

Testimony June 17, 2013 – House Bill 3453:

Oregon Legislature: House Rules Committee:

Chair Garrett; Vice-Chair Hicks; Vice-Chair Hoyle; Committee Members,

Please accept this testimony with respect to HB 3453.

House Bill 3453 as proposed appears to be an end run around and over “the people” and the Oregon Constitution, all in the name of a “catastrophic disaster”. It is unprecedented in Oregon and resembles that of an authoritarian state. What is worse, should the Oregon Governor and four senior members of the state legislature agree that a “public safety fiscal emergency has occurred or is imminent” anywhere in the state, the Governor will be empowered by these four members to, by proclamation or decree impose an income tax assessment or “surtax” on those citizens that fall within an area identified by the Governor. There is no limit on the “surtax” which will not be disclosed until the proclamation is made.

Labor unions play a powerful role in Oregon politics. Oregon is not a right to work state. No elected official would likely relish the thought of facing the wrath of any large organized union as a result of their vote on a particular measure. The fact that proposed legislation allowing municipalities in Oregon to utilize Chapter 9 of the Federal Bankruptcy Code has never moved out of a committee attests to the impact unions have on lawmakers.

Some examples of Constitutional safeguards being circumvented by HB 3453 were addressed in written testimony to the Oregon House Rules Committee June 3, 2013. Article I - Bill of Rights – Section 32; Article IX – Finance – Section 1a; *“The Legislative Assembly shall not declare an emergency in any act regulating taxation or exemption.”* This section was created through the initiative and referendum process and adopted by “the people” over 100 years ago.

In 2011 House Joint Resolution 7 was passed by the Oregon Legislature. Then in 2012 Measure 77 (Constitutional Amendment) was put before the voters. Sadly the amendment was passed and granted the Governor of Oregon constitutional authority to declare a “catastrophic disaster”.

Article X-A of the Oregon Constitution – Catastrophic Disasters: Section 3. (5). *“If the Governor declares that a “catastrophic disaster” has occurred:”* The language goes on and negates Article IX – Section 1a. This removes those pesky Constitutional spending restrictions.

Section 10 of HB 3453 also removes any provisions (taxing restriction obstacles) with respect to existing Charter forms of government such as that in Josephine County or any of the other eight Charter counties in Oregon.

ORS 206.010 Duties of the Sheriff

Nowhere in this proposed legislation is the minimum mandated “Duties of the Sheriff” defined. For example: There is no mandate for road deputies in ORS 206.010.

The “surtax” will simply be used to provide a “coordinated and comprehensive response to a local or regional public safety fiscal emergency”.

Passage of HB 3453 will move Oregon one step closer toward that of a tyrannical government. This bill neither addresses nor attempts to cure the underlying problem (disease). Oregon and counties such as Curry of which I am a resident have an insatiable appetite and addiction to spending other people’s money. Not one sentence in HB 3453 addresses the subject of fiscal responsibility which “real people” deal with on a daily basis.

Effective July 1, 2013 Curry County employee benefits will average **72** percent of gross wages. Similar benefits provided by the Curry Coastal Pilot (sister paper of The Bulletin) total **32** percent. For a breakdown go to: http://www.currycountytaxes.com/curry_county_taxes_003.htm

For the underlying problem and a solution go to:
http://www.currycountytaxes.com/curry_county_taxes_008.htm

Elected representatives in Salem are charged with “serving the people”, not the other way around. Your continued addition of more taxes and fees and bigger government is oppressive and crushing those you were elected to serve.

Government under an oligarchy or dictatorship is NOT the solution. Takeover of all or part of a municipality by decree or proclamation is NOT the solution. HB 3453 is NOT the solution. Living within your means including scaling back unaffordable retirement programs is one solution the private sector has successfully used for decades.

Thomas Huxley
Harbor, Oregon