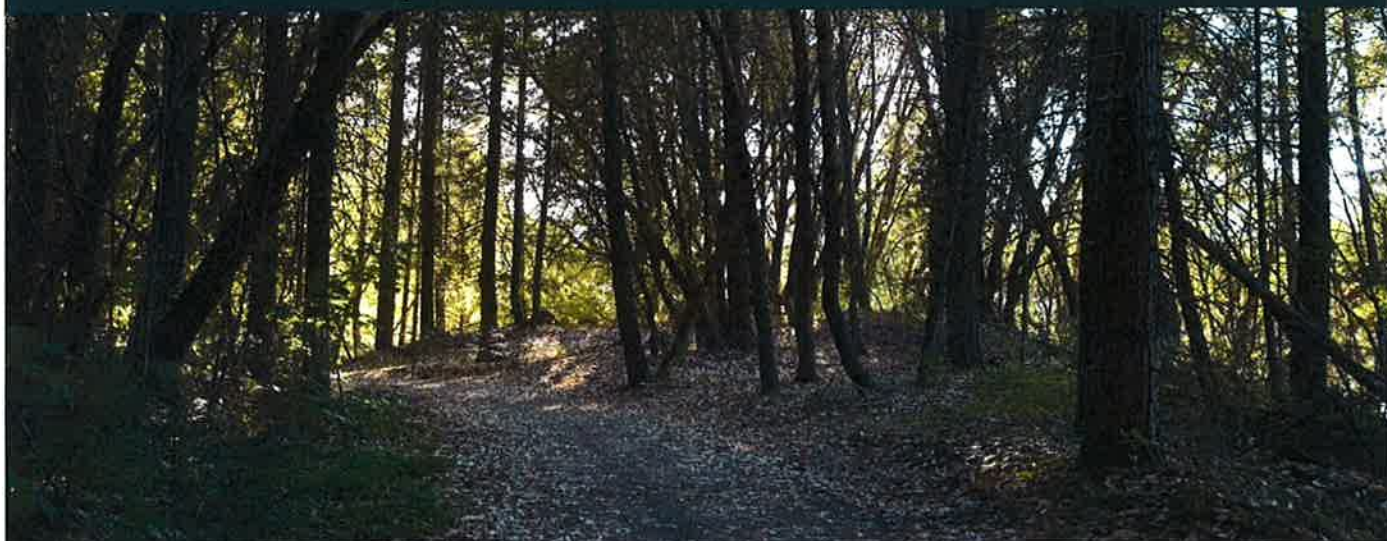


# Timber Contracting

State Park forest restoration projects are subject to regulations that increase the cost and complexity of timber harvest operations, often leading to few or no private companies bidding on these projects.

SB 49 would add State Parks to the exemption created for Oregon Dept. of Forestry.

## Preserve Healthy Forest Management Practices



Managing state park lands for the long term enjoyment and education of Oregonians is a critical part our mission. Good forest stewardship is key to managing our parks.

Last year, a forest restoration project did not happen because no contractors bid on the project. Our foresters were told by logging companies that the cost and complexity of following additional reporting requirements for this project made it not worth submitting a bid. Currently, if a forest road must be constructed (even temporarily) to access a timber project then the whole project falls under reporting requirements in public contracting statutes. Logging industry contractors are not set up for these requirements. ODF is exempt from this requirement, SB 49 would provide the same exemption to OPRD and help to ensure our forest restoration projects continue.

## Oregon Parks and Recreation Department

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# Senate Bill 49

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Kate Brown for State Parks and Recreation Department)

## 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**.

Exempts from Public Contracting Code timber sales from lands that State Parks and Recreation Commission or State Parks and Recreation Department owns or manages.  
Becomes operative January 1, 2020.  
Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to sales of forest products from state land; creating new provisions; amending ORS  
3 279A.025 and 390.121; and prescribing an effective date.

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

5 **SECTION 1.** ORS 279A.025 is amended to read:

6 279A.025. (1) Except as provided in subsections (2) to (4) of this section, the Public Contracting  
7 Code applies to all public contracting.

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

9 (a) Contracts between a contracting agency and:

10 (A) Another contracting agency;

11 (B) The Oregon Health and Science University;

12 (C) A public university listed in ORS 352.002;

13 (D) The Oregon State Bar;

14 (E) A governmental body of another state;

15 (F) The federal government;

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

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

18 (I) 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;

**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 (s) Contracts for employee benefit plans as provided in ORS 243.860 to 243.886; or  
 2 (t) Any other public contracting of a public body specifically exempted from the code by another  
 3 provision of law.

4 (3) The Public Contracting Code does not apply to the contracting activities of:

5 (a) The Oregon State Lottery Commission;

6 (b) The legislative department;

7 (c) The judicial department;

8 (d) Semi-independent state agencies listed in ORS 182.454, except as provided in ORS 279.835 to  
 9 279.855 and 279A.250 to 279A.290;

10 (e) Oregon Corrections Enterprises;

11 (f) The Oregon Film and Video Office, except as provided in ORS 279A.100 and 279A.250 to  
 12 279A.290;

13 (g) The Travel Information Council, except as provided in ORS 279A.250 to 279A.290;

14 (h) The Oregon 529 Savings Network and the Oregon 529 Savings Board;

15 (i) The Oregon Innovation Council;

16 (j) The Oregon Utility Notification Center; or

17 (k) Any other public body specifically exempted from the code by another provision of law.

18 (4) ORS 279A.200 to 279A.225 and 279B.050 to 279B.085 do not apply to contracts made with  
 19 qualified nonprofit agencies providing employment opportunities for individuals with disabilities un-  
 20 der ORS 279.835 to 279.855.

21 **SECTION 2.** ORS 390.121 is amended to read:

22 390.121. In carrying out its responsibilities, the State Parks and Recreation Commission may:

23 (1) Acquire by purchase, agreement, donation or by exercise of eminent domain, real property  
 24 or any right or interest therein deemed necessary for the operation and development of state parks,  
 25 roads, trails, campgrounds, picnic areas, boat ramps, nature study areas, waysides, relaxation areas,  
 26 visitor and interpretive centers, department management facilities, such as shops, equipment sheds,  
 27 office buildings, park ranger residences or other real property or any right or interest because of  
 28 its natural, scenic, cultural, historic or recreational value, or any other places of attraction and  
 29 scenic or historic value which in the judgment of the State Parks and Recreation Department will  
 30 contribute to the general welfare, enjoyment and pleasure of the public.

31 (2) Construct, improve, develop, manage, operate and maintain facilities and areas, including but  
 32 not limited to roads, trails, campgrounds, picnic areas, boat ramps and nature study areas named in  
 33 subsection (1) of this section.

34 (3) Sell, lease, exchange or otherwise dispose or permit use of real or personal property, in-  
 35 cluding equipment and materials acquired by the department, if in the opinion of the department it  
 36 is no longer needed, required or useful for department purposes, except that:

37 (a) Real property may be leased when such real property will not be needed for department  
 38 purposes during the leasing period.

39 (b) Real property used for park purposes may be donated to the United States Department of  
 40 Interior for the purpose of establishing a national monument when in the judgment of the depart-  
 41 ment such disposition would best serve the interests of this state.

42 (c) Proceeds from the sale of all surplus or unsuitable lands held for park purposes shall be de-  
 43 posited in the Parks Donation Trust Fund for use for park land acquisition or development. Pro-  
 44 ceeds from the sale of other property shall be paid by the department to the State Treasurer for  
 45 credit to the State Parks and Recreation Department Fund, and any interest from this fund shall

