

House Bill 3307

Sponsored by Representative SMITH G

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**.

Clarifies that intergovernmental entity may seek to obtain any benefits from any public or private entity that any unit of local government or American Indian tribe that is party to intergovernmental agreement may seek to obtain. Requires benefits sought to be used for purposes for which intergovernmental entity was created.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to intergovernmental agreements; and declaring an emergency.

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

SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS 190.003 to 190.130.

SECTION 2. (1) An intergovernmental entity created by a written agreement pursuant to ORS 190.010 may apply for or otherwise seek to obtain any benefits of any kind from any public or private entity that any unit of local government, or American Indian tribe, that is a party to the written agreement may apply for or otherwise seek to obtain.

Questionable as participant according to the Oregon Constitution

(2) The benefits sought may be used only for the purposes for which the intergovernmental entity was created.

SECTION 3. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect on its passage.

Intergovernmental agreements by way of a "private entity" whether incorporated or unincorporated should not be allowed as does not allow for complete transparency by nature in which the Legislative Assembly has written HB 3307.

A "private entity" should submit competitive bid or a proposal through the ORPIN system, just as any other contractor/vendor for the any level of government in the offer of a contract.

Oregon Constitution

Article I - Section 5. No money to be appropriated for religion. No money shall be drawn from the Treasury for the benefit of any religious [sic], or theological institution, nor shall any money be appropriated for the payment of any religious [sic] services in either house of the Legislative Assembly. —

Article XI - Corporations and Internal Improvements Section 9. Limitations on powers of county or city to assist corporations. (1) No county, city, town or other municipal corporation, by vote of its citizens, or otherwise, shall become a stockholder in any joint company, corporation or association, whatever, or raise money for, or loan its credit to, or in aid of, any such company, corporation or association.

Article I - Section 41 (10) Prison work products or services shall be available to any public agency and to any private enterprise of any state, any nation or any American Indian or Alaskan Native tribe without restriction imposed by any state or local law, ordinance or regulation as to competition with other public or private sector enterprises. The products and services of corrections work programs shall be provided on such terms as are set by the corrections director. To the extent determined possible by the corrections director, the corrections director shall avoid establishing or expanding for-profit prison work programs that produce goods or services for sale in the private sector if the establishment or expansion would displace or significantly reduce preexisting private enterprise. To the extent determined possible by the corrections director, the corrections director shall avoid establishing or expanding prison work programs if the establishment or expansion would displace or significantly reduce government or nonprofit programs that employ persons with developmental disabilities. However, the decision to establish, maintain, expand, reduce or terminate any prison work program remains

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. *in the sole discretion of the corrections director.*

LC 3066 Only instance American Indian or Alaskan Native tribe mentioned in the Oregon Constitution as entity doing business with DOC only. *I strongly oppose HB 3307 as written!*