

House Bill 4080

Sponsored by Representative GRAYBER; Representatives ANDERSEN, BOWMAN, DEXTER, HUDSON, LEVY E, LIVELY, MARSH, PHAM K, TRAN, WALTERS, Senators CAMPOS, DEMBROW, FREDERICK, GOLDEN, PATTERSON, TAYLOR (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: States a state policy on offshore wind energy. Tells the state agency on energy to make a road map on standards for offshore wind energy. Makes a person involved in an offshore wind energy or port project to meet certain labor and supply chain standards. Tells the state agency on land use to conduct, or support, federal reviews of offshore wind leasing decisions. (Flesch Readability Score: 60.5).

Declares a state policy to support engagement between offshore wind developers and impacted organizations, communities and tribes. Declares a state policy regarding offshore wind energy development and labor and supply chain standards.

Directs the State Department of Energy to develop an Offshore Wind Roadmap that defines standards regarding the development of offshore wind energy.

Requires a developer or contractor involved in an offshore wind energy project or port development project that is necessary for the development of an offshore wind energy project to meet certain labor and supply chain standards.

Directs the Department of Land Conservation and Development to conduct, or support, consistency reviews of offshore wind leasing decisions and related actions. Directs the department to submit a report on the department's activities to the interim committees of the Legislative Assembly related to energy and development not later than September 1, 2025.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to offshore wind energy development; and declaring an emergency.

3 Whereas Oregon will benefit from an Offshore Wind Roadmap that is developed in consultation
4 with a broad group of stakeholders; and

5 Whereas an Offshore Wind Roadmap should consider all benefits and ramifications of offshore
6 wind energy development to this state; and

7 Whereas Oregon's state agencies are poised to best facilitate the development of an Offshore
8 Wind Roadmap and should be adequately funded, supported and engaged in the development of an
9 Offshore Wind Roadmap so that Oregon's interests are fully considered in decision-making processes;
10 and

11 Whereas the interconnection of offshore energy projects to the electric grid along the Oregon
12 coast should be carried out in a manner that promotes the reliability and resilience of this state's
13 electric system; and

14 Whereas the jobs created from offshore wind energy development should meaningfully sustain
15 and support local Oregon workers and align with Oregon's existing labor standards, including sup-
16 port of registered apprenticeship programs that ensure the highest quality of work and career-
17 supporting jobs, outreach to historically marginalized communities to perform those jobs, living
18 wages, compliance with state and federal laws and use of domestic supply chains whenever possible;
19 now, therefore,

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

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 **SECTION 1.** It is the policy of the State of Oregon to support ongoing engagement be-
 2 tween offshore wind energy developers and:

- 3 (1) The Southwestern Oregon Workforce Investment Board;
- 4 (2) The Oregon International Port of Coos Bay;
- 5 (3) The Port of Brookings Harbor;
- 6 (4) The Port of Newport; and
- 7 (5) Any communities or Indian tribes impacted by offshore wind energy development that
 8 want to engage in the offshore wind energy development process.

9 **SECTION 2.** The State Department of Energy shall develop an Offshore Wind Roadmap
 10 that defines standards to be considered in the development process for offshore wind energy.
 11 The standards must support:

- 12 (1) Effective stakeholder engagement;
- 13 (2) Local and regional coastal communities;
- 14 (3) The creation of economic opportunities and sustainment of existing local and regional
 15 economies;
- 16 (4) The creation of an offshore wind energy workforce that is local, trained, housed and
 17 equitable;
- 18 (5) Protection of cultural resources, treaty rights and interests of Indian tribes;
- 19 (6) Protection of the environment; and
- 20 (7) The achievement of state energy policy objectives.

21 **SECTION 3.** It is the policy of the State of Oregon to promote economic diversification
 22 and resilience in offshore wind energy development by ensuring that all developers and con-
 23 tractors involved in the construction, operation or maintenance of offshore wind energy
 24 projects and the construction of a port development project that is necessary for the devel-
 25 opment of offshore wind energy projects follow industry-leading strong labor and supply
 26 chain standards.

27 **SECTION 4.** (1) As used in this section, except as otherwise specified, “project” means
 28 an offshore wind energy project or port development project necessary for the development
 29 of an offshore wind energy project.

