

Requested by Representative LEVY E

**PROPOSED AMENDMENTS TO
HOUSE BILL 3579**

1 On page 1 of the printed bill, line 2, after the first semicolon delete the
2 rest of the line and delete line 3 and insert “and prescribing an effective
3 date.”.

4 Delete lines 5 through 24 and delete pages 2 through 5 and insert:

5 **“SECTION 1. (1) As used in this section:**

6 **“(a) ‘Apprenticeship training program’ means the total system of**
7 **apprenticeship that a local joint committee, as defined in ORS 660.010,**
8 **operates, including a local joint committee’s registered standards and**
9 **all other terms or conditions for qualifying, recruiting, selecting, em-**
10 **ploying and training apprentices in apprenticeship occupations.**

11 **“(b) ‘Clean energy technology’ means a facility, piece of equipment**
12 **or other property that:**

13 **“(A) Produces energy from the sun, water, wind, geothermal de-**
14 **posits or other renewable resources, including fuel cells, microturbines**
15 **or energy storage systems and components;**

16 **“(B) Enables energy conservation in heating, cooling or ventilating**
17 **residential or commercial buildings, including electric heat pump wa-**
18 **ter heaters, electric heat pumps and associated heating, ventilation**
19 **and air conditioning components for space heating or cooling, electric**
20 **stoves, cooktops, ranges or ovens, or electric heat pump clothes dryers**
21 **and associated heating, ventilation and air conditioning components;**

1 **“(C) Facilitates or assists in manufacturing or expanding**
2 **infrastructure to support electric vehicles, including medium-duty or**
3 **heavy-duty electric vehicles; or**

4 **“(D) In the determination of the Director of the Oregon Department**
5 **of Administrative Services, is otherwise capable of conserving energy**
6 **or producing energy from renewable and zero-emission sources.**

7 **“(c) ‘Disadvantaged worker’ means:**

8 **“(A) A minority individual or woman, as those terms are defined in**
9 **ORS 200.005;**

10 **“(B) A veteran, as that term is defined in ORS 408.225;**

11 **“(C) A person who was previously incarcerated; or**

12 **“(D) A person with a disability.**

13 **“(d) ‘Living wage’ means a wage that is not less than or is equal**
14 **to the greater of the following applicable wage standards:**

15 **“(A) The living wage standard in the locality or region where the**
16 **job is performed;**

17 **“(B) The prevailing wage that the Commissioner of the Bureau of**
18 **Labor and Industries determines under ORS 279C.815 for a trade or**
19 **occupation in a specified locality;**

20 **“(C) The minimum wage specified under the federal Service Con-**
21 **tract Act (41 U.S.C. 351-401) for the same or similar job duties in the**
22 **same locality;**

23 **“(D) A wage calculated according to the Massachusetts Institute**
24 **of Technology self-sufficiency and living wage calculator for the ap-**
25 **plicable region or county; or**

26 **“(E) A collective bargaining agreement, if applicable, for the job**
27 **being performed.**

28 **“(e) ‘Preapprenticeship training program’ means a program, the**
29 **nature, goals, methods and implementation of which the commissioner**
30 **specifies by rule, for preparing underrepresented, disadvantaged or**

1 low-skilled individuals to enter and complete a registered apprentice-
2 ship program.

3 “(2) The Oregon Department of Administrative Services shall adopt
4 rules under ORS 279A.070 to govern procurements of clean energy
5 technology that the department conducts on behalf of state agencies
6 under ORS 279A.140.

7 “(3) In adopting rules under subsection (2) of this section, the de-
8 partment shall solicit input from and cooperate with other state
9 agencies with expertise in energy production and conservation and in
10 reducing or mitigating environmental impacts.

11 “(4) The department’s rules must permit a prospective contractor
12 or supplier to submit, in response to clean energy technology pro-
13 curements, proposals or price agreements that include:

14 “(a) An employment plan under which the prospective contractor
15 or supplier specifies how the prospective contractor or supplier will
16 create and retain high-skilled manufacturing jobs in areas in this state
17 in which the prospective contractor or supplier operates, or the area
18 in this state in which the clean energy technology will be used, and
19 how the prospective contractor or supplier will recruit disadvantaged
20 workers and invest in preapprenticeship, apprenticeship and other
21 training programs, provide family health and retirement benefits and
22 pay living wages; or

23 “(b) An employment plan under which the prospective contractor
24 or supplier specifies how the prospective contractor or supplier will
25 create and retain high-skilled manufacturing jobs throughout the
26 United States and how the prospective contractor or supplier will re-
27 cruit disadvantaged workers and invest in preapprenticeship, appren-
28 ticeship and other training programs, provide family health and
29 retirement benefits and pay living wages if federal moneys fund all or
30 a portion of the procurement.

