

## HOUSE AMENDMENTS TO HOUSE BILL 2624

By COMMITTEE ON BUSINESS AND LABOR

April 5

1 On page 1 of the printed bill, line 3, after “279C.810,” delete the rest of the line and insert  
2 “279C.825, 279C.827, 279C.835 and 279C.845; and declaring an emergency.”.

3 In line 24, after “Costs” insert “or a portion of the costs”.

4 On page 2, delete lines 38 through 43 and insert:

5 “(ii) Consists of or is sited on real property for which a qualified business firm, as defined in  
6 ORS 285C.050, has received an exemption from ad valorem property taxation under ORS 285C.170  
7 or 285C.175; and

8 “(iii) Has a projected cost of \$5 million or more.”.

9 On page 4, after line 39, insert:

10 “**SECTION 3.** ORS 279C.825 is amended to read:

11 “279C.825. (1)(a) The Commissioner of the Bureau of Labor and Industries, by order, shall es-  
12 tablish a fee to be paid by the public agency **or public agencies** that [*awards*] **award** a public works  
13 contract subject to ORS 279C.800 to 279C.870.

14 “**(b) The sponsor or sponsors of the enterprise zone in which a public works project is  
15 or will be located shall pay a fee in the amount of \$5,000.**

16 “**(2)(a) If more than one public agency is involved in awarding a public works contract  
17 subject to ORS 279C.800 to 279C.870, the public agencies involved shall agree which public  
18 agencies will pay the fee and in what amounts. If the public agencies do not agree, the public  
19 agencies involved shall pay proportional shares of the fee based on the amount of public  
20 funds each public agency provides for the contract or the amount of space each public agency  
21 occupies or uses in the public works project.**

22 “**(b) If more than one sponsor has participated in designating an enterprise zone in which  
23 a public works project subject to ORS 279C.800 to 279C.870 is located, the participating  
24 sponsors shall agree which sponsors will pay the fee and in what amounts. If the sponsors  
25 do not agree, the sponsors are jointly and severally liable for paying the fee.**

26 “**(3)** The commissioner shall use the **proceeds of the** fee to pay the costs of:

27 “[*A*] **(a)** Surveys to determine the prevailing rates of wage;

28 “[*B*] **(b)** Administering and providing investigations under and enforcement of ORS 279C.800  
29 to 279C.870; and

30 “[*C*] **(c)** Providing educational programs on public contracting law under the Public Contract-  
31 ing Code.

32 “[*b*] **(4) Except with respect to the fee amount specified in subsection (1)(b) of this sec-  
33 tion,** the commissioner shall establish the fee at 0.1 percent of the contract price. [*However, in no  
34 event may*] A fee **may not** be charged and collected that is less than \$250 or more than \$7,500.

35 “[*2*] **(5)** The commissioner shall pay moneys received under this section into the State Treas-

1 ury. The moneys shall be credited to the Prevailing Wage Education and Enforcement Account  
2 created by ORS 651.185.

3 “[~~(3)~~] **(6)(a)** [*The*] **A public agency shall pay the fee at the time the public agency notifies the**  
4 **commissioner under ORS 279C.835 that a contract subject to the provisions of ORS 279C.800 to**  
5 **279C.870 has been awarded.**

6 **“(b) A sponsor shall pay the fee at the time the sponsor notifies the commissioner under**  
7 **ORS 279C.835 that the sponsor has approved, under ORS 285C.140, an eligible business firm’s**  
8 **application to have qualified property that is a public works and that is in the sponsor’s en-**  
9 **terprise zone exempted from ad valorem property taxation.”.**

10 In line 40, delete “3” and insert “4”.

11 On page 5, after line 29, insert:

12 **“SECTION 5.** ORS 279C.835 is amended to read:

13 **“279C.835. (1)(a)** [*Public agencies*] **A public agency shall notify the Commissioner of the Bureau**  
14 **of Labor and Industries in writing, on a form prescribed by the commissioner, whenever the public**  
15 **agency has awarded a contract that is subject to the provisions of ORS 279C.800 to 279C.870 [*has***  
16 ***been awarded*].**

17 **“(b) A sponsor shall notify the commissioner in writing, on a form prescribed by the**  
18 **commissioner, whenever the sponsor has approved, under ORS 285C.140, an eligible business**  
19 **firm’s application to have qualified property that is a public works and that is in the**  
20 **sponsor’s enterprise zone exempted from ad valorem property taxation.**

21 **“(2)(a)** [*The*] **A notification under subsection (1)(a) of this section [*shall*] must be made**  
22 **within 30 days [*of*] after the date [*that*] on which the contract is awarded.**

23 **“(b) A notification under subsection (1)(b) of this section must be made within 30 days**  
24 **after the date on which the sponsor approves, under ORS 285C.140, an eligible business firm’s**  
25 **application to have qualified property exempted from ad valorem property taxation.**

26 **“(c)** [*The*] **A notification [*shall*] under subsection (1) of this section must include payment**  
27 **of the fee required under ORS 279C.825. A notification under subsection (1)(a) of this section**  
28 **must also include [*and*] a copy of the disclosure of first-tier subcontractors that was submitted**  
29 **under ORS 279C.370.”.**

30 In line 30, delete “4” and insert “6”.

31 On page 7, delete lines 3 through 18 and insert:

32 **“SECTION 7.** The amendments to ORS 279C.800, 279C.810, 279C.825, 279C.827, 279C.835 and  
33 **279C.845 by sections 1 to 6 of this 2011 Act apply to contracts for public works that a con-**  
34 **tracting agency first advertises or otherwise solicits or, if the contracting agency does not**  
35 **advertise or solicit the contracts, to contracts for public works that the contracting agency**  
36 **first enters into on or after the operative date specified in section 8 of this 2011 Act.**

37 **“SECTION 8. (1)** The amendments to ORS 279C.800, 279C.810, 279C.825, 279C.827, 279C.835  
38 **and 279C.845 by sections 1 to 6 of this 2011 Act become operative 91 days after the effective**  
39 **date of this 2011 Act.**

40 **“(2) A sponsor, as defined in ORS 285C.050, a public agency that adopts rules under ORS**  
41 **279A.065 and the Commissioner of the Bureau of Labor and Industries may take any action**  
42 **before the operative date specified in subsection (1) of this section that is necessary to enable**  
43 **the sponsor, the public agency or the commissioner to exercise, on and after the operative**  
44 **date specified in subsection (1) of this section, all of the duties, functions and powers con-**  
45 **ferred on the sponsor, the public agency or the commissioner by the amendments to ORS**

1 279C.800, 279C.810, 279C.825, 279C.827, 279C.835 and 279C.845 by sections 1 to 6 of this 2011 Act.  
2 SECTION 9. This 2011 Act being necessary for the immediate preservation of the public  
3 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect  
4 on its passage.”

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