

Secretary of State
NOTICE OF PROPOSED RULEMAKING*
A Statement of Need and Fiscal Impact accompanies this form.

Bureau of Labor and Industries, Wage and Hour Division	839-025
Agency and Division	Administrative Rules Chapter Number

Marcia Ohlemiller, Bureau of Labor and Industries, 800 NE Oregon, Suite 1045, Portland, OR, 97232, (971) 673-0784		
Rules Coordinator	Address	Telephone

RULE CAPTION

Amends rules regulating the payment of prevailing wage rates on public works projects
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing

ADOPT: OAR 839-025-0005

AMEND: OAR 839-025-0004 through 839-025-0540

Stat. Auth.: ORS 651.060(4); 279C

Other Auth.: House Bills 2021 and 2140 (2007 Legislature)

Stats. Implemented: ORS 279C.800 – 279C.870

RULE SUMMARY

The proposed rule amendments replace temporary rules currently in place implementing the provisions of House Bill 2140 (2007 Legislature) which became effective July 1, 2007. HB 2140 amended the definition of "public work" in the Prevailing Wage Rate (PWR) law to include certain "public/private" projects, and exempts certain private residential construction projects providing affordable housing from the law. The legislation also requires the Commissioner of the Bureau of Labor and Industries (BOLI) to issue coverage determinations. Adoption of a new rule, OAR 839-025-0005, has been proposed to implement this process. The proposed rule amendments additionally implement and conform existing rules to the provisions of HB 2021, effective January 1, 2008. This bill requires BOLI to apply federal Davis-Bacon law guidelines to projects subject to both state and federal prevailing wage rate laws, and shifts responsibility for payment of a fee to BOLI by contractors on public works projects to public agencies.

The agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

November 26, 2007

Last Day for Public Comment (Last day to submit written comments to the Rules Coordinator)



Dan Gardner

10/5/07

Signature

Printed name

Date

*Rulemaking Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the publication of the Rulemaking Notice in the Oregon Bulletin or 28 days from the date Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

ARC 923-2005