

HOUSE AMENDMENTS TO HOUSE BILL 2649

By COMMITTEE ON BUSINESS AND LABOR

April 10

1 On page 1 of the printed bill, line 2, after “requirements;” insert “creating new provisions;”.
2 Delete lines 4 through 21 and delete pages 2 through 6.

3 On page 7, delete lines 1 through 24 and insert:

4 “**SECTION 1.** ORS 279C.533 is amended to read:

5 “279C.533. (1) As used in this section:

6 “(a) ‘Apprentice’ has the meaning given that term in ORS 660.010.

7 “(b) ‘Apprenticeable occupation’ has the meaning given that term in ORS 660.010.

8 “(c) ‘Apprenticeship agreement’ has the meaning given that term in ORS 660.010.

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

13 “(e) ‘**Minority individual**’ has the meaning given that term in ORS 200.005.

14 “(f) ‘**Qualifying agency**’ means:

15 “(A) **A state contracting agency; and**

16 “(B) **The Higher Education Coordinating Commission, a public university listed in ORS**
17 **352.002 and a community college district, as defined in ORS 341.005, to the extent that the**
18 **commission, the university or the district uses funds paid directly or indirectly from the**
19 **State Treasury for all or a portion of the construction costs of a public improvement.**

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

21 “(h) ‘**Woman**’ has the meaning given that term in ORS 200.005.

22 “(2) A [*state contracting*] **qualifying** agency shall provide in each public improvement contract
23 for which the contract price exceeds \$3 million that the contractor shall:

24 “(a) Employ apprentices to perform 12 percent **or more** of the work hours that workers in
25 apprenticeable occupations perform **for each contract** on the public improvement; and

26 “(b) Require in each subcontract [*for which the contract price exceeds the lesser of \$1 million or*
27 *25 percent of the price of the contract*] **with a contract price of \$750,000 or more** that the subcon-
28 tractor employ apprentices to perform 12 percent **or more** of the work hours that workers in
29 apprenticeable occupations perform on the subcontract.

30 “(3) A contractor or subcontractor shall pay an apprentice for work on the public improvement
31 at the hourly rate to which the apprentice is entitled under an apprenticeship agreement or that the
32 apprenticeship training program specifies.

33 “[*4*] *Subject to the terms of the public improvement contract, a contractor on a public improvement*
34 *may decide the locations in which, the types of work for which and other details concerning how the*
35 *contractor employs apprentices for work on the public improvement. The contractor may meet the re-*

1 *quirement set forth in subsection (2) of this section by requiring one or more subcontractors to employ*
2 *apprentices for work on the public improvement.]*

3 “(4)(a) **A qualifying agency shall require as a material provision of a public improvement**
4 **contract that the contractor establish and implement a plan for outreach to and recruitment**
5 **and retention of women, minority individuals and veterans to perform work under the public**
6 **improvement contract, with an aspirational target of having individuals in one or more of**
7 **these groups to compose at least 15 percent of the total number of workers who perform**
8 **work under the public improvement contract. A contractor’s plan for outreach, recruitment**
9 **and retention must require the contractor to, at a minimum:**

10 “(A) **Advertise employment opportunities available under the public improvement con-**
11 **tract in general circulation publications, trade association publications and publications that**
12 **serve an audience or readership that consists primarily of minority individuals, women or**
13 **veterans;**

14 “(B) **Follow up on the contractor’s initial solicitations of interest by contacting minority**
15 **individuals, women or veterans who expressed interest in or responded to the initial solic-**
16 **itation to determine with certainty whether the minority individual, woman or veteran is**
17 **interested in the opportunities described in subparagraph (A) of this paragraph;**

18 “(C) **Provide all persons who express continued interest with adequate information about**
19 **hiring qualifications, pay rates, benefits, the expected duration of employment, work hours**
20 **and other conditions of employment under the public improvement contract;**

21 “(D) **Make efforts to encourage minority individuals, women and veterans to seek em-**
22 **ployment under the public improvement contract that the contractor may reasonably expect**
23 **will produce a level of participation that meets the aspirational target described in this par-**
24 **agraph; and**

25 “(E) **Use the services of minority community organizations, local, state, federal and tribal**
26 **governments or other organizations that have recruiting, training and otherwise assisting**
27 **minority individuals, women and veterans as the organization’s primary purpose or mission**
28 **to assist the contractor with outreach, recruitment and retention.**