30 (2) A developer or contractor that is involved in the construction, operation or mainte-
 31 nance of an offshore wind energy project or the construction of a port development project
 32 that is necessary for the development of an offshore wind energy project shall:

33 (a) Participate as a training agent, as defined in ORS 660.010, in an apprenticeship pro-
 34 gram registered with the State Apprenticeship and Training Council to provide on-the-job
 35 training opportunities for apprentices in apprenticeable occupations to perform work on the
 36 project such that at least 15 percent of the work hours of each apprenticeable occupation is
 37 performed by apprentices;

38 (b) Establish and execute a plan for outreach, recruitment and retention of women, mi-
 39 nority individuals and veterans to perform work on the project, with the aspirational target
 40 of having at least 15 percent of total work hours performed by individuals in one or more
 41 of those groups;

42 (c) Pay wages to workers who perform work on the project at a rate that is no less than
 43 the greater of:

- 44 (A) The living wage for the locality or region where the work is performed;
- 45 (B) The prevailing rate of wage that the Commissioner of the Bureau of Labor and In-

1 **dustries determines under ORS 279C.815 for the trade or occupation in the locality where the**
2 **work is performed;**

3 **(C) The minimum wage specified under the federal Service Contract Act (41 U.S.C.**
4 **351-401) for the work, or similar work, in the locality where the work is performed;**

5 **(D) The wage calculated under the Massachusetts Institute of Technology living wage**
6 **calculator for the county or region where the work is performed; or**

7 **(E) The wage determined under an applicable collective bargaining agreement, if any, if**
8 **the collective bargaining agreement provides for employer-paid retirement and family and**
9 **medical insurance benefits;**

10 **(d) Demonstrate a history of material compliance in the previous three years, or provide**
11 **available history for a new business, with federal and state wage and hour laws; and**

12 **(e) Demonstrate a history of material compliance in the previous three years, or provide**
13 **available history for a new business, with the rules and other requirements of state agencies**
14 **with oversight regarding occupational safety and health.**

15 **(3)(a) A developer or contractor that is involved in the construction, operation or main-**
16 **tenance of an offshore wind energy project or the construction of a port development project**
17 **that is necessary for the development of an offshore wind energy project shall require, in**
18 **each contract entered into under the project with an estimated contract price of \$250,000 or**
19 **more, that steel, iron, coatings for steel and iron and manufactured products that a devel-**
20 **oper or contractor purchases for or uses in the project, and that become part of a permanent**
21 **structure, must be produced in the United States.**

22 **(b) The requirements set forth in paragraph (a) of this subsection do not apply if:**

23 **(A) The requirement is inconsistent with the public interest;**

24 **(B) Steel, iron, coatings for steel and iron or manufactured products required for the**
25 **project are not produced in the United States in sufficient and reasonably available quantities**
26 **and with satisfactory quality; or**

27 **(C) Using steel, iron, coatings for steel and iron or manufactured products produced in**
28 **the United States for the project will increase the cost of the project by more than 25 per-**
29 **cent.**

30 **(4)(a) In lieu of complying with the requirements described in subsections (2) and (3) of**
31 **this section, a developer or contractor that is involved in the construction, operation or**
32 **maintenance of an offshore wind energy project or the construction of a port development**
33 **project that is necessary for the development of an offshore wind energy project may enter**
34 **into a workforce development agreement that covers work to be performed under the project**
35 **and shall be exempted from the requirements described in subsections (2) and (3) of this**
36 **section.**

37 **(b) As used in this subsection, “workforce development agreement” means an agreement**
38 **that provides for, at a minimum, the following:**

39 **(A) A project labor agreement, as defined in 48 C.F.R. 52.222-34, as in effect on the ef-**
40 **fective date of this 2024 Act;**

41 **(B) A labor peace agreement that includes terms:**

42 **(i) Recognizing the card check process for employees to form or join a labor organization;**
43 **and**

44 **(ii) Requiring the developer or contractor to remain neutral with respect to labor or-**
45 **ganization for all non-construction portions of a project; and**

1 (C) An agreement to utilize or develop domestic supply chains for the manufactured
2 products used in the construction, maintenance or operation of a project.

3 SECTION 5. The Department of Land Conservation and Development shall conduct, or
4 support, consistency reviews of offshore wind leasing decisions and related actions related
5 to offshore wind energy development off of the Oregon coast made by the federal Bureau of
6 Ocean Energy Management.

7 SECTION 6. The Department of Land Conservation and Development shall draft a report
8 that summarizes the department's activities in carrying out section 5 of this 2024 Act. The
9 department shall submit the report in the manner provided by ORS 192.245, and may include
10 recommendations for legislation, to the interim committees of the Legislative Assembly re-
11 lated to energy and development no later than September 1, 2025.

12 SECTION 7. Section 6 of this 2024 Act is repealed on January 2, 2026.

13 SECTION 8. This 2024 Act being necessary for the immediate preservation of the public
14 peace, health and safety, an emergency is declared to exist, and this 2024 Act takes effect
15 on its passage.
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