

Requested by Representative GRAYBER

**PROPOSED AMENDMENTS TO
HOUSE BILL 4080**

1 Delete pages 2 through 4 of the printed bill and insert:

2 **“SECTION 1. State policy. It is the policy of the State of Oregon**
3 **to support ongoing engagement between offshore wind energy devel-**
4 **opers and:**

5 **“(1) The Southwestern Oregon Workforce Investment Board;**

6 **“(2) The Oregon International Port of Coos Bay;**

7 **“(3) The Port of Brookings Harbor;**

8 **“(4) The Port of Newport;**

9 **“(5) The Confederated Tribes of Coos, Lower Umpqua and Siuslaw**
10 **Indians, the Coquille Indian Tribe and other Indian tribes impacted**
11 **by offshore wind energy development that want to engage in the off-**
12 **shore wind energy development process; and**

13 **“(6) Communities and organizations impacted by offshore wind en-**
14 **ergy development that want to engage in the offshore wind energy**
15 **development process.**

16 **“SECTION 2. State policy. It is the policy of the State of Oregon**
17 **that the interconnection of offshore energy projects to the Oregon**
18 **coast electric grid be carried out in a manner that promotes the reli-**
19 **ability and resilience of this state’s electric system.**

20 **“SECTION 3. Offshore Wind Roadmap. (1) The Department of Land**
21 **Conservation and Development shall develop an Offshore Wind**

1 Roadmap that defines standards to be considered in the processes re-
2 lated to offshore wind energy development and approval. The stan-
3 dards defined in the Offshore Wind Roadmap must support:

4 “(a) Effective stakeholder engagement;

5 “(b) Local and regional coastal communities;

6 “(c) The creation of economic opportunities and sustainment of
7 existing local and regional economies;

8 “(d) The creation of an offshore wind energy workforce that is local,
9 trained, housed and equitable;

10 “(e) Protection of tribal cultural and archaeological resources, cul-
11 turally significant viewsheds and other interests of Indian tribes;

12 “(f) Protection of the environment and marine species; and

13 “(g) Achievement of state energy and climate policy objectives, in-
14 cluding energy resource diversity, reliability and resilience of state and
15 regional energy systems.

16 “(2) The department shall conduct outreach and engagement with
17 state agencies, local governments and affected communities to support
18 development of the Offshore Wind Roadmap.

19 “(3) The department may solicit and accept gifts, grants, donations
20 and other moneys from public and private sources for the purpose of
21 covering the costs of carrying out the provisions of this section.
22 Moneys received as provided in this subsection are continuously ap-
23 propriated to the department for carrying out the provisions of this
24 section.

25 “(4) The Land Conservation and Development Commission may
26 adopt rules as necessary to carry out the provisions of this section.

27 **“SECTION 4. Assessment of enforceable policies.** (1) The Depart-
28 ment of Land Conservation and Development shall conduct an assess-
29 ment of the state enforceable policies that may be used in the federal
30 consistency review of offshore wind energy leasing decisions and any

1 other actions related to offshore wind energy development off of the
2 Oregon coast.

3 “(2) The assessment must focus on the adequacy of existing en-
4 forceable policies and agency capacity to address reasonably foreseea-
5 ble effects to state coastal uses and resources that would result from
6 offshore wind energy development.

7 “(3) The Land Conservation and Development Commission may
8 adopt rules as necessary to carry out the provisions of this section.

9 “SECTION 5. Report to Legislative Assembly. The Department of
10 Land Conservation and Development shall draft a report that sum-
11 marizes the department’s activities in carrying out sections 3 and 4
12 of this 2024 Act. The department shall submit the report in the manner
13 provided by ORS 192.245, and may include recommendations for legis-
14 lation, administrative policy and budget, to the interim committees
15 of the Legislative Assembly related to marine renewable energy and
16 coastal resources no later than September 1, 2025.

17 “SECTION 6. Sunset. Section 5 of this 2024 Act is repealed on Jan-
18 uary 2, 2026.

19 “SECTION 7. State policy. It is the policy of the State of Oregon
20 to promote economic diversification and resilience in offshore wind
21 energy development by ensuring that all developers and contractors
22 involved in the construction, operation or maintenance of offshore
23 wind energy projects and the construction of a port development
24 project that is necessary for the development of offshore wind energy
25 projects follow industry-leading strong labor and supply chain stan-
26 dards.

27 “SECTION 8. Covered projects; standards. (1) As used in this sec-
28 tion:

29 “(a) ‘Covered project’ means:

30 “(A) An offshore wind energy project.

1 **“(B) A port development project necessary for the development of**
2 **an offshore wind energy project.**

3 **“(C) A project related to manufacturing or supply-chain that is lo-**
4 **cated on port property and facilitates the construction, operation or**
5 **maintenance of an offshore wind energy project.**

6 **“(b) ‘Lockout’ means any refusal by a developer or contractor to**
7 **permit workers to work as a result of a labor dispute with such**
8 **workers.**

9 **“(c) ‘Port’ means a port formed under ORS 777.005 to 777.725 and**
10 **777.915 to 777.953 or ORS chapter 778.**

11 **“(d) ‘Public moneys’ means moneys drawn from the State Treasury**
12 **or any special or trust fund of the state government, including any**
13 **moneys appropriated by the state government and transferred to any**
14 **public body, as defined in ORS 174.109.**

15 **“(2) A developer or contractor that is involved in the construction,**
16 **operation or maintenance of a covered project shall:**

