

SENATE AMENDMENTS TO SENATE BILL 782

By COMMITTEE ON BUSINESS AND TRANSPORTATION

April 29

1 On page 1 of the printed bill, delete lines 15 through 21 and insert:

2 “(a) Require in each public improvement contract for which the contract price exceeds \$5
3 million that the contractor employ apprentices to perform 10 percent of the work hours that workers
4 in apprenticeable occupations perform on the public improvement.”.

5 On page 2, line 5, after “ment” insert a period and delete the rest of the line and line 6.

6 In line 10, delete “goal that a state contracting agency sets under” and insert “requirement set
7 forth in”.

8 In line 11, delete “a subcontractor” and insert “one or more subcontractors”.

9 On page 3, line 4, after the first “contractor” insert “in writing”.

10 In line 7, after “dispute” delete the rest of the line.

11 In line 8, delete “section or”.

12 Delete lines 10 through 25 and insert:

13 “(10) This section does not apply to the Department of Transportation or to a public improve-
14 ment contract that a contractor enters into with the department.

15 “**SECTION 3.** Section 2 of this 2013 Act is amended to read:

16 “**Sec. 2.** (1) As used in this section:

17 “(a) ‘Apprentice’ has the meaning given that term in ORS 660.010.

18 “(b) ‘Apprenticeable occupation’ has the meaning given that term in ORS 660.010.

19 “(c) ‘Apprenticeship agreement’ has the meaning given that term in ORS 660.010.

20 “(d) ‘Apprenticeship training program’ means the total system of apprenticeship that a particular
21 local joint committee, as defined in ORS 660.010, operates, including the local joint committee’s
22 registered standards and all other terms and conditions for qualifying, recruiting, selecting, em-
23 ploying and training apprentices in an apprenticeable occupation.

24 “(2) A state contracting agency shall:

25 “(a) Require in each public improvement contract for which the contract price exceeds \$5
26 million that the contractor employ apprentices to perform [10] **12** percent of the work hours that
27 workers in apprenticeable occupations perform on the public improvement.

28 “(b) Provide in the public improvement contract that, subject to subsection (4) of this section,
29 the state contracting agency will pay the contractor at a rate of \$20 per hour for imputed costs the
30 contractor incurs in having apprentices perform work on the public improvement.

31 “(3) A contractor or subcontractor shall pay an apprentice for work on the public improvement
32 at the hourly rate to which the apprentice is entitled under an apprenticeship agreement or that the
33 apprenticeship training program specifies.

34 “(4) A state contracting agency shall provide in the public improvement contract that the state
35 contracting agency will pay a contractor at the rate specified in subsection (2)(b) of this section for

1 the total number of work hours that apprentices perform on a public improvement.

2 “(5) Subject to the terms of the public improvement contract, a contractor on a public im-
3 provement may decide the locations in which, the types of work for which and other details con-
4 cerning how the contractor employs apprentices for work on the public improvement. The contractor
5 may meet the requirement set forth in subsection (2)(a) of this section by requiring one or more
6 subcontractors to employ apprentices for work on the public improvement.

7 “(6) A contractor shall report the extent of the contractor’s compliance with this section to the
8 state contracting agency on forms, with contents the state contracting agency specifies by rule, and
9 at regular intervals that the state contracting agency specifies in the public improvement contract.
10 The forms and the contents that the state contracting agency specifies must include, at a minimum,
11 a report in which the contractor provides a detailed accounting of the total number of work hours
12 each month and the cumulative total number of work hours since the public improvement contract
13 term began in which:

14 “(a) Workers in apprenticeable occupations performed work on the public improvement; and

15 “(b) Apprentices performed work on the public improvement.

16 “(7) Subject to subsection (8) of this section, a state contracting agency may pay a contractor
17 for the contractor’s imputed costs in complying with the requirement in subsection (2)(a) of this
18 section in regular installments or periodically during the term of the public improvement contract
19 if the contractor requests regular installment payments or periodic payments.

20 “(8)(a) At least 30 days before making any final payment to a contractor under a public im-
21 provement contract, a state contracting agency shall determine the extent of the contractor’s com-
22 pliance with the requirement in subsection (2)(a) of this section. The state contracting agency shall
23 base the determination on the ratio between the actual number of work hours that workers in
24 apprenticeable occupations performed on the public improvement and the actual number of work
25 hours that apprentices performed on the public improvement, as shown in reports the state con-
26 tracting agency receives under subsection (6) of this section.

27 “(b) The state contracting agency, in accordance with the limitations set forth in subsection (4)
28 of this section, shall pay the contractor at the rate specified for the contractor’s imputed costs in
29 subsection (2)(b) of this section only for work hours that apprentices performed on the public im-
30 provement.

31 “(c) If the state contracting agency pays the contractor for the contractor’s imputed costs of
32 complying with the requirement in subsection (2)(a) of this section in regular installments or at pe-
33 riodic intervals, the state contracting agency shall make the determination required under para-
34 graph (a) of this subsection before each scheduled payment of the imputed costs and shall pay the
35 contractor at the rate specified for the contractor’s imputed costs in subsection (2)(b) of this section
36 only for work hours that apprentices performed on the public improvement in the interval since the
37 previous scheduled payment.

38 “(d) If a state contracting agency previously paid a contractor an amount that exceeds the
39 amount due the contractor under paragraph (b) or (c) of this subsection, the state contracting
40 agency shall notify the contractor in writing immediately and require the contractor to repay the
41 excess amount within 30 days after receiving the notice.

42 “(9) A state contracting agency by rule shall specify a procedure under which a contractor may
43 dispute the state contracting agency’s determination under subsection (8)(a) of this section.

44 “(10) This section does not apply to the Department of Transportation or to a public improve-
45 ment contract that a contractor enters into with the department.

1 “**SECTION 4.** (1) Section 2 of this 2013 Act applies to public improvement contracts that
2 a state contracting agency other than the Department of Transportation first advertises or
3 otherwise solicits or, if the state contracting agency does not advertise or solicit the public
4 improvement contract, to public improvement contracts that the state contracting agency
5 enters into on or after the operative date specified in section 5 (1) of this 2013 Act.

6 “(2) The amendments to section 2 of this 2013 Act by section 3 of this 2013 Act apply to
7 public improvement contracts that a state contracting agency other than the Department
8 of Transportation first advertises or otherwise solicits or, if the state contracting agency
9 does not advertise or solicit the public improvement contract, to public improvement con-
10 tracts that the state contracting agency enters into on or after the operative date specified
11 in section 5 (2) of this 2013 Act.

12 “**SECTION 5.** (1) Section 2 of this 2013 Act becomes operative January 1, 2014.

13 “(2) The amendments to section 2 of this 2013 Act by section 3 of this 2013 Act become
14 operative January 1, 2018.

15 “(3) The Attorney General, the Director of the Oregon Department of Administrative
16 Services or a state contracting agency that adopts rules under ORS 279A.065 may take any
17 action before the operative date specified in subsection (1) of this section that is necessary
18 to enable the Attorney General, the director or the state contracting agency to exercise, on
19 and after the operative date specified in subsection (1) of this section, all of the duties,
20 functions and powers conferred on the Attorney General, the director or the state con-
21 tracting agency by section 2 of this 2013 Act.

22 “**SECTION 6.** This 2013 Act being necessary for the immediate preservation of the public
23 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect
24 on its passage.”.

25