29 “(b) **A contractor shall demonstrate adequate good faith efforts to comply with the re-**
30 **quirements of paragraph (a) of this subsection.**

31 “(c) **A contractor shall require any subcontractor with which the contractor has a sub-**
32 **contract with a contract price of \$750,000 or more to comply with the requirements set forth**
33 **for the contractor in paragraph (a) of this subsection.**

34 “[5] (5)(a) **A contractor shall report the extent of the contractor’s compliance with this section**
35 **and the compliance of a subcontractor described in subsection (4)(c) of this section to the**
36 *[state contracting]* **qualifying agency on forms, in a format and with contents the** *[state contracting*
37 *agency]* **Commissioner of the Bureau of Labor and Industries specifies by rule, and at regular**
38 **intervals that the** *[state contracting]* **qualifying agency specifies in the public improvement contract.**
39 *[The forms and the contents that the state contracting agency specifies must include, at a minimum, a*
40 *report in which the contractor provides a detailed accounting of the total number of work hours each*
41 *month and the cumulative total number of work hours since the public improvement contract term be-*
42 *gan in which:]*

43 “*[(a) Workers in apprenticeable occupations performed work on the public improvement; and]*

44 “*[(b) Apprentices performed work on the public improvement.]*

45 “(b) **A qualifying agency shall require the contractor to submit for each contract and**

1 subcontract the report described in paragraph (a) of this subsection as part of, or as a sup-
2 plement to, certified statements required under ORS 279C.845, shall require contractors to
3 preserve the reports as provided for certified statements in ORS 279C.845 (5), may disclose
4 the reports as provided in ORS 279C.845 (6) and may enforce a failure to submit a report as
5 provided in ORS 279C.845 (7). The reports described in this subsection must include, at a
6 minimum, for each contract or subcontract related to the public improvement contract:

7 “(A) The name of or other identification for the public improvement project;

8 “(B) The city or county in which the public improvement project is located;

9 “(C) A detailed accounting of:

10 “(i) The total number of hours of work that workers performed under each contract and
11 subcontract;

12 “(ii) The total number of hours of work that workers performed in each apprenticeable
13 trade or craft for each contract and subcontract on the public improvement;

14 “(iii) The total number of hours of work that apprentices performed for each contract
15 and subcontract on the public improvement; and

16 “(iv) The total number of hours of work that apprentices in each trade or craft per-
17 formed for each contract and subcontract on the public improvement; and

18 “(D) The total number of workers who performed construction work and the total num-
19 bers of minority individuals, women and veterans who performed construction work under
20 the public improvement contract. A report under this subparagraph must separately list for
21 each worker the worker’s race, ethnicity, gender, veteran status and, as applicable, trade,
22 craft or job category. The Commissioner of the Bureau of Labor and Industries by rule may
23 specify a method for identifying, collecting and reporting the information required under this
24 subparagraph, which may consist of methods the United States Equal Employment Oppor-
25 tunity Commission prescribes in regulations the United States Equal Employment Oppor-
26 tunity Commission adopts under Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e et seq.

27 “(6) At least 30 days before making any final payment to a contractor under a public improve-
28 ment contract, a [state contracting] **qualifying** agency shall determine the extent of the contractor’s
29 compliance with the [requirement] **requirements** in [subsection (2)] **subsections (2) and (3)** of this
30 section. The [state contracting] **qualifying** agency shall base the determination on the ratio between
31 the actual number of work hours that workers in apprenticeable occupations performed **for each**
32 **contract and subcontract** on the public improvement and the actual number of work hours that
33 apprentices performed **for each contract and subcontract** on the public improvement, as shown
34 in reports the [state contracting] **qualifying** agency receives under subsection (5) of this section.

35 “(7)(a) Not later than 30 days after making a final payment to a contractor under a public
36 improvement contract, a qualifying agency shall report to the Bureau of Labor and Indus-
37 tries the information the qualifying agency collected from the contractor under subsection
38 (5) of this section, together with the qualifying agency’s determination under subsection (6)
39 of this section as to whether the contractor and any subcontractor met the requirements for
40 employing and paying apprentices set forth in subsections (2) and (3) of this section. The
41 bureau may specify the form and contents of a report under this paragraph and may require
42 the qualifying agency to also report aggregated data.

