

ORIGINAL

HISTORY SHEET SENATE

By:

Senators

**Bill
Resolution
Memorials**

230

Printed
DATE ENGROSSED
By *Harvey*
DATE REENGROSSED
DATE ENROLLED

▶ Mar 21, 1969
▶ May 13, 1969
▶ May 27, 1969

By Hand
DATE REENGROSSED
DATE ENROLLED

May 13, 1969
May 27, 1969

DATE ENROLLED

May 27, 1969

COMMITTEE ON LABOR AND INDUSTRIES (at the request of the Oregon
AFL-CIO)

TITLE

Relating to the prevailing rate of wage on public works; creating new provisions; amending ORS 279.348, 279.356 and 279.990; providing penalties; and declaring an emergency.

SENATE ACTION

READ FIRST TIME
FEB 11 1969
REFERRED TO
Labor and
REPORTED BACK
MAR 21 1969

READ SECOND TIME
FEB 12 1969
Industries
WITH THE RECOMMENDATION
THAT IT

REFERRED TO
Labor and
REPORTED BACK
MAR 21 1969

Labor and
REPORTED BACK
MAR 21 1969

Industries

WITH THE RECOMMENDATION
THAT IT

So Pass as Amended

REFERRER TO
REPORTED BACK

REPORTED BACK

WITH THE RECOMMENDATION
THAT IT

READ THIRD TIME AND
PASSED MAR 2
SIGNED Cecil L. Edwards
DATE Cecil L. Edwards

READ THIRD TIME AND
PASSED MAR 2
SIGNED Cecil L. Edwards
DATE Cecil L. Edwards

READ THIRD TIME AND
PASSED
SIGNED Carl L. Edwards SECRETARY OF SENATE
DATE Carl L. Edwards MAY 21 1969

SIGNED Carol L. Edwards
DATE Carol L. Edwards

SIGNED Carol L. Edwards
DATE Carol L. Edwards

ward
word

SECRETARY OF SENATE

MAY 21 1969

SIGNED Carl L. Edwards SECRETARY OF SENATE
DATE Carl L. Edwards MAY 21 1969

HOUSE ACTION

READ FIRST TIME
MAR 26 1969
R
MAR 26 1969
REFERRED TO
Coba Management
REPORTED BACK
MAY 13 1969
S. P. A.

READ SECOND TIME

27 NOV

WITH THE RECOMMENDATION
THAT IT

REFERRED TO
Labor / Management
REPORTED BACK
MAY 13 1968
*to pass with amendment
ed AFA to private*

LABOR OF MANAGEMENT
REPORTED BACK
MAY 13 1988
DO PASS WITH OVERVIEW
ed AAA to present

WITH THE RECOMMENDATION
THAT IT

be expressed bill

REREFERRED TO

REPORTED BACK

READ THIRD TIME AND
PASSED
SIGNED _____
[Signature]
**SENATE CONCURRED IN
AND REP**

READ THIRD TIME AND
PASSED
SIGNED _____
[Signature]
**SENATE CONCURRED IN
AND REP**

SIGNED 
SENATE CONCURRED IN
AND REP

CHIEF CLERK

HOUSE AMENDMENTS
PASSED

SIGNED  CHIEF CLERK

**SENATE CONCURRED IN HOUSE AMENDMENTS
AND REPASSED**

ADDITIONAL ACTION

DATE MAY 12 1966

DATE MAY 12 1966

ACTION

RS CARRIED OVER TO HEAD OF TOMORROW'S
Senate THIRD READING CALENDAR.

ACTION

RS CARRIED OVER TO HEAD OF TOMORROW'S
Senate THIRD READING CALENDAR.

ACTION

RS CARRIED OVER TO HEAD OF TOMORROW'S
Senate THIRD READING CALENDAR.

ACTION

RS CARRIED OVER TO HEAD OF TOMORROW'S
Senate THIRD READING CALENDAR.

Senate Bill No. 230

Enrolled
Engrossed

Senate Bill 230

(Printing engrossed ordered by Committee on Rules and Resolutions
March 21, 1969)

(Including amendments by Senate March 21)

Sponsored by COMMITTEE ON LABOR AND INDUSTRIES (at the
request of the Oregon AFL-CIO)

CHAPTER.....

