

STAFF MEASURE SUMMARY

House Committee On Judiciary

**Fiscal:** No Fiscal Impact

**Revenue:** No Revenue Impact

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**Action Date:** 05/12/15

**Action:** Do Pass.

**Meeting Dates:** 05/12

**Vote:**

Yeas: 7 - Barker, Barton, Greenlick, Olson, Post, Sprenger, Williamson

Exc: 2 - Krieger, Lininger

**Prepared By:** Laura Handzel, Administrator

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**WHAT THE MEASURE DOES:**

Repeals statutory requirement that Department of Corrections and certain state agencies jointly and annually promulgate rules for purchasing products manufactured by Oregon Corrections Enterprises. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Adoption of ORS 421.340 in 1935
- Outdated and unnecessary nature of ORS 421.340 today
- Department of Administrative Services' purchasing rules
- Lawsuit by inmate that highlighted issue

**EFFECT OF COMMITTEE AMENDMENT:**

No amendment.

**BACKGROUND:**

ORS 421.340 addresses rules for the exchange of products among institutions. The statute requires the Department of Corrections (DOC) "and such officials as may direct and control the management of penal, correctional, custodial and charitable institutions of the state or its political subdivisions, and the youth corrections facilities" to jointly and annually promulgate rules authorizing the purchase of products manufactured by the Oregon Corrections Enterprises (OCE). The statute is widely known to be outdated. It was originally adopted before the DOC even existed, and it was last updated in 1999.

At present, the DOC follows the Department of Administrative Services' rules addressing purchases of goods from OCE. These rules are generally applicable to DOC and other state agencies.

Senate Bill 234 repeals ORS 421.340, declares an emergency, and is effective on passage.