43 “(b) Not later than January 2 of each odd-numbered year, the bureau shall report to a
44 committee of the Legislative Assembly that considers matters related to apprenticeship and
45 apprenticeship utilization on public improvement contracts the following data concerning

1 each public improvement contract and subcontract that each qualifying agency completed
2 within the previous two years:

3 “(A) The total number of hours of work that workers performed for each contract or
4 subcontract on all public improvement projects;

5 “(B) The total number of hours of work that workers performed in each apprenticeable
6 trade and craft for each contract and subcontract on all public improvement projects;

7 “(C) The total number of hours of work that apprentices performed for each contract and
8 subcontract on all public improvement projects;

9 “(D) The total number of hours of work that apprentices in each apprenticeable trade
10 or craft performed for each contract and subcontract on all public improvement projects;

11 “(E) The total number of minority individuals, women and veterans who performed work
12 on the public improvement projects; and

13 “(F) Any additional information the bureau determines is necessary to carry out the
14 purposes of this section.

15 “(8)(a) A qualifying agency shall reduce the payment due under a public improvement
16 contract to a contractor that does not meet the requirements set forth under subsections
17 (2) and (3) of this section. The amount of the reduction must be equivalent to the difference
18 between the total number of work hours that apprentices in apprenticeable occupations
19 should have performed on the public improvement project to meet the requirement set forth
20 in subsection (2) of this section less the total number of work hours that apprentices in
21 apprenticeable occupations actually performed on the public improvement project, multiplied
22 by \$15 per hour.

23 “(b) The qualifying agency shall pay the amount of the reduction under paragraph (a) of
24 this subsection to the State Treasury to the credit of the Bureau of Labor and Industries
25 Account established under ORS 651.160. The bureau shall use the amount deposited to fund
26 expansions of apprenticeship training programs, with a focus on programs in areas of this
27 state where contractors did not meet the targets specified in subsection (2) of this section.

28 “(c) A contractor, in a subcontract related to the contractor’s public improvement con-
29 tract, may provide to the same extent described in paragraph (a) of this subsection for a
30 reduction in the amount due to the subcontractor if the subcontractor fails to perform the
31 subcontract in accordance with the contractor’s requirements under subsections (2) and (3)
32 of this section. The contractor may also provide in the contract for a reduction in the
33 amount due a subcontractor that fails to comply with subsection (4)(c) of this section.

34 “[7] (9) This section does not apply to[:]

35 “[a] *The Department of Transportation or a public improvement contract that a contractor enters*
36 *into with the department; or]*

37 “[b] a public contract that a [state contracting] **qualifying** agency enters into under ORS
38 279B.080.

39 “**SECTION 2.** ORS 279C.533, as amended by section 1 of this 2023 Act, is amended to read:

40 “279C.533. (1) As used in this section:

41 “(a) ‘Apprentice’ has the meaning given that term in ORS 660.010.

42 “(b) ‘Apprenticeable occupation’ has the meaning given that term in ORS 660.010.

43 “(c) ‘Apprenticeship agreement’ has the meaning given that term in ORS 660.010.

44 “(d) ‘Apprenticeship training program’ means the total system of apprenticeship that a particular
45 local joint committee, as defined in ORS 660.010, operates, including the local joint committee’s

1 registered standards and all other terms and conditions for qualifying, recruiting, selecting, em-
2 ploying and training apprentices in an apprenticeable occupation.

3 “(e) ‘Minority individual’ has the meaning given that term in ORS 200.005.

4 “(f) ‘Qualifying agency’ means:

5 “(A) A state contracting agency; and

6 “(B) The Higher Education Coordinating Commission, a public university listed in ORS 352.002
7 and a community college district, as defined in ORS 341.005, to the extent that the commission, the
8 university or the district uses funds paid directly or indirectly from the State Treasury for all or a
9 portion of the construction costs of a public improvement.

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

11 “(h) ‘Woman’ has the meaning given that term in ORS 200.005.

