

SENATE AMENDMENTS TO SENATE BILL 50

By COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

February 20

1 On page 1 of the printed bill, line 2, after the semicolon delete the rest of the line and line 3
2 and insert “creating new provisions; amending ORS 279A.025 and 390.121; and prescribing an effec-
3 tive date.”.

4 After line 4, insert:

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
25 or other authority for establishing agreements between or among governmental bodies or agencies
26 or 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;

30 “(e) Contracts for professional or expert witnesses or consultants to provide services or testi-
31 mony relating to existing or potential litigation or legal matters in which a public body is or may
32 become interested;

33 “(f) Acquisitions or disposals of real property or interest in real property;

34 “(g) Sole-source expenditures when rates are set by law or ordinance for purposes of source
35 selection;

1 “(h) Contracts for the procurement or distribution of textbooks;

2 “(i) Procurements by a contracting agency from an Oregon Corrections Enterprises program;

3 “(j) The procurement, transportation, sale or distribution of distilled liquor, as defined in ORS
4 471.001, or the appointment of agents under ORS 471.230 or 471.750 by the Oregon Liquor Control
5 Commission;

6 “(k) Contracts entered into under ORS chapter 180 between the Attorney General and private
7 counsel or special legal assistants;

8 “(L) Contracts for the sale of timber from lands [*owned or managed by*] **that** the State Board
9 of Forestry, [*and*] the State Forestry Department, **the State Parks and Recreation Commission**
10 **or the State Parks and Recreation Department owns or manages**;

11 “(m) Contracts for activities necessary or convenient for the sale of timber under paragraph (L)
12 of this subsection, either separately from or in conjunction with contracts for the sale of timber,
13 including but not limited to activities such as timber harvesting and sorting, transporting, gravel
14 pit development or operation, and road construction, maintenance or improvement;

15 “(n) Contracts for forest protection or forest related activities, as described in ORS 477.406, by
16 the State Forester or the State Board of Forestry;

17 “(o) Contracts [*entered into by*] **that** the Housing and Community Services Department [*in exer-*
18 *cising*] **enters into in exercising** the department’s duties prescribed in ORS chapters 456 and 458,
19 except that the department’s public contracting for goods and services is subject to ORS chapter
20 279B;

21 “(p) Contracts [*entered into by*] **that** the State Treasurer [*in exercising*] **enters into in exer-**
22 **cising** the powers of that office prescribed in ORS 178.010 to 178.090 and 276A.242 and ORS chapters
23 286A, 287A, 289, 293, 294 and 295, including but not limited to investment contracts and agreements,
24 banking services, clearing house services and collateralization agreements, bond documents, certif-
25 icates of participation and other debt repayment agreements, and any associated contracts, agree-
26 ments and documents, regardless of whether the obligations that the contracts, agreements or
27 documents establish are general, special or limited, except that the State Treasurer’s public con-
28 tracting for goods and services is subject to ORS chapter 279B;

29 “(q) Contracts, agreements or other documents entered into, issued or established in connection
30 with:

31 “(A) The issuance of obligations, as defined in ORS 286A.100 and 287A.310, of a public body;

32 “(B) [*The making of*] Program loans and similar extensions or advances of funds, aid or assist-
33 ance [*by*] **that** a public body **makes** to a public or private body for the purpose of carrying out,
34 promoting or sustaining activities or programs authorized by law; or

35 “(C) The investment of funds by a public body as authorized by law, and other financial trans-
36 actions of a public body that by their character cannot practically be established under the com-
37 petitive contractor selection procedures of ORS 279B.050 to 279B.085;

38 “(r) Contracts for employee benefit plans as provided in ORS 243.105 (1), 243.125 (4), 243.221,
39 243.275, 243.291, 243.303 and 243.565;

40 “(s) Contracts for employee benefit plans as provided in ORS 243.860 to 243.886; or

41 “(t) Any other public contracting of a public body specifically exempted from the code by an-
42 other provision of law.

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

44 “(a) The Oregon State Lottery Commission;

45 “(b) The legislative department;

1 “(c) The judicial department;
2 “(d) Semi-independent state agencies listed in ORS 182.454, except as provided in ORS 279.835
3 to 279.855 and 279A.250 to 279A.290;
4 “(e) Oregon Corrections Enterprises;
5 “(f) The Oregon Film and Video Office, except as provided in ORS 279A.100 and 279A.250 to
6 279A.290;
7 “(g) The Travel Information Council, except as provided in ORS 279A.250 to 279A.290;
8 “(h) The Oregon 529 Savings Network and the Oregon 529 Savings Board;
9 “(i) The Oregon Innovation Council;
10 “(j) The Oregon Utility Notification Center; or
11 “(k) Any other public body specifically exempted from the code by another provision of law.
12 “(4) ORS 279A.200 to 279A.225 and 279B.050 to 279B.085 do not apply to contracts made with
13 qualified nonprofit agencies providing employment opportunities for individuals with disabilities un-
14 der ORS 279.835 to 279.855.”.
15 In line 5, delete “1” and insert “2”.
16 On page 2, line 4, delete “them” and insert “the forest products” and after the period insert
17 “A sale under this paragraph is not subject to the Public Contracting Code.”.
18 In line 8, delete “shall” and insert “must”.
19 In line 9, delete “shall not be” and insert “are not”.
20 After line 30, insert:
21 “**SECTION 3. The amendments to ORS 279A.025 and 390.121 by sections 1 and 2 of this**
22 **2019 Act apply to forest product sales that occur on or after the operative date specified in**
23 **section 4 of this 2019 Act.**
24 “**SECTION 4. (1) The amendments to ORS 279A.025 and 390.121 by sections 1 and 2 of this**
25 **2019 Act become operative on January 1, 2020.**
26 “(2) **The State Parks and Recreation Director and the State Parks and Recreation Com-**
27 **mission may adopt rules and take any other action before the date specified in subsection (1)**
28 **of this section that is necessary to enable the director or the commission to exercise, on and**
29 **after the date specified in subsection (1) of this section, all of the duties, functions and**
30 **powers conferred on the director and the commission by the amendments to ORS 279A.025**
31 **and 390.121 by sections 1 and 2 of this 2019 Act.**
32 “**SECTION 5. This 2019 Act takes effect on the 91st day after the date on which the 2019**
33 **regular session of the Eightieth Legislative Assembly adjourns sine die.**”
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