

## HOUSE AMENDMENTS TO SENATE BILL 94

By COMMITTEE ON CONSUMER PROTECTION

June 8

1 On page 7 of the printed bill, line 44, after “board” insert “under ORS 701.139”.

2 On page 8, line 26, after “board” insert “under ORS 701.139”.

3 On page 12, after line 7, insert:

4 “(a) The complainant does not respond to a board request and the request is necessary to the  
5 board’s investigation of the complaint.

6 “(b) The complainant does not allow the board to conduct one or more on-site meetings to me-  
7 diate or investigate the complaint.”.

8 In line 8, delete “(a)” and insert “(c)”.

9 In line 10, delete “(b)” and insert “(d)”.

10 In line 16, delete “(c)” and insert “(e)”.

11 In line 25, after the period delete the rest of the line and line 26 and insert “The board may  
12 conduct one or more on-site meetings to mediate or investigate the complaint.”.

13 On page 18, delete lines 15 through 43 and insert:

14 “**SECTION 22.** ORS 701.227 is amended to read:

15 “701.227. (1) The Construction Contractors Board shall begin an action to determine whether a  
16 contractor or a subcontractor shall [*not*] be considered **not** qualified to hold or participate in a  
17 public contract for a public improvement upon receipt of information from a public contracting  
18 agency or from any person who supplied labor or materials in connection with a public contract for  
19 a public improvement indicating that the contractor or subcontractor has not made payment to  
20 persons who supplied labor or materials within 60 days after the date when the payment was re-  
21 ceived by the contractor or subcontractor and that the payment was not a subject of a good faith  
22 dispute as defined in ORS 279C.580.

23 “(2) If the board determines after notice and opportunity for hearing that a contractor or a  
24 subcontractor did not make payment to persons who supplied labor or materials in connection with  
25 a public contract for a public improvement within 60 days after the date when payment was received  
26 by the contractor or subcontractor, the board shall place the contractor or the subcontractor on the  
27 list of persons who have been determined [*not*] to be **not** qualified to hold or participate in a public  
28 contract for a public improvement. The board may not place a contractor or subcontractor on the  
29 list if the only reason that the contractor or subcontractor did not make payment to a person when  
30 payment was due is that the contractor or subcontractor did not receive payment from the public  
31 contracting agency, contractor or subcontractor when payment was due. The contractor or subcon-  
32 tractor shall remain on the list for a period of not less than six months.

33 “(3) If the board determines that the [*claim made*] **information supplied to the board** against  
34 a contractor or subcontractor was [*made*] **supplied** in bad faith or was false, the person [*filing the*  
35 *bad faith or false claim*] **who supplied the information in bad faith or supplied false information**

1 shall be placed on the list of persons who have been determined [*not*] to be **not** qualified to hold or  
2 participate in a public contract for a public improvement.

3 “(4) The board shall create and maintain a list of contractors and subcontractors who have been  
4 determined [*not*] to be **not** qualified to hold or participate in a public contract for a public im-  
5 provement. The list may include any corporation, partnership or other business entity of which the  
6 contractor or subcontractor is an owner, shareholder or officer of the business or was an owner or  
7 officer of the business. The board shall provide access to the list to all public contracting agencies,  
8 contractors and subcontractors.”

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