

HB 2020-71  
(LC 894)  
4/17/19  
(RLM/MAM/ps)

Requested by Senator BENTZ

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2020**

1 On page 23 of the printed bill, delete lines 44 and 45 and delete page 24.

2 On page 25, delete lines 1 through 13 and insert:

3 **“SECTION 34. Construction projects funded by certain auction**  
4 **proceeds; requirements.** (1) If a construction project receives more  
5 than \$50,000 in funding from moneys in the Climate Investments Fund  
6 established under section 30 of this 2019 Act or the Transportation  
7 Decarbonization Investments Account established under section 32 of  
8 this 2019 Act, the primary contractor participating in the construction  
9 project:

10 **“(a) Shall pay the prevailing rate of wage for an hour’s work in the**  
11 **same trade or occupation in the locality where the labor is performed;**

12 **“(b) Shall offer health care and retirement benefits to the employ-**  
13 **ees performing the labor on the construction project;**

14 **“(c) Shall participate in an apprenticeship program registered with**  
15 **the State Apprenticeship and Training Council;**

16 **“(d) May not be a contractor listed by the Commissioner of the**  
17 **Bureau of Labor and Industries under ORS 279C.860 as ineligible to**  
18 **receive a contract or subcontract for public works;**

19 **“(e) Must demonstrate a history of compliance with the rules and**  
20 **other requirements of the Construction Contractors Board and of the**  
21 **Workers’ Compensation Division, the Building Codes Division and the**

1 **Occupational Safety and Health Division of the Department of Con-**  
2 **sumer and Business Services; and**

3 **“(f) Must demonstrate a history of compliance with federal and**  
4 **state wage and hour laws.**

5 **“(2) A farm labor contractor, as defined in ORS 658.405, may not**  
6 **receive moneys allocated by the Legislative Assembly from the Climate**  
7 **Investments Fund or the Transportation Decarbonization Investments**  
8 **Account unless the farm labor contractor is in compliance with all li-**  
9 **censing and any other requirements or regulations imposed upon farm**  
10 **labor contractors pursuant to ORS 658.405 to 658.503.**

11 **“(3)(a) The Oregon Department of Administrative Services shall**  
12 **adopt model rules that specify labor, workforce and contracting pro-**  
13 **cedures for all state agencies to use in administering funds for con-**  
14 **struction projects that receive more than \$50,000 in funding from**  
15 **moneys in the Climate Investments Fund or the Transportation**  
16 **Decarbonization Investments Account. The department shall adopt**  
17 **the rules in accordance with ORS chapter 183.**

18 **“(b) Model rules adopted under this subsection shall require the use**  
19 **of a project labor agreement for construction projects that receive**  
20 **more than \$200,000 in funding from moneys in the Climate Investments**  
21 **Fund or the Transportation Decarbonization Investments Account.**  
22 **For all other construction projects funded as described in paragraph**  
23 **(a) of this subsection, the model rules shall:**

24 **“(A) Establish measurable, enforceable goals for the training and**  
25 **hiring of persons who are members of impacted communities and for**  
26 **contracting with businesses that are owned or operated by members**  
27 **of impacted communities; and**

28 **“(B) Establish wage, benefit and labor relations standards consist-**  
29 **ent with the provisions of this section.**

30 **“(c) The model rules shall promote best practices in procurement**

1 **and contracting.**

2 **“(d)(A) The model rules shall require that, in each contract awarded**  
3 **for a construction project funded as described in paragraph (a) of this**  
4 **subsection, steel, iron, coatings for steel and iron, cement and manu-**  
5 **factured products that the contractor purchases for the project and**  
6 **that become part of a permanent structure be produced in the United**  
7 **States.**

8 **“(B) The requirement in subparagraph (A) of this paragraph shall**  
9 **not apply if the administering agency finds that:**

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

11 **“(ii) Steel, iron, coatings for steel and iron, cement and manufac-**  
12 **tured products required for the project are not produced in the United**  
13 **States in sufficient and reasonably available quantities and with sat-**  
14 **isfactory quality; or**

15 **“(iii) The requirement set forth in subparagraph (A) of this para-**  
16 **graph will increase the costs of the project, exclusive of labor costs**  
17 **involved in final assembly for manufactured products, by 25 percent**  
18 **or more.**

19 **“(C) Notwithstanding a finding by the administering agency under**  
20 **paragraph (d)(B) of this subsection, a contractor shall spend at least**  
21 **75 percent of the total amount the contractor spends in connection**  
22 **with the construction project on steel, iron, coatings for steel and**  
23 **iron, cement and manufactured products that become part of a per-**  
24 **manent structure to purchase steel, iron, coatings for steel and iron,**  
25 **cement and manufactured products that are produced in the United**  
26 **States.**

27 **“(e) Before adopting or amending a rule under this subsection, the**  
28 **department shall consult with representatives of labor and workforce**  
29 **equity and contractor equity, and other knowledgeable persons.**

30 **“(4) A state agency charged with administering funds for con-**

1 **struction projects that receive more than \$50,000 in funding from**  
2 **moneys in the Climate Investments Fund or the Transportation**  
3 **Decarbonization Investments Account may not adopt the administer-**  
4 **ing agency's own rules for labor and workforce procedures related to**  
5 **administering funds allocated from the Climate Investments Fund or**  
6 **the Transportation Decarbonization Investments Account."**

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