

**A-Engrossed**  
**Senate Bill 809**

Ordered by the Senate April 24  
Including Senate Amendments dated April 24

Sponsored by Senator DEMBROW, Representative MCKEOWN

**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.

Requires bidder that submits bid for contract for public works with estimated contract price of ~~[\$1]~~ **\$5 million** or more to demonstrate responsibility by belonging to local joint committee whose training agents, in aggregate, employed apprentices for 10 percent or more of hours that training agents' employees worked on contracts in previous calendar year or by showing that bidder employed apprentices for 10 percent or more of hours that bidder's employees worked on contracts during previous calendar year. **Lowers contract price to which requirement applies to \$3 million on January 1, 2021.**

Provides that Commissioner of Bureau of Labor and Industries may set percentage at which public agency may determine responsibility of bidder for contract for public works.

Requires contracting agency to base determination of bidder's responsibility in contracts for public works with estimated contract price of ~~[\$1]~~ **\$5 million** or more on training agents approved by local joint committee of which bidder is part employing apprentices for 10 percent or more of hours training agents' employees worked during previous calendar year or on bidder's status as approved training agent and on bidder's record of employing apprentices for 10 percent or more of hours that bidder's employees worked during previous calendar year. **Lowers contract price to which requirement applies to \$3 million on January 1, 2021.**

Requires contractors and subcontractors performing work on public works to submit statements to public agency that show hours that apprentices work during each week. Permits commissioner to verify compliance with requirement. Appropriates moneys to Bureau of Labor and Industries to establish verification program and for other purposes.

Requires local joint training committee to report to bureau hours that apprentices and journeyworkers worked during previous calendar year and requires bureau to publish information on bureau's website.

**Requires bureau to submit report to Legislative Assembly by March 1 of each year.**

Becomes operative **on** January 1, 2017.

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to apprenticeship utilization on public works projects; creating new provisions; amending  
3 ORS 279C.375, 279C.800, 279C.807, 279C.827, 279C.830, 279C.840, 279C.845, 279C.850 and 660.137;  
4 and declaring an emergency.

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

6 **SECTION 1. Section 2 of this 2015 Act is added to and made a part of ORS 279C.800 to**  
7 **279C.870.**

8 **SECTION 2. (1) The Commissioner of the Bureau of Labor and Industries, by rule and in**  
9 **consultation with affected crafts, trades and other worker associations and with contractors**  
10 **and subcontractors that perform contracts for public works for public agencies, may deter-**  
11 **mine:**

12 **(a) The percentage of the total hours that a bidder's employees worked on contracts**  
13 **during the previous calendar year for which the bidder was required to employ apprentices**  
14 **participating in programs of apprenticeship or training under ORS 660.002 to 660.210 in order**

**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 for a public agency to determine that the bidder is responsible under ORS 279C.375 (4), if the  
2 bidder submits a bid for a contract for public works with an estimated contract price of \$5  
3 million or more; or

4 (b) The percentage of the total hours that employees of training agents approved by a  
5 local joint committee worked on contracts during the previous calendar year for which the  
6 training agents were required to employ apprentices participating in programs of appren-  
7 ticeship or training under ORS 660.002 to 660.210 in order for a public agency to determine  
8 that a bidder associated with the local joint committee is responsible under ORS 279C.375 (4),  
9 if the bidder submits a bid for a contract for public works with an estimated contract price  
10 of \$5 million or more.

11 (2) The commissioner may not set a percentage under subsection (1) of this section that  
12 is less than the percentage set forth in ORS 279C.375 (4).

13 (3) The commissioner shall review the percentages described in subsection (1) of this  
14 section at least once every other year to determine whether the commissioner should set a  
15 different percentage.

16 **SECTION 2a.** Section 2 of this 2015 Act is amended to read:

17 **Sec. 2.** (1) The Commissioner of the Bureau of Labor and Industries, by rule and in consultation  
18 with affected crafts, trades and other worker associations and with contractors and subcontractors  
19 that perform contracts for public works for public agencies, may determine:

20 (a) The percentage of the total hours that a bidder's employees worked on contracts during the  
21 previous calendar year for which the bidder was required to employ apprentices participating in  
22 programs of apprenticeship or training under ORS 660.002 to 660.210 in order for a public agency  
23 to determine that the bidder is responsible under ORS 279C.375 (4), if the bidder submits a bid for  
24 a contract for public works with an estimated contract price of [\$5] **\$3** million or more; or

25 (b) The percentage of the total hours that employees of training agents approved by a local joint  
26 committee worked on contracts during the previous calendar year for which the training agents  
27 were required to employ apprentices participating in programs of apprenticeship or training under  
28 ORS 660.002 to 660.210 in order for a public agency to determine that a bidder associated with the  
29 local joint committee is responsible under ORS 279C.375 (4), if the bidder submits a bid for a con-  
30 tract for public works with an estimated contract price of [\$5] **\$3** million or more.

31 (2) The commissioner may not set a percentage under subsection (1) of this section that is less  
32 than the percentage set forth in ORS 279C.375 (4).

33 (3)(a) The commissioner shall review the percentages described in subsection (1) of this section  
34 at least once every other year to determine whether the commissioner should set a different per-  
35 centage.

36 (b) **The commissioner shall recommend to the Legislative Assembly, not later than De-**  
37 **cember 31, 2022, any reduction the commissioner deems necessary in the estimated contract**  
38 **price at which bids or proposals for a contract for public works become subject to the re-**  
39 **quirements of ORS 279C.375 (4).**

40 **SECTION 3.** ORS 279C.375 is amended to read:

41 279C.375. (1) After a contracting agency has opened bids and determined that the contracting  
42 agency will award a public improvement contract, the contracting agency shall award the contract  
43 to the lowest responsible bidder.

44 (2) At least seven days before awarding a public improvement contract, unless the contracting  
45 agency determines that seven days is impractical under rules adopted under ORS 279A.065, the

1 contracting agency shall issue to each bidder or post, electronically or otherwise, a notice of the  
2 contracting agency's intent to award a contract. This subsection does not apply to a contract to  
3 which competitive bidding does not apply under ORS 279C.335 (1)(c) or (d). The notice and the  
4 manner in which the **contracting agency issues or posts the** notice [*is posted or issued*] must  
5 conform to rules adopted under ORS 279A.065.

6 (3) In determining the lowest responsible bidder, a contracting agency shall do all of the fol-  
7 lowing:

8 (a) Check the list created by the Construction Contractors Board under ORS 701.227 for bidders  
9 who are not qualified to hold a public improvement contract.

10 (b) Determine whether the bidder is responsible. A responsible bidder must demonstrate to the  
11 contracting agency that the bidder:

12 (A) Has available the appropriate financial, material, equipment, facility and personnel resources  
13 and expertise, or has the ability to obtain the resources and expertise, necessary to meet all con-  
14 tractual responsibilities.

