

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 or stores energy from the sun, water, wind,**
14 **geothermal deposits or other renewable resources, including micro-**
15 **turbines 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 12 members appointed as follows:

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

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

1 “(c) The directors of the Department of Administrative Services and
2 the Oregon Business Development Department shall jointly appoint 10
3 additional members of the task force. Members that the directors ap-
4 point under this paragraph must represent the geographic diversity
5 of this state and must have experience in areas of concern to the task
6 force. The members appointed under this paragraph must include:

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

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

9 “(C) Two representatives from clean technology manufacturing
10 firms or individuals who have expertise in developing and implement-
11 ing clean technology manufacturing incentives;

12 “(D) Two representatives from clean technology manufacturing
13 firms with headquarters or operations in this state;

14 “(E) One representative from a labor organization that represents
15 regional manufacturing industry workers;

16 “(F) One representative from a labor organization that represents
17 workers in building trades or construction;

18 “(G) One representative from an organization with an interest in
19 combatting or reducing the effects of climate change; and

20 “(H) One representative from an organization or local government
21 with expertise in advancing local or regional economic growth and job
22 creation.

23 “(3) The task force shall:

24 “(a) Identify, evaluate and recommend policies or other methods
25 of fostering, attracting and sustaining clean energy technology man-
26 ufacturing firms and operations in this state, while maximizing addi-
27 tional benefits, including creating and sustaining living wage or union
28 jobs, alleviating supply chain constraints and improving access to
29 clean energy technologies, supporting technological innovation and
30 clean energy leadership and diversifying the economy of this state;

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

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

6 **“(i) An extension of advanced energy project credit for clean tech-**
7 **nology manufacturing facilities under section 13501 of the Inflation**
8 **Reduction Act;**

9 **“(ii) An advanced manufacturing production tax credit for solar**
10 **panels, wind turbines, inverters and batteries, under sections 13502 and**
11 **30001 of the Inflation Reduction Act, including investments under the**
12 **federal Defense Production Act of 1950, 50 U.S.C. 4531 et seq., for do-**
13 **mestic heat pump manufacturing;**

14 **“(iii) Direct loans to retool or establish electric vehicle auto man-**
15 **ufacturing facilities under section 50142 of the Inflation Reduction Act;**
16 **and**

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

19 **“(B) Other methods, including, but not limited to, rebates, tax**
20 **credits, loan guarantee programs and public procurement policies to**
21 **promote clean technology manufacturing assembly and supply chains**
22 **in this state;**

23 **“(C) Opportunities to provide incentives and utilize procurement**
24 **preferences to prospective contractors and suppliers to create and re-**
25 **tain high-skill jobs by, at a minimum, recruiting disadvantaged work-**
26 **ers and investing in preapprenticeship, apprenticeship and other**
27 **training programs, provide family health and retirement benefits and**
28 **pay living wages; and**

29 **“(D) Costs, savings and benefits of policies that attract and sustain**
30 **clean technology manufacturing firms, including short-term and**

1 long-term economic, job creation, environmental, climate and health
2 costs, savings and benefits; and

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

10 “(4) The task force may:

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

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

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

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

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

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

26 “(8) The task force shall meet at times and places specified by the
27 call of the cochairs or of a majority of the members of the task force.

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

30 “(10) The task force shall submit a report in the manner provided

1 in ORS 192.245, and may include recommendations for legislation, to
2 an interim committee of the Legislative Assembly related to energy
3 technology, with copies to the Director of the Oregon Department of
4 Administrative Services and the Director of Transportation, no later
5 than September 15, 2024.

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

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

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

16 “SECTION 3. Section 2 of this 2023 Act is repealed on December 31,
17 2032.

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

20 “(a) Produces or stores energy from the sun, water, wind,
21 geothermal deposits or other renewable resources, including micro-
22 turbines or energy storage systems and components;

23 “(b) Enables energy conservation in heating, cooling or ventilating
24 residential or commercial buildings, including electric heat pump wa-
25 ter heaters, electric heat pumps and associated heating, ventilation
26 and air conditioning components for space heating or cooling, electric
27 stoves, cooktops, ranges or ovens, or electric heat pump clothes dryers
28 and associated heating, ventilation and air conditioning components;

29 “(c) Facilitates or assists in manufacturing or expanding
30 infrastructure to support electric vehicles, including medium-duty or

1 heavy-duty electric vehicles; or

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

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

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

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

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

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

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

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

21 “(a) Foster, attract and sustain:

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

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

26 “(C) Quality job creation in clean energy technology product or
27 supply chain manufacturing;

28 “(D) Local economic benefits for environmental justice communi-
29 ties; and

30 “(E) Clean technology assembly or supply chain manufacturing in

1 former coal communities and economically distressed communities.

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

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

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

7 “(C) Supporting heat pump or other clean technology assembly or
8 supply chain manufacturing in this state, including using funds from
9 other federal resources, including the federal Greenhouse Gas Re-
10 duction Fund.

11 “(5) The Oregon Business Development Department shall prioritize
12 approval of eligible entities or projects that best achieve the purposes
13 described in subsection (4) of this section, with a specific focus and
14 priority on supporting heat pump manufacturing in this state.

15 “(6) The department may make grants or provide moneys, including
16 low-interest loans, from the Oregon Clean Technology Manufacturing
17 Opportunity Fund to a certified community development financial in-
18 stitution with a mission statement to promote clean technology man-
19 ufacturing and direct the certified community development financial
20 institution to allocate the moneys to one or more entities organized
21 as nonprofit corporations under section 501(c)(3) of the Internal Reve-
22 nue Code that have a mission statement promoting clean technology
23 manufacturing.

24 “(7) All financial incentives from the Oregon Clean Technology
25 Manufacturing Opportunity Fund, including low-interest loans or
26 grants, must seek to promote the employment plan described in sec-
27 tion 1 (4) of this 2023 Act or, when entered into an intergovernmental
28 agreement as described in section 1 (6) of this 2023 Act, must be used
29 as disclosure and evaluation criteria in which the prospective con-
30 tractor or supplier seeking funds must demonstrate how the prospec-

1 **tive contractor or supplier will create and retain high-skilled**
2 **manufacturing jobs in areas in this state in which the entity operates,**
3 **or the area in this state in which the clean energy technology will be**
4 **used, and how the prospective contractor or supplier will recruit dis-**
5 **advantaged workers and invest in preapprenticeship, apprenticeship**
6 **and other training programs, provide family health and retirement**
7 **benefits and pay living wages.**

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

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

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

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