

Requested by HOUSE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES (at the request of Representative Pam Marsh)

**PROPOSED AMENDMENTS TO
HOUSE BILL 4059**

1 On page 1 of the printed bill, delete lines 5 through 26 and delete pages
2 2 through 4 and insert:

3 **“SECTION 1.** ORS 757.306 is amended to read:

4 “757.306. (1) As used in this section:

5 “(a) ‘Apprentice’ and ‘apprenticeable occupation’ have the meanings given
6 those terms in ORS 660.010.

7 “(b) ‘Apprenticeship training program’ means the total system of appren-
8 ticeship that a particular local joint committee, as defined in ORS 660.010,
9 operates, including the local joint committee’s registered standards and all
10 other terms and conditions for qualifying, recruiting, selecting, employing
11 and training apprentices in an apprenticeable occupation.

12 “(c) ‘Construction’ includes on-site and off-site construction and fabri-
13 cation and covers 30 days after project completion.

14 “(d) ‘*Large-scale*’ **Covered** project’ means:

15 **“(A) Except as provided in subparagraph (B) of this paragraph,** a
16 renewable energy generation, sequestration or storage facility with a capac-
17 ity rating of [10] **two** megawatts or greater.

18 **“(B) A community solar facility with a capacity rating of three**
19 **megawatts or greater.**

20 “(e) ‘Minority individual’ and ‘woman’ have the meanings given those
21 terms in ORS 200.005.

1 “(f) ‘Repower’ means replacement of enough of the original generation
2 equipment or components to make an original energy generation facility
3 equivalent to a new facility, such that at least 80 percent of the fair market
4 value of the facility derives from new generation equipment or components
5 installed as part of the replacement project.

6 “(g) ‘Veteran’ has the meaning given that term in ORS 408.225.

7 “(2) A person who constructs or repowers a [*large-scale*] **covered** project
8 sited in this state shall, [*at the time of contract finalization for development*
9 *of the project or execution of a contract for delivery of energy from the*
10 *project*] **within 30 days from the date the construction begins**, provide a
11 signed attestation or declaration stating to the best of their knowledge and
12 belief, subject to penalty of perjury as described in ORS 162.065, that during
13 all periods of construction all contractors and subcontractors working on the
14 construction or repowering project will:

15 “(a)(A)(i) **Except as provided in sub-subparagraph (ii) of this sub-**
16 **paragraph**, participate in an apprenticeship program registered with the
17 State Apprenticeship and Training Council and with graduation rates equal
18 to or higher than the national average for each respective trade in a manner
19 consistent with the respective apprenticeship training programs, such that
20 15 percent of the total work hours on a given [*large-scale*] **covered** project
21 is performed by [*workers*] **apprentices** in apprenticeable occupations; **or**

22 “(ii) **If less than 15 percent of total work hours on a given covered**
23 **project is performed by apprentices in apprenticeable occupations,**
24 **demonstrate good faith with meeting the requirement described in**
25 **sub-subparagraph (i) of this subparagraph by providing documented**
26 **and verifiable information including:**

27 “(I) **Internet addresses of employment advertisements or job an-**
28 **nouncements;**

29 “(II) **Dates, times, Internet addresses and attendance lists of a**
30 **prejob conference with apprenticeship, preapprenticeship and**

1 **workforce providers in construction;**

2 **“(III) Contacts requesting apprentices with an apprenticeship pro-**
3 **gram approved by the Bureau of Labor and Industries including the**
4 **date, time, telephone contact, electronic mail contact and whether a**
5 **response was provided within 48 hours of the request;**

6 **“(IV) Contacts requesting apprentices from a union hall including**
7 **the date, time, telephone contact, electronic mail contact and whether**
8 **a response was provided within 48 hours of the request; and**

9 **“(V) Documentation of job offers and number of job offers made to**
10 **apprentices;**