15 (B) Holds current licenses that businesses or service professionals operating in this state must  
16 hold in order to undertake or perform the work specified in the contract.

17 (C) Is covered by liability insurance and other insurance in amounts the contracting agency  
18 requires in the solicitation documents.

19 (D) Qualifies as a carrier-insured employer or a self-insured employer under ORS 656.407 or has  
20 elected coverage under ORS 656.128.

21 (E) Has made the disclosure required under ORS 279C.370.

22 (F) Completed previous contracts of a similar nature with a satisfactory record of performance.  
23 For purposes of this subparagraph, a satisfactory record of performance means that to the extent  
24 that the costs associated with and time available to perform a previous contract remained within  
25 the bidder's control, the bidder stayed within the time and budget allotted for the procurement and  
26 otherwise performed the contract in a satisfactory manner. The contracting agency shall document  
27 the bidder's record of performance if the contracting agency finds under this subparagraph that the  
28 bidder is not responsible.

29 (G) Has a satisfactory record of integrity. The contracting agency in evaluating the bidder's  
30 record of integrity may consider, among other things, whether the bidder has previous criminal  
31 convictions for offenses related to obtaining or attempting to obtain a contract or subcontract or in  
32 connection with the bidder's performance of a contract or subcontract. The contracting agency shall  
33 document the bidder's record of integrity if the contracting agency finds under this subparagraph  
34 that the bidder is not responsible.

35 (H) Is legally qualified to contract with the contracting agency.

36 (I) Supplied all necessary information in connection with the inquiry concerning responsibility.  
37 If a bidder fails to promptly supply information concerning responsibility that the contracting  
38 agency requests, the contracting agency shall determine the bidder's responsibility based on avail-  
39 able information, or may find that the bidder is not responsible.

40 (c) Document the contracting agency's compliance with the requirements of paragraphs (a) and  
41 (b) of this subsection in substantially the following form:

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42  
43  
44 RESPONSIBILITY DETERMINATION FORM  
45

1 Project Name: \_\_\_\_\_

2 Bid Number: \_\_\_\_\_

3 Business Entity Name: \_\_\_\_\_

4 CCB License Number: \_\_\_\_\_

5 Form Submitted By (Contracting Agency):

6 \_\_\_\_\_

7 Form Submitted By (Contracting Agency Representative's Name): \_\_\_\_\_

8 Title: \_\_\_\_\_

9 Date: \_\_\_\_\_

10 (The contracting agency must submit this form with attachments, if any, to the Construction  
11 Contractors Board within 30 days after the date of contract award.)

12 The contracting agency has (check all of the following):

13  Checked the list created by the  
14 Construction Contractors Board  
15 under ORS 701.227 for bidders who  
16 are not qualified to hold a public  
17 improvement contract.

18  Determined whether the bidder has  
19 met the standards of responsibility.

20 In so doing, the contracting agency  
21 has found that the bidder  
22 demonstrated that the bidder:

23  Has available the appropriate  
24 financial, material, equipment,  
25 facility and personnel resources  
26 and expertise, or the ability to  
27 obtain the resources and  
28 expertise, necessary to meet  
29 all contractual responsibilities.

30  Holds current licenses that  
31 businesses or service professionals  
32 operating in this state must hold  
33 in order to undertake or perform  
34 the work specified in the contract.

35  Is covered by liability insurance  
36 and other insurance in amounts  
37 required in the solicitation  
38 documents.

39  Qualifies as a carrier-insured  
40 employer or a self-insured  
41 employer under ORS 656.407 or has  
42 elected coverage under ORS 656.128.

43  Has disclosed the bidder's first-  
44 tier subcontractors in accordance  
45 with ORS 279C.370.

- 1           [ ] Has a satisfactory record of
- 2           performance.
- 3           [ ] Has a satisfactory record of
- 4           integrity.
- 5           [ ] Is legally qualified to contract
- 6           with the contracting agency.
- 7           [ ] Has supplied all necessary
- 8           information in connection with
- 9           the inquiry concerning
- 10          responsibility.

11        [ ] Determined the bidder to be  
12        (check one of the following):

- 13        [ ] Responsible under ORS 279C.375
- 14        (3)(a) and (b).
- 15        [ ] Not responsible under
- 16        ORS 279C.375 (3)(a) and (b).

17        (Attach documentation if the contracting agency finds the bidder not to be responsible.)

18

19

20        (d) Submit the form described in paragraph (c) of this subsection, with any attachments, to the  
21        Construction Contractors Board within 30 days after the date the contracting agency awards the  
22        contract.

23        **(4)(a) If a bidder submits a bid for a contract for public works with an estimated contract**  
24        **price of \$5 million or more, a contracting agency shall require the bidder, in addition to**  
25        **demonstrating that the bidder is responsible as provided in subsection (3)(b) of this section,**  
26        **to show that the bidder is an approved training agent under ORS 660.137 and:**

27        **(A) Belongs to a local joint committee whose approved training agents, in the aggregate,**  
28        **employed apprentices for 10 percent or more of all hours that the employees of the approved**  
29        **training agents worked in the previous calendar year; or**

30        **(B) Employed apprentices for 10 percent or more of all hours that the bidder's employees**  
31        **worked on contracts in the previous calendar year.**

32        **(b) In the circumstances described in paragraph (a) of this subsection, a contracting**  
33        **agency shall include in the form set forth in subsection (3)(c) of this section an additional**  
34        **criterion for determining responsibility that reads substantially as follows:**

- 35        [ ] **Belongs to a local joint**
- 36        **committee with training agents**
- 37        **that, in the aggregate, employed**
- 38        **apprentices for 10 percent or**
- 39        **more of the hours that the**
- 40        **training agents' employees**
- 41        **worked in the previous calendar**
- 42        **year or is an approved training**
- 43        **agent and has employed apprentices**
- 44        **for 10 percent or more of the total**
- 45        **number of hours the bidder's**

1 **employees worked in the previous**  
2 **calendar year.**

3 **(c) This subsection does not apply to the Department of Transportation.**

4 [(4)] (5) [The] A successful bidder shall:

5 (a) Promptly execute a formal contract; and

6 (b) Execute and deliver to the contracting agency a performance bond and a payment bond when  
7 required under ORS 279C.380.

8 [(5)] (6) [Based on competitive bids,] A contracting agency may award a public improvement  
9 contract or may award multiple public improvement contracts **based on competitive bids if the**  
10 **contracting agency specifies that the contracting agency will do so** [when specified] in the in-  
11 vitation to bid.

12 [(6)] (7) A contracting agency may not exclude a commercial contractor from competing for a  
13 public contract on the basis that [the] a license [issued by] **that** the Construction Contractors Board  
14 **issued** is endorsed as a level 1 or level 2 license. As used in this section, “commercial contractor”  
15 has the meaning given that term in ORS 701.005.

