

House Bill 2264

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Superintendent of Public Instruction Susan Castillo for Department of Education)

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**.

Exempts State Board of Education, Department of Education and Superintendent of Public Instruction from Public Contracting Code.

A BILL FOR AN ACT

1
2 Relating to public contracting by education entities; creating new provisions; and amending ORS
3 279A.025.

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

5 **SECTION 1. (1) The provisions of ORS chapters 279A, 279B and 279C do not apply to the**
6 **State Board of Education, the Department of Education and the Superintendent of Public**
7 **Instruction.**

8 **(2) Notwithstanding subsection (1) of this section, ORS 279B.055 (3), 279C.380 (1)(a) and**
9 **(3), 279C.600 to 279C.625, 279C.800, 279C.810, 279C.825, 279C.830, 279C.835, 279C.840, 279C.845,**
10 **279C.850, 279C.855, 279C.860, 279C.865 and 279C.870 apply to the State Board of Education, the**
11 **Department of Education and the Superintendent of Public Instruction.**

12 **SECTION 2.** ORS 279A.025 is amended to read:

13 279A.025. (1) Except as provided in subsections (2) to (4) of this section, the Public Contracting
14 Code applies to all public contracting.

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

16 (a) Contracts between contracting agencies or between contracting agencies and the federal
17 government;

18 (b) Insurance and service contracts as provided for under ORS 414.115, 414.125, 414.135 and
19 414.145 for purposes of source selection;

20 (c) Grants;

21 (d) Contracts for professional or expert witnesses or consultants to provide services or testi-
22 mony relating to existing or potential litigation or legal matters in which a public body is or may
23 become interested;

24 (e) Acquisitions or disposals of real property or interest in real property;

25 (f) Sole-source expenditures when rates are set by law or ordinance for purposes of source se-
26 lection;

27 (g) Contracts for the procurement or distribution of textbooks;

28 (h) Procurements by a contracting agency from an Oregon Corrections Enterprises program;

29 (i) The procurement, transportation or distribution of distilled liquor, as defined in ORS 471.001,
30 or the appointment of agents under ORS 471.750 by the Oregon Liquor Control Commission;

31 (j) Contracts entered into under ORS chapter 180 between the Attorney General and private

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 counsel or special legal assistants;

2 (k) Contracts for the sale of timber from lands owned or managed by the State Board of Forestry
3 and the State Forestry Department;

4 (L) Contracts for forest protection or forest related activities, as described in ORS 477.406, by
5 the State Forester or the State Board of Forestry;

6 (m) Sponsorship agreements entered into by the State Parks and Recreation Director in ac-
7 cordance with ORS 565.080 (4);

8 (n) Contracts entered into by the Housing and Community Services Department in exercising the
9 department's duties prescribed in ORS chapters 456 and 458, except that the department's public
10 contracting for goods and services, as defined in ORS 279B.005, is subject to ORS chapter 279B;

11 (o) Contracts entered into by the State Treasurer in exercising the powers of that office pre-
12 scribed in ORS chapters 178, 286, 287, 288, 289, 293, 294 and 295, including but not limited to in-
13 vestment contracts and agreements, banking services, clearing house services and collateralization
14 agreements, bond documents, certificates of participation and other debt repayment agreements, and
15 any associated contracts, agreements and documents, regardless of whether the obligations that the
16 contracts, agreements or documents establish are general, special or limited, except that the State
17 Treasurer's public contracting for goods and services, as defined in ORS 279B.005, is subject to ORS
18 chapter 279B;

19 (p) Contracts, agreements or other documents entered into, issued or established in connection
20 with:

21 (A) The incurring of debt by a public body, including but not limited to the issuance of bonds,
22 certificates of participation and other debt repayment obligations, and any associated contracts,
23 agreements or other documents, regardless of whether the obligations that the contracts, agreements
24 or other documents establish are general, special or limited;

25 (B) The making of program loans and similar extensions or advances of funds, aid or assistance
26 by a public body to a public or private body for the purpose of carrying out, promoting or sustaining
27 activities or programs authorized by law; or

28 (C) The investment of funds by a public body as authorized by law, and other financial trans-
29 actions of a public body that by their character cannot practically be established under the com-
30 petitive contractor selection procedures of ORS 279B.050 to 279B.085;

31 (q) Contracts for employee benefit plans as provided in ORS 243.105 (1), 243.125 (4), 243.221,
32 243.275, 243.291, 243.303 and 243.565; or

33 (r) Any other public contracting of a public body specifically exempted from the code by another
34 provision of law.

35 (3) The Public Contracting Code does not apply to the public contracting activities of:

36 (a) The Oregon State Lottery Commission;

37 (b) The Oregon University System and member institutions, except as provided in ORS 351.086;

38 (c) The legislative department;

39 (d) The judicial department;

40 (e) Semi-independent state agencies listed in ORS 182.451 and 182.454, except as provided in ORS
41 279.835 to 279.855 and 279A.250 to 279A.290;

42 (f) Oregon Corrections Enterprises;

43 (g) The Oregon Film and Video Office, except as provided in ORS 279A.100 and 279A.250 to
44 279A.290;

45 (h) The Travel Information Council, except as provided in ORS 279A.250 to 279A.290;

1 (i) The Oregon 529 College Savings Network and the Oregon 529 College Savings Board;

2 (j) The Oregon Innovation Council; [*or*]

3 **(k) The State Board of Education, the Department of Education and the Superintendent**
4 **of Public Instruction except as provided in section 1 of this 2007 Act; or**

5 [*k*] (L) Any other public body specifically exempted from the code by another provision of law.

6 (4) ORS 279A.200 to 279A.225 and 279B.050 to 279B.085 do not apply to contracts made with
7 qualified nonprofit agencies providing employment opportunities for disabled individuals under ORS
8 279.835 to 279.855.

9 **SECTION 3. Section 1 of this 2007 Act and the amendments to ORS 279A.025 by section**
10 **2 of this 2007 Act apply to contracts entered into on or after the effective date of this 2007**
11 **Act.**

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