

HOUSE AMENDMENTS TO HOUSE BILL 4080

By COMMITTEE ON BUSINESS AND LABOR

February 15

1 Delete pages 2 through 4 of the printed bill and insert:

2 **“SECTION 1. State policy. It is the policy of the State of Oregon to support ongoing en-**
3 **agement between offshore wind energy developers and:**

4 **“(1) The Southwestern Oregon Workforce Investment Board;**

5 **“(2) The Oregon International Port of Coos Bay;**

6 **“(3) The Port of Brookings Harbor;**

7 **“(4) The Port of Newport;**

8 **“(5) The Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, the Coquille**
9 **Indian Tribe and other Indian tribes impacted by offshore wind energy development that**
10 **want to engage in the offshore wind energy development process; and**

11 **“(6) Communities and organizations impacted by offshore wind energy development that**
12 **want to engage in the offshore wind energy development process.**

13 **“SECTION 2. State policy. It is the policy of the State of Oregon that the interconnection**
14 **of offshore energy projects to the Oregon coast electric grid be carried out in a manner that**
15 **promotes the reliability and resilience of this state’s electric system.**

16 **“SECTION 3. Offshore Wind Roadmap. (1) The Department of Land Conservation and**
17 **Development shall develop an Offshore Wind Roadmap that defines standards to be consid-**
18 **ered in the processes related to offshore wind energy development and approval. The stan-**
19 **dards defined in the Offshore Wind Roadmap must support:**

20 **“(a) Effective stakeholder engagement;**

21 **“(b) Local and regional coastal communities;**

22 **“(c) The creation of economic opportunities and sustainment of existing local and re-**
23 **gional economies;**

24 **“(d) The creation of an offshore wind energy workforce that is local, trained, housed and**
25 **equitable;**

26 **“(e) Protection of tribal cultural and archaeological resources, culturally significant**
27 **viewsheds and other interests of Indian tribes;**

28 **“(f) Protection of the environment and marine species; and**

29 **“(g) Achievement of state energy and climate policy objectives, including energy resource**
30 **diversity, reliability and resilience of state and regional energy systems.**

31 **“(2) The department shall conduct outreach and engagement with state agencies, local**
32 **governments and affected communities to support development of the Offshore Wind**
33 **Roadmap.**

34 **“(3) The department may solicit and accept gifts, grants, donations and other moneys**
35 **from public and private sources for the purpose of covering the costs of carrying out the**

1 provisions of this section. Moneys received as provided in this subsection are continuously
2 appropriated to the department for carrying out the provisions of this section.

3 “(4) The Land Conservation and Development Commission may adopt rules as necessary
4 to carry out the provisions of this section.

5 “SECTION 4. Assessment of enforceable policies. (1) The Department of Land Conserva-
6 tion and Development shall conduct an assessment of the state enforceable policies that may
7 be used in the federal consistency review of offshore wind energy leasing decisions and any
8 other actions related to offshore wind energy development off of the Oregon coast.

9 “(2) The assessment must focus on the adequacy of existing enforceable policies and
10 agency capacity to address reasonably foreseeable effects to state coastal uses and resources
11 that would result from offshore wind energy development.

12 “(3) The Land Conservation and Development Commission may adopt rules as necessary
13 to carry out the provisions of this section.

14 “SECTION 5. Report to Legislative Assembly. The Department of Land Conservation and
15 Development shall draft a report that summarizes the department’s activities in carrying out
16 sections 3 and 4 of this 2024 Act. The department shall submit the report in the manner
17 provided by ORS 192.245, and may include recommendations for legislation, administrative
18 policy and budget, to the interim committees of the Legislative Assembly related to marine
19 renewable energy and coastal resources no later than September 1, 2025.

20 “SECTION 6. Sunset. Section 5 of this 2024 Act is repealed on January 2, 2026.

21 “SECTION 7. State policy. It is the policy of the State of Oregon to promote economic
22 diversification and resilience in offshore wind energy development by ensuring that all de-
23 velopers and contractors involved in the construction, operation or maintenance of offshore
24 wind energy projects and the construction of a port development project that is necessary
25 for the development of offshore wind energy projects follow industry-leading strong labor and
26 supply chain standards.

27 “SECTION 8. Covered projects; standards. (1) As used in this section:

28 “(a) ‘Covered project’ means:

29 “(A) An offshore wind energy project.

30 “(B) A port development project necessary for the development of an offshore wind en-
31 ergy project.

32 “(C) A project related to manufacturing or supply chain that is located on port property
33 and facilitates the construction, operation or maintenance of an offshore wind energy
34 project.

35 “(b) ‘Lockout’ means any refusal by a developer or contractor to permit workers to work
36 as a result of a labor dispute with such workers.

37 “(c) ‘Port’ means a port formed under ORS 777.005 to 777.725 and 777.915 to 777.953 or
38 ORS chapter 778.

39 “(d) ‘Public moneys’ means moneys drawn from the State Treasury or any special or
40 trust fund of the state government, including any moneys appropriated by the state govern-
41 ment and transferred to any public body, as defined in ORS 174.109.

