

Senate Bill 51

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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**.

Requires Commissioner of Bureau of Labor and Industries by order to set fee adequate to pay costs of education and enforcement related to prevailing wage law and in amount between 0.1 percent and 0.2 percent of contract price for public works. Requires commissioner to set forth in rule basis for decision concerning fee.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the Prevailing Wage Education and Enforcement Account; creating new provisions;
3 amending ORS 279C.825; repealing section 8, chapter 844, Oregon Laws 2007; and declaring an
4 emergency.

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

6 **SECTION 1.** ORS 279C.825 is amended to read:

7 279C.825. (1)(a) The Commissioner of the Bureau of Labor and Industries, by [*rule*] **order**, shall
8 establish a fee to be paid by the public agency that awards a public works contract subject to ORS
9 279C.800 to 279C.870. The **commissioner shall ensure that the aggregate amount of fees paid**
10 **under this section by agencies that award public works contracts subject to ORS 279C.800 to**
11 **279C.870 is adequate for the purpose of and will be used for paying** [*fee shall be used to pay*] the
12 costs of:

13 (A) Surveys to determine the prevailing rates of wage;

14 (B) Administering and providing investigations under and enforcement of ORS 279C.800 to
15 279C.870; and

16 (C) Providing educational programs on public contracting law under the Public Contracting
17 Code.

18 (b) The [*fee shall be*] **commissioner shall set the fee in an amount between 0.1 percent and**
19 **0.2 percent** of the contract price. However, in no event may a fee be charged and collected that
20 is [*more than \$5,000 or*] less than [*\$100*] **\$250**.

21 (2) The commissioner shall pay moneys received under this section into the State Treasury. The
22 moneys shall be credited to the Prevailing Wage Education and Enforcement Account created by
23 ORS 651.185.

24 (3) The public agency shall pay the fee at the time the public agency enters into the public
25 works contract.

26 (4) **The commissioner by rule shall set forth the formula, calculation or other basis upon**
27 **which the commissioner will decide upon the percentage described in subsection (1)(b) of this**
28 **section.**

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 **SECTION 2.** The Commissioner of the Bureau of Labor and Industries shall first issue
2 the order described in section 1 of this 2009 Act not later than July 15, 2009. The commis-
3 sioner thereafter shall issue the order not later than 15 days after the beginning of each
4 subsequent biennium.

5 **SECTION 3.** Section 8, chapter 844, Oregon Laws 2007, is repealed.

6 **SECTION 4.** This 2009 Act being necessary for the immediate preservation of the public
7 peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect
8 on its passage.
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