12 “(2) A qualifying agency shall provide in each public improvement contract for which the con-
13 tract price exceeds \$3 million that the contractor shall:

14 “(a) Employ apprentices to perform [12] 15 percent or more of the work hours that workers in
15 apprenticeable occupations perform for each contract on the public improvement; and

16 “(b) Require in each subcontract with a contract price of \$750,000 or more that the subcon-
17 tractor employ apprentices to perform [12] 15 percent or more of the work hours that workers in
18 apprenticeable occupations perform on the subcontract;

19 “(3) A contractor or subcontractor shall pay an apprentice for work on the public improvement
20 at the hourly rate to which the apprentice is entitled under an apprenticeship agreement or that the
21 apprenticeship training program specifies.

22 “(4)(a) A qualifying agency shall require as a material provision of a public improvement con-
23 tract that the contractor establish and implement a plan for outreach to and recruitment and re-
24 tention of women, minority individuals and veterans to perform work under the public improvement
25 contract, with an aspirational target of having individuals in one or more of these groups to com-
26 pose at least 15 percent of the total number of workers who perform work under the public im-
27 provement contract. A contractor’s plan for outreach, recruitment and retention must require the
28 contractor to, at a minimum:

29 “(A) Advertise employment opportunities available under the public improvement contract in
30 general circulation publications, trade association publications and publications that serve an audi-
31 ence or readership that consists primarily of minority individuals, women or veterans;

32 “(B) Follow up on the contractor’s initial solicitations of interest by contacting minority indi-
33 viduals, women or veterans who expressed interest in or responded to the initial solicitation to de-
34 termine with certainty whether the minority individual, woman or veteran is interested in the
35 opportunities described in subparagraph (A) of this paragraph;

36 “(C) Provide all persons who express continued interest with adequate information about hiring
37 qualifications, pay rates, benefits, the expected duration of employment, work hours and other con-
38 ditions of employment under the public improvement contract;

39 “(D) Make efforts to encourage minority individuals, women and veterans to seek employment
40 under the public improvement contract that the contractor may reasonably expect will produce a
41 level of participation that meets the aspirational target described in this paragraph; and

42 “(E) Use the services of minority community organizations, local, state, federal and tribal gov-
43 ernments or other organizations that have recruiting, training and otherwise assisting minority in-
44 dividuals, women and veterans as the organization’s primary purpose or mission to assist the
45 contractor with outreach, recruitment and retention.

1 “(b) A contractor shall demonstrate adequate good faith efforts to comply with the requirements
2 of paragraph (a) of this subsection.

3 “(c) A contractor shall require any subcontractor with which the contractor has a subcontract
4 with a contract price of \$750,000 or more to comply with the requirements set forth for the con-
5 tractor in paragraph (a) of this subsection.

6 “(5)(a) A contractor shall report the extent of the contractor’s compliance with this section and
7 the compliance of a subcontractor described in subsection (4)(c) of this section to the qualifying
8 agency on forms, in a format and with contents the Commissioner of the Bureau of Labor and In-
9 dustries specifies by rule, and at regular intervals that the qualifying agency specifies in the public
10 improvement contract.

11 “(b) A qualifying agency shall require the contractor to submit for each contract and subcon-
12 tract the report described in paragraph (a) of this subsection as part of, or as a supplement to,
13 certified statements required under ORS 279C.845, shall require contractors to preserve the reports
14 as provided for certified statements in ORS 279C.845 (5), may disclose the reports as provided in
15 ORS 279C.845 (6) and may enforce a failure to submit a report as provided in ORS 279C.845 (7). The
16 reports described in this subsection must include, at a minimum, for each contract or subcontract
17 related to the public improvement contract:

18 “(A) The name of or other identification for the public improvement project;

19 “(B) The city or county in which the public improvement project is located;

20 “(C) A detailed accounting of:

21 “(i) The total number of hours of work that workers performed under each contract and sub-
22 contract;

23 “(ii) The total number of hours of work that workers performed in each apprenticeable trade
24 or craft for each contract and subcontract on the public improvement;

25 “(iii) The total number of hours of work that apprentices performed for each contract and sub-
26 contract on the public improvement; and

27 “(iv) The total number of hours of work that apprentices in each trade or craft performed for
28 each contract and subcontract on the public improvement; and

29 “(D) The total number of workers who performed construction work and the total numbers of
30 minority individuals, women and veterans who performed construction work under the public im-
31 provement contract. A report under this subparagraph must separately list for each worker the
32 worker’s race, ethnicity, gender, veteran status and, as applicable, trade, craft or job category. The
33 Commissioner of the Bureau of Labor and Industries by rule may specify a method for identifying,
34 collecting and reporting the information required under this subparagraph, which may consist of
35 methods the United States Equal Employment Opportunity Commission prescribes in regulations the
36 United States Equal Employment Opportunity Commission adopts under Title VII of the Civil Rights
37 Act of 1964, 42 U.S.C. 2000e et seq.