42 “(2) A developer or contractor that is involved in the construction, operation or mainte-
43 nance of a covered project shall:

44 “(a) Participate as a training agent, as defined in ORS 660.010, in an apprenticeship pro-
45 gram registered with the State Apprenticeship and Training Council to provide on-the-job

1 training opportunities for apprentices in apprenticeable occupations to perform work on the
2 covered project such that at least 15 percent of the work hours of each apprenticeable oc-
3 cupation is performed by apprentices;

4 “(b) Establish and execute a plan for outreach, recruitment and retention of women,
5 minority individuals and veterans to perform work on the covered project, with the
6 aspirational target of having at least 15 percent of total work hours performed by individuals
7 in one or more of those groups;

8 “(c) Pay wages to workers who perform work on the covered project at a rate that is no
9 less than the greater of:

10 “(A) The living wage for the locality or region where the work is performed;

11 “(B) The prevailing rate of wage that the Commissioner of the Bureau of Labor and In-
12 dustries determines under ORS 279C.815 for the trade or occupation in the locality where the
13 work is performed;

14 “(C) The minimum wage specified under the Service Contract Act (41 U.S.C. 351-401) for
15 the work, or similar work, in the locality where the work is performed; or

16 “(D) The wage specified under an applicable collective bargaining agreement, if any;

17 “(d) Offer employer-paid family health insurance and retirement benefits to workers who
18 perform work on the covered project;

19 “(e) Demonstrate a history of material compliance in the previous three years, or provide
20 available history for a new business, with federal and state wage and hour laws; and

21 “(f) Demonstrate a history of material compliance in the previous three years, or provide
22 available history for a new business, with the rules and other requirements of state agencies
23 with oversight regarding occupational safety and health.

24 “(3)(a) A developer or contractor that is involved in the construction, operation or
25 maintenance of a covered project shall require, in each contract entered into under the
26 covered project that uses \$250,000 or more in public moneys, that steel, iron, coatings for
27 steel and iron and manufactured products that a developer or contractor purchases for or
28 uses under the contract, and that become part of a permanent structure, must be produced
29 in the United States.

30 “(b) The requirements set forth in paragraph (a) of this subsection do not apply if:

31 “(A) The requirement is inconsistent with the public interest;

32 “(B) Steel, iron, coatings for steel and iron or manufactured products required for the
33 covered project are not produced in the United States in sufficient and reasonably available
34 quantities and with satisfactory quality; or

35 “(C) Using steel, iron, coatings for steel and iron or manufactured products produced in
36 the United States for the project will increase the cost of the covered project by more than
37 25 percent.

38 “(4) The developer or contractor shall periodically submit proof of compliance with the
39 requirements described in subsections (2) and (3) of this section. A copy of an executed
40 workforce development agreement, as described in subsection (5) of this section, may be
41 submitted as proof of compliance and shall be prima facie proof of compliance.

42 “(5) A developer or contractor may comply with the requirements described in sub-
43 sections (2) and (3) of this section by entering into a workforce development agreement that
44 covers the work performed on the covered project. The workforce development agreement
45 must provide for and include, at a minimum, the following:

1 “(a) A project labor agreement, as defined in 48 C.F.R. 52.222-34, as in effect on the ef-
2 fective date of this 2024 Act. The project labor agreement must cover all workers who per-
3 form work on the covered project who are covered by the Davis-Bacon Act (40 U.S.C. 3141
4 et seq.). The terms and conditions of the project labor agreement must meet or exceed the
5 requirements provided in subsection (2) of this section.

6 “(b) A labor peace agreement that covers all workers who perform work on the covered
7 project who are not covered by a project labor agreement described in paragraph (a) of this
8 subsection. The labor peace agreement must be signed by the developer or contractor and
9 one or more bona fide labor organizations. The terms and conditions of the labor peace
10 agreement must be binding and meet or exceed the requirements provided in subsection (2)
11 of this section and:

12 “(A) Provide that the developer or contractor will refrain from declaring or initiating a
13 lockout and that the bona fide labor organization will refrain from engaging in picketing,
14 work stoppages or boycotts against the covered project;

15 “(B) Guarantee the labor organization’s right to obtain recognition as the exclusive col-
16 lective bargaining representative of the workers through a process of having a majority of
17 the workers in a unit sign authorization cards; and

18 “(C) Require the developer or contractor to remain neutral with respect to any efforts
19 by a labor organization to represent the workers.

20 “(c) An agreement to utilize or develop domestic supply chains for the manufactured
21 products used in the construction, maintenance or operation of the covered project. The
22 terms and conditions of the agreement must meet or exceed the requirements provided in
23 subsection (3) of this section.

24 “(6) The Land Conservation and Development Commission may adopt rules as necessary
25 to carry out the provisions of this section.

26 “SECTION 9. Rulemaking. The Land Conservation and Development Commission may
27 exercise its rulemaking authority under ORS 197.040 to support the state policies described
28 in sections 1, 2 and 7 of this 2024 Act.

29 “SECTION 10. Section captions. The section captions used in this 2024 Act are provided
30 only for the convenience of the reader and do not become part of the statutory law of this
31 state or express any legislative intent in the enactment of this 2024 Act.

32 “SECTION 11. Effective date. This 2024 Act being necessary for the immediate preserva-
33 tion of the public peace, health and safety, an emergency is declared to exist, and this 2024
34 Act takes effect on its passage.”.