On page 2 of the printed A-engrossed bill, line 6, delete “, Polk and Yamhill Counties” and insert “County”.

In line 7, delete “and Linn” and insert “, Linn, Polk and Yamhill”.

On page 3, delete lines 9 through 45.

On page 4, delete line 1 and insert:

"SECTION 2. ORS 279C.815 is amended to read:

"279C.815. (1) As used in this section:

"(a) 'Bona fide rate of wage' means a rate of wage that a labor organization certifies in writing to the Commissioner of the Bureau of Labor and Industries is applicable to at least 50 percent of the labor organization’s membership in each trade or occupation within a locality.

"(b) 'Person' means an employer, a labor organization or an official representative of an employee or employer association.

"(c) 'Region 1' means a locality that is within District 2, District 3 or District 5.

"(d) 'Region 2' means a locality that is outside District 2, District 3 or District 5.

"(2)(a) The commissioner of the Bureau of Labor and Industries at least once each year shall determine in accordance with paragraph (b) of this subsection the prevailing rate of wage for workers in each trade or occupation in each locality described in ORS 279C.800 by means of an independent wage survey and shall make this information available at least twice each year. The commissioner may amend the rate at any time.

"(b) The prevailing rate of wage for a trade or occupation in a locality is:

"(A) In Region 1, the bona fide rate of wage set forth in the collective bargaining agreement for the trade or occupation in the locality or, if more than one collective bargaining agreement covers a trade or occupation in the locality, the average of the bona fide rate of wage set forth in the collective bargaining agreements for the trade or occupation in the locality; and

"(B) In Region 2, 85 percent of the bona fide rate of wage set forth in the collective bargaining agreement for the trade or occupation in the locality or, if more than one collective bargaining agreement covers a trade or occupation in the locality, 85 percent of the average of the bona fide rate of wage set forth in the collective bargaining agreements for the trade or occupation in the locality.

"[(b)] (e) [If the data derived only from the survey described in paragraph (a) of this subsection appear to the commissioner to be insufficient to determine the prevailing rate of wage, the commissioner shall] If a collective bargaining agreement does not exist for a trade or occupation in a lo-
cality, the commissioner shall determine the prevailing rate of wage by conducting an inde-
pendent wage survey in the locality. The commissioner may also consider additional
information such as [collective bargaining agreements,] other independent wage surveys and the pre-
vailing rates of wage determined by appropriate federal agencies or agencies of adjoining states. If
there is not a wage survey under this paragraph does not show that a majority in the same
trade or occupation is paid at the same rate, the average rate of hourly wage, including all fringe
benefits, paid in the locality to workers in the same trade or occupation is the prevailing rate. If
the wage a contractor or subcontractor pays to workers on a public works is based on a period of
time other than an hour, the hourly wage must be mathematically determined by the number of
hours worked in that period of time.

“(3) A person shall make reports and returns to the Bureau of Labor and Industries that the
commissioner requires to determine the prevailing rates of wage, using forms the bureau provides
and within the time the commissioner prescribes. The person or an authorized representative of the
person shall certify to the accuracy of the reports and returns.

“(4) Notwithstanding ORS 192.311 to 192.478, reports and returns or other information provided
to the commissioner under this section are confidential and not available for inspection by the public.

“(5) The commissioner may enter into a contract with a public or private party to obtain data
and information the commissioner needs to determine the prevailing rate of wage. The contract may
provide for the manner and extent of the [market] review of affected trades and occupations and for
other requirements regarding timelines of reports, accuracy of data and information and supervision
and review as the commissioner prescribes.

“(6) The commissioner may adopt rules to implement the provisions of this section after
notifying, and seeking participation in the rulemaking process from, persons the rulemaking
will affect, local governments and other participants the commissioner deems necessary.

"SECTION 3. The Commissioner of the Bureau of Labor and Industries shall report not
later than September 1, 2023, to the Legislative Assembly in accordance with ORS 192.245
concerning the implementation of the determinations of prevailing rate of wage under the
amendments to ORS 279C.815 by section 2 of this 2021 Act. In the report, the commissioner
at a minimum shall discuss and explain any effect on wage rates that the commissioner did
not anticipate, any difficulties or problems in implementation and any unintended conse-
quences of the implementation.

"SECTION 4. Section 3 of this 2021 Act is repealed on January 2, 2024."

In line 2, delete “3” and insert “5”.
In line 6, delete “4” and insert “6”.
In line 7, delete “4” and insert “6”.
In line 15, delete “5” and insert “7”.

/s/ Daniel Bonham
Representative

/s/ Jack Zika
Representative