

NO AND MINIMAL FISCAL IMPACT STATEMENT EXAMPLES

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2024 Regular Session

SB 1568 Enrolled

Overview	Text ▾	Analysis	Amendments	Testimony	Register to Testify	Submit Testimony
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Overview ▾

At the request of:	
Chief Sponsors:	Senator Sollman, Representative Fahey
Regular Sponsors:	Senator Manning Jr, Representative Nosse, (Presession filed.)
Bill Title:	Relating to a prevailing rate of wage for electrical workers; and prescribing an effective date.
Catchline/Summary:	Provides that, for the purpose of specifying the prevailing rate of wage for electrical workers, a locality is the geographical area within which each local union is the exclusive representative for the local union's membership, and the collective bargaining agreement is the collective bargaining agreement to which the local union is a party. +
LC Number:	LC 258
Chapter Number:	Chapter 61
Fiscal Impact:	Has Minimal Fiscal Impact
Revenue Impact:	No Revenue Impact
Measure Analysis:	Staff Measure Summary / Impact Statements
Current Location:	Chapter Number Assigned
Current Committee:	
Current Subcommittee:	
Subsequent Referral(s):	
Potential Conflicts of Interest/Vote Explanations:	Potential Conflicts of Interest/Vote Explanation Documents

Measure History ▾

2-5 (S)	Introduction and first reading. Referred to President's desk.																								
2-5 (S)	Referred to Labor and Business.																								
2-12 (S)	Public Hearing held. 🔗																								
2-14 (S)	Work Session held. 🔗 🗳️ <table><tr><td>Action</td><td>Do pass.</td></tr><tr><td>Adopted Amendments</td><td></td></tr><tr><td>Committee Vote (Aye, Nay, Excused, Absent)</td><td>4-0-1-0</td></tr><tr><td>Carrier</td><td>Sollman</td></tr><tr><td>Member Vote</td><td><table><tr><td>Bonham</td><td>Aye</td></tr><tr><td>Hansell</td><td>Exc.</td></tr><tr><td>Jama</td><td>Aye</td></tr><tr><td>Patterson</td><td>Aye</td></tr><tr><td>Taylor</td><td>Aye</td></tr></table></td></tr></table>	Action	Do pass.	Adopted Amendments		Committee Vote (Aye, Nay, Excused, Absent)	4-0-1-0	Carrier	Sollman	Member Vote	<table><tr><td>Bonham</td><td>Aye</td></tr><tr><td>Hansell</td><td>Exc.</td></tr><tr><td>Jama</td><td>Aye</td></tr><tr><td>Patterson</td><td>Aye</td></tr><tr><td>Taylor</td><td>Aye</td></tr></table>	Bonham	Aye	Hansell	Exc.	Jama	Aye	Patterson	Aye	Taylor	Aye				
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2-15 (S)	Recommendation: Do pass.																								
2-15 (S)	Second reading.																								
2-19 (S)	Third reading. Carried by Sollman. Passed. Ayes, 26; Nays, 3--Boquist, Linthicum, Robinson; Excused, 1--Lieber. +																								
2-19 (S)	Vote explanation(s) filed by Boquist.																								
2-19 (H)	First reading. Referred to Speaker's desk.																								
2-21 (H)	Referred to Rules.																								
2-27 (H)	Public Hearing held. 🔗																								
3-4 (H)	Work Session held. 🔗 🗳️ <table><tr><td>Action</td><td>Do Pass.</td></tr><tr><td>Adopted Amendments</td><td></td></tr><tr><td>Committee Vote (Aye, Nay, Excused, Absent)</td><td>7-0-0-0</td></tr><tr><td>Carrier</td><td>Fahey</td></tr><tr><td>Member Vote</td><td><table><tr><td>Helfrich</td><td>Aye</td></tr><tr><td>Kropf</td><td>Aye</td></tr><tr><td>Nosse</td><td>Aye</td></tr><tr><td>Scharf</td><td>Aye</td></tr><tr><td>Valderrama</td><td>Aye</td></tr><tr><td>Wallan</td><td>Aye</td></tr><tr><td>Fahey</td><td>Aye</td></tr></table></td></tr></table>	Action	Do Pass.	Adopted Amendments		Committee Vote (Aye, Nay, Excused, Absent)	7-0-0-0	Carrier	Fahey	Member Vote	<table><tr><td>Helfrich</td><td>Aye</td></tr><tr><td>Kropf</td><td>Aye</td></tr><tr><td>Nosse</td><td>Aye</td></tr><tr><td>Scharf</td><td>Aye</td></tr><tr><td>Valderrama</td><td>Aye</td></tr><tr><td>Wallan</td><td>Aye</td></tr><tr><td>Fahey</td><td>Aye</td></tr></table>	Helfrich	Aye	Kropf	Aye	Nosse	Aye	Scharf	Aye	Valderrama	Aye	Wallan	Aye	Fahey	Aye
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3-4 (H)	Recommendation: Do pass.																								
3-5 (H)	Second reading.																								
3-5 (H)	Rules suspended. Third reading. Carried by Fahey. Passed. Ayes, 55; Nays, 1--Holvey; Excused, 4--Boshart Davis, Bynum, Cramer, Owens. +																								
3-7 (S)	President signed.																								
3-7 (H)	Speaker signed.																								
3-27 (S)	Governor signed.																								
3-28 (S)	Chapter 61, 2024 Laws.																								
3-28 (S)	Effective date, June 6, 2024.																								

