

Requested by Representative ELMER

**PROPOSED AMENDMENTS TO
HOUSE BILL 4080**

1 On page 2 of the printed bill, delete lines 27 through 45 and delete page
2 3.

3 On page 4, delete lines 1 and 2 and insert:

4 **“SECTION 4. (1) As used in this section:**

5 **“(a) ‘Covered project’ means:**

6 **“(A) An offshore wind energy project.**

7 **“(B) A port development project necessary for the development of**
8 **an offshore wind energy project.**

9 **“(b) ‘Port’ means a port formed under ORS 777.005 to 777.725 and**
10 **777.915 to 777.953 or ORS chapter 778.**

11 **“(2) A developer or contractor for a covered project or part of a**
12 **covered project shall:**

13 **“(a) Pay wages to workers employed by the developer or contractor**
14 **in the construction, alteration or repair of the covered project at a**
15 **rate that is no less than the prevailing rate of wage that the Com-**
16 **missioner of the Bureau of Labor and Industries determines under**
17 **ORS 279C.815 for the trade or occupation in the locality where the**
18 **work is performed; and**

19 **“(b) Employ apprentices in apprenticeable occupations, in a manner**
20 **consistent with the apprentices’ respective apprenticeship training**
21 **programs, to perform work in the construction, alteration or repair**

1 of the covered project such that at least 15 percent of the work hours
2 of each apprenticeable occupation is performed by apprentices.

3 **“SECTION 5. (1) As used in this section:**

4 **“(a) ‘Awarding state agency’ means a state agency that awards**
5 **public moneys to be used for the construction, alteration or repair of**
6 **a covered project or part of a covered project.**

7 **“(b) ‘Covered project’ means:**

8 **“(A) An offshore wind energy project.**

9 **“(B) A port development project necessary for the development of**
10 **an offshore wind energy project.**

11 **“(c) ‘Director’ means the head of an awarding state agency, irre-**
12 **spective of the official title of the head of the awarding state agency.**

13 **“(d) ‘Manufactured product’ means a preassembled item that is**
14 **made of iron or steel and that a developer or contractor brings to a**
15 **covered project for incorporation into the covered project.**

16 **“(e) ‘Port’ means a port formed under ORS 777.005 to 777.725 and**
17 **777.915 to 777.953 or ORS chapter 778.**

18 **“(f) ‘Public moneys’ means moneys drawn from the State Treasury**
19 **or any special or trust fund of the state government, including any**
20 **moneys appropriated by the state government and transferred to any**
21 **public body, as defined in ORS 174.109.**

22 **“(2) A developer or contractor for the construction, alteration or**
23 **repair of a covered project or part of a covered project that receives**
24 **\$250,000 or more in public moneys to be used for the construction, al-**
25 **teration or repair of the covered project or part of the covered project**
26 **shall ensure that steel, iron, coatings for steel and iron and manufac-**
27 **tured products that the developer or contractor purchases for or uses**
28 **in the covered project, and that become part of a permanent structure,**
29 **be produced in the United States.**

30 **“(3)(a)(A) The requirement set forth in subsection (2) of this section**

1 does not apply if the director of the awarding state agency finds in
2 writing that:

3 “(i) The requirement is inconsistent with the public interest;

4 “(ii) Steel, iron, coatings for steel and iron or manufactured pro-
5 ducts required for the covered project are not produced in the United
6 States in sufficient and reasonably available quantities and with sat-
7 isfactory quality; or

8 “(iii) Using steel, iron, coatings for steel and iron or manufactured
9 products produced in the United States for the covered project will
10 increase the cost of the covered project by more than 25 percent.

11 “(B) Before making a finding under subparagraph (A) of this para-
12 graph, the director of the awarding state agency, as appropriate, shall
13 issue a draft finding that includes a detailed written explanation of the
14 basis for waiving the requirement set forth in subsection (2) of this
15 section. At the earliest practicable time, the director shall give public
16 notice of the draft finding in a manner that the director determines
17 will give adequate notice to the public and to developers and contrac-
18 tors that intend to apply, or have applied, for the public moneys. The
19 director shall allow seven calendar days for public comment on the
20 draft finding. If after considering public comment the director deter-
21 mines to waive the requirement set forth in subsection (2) of this
22 section, the director shall provide public notice of the director’s find-
23 ing using the same method the director used to provide public notice
24 of the draft finding.

25 “(C) The director shall respond within 15 days to a request for a
26 finding described in subparagraph (A) of this paragraph by:

27 “(i) Issuing the draft finding described in subparagraph (B) of this
28 paragraph; or

29 “(ii) Asking the person that submitted the request to provide any
30 additional information the director requires to make the draft finding.

1 **“(b) The director may make a finding under paragraph (a) of this**
2 **subsection that applies to a single award of public moneys, to a class**
3 **of awards of public moneys or to a class of iron or steel products,**
4 **coatings or manufactured products. The director shall indicate the**
5 **duration and applicability of the director’s finding in the document in**
6 **which the director waives the requirement set forth in subsection (2)**
7 **of this section.**

8 **“(c) The director may review and continue, amend or rescind the**
9 **director’s finding at any time. If the director waives the requirement**
10 **set forth in subsection (2) of this section for a class of awards of public**
11 **moneys or for a class of iron or steel products, coatings or manufac-**
12 **tured products, at least every five years the director shall review and,**
13 **if necessary, amend or rescind the waiver. Before continuing, amend-**
14 **ing or rescinding a waiver under this paragraph, the director shall**
15 **provide for public notice and comment in accordance with paragraph**
16 **(a)(B) of this subsection.**

17 **“(4) The requirements set forth in this section are subject to appli-**
18 **cable state and federal trade agreements.”.**

19 In line 3, delete “5” and insert “6”.

20 In line 7, delete “6” and insert “7”.

21 In line 8, delete “5” and insert “6”.

22 In line 12, delete “7” and insert “8” and delete “6” and insert “7”.

23 In line 13, delete “8” and insert “9”.

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