

A-Engrossed Senate Bill 838

Ordered by the Senate March 17
Including Senate Amendments dated March 17

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 Tina Kotek 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. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Lets the state parks agency do contracts without needing to follow the rules for state contracting. Lets the agency print without needing to follow the rules for state printing. Takes effect 91 days after the session ends. (Flesch Readability Score: 68.5).

[Digest: Lets the state parks agency buy goods and services from small businesses and do ads, printing and education about the state's parks without needing to follow the rules for state contracting. Lets the state parks agency print without needing to follow the rules for state printing. Takes effect 91 days after the session ends. (Flesch Readability Score: 61.6).]

[Exempts the State Parks and Recreation Department from the Public Contracting Code in conducting procurements with emerging small businesses and for specified purposes.] **Provides that the Public Contracting Code does not apply to the contracting activities of the State Parks and Recreation Department, except with respect to surplus property.** Exempts the department from the requirements that apply to state printing for printing and binding the department does for the purposes of communicating with persons who are interested in the state's recreational sites and resources or advertising, promoting or providing education concerning the state's recreational sites and resources.

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

A BILL FOR AN ACT

1
2 Relating to State Parks and Recreation Department procurements; creating new provisions; amend-
3 ing ORS 279A.025, 282.010 and 282.020; 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;

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 (ii) The federal government;
- 2 (iii) An American Indian tribe or an agency of an American Indian tribe;
- 3 (iv) A nation other than the United States; or
- 4 (v) A governmental body in a nation other than the United States;
- 5 (b) Agreements authorized by ORS chapter 190 or by a statute, charter provision, ordinance or
- 6 other authority for establishing agreements between or among governmental bodies or agencies or
- 7 tribal governing bodies or agencies;
- 8 (c) Insurance and service contracts as provided for under ORS 414.115, 414.125, 414.135 and
- 9 414.145 for purposes of source selection;
- 10 (d) Grants;
- 11 (e) Contracts for professional or expert witnesses or consultants to provide services or testimony
- 12 relating to existing or potential litigation or legal matters in which a public body is or may become
- 13 interested;
- 14 (f) Acquisitions or disposals of real property or interest in real property;
- 15 (g) Sole-source expenditures when rates are set by law or ordinance for purposes of source se-
- 16 lection;
- 17 (h) Contracts for the procurement or distribution of textbooks;
- 18 (i) Procurements by a contracting agency from an Oregon Corrections Enterprises program;
- 19 (j) The procurement, transportation, sale or distribution of distilled liquor, as defined in ORS
- 20 471.001, or the appointment of agents under ORS 471.230 or 471.750 by the Oregon Liquor and
- 21 Cannabis Commission;
- 22 (k) Contracts entered into under ORS chapter 180 between the Attorney General and private
- 23 counsel or special legal assistants;
- 24 (L) Contracts for the sale of timber from lands that the State Board of Forestry, the State
- 25 Forestry Department, the State Parks and Recreation Commission or the State Parks and Recreation
- 26 Department owns or manages;
- 27 (m) Contracts for activities necessary or convenient for the sale of timber under paragraph (L)
- 28 of this subsection, either separately from or in conjunction with contracts for the sale of timber,
- 29 including but not limited to activities such as timber harvesting and sorting, transporting, gravel
- 30 pit development or operation, and road construction, maintenance or improvement;
- 31 (n) Contracts for forest protection or forest related activities, as described in ORS 477.406, by
- 32 the State Forester or the State Board of Forestry;
- 33 (o) Contracts that the Housing and Community Services Department enters into in exercising
- 34 the department's duties prescribed in ORS chapters 456 and 458, or procurements described in ORS
- 35 456.625 (19);
- 36 (p) Contracts that the State Treasurer enters into in exercising the powers of that office pre-
- 37 scribed in ORS 178.010 to 178.090 and 276A.242 and ORS chapters 286A, 287A, 289, 293, 294 and 295,
- 38 including but not limited to investment contracts and agreements, banking services, clearing house
- 39 services and collateralization agreements, bond documents, certificates of participation and other
- 40 debt repayment agreements, and any associated contracts, agreements and documents, regardless of
- 41 whether the obligations that the contracts, agreements or documents establish are general, special
- 42 or limited, except that the State Treasurer's public contracting for goods and services is subject to
- 43 ORS chapter 279B;
- 44 (q) Contracts, agreements or other documents entered into, issued or established in connection
- 45 with:

