

**PROPOSED AMENDMENTS TO
HOUSE BILL 3115**

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the
2 line and line 3 and insert “279C.850; appropriating money; and declaring an
3 emergency.”.

4 Delete lines 5 through 19 and delete pages 2 through 10.

5 On page 11, delete lines 1 through 4 and insert:

6 **“SECTION 1. Sections 2 and 6 of this 2013 Act are added to and
7 made a part of ORS chapter 279C.**

8 **“SECTION 2. (1) As used in this section:**

9 **“(a)(A) ‘Apprentice’ has the meaning given that term in ORS
10 660.010.**

11 **“(B) ‘Apprentice’ does not include a youth apprentice as described
12 in ORS 344.745 and 344.750.**

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

15 **“(2) In specifications and solicitation documents for every procure-
16 ment for a public improvement that a state contracting agency antic-
17 ipates will have a total contract price that exceeds \$5 million, the state
18 contracting agency shall notify prospective bidders and proposers that
19 the state contracting agency will require each contractor and subcon-
20 tractor to employ apprentices who are participating in programs of
21 apprenticeship and training under ORS 660.002 to 660.210 for at least
22 10 percent of the total work hours that workers in apprenticeable oc-**

1 occupations perform, as applicable, on the entire public improvement or
2 under each contract or subcontract for the public improvement that
3 has a contract price that exceeds \$500,000.

4 “(3) Except as provided in subsection (7) of this section, each public
5 improvement contract between a state contracting agency and a con-
6 tractor that has a contract price that exceeds \$500,000 and is part of
7 a public improvement for which the total contract price exceeds \$5
8 million shall provide that:

9 “(a) Each contractor shall employ apprentices that are participating
10 in programs of apprenticeship and training under ORS 660.002 to
11 660.210 for at least 10 percent of the total work hours that workers in
12 apprenticeable occupations perform on the public improvement; and

13 “(b) Each contractor, in each subcontract for which the contract
14 price exceeds \$500,000, shall require the subcontractor to employ ap-
15 prentices that are participating in programs of apprenticeship and
16 training under ORS 660.002 to 660.210 for at least 10 percent of the total
17 work hours that workers in apprenticeable occupations perform on the
18 public improvement.

19 “(4)(a) A state contracting agency shall retain an amount equiv-
20 alent to not more than three percent of the amount due a contractor
21 under a contract for an entire public improvement or, as appropriate,
22 under each contract or subcontract for the public improvement.
23 Within 10 days after the contractor completes the public improvement,
24 or within the time otherwise specified in the public improvement
25 contract, the state contracting agency shall pay the contractor the
26 amount the state contracting agency retained, less \$20 for each hour
27 in which the contractor or a subcontractor that is subject to this
28 section did not employ an apprentice for work that an apprentice must
29 perform under subsection (3) of this section.

30 “(b) A state contracting agency shall immediately pay into the

1 State Apprenticeship Education and Training Fund any moneys that
2 remain after the state contracting agency pays the amount due a
3 contractor from amounts the state contracting agency retained under
4 paragraph (a) of this subsection.

5 “(5) Each contractor or subcontractor that is subject to the re-
6 quirement set forth in subsection (3) of this section shall post notices
7 of the requirement in conspicuous and accessible places in or around
8 the construction site for the public improvement. The notices must
9 describe the requirement and contain information about how to report
10 a violation of the requirement to the Commissioner of the Bureau of
11 Labor and Industries and where to obtain further information.

12 “(6) A person may not take any action to circumvent the require-
13 ments set forth in this section including, but not limited to, struc-
14 turing the work performed on a public improvement so as to avoid
15 employing workers in apprenticeable occupations.

16 “(7)(a) The requirement to employ apprentices in accordance with
17 subsection (3) of this section does not apply to:

18 “(A) A business that is certified as a disadvantaged, minority,
19 women or emerging small business enterprise under ORS 200.055 if the
20 business has existed for less than five years; or

21 “(B) The Department of Transportation, except that:

22 “(i) The department must have in the department’s public im-
23 provement contracts requirements that are substantially similar to the
24 requirement set forth in subsection (3) of this section or that require
25 a contractor to employ a higher percentage of apprentices to perform
26 work on the public improvement than the percentage set forth in
27 subsection (3) of this section; and

28 “(ii) The department is subject to the requirements set forth in ORS
29 279C.850 and section 6 of this 2013 Act.

30 “(b) This section applies to the State Board of Higher Education,

1 to the Oregon University System as described in ORS 351.011, to a
2 public university listed in ORS 352.002 as of January 1, 2013, and to a
3 community college as defined in ORS 341.005.

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

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

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

7 “(B) ‘Apprentice’ does not include a youth apprentice as described in ORS
8 344.745 and 344.750.

