

**Enrolled**  
**House Bill 3415**

Sponsored by Representative WEIDNER

CHAPTER .....

AN ACT

Relating to proprietary transactions of public bodies.

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

**SECTION 1. (1) As used in this section:**

(a) **“Market rate” means a price, lease rate or other form of compensation for goods or services provided by a public body, when participating in a proprietary transaction, that is comparable to the average price, lease rate or other form of compensation in the same market for the same goods or services provided by a private-sector provider.**

(b) **“Private business” does not include a nonprofit emergency services organization.**

(c) **“Public body” has the meaning given that term in ORS 174.109.**

(d) **“Radio tower” means a lattice tower that is generally 60 to 200 feet tall with three or four steel support legs, or a monopole that is generally 25 to 125 feet tall, to which multiple antennae may be attached to accommodate a variety of communication services, including radio communications service, radio paging and cellular communications service.**

(2) **A public body shall charge a private business a market rate for access to a radio tower if the private business uses the radio tower to deliver any of the following communication services for hire:**

(a) **Radio communications service;**

(b) **Radio paging; or**

(c) **Cellular communications service.**

(3) **Subsection (2) of this section does not prohibit a public body, when participating in a proprietary transaction, from charging or receiving compensation in the form of an exchange of goods or services or in any other nonmonetary form.**

**Passed by House April 29, 2013**

**Repassed by House June 11, 2013**

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Ramona J. Line, Chief Clerk of House

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Tina Kotek, Speaker of House

**Passed by Senate June 5, 2013**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M,....., 2013

**Approved:**

.....M,....., 2013

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John Kitzhaber, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2013

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Kate Brown, Secretary of State