

# House Bill 2310

Sponsored by Representative EVANS (Pre-session filed.)

## 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**.

Prohibits local government, local contracting agency or local contract review board from enacting, adopting or enforcing ordinance, resolution, rule or other law that prohibits, restricts or limits evaluation, comparison or use of pipe or piping materials for water project if pipe or piping materials meet current standards or performance specifications of specified organizations and monies appropriated from State Treasury directly or indirectly provided funding for water project.

Becomes operative on January 1, 2022.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to materials for local water projects; and prescribing an effective date.

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

4 **SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS chapter 279C.**

5 **SECTION 2. (1) As used in this section, "water project" means a project to construct,**  
6 **reconstruct or repair pipe, piping materials, interceptors, treatment plants or other facilities**  
7 **necessary to:**

8 (a) **Pump, treat and distribute drinking water; or**

9 (b) **Collect, treat and dispose of liquid and solid waste.**

10 (2) **A local government, local contracting agency or local contract review board may not**  
11 **enact, adopt or enforce an ordinance, resolution, rule or other law that prohibits, restricts**  
12 **or limits an evaluation, comparison or use of pipe or piping materials for a water project if:**

13 (a) **The pipe or piping materials meet current standards or performance specifications**  
14 **of:**

15 (A) **ASTM International, or the successor organization of ASTM International;**

16 (B) **The American Water Works Association, or the successor organization of the**  
17 **American Water Works Association;**

18 (C) **The American National Standards Institute, or the successor organization of the**  
19 **American National Standards Association;**

20 (D) **NSF International, or the successor organization of NSF International; or**

21 (E) **A licensed professional engineer; and**

22 (b) **Moneys appropriated from the State Treasury directly or indirectly provided all or a**  
23 **portion of the funding for the water project.**

24 (3) **Subsection (2) of this section does not:**

25 (a) **Limit a licensed professional engineer's professional judgment, opinion, recommen-**  
26 **dation or specification with respect to appropriate pipe or piping materials or the perform-**  
27 **ance of pipe or piping materials in connection with a specific water project; or**

28 (b) **Apply to design or construction specifications that a licensed professional engineer**

**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 develops for a specific water project in consultation with a local government, local con-  
2 tracting agency or local contract review board.

3 **SECTION 3.** Section 2 of this 2021 Act applies to a procurement for a water project that  
4 a public body first advertises or otherwise solicits or, if the public body does not advertise  
5 or otherwise solicit the water project, to a public contract for a water project that a public  
6 body enters into on or after the operative date specified in section 4 of this 2021 Act.

7 **SECTION 4.** (1) Section 2 of this 2021 Act becomes operative on January 1, 2022.

8 (2) A local government, local contracting agency or local contract review board may  
9 adopt, amend, enact or repeal an ordinance, resolution, rule or other law before the operative  
10 date specified in subsection (1) of this section that is necessary to enable the local govern-  
11 ment, local contracting agency or local contract review board to conform, on and after the  
12 operative date specified in subsection (1) of this section, to the requirements set forth in  
13 section 2 of this 2021 Act.

14 **SECTION 5.** This 2021 Act takes effect on the 91st day after the date on which the 2021  
15 regular session of the Eighty-first Legislative Assembly adjourns sine die.

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