

**PROPOSED AMENDMENTS TO
HOUSE BILL 2748**

1 On page 1 of the printed bill, line 2, after “amending” delete the rest of
2 the line and delete line 3 and insert “sections 2, 3 and 5, chapter 66, Oregon
3 Laws 2014; and declaring an emergency.”.

4 Delete lines 5 through 17 and delete pages 2 through 14 and insert:

5 **“SECTION 1.** Section 2, chapter 66, Oregon Laws 2014, is amended to
6 read:

7 **“Sec. 2.** (1) The Public Infrastructure Commission is established, con-
8 sisting of [~~12~~] **13** members appointed as follows:

9 “(a) The Governor shall appoint six members as follows:

10 “(A) One member with significant public infrastructure financing exper-
11 tise;

12 “(B) One member with significant expertise in the investment of private
13 capital in public infrastructure;

14 “(C) One member who is a nationally recognized expert in public-private
15 partnerships;

16 “(D) One member who represents a city, county, port or special district;

17 “(E) One member who is an employee of a state contracting agency; and

18 “(F) One member from a firm licensed as a general contractor in Oregon
19 who has significant executive-level experience in the construction industry
20 working on public projects.

21 “(b) The President of the Senate and the Speaker of the House of Repre-
22 sentatives, by mutual agreement, shall appoint [~~six~~] **seven** members as fol-

1 lows:

2 “(A) One member from the Senate and one member from the House of
3 Representatives not of the same party;

4 “(B) [*One member*] **Two members** representing the professional con-
5 struction services industry who [*is*] **are** registered in Oregon [*as either*], **one**
6 **as** an architect [*or*] **and one as an** engineer;

7 “(C) One member representing an Oregon-licensed contractor that has
8 performed public contracts for mechanical systems for a public agency in this
9 state;

10 “(D) One member representing a construction trade labor organization;
11 and

12 “(E) One member representing a maintenance workers’ labor organization.

13 “(2) The Public Infrastructure Commission shall:

14 “(a) Identify Oregon’s public infrastructure funding needs.

15 “(b) Review and examine the tools now available to close the gap in
16 funding for public infrastructure projects in Oregon.

17 “(c) Research and evaluate a variety of innovative financing and pro-
18 curement methods that could be used to deliver public infrastructure projects
19 in Oregon.

20 “(d) Determine whether there are any legal impediments to innovative fi-
21 nancing and procurement methods for public infrastructure projects.

22 “(e) In furtherance of the commission’s duties under paragraphs (a) to (d)
23 of this subsection, receive determinations from the [*State Treasurer*] **Oregon**
24 **Department of Administrative Services** pursuant to section 3 (3) [*of this*
25 *2014 Act*], **chapter 66, Oregon Laws 2014.**

26 “(3) The commission may consult with experts, hear testimony and oth-
27 erwise collect data and information necessary to carry out the duties of the
28 commission.

29 “(4) A majority of the members of the commission constitutes a quorum
30 for the transaction of business.

1 “(5) Official action by the commission requires the approval of a majority
2 of the members of the commission.

3 “(6) If there is a vacancy for any cause, the appointing authority shall
4 make an appointment to become immediately effective.

5 “(7) The commission shall meet at times and places specified by the call
6 of the chair or of a majority of the members of the commission.

7 “(8) Members of the commission who are members of the Legislative As-
8 sembly shall receive compensation and expenses as provided in ORS 171.072.

9 “(9) The commission may adopt rules necessary for the operation of the
10 commission.

11 “(10) The commission shall submit a report in the manner provided in
12 ORS 192.245, and may include recommendations for legislation, to an interim
13 committee of the Legislative Assembly related to public infrastructure no
14 later than [*November 21, 2014*] **January 15, 2016**.

15 “(11) All agencies of state government, as defined in ORS 174.111, are di-
16 rected to assist the commission in the performance of its duties and, to the
17 extent permitted by laws relating to confidentiality, to furnish such infor-
18 mation and advice as the members of the commission consider necessary to
19 perform their duties.

20 “(12) As used in this section, ‘public infrastructure’ has the meaning given
21 that term in section 3 [*of this 2014 Act*], **chapter 66, Oregon Laws 2014**.

22 “**SECTION 2.** Section 3, chapter 66, Oregon Laws 2014, is amended to
23 read:

24 “**Sec. 3.** (1) As used in this section:

25 “(a) ‘Public infrastructure’ means, but is not limited to, the following, or
26 any combination of the following, when undertaken by a unit of government:

27 “(A) Facilities to develop sources of, store or deliver clean water;

28 “(B) Facilities to capture, treat or dispose of sewage, storm water or
29 wastewater;

30 “(C) Facilities for solid waste management, treatment, disposal or con-

1 version;

2 “(D) Highways as defined in ORS 366.005;

3 “(E) Street lighting or other public safety installations;

4 “(F) Passenger or freight rail or streetcar systems or networks;

5 “(G) Energy conservation, generation or transmission facilities or im-

6 provements;

7 “(H) Data transmission facilities or equipment;

8 “(I) Schools;

9 “(J) Courts or other facilities necessary for the administration of justice;

10 or

11 “(K) Improvements to property owned, occupied or operated by any unit

12 of government.