16 **SECTION 3a.** ORS 279C.375, as amended by section 3 of this 2015 Act, is amended to read:

17 279C.375. (1) After a contracting agency has opened bids and determined that the contracting  
18 agency will award a public improvement contract, the contracting agency shall award the contract  
19 to the lowest responsible bidder.

20 (2) At least seven days before awarding a public improvement contract, unless the contracting  
21 agency determines that seven days is impractical under rules adopted under ORS 279A.065, the  
22 contracting agency shall issue to each bidder or post, electronically or otherwise, a notice of the  
23 contracting agency’s intent to award a contract. This subsection does not apply to a contract to  
24 which competitive bidding does not apply under ORS 279C.335 (1)(c) or (d). The notice and the  
25 manner in which the contracting agency issues or posts the notice must conform to rules adopted  
26 under ORS 279A.065.

27 (3) In determining the lowest responsible bidder, a contracting agency shall do all of the fol-  
28 lowing:

29 (a) Check the list created by the Construction Contractors Board under ORS 701.227 for bidders  
30 who are not qualified to hold a public improvement contract.

31 (b) Determine whether the bidder is responsible. A responsible bidder must demonstrate to the  
32 contracting agency that the bidder:

33 (A) Has available the appropriate financial, material, equipment, facility and personnel resources  
34 and expertise, or has the ability to obtain the resources and expertise, necessary to meet all con-  
35 tractual responsibilities.

36 (B) Holds current licenses that businesses or service professionals operating in this state must  
37 hold in order to undertake or perform the work specified in the contract.

38 (C) Is covered by liability insurance and other insurance in amounts the contracting agency  
39 requires in the solicitation documents.

40 (D) Qualifies as a carrier-insured employer or a self-insured employer under ORS 656.407 or has  
41 elected coverage under ORS 656.128.

42 (E) Has made the disclosure required under ORS 279C.370.

43 (F) Completed previous contracts of a similar nature with a satisfactory record of performance.

44 For purposes of this subparagraph, a satisfactory record of performance means that to the extent  
45 that the costs associated with and time available to perform a previous contract remained within

1 the bidder's control, the bidder stayed within the time and budget allotted for the procurement and  
2 otherwise performed the contract in a satisfactory manner. The contracting agency shall document  
3 the bidder's record of performance if the contracting agency finds under this subparagraph that the  
4 bidder is not responsible.

5 (G) Has a satisfactory record of integrity. The contracting agency in evaluating the bidder's  
6 record of integrity may consider, among other things, whether the bidder has previous criminal  
7 convictions for offenses related to obtaining or attempting to obtain a contract or subcontract or in  
8 connection with the bidder's performance of a contract or subcontract. The contracting agency shall  
9 document the bidder's record of integrity if the contracting agency finds under this subparagraph  
10 that the bidder is not responsible.

11 (H) Is legally qualified to contract with the contracting agency.

12 (I) Supplied all necessary information in connection with the inquiry concerning responsibility.  
13 If a bidder fails to promptly supply information concerning responsibility that the contracting  
14 agency requests, the contracting agency shall determine the bidder's responsibility based on avail-  
15 able information, or may find that the bidder is not responsible.

16 (c) Document the contracting agency's compliance with the requirements of paragraphs (a) and  
17 (b) of this subsection in substantially the following form:

18 \_\_\_\_\_  
19  
20 RESPONSIBILITY DETERMINATION FORM

21  
22 Project Name: \_\_\_\_\_

23 Bid Number: \_\_\_\_\_

24 Business Entity Name: \_\_\_\_\_

25 CCB License Number: \_\_\_\_\_

26 Form Submitted By (Contracting Agency):  
27 \_\_\_\_\_

28 Form Submitted By (Contracting Agency Representative's Name): \_\_\_\_\_

29 Title: \_\_\_\_\_

30 Date: \_\_\_\_\_

31 (The contracting agency must submit this form with attachments, if any, to the Construction  
32 Contractors Board within 30 days after the date of contract award.)

33 The contracting agency has (check all of the following):

34 [ ] Checked the list created by the  
35 Construction Contractors Board  
36 under ORS 701.227 for bidders who  
37 are not qualified to hold a public  
38 improvement contract.

39 [ ] Determined whether the bidder has  
40 met the standards of responsibility.  
41 In so doing, the contracting agency  
42 has found that the bidder  
43 demonstrated that the bidder:

44 [ ] Has available the appropriate  
45 financial, material, equipment,

1 facility and personnel resources  
2 and expertise, or the ability to  
3 obtain the resources and  
4 expertise, necessary to meet  
5 all contractual responsibilities.

6  Holds current licenses that  
7 businesses or service professionals  
8 operating in this state must hold  
9 in order to undertake or perform  
10 the work specified in the contract.

11  Is covered by liability insurance  
12 and other insurance in amounts  
13 required in the solicitation  
14 documents.

15  Qualifies as a carrier-insured  
16 employer or a self-insured  
17 employer under ORS 656.407 or has  
18 elected coverage under ORS 656.128.

19  Has disclosed the bidder's first-  
20 tier subcontractors in accordance  
21 with ORS 279C.370.

22  Has a satisfactory record of  
23 performance.

24  Has a satisfactory record of  
25 integrity.

26  Is legally qualified to contract  
27 with the contracting agency.

28  Has supplied all necessary  
29 information in connection with  
30 the inquiry concerning  
31 responsibility.

32  Determined the bidder to be  
33 (check one of the following):

34  Responsible under ORS 279C.375  
35 (3)(a) and (b).

36  Not responsible under  
37 ORS 279C.375 (3)(a) and (b).

38 (Attach documentation if the contracting agency finds the bidder not to be responsible.)  
39

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40  
41 (d) Submit the form described in paragraph (c) of this subsection, with any attachments, to the  
42 Construction Contractors Board within 30 days after the date the contracting agency awards the  
43 contract.

44 (4)(a) If a bidder submits a bid for a contract for public works with an estimated contract price  
45 of [\$5] **\$3** million or more, a contracting agency shall require the bidder, in addition to demonstrat-

1 ing that the bidder is responsible as provided in subsection (3)(b) of this section, to show that the  
2 bidder is an approved training agent under ORS 660.137 and:

3 (A) Belongs to a local joint committee whose approved training agents, in the aggregate, em-  
4 ployed apprentices for 10 percent or more of all hours that the employees of the approved training  
5 agents worked in the previous calendar year; or

6 (B) Employed apprentices for 10 percent or more of all hours that the bidder's employees worked  
7 on contracts in the previous calendar year.

8 (b) In the circumstances described in paragraph (a) of this subsection, a contracting agency shall  
9 include in the form set forth in subsection (3)(c) of this section an additional criterion for deter-  
10 mining responsibility that reads substantially as follows:

11 [ ] Belongs to a local joint  
12 committee with training agents  
13 that, in the aggregate, employed  
14 apprentices for 10 percent or  
15 more of the hours that the  
16 training agents' employees  
17 worked in the previous calendar  
18 year or is an approved training  
19 agent and has employed apprentices  
20 for 10 percent or more of the total  
21 number of hours the bidder's  
22 employees worked in the previous  
23 calendar year.

