

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

**FILED**  
9-24-15 9:29 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

Bureau of Labor and Industries

839

Agency and Division

Administrative Rules Chapter Number

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Address

**RULE CAPTION**

Implements legislation related to prevailing wage law; clarifies "public works" and "exemptions."

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

**RULEMAKING ACTION**

Secure approval of rule numbers with the Administrative Rules Unit prior to filing

**ADOPT:**

**AMEND:**

839-025-0004; 839-025-0020; 839-025-0037; 839-025-0100; 839-025-0320; 839-025-0530; and other division 25 rules as necessary.

**REPEAL:**

**RENUMBER:** Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

**AMEND AND RENUMBER:** Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

**Statutory Authority:**

ORS 651.060(4); ORS 279C.808

**Other Authority:**

**Statutes Implemented:**

SB 137 and HB 2664, Regular Session (Or.2015), ORS chapter 279C

**RULE SUMMARY**

SB 137 modifies the definition of a public works to include a project for the construction, reconstruction, major renovation or painting of a road, highway, building, structure or improvement of any type that uses \$750,000 or more of funds of a public agency. Previously, this definition required funds of a private entity in addition to \$750,000 or more of public funds. The proposed rule amendments would conform the definition of public works in OAR 839-025-0004(20)(a)(B) to the changes made by SB 137.

Additionally, the proposed rule amendments would add section (20)(a)(F) to OAR 839-025-0004 to include projects resulting from an agreement under the terms of which a private entity constructs, reconstructs, renovates or paints an improvement of any type that occurs, with or without public funds of a public agency, on real property owned by a university with a governing board or by a nonprofit organization or other entity that a university with a governing board owns or controls exclusively. This addition would reflect changes made to ORS 352.138 (4) by HB 2664. Furthermore, as a consequence of other amendments made to ORS 352.138(4)(a) by HB 2664, universities with governing boards are exempt from certain prevailing wage rate laws when the project does not result from an agreement as described above in OAR 839-025-0004(20)(a)(F). The proposed amendments would cite the particular prevailing wage statutes in the list of exemptions found in OAR 839-025-0100.

Other changes made to OAR 839, division 025 would make clarifying changes and clean up grammar and typographical errors.

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.

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 Notice of Proposed Rulemaking 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, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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

<u>11-21-2015 Close of Business</u>	<u>Marcia Ohlemiller</u>	<u>Marcia.L.Ohlemiller@state.or.us</u>
Last Day ( <i>m/d/yyyy</i> ) and Time for public comment	Rules Coordinator Name	Email Address

\*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation.