Prevailing Wages for Service Contracts. Directs task force to study issues related to implementing prevailing wage rates for certain public contracts.
Sunsets task force on date of convening of next regular biennial session.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to prevailing wages for service contracts; and declaring an emergency.

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

4 **SECTION 1. (1) There is created the Task Force on Prevailing Wages for Service Con-**
5 **tracts, consisting of 13 members appointed as follows:**

6 (a) **The President of the Senate shall appoint:**

7 (A) **Two members from among members of the Senate;**

8 (B) **One member to represent businesses that provide services under contract to state**
9 **agencies; and**

10 (C) **One member who represents a labor organization.**

11 (b) **The Speaker of the House of Representatives shall appoint:**

12 (A) **Two members from among members of the House of Representatives;**

13 (B) **One member to represent businesses that provide services under contract to state**
14 **agencies; and**

15 (C) **One member who represents a labor organization.**

16 (c) **The Governor shall appoint:**

17 (A) **One member to represent the Governor's office; and**

18 (B) **One member who has demonstrated expertise in compensation issues related to fed-**
19 **eral service contracts.**

20 (d) **The Commissioner of the Bureau of Labor and Industries shall appoint one member**
21 **to represent the Bureau of Labor and Industries.**

22 (e) **The Director of the Oregon Department of Administrative Services shall appoint one**
23 **member to represent the Oregon Department of Administrative Services.**

24 (f) **The Attorney General shall appoint one member to represent the Department of**
25 **Justice.**

26 (2)(a) **The task force shall research:**

27 (A) **The application of prevailing wage rates, laws and standards to public contracts**
28 **awarded by the federal government and by other states;**

29 (B) **The impact that prevailing wage rates for service contracts would have on public**
30 **procurements in this state, including:**

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 (i) Procurement costs for state agencies;
- 2 (ii) Impacts on wage rates and benefits among service providers; and
- 3 (iii) Sample costs for representative service contracts with and without a prevailing wage
- 4 rate;
- 5 (C) Requirements and methods for implementing prevailing wage rates for service con-
- 6 tracts, including wage surveys, wage reporting, enforcement issues and the extent to which
- 7 the federal standards in 41 U.S.C 351 et seq. can serve as a model for state agency procure-
- 8 ment; and
- 9 (D) Needs among service providers and employees for a prevailing wage and benefits.
- 10 (b) The task force shall evaluate the results of the task force's research and make rec-
- 11 ommendations concerning:
 - 12 (A) The feasibility of implementing a prevailing wage rate for service contracts; and
 - 13 (B) Models and methods for implementation, including changes required in statutes, rules
 - 14 and policies related to public contracting.
- 15 (c) The task force shall identify issues related to prevailing wage rates for service con-
- 16 tracts that require further study or consideration.
- 17 (3) The task force may:
 - 18 (a) Hold hearings, take testimony, conduct surveys or use other research methods nec-
 - 19 essary to examine issues related to prevailing wage rates for service contracts;
 - 20 (b) Invite public comment from interested parties;
 - 21 (c) Subject to applicable provisions of ORS 192.410 to 192.505, obtain policies, budgets, cost
 - 22 estimates, proposals, bids, contracts, contract amendments and related materials from state
 - 23 agencies; and
 - 24 (d) Take other actions necessary to carry out the tasks set forth in subsection (2) of this
 - 25 section.
 - 26 (4) A majority of the members of the task force constitutes a quorum for the transaction
 - 27 of business.
 - 28 (5) Official action by the task force requires the approval of a majority of the members
 - 29 of the task force.
 - 30 (6) The task force shall elect one of the task force's members to serve as chairperson.
 - 31 (7) If there is a vacancy for any cause, the appointing authority shall make an appoint-
 - 32 ment to become immediately effective.
 - 33 (8) The task force shall meet at times and places specified by the call of the chairperson
 - 34 or of a majority of the members of the task force.
 - 35 (9) The task force may adopt rules necessary for the operation of the task force.
 - 36 (10) The task force shall submit a report, and may include recommendations for legis-
 - 37 lation, to an interim committee of the Legislative Assembly related to public contracting not
 - 38 later than October 1, 2010.
 - 39 (11) The Bureau of Labor and Industries, with assistance from the Oregon Department
 - 40 of Administrative Services, shall provide staff support to the task force.
 - 41 (12) Members of the task force who are not members of the Legislative Assembly are not
 - 42 entitled to compensation, but may be reimbursed for actual and necessary travel and other
 - 43 expenses incurred by them in the performance of their official duties in the manner and
 - 44 amounts provided for in ORS 292.495. Claims for expenses incurred in performing functions
 - 45 of the task force shall be paid out of funds appropriated to the Bureau of Labor and Indus-

1 tries or the Oregon Department of Administrative Services for purposes of the task force.

2 (13) All agencies of state government, as defined in ORS 174.111, are directed to assist
3 the task force in the performance of the task force's duties and, to the extent permitted by
4 laws relating to confidentiality, to furnish such information and advice as the members of
5 the task force consider necessary to perform the members' duties.

6 SECTION 2. Section 1 of this 2009 Act is repealed on the date of the convening of the next
7 regular biennial legislative session.

8 SECTION 3. This 2009 Act being necessary for the immediate preservation of the public
9 peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect
10 on its passage.

11