

DRAFT

SUMMARY

Digest: Says that people who get public contracts must obey tax laws and must show proof of compliance with tax laws. (Flesch Readability Score: 76.8).

Requires public contractors to demonstrate and maintain tax compliance, through a certification process, as a condition of the execution of a public contract. Becomes operative January 1, 2027.

Directs the Secretary of State to study methods for collecting information through business registry function to ensure tax compliance by persons doing business in the state.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to tax compliance; creating new provisions; amending ORS 279B.045,
3 279B.110, 305.380 and 305.385; and prescribing an effective date.

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

5 **SECTION 1.** ORS 305.380 is amended to read:

6 305.380. As used in **this section and** ORS 305.385:

7 (1) “Agency” means any department, board, commission, division or au-
8 thority of the State of Oregon, or any political subdivision of this state
9 [*which*] **that** imposes a local tax administered by the Department of Revenue
10 under ORS 305.620.

11 (2) “License” means any written authority required by law or ordinance
12 as a prerequisite to the conduct of a business, trade or profession.

13 (3) **“Owner” means an owner, as defined in ORS 60.470, that has at**
14 **least a 20 percent ownership interest of a provider.**

15 [(3)] (4) “Provider” means any person who contracts to supply goods,

1 services or real estate space to an agency.

2 [(4)(a)] **(5)(a)** “Tax” means state taxes administered by the department
3 under the tax laws of this state and local taxes administered by the depart-
4 ment under ORS 305.620, **and any associated penalties and interest im-**
5 **posed in addition to the tax.**

6 (b) “Tax” does not include ad valorem property taxes collected by coun-
7 ties.

8 **SECTION 2.** ORS 305.385 is amended to read:

9 305.385. (1) Upon request of the Department of Revenue, an agency issuing
10 or renewing a license to conduct a business, trade or profession shall annu-
11 ally, on or before March 1, supply the department with a list of specified
12 licenses issued or renewed by the agency during the preceding calendar year.

13 (2) Upon request of the department, an agency shall annually, on or be-
14 fore March 1, supply the department with a list of specified persons con-
15 tracting with the agency to provide goods, services or real estate space to
16 the agency during the preceding calendar year.

17 (3) The lists required by subsections (1) and (2) of this section shall con-
18 tain the name, address, Social Security or federal employer identification
19 number of each licensee or provider or such other information as the de-
20 partment may by rule require.

21 (4)(a) If the department determines that any licensee or provider has
22 neglected or refused to file any return or to pay any tax and that such person
23 has not filed in good faith a petition before the department contesting the
24 tax, and the department has been unable to obtain payment of the tax
25 through other methods of collection, the Director of the Department of Rev-
26 enue may, notwithstanding ORS 118.525, 314.835 or 314.840 or any similar
27 provision of law, notify the agency and the person in writing.

28 (b) Upon receipt of such notice, the agency shall refuse to reissue, renew
29 or extend any license, contract or agreement until the agency receives a
30 certificate issued by the department that the person is in good standing with
31 respect to any returns due and taxes payable to the department as of the date

1 of the certificate.

2 (c) Upon the written request of the director and after a hearing and no-
3 tice to the licensee as required under any applicable provision of law, the
4 agency shall suspend the person's license if the agency finds that the returns
5 and taxes have not been filed or paid and that the licensee has not filed in
6 good faith a petition before the department contesting the tax and the de-
7 partment has been unable to obtain payment of the tax through other meth-
8 ods of collection. For the purpose of the agency's findings, the written
9 representation to that effect by the department to the agency shall constitute
10 prima facie evidence of the person's failure to file returns or pay the tax.
11 The department shall have the right to intervene in any license suspension
12 proceeding.

13 (d) Any license suspended under this subsection [*shall*] **may** not be reis-
14 sued or renewed until the agency receives a certificate issued by the de-
15 partment that the licensee is in good standing with respect to any returns
16 due and taxes payable to the department as of the date of the certificate.

17 (5) The department may enter into an installment payment agreement
18 with a licensee or provider with respect to any unpaid tax, penalty and in-
19 terest. The agreement shall provide for interest on the outstanding amount
20 at the rate prescribed by ORS 305.220. The department may issue a provi-
21 sional certificate of good standing pursuant to subsection (4)(b) and (d) of
22 this section which shall remain in effect so long as the licensee or provider
23 fully complies with the terms of the installment agreement. Failure by the
24 licensee or provider to fully comply with the terms of the installment
25 agreement shall render the agreement and the provisional certificate of good
26 standing null and void, unless the department determines that the failure
27 was due to reasonable cause. If the department determines that the failure
28 was not due to reasonable cause, the total amount of the tax, penalty and
29 interest shall be immediately due and payable, and the department shall no-
30 tify any affected agency that the licensee or provider is not in good standing.
31 The agency shall then take appropriate action under subsection (4)(b) and (d)

1 of this section.

