

A-Engrossed
Senate Bill 895

Ordered by the Senate May 5
Including Senate Amendments dated May 5

Sponsored by COMMITTEE ON COMMERCE AND WORKFORCE DEVELOPMENT

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.

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*] **Chancellor of Oregon University System** 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 16 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 eight 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) **Three members who are construction contractors, one of whom has experience in**
20 **highway or bridge construction, another of whom has experience in building construction and**
21 **at least one of whom is certified as a disadvantaged, minority, women or emerging small**
22 **business enterprise under ORS 200.055; and**

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

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

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

6 **(B) Two members who represent nonprofit organizations that have demonstrated exper-**
7 **tise in providing services to or representing contractors who are members of minority**
8 **groups.**

9 **(c) The Director of Transportation shall appoint one member to represent the Depart-**
10 **ment of Transportation.**

11 **(d) The Chancellor of the Oregon University System shall appoint one member who has**
12 **experience with capital construction at one of the state institutions of higher education**
13 **listed in ORS 352.002 to represent the Oregon University System.**

14 **(e) The Commissioner for Community College Services shall appoint one member who has**
15 **experience with capital construction at a community college in this state to represent com-**
16 **munity colleges.**

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

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

24 **(4) A member of the board is entitled to compensation and expenses as provided in ORS**
25 **292.495.**

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

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

31 **(A) Pre-employment services;**

32 **(B) Pre-apprenticeship training;**

33 **(C) Apprenticeship or skills training;**

34 **(D) Wage subsidies or stipends under criteria the board specifies by rule; or**

35 **(E) Retention incentives.**

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

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

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

1 tices in the construction industry workforce.

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

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

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

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

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

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

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

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

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

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

33 (3) The board shall work with the Bureau of Labor and Industries to identify and apply
34 for grants and other moneys available from public and private agencies that support efforts
35 to increase diversity in the workforce.

36 **SECTION 5.** (1) Sections 2, 3 and 4 of this 2009 Act become operative September 1, 2009.

37 (2) The Governor, the Commissioner of the Bureau of Labor and Industries, the Director
38 of Transportation, the Chancellor of the Oregon University System and the Commissioner
39 for Community College Services may, before September 1, 2009, appoint the members of the
40 Construction Diversity Oversight Board in accordance with the provisions of section 2 of this
41 2009 Act.

42 (3) The Construction Diversity Oversight Board may adopt rules and take related actions
43 that are necessary to enable the board to exercise, on and after September 1, 2009, all the
44 duties, functions and powers conferred on the board by sections 2, 3 and 4 of this 2009 Act.

45 **SECTION 6.** This 2009 Act being necessary for the immediate preservation of the public

1 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
2 **on its passage.**

3
