

HOUSE AMENDMENTS TO HOUSE BILL 2162

By COMMITTEE ON BUSINESS AND LABOR

April 18

1 On page 1 of the printed bill, delete lines 6 through 26 and delete page 2.

2 On page 3, delete lines 1 through 20 and insert:

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

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

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

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

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

11 **“(2) A state contracting agency shall require in each public improvement contract for**
12 **which the contract price exceeds \$5 million that the contractor employ apprentices to per-**
13 **form 10 percent of the work hours that workers in apprenticeable occupations perform on**
14 **the public improvement.**

15 **“(3) A contractor or subcontractor shall pay an apprentice for work on the public im-**
16 **provement at the hourly rate to which the apprentice is entitled under an apprenticeship**
17 **agreement or that the apprenticeship training program specifies.**

18 **“(4) Subject to the terms of the public improvement contract, a contractor on a public**
19 **improvement may decide the locations in which, the types of work for which and other de-**
20 **tails concerning how the contractor employs apprentices for work on the public improve-**
21 **ment. The contractor may meet the requirement set forth in subsection (2) of this section**
22 **by requiring one or more subcontractors to employ apprentices for work on the public im-**
23 **provement.**

24 **“(5) A contractor shall report the extent of the contractor’s compliance with this section**
25 **to the state contracting agency on forms, with contents the state contracting agency speci-**
26 **fies by rule, and at regular intervals that the state contracting agency specifies in the public**
27 **improvement contract. The forms and the contents that the state contracting agency**
28 **specifies must include, at a minimum, a report in which the contractor provides a detailed**
29 **accounting of the total number of work hours each month and the cumulative total number**
30 **of work hours since the public improvement contract term began in which:**

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

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

34 **“(6) At least 30 days before making any final payment to a contractor under a public**
35 **improvement contract, a state contracting agency shall determine the extent of the**

1 contractor's compliance with the requirement in subsection (2) of this section. The state
2 contracting agency shall base the determination on the ratio between the actual number of
3 work hours that workers in apprenticeable occupations performed on the public improvement
4 and the actual number of work hours that apprentices performed on the public improvement,
5 as shown in reports the state contracting agency receives under subsection (5) of this sec-
6 tion.

7 “(7) This section does not apply to:

8 “(a) The Department of Transportation or a public improvement contract that a con-
9 tractor enters into with the department; or

10 “(b) A public contract that a state contracting agency enters into under ORS 279B.080.

11 “SECTION 3. Section 2 of this 2017 Act is amended to read:

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

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

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

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

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

20 “(2) A state contracting agency shall require in each public improvement contract for which the
21 contract price exceeds [*\$5 million*] **\$3 million** that the contractor employ apprentices to perform
22 [10] **12** percent of the work hours that workers in apprenticeable occupations perform on the public
23 improvement.

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

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

32 “(5) A contractor shall report the extent of the contractor’s compliance with this section to the
33 state contracting agency on forms, with contents the state contracting agency specifies by rule, and
34 at regular intervals that the state contracting agency specifies in the public improvement contract.
35 The forms and the contents that the state contracting agency specifies must include, at a minimum,
36 a report in which the contractor provides a detailed accounting of the total number of work hours
37 each month and the cumulative total number of work hours since the public improvement contract
38 term began in which:

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

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

41 “(6) At least 30 days before making any final payment to a contractor under a public improve-
42 ment contract, a state contracting agency shall determine the extent of the contractor’s compliance
43 with the requirement in subsection (2) of this section. The state contracting agency shall base the
44 determination on the ratio between the actual number of work hours that workers in apprenticeable
45 occupations performed on the public improvement and the actual number of work hours that ap-

1 prentices performed on the public improvement, as shown in reports the state contracting agency
2 receives under subsection (5) of this section.

3 “(7) This section does not apply to:

4 “(a) The Department of Transportation or a public improvement contract that a contractor en-
5 ters into with the department; or

6 “(b) A public contract that a state contracting agency enters into under ORS 279B.080.”.

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