

Requested by SENATE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

**PROPOSED AMENDMENTS TO
SENATE BILL 50**

1 On page 1 of the printed bill, line 2, after the semicolon delete the rest
2 of the line and line 3 and insert “creating new provisions; amending ORS
3 279A.025 and 390.121; and prescribing an effective date.”.

4 After line 4, insert:

5 **“SECTION 1.** ORS 279A.025 is amended to read:

6 “279A.025. (1) Except as provided in subsections (2) to (4) of this section,
7 the Public Contracting Code applies to all public contracting.

8 “(2) The Public Contracting Code does not apply to:

9 “(a) Contracts between a contracting agency and:

10 “(A) Another contracting agency;

11 “(B) The Oregon Health and Science University;

12 “(C) A public university listed in ORS 352.002;

13 “(D) The Oregon State Bar;

14 “(E) A governmental body of another state;

15 “(F) The federal government;

16 “(G) An American Indian tribe or an agency of an American Indian tribe;

17 “(H) A nation, or a governmental body in a nation, other than the United
18 States; or

19 “(I) An intergovernmental entity formed between or among:

20 “(i) Governmental bodies of this or another state;

21 “(ii) The federal government;

1 “(iii) An American Indian tribe or an agency of an American Indian tribe;
2 “(iv) A nation other than the United States; or
3 “(v) A governmental body in a nation other than the United States;
4 “(b) Agreements authorized by ORS chapter 190 or by a statute, charter
5 provision, ordinance or other authority for establishing agreements between
6 or among governmental bodies or agencies or tribal governing bodies or
7 agencies;
8 “(c) Insurance and service contracts as provided for under ORS 414.115,
9 414.125, 414.135 and 414.145 for purposes of source selection;
10 “(d) Grants;
11 “(e) Contracts for professional or expert witnesses or consultants to pro-
12 vide services or testimony relating to existing or potential litigation or legal
13 matters in which a public body is or may become interested;
14 “(f) Acquisitions or disposals of real property or interest in real property;
15 “(g) Sole-source expenditures when rates are set by law or ordinance for
16 purposes of source selection;
17 “(h) Contracts for the procurement or distribution of textbooks;
18 “(i) Procurements by a contracting agency from an Oregon Corrections
19 Enterprises program;
20 “(j) The procurement, transportation, sale or distribution of distilled li-
21 quor, as defined in ORS 471.001, or the appointment of agents under ORS
22 471.230 or 471.750 by the Oregon Liquor Control Commission;
23 “(k) Contracts entered into under ORS chapter 180 between the Attorney
24 General and private counsel or special legal assistants;
25 “(L) Contracts for the sale of timber from lands [*owned or managed by*]
26 **that** the State Board of Forestry, [*and*] the State Forestry Department, **the**
27 **State Parks and Recreation Commission or the State Parks and Re-**
28 **creation Department owns or manages;**
29 “(m) Contracts for activities necessary or convenient for the sale of tim-
30 ber under paragraph (L) of this subsection, either separately from or in

1 conjunction with contracts for the sale of timber, including but not limited
2 to activities such as timber harvesting and sorting, transporting, gravel pit
3 development or operation, and road construction, maintenance or improve-
4 ment;

5 “(n) Contracts for forest protection or forest related activities, as de-
6 scribed in ORS 477.406, by the State Forester or the State Board of Forestry;

7 “(o) Contracts [*entered into by*] **that** the Housing and Community Services
8 Department [*in exercising*] **enters into in exercising** the department’s duties
9 prescribed in ORS chapters 456 and 458, except that the department’s public
10 contracting for goods and services is subject to ORS chapter 279B;

11 “(p) Contracts [*entered into by*] **that** the State Treasurer [*in exercising*]
12 **enters into in exercising** the powers of that office prescribed in ORS
13 178.010 to 178.090 and 276A.242 and ORS chapters 286A, 287A, 289, 293, 294
14 and 295, including but not limited to investment contracts and agreements,
15 banking services, clearing house services and collateralization agreements,
16 bond documents, certificates of participation and other debt repayment
17 agreements, and any associated contracts, agreements and documents, re-
18 gardless of whether the obligations that the contracts, agreements or docu-
19 ments establish are general, special or limited, except that the State
20 Treasurer’s public contracting for goods and services is subject to ORS
21 chapter 279B;