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.

Defines "fringe benefits" for purposes of ascertaining prevailing rate of wages for workmen on public works and fixing amount of unpaid minimum wages. Specifies that amount of liquidated damages available to workmen, when such wage rate restriction is violated by employer, shall be equal to amount of unpaid wages, including such "fringe benefits." Authorizes Commissioner of Bureau of Labor at reasonable times to enter offices and inspect records of contractors and subcontractors on public works to determine whether prevailing rate of wages is actually being paid.

Declares emergency and takes effect July 1, 1969.

NOTE: Matter in *Italics* in an amended section is new; matter ~~lined out and bracketed~~ is existing law to be omitted; complete new sections begin with **Section**.

A BILL FOR AN ACT

1
2 Relating to the prevailing rate of wage on public works; creating new
3 provisions; amending ORS 279.348, 279.356 and 279.990; providing
4 penalties; and declaring an emergency.

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

6 Section 1. ORS 279.348 is amended to read:

7 279.348. As used in ORS 279.348 to 279.356, unless the context
8 requires otherwise:

9 (1) "Prevailing rate of wage" means the rate of hourly wage and
10 overtime, *including all fringe benefits under section 3 of this 1969 Act*,
11 paid in the locality to the majority of workmen in the same trade or
12 occupation, *as determined by the Commissioner of the Bureau of Labor*
13 *in cooperation with the Secretary of Labor of the United States*. If there
14 is not a majority in the same trade or occupation paid at the same rate,
15 the average rate of hourly wage and overtime, *including all fringe benefits*
16 *under section 3 of this 1969 Act*, paid in the locality to workmen in the
17 same trade or occupation shall be the prevailing rate. If the wage paid by
18 any contractor or subcontractor to workmen on any public work is based
19 on some period of time other than an hour, the hourly wage shall be
20 mathematically determined by the number of hours worked in that period
21 of time.

22 (2) "Locality" means the largest city and its immediate vicinity in the
23 county or counties in which the public work is to be performed.

24 (3) "Public works" includes all public works of the state or of any
25 county, city, district, authority, public corporations or entity and any of
26 their instrumentalities organized and existing under law or charter.

27 Section 2. Sections 3 to 5 of this Act are added to and made a part of
28 ORS 279.348 to 279.356.

29 Section 3. For the purposes of ORS 279.348 to 279.356, except as
30 provided in section 4 of this 1969 Act, "fringe benefits" means the
31 amount for (a) medical or hospital care, pensions on retirement or death,
32 compensation for injuries or illness resulting from occupational activity, or
33 insurance to provide any of the foregoing; (b) unemployment benefits, life
34 insurance, disability and sickness insurance or accident insurance;

(c) vacation and holiday pay; (d) defraying costs of apprenticeship or other similar programs; or (e) other bona fide fringe benefits, of the following:

(1) The rate of contribution irrevocably made by a contractor or subcontractor to a trustee or to a third person pursuant to a fund, plan or program; and

(2) The rate of costs to the contractor or subcontractor that reasonably may be anticipated in providing benefits to workmen pursuant to an enforceable commitment to carry out a financially responsible plan or program that was communicated in writing to the workmen affected.

Section 4. Notwithstanding section 3 of this 1969 Act, an amount thereunder is a fringe benefit only if the contractor or subcontractor is not required by federal, state or local law to provide any of such benefits.

Section 5. (1) At any reasonable time the Commissioner of the Bureau of Labor may enter the office or business establishment of any contractor or subcontractor performing public works, and gather facts and information necessary to determine if the prevailing rate of wage is actually being paid by such contractor or subcontractor to workmen upon public works.

(2) Every contractor or subcontractor performing work on public works shall make available to the commissioner for inspection, upon request, any payroll or other records in the possession or under the control of the contractor or subcontractor that are deemed necessary by the commissioner to determine if the prevailing rate of wage is actually being paid by such contractor or subcontractor to workmen upon public works.

