

**PROPOSED AMENDMENTS TO
SENATE BILL 782**

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
3 price exceeds \$5 million that the contractor employ apprentices to perform
4 10 percent of the work hours that workers in apprenticeable occupations
5 perform on the public improvement.”.

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

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

10 In line 11, delete “a subcontractor” and insert “one or more subcontrac-
11 tors”.

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

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

14 In line 8, delete “section or”.

15 Delete lines 10 through 25 and insert:

16 “(10) This section does not apply to the Department of Transportation or
17 to a public improvement contract that a contractor enters into with the de-
18 partment.

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

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

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

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

1 660.010.

2 “(c) ‘Apprenticeship agreement’ has the meaning given that term in ORS
3 660.010.

4 “(d) ‘Apprenticeship training program’ means the total system of appren-
5 ticeship that a particular local joint committee, as defined in ORS 660.010,
6 operates, including the local joint committee’s registered standards and all
7 other terms and conditions for qualifying, recruiting, selecting, employing
8 and training apprentices in an apprenticeable occupation.

9 “(2) A state contracting agency shall:

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

14 “(b) Provide in the public improvement contract that, subject to sub-
15 section (4) of this section, the state contracting agency will pay the con-
16 tractor at a rate of \$20 per hour for imputed costs the contractor incurs in
17 having apprentices perform work on the public improvement.

18 “(3) A contractor or subcontractor shall pay an apprentice for work on
19 the public improvement at the hourly rate to which the apprentice is entitled
20 under an apprenticeship agreement or that the apprenticeship training pro-
21 gram specifies.

22 “(4) A state contracting agency shall provide in the public improvement
23 contract that the state contracting agency will pay a contractor at the rate
24 specified in subsection (2)(b) of this section for the total number of work
25 hours that apprentices perform on a public improvement.

26 “(5) Subject to the terms of the public improvement contract, a contractor
27 on a public improvement may decide the locations in which, the types of
28 work for which and other details concerning how the contractor employs
29 apprentices for work on the public improvement. The contractor may meet
30 the requirement set forth in subsection (2)(a) of this section by requiring one

1 or more subcontractors to employ apprentices for work on the public im-
2 provement.

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

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

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

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

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

29 “(b) The state contracting agency, in accordance with the limitations set
30 forth in subsection (4) of this section, shall pay the contractor at the rate

1 specified for the contractor's imputed costs in subsection (2)(b) of this section
2 only for work hours that apprentices performed on the public improvement.

3 “(c) If the state contracting agency pays the contractor for the
4 contractor's imputed costs of complying with the requirement in subsection
5 (2)(a) of this section in regular installments or at periodic intervals, the state
6 contracting agency shall make the determination required under paragraph
7 (a) of this subsection before each scheduled payment of the imputed costs and
8 shall pay the contractor at the rate specified for the contractor's imputed
9 costs in subsection (2)(b) of this section only for work hours that apprentices
10 performed on the public improvement in the interval since the previous
11 scheduled payment.

12 “(d) If a state contracting agency previously paid a contractor an amount
13 that exceeds the amount due the contractor under paragraph (b) or (c) of this
14 subsection, the state contracting agency shall notify the contractor in writ-
15 ing immediately and require the contractor to repay the excess amount
16 within 30 days after receiving the notice.

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

20 “(10) This section does not apply to the Department of Transportation or
21 to a public improvement contract that a contractor enters into with the de-
22 partment.

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

30 **“(2) The amendments to section 2 of this 2013 Act by section 3 of**

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

7 **“SECTION 5. (1) Section 2 of this 2013 Act becomes operative Jan-
8 uary 1, 2014.**

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

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

20 **“SECTION 6. 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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