

# Senate Bill 839

Sponsored by Senator DEMBROW, Representative HOLVEY

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits Public Utility Commission from acknowledging in integrated resource plan, or allowing in customer rates, costs of investment in or upgrade of renewable energy facility, or certain contracts to acquire electricity, unless energy proposed to be acquired is generated by renewable energy facility constructed in compliance with certain labor standards. Sets forth labor standards for construction of renewable energy facilities. Requires commission to adopt rules for implementation.

Requires commission and State Department of Energy, in coordination with Bureau of Labor and Industries, to adopt rules related to labor and workforce standards for renewable energy facilities.

## A BILL FOR AN ACT

1  
2 Relating to workforce standards for energy projects.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Sections 2 to 4 of this 2021 Act are added to and made a part of ORS chapter**  
5 **757.**

6 **SECTION 2. As used in sections 2 to 4 of this 2021 Act:**

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

8 (2) "Apprenticeable occupation" has the meaning defined in ORS 660.010.

9 (3) "Construction" means work performed on a site, excluding surveying, exploration or  
10 other activities to define or characterize the site, the cost of which exceeds \_\_\_\_\_.

11 (4) "Electric company" has the meaning given that term in ORS 757.600.

12 (5) "Electricity service supplier" has the meaning given that term in ORS 757.600.

13 (6) "Generating facility" includes one or more jointly operated electricity generators that  
14 use the same fuel type, have the same in-service date and operate at the same location.

15 (7) "Long-term financial commitment" means an investment in or upgrade of a renewable  
16 energy facility, or a contract with a term of more than five years, beginning on the date on  
17 which the contract is executed, that includes acquisition of electricity.

18 (8) "Renewable energy facility" means a generating facility that is powered exclusively  
19 by renewable energy sources described in ORS 469A.025.

20 (9) "Site" means any proposed location of a renewable energy facility and related or  
21 supporting facilities.

22 **SECTION 3. (1) The Public Utility Commission may not acknowledge in an integrated**  
23 **resource plan, or allow in customer rates, the costs of a long-term financial commitment by**  
24 **an electric company or an electricity service supplier unless the renewable energy proposed**  
25 **to be acquired under the commitment is produced by a renewable energy facility demon-**  
26 **strated by the electric company or electricity service supplier to be constructed in compli-**  
27 **ance with the labor standards established under subsection (2) of this section.**

28 (2) The primary contractor and subcontractors in all tiers participating in the con-

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **struction of a renewable energy facility:**

2 (a) **Shall pay the prevailing rate of wage for an hour’s work in the same trade or occu-**  
 3 **ation in the locality where the labor is performed;**

4 (b) **Shall offer health care and retirement benefits to the employees performing the labor**  
 5 **on the construction project;**

6 (c) **Shall participate in an apprenticeship program registered with the State Apprentic-**  
 7 **ship and Training Council;**

8 (d) **Must demonstrate a history of compliance with federal and state laws, including but**  
 9 **not limited to wage and hour laws;**

10 (e) **Must demonstrate that all workers performing work in an apprenticeable occupation**  
 11 **are either journeypersons or apprentices;**

12 (f) **Shall employ apprentices to perform 15 percent of the work hours that workers in**  
 13 **apprenticeable occupations perform under the construction contract, in a manner consistent**  
 14 **with the apprentices’ respective apprenticeship training programs;**

15 (g) **Must establish and execute a plan for outreach, recruitment and retention of women,**  
 16 **minority individuals and veterans to perform work under the contract, with the aspirational**  
 17 **target of having at least 15 percent of total work hours performed by individuals in one or**  
 18 **more of those groups; and**

19 (h) **Must provide monthly reporting during the course of the construction project dem-**  
 20 **onstrating compliance with the requirements of paragraphs (a) to (g) of this subsection.**

21 (3) **This section does not apply to renewable energy produced by a renewable energy fa-**  
 22 **ility constructed before the effective date of this 2021 Act.**

23 (4) **The commission shall revoke the certification under ORS 757.649 of an electricity**  
 24 **service supplier entering into a long-term financial commitment to serve customers in this**  
 25 **state if renewable electricity acquired under the commitment is produced by a renewable**  
 26 **energy facility that was not constructed in compliance with the labor standards established**  
 27 **under subsection (2) of this section.**

28 (5) **The commission shall adopt rules for the implementation of this section. In adopting**  
 29 **rules, the commission shall consult with the Bureau of Labor and Industries and the State**  
 30 **Department of Energy.**

31 (6) **Within 90 days of application by an electric company or electricity service supplier,**  
 32 **the commission shall determine whether the electric company’s or electricity service**  
 33 **supplier’s proposal to enter into a long-term financial commitment complies with the labor**  
 34 **standards established under subsection (2) of this section.**

35 **SECTION 4. (1) The Public Utility Commission and the State Department of Energy, in**  
 36 **coordination with the Bureau of Labor and Industries, shall:**

37 (a) **Adopt rules for the use of project labor agreements by the primary contractor and**  
 38 **subcontractors in all tiers participating in the construction of a renewable energy facility in**  
 39 **this state where the work performed exceeds \_\_\_\_\_; and**

40 (b) **Adopt by rule a range of workforce equity goals, based on project size, for the hiring**  
 41 **and retention of women and nonbinary people, Black, Indigenous and other people of color**  
 42 **and local residents in the development of renewable energy facilities.**

43 (2) **In adopting rules under this section, the commission, department and bureau shall**  
 44 **consult with:**

45 (a) **Labor unions and their representatives; and**