38 “(6) At least 30 days before making any final payment to a contractor under a public improve-
39 ment contract, a qualifying agency shall determine the extent of the contractor’s compliance with
40 the requirements in subsections (2) and (3) of this section. The qualifying agency shall base the
41 determination on the ratio between the actual number of work hours that workers in apprenticeable
42 occupations performed for each contract and subcontract on the public improvement and the actual
43 number of work hours that apprentices performed for each contract and subcontract on the public
44 improvement, as shown in reports the qualifying agency receives under subsection (5) of this section.

45 “(7)(a) Not later than 30 days after making a final payment to a contractor under a public im-

1 improvement contract, a qualifying agency shall report to the Bureau of Labor and Industries the in-
2 formation the qualifying agency collected from the contractor under subsection (5) of this section,
3 together with the qualifying agency's determination under subsection (6) of this section as to
4 whether the contractor and any subcontractor met the requirements for employing and paying ap-
5 prentices set forth in subsections (2) and (3) of this section. The bureau may specify the form and
6 contents of a report under this paragraph and may require the qualifying agency to also report ag-
7 gregated data.

8 “(b) Not later than January 2 of each odd-numbered year, the bureau shall report to a committee
9 of the Legislative Assembly that considers matters related to apprenticeship and apprenticeship
10 utilization on public improvement contracts the following data concerning each public improvement
11 contract and subcontract that each qualifying agency completed within the previous two years:

12 “(A) The total number of hours of work that workers performed for each contract or subcontract
13 on all public improvement projects;

14 “(B) The total number of hours of work that workers performed in each apprenticeable trade
15 or craft for each contract and subcontract on all public improvement projects;

16 “(C) The total number of hours of work that apprentices performed for each contract and sub-
17 contract on all public improvement projects;

18 “(D) The total number of hours of work that apprentices in each apprenticeable trade or craft
19 performed for each contract and subcontract on all public improvement projects;

20 “(E) The total number of minority individuals, women and veterans who performed work on the
21 public improvement projects; and

22 “(F) Any additional information the bureau determines is necessary to carry out the purposes
23 of this section.

24 “(8)(a) A qualifying agency shall reduce the payment due under a public improvement contract
25 to a contractor that does not meet the requirements set forth under subsections (2) and (3) of this
26 section. The amount of the reduction must be equivalent to the difference between the total number
27 of work hours that apprentices in apprenticeable occupations should have performed on the public
28 improvement project to meet the requirement set forth in subsection (2) of this section less the total
29 number of work hours that apprentices in apprenticeable occupations actually performed on the
30 public improvement project, multiplied by \$15 per hour.

31 “(b) The qualifying agency shall pay the amount of the reduction under paragraph (a) of this
32 subsection to the State Treasury to the credit of the Bureau of Labor and Industries Account es-
33 tablished under ORS 651.160. The bureau shall use the amount deposited to fund expansions of ap-
34 prenticeship training programs, with a focus on programs in areas of this state where contractors
35 did not meet the targets specified in subsection (2) of this section.

36 “(c) A contractor, in a subcontract related to the contractor's public improvement contract, may
37 provide to the same extent described in paragraph (a) of this subsection for a reduction in the
38 amount due to the subcontractor if the subcontractor fails to perform the subcontract in accordance
39 with the contractor's requirements under subsections (2) and (3) of this section. The contractor may
40 also provide in the contract for a reduction in the amount due a subcontractor that fails to comply
41 with subsection (4)(c) of this section.

42 “(9) This section does not apply to a public contract that a qualifying agency enters into under
43 ORS 279B.080.”.

44 In line 33, delete “2025” and insert “2027”.

45 In line 34, after “General,” insert “the Commissioner of the Bureau of Labor and Industries,”.

- 1 In line 39, after "General," insert "the commissioner,".
- 2 In line 41, after "General," insert "the commissioner,".
- 3 _____