1 “(5) Rules the department adopts under subsection (2) of this sec-
2 tion must provide for giving a preference to a prospective contractor
3 or supplier that submits, as part of the prospective contractor’s or
4 supplier’s proposal, a credible employment plan as described in sub-
5 section (4) of this section.

6 “(6) The department may enter into cooperative procurements and
7 intergovernmental agreements under which the department procures
8 clean energy technology in combination with other governmental
9 bodies within this state, the State of Washington and the Province of
10 British Columbia, Canada, as a market incentive for clean energy
11 technology manufacturers and suppliers to create and retain high-
12 skilled manufacturing jobs within this state, the State of Washington
13 and the Province of British Columbia. The cooperative procurements
14 and intergovernmental agreements may require prospective contrac-
15 tors or suppliers to submit, in response to requests for proposals, plans
16 to recruit disadvantaged workers and invest in preapprenticeship, ap-
17 prenticeship and other training programs, provide family health and
18 retirement benefits and pay living wages.

19 “(7) All state agencies that are subject to ORS 279A.140 shall coop-
20 erate with the department in adopting and implementing the rules
21 described in subsection (2) of this section.

22 “SECTION 2. (1) The Task Force on Establishing, Attracting and
23 Sustaining Manufacturing of Clean Energy Technology is established.

24 “(2) The task force consists of thirteen members appointed as fol-
25 lows:

26 “(a) The Director of the Oregon Department of Administrative
27 Services shall appoint the State Chief Procurement Officer as a
28 cochair of the task force.

29 “(b) The Director of the Oregon Business Development Department
30 shall appoint a representative from the department as a cochair of the

1 **task force.**

2 **“(c) The directors of the Department of Administrative Services and**
3 **the Oregon Business Development Department shall jointly appoint**
4 **eleven additional members of the task force. Members that the di-**
5 **rectors appoint under this paragraph must represent the geographic**
6 **diversity of this state and must have experience in areas of concern**
7 **to the task force. The members appointed under this paragraph must**
8 **include:**

9 **“(A) One representative from the Department of Transportation;**

10 **“(B) One representative from the State Department of Energy;**

11 **“(C) Two representatives from clean technology manufacturing**
12 **firms or individuals who have expertise in clean technology incentive**
13 **development;**

14 **“(D) Two representatives from clean technology manufacturing**
15 **firms with headquarters or operations in this state;**

16 **“(E) One representative from a labor organization that represents**
17 **regional manufacturing industry workers;**

18 **“(F) One representative from a labor organization that represents**
19 **workers in building trades or construction;**

20 **“(G) One representative from an organization with an interest in**
21 **combatting or reducing the effects of climate change;**

22 **“(H) One representative from an organization or local government**
23 **with expertise in advancing local or regional economic growth and job**
24 **creation; and**

25 **“(I) One member with experience in developing and implementing**
26 **clean energy technology or manufacturing incentives.**

27 **“(3) The task force shall:**

28 **“(a) Identify, evaluate and recommend policies or other methods**
29 **of fostering, attracting and sustaining clean energy technology man-**
30 **ufacturing firms and operations in this state, while maximizing addi-**

1 tional benefits, including creating and sustaining living wage and
2 union jobs, alleviating supply chain constraints and improving access
3 to clean energy technologies, supporting technological innovation and
4 clean energy leadership and diversifying the economy of this state;

5 “(b) Consider, in developing the task force’s recommendations:

6 “(A) Short-term opportunities for this state to leverage and maxi-
7 mize consumer- and business-facing incentives from the federal In-
8 flation Reduction Act of 2022, P.L. 117-169, including, but not limited
9 to:

10 “(i) An extension of advanced energy project credit for clean tech-
11 nology manufacturing facilities under section 13501 of the Inflation
12 Reduction Act;

13 “(ii) An advanced manufacturing production tax credit for solar
14 panels, wind turbines, inverters and batteries, under sections 13502 and
15 30001 of the Inflation Reduction Act, including investments under the
16 federal Defense Production Act of 1950, 50 U.S.C. 4531 et seq., for do-
17 mestic heat pump manufacturing;

