

# House Bill 2458

Sponsored by Representative BRUUN

## 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**.

Makes participation in Bureau of Labor and Industries' annual wage survey voluntary. Prohibits civil penalty for not providing bureau with reports and returns related to wage survey. Allows commissioner to assess civil penalty for providing fraudulent reports and returns.

## A BILL FOR AN ACT

1  
2 Relating to wage surveys used to determine prevailing rates of wage; amending ORS 279C.815.

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

4 **SECTION 1.** ORS 279C.815 is amended to read:

5 279C.815. (1) As used in this section, "person" includes any employer, labor organization or any  
6 official representative of an employee or employer association.

7 (2)(a) The Commissioner of the Bureau of Labor and Industries shall determine the prevailing  
8 rate of wage for workers in each trade or occupation in each locality described in ORS 279C.800  
9 at least once each year by means of an independent wage survey and make this information avail-  
10 able at least twice each year. The commissioner may amend the rate at any time.

11 (b) The commissioner shall compare the prevailing rate of wage determined under paragraph (a)  
12 of this subsection with the federal prevailing rate of wage required under the Davis-Bacon Act (40  
13 U.S.C. 276a) and determine which rate is higher for workers in each trade or occupation in each  
14 locality. The commissioner shall make this information, showing which prevailing rate of wage is  
15 higher for workers in each trade or occupation in each locality, available at the same time as the  
16 commissioner makes information available under paragraph (a) of this subsection.

17 (3) [*A person shall make such*] **At the commissioner's request, a person may voluntarily**  
18 **provide** reports and returns to the Bureau of Labor and Industries [*as the commissioner may require*  
19 *to determine*] **for the commissioner's use in determining** the prevailing rates of wage. The reports  
20 and returns [*shall*] **must** be made upon forms furnished by the bureau and within the time prescribed  
21 by the commissioner. The person or an authorized representative of the person shall certify to the  
22 accuracy of the reports and returns. **The commissioner may not assess a civil penalty against**  
23 **a person for not providing reports and returns under this section. However, the commis-**  
24 **sioner may assess a civil penalty under ORS 279C.865 against a person who provides fraudu-**  
25 **lent reports and returns under this section.**

26 (4) Notwithstanding ORS 192.410 to 192.505, all reports and returns or other information pro-  
27 vided to the commissioner under this section are confidential and not available for inspection by the  
28 public.

29 (5) In order to assist the commissioner in making determinations of the prevailing rates of wage,  
30 the commissioner may enter into contracts with public or private parties to obtain relevant data and  
31 information. Any such contract may include provisions for the manner and extent of the market

**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 review of affected trades and occupations and such other requirements regarding timelines of re-  
2 ports, accuracy of data and information and supervision and review as the commissioner may pre-  
3 scribe.

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