Scheduled Events ➡

Key Contacts ➡

Senate Bill 1568

Sponsored by Senator SOLLMAN, Representative FAHEY (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Makes pay for electricians equal to the pay in a union contract in parts of the state where there is a union contract and the union is the only one that speaks for electricians. Takes effect 91 days after session ends (Flesch Readability Score: 60.6).

Provides that, for the purpose of specifying the prevailing rate of wage for electrical workers, a locality is the geographical area within which each local union is the exclusive representative for the local union's membership, and the collective bargaining agreement is the collective bargaining agreement to which the local union is a party.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to a prevailing rate of wage for electrical workers; creating new provisions; amending ORS 279C.815; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 279C.815 is amended to read:

279C.815. (1) As used in this section[,]:

(a) **"Electrical worker" means an electrician, inside wireman, cable splicer, electrical welder, electrical material handler, lighting maintenance worker or limited energy electrician.**

(b) "Person" means an employer, a labor organization or an official representative of an employee or employer association.

(2)(a) The Commissioner of the Bureau of Labor and Industries at least once each year shall determine in accordance with paragraph (b) of this subsection the prevailing rate of wage for workers in each trade or occupation in each locality described in ORS 279C.800 and shall make this information available at least twice each year. The commissioner may amend the rate at any time.

(b)(A) **Except as provided in subparagraph (B) of this paragraph**, the prevailing rate of wage for a trade or occupation in a locality is the rate of wage set forth in the collective bargaining agreement for the trade or occupation in the locality or, if more than one collective bargaining agreement covers a trade or occupation in the locality, the highest rate of wage among the collective bargaining agreements for the trade or occupation in the locality.

(B) Notwithstanding ORS 279C.800 (3), for the purpose of specifying a prevailing rate of wage for electrical workers in accordance with subparagraph (A) of this paragraph, the applicable locality is the geographical area within which each local union is the exclusive representative for the local union's membership, and the applicable collective bargaining agreement is the collective bargaining agreement to which the local union is a party.

(c) If a collective bargaining agreement does not exist for a trade or occupation in a locality, the commissioner shall determine the prevailing rate of wage by conducting an independent wage

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 survey in the locality. The commissioner may also consider additional information such as other
2 independent wage surveys and the prevailing rates of wage determined by appropriate federal
3 agencies or agencies of adjoining states. If a wage survey under this paragraph does not show that
4 a majority in the same trade or occupation is paid at the same rate, the average rate of hourly wage,
5 including all fringe benefits, paid in the locality to workers in the same trade or occupation is the
6 prevailing rate. If the wage a contractor or subcontractor pays to workers on a public works is
7 based on a period of time other than an hour, the hourly wage must be mathematically determined
8 by the number of hours worked in that period of time.

9 (3) A person shall make reports and returns to the Bureau of Labor and Industries that the
10 commissioner requires to determine the prevailing rates of wage, using forms the bureau provides
11 and within the time the commissioner prescribes. The person or an authorized representative of the
12 person shall certify to the accuracy of the reports and returns.

13 (4) Notwithstanding ORS 192.311 to 192.478, reports and returns or other information provided
14 to the commissioner under this section are confidential and not available for inspection by the
15 public.

16 (5) The commissioner may enter into a contract with a public or private party to obtain data
17 and information the commissioner needs to determine the prevailing rate of wage. The contract may
18 provide for the manner and extent of the review of affected trades and occupations and for other
19 requirements regarding timelines of reports, accuracy of data and information and supervision and
20 review as the commissioner prescribes.

21 **SECTION 2. The amendments to ORS 279C.815 by section 1 of this 2024 Act apply to de-**
22 **terminations of the prevailing rate of wage that the Commissioner of the Bureau of Labor**
23 **and Industries makes on and after the effective date of this 2024 Act.**

24 **SECTION 3. This 2024 Act takes effect on the 91st day after the date on which the 2024**
25 **regular session of the Eighty-second Legislative Assembly adjourns sine die.**

Agency Written Analysis Tab

Section 1: Bill Description

SB 1568 would define “electrical worker” and would require that, for the purposes of prevailing wage determinations under ORS 279C.800 et seq, pay for electrical worker be equal to the pay in a union contract in parts of the state where there is a union contract and the union is the only one that speaks for electricians.

