

# Enrolled Senate Bill 455

Sponsored by Senator BEYER; Senator MANNING JR, Representatives HOLVEY, SOLLMAN (Pre-session filed.)

CHAPTER .....

## AN ACT

Relating to higher education contracting; creating new provisions; and amending ORS 352.629.

### Be It Enacted by the People of the State of Oregon:

**SECTION 1.** ORS 352.629 is amended to read:

352.629. (1) As used in this section:

(a) "Apprentice" has the meaning given that term in ORS 660.010.

[(b) "Apprenticeable occupation" has the meaning given that term in ORS 660.010.]

[(c) "Apprenticeship training program" means the total system of apprenticeship that a particular local joint committee, as defined in ORS 660.010, operates, including the local joint committee's registered standards and all other terms and conditions for qualifying, recruiting, selecting, employing and training apprentices in an apprenticeable occupation.]

**(b) "Community college" means a community college as defined in ORS 341.005 or a community college district as defined in ORS 341.005.**

**(c) "Institution of higher education" means a public university listed in ORS 352.002, a community college or the Oregon Health and Science University.**

(d) "Minority individual" has the meaning given that term in ORS 200.005.

(e) "Qualified contracts":

**(A)** Means contracts that:

[(A)] **(i)** Are for improvements to real property [*in connection with the University of Oregon Campus for Accelerating Scientific Impact*];

[(B)] **(ii)** Have a cost that, at the time the contract is executed, is estimated to be greater than [\$200,000;] **\$8 million**; and

[(C)] **(iii)** Are to be paid, **in whole or in part**, from proceeds of bonds issued [*under Article XI-G of the Oregon Constitution*] **by the State of Oregon.**

**(B) Does not include contracts for purchase or installation of specialty medical or research equipment or any necessary related personal property or fixtures sold or installed by a vendor of such equipment.**

(f) "Woman" has the meaning given that term in ORS 200.005.

**(2) An institution of higher education may not award a qualified contract to a prospective contractor unless the prospective contractor is a training agent as defined in ORS 660.010.**

[(2)] **(3) [The University of Oregon] Except as provided in subsection (5) of this section, an institution of higher education, in all qualified contracts, shall require contractors to:**

*[(a) Employ apprentices to perform 15 percent of the work hours that workers in apprenticeable occupations perform under the contract, in a manner consistent with the apprentices' respective apprenticeship training programs;]*

**(a) Award each subcontract with an estimated cost of at least \$200,000 only to a subcontractor who is a training agent as defined in ORS 660.010;**

**(b) Establish and execute a plan for outreach, recruitment and retention of women and minority individuals to perform work under the contract; and**

**(c) Require any subcontractors engaged by the contractors to abide by the requirements set forth in [paragraphs (a) and (b)] **paragraph (b)** of this subsection.**

**[(3)] (4) On or before February 1 of each year, [the University of Oregon] institutions of higher education with ongoing qualified contracts shall report to the Joint Committee on Ways and Means or Joint Interim Committee on Ways and Means on the amount of work performed by apprentices, women and minority individuals under qualified contracts.**

**(5) The requirements of subsection (3) of this section do not apply to a qualified contract if the institution of higher education determines that compliance with the requirements would, with respect to the qualified contract:**

**(a) Cause unreasonable expense or delay; or**

**(b) Limit the pool of bidders to fewer than three.**

**SECTION 2. (1) Except as provided in subsection (2) of this section, the amendments to ORS 352.629 by section 1 of this 2019 Act apply to contracts first advertised or otherwise solicited on or after January 1, 2021, or, for contracts not advertised or solicited, to contracts first entered into on or after January 1, 2021.**

**(2) For Portland State University, Oregon State University, the University of Oregon and the Oregon Health and Science University, the amendments to ORS 352.629 by section 1 of this 2019 Act apply to contracts first advertised or otherwise solicited on or after January 1, 2020, or, for contracts not advertised or solicited, to contracts first entered into on or after January 1, 2020.**

**Passed by Senate June 6, 2019**

.....  
Lori L. Brocker, Secretary of Senate

.....  
Peter Courtney, President of Senate

**Passed by House June 18, 2019**

.....  
Tina Kotek, Speaker of House

**Received by Governor:**

.....M.,....., 2019

**Approved:**

.....M.,....., 2019

.....  
Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2019

.....  
Bev Clarno, Secretary of State