2 (6) *[No]* **A contract or other agreement for the purpose of providing goods,**
3 **services or real estate space to any agency** *[shall], other than a political*
4 **subdivision of this state, may not** be entered into, renewed or extended
5 with any *[person, unless the person certifies in writing, under penalty of per-*
6 *jury, that the person is, to the best of the person's knowledge,]* **provider or**
7 **owner, unless at the time of contracting with an agency, the provider**
8 **and each owner submits a certificate issued by the department stating**
9 **that, as of the date of the certificate, the provider and each owner are**
10 not in violation of any tax laws described in ORS 305.380 *[(4)]*.

11 (7) The *[certification]* **certificate** under subsection (6) of this section shall
12 be required for each contract and renewal or extension of a contract *[or may*
13 *be provided on an annual basis]* **and must be dated no earlier than 90 days**
14 **prior to the date that the provider contracts with the agency.** A *[certi-*
15 *fication shall not be]* **certificate is not** required for a contract if the con-
16 sideration for the goods, services or real estate space provided under the
17 contract is no more than *[\$1,000]* **\$250,000.**

18 (8) **A contract may not be executed if a certificate as described in**
19 **subsection (6) of this section is not provided to the agency.**

20 (9) **Upon request of a provider, if the provider and each owner are**
21 **not in violation of any tax laws described in ORS 305.380, the depart-**
22 **ment shall, within 30 days after the request, issue to the provider and**
23 **each owner a certificate as described in subsection (6) of this section.**

24 *[(8)(a)]* (10)(a) The requirements of the *[certification]* **certificate** under
25 subsection (6) of this section shall be subject to the rules adopted by the
26 department in accordance with this section.

27 (b) The department may by rule exempt certain contracts from the re-
28 quirements of subsection (6) of this section.

29 **SECTION 3.** ORS 279B.110 is amended to read:

30 279B.110. (1) As part of a contracting agency's evaluation of a bid or
31 proposal, the contracting agency shall determine whether the bidder or

1 proposer is responsible in accordance with the standards of responsibility set
2 forth in subsection (2) of this section. If the contracting agency determines
3 that a bidder or proposer is not responsible, the contracting agency shall
4 provide the bidder or proposer with written notice of the contracting
5 agency's determination.

6 (2) In order for a contracting agency to determine that a bidder or
7 proposer is responsible, the bidder or proposer must demonstrate to the
8 contracting agency that the bidder or proposer:

9 (a) Has available the appropriate financial, material, equipment, facility
10 and personnel resources and expertise, or has the ability to obtain the re-
11 sources and expertise, necessary to meet all contractual responsibilities.

12 (b) Completed previous contracts of a similar nature with a satisfactory
13 record of performance. For purposes of this paragraph, a satisfactory record
14 of performance means that to the extent that the costs associated with and
15 time available to perform a previous contract remained within the bidder's
16 or proposer's control, the bidder or proposer stayed within the time and
17 budget allotted for the procurement and otherwise performed the contract in
18 a satisfactory manner. The contracting agency shall document the bidder's
19 or proposer's record of performance if the contracting agency finds under
20 this paragraph that the bidder or proposer is not responsible.

21 (c) Has a satisfactory record of integrity. The contracting agency in
22 evaluating the bidder's or proposer's record of integrity may consider, among
23 other things, whether the bidder or proposer has previous criminal con-
24 victions for offenses related to obtaining or attempting to obtain a contract
25 or subcontract or in connection with the bidder's or proposer's performance
26 of a contract or subcontract. The contracting agency shall document the
27 bidder's or proposer's record of integrity if the contracting agency finds un-
28 der this paragraph that the bidder or proposer is not responsible.

29 (d) Is legally qualified to contract with the contracting agency.

30 (e) *[Complied with the tax laws of the state or a political subdivision of the*
31 *state, including ORS 305.620 and ORS chapters 316, 317 and 318. The bidder*

1 *or proposer shall demonstrate compliance by attesting to the bidder's or*
2 *proposer's compliance in any way the contracting agency deems credible and*
3 *convenient.] Is not in violation of any tax laws described in ORS 305.380*
4 **and provides a certificate in the manner prescribed in ORS 305.385.**

5 (f) Possesses an unexpired certificate that the Oregon Department of Ad-
6 ministrative Services issued under ORS 279A.167 if the bidder or proposer
7 employs 50 or more full-time workers and submitted a bid or proposal for a
8 procurement with an estimated contract price that exceeds \$500,000 in re-
9 sponse to an advertisement or solicitation from a state contracting agency.

