

Senate Bill 243

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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**.

Applies provisions of prevailing wage law to project that constructs, reconstructs, renovates or paints improvement on real property that port owns or controls, regardless of whether project is publicly or privately owned, is constructed, reconstructed, renovated or painted using funds of public agency or whether port continues to occupy real property or leases real property to private entity.
Becomes operative 91 days after effective date of Act.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to prevailing rates of wage for projects on real property of port; creating new provisions;
3 amending ORS 279C.800; and declaring an emergency.

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:

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

8 (a) The rate of contribution a contractor or subcontractor makes irrevocably to a trustee or to
9 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 the following items, except for items that federal, state or local law requires the con-
12 tractor or subcontractor to provide:

13 (A) Benefits to workers pursuant to an enforceable written commitment to the workers to carry
14 out a financially responsible plan or program for:

15 (i) Medical or hospital care;

16 (ii) Pensions on retirement or death; or

17 (iii) Compensation for injuries or illness that result from occupational activity;

18 (B) Insurance to provide the benefits described in subparagraph (A) of this paragraph;

19 (C) Unemployment benefits;

20 (D) Life insurance;

21 (E) Disability and sickness insurance or accident insurance;

22 (F) Vacation and holiday pay;

23 (G) Costs of apprenticeship or other similar programs; or

24 (H) Other bona fide fringe benefits.

25 (2) "Housing" has the meaning given that term in ORS 456.055.

26 (3) "Locality" means the following district in which the public works, or the major portion
27 thereof, is to be performed:

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 (a) District 1, composed of Clatsop, Columbia and Tillamook Counties;
- 2 (b) District 2, composed of Clackamas, Multnomah and Washington Counties;
- 3 (c) District 3, composed of Marion, Polk and Yamhill Counties;
- 4 (d) District 4, composed of Benton, Lincoln and Linn Counties;
- 5 (e) District 5, composed of Lane County;
- 6 (f) District 6, composed of Douglas County;
- 7 (g) District 7, composed of Coos and Curry Counties;
- 8 (h) District 8, composed of Jackson and Josephine Counties;
- 9 (i) District 9, composed of Hood River, Sherman and Wasco Counties;
- 10 (j) District 10, composed of Crook, Deschutes and Jefferson Counties;
- 11 (k) District 11, composed of Klamath and Lake Counties;
- 12 (L) District 12, composed of Gilliam, Grant, Morrow, Umatilla and Wheeler Counties;
- 13 (m) District 13, composed of Baker, Union and Wallowa Counties; and
- 14 (n) District 14, composed of Harney and Malheur Counties.

15 (4) "Prevailing rate of wage" means the rate of hourly wage, including all fringe benefits, that
 16 the Commissioner of the Bureau of Labor and Industries determines is paid in the locality to the
 17 majority of workers employed on projects of a similar character in the same trade or occupation.

18 (5) "Public agency" means the State of Oregon or a political subdivision of the State of Oregon,
 19 or a county, city, district, authority, public corporation or public entity organized and existing under
 20 law or charter or an instrumentality of the county, city, district, authority, public corporation or
 21 public entity.

22 (6)(a) "Public works" includes, but is not limited to:

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

26 (B) A project that uses funds of a private entity and \$750,000 or more of funds of a public agency
 27 for constructing, reconstructing, painting or performing a major renovation on a privately owned
 28 road, highway, building, structure or improvement of any type;

29 (C) A project that uses funds of a private entity for constructing a privately owned road, high-
 30 way, building, structure or improvement of any type in which a public agency will use or occupy
 31 25 percent or more of the square footage of the completed project; [or]

32 (D) Notwithstanding the provisions of ORS 279C.810 (2)(a), (b) and (c), a device, structure or
 33 mechanism, or a combination of devices, structures or mechanisms, that:

34 (i) Uses solar radiation as a source for generating heat, cooling or electrical energy; and

35 (ii) Is constructed or installed, with or without using funds of a public agency, on land, premises,
 36 structures or buildings that a public body, as defined in ORS 174.109, owns[.]; or

37 **(E) Notwithstanding the provisions of ORS 279C.810 (2)(a), (b) and (c), a project for con-**
 38 **structing, reconstructing, renovating or painting a road, highway, building, structure or im-**
 39 **provement of any type on real property that a port, as defined in ORS 777.005, owns or**
 40 **controls, regardless of whether:**

41 **(i) The road, highway, building, structure or improvement is publicly or privately owned**
 42 **or is constructed, reconstructed, renovated or painted using funds of a public agency; or**

43 **(ii) The port continues to occupy the real property or leases the real property to a private**
 44 **entity.**

45 (b) "Public works" does not include:

1 (A) [*The reconstruction or renovation of*] **Reconstructing or renovating** privately owned prop-
 2 erty that a public agency leases; or

3 (B) [*The*] **A private nonprofit entity's** renovation of publicly owned real property that is more
 4 than 75 years old [*by a private nonprofit entity*] if:

5 (i) The real property is leased to the private nonprofit entity for more than 25 years;

6 (ii) Funds of a public agency used in the renovation do not exceed 15 percent of the total cost
 7 of the renovation; and

8 (iii) Contracts for the renovation were advertised or, if not advertised, were entered into before
 9 July 1, 2003, but the renovation has not been completed on or before July 13, 2007.

10 **SECTION 2. The amendments to ORS 279C.800 by section 1 of this 2013 Act apply to**
 11 **contracts for public works that a public agency first advertises or otherwise solicits or, if**
 12 **the public agency does not advertise or solicit the contract for public works, to a contract**
 13 **for public works that the public agency first enters into on or after the operative date**
 14 **specified in section 3 of this 2013 Act.**

15 **SECTION 3. (1) The amendments to ORS 279C.800 by section 1 of this 2013 Act become**
 16 **operative 91 days after the effective date of this 2013 Act.**

17 **(2) A public agency or the Commissioner of the Bureau of Labor and Industries may take**
 18 **any action before the operative date specified in subsection (1) of this section that is neces-**
 19 **sary to enable the public agency or the commissioner to exercise, on and after the operative**
 20 **date specified in subsection (1) of this section, all of the duties, functions and powers con-**
 21 **ferred on the public agency or the commissioner by the amendments to ORS 279C.800 by**
 22 **section 1 of this 2013 Act.**

23 **SECTION 4. This 2013 Act being necessary for the immediate preservation of the public**
 24 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
 25 **on its passage.**