9 “(b) ‘Apprenticeable occupation’ has the meaning given that term in ORS
10 660.010.

11 “(2) In specifications and solicitation documents for every procurement
12 for a public improvement that a state contracting agency anticipates will
13 have a total contract price that exceeds [*\$5 million*] **\$3 million**, the state
14 contracting agency shall notify prospective bidders and proposers that the
15 state contracting agency will require each contractor and subcontractor to
16 employ apprentices who are participating in programs of apprenticeship and
17 training under ORS 660.002 to 660.210 for at least [*10*] **15** percent of the total
18 work hours that workers in apprenticeable occupations perform, as applica-
19 ble, on the entire public improvement or under each contract or subcontract
20 for the public improvement that has a contract price that exceeds [*\$500,000*]
21 **\$300,000**.

22 “(3) Except as provided in subsection (7) of this section, each public im-
23 provement contract between a state contracting agency and a contractor that
24 has a contract price that exceeds [*\$500,000*] **\$300,000** and is part of a public
25 improvement for which the total contract price exceeds [*\$5 million*] **\$3**
26 **million** shall provide that:

27 “(a) Each contractor shall employ apprentices that are participating in
28 programs of apprenticeship and training under ORS 660.002 to 660.210 for at
29 least [*10*] **15** percent of the total work hours that workers in apprenticeable
30 occupations perform on the public improvement; and

1 “(b) Each contractor, in each subcontract for which the contract price
2 exceeds [~~\$500,000~~] **\$300,000**, shall require the subcontractor to employ ap-
3 prentices that are participating in programs of apprenticeship and training
4 under ORS 660.002 to 660.210 for at least [~~10~~] **15** percent of the total work
5 hours that workers in apprenticeable occupations perform on the public im-
6 provement.

7 “(4)(a) A state contracting agency shall retain, from amounts due to a
8 contractor under a public improvement contract, \$20 for each hour in which
9 the contractor or a subcontractor that is subject to this section does not
10 employ an apprentice for work that an apprentice must perform under sub-
11 section (3) of this section, up to a maximum of three percent of the contract
12 price for, as appropriate, the entire public improvement or a contract or
13 subcontract for the public improvement.

14 “(b) If the contractor or a subcontractor meets the requirement set forth
15 in subsection (3) of this section before completing the public improvement,
16 the state contracting agency shall pay to the contractor the amount the state
17 contracting agency retains under paragraph (a) of this subsection.

18 “(c) At the time a public improvement is completed, a state contracting
19 agency shall pay into the State Apprenticeship Education and Training Fund
20 moneys that the state contracting agency retained under paragraph (a) of
21 this subsection and did not pay to the contractor under paragraph (b) of this
22 subsection.

23 “(5) Each contractor or subcontractor that is subject to the requirement
24 set forth in subsection (3) of this section shall post notices of the require-
25 ment in conspicuous and accessible places in or around the construction site
26 for the public improvement. The notices must describe the requirement and
27 contain information about how to report a violation of the requirement to
28 the Commissioner of the Bureau of Labor and Industries and where to obtain
29 further information.

30 “(6) A person may not take any action to circumvent the requirements set

1 forth in this section including, but not limited to, structuring the work per-
2 formed on a public improvement so as to avoid employing workers in
3 apprenticeable occupations.

4 “(7)(a) The requirement to employ apprentices in accordance with sub-
5 section (3) of this section does not apply to:

6 “(A) A business that is certified as a disadvantaged, minority, women or
7 emerging small business enterprise under ORS 200.055 if the business has
8 existed for less than five years; or

9 “(B) The Department of Transportation, except that:

10 “(i) The department must have in the department’s public improvement
11 contracts requirements that are substantially similar to the requirement set
12 forth in subsection (3) of this section or that require a contractor to employ
13 a higher percentage of apprentices to perform work on the public improve-
14 ment than the percentage set forth in subsection (3) of this section; and

15 “(ii) The department is subject to the requirements set forth in ORS
16 279C.850 and section 6 of this 2013 Act.

17 “(b) This section applies to the State Board of Higher Education, to the
18 Oregon University System as described in ORS 351.011, to a public university
19 listed in ORS 352.002 as of January 1, 2013, and to a community college as
20 defined in ORS 341.005.

21 **“SECTION 4. Section 5 of this 2013 Act is added to and made a part**
22 **of ORS 660.002 to 660.210.**

23 **“SECTION 5. (1) The State Apprenticeship Education and Training**
24 **Fund is established in the State Treasury, separate and distinct from**
25 **the General Fund. The moneys in the State Apprenticeship Education**
26 **and Training Fund consist of amounts that state contracting agencies**
27 **retain from public improvement contracts and do not pay to contrac-**
28 **tors in accordance with section 2 of this 2013 Act.**

29 **“(2) Moneys in the State Apprenticeship Education and Training**
30 **Fund may be invested as provided in ORS 293.701 to 293.820. Interest**

1 from any source derived from investing the moneys of the fund must
2 be credited to the fund.