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

2 (B) Program loans and similar extensions or advances of funds, aid or assistance that a public
3 body makes to a public or private body for the purpose of carrying out, promoting or sustaining
4 activities or programs authorized by law; or

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

8 (r) Contracts for employee benefit plans as provided in ORS 243.105 (1), 243.125 (4), 243.221,
9 243.275, 243.291, 243.303 and 243.565;

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

11 (t) Any other public contracting of a public body specifically exempted from the code by another
12 provision of law.

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

14 (a) The Oregon State Lottery Commission;

15 (b) The legislative department;

16 (c) The judicial department;

17 (d) Semi-independent state agencies listed in ORS 182.454, except as provided in ORS 279.835 to
18 279.855 and 279A.250 to 279A.290;

19 (e) Oregon Corrections Enterprises;

20 (f) The Oregon Film and Video Office, except as provided in ORS 279A.100 and 279A.250 to
21 279A.290;

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

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

24 (i) The Oregon Innovation Council;

25 (j) The Oregon Utility Notification Center; [or]

26 **(k) The State Parks and Recreation Department, except that the department shall com-
27 ply with ORS 279A.250 to 279A.290 with respect to surplus property; or**

28 [(k)] (L) Any other public body specifically exempted from the code by another provision of law.

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

32 **SECTION 2.** ORS 282.010 is amended to read:

33 282.010. As used in ORS 282.010 to 282.150, [unless the context otherwise requires:]

34 [(1) "Department" means the Oregon Department of Administrative Services.]

35 [(2)(a) "Printed public document" means informational matter produced for public distribution re-
36 gardless of format, method of reproduction, source or copyright, originating in any state agency or
37 produced with the imprint of, by the authority of or at the total or partial expense of any state
38 agency.]

39 [(b) "Printed public document" does not include:]

40 [(A) Correspondence, forms, interoffice or intraoffice memoranda;]

41 [(B) Legislative bills, calendars and interim committee reports made available under ORS
42 171.206;]

43 [(C) Oregon Revised Statutes or any edition thereof; or]

44 [(D) Reports and publications of the Supreme Court, the Court of Appeals and the Oregon Tax
45 Court.]

1 [(3)] “printing” means printing, duplicating and copying.

2 **SECTION 3.** ORS 282.020 is amended to read:

3 282.020. (1) The Director of the Oregon Department of Administrative Services or the designee
4 of the director shall:

5 (a) Control and manage all state printing.

6 (b) Control all state printing purchases, including those outside of the Oregon Department of
7 Administrative Services; and any printing conducted outside of the department on behalf of state
8 government may be conducted only through authority of the director or the director’s designee.

9 (2) *[Printing and binding that advertises or promotes products, agricultural or manufactured, shall*
10 *not be considered state printing.]* **State printing and state printing purchases described in sub-**
11 **section (1) of this section do not include printing and binding that:**

12 (a) **Advertises or promotes agricultural or manufactured products; or**

13 (b) **The State Parks and Recreation Department engages in or contracts for in the course**
14 **of:**

15 (A) **Communicating with persons who are interested in the state’s recreational sites and**
16 **resources, including visitors to this state; or**

17 (B) **Advertising, promoting or providing education concerning the state’s recreational**
18 **sites and resources.**

19 (3) The director or the director’s designee may advertise for bids and award contracts for state
20 printing, but the policy of the director or the director’s designee in deciding what work shall be let
21 by contract shall be dictated by questions of good business and economy.

22 **SECTION 4.** **The amendments to ORS 279A.025, 282.010 and 282.020 by sections 1 to 3 of**
23 **this 2025 Act apply to procurements that the State Parks and Recreation Department solicits**
24 **or conducts on and after the effective date of this 2025 Act.**

25 **SECTION 5.** **This 2025 Act takes effect on the 91st day after the date on which the 2025**
26 **regular session of the Eighty-third Legislative Assembly adjourns sine die.**

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