10 (g) Supplied all necessary information in connection with the inquiry
11 concerning responsibility. If a bidder or proposer fails to promptly supply
12 information concerning responsibility that the contracting agency requests,
13 the contracting agency shall determine the bidder's or proposer's responsi-
14 bility based on available information or may find that the bidder or proposer
15 is not responsible.

16 (h) Was not debarred by the contracting agency under ORS 279B.130.

17 (3) A contracting agency may refuse to disclose outside of the contracting
18 agency confidential information furnished by a bidder or proposer under this
19 section when the bidder or proposer has clearly identified in writing the in-
20 formation the bidder or proposer seeks to have treated as confidential and
21 the contracting agency has authority under ORS 192.311 to 192.478 to with-
22 hold the identified information from disclosure.

23 **SECTION 4.** ORS 279B.045 is amended to read:

24 279B.045. (1) **Except as provided in subsection (2) of this section,** ev-
25 ery public contract that is subject to this chapter must include a represen-
26 tation and warranty from the contractor that the contractor has complied
27 with the tax laws of this state or a political subdivision of this state, in-
28 cluding but not limited to ORS 305.620 and ORS chapters 316, 317 and 318.
29 The public contract must also require a covenant from the contractor to
30 continue to comply with the tax laws of this state or a political subdivision
31 of this state during the term of the public contract and provide that a

1 contractor's failure to comply with the tax laws of this state or a political
2 subdivision of this state before the contractor executed the public contract
3 or during the term of the public contract is a default for which a contracting
4 agency may terminate the public contract and seek damages and other relief
5 available under the terms of the public contract or under applicable law.

6 **(2) This section does not apply to a contract with a contracting**
7 **agency other than a political subdivision of this state if the consider-**
8 **ation for the goods, services or real estate space provided under the**
9 **contract is less than \$1,000 or is more than \$250,000.**

10 **SECTION 5. The amendments to ORS 279B.045, 279B.110, 305.380 and**
11 **305.385 by sections 1 to 4 of this 2026 Act become operative on January**
12 **1, 2027.**

13 **SECTION 6. (1) The Secretary of State shall study methods for en-**
14 **sureing that information collected by the Corporation Division of the**
15 **Office of the Secretary of State in its business registry function from**
16 **persons doing business in this state is collected and retained in a**
17 **manner most effective to ensure compliance with the tax laws of this**
18 **state by those that are doing business in this state. This information**
19 **includes names and addresses of persons doing business in this state.**

20 **(2) In the study required under this section, the secretary shall re-**
21 **view methods to:**

22 **(a) Ensure that all business owners are properly registered.**

23 **(b) Verify that provided physical addresses of business owners are**
24 **accurate.**

25 **(c) Use technology to detect variations in provided names and ad-**
26 **dresses and other data and multiple uses of addresses.**

27 **(d) Expand the authority of the secretary to review and investigate**
28 **applications for registration.**

29 **(e) Ensure appropriate enforcement and penalties for failure to**
30 **provide current, accurate or valid information.**

31 **(3) In the study required under this section, the secretary shall as-**

1 **sess whether the current statutes and rules applicable to the**
2 **secretary's business registry functions and current division capacity**
3 **are sufficient to ensure a business registry that is reliable and current**
4 **and has sufficient information to be useful for purposes of state**
5 **agencies or consumers seeking to verify information about businesses**
6 **operating in this state.**

7 **(4) The secretary shall consult with the Department of Revenue, the**
8 **Department of Justice and the Legislative Revenue Officer in the**
9 **preparation of the study and reports required under this section.**

10 **(5) The secretary shall submit reports on the findings of the study**
11 **required under this section, in the manner provided by ORS 192.245,**
12 **and may include recommendations for legislation, to the interim or**
13 **regular committees of the Legislative Assembly related to revenue.**
14 **The secretary shall submit a preliminary report no later than Decem-**
15 **ber 31, 2026, and a final report no later than the conclusion of the 2027**
16 **regular session of the Legislative Assembly.**

17 **SECTION 7. Section 6 of this 2026 Act is repealed on January 2, 2028.**

18 **SECTION 8. This 2026 Act takes effect on the 91st day after the date**
19 **on which the 2026 regular session of the Eighty-third Legislative As-**
20 **sembly adjourns sine die.**

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