24 (c) This subsection does not apply to the Department of Transportation.

25 (5) A successful bidder shall:

26 (a) Promptly execute a formal contract; and

27 (b) Execute and deliver to the contracting agency a performance bond and a payment bond when  
28 required under ORS 279C.380.

29 (6) A contracting agency may award a public improvement contract or may award multiple  
30 public improvement contracts based on competitive bids if the contracting agency specifies that the  
31 contracting agency will do so in the invitation to bid.

32 (7) A contracting agency may not exclude a commercial contractor from competing for a public  
33 contract on the basis that a license that the Construction Contractors Board issued is endorsed as  
34 a level 1 or level 2 license. As used in this section, "commercial contractor" has the meaning given  
35 that term in ORS 701.005.

36 **SECTION 4.** ORS 279C.800 is amended to read:

37 279C.800. As used in ORS 279C.800 to 279C.870:

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

39 (2) **"Apprenticeship agreement" has the meaning given that term in ORS 660.010.**

40 [(1)] (3) "Fringe benefits" means the amount of:

41 (a) [*The rate of contribution*] **Contributions that** a contractor or subcontractor makes  
42 irrevocably to a trustee or to a third person under a plan, fund or program; and

43 (b) [*The rate of*] Costs [*to the*] **that** a contractor or subcontractor [*that*] may [*be*] reasonably  
44 [*anticipated*] **anticipate** in providing the following items, except for items that federal, state or local  
45 law requires the contractor or subcontractor to provide:

1 (A) Benefits to workers pursuant to an enforceable written commitment to the workers to carry  
2 out a financially responsible plan or program for:

- 3 (i) Medical or hospital care;
- 4 (ii) Pensions on retirement or death; or
- 5 (iii) Compensation for injuries or illness that result from occupational activity;
- 6 (B) Insurance to provide the benefits described in subparagraph (A) of this paragraph;
- 7 (C) Unemployment benefits;
- 8 (D) Life insurance;
- 9 (E) Disability and sickness insurance or accident insurance;
- 10 (F) Vacation and holiday pay;
- 11 (G) Costs of apprenticeship or other similar programs; or
- 12 (H) Other bona fide fringe benefits.

13 [(2)] (4) "Housing" has the meaning given that term in ORS 456.055.

14 [(3)] (5) "Locality" means the following district in which the public works, or the major portion  
15 thereof, is to be performed:

- 16 (a) District 1, composed of Clatsop, Columbia and Tillamook Counties;
- 17 (b) District 2, composed of Clackamas, Multnomah and Washington Counties;
- 18 (c) District 3, composed of Marion, Polk and Yamhill Counties;
- 19 (d) District 4, composed of Benton, Lincoln and Linn Counties;
- 20 (e) District 5, composed of Lane County;
- 21 (f) District 6, composed of Douglas County;
- 22 (g) District 7, composed of Coos and Curry Counties;
- 23 (h) District 8, composed of Jackson and Josephine Counties;
- 24 (i) District 9, composed of Hood River, Sherman and Wasco Counties;
- 25 (j) District 10, composed of Crook, Deschutes and Jefferson Counties;
- 26 (k) District 11, composed of Klamath and Lake Counties;
- 27 (L) District 12, composed of Gilliam, Grant, Morrow, Umatilla and Wheeler Counties;
- 28 (m) District 13, composed of Baker, Union and Wallowa Counties; and
- 29 (n) District 14, composed of Harney and Malheur Counties.

30 [(4)] (6) "Prevailing rate of wage" means the rate of hourly wage, including all fringe benefits,  
31 that the Commissioner of the Bureau of Labor and Industries determines is paid in the locality to  
32 the majority of workers employed on projects of a similar character in the same trade or occupation.

33 [(5)] (7) "Public agency" means the State of Oregon or a political subdivision of the State of  
34 Oregon, or a county, city, district, authority, public corporation or public entity organized and ex-  
35 isting under law or charter or an instrumentality of the county, city, district, authority, public cor-  
36 poration or public entity.

37 [(6)(a)] (8)(a) "Public works" includes, but is not limited to:

38 (A) Roads, highways, buildings, structures and improvements of all types, the construction, re-  
39 construction, major renovation or painting of which is carried on or contracted for by any public  
40 agency to serve the public interest;

41 (B) A project that uses funds of a private entity and \$750,000 or more of funds of a public agency  
42 for constructing, reconstructing, painting or performing a major renovation on a privately owned  
43 road, highway, building, structure or improvement of any type;

44 (C) A project that uses funds of a private entity for constructing a privately owned road, high-  
45 way, building, structure or improvement of any type in which a public agency will use or occupy

1 25 percent or more of the square footage of the completed project;

2 (D) Notwithstanding the provisions of ORS 279C.810 (2)(a), (b) and (c), a device, structure or  
3 mechanism, or a combination of devices, structures or mechanisms, that:

4 (i) Uses solar radiation as a source for generating heat, cooling or electrical energy; and

5 (ii) Is constructed or installed, with or without using funds of a public agency, on land, premises,  
6 structures or buildings that a public body, as defined in ORS 174.109, owns; or

7 (E) Notwithstanding paragraph (b)(A) of this subsection and ORS 279C.810 (2)(b) and (c), con-  
8 struction, reconstruction, painting or major renovation of a road, highway, building, structure or  
9 improvement of any type that occurs, with or without using funds of a public agency, on real prop-  
10 erty that the Oregon University System or an institution in the Oregon University System owns.

11 (b) "Public works" does not include:

12 (A) The reconstruction or renovation of privately owned property that a public agency leases;

13 or

14 (B) The renovation of publicly owned real property that is more than 75 years old by a private  
15 nonprofit entity if:

16 (i) The real property is leased to the private nonprofit entity for more than 25 years;

17 (ii) Funds of a public agency used in the renovation do not exceed 15 percent of the total cost  
18 of the renovation; and

19 (iii) Contracts for the renovation were advertised or, if not advertised, were entered into before  
20 July 1, 2003, but the renovation has not been completed on or before July 13, 2007.

21 **SECTION 5.** ORS 279C.807 is amended to read:

22 279C.807. (1) The Bureau of Labor and Industries shall develop, *[and]* adopt **and update** a plan  
23 to increase diversity statewide among workers **and apprentices** employed on projects subject to  
24 ORS 279C.800 to 279C.870. The bureau shall develop the plan after conducting a statewide public  
25 process to solicit proposals to increase diversity and shall adopt the plan after considering proposals  
26 submitted to the bureau.