(3) Notwithstanding ORS chapter 192, any record obtained or made by the commissioner under this section shall not be open to inspection by the public.

Section 6. ORS 279.356 is amended to read:

279.356. (1) Any contractor or subcontractor or his surety who violates the provisions of ORS 279.350 shall be liable to the workmen affected in the amount of their unpaid minimum wages, including all

2 fringe benefits under section 3 of this 1969 Act, and in an additional
3 amount equal to said unpaid wages as liquidated damages.

4 (2) Actions to enforce liability to workmen under subsection (1) of
5 this section may be brought as actions on contractors' bonds to enforce
6 labor liens under ORS 279.502 to 279.544.

7 Section 7. ORS 279.990 is amended to read:

8 279.990. (1) Violation of ORS 279.032 is punishable, upon conviction,
9 by a fine not exceeding \$5,000 or imprisonment for not more than
10 six months in the county jail, or both.

11 (2) Any contractor, subcontractor, agent or person in authority or in
12 charge who violates any of the provisions of ORS 279.310 to 279.318,
13 279.338, 279.512 to 279.515 or 279.538, as to hours of employment of
14 labor shall, upon conviction, be fined not less than \$50 nor more than
15 \$1,000, or imprisoned in the county jail for not less than five days nor
16 more than one year, or both.

17 (3) The provisions of ORS 291.990 apply to ORS 279.008, 279.710
18 to 279.746 and 279.824. Any violation of ORS 279.008, 279.710 to
19 279.746 or 279.824 shall, upon conviction, be punished as prescribed in
20 ORS 291.990.

21 (4) Violation of ORS 279.360 is abuse of a public trust, and any
22 officer, agent or employe convicted thereof shall be subject to the
23 punishment prescribed by subsection (2) of ORS 162.240.

24 (5) *Any contractor or subcontractor subject to ORS 279.350 who fails*
25 *to pay the prevailing rate of wage as required by ORS 279.350 shall be*
26 *punished, upon conviction, by a fine of not more than \$1,000, or by*
27 *imprisonment in the county jail for not more than six months, or both.*

28 Section 8. This Act being necessary for the immediate preservation of
29 the public peace, health and safety, an emergency is declared to exist, and
30 this Act shall take effect on July 1, 1969.

**HOUSE AMENDMENTS TO
PRINTED ENGROSSED SENATE BILL 230**

By COMMITTEE ON LABOR AND MANAGEMENT

May 13, 1969

- 1 On page 3 of the printed engrossed bill, line 21, after "inspection"
- 2 insert "during normal business hours and".
- 3 On page 3, line 22, after "request" insert "made a reasonable time in
- 4 advance".



HOUSE AMENDMENTS TO PRINTED ENGROSSED SENATE BILL 230

By COMMITTEE ON LABOR AND MANAGEMENT

May 13, 1969

On page 3 of the printed engrossed bill, line 21, after "inspection" insert "during normal business hours and".

On page 3, line 22, after "request" insert "made a reasonable time in advance".

2 copies if no amendments
Submit: 4 copies if amendments
5 copies if to be printed engrossed
Retain: 1 copy for committee files


Joe Rogers

Chairman

Rep. Martin
floor discussion on this measure

will lead

ENGROSSED

Senate Bill 230

Sponsored by COMMITTEE ON LABOR AND INDUSTRIES (at the request of the Oregon AFL-CIO)

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**.

Defines "fringe benefits" for purposes of ascertaining prevailing rate of wage on public works and fixing amount of unpaid minimum wages. Authorizes Commissioner of Bureau of Labor at reasonable times to enter offices and inspect records of contractors and subcontractors on public works to determine whether prevailing rate of wages is actually being paid. Declares emergency and takes effect July 1, 1969.

NOTE: Matter in *italics* in an amended section is new; matter ~~lined out and bracketed~~ is existing law to be omitted; complete new sections begin with **Section**.

A BILL FOR AN ACT

1
2 Relating to the prevailing rate of wage on public works; creating new
3 provisions; amending ORS 279.348, 279.356 and 279.990; providing
4 penalties; and declaring an emergency.

