

Senate Bill 353

Sponsored by Senator ROBLAN (Presession 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**.

Requires contracting agency to give preference to procuring paper made from recycled materials and manufactured by paper mills located within this state if cost does not exceed by more than 10 percent cost of paper made from nonrecycled materials or manufactured by paper mills not located within this state.

Becomes operative January 1, 2014.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to preferences in public contracting for paper; creating new provisions; amending ORS
3 279A.125; and declaring an emergency.

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

5 **SECTION 1.** ORS 279A.125 is amended to read:

6 279A.125. (1) Notwithstanding provisions of law [*requiring*] **that require** a contracting agency
7 to award a contract to the lowest responsible bidder or [*best proposer or provider of a quotation*] **the**
8 **person that submits the best proposal or provides the best quotation**, and subject to subsection
9 (2) of this section, a contracting agency charged with [*the procurement of*] **procuring** goods for any
10 public use shall give preference to [*the procurement of goods*] **procuring goods** manufactured from
11 recycled materials. **If the contracting agency procures paper manufactured from recycled**
12 **materials, the contracting agency shall give preference to paper manufactured by paper mills**
13 **located within this state.**

14 (2) A contracting agency shall give preference to goods that are certified to be made from re-
15 cycled materials if:

16 (a) The recycled product is available;

17 (b) The recycled product meets applicable standards;

18 (c) The recycled product can be substituted for a comparable nonrecycled product; and

19 (d)(A) The recycled product's costs do not exceed the costs of nonrecycled products by more
20 than five percent, or **by** a higher percentage if **the contracting agency makes** a written determi-
21 nation [*is made by the contracting agency.*] **that a percentage greater than five percent is nec-**
22 **essary or appropriate; or**

23 **(B) The recycled product is paper that is made from recycled materials and manufactured**
24 **by paper mills located within this state and the cost of the recycled product does not exceed**
25 **the cost of paper manufactured from nonrecycled materials, or manufactured by paper mills**
26 **that are not located within this state, by more than 10 percent.**

27 **SECTION 2.** (1) The amendments to ORS 279A.125 by section 1 of this 2013 Act become
28 operative January 1, 2014.

29 (2) **The Attorney General, the Director of the Oregon Department of Administrative**

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 **Services, the Director of Transportation or a contracting agency that adopts rules under**
2 **ORS 279A.065 may take any action before the operative date specified in subsection (1) of this**
3 **section that is necessary to enable the Attorney General, the director or the contracting**
4 **agency to exercise, on and after the operative date specified in subsection (1) of this section,**
5 **all of the duties, functions and powers conferred on the Attorney General, the director or**
6 **the contracting agency by the amendments to ORS 279A.125 by section 1 of this 2013 Act.**

7 **(3) The amendments to ORS 279A.125 by section 1 of this 2013 Act apply to contracts that**
8 **a contracting agency first advertises or otherwise solicits or, if the contracting agency does**
9 **not advertise or solicit the contract, to a contract that the contracting agency first enters**
10 **into on or after the operative date specified in subsection (1) of this section.**

11 **SECTION 3. This 2013 Act being necessary for the immediate preservation of the public**
12 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
13 **on its passage.**

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