27 (2) The bureau shall report each year to the Legislative Assembly or to the appropriate legis-  
28 lative interim committee concerning progress that results from the plan adopted under this section  
29 and may submit recommendations for legislation or other measures that will improve diversity  
30 among workers **and apprentices** employed on projects subject to ORS 279C.800 to 279C.870. *[The*  
31 *bureau shall submit the first report no later than January 1, 2009.]*

32 **SECTION 6.** ORS 279C.827 is amended to read:

33 279C.827. (1)(a) A public agency may not divide a public works project into more than one con-  
34 tract for the purpose of avoiding compliance with ORS 279C.800 to 279C.870.

35 (b) *[When]* **If** the Commissioner of the Bureau of Labor and Industries determines that a public  
36 agency has divided a public works project into more than one contract for the purpose of avoiding  
37 compliance with ORS 279C.800 to 279C.870, the commissioner shall issue an order *[compelling]* **to**  
38 **compel** compliance.

39 (c) In making *[determinations]* **a determination** under this subsection, the commissioner shall  
40 consider:

41 (A) The physical separation of the project structures;

42 (B) The timing of the work on project phases or structures;

43 (C) The continuity of project contractors and subcontractors working on project parts or phases;

44 (D) The manner in which the public agency and the contractors administer and implement the  
45 project;

1 (E) Whether a single public works project includes several types of improvements or structures;  
2 and

3 (F) Whether the combined improvements or structures have an overall purpose or function.

4 (2) If a project is a public works of the type described in ORS 279C.800 [(6)(a)(B)] **(8)(a)(B)** or  
5 (C), the commissioner shall divide the project, if appropriate, after applying the considerations set  
6 forth in subsection (1)(c) of this section to separate the parts of the project that include funds of a  
7 public agency or that **a public agency will occupy or use** [*will be occupied or used by a public*  
8 *agency*] from the parts of the project that do not include funds of a public agency and that **a public**  
9 **agency will not occupy or use** [*will not be occupied or used by a public agency*]. If the commissioner  
10 divides the project, any part of the project that does not include funds of a public agency and that  
11 [*will not be occupied or used by*] a public agency **will not occupy or use** is not subject to ORS  
12 279C.800 to 279C.870.

13 (3) If a project includes parts that [*are owned by*] a public agency **owns** and parts that [*are*  
14 *owned by*] a private entity **owns**, the commissioner shall divide the project, if appropriate, after  
15 applying the considerations set forth in subsections (1)(c) and (2) of this section to separate the parts  
16 of the project that are public works from the parts of the project that are not public works. If the  
17 commissioner divides the project, parts of the project that are not public works are not subject to  
18 ORS 279C.800 to 279C.870.

19 **SECTION 7.** ORS 279C.830 is amended to read:

20 279C.830. (1)(a) Except as provided in paragraph (e) of this subsection, **a public agency shall**  
21 **include in** the specifications for every contract for public works [*must contain*] a provision that  
22 states the existing state prevailing rate of wage and, if applicable, the federal prevailing rate of  
23 wage required under the Davis-Bacon Act (40 U.S.C. 3141 et seq.) that **a contractor, subcontractor**  
24 **or other person that is a party to the contract** must [*be paid*] **pay** to workers in each trade or  
25 occupation that the contractor, [*or*] subcontractor or other person [*who is a party to the contract*]  
26 uses in performing all or part of the contract. If the prevailing rates of wage are available elec-  
27 tronically or are accessible on the Internet, the **public agency may incorporate the rates** [*may be*  
28 *incorporated*] into the specifications by referring to the electronically accessible or Internet-  
29 accessible rates and by providing adequate information about how to access the rates.

30 (b) If a public agency under paragraph (a) of this subsection must include the state and federal  
31 prevailing rates of wage in the specifications, the public agency shall also require the contractor to  
32 pay the higher of the applicable state or federal prevailing rate of wage to all workers on the public  
33 works.

34 (c) Every contract and subcontract must provide that **a contractor, subcontractor or other**  
35 **person that is a party to the contract must pay** the workers [*must be paid*] not less than the  
36 specified minimum hourly rate of wage in accordance with ORS 279C.838 and 279C.840.

37 (d) If a public works project is subject both to ORS 279C.800 to 279C.870 and to the Davis-Bacon  
38 Act, every contract and subcontract must provide that **the contractor, subcontractor or other**  
39 **person that is a party to the contract must pay the** workers on the public works [*must be*  
40 *paid*] not less than the higher of the applicable state or federal prevailing rate of wage.

41 (e) A public works project described in ORS 279C.800 [(6)(a)(B)] **(8)(a)(B)** or (C) is subject to the  
42 existing state prevailing rate of wage or, if applicable, the federal prevailing rate of wage required  
43 under the Davis-Bacon Act that is in effect at the time a public agency enters into an agreement  
44 with a private entity for the project. After that time, the specifications for a contract for the public  
45 works must include the applicable prevailing rate of wage.

1 (2) The specifications for a contract for public works must provide that the contractor and every  
 2 subcontractor must have a public works bond filed with the Construction Contractors Board before  
 3 starting work on the project, unless **the contractor or subcontractor is** exempt under ORS  
 4 279C.836 (4), (7), (8) or (9). Every contract that a contracting agency awards must require the con-  
 5 tractor to:

6 (a) Have a public works bond filed with the Construction Contractors Board before starting  
 7 work on the project, unless **the contractor is** exempt under ORS 279C.836 (4), (7), (8) or (9).

8 (b) Require, in every subcontract, that the subcontractor have a public works bond filed with  
 9 the Construction Contractors Board before starting work on the project, unless **the subcontractor**  
 10 **is** exempt under ORS 279C.836 (4), (7), (8) or (9).

11 **(3)(a) Every contract for public works must provide that the contractor, before awarding**  
 12 **a subcontract, must require a prospective subcontractor to demonstrate to the contractor**  
 13 **and the contracting agency that the prospective subcontractor meets the same standards**  
 14 **of responsibility that apply to the contractor under ORS 279C.375 (4).**

15 **(b) This subsection does not apply to the Department of Transportation.**

16 **SECTION 8.** ORS 279C.840 is amended to read:

17 279C.840. (1) The hourly rate of wage [*to be paid by any*] **that a** contractor or subcontractor  
 18 **must pay** to workers upon all public works [*shall be not*] **may not be** less than the prevailing rate  
 19 of wage for an hour's work in the same trade or occupation in the locality where the labor is per-  
 20 formed. [*The obligation of*] A contractor or subcontractor **may discharge the obligation** to pay the  
 21 prevailing rate of wage [*may be discharged*] by making the payments in cash, by [*the*] making [*of*]  
 22 contributions of a type [*referred to*] **described** in ORS 279C.800 [(1)(a)] **(3)(a)**, or by [*the assumption*  
 23 *of*] **assuming** an enforceable commitment to bear the costs of a plan or program of a type [*referred*  
 24 *to*] **described** in ORS 279C.800 [(1)(b)] **(3)(b)**, or any combination [*thereof*] **of payments, contribu-**  
 25 **tions or costs**, [*where*] **if** the aggregate of [*any such*] **the** payments, contributions and costs is not  
 26 less than the prevailing rate of wage. The contractor or subcontractor shall pay all wages due and  
 27 owing to the contractor's or subcontractor's workers upon public works on the regular payday es-  
 28 tablished and maintained under ORS 652.120.