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

6 Section 1. ORS 279.348 is amended to read:

7 279.348. As used in ORS 279.348 to 279.356, unless the context
8 requires otherwise:

9 (1) "Prevailing rate of wage" means the rate of hourly wage and
10 overtime , *including all fringe benefits under section 3 of this 1969 Act*,
11 paid in the locality to the majority of workmen in the same trade or
12 occupation , *as determined by the Commissioner of the Bureau of Labor*
13 *in cooperation with the Secretary of Labor of the United States*. If there
14 is not a majority in the same trade or occupation paid at the same rate,
15 the average rate of hourly wage and overtime , *including all fringe benefits*
16 *under section 3 of this 1969 Act*, paid in the locality to workmen in the
17 same trade or occupation shall be the prevailing rate. If the wage paid by
18 any contractor or subcontractor to workmen on any public work is based
19 on some period of time other than an hour, the hourly wage shall be
20 mathematically determined by the number of hours worked in that period
21 of time.

22 (2) "Locality" means the largest city^{*and its immediate vicinity*} in the county or counties in
23 which the public work is to be performed.

24 (3) "Public works" includes all public works of the state or of any
25 county, city, district, authority, public corporations or entity and any of
26 their instrumentalities organized and existing under law or charter.

27 Section 2. Sections 3 to 5 of this Act are added to and made a part of
28 ORS 279.348 to 279.356.

29 Section 3. For the purposes of ORS 279.348 to 279.356, except as
30 provided in section 4 of this 1969 Act, "fringe benefits" means the
31 amount for (a) medical or hospital care, pensions on retirement or death,
32 compensation for injuries or illness resulting from occupational activity, or
33 insurance to provide any of the foregoing; (b) unemployment benefits, life
34 insurance, disability and sickness insurance or accident insurance;

1 (c) vacation and holiday pay; (d) defraying costs of apprenticeship or
2 other similar programs; or (e) other bona fide fringe benefits, of the
3 following:

4 (1) The rate of contribution irrevocably made by a contractor or
5 subcontractor to a trustee or to a third person pursuant to a fund, plan or
6 program; and

7 (2) The rate of costs to the contractor or subcontractor that reason-
8 ably may be anticipated in providing benefits to workmen pursuant to an
9 enforceable commitment to carry out a financially responsible plan or
10 program that was communicated in writing to the workmen affected.

11 **Section 4.** Notwithstanding section 3 of this 1969 Act, an amount
12 thereunder is a fringe benefit only if the contractor or subcontractor is
13 not required by federal, state or local law to provide any of such benefits.

14 **Section 5.** (1) At any reasonable time the Commissioner of the
15 Bureau of Labor may enter the office or business establishment of any
16 contractor or subcontractor performing public works, and gather facts and
17 information necessary to determine if the prevailing rate of wage is
18 actually being paid by such contractor or subcontractor to workmen upon
19 public works.

20 (2) Every contractor or subcontractor performing work on public
21 works shall make available to the commissioner for inspection, upon
22 request, any payroll or other records in the possession or under the
23 control of the contractor or subcontractor that are deemed necessary by
24 the commissioner to determine if the prevailing rate of wage is actually
25 being paid by such contractor or subcontractor to workmen upon public
26 works.

27 (3) Notwithstanding ORS chapter 192, any record obtained or made
28 by the commissioner under this section shall not be open to inspection by
29 the public.

30 **Section 6.** ORS 279.356 is amended to read:

31 279.356. (1) Any contractor or subcontractor or his surety who
32 violates the provisions of ORS 279.350 shall be liable to the workmen
33 affected in the amount of their unpaid minimum wages , *including all*

2 *fringe benefits under section 3 of this 1969 Act, and in an additional*
3 ~~amount as liquidated damages.~~
4

5 (2) Actions to enforce liability to workmen under subsection (1) of
6 this section may be brought as actions on contractors' bonds to enforce
7 labor liens under ORS 279.502 to 279.544.

8 Section 7. ORS 279.990 is amended to read:

9 279.990. (1) Violation of ORS 279.032 is punishable, upon conviction,
10 by a fine not exceeding \$5,000 or imprisonment for not more than
11 six months in the county jail, or both.

