

House Bill 4043

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Veterans and Emergency Preparedness for Representative Paul Evans)

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 moneys appropriated from State Treasury directly or indirectly provided funding for water project.

Becomes operative on January 1, 2021.

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 2020 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 its successor organization;**

16 (B) **The American Water Works Association, or its successor organization;**

17 (C) **The American National Standards Institute, or its successor organization;**

18 (D) **NSF International, or its successor organization; or**

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

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

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

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

26 (b) **Apply to design or construction specifications that a licensed professional engineer**
27 **develops for a specific water project in consultation with a local government, local con-**
28 **tracting agency or local contract review board.**

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 **SECTION 3.** Section 2 of this 2020 Act applies to a procurement for a water project that
2 a public body first advertises or otherwise solicits or, if the public body does not advertise
3 or otherwise solicit the water project, to a public contract for a water project that a public
4 body enters into on or after the operative date specified in section 4 of this 2020 Act.

5 **SECTION 4.** (1) Section 2 of this 2020 Act becomes operative on January 1, 2021.

6 (2) A local government, local contracting agency or local contract review board may
7 adopt, amend, enact or repeal an ordinance, resolution, rule or other law before the operative
8 date specified in subsection (1) of this section that is necessary to enable the local govern-
9 ment, local contracting agency or local contract review board to conform, on and after the
10 operative date specified in subsection (1) of this section, to the requirements set forth in
11 section 2 of this 2020 Act.

12 **SECTION 5.** This 2020 Act takes effect on the 91st day after the date on which the 2020
13 regular session of the Eightieth Legislative Assembly adjourns sine die.

14