

Testimony June 25, 2013 – House Bill 3453:

Oregon Legislature: House Rules Committee:

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

The following was recently sent to support staff of this committee. There understandably has not been time for a proper response. Therefore please include these questions regarding proposed amendments (HB 3453-11) into the public record for the work session now scheduled June 25, 2013.

Thomas Huxley
Harbor, OR

To: Erin Seiler – Support Staff - House Rules Committee: erin.seiler@state.or.us

Subject: Questions - HB 3453-11 (Proposed Amendment Text)

Date: June 23, 2012

Erin,

You were very helpful some weeks back when we spoke regarding outlining the procedure used to ask questions on the intended meaning or interpretation of text in a proposed bill including amendments to the bill. You indicated questions about bills assigned to the House Rules Committee should be directed to your attention. You in turn would either answer the question(s) or forward to the appropriate individuals who would in turn provide an answer.

Below are several questions I have with respect to this very scary proposed language.

Thank you for your help with these questions.

Tom Huxley
Harbor, OR

Section 2: Other than a requirement to “consult” with six individuals identified by title, is the Governor alone empowered to proclaim a public safety fiscal emergency via a proclamation?

Is this fiscal emergency the equivalent of a “catastrophic disaster” defined in **Article X-A Section 3 (5)** of the Oregon Constitution which appears to “suspend” other Constitutional safeguards with respect to taxation without consent of the people?

Section 3 (1): After proclaiming a fiscal emergency the Governor may enter into written intergovernmental agreements with other governmental entities only after obtaining authorization from a majority of the governing body subject to the proclamation.

What happens if a majority of the governing body does not agree to this?

Section 4 (2)(d): Does this effectively allow for any real or personal property (land, buildings, equipment, etc.) of an affected county to be taken as payment by the state or other party to an intergovernmental agreement referred to in Section 3?

Section 6 (1): An entity created under an intergovernmental agreement in Section 3 may “adopt **all** rules necessary” to carry out the entity’s powers and duties. The word “all” can mean anything, everything, unlimited, and be an invitation to abuse power.

What are examples of general rules the electorate may expect the intergovernmental agreement to allow?

Section 7 (1): Counties affected by the Governor’s proclamation are empowered by passage of this bill to impose an income or surtax on all residents in the area subject to state income tax and, entities (Kroger Co. for example) doing business or having a place of business in the area.

By what specific authority does the author or authors of this proposed legislative bill (HB 3453) claim grant this onerous subjective dictatorial power?

Section 8 (1) (2): This section applies to governance under a Home Rule Charter form of government that prohibits additional income taxes on a county basis (vs. statewide) without a vote of the people. This allows a Charter county to impose **any other assessment** the governing body feels they are legally empowered to place on the citizens to satisfy certain funding obligations under Section 3. (3) (b).

Any other assessment is as vague as **all** rules necessary in **Section 6. (1)**. There cannot be that many Constitutional ways to do this.

Are counties for example allowed to “divert” a portion of property taxes from other taxing districts?

What are other known examples a county may use toward this end?

Section 9 (5): This allows for parties to intergovernmental agreements described in this legislation to continue the intergovernmental entity beyond the termination of the emergency declared by the Governor.

What is the purpose of this subsection?

Section 12: If passed this Act now takes effect 91 days after the 2013 regular session adjourns.

Just last week the proposed version of HB 3453 deemed ***“This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Act takes effect on passage.”***

What specifically changed the emergency within the counties of Coos, Curry, Douglas, Josephine, Klamath, Lane and Linn that apparently now no longer require immediate preservation of the public peace, health and safety?