22 “(q) Contracts, agreements or other documents entered into, issued or es-
23 tablished in connection with:

24 “(A) The issuance of obligations, as defined in ORS 286A.100 and
25 287A.310, of a public body;

26 “(B) [*The making of*] Program loans and similar extensions or advances
27 of funds, aid or assistance [*by*] **that** a public body **makes** to a public or
28 private body for the purpose of carrying out, promoting or sustaining activ-
29 ities or programs authorized by law; or

30 “(C) The investment of funds by a public body as authorized by law, and

1 other financial transactions of a public body that by their character cannot
2 practically be established under the competitive contractor selection proce-
3 dures of ORS 279B.050 to 279B.085;

4 “(r) Contracts for employee benefit plans as provided in ORS 243.105 (1),
5 243.125 (4), 243.221, 243.275, 243.291, 243.303 and 243.565;

6 “(s) Contracts for employee benefit plans as provided in ORS 243.860 to
7 243.886; or

8 “(t) Any other public contracting of a public body specifically exempted
9 from the code by another provision of law.

10 “(3) The Public Contracting Code does not apply to the contracting ac-
11 tivities of:

12 “(a) The Oregon State Lottery Commission;

13 “(b) The legislative department;

14 “(c) The judicial department;

15 “(d) Semi-independent state agencies listed in ORS 182.454, except as
16 provided in ORS 279.835 to 279.855 and 279A.250 to 279A.290;

17 “(e) Oregon Corrections Enterprises;

18 “(f) The Oregon Film and Video Office, except as provided in ORS
19 279A.100 and 279A.250 to 279A.290;

20 “(g) The Travel Information Council, except as provided in ORS 279A.250
21 to 279A.290;

22 “(h) The Oregon 529 Savings Network and the Oregon 529 Savings Board;

23 “(i) The Oregon Innovation Council;

24 “(j) The Oregon Utility Notification Center; or

25 “(k) Any other public body specifically exempted from the code by another
26 provision of law.

27 “(4) ORS 279A.200 to 279A.225 and 279B.050 to 279B.085 do not apply to
28 contracts made with qualified nonprofit agencies providing employment op-
29 portunities for individuals with disabilities under ORS 279.835 to 279.855.”.

30 In line 5, delete “1” and insert “2”.

1 On page 2, line 4, delete “them” and insert “the forest products” and after
2 the period insert “A sale under this paragraph is not subject to the Public
3 Contracting Code.”.

4 In line 8, delete “shall” and insert “must”.

5 In line 9, delete “shall not be” and insert “are not”.

6 After line 30, insert:

7 **“SECTION 3. The amendments to ORS 279A.025 and 390.121 by**
8 **sections 1 and 2 of this 2019 Act apply to forest product sales that oc-**
9 **cur on or after the operative date specified in section 4 of this 2019**
10 **Act.**

11 **“SECTION 4. (1) The amendments to ORS 279A.025 and 390.121 by**
12 **sections 1 and 2 of this 2019 Act become operative on January 1, 2020.**

13 **“(2) The State Parks and Recreation Director and the State Parks**
14 **and Recreation Commission may adopt rules and take any other action**
15 **before the date specified in subsection (1) of this section that is nec-**
16 **essary to enable the director or the commission to exercise, on and**
17 **after the date specified in subsection (1) of this section, all of the du-**
18 **ties, functions and powers conferred on the director and the commis-**
19 **sion by the amendments to ORS 279A.025 and 390.121 by sections 1 and**
20 **2 of this 2019 Act.**

21 **“SECTION 5. This 2019 Act takes effect on the 91st day after the**
22 **date on which the 2019 regular session of the Eightieth Legislative**
23 **Assembly adjourns sine die.”.**

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