29 (2) After a contract for public works is executed with any contractor or work [*is commenced*]  
 30 **begins** upon any public works, **a contractor or subcontractor may not attack** the amount of the  
 31 prevailing rate of wage [*is not subject to attack*] in any legal proceeding [*by any contractor or sub-*  
 32 *contractor*] in connection with that contract.

33 (3) It is not a defense in any legal proceeding that the prevailing rate of wage is less than the  
 34 amount required to be in the specifications of a contract for public works, or that [*there was an*  
 35 *agreement between*] the employee and the employer **agreed that the employee would** [*to*] work at  
 36 less than the wage rates required [*to be paid*] under this section.

37 (4) Every contractor or subcontractor **that is** engaged on a project [*for which there is*] **under**  
 38 a contract for a public works shall keep the prevailing rates of wage for that project posted in a  
 39 conspicuous and accessible place in or about the project. The Commissioner of the Bureau of Labor  
 40 and Industries shall furnish without charge copies of the prevailing rates of wage to contractors and  
 41 subcontractors.

42 (5) Every contractor or subcontractor **that is** engaged on a project [*for which there is*] **under**  
 43 a contract for a public works to which the prevailing wage requirements apply that also provides  
 44 or contributes to a health and welfare plan or a pension plan, or both, for the contractor or  
 45 subcontractor's employees on the project shall post a notice describing the plan in a conspicuous

1 and accessible place in or about the project. The **contractor or subcontractor shall preferably**  
 2 **post the** notice [*preferably shall be posted*] in the same place as the **contractor or subcontractor**  
 3 **posts the** notice required under subsection (4) of this section. In addition to the description of the  
 4 plan, the notice [*shall contain*] **must have** information on how and where to make claims and where  
 5 to obtain further information.

6 (6)(a) Except as provided in paragraph (c) of this subsection, [*no*] a person other than the con-  
 7 tractor or subcontractor may **not** pay or contribute any portion of the prevailing rate of wage [*paid*  
 8 *by*] **that** the contractor or subcontractor **pays** to workers [*employed in the performance of*] **the**  
 9 **contractor or subcontractor employs in performing a contract for** public works [*contract*].

10 (b) For the purpose of this subsection, the prevailing rate of wage is the prevailing rate of wage  
 11 specified in the contract.

12 (c) This subsection [*is not intended to*] **does not** prohibit payments to a worker who is enrolled  
 13 in any government-subsidized training or retraining program.

14 (7) A person may not take any action that circumvents the payment of the prevailing rate of  
 15 wage to workers employed on a **contract for** public works [*contract*], including, but not limited to,  
 16 reducing an employee's regular rate of pay on any project **that is** not subject to ORS 279C.800 to  
 17 279C.870 in a manner that has the effect of offsetting the prevailing rate of wage on a public works  
 18 project.

19 **SECTION 9.** ORS 279C.845 is amended to read:

20 279C.845. (1) [*The*] **A** contractor or the contractor's surety and every subcontractor or the  
 21 subcontractor's surety shall file [*certified*] **written** statements with the public agency **with which**  
 22 **the contractor has a contract for public works** [*in writing*], on a form prescribed by the Com-  
 23 missioner of the Bureau of Labor and Industries, [*certifying*] **in which the contractor or subcon-**  
 24 **tractor certifies:**

25 (a) The hourly rate of wage paid each worker whom the contractor or the subcontractor has  
 26 employed upon the public works; [*and*]

27 (b) That **the contractor or subcontractor has not paid a** [*no*] worker [*employed*] **the con-**  
 28 **tractor or subcontractor employs** upon the public works [*has been paid*] less than the prevailing  
 29 rate of wage or less than the minimum hourly rate of wage specified in the contract[.]; **and**

30 (c) **The total number of hours that apprentices who are participating in programs of ap-**  
 31 **prenticeship and training under ORS 660.002 to 660.210 worked on the public works project**  
 32 **in the previous week.**

33 (2) The [*certified statement shall be verified by the oath of the*] contractor or the contractor's  
 34 surety or **the** subcontractor or the subcontractor's surety **shall attest by oath** that the contractor  
 35 or subcontractor has read the [*certified*] statement **described in subsection (1) of this section**, that  
 36 the contractor or subcontractor knows the contents of the [*certified*] statement and that to the  
 37 contractor or subcontractor's knowledge the [*certified*] statement is true.

38 (3) The [*certified statements*] **contractor or subcontractor, in the statements described in**  
 39 **subsection (1) of this section**, shall set out accurately and completely the contractor's or  
 40 subcontractor's payroll records, including the name and address of each worker, the worker's cor-  
 41 rect classification, **the worker's apprenticeship agreement registration number, when avail-**  
 42 **able**, rate of pay, daily and weekly number of hours worked and the gross wages the worker earned  
 43 upon the public works during each week identified in the [*certified*] statement.

44 (4) [*The*] **A** contractor or subcontractor shall deliver or mail [*each certified statement required*  
 45 *by subsection (1) of this section to the public agency. Certified statements*] **a statement required**

1 **under subsection (1) of this section to the public agency with which the contractor has a**  
 2 **contract for public works. The contractor or subcontractor shall submit, by the fifth busi-**  
 3 **ness day of each month, a statement for each week in the previous month** during which the  
 4 contractor or subcontractor employs a worker upon the public works [*shall be submitted once a*  
 5 *month, by the fifth business day of the following month*]. **A public agency may use** information  
 6 [*submitted on certified*] **on statements [may be used] that a contractor or subcontractor submits**  
 7 **under this section only to:**

8 (a) Ensure compliance with the provisions of ORS 279C.800 to 279C.870[.]; **and**

9 (b) **Determine the percentage of the total hours that workers performed on the public**  
 10 **works for which the contractor or subcontractor employed apprentices participating in pro-**  
 11 **grams of apprenticeship and training under ORS 660.002 to 660.210.**

12 (5) Each contractor or subcontractor shall preserve the [*certified*] statements **described in**  
 13 **subsection (1) of this section** for a period of three years [*from*] **after** the date [*of completion of*]  
 14 **on which the contractor completes the contract for public works.**

15 (6) [*Certified statements received by*] **A statement that** a public agency [*are public records*] **re-**  
 16 **ceives under this section is** subject to the provisions of ORS 192.410 to 192.505.