12 (2) Any contractor, subcontractor, agent or person in authority or in
13 charge who violates any of the provisions of ORS 279.310 to 279.318,
14 279.338, 279.512 to 279.515 or 279.538, as to hours of employment of
15 labor shall, upon conviction, be fined not less than \$50 nor more than
16 \$1,000, or imprisoned in the county jail for not less than five days nor
17 more than one year, or both.

18 (3) The provisions of ORS 291.990 apply to ORS 279.008, 279.710
19 to 279.746 and 279.824. Any violation of ORS 279.008, 279.710 to
20 279.746 or 279.824 shall, upon conviction, be punished as prescribed in
21 ORS 291.990.

22 (4) Violation of ORS 279.360 is abuse of a public trust, and any
23 officer, agent or employee convicted thereof shall be subject to the
24 punishment prescribed by subsection (2) of ORS 162.240.

25 (5) *Any contractor or subcontractor subject to ORS 279.350 who fails*
26 *to pay the prevailing rate of wage as required by ORS 279.350 shall be*
27 *punished, upon conviction, by a fine of not more than \$1,000, or by*
28 *imprisonment in the county jail for not more than six months, or both.*

29 Section 8. This Act being necessary for the immediate preservation of
30 the public peace, health and safety, an emergency is declared to exist, and
this Act shall take effect on July 1, 1969.

SENATE AMENDMENTS TO SENATE BILL 230

By COMMITTEE ON LABOR AND INDUSTRIES

March 21, 1969

- ¹ On page 2 of the printed bill, line 22, after "city" insert "and its
- ² immediate vicinity".
- ³ On page 4, line 3, after "amount" insert "equal to said unpaid wages".



SENATE AMENDMENTS TO SENATE BILL 230

By COMMITTEE ON LABOR AND INDUSTRIES

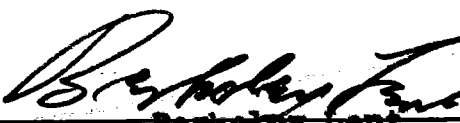
March 21, 1969

On page 2 of the printed bill, line 22, after "city" insert
"and its immediate vicinity".

On page 4, line 3, after "amount" insert "equal to said
unpaid wages".

Submit: 3 copies if no amendments
4 copies if amendments
5 copies if to be printed engrossed

Retain: 1 copy for committee files


Berkeley Lent
Lent

CHAIRMAN

Sen. _____ will lead
floor discussion on this measure.

Senate Bill 230

Sponsored by COMMITTEE ON LABOR AND INDUSTRIES (at the request of the Oregon AFL-CIO)

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**.

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1
2 Relating to the prevailing rate of wage on public works; creating new
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15 the average rate of hourly wage and overtime , *including all fringe benefits*
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20 mathematically determined by the number of hours worked in that period
21 of time.

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23 which the public work is to be performed.

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25 county, city, district, authority, public corporations or entity and any of
26 their instrumentalities organized and existing under law or charter.

27 Section 2. Sections 3 to 5 of this Act are added to and made a part of
28 ORS 279.348 to 279.356.

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5 subcontractor to a trustee or to a third person pursuant to a fund, plan or
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9 enforceable commitment to carry out a financially responsible plan or
10 program that was communicated in writing to the workmen affected.

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12 thereunder is a fringe benefit only if the contractor or subcontractor is
13 not required by federal, state or local law to provide any of such benefits.

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15 Bureau of Labor may enter the office or business establishment of any
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3 *amount as liquidated damages.*

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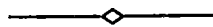
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20 ORS 291.990.

21 (4) Violation of ORS 279.360 is abuse of a public trust, and any
22 officer, agent or employe convicted thereof shall be subject to the
23 punishment prescribed by subsection (2) of ORS 162.240.

24 (5) *Any contractor or subcontractor subject to ORS 279.350 who fails*
25 *to pay the prevailing rate of wage as required by ORS 279.350 shall be*
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A BILL FOR

AN ACT

Relating to the prevailing rate of wage on public works;
creating new provisions; amending ORS 279.348, 279.356
and 279.990; providing penalties; and declaring an
emergency.