3 “(3) The moneys in the State Apprenticeship Education and Train-
4 ing Fund are continuously appropriated to the State Apprenticeship
5 and Training Council for the purposes of:

6 “(a) Making grants on a competitive basis and in conformance with
7 a plan adopted under ORS 279C.807 to programs that directly provide
8 career and technical education for occupations prevalent in the con-
9 struction and manufacturing industries. The council may consult the
10 Department of Education in determining which programs should re-
11 ceive grants.

12 “(b) Overseeing and monitoring apprenticeship education and
13 training programs, including programs identified in paragraph (a) of
14 this subsection, for compliance with applicable rules, standards and
15 laws.

16 “(4) The council may make grants from the State Apprenticeship
17 Education and Training Fund for the purposes described in subsection
18 (3)(a) of this section to:

19 “(a) Apprenticeship education and training programs, direct entry
20 programs, and preapprenticeship and youth apprenticeship programs
21 that are registered with the council;

22 “(b) Public school districts and education service districts; or

23 “(c) Public post-secondary educational institutions.

24 “SECTION 6. (1) A public improvement contract between a state
25 contracting agency and a contractor shall provide that a contractor
26 or subcontractor that is subject to section 2 of this 2013 Act, or the
27 contractor or subcontractor’s surety, shall submit to the state con-
28 tracting agency the statements described in ORS 279C.845, even if the
29 public improvement is not otherwise subject to the provisions of ORS
30 279C.800 to 279C.870. Statements that a contractor or subcontractor

1 submits to a state contracting agency under this subsection, in addi-
2 tion to the information required under ORS 279C.845, must include
3 each worker's apprenticeship agreement registration number, if the
4 worker has a number.

5 “(2) A state contracting agency, using the information included in
6 the statements described in subsection (1) of this section, shall total
7 and compare the number of work hours that workers in apprenticeable
8 occupations performed under a public improvement contract with the
9 number of work hours that apprentices performed under the public
10 improvement contract to verify the extent to which the contractor or
11 subcontractor complied with the requirements set forth in section 2
12 of this 2013 Act.”.

13 In line 5, delete “14” and insert “7”.

14 In line 7, after “performing” insert “work under a public improvement
15 contract or on”.

16 In line 12, delete “4” and insert “2” and after “Act” insert “for work un-
17 der a public improvement contract”.

18 In line 14, after “work” insert “under a public improvement contract
19 or”.

20 In line 19, delete “4” and insert “2”.

21 In line 20, after “Act” insert “for work under a public improvement con-
22 tract”.

23 Delete lines 31 through 45 and delete page 12 and insert:

24 **“SECTION 8. (1) Sections 2, 5 and 6 of this 2013 Act and the**
25 **amendments to ORS 279C.850 by section 7 of this 2013 Act become op-**
26 **erative January 1, 2014.**

27 **“(2) The amendments to section 2 of this 2013 Act by section 3 of**
28 **this 2013 Act become operative January 1, 2017, and apply to public**
29 **improvement contracts that a state contracting agency first advertises**
30 **or otherwise solicits on or after January 1, 2017, or, if the state con-**

1 **tracting agency does not advertise or solicit the public improvement**
2 **contract, to a public improvement contract into which the state con-**
3 **tracting agency first enters on or after January 1, 2017.**

4 **“(3) Sections 2, 5 and 6 of this 2013 Act and the amendments to ORS**
5 **279C.850 by section 7 of this 2013 Act apply to public improvement**
6 **contracts that a state contracting agency first advertises or otherwise**
7 **solicits on or after the operative date specified in subsection (2) of this**
8 **section or, if the state contracting agency does not advertise or solicit**
9 **the public improvement contract, to a public improvement contract**
10 **into which the state contracting agency first enters on or after the**
11 **operative date specified in subsection (2) of this section.**

12 **“(4) A state contracting agency that adopts rules under ORS**
13 **279A.065 may take any action before the operative date specified in**
14 **subsection (2) of this section that is necessary to enable the state**
15 **contracting agency to exercise, on and after the operative date speci-**
16 **fied in subsection (2) of this section, all of the duties, functions and**
17 **powers conferred on the state contracting agency by sections 2, 5 and**
18 **6 of this 2013 Act and the amendments to ORS 279C.850 by section 7**
19 **of this 2013 Act.**

20 **“SECTION 9. This 2013 Act being necessary for the immediate**
21 **preservation of the public peace, health and safety, an emergency is**
22 **declared to exist, and this 2013 Act takes effect on its passage.”.**

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