

Enrolled Senate Bill 838

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)

CHAPTER

AN ACT

Relating to State Parks and Recreation Department procurements; creating new provisions; amending ORS 279A.025, 282.010 and 282.020; and prescribing an effective date.

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

SECTION 1. ORS 279A.025 is amended to read:

279A.025. (1) Except as provided in subsections (2) to (4) of this section, the Public Contracting Code applies to all public contracting.

(2) The Public Contracting Code does not apply to:

(a) Contracts between a contracting agency and:

(A) Another contracting agency;

(B) The Oregon Health and Science University;

(C) A public university listed in ORS 352.002;

(D) The Oregon State Bar;

(E) A governmental body of another state;

(F) The federal government;

(G) An American Indian tribe or an agency of an American Indian tribe;

(H) A nation, or a governmental body in a nation, other than the United States; or

(I) An intergovernmental entity formed between or among:

(i) Governmental bodies of this or another state;

(ii) The federal government;

(iii) An American Indian tribe or an agency of an American Indian tribe;

(iv) A nation other than the United States; or

(v) A governmental body in a nation other than the United States;

(b) Agreements authorized by ORS chapter 190 or by a statute, charter provision, ordinance or other authority for establishing agreements between or among governmental bodies or agencies or tribal governing bodies or agencies;

(c) Insurance and service contracts as provided for under ORS 414.115, 414.125, 414.135 and 414.145 for purposes of source selection;

(d) Grants;

(e) Contracts for professional or expert witnesses or consultants to provide services or testimony relating to existing or potential litigation or legal matters in which a public body is or may become interested;

(f) Acquisitions or disposals of real property or interest in real property;

(g) Sole-source expenditures when rates are set by law or ordinance for purposes of source selection;

(h) Contracts for the procurement or distribution of textbooks;

(i) Procurements by a contracting agency from an Oregon Corrections Enterprises program;

(j) The procurement, transportation, sale or distribution of distilled liquor, as defined in ORS 471.001, or the appointment of agents under ORS 471.230 or 471.750 by the Oregon Liquor and Cannabis Commission;

(k) Contracts entered into under ORS chapter 180 between the Attorney General and private counsel or special legal assistants;

(L) Contracts for the sale of timber from lands that the State Board of Forestry, the State Forestry Department, the State Parks and Recreation Commission or the State Parks and Recreation Department owns or manages;

(m) Contracts for activities necessary or convenient for the sale of timber under paragraph (L) of this subsection, either separately from or in conjunction with contracts for the sale of timber, including but not limited to activities such as timber harvesting and sorting, transporting, gravel pit development or operation, and road construction, maintenance or improvement;

(n) Contracts for forest protection or forest related activities, as described in ORS 477.406, by the State Forester or the State Board of Forestry;

(o) Contracts that the Housing and Community Services Department enters into in exercising the department's duties prescribed in ORS chapters 456 and 458, or procurements described in ORS 456.625 (19);

(p) Contracts that the State Treasurer enters into in exercising the powers of that office prescribed in ORS 178.010 to 178.090 and 276A.242 and ORS chapters 286A, 287A, 289, 293, 294 and 295, including but not limited to investment contracts and agreements, banking services, clearing house services and collateralization agreements, bond documents, certificates of participation and other debt repayment agreements, and any associated contracts, agreements and documents, regardless of whether the obligations that the contracts, agreements or documents establish are general, special or limited, except that the State Treasurer's public contracting for goods and services is subject to ORS chapter 279B;

(q) Contracts, agreements or other documents entered into, issued or established in connection with:

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

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

(C) The investment of funds by a public body as authorized by law, and other financial transactions of a public body that by their character cannot practically be established under the competitive contractor selection procedures of ORS 279B.050 to 279B.085;

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

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

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

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

(a) The Oregon State Lottery Commission;

(b) The legislative department;

(c) The judicial department;

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

(e) Oregon Corrections Enterprises;

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

- (g) The Travel Information Council, except as provided in ORS 279A.250 to 279A.290;
- (h) The Oregon 529 Savings Network and the Oregon 529 Savings Board;
- (i) The Oregon Innovation Council;
- (j) The Oregon Utility Notification Center; [or]

(k) The State Parks and Recreation Department, except for duties or obligations the department has under ORS 279A.250 to 279A.290 and the department's contracting activities related to information technology, as defined in ORS 276A.230, photogrammetric mapping, as defined in ORS 672.002, or telecommunications, as defined in ORS 276A.206; or

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

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

SECTION 2. ORS 282.010 is amended to read:

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

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

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

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

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

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

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

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

[(3)] "printing" means printing, duplicating and copying.

SECTION 3. ORS 282.020 is amended to read:

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

(a) Control and manage all state printing.

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

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

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

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

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

(B) Advertising, promoting or providing education concerning the state's recreational sites and resources.

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

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

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

Passed by Senate March 24, 2025

Repassed by Senate June 16, 2025

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Obadiah Rutledge, Secretary of Senate

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Rob Wagner, President of Senate

Passed by House June 11, 2025

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Julie Fahey, Speaker of House

Received by Governor:

.....M.,....., 2025

Approved:

.....M.,....., 2025

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2025

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Tobias Read, Secretary of State