18 “(iii) Direct loans to retool or establish electric vehicle auto man-
19 ufacturing facilities under section 50142 of the Inflation Reduction Act;
20 and

21 “(iv) Moneys from the Greenhouse Gas Reduction Fund under sec-
22 tion 60103 of the Inflation Reduction Act;

23 “(B) Other methods, including, but not limited to, rebates, tax
24 credits, loan guarantee programs and public procurement policies to
25 promote clean technology manufacturing assembly and supply chains
26 in this state;

27 “(C) Opportunities to provide incentives and utilize procurement
28 preferences to prospective contractors and suppliers to create and re-
29 tain high-skill jobs by, at a minimum, recruiting disadvantaged work-
30 ers and investing in preapprenticeship, apprenticeship and other

1 training programs, provide family health and retirement benefits and
2 pay living wages; and

3 “(D) Costs, savings and benefits of policies that attract and sustain
4 clean technology manufacturing firms, including short-term and
5 long-term economic, job creation, environmental, climate and health
6 costs, savings and benefits; and

7 “(c) Receive testimony, perform research, consult with experts, re-
8 view appropriate literature, assess and consult with representatives
9 from other jurisdictions that have adopted or considered similar in-
10 centive programs, solicit feedback from disproportionately impacted
11 communities around this state and otherwise undertake activities to
12 inform task force members related to the scope of the task force’s
13 duties.

14 “(4) The task force may:

15 “(a) Cooperate with or join other task forces in the State of
16 Washington or the Province of British Columbia, Canada, with a sim-
17 ilar mission to form a regional strategy for attracting and fostering
18 clean energy manufacturing within the region;

19 “(b) Appoint other members to the task force by majority vote; and

20 “(c) Provide recommendations for establishing an eligible nonprofit
21 to receive and administer federal moneys and to use a range of finan-
22 cial tools and technical assistance to support projects that reduce
23 greenhouse gas emissions and other forms of air pollution.

24 “(5) A majority of the members of the task force constitutes a
25 quorum for the transaction of business.

26 “(6) Official action by the task force requires the approval of a
27 majority of the members of the task force.

28 “(7) If there is a vacancy for any cause, the appointing authority
29 shall make an appointment to become immediately effective.

30 “(8) The task force shall meet at times and places specified by the

1 call of the co-chairs or of a majority of the members of the task force.

2 “(9) The task force may adopt rules necessary for the operation of
3 the task force.

4 “(10) The task force shall submit a report in the manner provided
5 in ORS 192.245, and may include recommendations for legislation, to
6 an interim committee of the Legislative Assembly related to energy
7 technology, with copies to the Director of the Oregon Department of
8 Administrative Services and the Director of Transportation, no later
9 than September 15, 2024.

10 “(11) The Oregon Department of Administrative Services shall pro-
11 vide staff support to the task force.

12 “(12) Members of the task force are not entitled to compensation
13 or reimbursement for expenses and serve as volunteers on the task
14 force.

15 “(13) All agencies of state government, as defined in ORS 174.111,
16 are directed to assist the task force in the performance of the duties
17 of the task force and, to the extent permitted by laws relating to
18 confidentiality, to furnish information and advice that the members
19 of the task force consider necessary to perform their duties.

20 “SECTION 3. Section 2 of this 2023 Act is repealed on December 31,
21 2032.

22 “SECTION 4. (1) As used in this section, ‘clean energy technology’
23 means a facility, piece of equipment or other property that:

24 “(a) Produces energy from the sun, water, wind, geothermal de-
25 posits or other renewable resources, including fuel cells, microturbines
26 or energy storage systems and components;

27 “(b) Enables energy conservation in heating, cooling or ventilating
28 residential or commercial buildings, including electric heat pump wa-
29 ter heaters, electric heat pumps and associated heating, ventilation
30 and air conditioning components for space heating or cooling, electric

1 stoves, cooktops, ranges or ovens, or electric heat pump clothes dryers
2 and associated heating, ventilation and air conditioning components;

3 “(c) Facilitates or assists in manufacturing or expanding
4 infrastructure to support electric vehicles, including medium-duty or
5 heavy-duty electric vehicles; or

6 “(d) In the determination of the Director of the Oregon Department
7 of Administrative Services, is otherwise capable of conserving energy
8 or producing energy from renewable and zero-emission sources.