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(2) "Locality" means the largest city in the county or counties in which the public work is to be performed.

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(1) The rate of contribution irrevocably made by a contractor or subcontractor to a trustee or to a third person pursuant to a fund, plan or program; and

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benefits to workmen pursuant to an enforceable commitment to carry out a financially responsible plan or program that was communicated in writing to the workmen affected.

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Section 6. ORS 279.356 is amended to read:

279.356. (1) Any contractor or subcontractor or his surety who violates the provisions of ORS 279.350 shall be liable to the workmen affected in the amount of their unpaid minimum wages , including all fringe benefits under section 3 of this 1969 Act, and in an additional amount as liquidated damages.

(2) Actions to enforce liability to workmen under subsection (1) of this section may be brought as actions on contractors' bonds to enforce labor liens under ORS 279.502 to 279.544.

Section 7. ORS 279.990 is amended to read:

279.990. (1) Violation of ORS 279.032 is punishable, upon conviction, by a fine not exceeding \$5,000 or imprisonment for not more than six months in the county jail, or both.

(2) Any contractor, subcontractor, agent or person in authority or in charge who violates any of the provisions of ORS 279.310 to 279.318, 279.338, 279.512 to 279.515 or 279.538, as to hours of employment of labor shall, upon conviction, be fined not less than \$50 nor more than \$1,000, or imprisoned in the county jail for not less than five days nor more than one year, or both.

(3) The provisions of ORS 291.990 apply to ORS 279.008, 279.710 to 279.746 and 279.824. Any violation of ORS 279.008, 279.710 to 279.746 or 279.824 shall, upon conviction, be punished as prescribed in ORS 291.990.

(4) Violation of ORS 279.360 is abuse of a public trust, and any officer, agent or employe convicted thereof shall be subject to the punishment prescribed by subsection (2) of ORS 162.240.

(5) Any contractor or subcontractor subject to ORS 279.350 who fails to pay the prevailing rate of wage as required by ORS 279.350 shall be punished, upon conviction, by a fine of not more than \$1,000, or by imprisonment in the county jail for not more than six months, or both.

Section 8. This Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Act shall take effect on July 1, 1969.

SENATE BILL BACK

▼ CROSS OUT INAPPLICABLE WORDS ▼

BILL
RESOLUTION } NUMBER 230
MEMORANDUM }

Title:

Relating to the prevailing rate of wage on public works; creating new provisions; amending ORS 279.348, 279.356 and 279.990; providing penalties; and declaring an emergency.

Principal Sponsors:

Committee on
~~Senate~~ Labor and Industries Committee (at the request of the
Oregon AFL-CIO)

BT.

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Willner	Howard	Wingard
Yturri	Howe	Young

Staple

Enrolled
Senate Bill 230

Sponsored by COMMITTEE ON LABOR AND INDUSTRIES

CHAPTER.....

AN ACT

Relating to the prevailing rate of wage on public works; creating new provisions; amending ORS 279.348, 279.356 and 279.990; providing penalties; and declaring an emergency.

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

Section 1. ORS 279.348 is amended to read:

279.348. As used in ORS 279.348 to 279.356, unless the context requires otherwise:

(1) "Prevailing rate of wage" means the rate of hourly wage and overtime, *including all fringe benefits under section 3 of this 1969 Act*, paid in the locality to the majority of workmen in the same trade or occupation, *as determined by the Commissioner of the Bureau of Labor in cooperation with the Secretary of Labor of the United States*. If there is not a majority in the same trade or occupation paid at the same rate, the average rate of hourly wage and overtime, *including all fringe benefits under section 3 of this 1969 Act*, paid in the locality to workmen in the same trade or occupation shall be the prevailing rate. If the wage paid by any contractor or subcontractor to workmen on any public work is based on some period of time other than an hour, the hourly wage shall be mathematically determined by the number of hours worked in that period of time.

(2) "Locality" means the largest city *and its immediate vicinity* in the county or counties in which the public work is to be performed.

