

House Bill 2539

Sponsored by Representative JOHNSON (at the request of Oregon School Boards Association) (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**.

Repeals requirement that certain local governments make health care insurance coverage available to certain retirees.

A BILL FOR AN ACT

1
2 Relating to health care insurance coverage made available to retirees of local government; amending
3 ORS 279A.025 and 421.352; and repealing ORS 243.303.

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

5 **SECTION 1. ORS 243.303 is repealed.**

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

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

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

10 (a) Contracts between a contracting agency and:

11 (A) Another contracting agency;

12 (B) The Oregon Health and Science University;

13 (C) The Oregon State Bar;

14 (D) A governmental body of another state;

15 (E) The federal government;

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

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

18 (H) An intergovernmental entity formed between or among:

19 (i) Governmental bodies of this or another state;

20 (ii) The federal government;

21 (iii) An American Indian tribe or an agency of an American Indian tribe;

22 (iv) A nation other than the United States; or

23 (v) A governmental body in a nation other than the United States;

24 (b) Agreements authorized by ORS chapter 190 or by a statute, charter provision, ordinance or
25 other authority for establishing agreements between or among governmental bodies or agencies or
26 tribal governing bodies or agencies;

27 (c) Insurance and service contracts as provided for under ORS 414.115, 414.125, 414.135 and
28 414.145 for purposes of source selection;

29 (d) Grants;

30 (e) Contracts for professional or expert witnesses or consultants to provide services or testimony
31 relating to existing or potential litigation or legal matters in which a public body is or may become

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 interested;
- 2 (f) Acquisitions or disposals of real property or interest in real property;
- 3 (g) Sole-source expenditures when rates are set by law or ordinance for purposes of source se-
- 4 lection;
- 5 (h) Contracts for the procurement or distribution of textbooks;
- 6 (i) Procurements by a contracting agency from an Oregon Corrections Enterprises program;
- 7 (j) The procurement, transportation or distribution of distilled liquor, as defined in ORS 471.001,
- 8 or the appointment of agents under ORS 471.750 by the Oregon Liquor Control Commission;
- 9 (k) Contracts entered into under ORS chapter 180 between the Attorney General and private
- 10 counsel or special legal assistants;
- 11 (L) Contracts for the sale of timber from lands owned or managed by the State Board of Forestry
- 12 and the State Forestry Department;
- 13 (m) Contracts for forest protection or forest related activities, as described in ORS 477.406, by
- 14 the State Forester or the State Board of Forestry;
- 15 (n) Sponsorship agreements entered into by the State Parks and Recreation Director in accord-
- 16 ance with ORS 565.080 (4);
- 17 (o) Contracts entered into by the Housing and Community Services Department in exercising the
- 18 department's duties prescribed in ORS chapters 456 and 458, except that the department's public
- 19 contracting for goods and services is subject to ORS chapter 279B;
- 20 (p) Contracts entered into by the State Treasurer in exercising the powers of that office pre-
- 21 scribed in ORS chapters 178, 286A, 287A, 289, 293, 294 and 295, including but not limited to invest-
- 22 ment contracts and agreements, banking services, clearing house services and collateralization
- 23 agreements, bond documents, certificates of participation and other debt repayment agreements, and
- 24 any associated contracts, agreements and documents, regardless of whether the obligations that the
- 25 contracts, agreements or documents establish are general, special or limited, except that the State
- 26 Treasurer's public contracting for goods and services is subject to ORS chapter 279B;
- 27 (q) Contracts, agreements or other documents entered into, issued or established in connection
- 28 with:
- 29 (A) The issuance of obligations, as defined in ORS 286A.100 and 287A.310, of a public body;
- 30 (B) The making of program loans and similar extensions or advances of funds, aid or assistance
- 31 by a public body to a public or private body for the purpose of carrying out, promoting or sustaining
- 32 activities or programs authorized by law; or
- 33 (C) The investment of funds by a public body as authorized by law, and other financial trans-
- 34 actions of a public body that by their character cannot practically be established under the com-
- 35 petitive contractor selection procedures of ORS 279B.050 to 279B.085;
- 36 (r) Contracts for employee benefit plans as provided in ORS 243.105 (1), 243.125 (4), 243.221,
- 37 243.275, 243.291[, 243.303] and 243.565;
- 38 (s) Contracts for employee benefit plans as provided in ORS 243.860 to 243.886; or
- 39 (t) Any other public contracting of a public body specifically exempted from the code by another
- 40 provision of law.
- 41 (3) The Public Contracting Code does not apply to the contracting activities of:
- 42 (a) The Oregon State Lottery Commission;
- 43 (b) The Oregon University System and member public universities, except as provided in ORS
- 44 351.086;
- 45 (c) The legislative department;

- 1 (d) The judicial department;
 - 2 (e) Semi-independent state agencies listed in ORS 182.454, except as provided in ORS 279.835 to
 - 3 279.855 and 279A.250 to 279A.290;
 - 4 (f) Oregon Corrections Enterprises;
 - 5 (g) The Oregon Film and Video Office, except as provided in ORS 279A.100 and 279A.250 to
 - 6 279A.290;
 - 7 (h) The Travel Information Council, except as provided in ORS 279A.250 to 279A.290;
 - 8 (i) The Oregon 529 College Savings Network and the Oregon 529 College Savings Board;
 - 9 (j) The Oregon Innovation Council;
 - 10 (k) The Oregon Utility Notification Center; or
 - 11 (L) Any other public body specifically exempted from the code by another provision of law.
 - 12 (4) ORS 279A.200 to 279A.225 and 279B.050 to 279B.085 do not apply to contracts made with
 - 13 qualified nonprofit agencies providing employment opportunities for individuals with disabilities un-
 - 14 der ORS 279.835 to 279.855.
 - 15 **SECTION 3.** ORS 421.352, as amended by section 64, chapter 107, Oregon Laws 2012, is
 - 16 amended to read:
 - 17 421.352. (1) The provisions of ORS chapters 182, 183, 240, 270, 273, 276, 279A, 279B, 279C, 283,
 - 18 291, 292 and 293 and ORS 35.550 to 35.575, 183.710 to 183.725, 183.745, 183.750, 184.345, 190.430,
 - 19 190.490, 200.035, 236.605 to 236.640, [243.303,] 243.305, 243.315, 243.325 to 243.335, 243.345, 243.350,
 - 20 243.696, 279.835 to 279.855, 282.010 to 282.150, 283.085 to 283.092 and 656.017 (2) do not apply to
 - 21 Oregon Corrections Enterprises.
 - 22 (2) Oregon Corrections Enterprises is not subject to any provision of law enacted after Decem-
 - 23 ber 2, 1999, that governs state agencies generally unless the provision specifically provides that it
 - 24 applies to Oregon Corrections Enterprises.
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