Senate Bill 801

Sponsored by Senator GORSEK

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.

Removes Department of Transportation exemption from apprenticeship utilization standards for public improvement contracts.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to apprenticeship utilization in Department of Transportation public contracts; creating new provisions; amending ORS 279C.533; and prescribing an effective date.

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

SECTION 1. ORS 279C.533 is amended to read:

279C.533. (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 agreement” has the meaning given that term in ORS 660.010.

(d) “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.

(2) A state contracting agency shall provide in each public improvement contract for which the contract price exceeds $3 million that the contractor shall:

(a) Employ apprentices to perform 12 percent of the work hours that workers in apprenticeable occupations perform on the public improvement; and

(b) Require in each subcontract for which the contract price exceeds the lesser of $1 million or 25 percent of the price of the contract that the subcontractor employ apprentices to perform 12 percent of the work hours that workers in apprenticeable occupations perform on the subcontract.

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

(4) Subject to the terms of the public improvement contract, a contractor on a public improvement may decide the locations in which, the types of work for which and other details concerning how the contractor employs apprentices for work on the public improvement. The contractor may meet the requirement set forth in subsection (2) of this section by requiring one or more subcontractors to employ apprentices for work on the public improvement.

(5) A contractor shall report the extent of the contractor’s compliance with this section to the state contracting agency on forms, with contents the state contracting agency specifies by rule, and at regular intervals that the state contracting agency specifies in the public improvement contract.

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.

LC 1817
The forms and the contents that the state contracting agency specifies must include, at a minimum, a report in which the contractor provides a detailed accounting of the total number of work hours each month and the cumulative total number of work hours since the public improvement contract term began in which:

(a) Workers in apprenticeable occupations performed work on the public improvement; and
(b) Apprentices performed work on the public improvement.

(6) At least 30 days before making any final payment to a contractor under a public improvement contract, a state contracting agency shall determine the extent of the contractor’s compliance with the requirement in subsection (2) of this section. The state contracting agency shall base the determination on the ratio between the actual number of work hours that workers in apprenticeable occupations performed on the public improvement and the actual number of work hours that apprentices performed on the public improvement, as shown in reports the state contracting agency receives under subsection (5) of this section.

(7) This section does not apply to:

[(a) The Department of Transportation or a public improvement contract that a contractor enters into with the department; or]

[(b) a public contract that a state contracting agency enters into under ORS 279B.080.]

SECTION 2. The amendments to ORS 279C.533 by section 1 of this 2023 Act apply to procurements that the Department of Transportation advertises or otherwise solicits or, if the department does not advertise or solicit the procurement, to public improvement contracts into which the department enters on or after the operative date specified in section 3 of this 2023 Act.

SECTION 3. (1) The amendments to ORS 279C.533 by section 1 of this 2023 Act become operative on January 1, 2024.

(2) The Director of Transportation may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the director, on and after the operative date specified in subsection (1) of this section, to undertake or exercise all of the duties, functions and powers conferred on the director by the amendments to ORS 279C.533 by section 1 of this 2023 Act.

SECTION 4. This 2023 Act takes effect on the 91st day after the date on which the 2023 regular session of the Eighty-second Legislative Assembly adjourns sine die.