11 **“[(b)] (B) Establish and execute a plan for outreach, recruitment and re-**
12 **tention of women, minority individuals, veterans and people with disabilities**
13 **to perform work under the contract, with the aspirational target of having**
14 **at least 15 percent of total work hours performed by individuals in one or**
15 **more of those groups;**

16 **“[(c)] (C) Have policies in place that are designed to limit or prevent**
17 **workplace harassment and discrimination and that promote workplace di-**
18 **versity, equity and inclusion for communities who have been underrepre-**
19 **sented in the clean energy sector, including women, veterans and Black,**
20 **Indigenous and People of Color;**

21 **“[(d) Demonstrate good faith with meeting the requirements described in**
22 **paragraphs (a) to (c) of this subsection by providing documented and verifiable**
23 **information including:]**

24 **“[(A) Internet addresses of employment advertisements or job announce-**
25 **ments;]**

26 **“[(B) Dates, times, Internet addresses and attendance lists of a prejob con-**
27 **ference with apprenticeship, preapprenticeship and workforce providers in**
28 **construction;]**

29 **“[(C) Contacts requesting workers with an apprenticeship program approved**
30 **by the Bureau of Labor and Industries including the date, time, telephone**

1 *contact, email contact and whether a response was provided within 48 hours*
2 *of the request; and]*

3 “[(D) *Contacts requesting workers from a union hall including the date,*
4 *time, telephone contact, email contact and whether a response was provided*
5 *within 48 hours of the request;]*

6 “[(e)] (D) Maintain a license and good standing to perform the work and
7 remain eligible to receive a contract or subcontract for public works under
8 ORS 279C.860;

9 “[(f)] (E) Materially demonstrate a history of material compliance in the
10 previous seven years, or provide available history for new businesses, with
11 the rules and other requirements of state agencies with oversight regarding
12 workers’ compensation, building codes and occupational safety and health;

13 “[(g)] (F) Materially demonstrate a history of compliance, in the previous
14 seven years, or provide available history for new businesses, with federal and
15 state wage and hour laws; and

16 “[(h)] (G) Provide quarterly reporting and recordkeeping to the project
17 owner or electric utility and respond to records requests and verification[.];
18 **and**

19 “[(3) *In addition to the requirements in subsection (2) of this section, a*
20 *person constructing or repowering a large-scale project shall require all con-*
21 *tractors and subcontractors working on the construction or repowering project*
22 *to:]*

23 “(b) **If the covered project has a capacity rating of 10 megawatts or**
24 **greater:**

25 “[(a)] (A) Pay **no less than** the [area] **prevailing** wage [standard] **rate**
26 for an hour’s work in the same trade or occupation in the locality where the
27 labor is performed. [Area] **Prevailing** wage [standard] **rate** includes the
28 calculation of wages and fringe benefits per trade and locality and will be
29 treated as standards defined in ORS 279C.800 [et seq] **to 279C.870.**

30 “[(b)] (B) Offer health care and retirement benefits to the employees per-

1 forming the labor on the project.

2 “[*(c)*] (C) Provide quarterly reporting and recordkeeping to the project
3 owner or electric utility and respond to records requests and verification.

4 “[*(4)*] (3) [A] **The** person [*constructing or repowering a large-scale*
5 *project*] shall provide the attestation or declaration and **any** good faith effort
6 documentation described in subsection (2) of this section to the State De-
7 partment of Energy within 30 days from the date construction begins and
8 [*provide notice of such delivery to*] **shall notify** the purchaser of the project
9 or of the energy from the project **of this provision or of the provision of**
10 **a project labor agreement under subsection (4) of this section, the**
11 **notice of which shall identify the signatories to the agreement.** In ad-
12 dition to the requirements described in subsection (2) of this section, [*an*]
13 **the attestation or declaration** must include the following information:

14 “(a) The megawatt capacity and physical footprint in acres of the project;

15 “(b) The geographic location of the project;

16 “(c) The estimated workforce requirements of the project;

17 “(d) A collated list of good faith effort documentation; and

18 “(e) A description of any policies in place for ensuring the person meets
19 the requirements in this section.