(3) "Public works" includes all public works of the state or of any county, city, district, authority, public corporations or entity and any of their instrumentalities organized and existing under law or charter.

Section 2. Sections 3 to 5 of this Act are added to and made a part of ORS 279.348 to 279.356.

Section 3. For the purposes of ORS 279.348 to 279.356, except as provided in section 4 of this 1969 Act, "fringe benefits" means the amount for (a) medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing; (b) unemployment benefits, life insurance, disability and sickness insurance or accident insurance; (c) vacation and holiday pay; (d) defraying costs of apprenticeship or other similar programs; or (e) other bona fide fringe benefits, of the following:

(1) The rate of contribution irrevocably made by a contractor or subcontractor to a trustee or to a third person pursuant to a fund, plan or program; and

(2) The rate of costs to the contractor or subcontractor that reasonably may be anticipated in providing benefits to workmen pursuant to an enforceable commitment to carry out a financially responsible plan or program that was communicated in writing to the workmen affected.

Section 4. Notwithstanding section 3 of this 1969 Act, an amount thereunder is a fringe benefit only if the contractor or subcontractor is not required by federal, state or local law to provide any of such benefits.

Section 5. (1) At any reasonable time the Commissioner of the Bureau of Labor may enter the office or business establishment of any contractor or subcontractor performing public works, and gather facts and information necessary to determine if the prevailing rate of wage is actually being paid by such contractor or subcontractor to workmen upon public works.

(2) Every contractor or subcontractor performing work on public works shall make available to the commissioner for inspection during normal business hours and, upon request made a reasonable time in advance, any payroll or other records in the possession or under the control of the contractor or subcontractor that are deemed necessary by the commissioner to determine if the prevailing rate of wage is actually being paid by such contractor or subcontractor to workmen upon public works.

(3) Notwithstanding ORS chapter 192, any record obtained or made by the commissioner under this section shall not be open to inspection by the public.

Section 6. ORS 279.356 is amended to read:

279.356. (1) Any contractor or subcontractor or his surety who violates the provisions of ORS 279.350 shall be liable to the workmen affected in the amount of their unpaid minimum wages, *including all fringe benefits under section 3 of this 1969 Act*, and in an additional amount equal to said unpaid wages as liquidated damages.

(2) Actions to enforce liability to workmen under subsection (1) of this section may be brought as actions on contractors' bonds to enforce labor liens under ORS 279.502 to 279.544.

Section 7. ORS 279.990 is amended to read:

279.990. (1) Violation of ORS 279.032 is punishable, upon conviction, by a fine not exceeding \$5,000 or imprisonment for not more than six months in the county jail, or both.

(2) Any contractor, subcontractor, agent or person in authority or in charge who violates any of the provisions of ORS 279.310 to 279.318, 279.338, 279.512 to 279.515 or 279.538, as to hours of employment of labor shall, upon conviction, be fined not less than \$50 nor more than \$1,000, or imprisoned in the county jail for not less than five days nor more than one year, or both.

(3) The provisions of ORS 291.990 apply to ORS 279.008, 279.710 to 279.746 and 279.824. Any violation of ORS 279.008, 279.710 to 279.746 or 279.824 shall, upon conviction, be punished as prescribed in ORS 291.990.

(4) Violation of ORS 279.360 is abuse of a public trust, and any officer, agent or employe convicted thereof shall be subject to the punishment prescribed by subsection (2) of ORS 162.240.

(5) *Any contractor or subcontractor subject to ORS 279.350 who fails to pay the prevailing rate of wage as required by ORS 279.350 shall be punished, upon conviction, by a fine of not more than \$1,000, or by imprisonment in the county jail for not more than six months, or both.*

Section 8. This Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Act shall take effect on July 1, 1969.



Chapter

, Oregon Laws 1969

ENROLLED

Senate Bill 230

Passed by Senate March 25, 1969
Repassed by Senate May 21, 1969

Secretary of Senate

President of Senate

Passed by House May 16, 1969
Repassed by House

Speaker of House

Received by Executive Department:

M., 1969.

Approved: , 1969.

Governor

Filed in Office of Secretary of State:

M., 1969.

Secretary of State