17 (7) Notwithstanding ORS 279C.555 or 279C.570 (7), if a contractor is required to file [*certified*  
 18 *statements*] **a statement** under this section, the public agency shall retain 25 percent of any amount  
 19 [*earned by*] the contractor **earns** on the public works until the contractor has filed with the public  
 20 agency [*certified*] **the** statements [*as*] required [*by*] **under** this section. The public agency shall pay  
 21 the contractor the amount **the public agency** retained under this subsection within 14 days after  
 22 the contractor files the [*certified*] statements [*as required by*] **in accordance with** this section, re-  
 23 gardless of whether a subcontractor has failed to file [*certified statements as*] **a statement** required  
 24 [*by*] **under** this section. The public agency is not required to verify the truth of the contents of  
 25 [*certified*] statements [*filed by*] the contractor **submits** under this section.

26 (8) Notwithstanding ORS 279C.555, [*the*] **a** contractor shall retain 25 percent of any amount  
 27 [*earned by*] **that** a first-tier subcontractor **earns** on a public works until the subcontractor [*has filed*  
 28 *with*] **submits the statements required under this section to** the public agency **with which the**  
 29 **contractor has a contract for public works** [*certified statements as required by this section*]. The  
 30 contractor shall verify that the first-tier subcontractor has filed the [*certified*] statements before the  
 31 contractor may pay the subcontractor any amount **the contractor** retained under this subsection.  
 32 The contractor shall pay the first-tier subcontractor the amount **the contractor** retained under this  
 33 subsection within 14 days after the subcontractor files the [*certified*] statements [*as required by*] **in**  
 34 **accordance with** this section. [*Neither*] The public agency [*nor*] **and** the contractor [*is*] **are not**  
 35 required to verify the truth of the contents of [*certified*] statements [*filed by*] **that** a first-tier sub-  
 36 contractor **submits** under this section.

37 **SECTION 10.** ORS 279C.850 is amended to read:

38 279C.850. (1) At any reasonable time the Commissioner of the Bureau of Labor and Industries  
 39 may enter the office or business establishment of any contractor or subcontractor [*performing*] **with**  
 40 **a contract for** public works and gather facts and information necessary to determine whether the  
 41 [*prevailing rate of wage is actually being paid by such contractor or subcontractor to workers upon*  
 42 *public works.*] **contractor or subcontractor is:**

43 (a) **Actually paying the prevailing rate of wage to workers upon public works; and**

44 (b) **Reporting the information required under ORS 279C.845 (1)(c) accurately and**  
 45 **truthfully.**

1 (2) *[Upon request by the commissioner]* **At the commissioner's request**, every contractor or  
 2 subcontractor *[performing work on]* **with a contract for public works** shall make available to the  
 3 commissioner for inspection during normal business hours any payroll or other records *[in the pos-*  
 4 *session or under the control of]* the contractor or subcontractor **possesses or controls** that *[are*  
 5 *deemed necessary by]* the commissioner **deems necessary** to determine whether the **contractor or**  
 6 **subcontractor is actually paying the** prevailing rate of wage *[is actually being paid by such con-*  
 7 *tractor or subcontractor]* to workers upon public works. The *[commissioner's request must be made]*  
 8 **commissioner must make the request** a reasonable time in advance of the inspection.

9 (3) Notwithstanding ORS 192.410 to 192.505, any record *[obtained or made by]* the commissioner  
 10 **obtains or makes** under this section is not open to inspection by the public.

11 (4) The commissioner may, without necessity of an assignment, initiate legal proceedings against  
 12 *[employers]* **a contractor or subcontractor with a contract for public works** to enjoin future  
 13 failures to pay required prevailing rates of wage or overtime pay and to require the **contractor or**  
 14 **subcontractor to** *[payment of]* **pay** prevailing rates of wage or overtime pay due employees. The  
 15 commissioner *[is entitled to]* **may** recover, in addition to other costs, *[such]* **a sum** *[as]* **that** the court  
 16 or judge *[may determine]* **determines is** reasonable as attorney fees. If the commissioner does not  
 17 prevail in the action, the commissioner shall pay all costs and disbursements from the Bureau of  
 18 Labor and Industries Account.

19 **(5) The commissioner by rule shall establish a program to regularly carry out the pro-**  
 20 **visions of this section.**

21 **SECTION 11.** ORS 660.137 is amended to read:

22 660.137. (1) *[Every local apprenticeship or training program administered by a local joint commit-*  
 23 *tee, or by a trade committee functioning as a local joint committee, shall:]* **A local joint committee,**  
 24 **or a trade committee that functions as a local joint committee, shall:**

25 *[(1)]* (a) Propose to the State Apprenticeship and Training Council and the Apprenticeship and  
 26 Training Division of the Bureau of Labor and Industries standards for *[the]* **the local joint**  
 27 **committee's local apprenticeship or training** program that *[are in substantial conformity]* **sub-**  
 28 **stantially conform** with ORS 660.126 and with the uniform standards, if any, *[adopted by]* **that** the  
 29 state joint committee **adopted** for *[that occupation]* **the program**, and recommend to the council and  
 30 the division modifications of the standards.

31 *[(2)]* (b) Administer *[its]* **the local joint committee's** program in conformity with *[its]* **stan-**  
 32 **dards the local joint committee** approved *[standards]*, with the provisions of ORS 660.002 to  
 33 660.210, and with the rules and policies of the council and the division. *[Particularly]* **Specifically,**  
 34 the local joint committee shall:

35 *[(a)]* (A) Maintain records of all apprentices in *[its]* **the local joint committee's** program[,] with  
 36 respect to work experience, instruction on the job, attendance at related instruction *[and*  
 37 *progress,]* and **progress made, along with** *[such]* other records *[as may be]* **that are** appropriate  
 38 or required[, *and shall*];

39 (B) Submit *[such]* reports *[as]* **that** the council, division or other appropriate governmental  
 40 agencies *[may]* require;

41 *[(b)]* (C) Submit to the state joint committee appropriate requests for changes in courses of study  
 42 for *[the instruction of]* **instructing** apprentices; *[and]*

43 *[(c)]* (D) *[Be responsible for apprentices receiving]* **Provide** necessary on-the-job and related  
 44 instruction[,] and *[for all]*

45 (E) **Promptly register all** apprenticeship agreements *[being promptly registered]* with the

1 council.

2 [(3)] (c) *[Be responsible for the recruitment, qualification, selection, approval and registration of]*  
 3 **Recruit, qualify, select, approve and register** apprentices *[entering]* **that enter** the program*[, in-*  
 4 *cluding the evaluation of]* **and evaluate** previous creditable work experience, education and training  
 5 for which **the local joint committee must give** advanced credit, *[must be given, provided that]* **if**  
 6 **the local joint committee can give** advanced credit *[may be given for such]* **for the** creditable ex-  
 7 perience, education and training.