9 “(2) The Oregon Clean Technology Manufacturing Opportunity
10 Fund is established in the State Treasury, separate and distinct from
11 the General Fund. Interest earned by the Oregon Clean Technology
12 Manufacturing Opportunity Fund must be credited to the fund. Mon-
13 eys in the Oregon Clean Technology Manufacturing Opportunity Fund
14 are continuously appropriated to the Oregon Business Development
15 Department.

16 “(3) Moneys in the Oregon Clean Technology Manufacturing Op-
17 portunity Fund consist of:

18 “(a) Moneys that the Legislative Assembly appropriates for or oth-
19 erwise transfers to the fund;

20 “(b) Moneys received from federal, state or local sources;

21 “(c) Gifts, grants or other moneys contributed to the fund; and

22 “(d) Other moneys deposited in the fund from any source.

23 “(4) The department may make expenditures from the Oregon Clean
24 Technology Manufacturing Opportunity Fund to:

25 “(a) Foster, attract and sustain:

26 “(A) Clean energy technology industries without a prominent ex-
27 isting domestic manufacturing base;

28 “(B) Early-stage companies that have a potential to grow into
29 manufacturing operations;

30 “(C) Quality job creation in clean energy technology product or

1 **supply chain manufacturing;**

2 **“(D) Local economic benefits for environmental justice communi-**
3 **ties; and**

4 **“(E) Clean technology assembly or supply chain manufacturing in**
5 **former coal communities and economically distressed communities.**

6 **“(b) Support clean technology manufacturing in this state by fund-**
7 **ing activities that include, but are not limited to:**

8 **“(A) Research for site location and project development;**

9 **“(B) Repurposing and retooling manufacturers in this state in heat**
10 **pump or clean technology assembly or supply chain; and**

11 **“(C) Supporting heat pump or other clean technology assembly or**
12 **supply chain manufacturing in this state, including using funds from**
13 **other federal resources, including the federal Greenhouse Gas Re-**
14 **duction Fund.**

15 **“(5) The Oregon Business Development Department shall prioritize**
16 **approval of eligible entities or projects that best achieve the purposes**
17 **described in subsection (4) of this section.**

18 **“(6) The department may make grants or provide moneys including**
19 **low-interest loans from the Oregon Clean Technology Manufacturing**
20 **Opportunity Fund to one or more of the following:**

21 **“(a) An established corporation organized as a nonprofit corpo-**
22 **ration under section 501(c)(3) of the Internal Revenue Code with a**
23 **mission statement promoting clean technology manufacturing; and**

24 **“(b) An established community development financial institution**
25 **with a mission statement promoting clean technology manufacturing.**

26 **“(7) All financial incentives from the Oregon Clean Technology**
27 **Manufacturing Opportunity Fund, including low-interest loans or**
28 **grants, must be used to promote the employment plan described in**
29 **section 1 (4) of this 2023 Act or, when entered into an intergovern-**
30 **mental agreement as described in section 1 (6) of this 2023 Act, must**

1 be used as disclosure and evaluation criteria in which the prospective
2 contractor or supplier seeking funds must demonstrate how the pro-
3 spective contractor or supplier will create and retain high-skilled
4 manufacturing jobs in areas in this state in which the entity operates,
5 or the area in this state in which the clean energy technology will be
6 used, and how the prospective contractor or supplier will recruit dis-
7 advantaged workers and invest in preapprenticeship, apprenticeship
8 and other training programs, provide family health and retirement
9 benefits and pay living wages.

10 “(8) The department shall seek as contributions to the Oregon Clean
11 Technology Manufacturing Opportunity Fund federal and private in-
12 vestments, including moneys from the federal Greenhouse Gas Re-
13 duction Fund.

14 “SECTION 5. In addition to and not in lieu of any other appropri-
15 ation, there is appropriated to the Oregon Business Development De-
16 partment, for the biennium beginning July 1, 2023, out of the General
17 Fund, the amount of \$10,000,000 for deposit into the Oregon Clean
18 Technology Manufacturing Opportunity Fund established under sec-
19 tion 4 of this 2023 Act.

20 “SECTION 6. This 2023 Act takes effect on the 91st day after the
21 date on which the 2023 regular session of the Eighty-second Legislative
22 Assembly adjourns sine die.”

23