17 **“(a) Participate as a training agent, as defined in ORS 660.010, in**
18 **an apprenticeship program registered with the State Apprenticeship**
19 **and Training Council to provide on-the-job training opportunities for**
20 **apprentices in apprenticeable occupations to perform work on the**
21 **covered project such that at least 15 percent of the work hours of each**
22 **apprenticeable occupation is performed by apprentices;**

23 **“(b) Establish and execute a plan for outreach, recruitment and**
24 **retention of women, minority individuals and veterans to perform**
25 **work on the covered project, with the aspirational target of having at**
26 **least 15 percent of total work hours performed by individuals in one**
27 **or more of those groups;**

28 **“(c) Pay wages to workers who perform work on the covered project**
29 **at a rate that is no less than the greater of:**

30 **“(A) The living wage for the locality or region where the work is**

1 performed;

2 “(B) The prevailing rate of wage that the Commissioner of the Bu-
3 reau of Labor and Industries determines under ORS 279C.815 for the
4 trade or occupation in the locality where the work is performed;

5 “(C) The minimum wage specified under the Service Contract Act
6 (41 U.S.C. 351-401) for the work, or similar work, in the locality where
7 the work is performed; or

8 “(D) The wage specified under an applicable collective bargaining
9 agreement, if any;

10 “(d) Offer employer-paid family health insurance and retirement
11 benefits to workers who perform work on the covered project;

12 “(e) Demonstrate a history of material compliance in the previous
13 three years, or provide available history for a new business, with fed-
14 eral and state wage and hour laws; and

15 “(f) Demonstrate a history of material compliance in the previous
16 three years, or provide available history for a new business, with the
17 rules and other requirements of state agencies with oversight regard-
18 ing occupational safety and health.

19 “(3)(a) A developer or contractor that is involved in the con-
20 struction, operation or maintenance of a covered project shall require,
21 in each contract entered into under the covered project that uses
22 \$250,000 or more in public moneys, that steel, iron, coatings for steel
23 and iron and manufactured products that a developer or contractor
24 purchases for or uses under the contract, and that become part of a
25 permanent structure, must be produced in the United States.

26 “(b) The requirements set forth in paragraph (a) of this subsection
27 do not apply if:

28 “(A) The requirement is inconsistent with the public interest;

29 “(B) Steel, iron, coatings for steel and iron or manufactured pro-
30 ducts required for the covered project are not produced in the United

1 States in sufficient and reasonably available quantities and with sat-
2 isfactory quality; or

3 “(C) Using steel, iron, coatings for steel and iron or manufactured
4 products produced in the United States for the project will increase the
5 cost of the covered project by more than 25 percent.

6 “(4) The developer or contractor shall periodically submit proof of
7 compliance with the requirements described in subsections (2) and (3)
8 of this section. A copy of an executed workforce development agree-
9 ment, as described in subsection (5) of this section, may be submitted
10 as proof of compliance and shall be prima facie proof of compliance.

11 “(5) A developer or contractor may comply with the requirements
12 described in subsections (2) and (3) of this section by entering into a
13 workforce development agreement that covers the work performed on
14 the covered project. The workforce development agreement must pro-
15 vide for and include, at a minimum, the following:

16 “(a) A project labor agreement, as defined in 48 C.F.R. 52.222-34, as
17 in effect on the effective date of this 2024 Act. The project labor
18 agreement must cover all workers who perform work on the covered
19 project who are covered by the Davis-Bacon Act (40 U.S.C. 3141 et
20 seq.). The terms and conditions of the project labor agreement must
21 meet or exceed the requirements provided in subsection (2) of this
22 section.

23 “(b) A labor peace agreement that covers all workers who perform
24 work on the covered project who are not covered by a project labor
25 agreement described in paragraph (a) of this subsection. The labor
26 peace agreement must be signed by the developer or contractor and
27 one or more bona fide labor organizations. The terms and conditions
28 of the labor peace agreement must be binding and meet or exceed the
29 requirements provided in subsection (2) of this section and:

30 “(A) Provide that the developer or contractor will refrain from de-

1 claring or initiating a lockout and that the bona fide labor organiza-
2 tion will refrain from engaging in picketing, work stoppages or
3 boycotts against the covered project;

4 “(B) Guarantee the labor organization’s right to obtain recognition
5 as the exclusive collective bargaining representative of the workers
6 through a process of having a majority of the workers in a unit sign
7 authorization cards; and

8 “(C) Require the developer or contractor to remain neutral with
9 respect to any efforts by a labor organization to represent the workers.

10 “(c) An agreement to utilize or develop domestic supply chains for
11 the manufactured products used in the construction, maintenance or
12 operation of the covered project. The terms and conditions of the
13 agreement must meet or exceed the requirements provided in sub-
14 section (3) of this section.

15 “(6) The Land Conservation and Development Commission may
16 adopt rules as necessary to carry out the provisions of this section.

17 “SECTION 9. Rulemaking. The Land Conservation and Development
18 Commission may exercise its rulemaking authority under ORS 197.040
19 to support the state policies described in sections 1, 2 and 7 of this 2024
20 Act.

21 “SECTION 10. Section captions. The section captions used in this
22 2024 Act are provided only for the convenience of the reader and do
23 not become part of the statutory law of this state or express any leg-
24 islative intent in the enactment of this 2024 Act.

25 “SECTION 11. Effective date. This 2024 Act being necessary for the
26 immediate preservation of the public peace, health and safety, an
27 emergency is declared to exist, and this 2024 Act takes effect on its
28 passage.”.

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