20 “[*(5)(a)*] (4)(a) In lieu of providing an attestation or declaration described
21 in subsection (2) of this section, [*a*] **the** person may provide a copy of a
22 project labor agreement, if a project labor agreement is used on the [*large-*
23 *scale*] **covered** project and shall be exempted from the requirements de-
24 scribed in subsection (2) of this section.

25 “(b) As used in this subsection, ‘project labor agreement’ means a prehire
26 collective bargaining agreement as described in 29 U.S.C. 158(f) that estab-
27 lishes the terms and conditions of employment for a specific construction
28 project or contract.

29 “(c) A project labor agreement may include additional provisions that:

30 “(A) Prohibit discrimination based on race, national origin, religion,

1 gender, sexual orientation, political affiliation or membership in a labor or-
2 ganization in hiring and dispatching workers for the project.

3 “(B) Permit qualified contractors and subcontractors to bid for and be
4 awarded work on the project without regard to whether they are otherwise
5 parties to a collective bargaining agreement.

6 “(C) Permit and promote qualified business enterprises owned by women,
7 minorities, veterans and disadvantaged individuals without regard to
8 whether the individuals are otherwise parties to a collective bargaining
9 agreement.

10 “(D) Guarantee against work stoppages, strikes, lockouts and similar dis-
11 ruptions of the project.

12 “[~~(6)(a)~~] **(5)(a)** The department shall retain an attestation or declaration
13 filed with the department in a manner consistent with the department’s re-
14 cord retention policies.

15 “(b) Notwithstanding any provisions of ORS 192.345 or 192.355, an
16 attestation or declaration provided to the department pursuant to this sub-
17 section is subject to public records disclosure and the department shall pro-
18 vide a copy of the attestation or declaration upon request.

19 “(c) An attestation or declaration filed under this section is for reporting
20 purposes only and the department may not use an attestation or declaration
21 to investigate, regulate or enforce matters addressed in the attestation or
22 declaration.

23 “**(6)(a) Nothing in this section:**

24 “**(A) Applies to a contract or subcontract with a tribal government,**
25 **agent or instrumentality of an Oregon Indian tribe for a covered**
26 **project located in whole or in part on the tribe’s reservation or on land**
27 **held in trust by the United States for the benefit of the tribe, unless**
28 **the tribal government elects to adopt the standards in this section for**
29 **the contract or subcontract; or**

30 “**(B) Affects the wage rates overseen by a tribal government, agent**

1 or instrumentality of an Oregon Indian tribe.

2 “(b) As used in this subsection, ‘Oregon Indian tribe’ and ‘tribal
3 government’ have the meanings given those terms in ORS 294.805.

4 “(7) Nothing in this section:

5 “(a) Prohibits the inclusion of labor standards in addition to those
6 required by subsection (2) of this section in contracts that are subject
7 to this section; or

8 “(b) Prohibits a person from using a project labor agreement to
9 meet the minimum requirements of subsection (2) of this section.

10 **“SECTION 2.** (1) A request for proposals submitted by an electric
11 company, as defined in ORS 757.600, for resource procurement that is
12 subject to competitive bidding requirements adopted by the Public
13 Utility Commission by rule and that may result in the procurement
14 of a covered project must:

15 “(a) Include a reference to and information regarding the require-
16 ments in ORS 757.306; and

17 “(b) Require that a successful bidder within 30 days from the date
18 construction begins, provide a copy of the attestation or declaration
19 or executed project labor agreement as required under ORS 757.306.

20 “(2) The State Department of Energy shall, upon request from the
21 commission, provide a copy of the attestation or declaration or project
22 labor agreement to the commission.

23 **“SECTION 3.** This 2022 Act being necessary for the immediate
24 preservation of the public peace, health and safety, an emergency is
25 declared to exist, and this 2022 Act takes effect on its passage.”.

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