

## HOUSE AMENDMENTS TO HOUSE BILL 3248

By COMMITTEE ON CONSUMER PROTECTION AND GOVERNMENT EFFECTIVENESS

April 24

1 On page 1 of the printed bill, delete lines 5 through 20 and delete page 2.

2 On page 3, delete lines 1 through 30 and insert:

3 **“SECTION 1. Section 2 of this 2015 Act is added to and made a part of ORS 279.835 to**  
4 **279.855.**

5 **“SECTION 2. If a public agency terminates a contract for services with a qualified**  
6 **nonprofit agency for individuals with disabilities, or if the contract for services expires, and**  
7 **the public agency enters into a new contract for services with a second qualified nonprofit**  
8 **agency for individuals with disabilities, the public agency shall provide in the new contract**  
9 **that the second qualified nonprofit agency for individuals with disabilities must, during a**  
10 **period that ends 90 days after the date on which the public agency enters into the new con-**  
11 **tract, offer employment to the individuals with disabilities who performed work under the**  
12 **expired or terminated contract on terms that are as favorable to the individuals with disa-**  
13 **bilities as, or more favorable to the individuals with disabilities than, the terms of employ-**  
14 **ment that the individuals with disabilities had under the expired or terminated contract. The**  
15 **second qualified nonprofit agency for individuals with disabilities may require an individual**  
16 **with a disability whom the second qualified nonprofit agency for individuals hires under the**  
17 **circumstances described in this section to undergo the hiring procedures and demonstrate**  
18 **during a probationary period the qualifications that the second qualified nonprofit agency for**  
19 **individuals with disabilities establishes for new hires.”.**

20 In line 31, delete “8” and insert “3”.

21 In line 32, delete “paragraphs (b) and (c)” and insert “paragraph (b) of this subsection and sub-  
22 ject to paragraph (c)”.

23 In line 41, delete “source” and insert “person”.

24 Delete lines 43 through 45 and insert:

25 “(A) All of the qualified nonprofit agencies for individuals with disabilities on the procurement  
26 list that applies to the public agency have a record in the previous three years of repeatedly vio-  
27 lating, or are not now in compliance with, applicable local ordinances or resolutions that govern  
28 labor standards; and

29 “(B) The person, for a period of 90 days after the person enters into an agreement with the  
30 public agency, offers to employ the employees of a qualified nonprofit agency for individuals with  
31 disabilities from which the public agency would have procured the product or service but for the  
32 failure of the qualified nonprofit agency for individuals with disabilities to comply with an applicable  
33 local ordinance or resolution that governs labor standards.

34 “(c) If a public agency may choose to procure a product or service from more than one qualified  
35 nonprofit agency for individuals with disabilities, the public agency may give a preference to the

1 qualified nonprofit agency for individuals with disabilities that best demonstrates that the qualified  
2 nonprofit agency for individuals with disabilities:

3 “(A) Complies with all applicable local ordinances and resolutions that govern labor standards;  
4 and

5 “(B) Provides wages, health care benefits, alternative dispute resolution services and pension  
6 or other retirement arrangements that, in the aggregate, are better than the average package of  
7 wages, health care benefits, alternative dispute resolution services and pension or other retirement  
8 arrangements that private employers provide to employees that perform the same or similar job  
9 duties:

10 “(i) In the same industry in which the qualified nonprofit agency for individuals with disabilities  
11 engages; and

12 “(ii) In the county in which the qualified nonprofit agency for individuals with disabilities will  
13 deliver the product or perform the service.

14 “(2)(a) A public agency may require in any agreement with a qualified nonprofit agency for in-  
15 dividuals with disabilities under ORS 279.835 to 279.855 that the qualified nonprofit agency for in-  
16 dividuals with disabilities comply with applicable local ordinances or resolutions that govern labor  
17 standards.

18 “(b) A public agency may disqualify a qualified nonprofit agency for individuals with disabilities  
19 from entering into an agreement with the public agency under ORS 279.835 to 279.855 for a period  
20 of three years if the public agency:

21 “(A) Determines that the qualified nonprofit agency for individuals with disabilities repeatedly  
22 violated local ordinances or resolutions that govern labor standards during the term of an agree-  
23 ment with the public agency under ORS 279.835 to 279.855; or

24 “(B) Finds that the qualified nonprofit agency for individuals with disabilities has a record in  
25 the previous three years of repeatedly violating applicable local ordinances or resolutions that  
26 govern labor standards.”.

27 On page 4, delete lines 1 through 14.

28 In line 15, delete “(2)” and insert “(3)”.

29 Delete lines 24 through 39 and insert:

30 **“SECTION 4. Section 2 of this 2015 Act and the amendments to ORS 279.850 by section**  
31 **3 of this 2015 Act apply to contracts into which a public agency enters on or after the oper-**  
32 **ative date specified in section 5 of this 2015 Act.**

33 **“SECTION 5. (1) Section 2 of this 2015 Act and the amendments to ORS 279.850 by section**  
34 **3 of this 2015 Act become operative January 1, 2016.**

35 **“(2) The Director of the Oregon Department of Administrative Services may adopt rules**  
36 **and take any other action before the operative date specified in subsection (1) of this section**  
37 **that is necessary to enable the director, on and after the operative date specified in sub-**  
38 **section (1) of this section, to exercise all of the duties, functions and powers conferred on**  
39 **the director by section 2 of this 2015 Act and the amendments to ORS 279.850 by section 3**  
40 **of this 2015 Act.**

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