8 [(4)] (d) Review and evaluate, at least semiannually, *[the]* **each apprentice's** progress *[of each*  
 9 *apprentice,]* as to job performance and related instruction*[, and]*. Consistent with the skill **the ap-**  
 10 **prentice has** acquired, **the local joint committee shall** *[accordingly]* advance the apprentice to the  
 11 next level of apprenticeship, *[or]* hold the apprentice at the same level for a reasonable period*[,*  
 12 *and]* with reasonable opportunity for corrective action, or terminate the apprentice from the pro-  
 13 gram for serious or continued inadequate progress and notify the council and the division of the  
 14 **local joint committee's** action *[taken]*. **The local joint committee shall also notify** the council,  
 15 the division and the appropriate training agent *[shall also be notified]* of each rerating and of the  
 16 apprentice's new level on the wage schedule. *Recognition for]* **and shall ensure that an**  
 17 **apprentice's** successful completion of apprenticeship *[shall be]* **is** evidenced by an appropriate cer-  
 18 tificate *[issued by]* **from** the council.

19 [(5)(a)] (e) Determine the qualifications, minimum facilities and training conditions *[required of]*  
 20 **that** an employer **must have** to serve as an approved training agent, *[and]* approve training agents  
 21 *[accordingly;]* **in accordance with the required qualifications, minimum facilities and training**  
 22 **conditions and ensure compliance by:**

23 [(b)] (A) *[Make]* **Making** periodic checks of approved training agents to ensure that *[there are]*  
 24 **each training agency has** qualified training personnel and *[that there is]* adequate supervision on  
 25 the job, adequate and safe equipment and facilities for training and supervision*[,]* and safety training  
 26 for apprentices on the job and in related instruction; and

27 [(c)] (B) *[Withdraw]* **Withdrawing** approval of training agents *[when]* **that no longer meet** the  
 28 **required** qualifications *[are no longer met or when it appears to]* **or that** the committee **believes**  
 29 *[that the training agent is in violation of]* **have violated** the terms of an apprenticeship agreement,  
 30 **the local joint committee's** standards, **the** provisions of ORS 660.002 to 660.210 or the rules and  
 31 policies of the council and the division.

32 [(6)] (f) Determine and redetermine at least annually the average journeyworker hourly rate of  
 33 wage for the purposes of ORS 660.142 and submit the rate to the State Director of Apprenticeship  
 34 and Training, along with a statement explaining how the **local joint committee made the** deter-  
 35 mination *[was made]*.

36 (g) **Report by January 31 of each year to the Apprenticeship and Training Division of the**  
 37 **Bureau of Labor and Industries on forms and in a format that the bureau specifies by rule**  
 38 **all hours that apprentices and journeyworkers worked during the previous calendar year,**  
 39 **after collecting all necessary information from the local joint committee's training agents.**  
 40 **The report must attribute each of the hours to a specific training agent and must identify**  
 41 **apprentices and journeyworkers by craft, by race or ethnicity, by gender and by the ge-**  
 42 **ographic location in which the apprentices reside and work in accordance with standards and**  
 43 **categories that the bureau specifies by rule.**

44 (2)(a) *[Training agents that fail or refuse to provide their committees with information shall be*  
 45 *terminated as approved training agents.]* **A local joint committee shall withdraw approval from**

1 **a training agent that fails or refuses to provide the local joint committee with the informa-**  
2 **tion required under subsection (1)(f) and (g) of this section.**

3 **(b) The council and the division may withhold approval of a new program or terminate an ex-**  
4 **isting program [for failure or refusal by the committee or its] if a local joint committee or the local**  
5 **joint committee's training agents fail or refuse to keep the established journeyworker hourly rate**  
6 **of wage current and correct.**

7 **(c) The committee shall retain all records from which a local joint committee made a wage**  
8 **determination [was made for inspection by] for the council and division to inspect, as required by**  
9 **law.**

10 **(3) The Apprenticeship and Training Division of the Bureau of Labor and Industries shall**  
11 **publish the information that each local joint committee reports to the division under sub-**  
12 **section (1)(g) of this section on the Bureau of Labor and Industries website and make the**  
13 **information available to the public.**

14 **(4) The bureau, not later than March 1 of each year, shall submit to a committee or in-**  
15 **terim committee of the Legislative Assembly that deals with workforce issues a report that**  
16 **includes:**

17 **(a) The information that the bureau publishes under subsection (3) of this section;**

18 **(b) Information about the number of apprentices who become journeyworkers during the**  
19 **reporting period, identifying the number of apprentices by craft, by race or ethnicity, by**  
20 **gender and by the geographic location in which the apprentices reside and work; and**

21 **(c) The bureau's evaluation of the impact that the apprenticeship requirements set forth**  
22 **in ORS 279C.375 (4) and section 2 of this 2015 Act have on rural areas within this state.**

23 **SECTION 12. (1) Section 2 of this 2015 Act and the amendments to ORS 279C.375,**  
24 **279C.800, 279C.807, 279C.827, 279C.830, 279C.840, 279C.845, 279C.850 and 660.137 by sections 3**  
25 **and 4 to 11 of this 2015 Act apply to contracts for public works that a public agency adver-**  
26 **tises or solicits or, if the public agency does not advertise or solicit the contract for public**  
27 **works, that the public agency enters into on or after the operative date specified in section**  
28 **13 (1) of this 2015 Act.**

29 **(2) The amendments to section 2 of this 2015 Act by section 2a of this 2015 Act and the**  
30 **amendments to ORS 279C.375 by section 3a of this 2015 Act apply to contracts for public**  
31 **works that a public agency advertises or solicits or, if the public agency does not advertise**  
32 **or solicit the contract for public works, that the public agency enters into on or after the**  
33 **operative date specified in section 13 (2) of this 2015 Act.**

34 **SECTION 13. (1) Section 2 of this 2015 Act and the amendments to ORS 279C.375,**  
35 **279C.800, 279C.807, 279C.827, 279C.830, 279C.840, 279C.845, 279C.850 and 660.137 by sections 3**  
36 **and 4 to 11 of this 2015 Act become operative on January 1, 2017.**

37 **(2) The amendments to section 2 of this 2015 Act by section 2a of this 2015 Act and the**  
38 **amendments to ORS 279C.375 by section 3a of this 2015 Act become operative on January 1,**  
39 **2021.**

40 **(3) The Attorney General, the Commissioner of the Bureau of Labor and Industries, the**  
41 **Director of the Oregon Department of Administrative Services and a contracting agency,**  
42 **other than the Department of Transportation, that adopts rules under ORS 279A.065 may**  
43 **adopt rules and take any other action before the operative date specified in subsection (1)**  
44 **of this section that is necessary to enable the Attorney General, the commissioner, the di-**  
45 **rector or the contracting agency to exercise, on and after the operative date specified in**

1 subsection (1) of this section, all of the duties, functions and powers conferred on the At-  
2 torney General, the commissioner, the director or the contracting agency by section 2 of this  
3 2015 Act and the amendments to ORS 279C.375, 279C.800, 279C.807, 279C.827, 279C.830,  
4 279C.840, 279C.845, 279C.850 and 660.137 by sections 3 and 4 to 11 of this 2015 Act.

5 SECTION 14. This 2015 Act being necessary for the immediate preservation of the public  
6 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect  
7 on its passage.

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