

Senate Bill 47

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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**.

Permits Public Employees' Benefit Board and Oregon Educators Benefit Board to receive proposals from prospective contractors and open proposals without disclosing contents of proposals to competing prospective contractors. Requires each board to record and make available identities of proposers in public record.

Provides that board may choose not to disclose contents of proposal until after board issues notice of intent to award contract. Requires board to disclose contents of proposal after issuing notice of intent to award contract.

Provides that board may withhold from disclosure contents of proposal that are exempt or conditionally exempt from disclosure.

Becomes operative 91 days after effective date of Act.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to disclosures of contents of proposals for public contracts received by state benefit boards;
3 and declaring an emergency.

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

5 **SECTION 1. Section 2 of this 2017 Act is added to and made a part of ORS chapter 243.**

6 **SECTION 2. (1) Contracts that the Public Employees' Benefit Board and the Oregon Ed-**
7 **ucators Benefit Board enter into under ORS 243.105 (1), 243.125 (4), 243.221, 243.275, 243.291,**
8 **243.303, 243.565 and 243.860 to 243.886 are not subject to ORS chapters 279A, 279B and 279C.**

9 **(2)(a) The Public Employees' Benefit Board and the Oregon Educators Benefit Board, in**
10 **conducting a procurement for a public contract, may receive proposals from prospective**
11 **contractors and, notwithstanding ORS 192.410 to 192.505, may open the proposals in a manner**
12 **that avoids disclosing the contents of the proposals to competing prospective contractors.**
13 **After opening the proposals, the Public Employees' Benefit Board and the Oregon Educators**
14 **Benefit Board shall record and make available as part of each board's public records the**
15 **names of prospective contractors that submitted proposals.**

16 **(b) Notwithstanding ORS 192.410 to 192.505, the Public Employees' Benefit Board and the**
17 **Oregon Educators Benefit Board need not make proposals available for public inspection**
18 **until after the board issues a notice of intent to award a contract. After a board issues a**
19 **notice of intent to award a contract, the contents of the proposals that the board received**
20 **are subject to disclosure as provided in ORS 192.410 to 192.505.**

21 **(c) The contents of a proposal that the Public Employees' Benefit Board or the Oregon**
22 **Educators Benefit Board receives is not subject to disclosure because of the fact that the**
23 **board opened a proposal at a meeting, as defined in ORS 192.610, even if the board fails to**
24 **give notice of, or provide for, an executive session for the purpose of opening proposals.**

25 **(3) Notwithstanding the requirement under subsection (2)(b) of this section to make**

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 proposals available for public inspection after issuing a notice of intent to award a contract,
2 the Public Employees' Benefit Board and the Oregon Educators Benefit Board may withhold
3 from disclosure to the public contents of a proposal that are exempt or conditionally exempt
4 from disclosure under ORS 192.501 or 192.502.

5 **SECTION 3.** Section 2 of this 2017 Act applies to procurements that the Public
6 Employees' Benefit Board or the Oregon Educators Benefit Board advertises or otherwise
7 solicits or, if the Public Employees' Benefit Board or the Oregon Educators Benefit Board
8 does not advertise or solicit the procurement, to public contracts into which the Public
9 Employees' Benefit Board or the Oregon Educators Benefit Board enter on or after the op-
10 erative date of this 2017 Act.

11 **SECTION 4.** (1) Section 2 of this 2017 Act becomes operative 91 days after the effective
12 date of this 2017 Act.

13 (2) The Public Employees' Benefit Board and the Oregon Educators Benefit Board may
14 take any action before the operative date specified in subsection (1) of this section that is
15 necessary to enable the boards to exercise, on and after the operative date specified in sub-
16 section (1) of this section, all of the duties, functions and powers conferred on the boards
17 by section 2 of this 2017 Act.

18 **SECTION 5.** This 2017 Act being necessary for the immediate preservation of the public
19 peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect
20 on its passage.

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