13 “(b) ‘Unit of government’ means:

14 “(A) Any unit of the state government as defined in ORS 174.111;

15 “(B) Any unit of local government as defined in ORS 174.116; or

16 “(C) A special government body as defined in ORS 174.117.

17 “(2)(a) A unit of government undertaking a public infrastructure project

18 described in paragraph (b) of this subsection must submit a description of the

19 proposed project to the [*State Treasurer*] **Oregon Department of Admin-**

20 **istrative Services** at an early stage of planning for the project.

21 “(b)(A) This section applies to a public infrastructure project with esti-

22 mated total capital expenditures of greater than \$50 million, of which at

23 least \$20 million consists of funds to be awarded directly by a state agency

24 or the Legislative Assembly, or both, to the unit of government specifically

25 for the project.

26 “(B) The \$20 million of funds described in subparagraph (A) of this para-

27 graph does not include any amounts of state shared revenues or funds re-

28 ceived from the federal government and distributed to the unit of

29 government.

30 “(3)(a) The [*State Treasurer or a designee*] **Oregon Department of Ad-**

1 **ministrative Services** shall screen the proposed project for the following
2 characteristics to determine whether the project would benefit from private
3 capital and innovative procurement methods:

4 “(A) Whether faster procurement and delivery would provide a material
5 benefit;

6 “(B) Whether there are legal impediments for any method;

7 “(C) The total estimated construction budget;

8 “(D) Life-cycle maintenance costs as a percentage of total construction
9 costs;

10 “(E) Risks that make transfer of risk to the private sector desirable;

11 “(F) Whether the risks, including the monetary value of the transfer of
12 the risks, can be adequately analyzed and efficiently priced;

13 “(G) The replacement and maintenance of equipment, structure and sys-
14 tems contemplated over the term of the project agreements;

15 “(H) Whether the project specifications for output and performance are
16 developed enough to create enforceable contracts;

17 “(I) Whether the unit of government will remain in ownership and control
18 of the infrastructure; and

19 “(J) Whether an alternative method of contracting would increase the
20 value of the project for the public.

21 “(b) The information necessary for the determination under paragraph (a)
22 of this subsection may be obtained from industry standards and data for the
23 applicable asset class of the proposed project, project historical data and the
24 project owner’s studies and reports about the proposed project that are
25 available at the time the screening is made under this section. The [*State*
26 *Treasurer*] **Oregon Department of Administrative Services** may not re-
27 quire a project owner to create new technical data for the purposes of this
28 section.

29 “(c) The [*State Treasurer*] **Oregon Department of Administrative Ser-**
30 **vices** shall:

1 “(A) Complete the screening within 30 days after receiving from the unit
2 of government the description of the project, including sufficient information
3 for the determination under paragraph (a) of this subsection.

4 “(B) Submit a copy of the determination to the Public Infrastructure
5 Commission established under section 2, **chapter 66, Oregon Laws 2014** [*of*
6 *this 2014 Act*].

7 “(4) This section does not apply to a public infrastructure project:

8 “(a) Undertaken by a unit of government in response to a public health
9 or safety emergency;

10 “(b) That has been screened for the characteristics described in subsection
11 (3)(a) of this section by the Oregon Department of Administrative Services
12 or Partnerships British Columbia before [*the effective date of this 2014 Act*]
13 **March 13, 2014**; or

14 “(c) If the unit of government applied for or committed any of the \$20
15 million of funds described in subsection (2)(b) of this section before [*the ef-*
16 *fective date of this 2014 Act*] **March 13, 2014**.

17 “**SECTION 3.** Section 5, chapter 66, Oregon Laws 2014, is amended to
18 read:

19 “**Sec. 5.** Sections 1, 2 and 3 [*of this 2014 Act*], **chapter 66, Oregon Laws**
20 **2014**, are repealed on [*January 2*] **July 31, 2016**.

21 “**SECTION 4.** **Section 3, chapter 66, Oregon Laws 2014, shall remain**
22 **operative after January 2, 2016, and until the date specified in section**
23 **5, chapter 66, Oregon Laws 2014, only if the Legislative Assembly ap-**
24 **propriates sufficient moneys to the Oregon Department of Adminis-**
25 **trative Services to administer section 3, chapter 66, Oregon Laws 2014.**

26 “**SECTION 5.** (1) **The State Treasurer shall deliver to the Oregon**
27 **Department of Administrative Services all records and property that**
28 **relate to the duties, functions and powers transferred by the amend-**
29 **ments to section 3, chapter 66, Oregon Laws 2014, by section 2 of this**
30 **2015 Act.**

1 **“(2) Any moneys appropriated for purposes of section 3, chapter 66,**
2 **Oregon Laws 2014, including moneys appropriated under section 81,**
3 **chapter 118, Oregon Laws 2014, are available for expenditure by the**
4 **department.**

5 **“SECTION 6. This 2015 Act being necessary for the immediate**
6 **preservation of the public peace, health and safety, an emergency is**
7 **declared to exist, and this 2015 Act takes effect on its passage.”.**

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