

House Bill 4142

Sponsored by Representatives ROBLAN, HOYLE; Representatives BAILEY, BUCKLEY, DEMBROW, FREDERICK, GARRETT, HOLVEY, KENNEMER, KOMP, KOTEK, MATTHEWS, READ, WITT (Pre-session 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**.

Requires contracting agency to apply certain preferences in awarding contracts related to certain goods manufactured from recycled materials.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to preferences in public contracting for paper; creating new provisions; amending ORS
3 279A.125; and declaring an emergency.

4 Whereas the Legislative Assembly, in ORS 459.015, has declared that the planning, development
5 and operation of recycling programs is a matter of statewide concern; and

6 Whereas sustainability includes economic and social as well as environmental factors, and it is
7 in the best interest of this state to encourage local industry and local job creation within the re-
8 cycling process; and

9 Whereas Oregon's paper mills have traditionally employed thousands of Oregonians; and

10 Whereas over the past few decades many of Oregon's paper mills have transitioned from making
11 paper from wood chips to making paper from recovered paper waste, using increasingly energy ef-
12 ficient and environmentally friendly processes; now, therefore,

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

CONTRACT PREFERENCE

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17 **SECTION 1.** ORS 279A.125 is amended to read:

18 279A.125. (1) Notwithstanding provisions of law requiring a contracting agency to award a
19 contract to the lowest responsible bidder or best proposer or provider of a quotation and subject to
20 subsection (2) of this section, a contracting agency charged with the procurement of goods for any
21 public use shall give preference to the procurement of goods manufactured from recycled
22 materials, **and if the good manufactured from recycled materials is paper, a contracting**
23 **agency shall give preference to paper manufactured at paper mills located in this state.**

24 (2) A contracting agency shall give preference to goods that are certified to be made from re-
25 cycled materials if:

26 (a) The recycled product is available;

27 (b) The recycled product meets applicable standards;

28 (c) The recycled product can be substituted for a comparable nonrecycled product; and

29 (d)(A) The recycled product's costs do not exceed the costs of nonrecycled products by more
30 than five percent, or a higher percentage if a written determination is made by the contracting

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 agency; or

2 (B) If the recycled product is paper, the costs of the paper manufactured from recycled
3 materials at paper mills located in this state do not exceed the costs of paper manufactured
4 from nonrecycled materials, or the costs of paper manufactured from recycled materials at
5 paper mills that are not located in this state, by more than 10 percent.

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7 MISCELLANEOUS

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9 **SECTION 2.** (1) The amendments to ORS 279A.125 by section 1 of this 2012 Act become
10 operative January 1, 2013.

11 (2) Before January 1, 2013, the Attorney General, the Oregon Department of Adminis-
12 trative Services and a contracting agency that adopts rules under ORS 279A.065 may adopt
13 rules that are necessary to enable the Attorney General, the department and the contracting
14 agency to exercise, on and after January 1, 2013, all the duties, powers and functions con-
15 ferred on the Attorney General, the department and the contracting agency by the amend-
16 ments to ORS 279A.125 by section 1 of this 2012 Act.

17 (3) The amendments to ORS 279A.125 by section 1 of this 2012 Act apply to contracts that
18 a contracting agency first advertises or otherwise solicits or, if the contracting agency does
19 not advertise or solicit the contract, to contracts that the contracting agency enters into
20 on or after the operative date specified in subsection (1) of this section 2.

21 **SECTION 3.** The unit captions used in this 2012 Act are provided only for the convenience
22 of the reader and do not become part of the statutory law of this state or express any leg-
23 islative intent in the enactment of this 2012 Act.

24
25 EMERGENCY

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27 **SECTION 4.** This 2012 Act being necessary for the immediate preservation of the public
28 peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect
29 on its passage.