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|-----------|--|
| Section 1 | Defines “electrical worker.” Requires that, for the purposes of prevailing wage determinations under ORS 279C.800 et seq, pay for electrical worker be equal to the pay in a union contract in parts of the state where there is a union contract and the union is the only one that speaks for electricians |
| Section 2 | Declares section 1 of the measure to be applicable to determinations made on or after the effective date of the measure. |
| Section 3 | Declares measure effective date to be 91st day after sine die. |

Section 2: Program Background

Section 3: Agency Written Analysis

The Building Codes Division of the Department of Consumer and Business Services (DCBS) does not regulate electrical worker pay, prevailing wage determinations, or wage and hour complaints. Because of this, there is no anticipated fiscal impact to DCBS.

Agency Written Analysis Tab

Section 1: Bill Description

Among other things, Senate Bill 1568, as introduced, would:

Specify the prevailing rate of wage for electrical workers is the geographical area within each local union's collective bargaining agreement.

Define "Electrical worker" as an electrician, inside wireman, cable splicer, electrical welder, electrical material handler, lighting maintenance worker, or limited energy electrician.

Section 2: Program Background

ORS 279C.815(2)(a) requires that the Commissioner of the Bureau of Labor and Industries at least once each year shall determine the prevailing rate of wage for workers in each trade or occupation in each locality. There are over 40 occupations published in the Bureau of Labor and Industries' "Definitions of Covered Occupations" that require contractors to ensure each worker is paid the appropriate rate based on the work performed and corresponding BOLI occupation.

Senate Bill 1568 would redefine localities for the purpose of establishing the prevailing wage rate for electrical workers and use the geographical area within each local union's collective bargaining agreement. Senate Bill 1568 gives the meaning of "electrical workers," as electrician, wireman, cable splicer, electrical welder, electrical material handler, lighting maintenance worker, or limited energy electrician.

Section 3: Agency Written Analysis

Assumptions and Impact

Assumptions:

We assume that BOLI will receive a large volume of inquiries from contractors and contracting agencies because it will impact the appropriate rates for electrical workers on all public works projects.

Contractors and public agencies may require technical support and implementation assistance to determine the appropriate prevailing wage for each employee as the locality will no longer be determined by county. We would develop a compliance and enforcement strategy that would encourage compliance and enforcement.

Any worker who performs work on these projects, and believes they are owed wages, could contact BOLI with general inquiries and file a wage claim for investigation.

Impact:

We have broken the activities to be undertaken in three major groups:

Program development and implementation. These are activities that will take place primarily before the bill's operational date.

Response to inquiries. We expect inquiries to begin essentially upon passage and to continue indefinitely.

Compliance and Enforcement. Beginning after the operational date, but at modest levels initially.

Program development and implementation.

BOLI must identify what should take place prior to the operative date of Senate Bill 1568:

This includes a draft implementation plan, outlining any necessary updates to rules, processes and procedures, and publications, as needed.

Develop and distribute updated communications and press releases, as needed.

Develop compliance response materials, including contractor award letters, and notifications to public agencies.

Develop in-house guidance and other training materials.

Response to inquiries

We expect an increase in the volume of questions we receive from contractors, public agencies, and workers, particularly because the new geographic jurisdiction for electrical worker is not delineated by county and the boundaries are less defined.

Compliance and enforcement

Compliance and enforcement efforts include receiving and entering complaint information into BOLI's database, making a determination as to whether follow-up is appropriate, and conducting investigations as required. BOLI anticipates an increase in wage complaints and prosecution of cases as the geographic jurisdiction for electrical worker is less clear and will likely lead to an increase in paying electrical workers the incorrect rate on public works projects.

Conclusion

While there may be some impact to resources, BOLI can absorb the costs associated with Senate Bill 1568.

Operative Date

The effective date of Senate Bill 1568-introduced is the 91st day following the adjournment of sine die.



Legislative Fiscal Office
82nd Oregon Legislative Assembly
2024 Regular Session

Prepared by: Haylee Morse-Miller
Reviewed by: Ben Ruef, Paul Siebert
Date: February 13, 2024

Bill Title: Relating to a prevailing rate of wage for electrical workers; prescribing an effective date.

Government Unit(s) Affected: Department of Consumer and Business Services, Bureau of Labor and Industries

Summary of Fiscal Impact

The proposed legislation has been determined to have

MINIMAL FISCAL IMPACT

on state or local government expenditures.

While this individual measure has a minimal fiscal impact, an agency may incur a greater than minimal net fiscal impact, depending on the cumulative impact of all measures enacted into law that affect the agency.