

April 12, 2015

Nyssa, Oregon

Joint Committee on Implementing Measure 91

Dear Co-Chairs and members:

I own property and maintain a residence in Nyssa, Oregon. At this time, due to the extreme distance from Nyssa to Salem, I am unable to attend the Public hearings of the Joint Committee on Implementing Measure 91, in person. I would like to submit the following testimony into the official record in lieu of personally delivered testimony.

## **Testimony concerning SB 844, amendment -5**

I would like to offer my testimony in support of these particular sections of the proposed -5 amendments to SB 844.

I unconditionally support the notion that the laws of the State of Oregon were meant for ALL Oregonians, regardless of the County or City where we happen to reside in. Local restrictive ordinances, bans, moratoriums, taxes and fees will only cause harm to the implementing of Measure 91 and the ultimate goals of providing a safe, regulated and accountable program for marijuana in the State of Oregon.

**Section 1.** This section modifies section 58 and repeals and prohibits restrictive regulations by counties, cities and local governments. This is needed as the cities and county where I am have, all passed ordinances that either ban or prohibit both recreational and medicinal marijuana outlets. These bans include medical marijuana outlets as provided for under the OMMP and 3460. The sunset of 1531 has brought about a flurry of enactments of illegal moratorium extensions and outright permanent bans of medical marijuana dispensaries as provided by Oregon State law. This is not within the spirit and intent of Measure 91 nor the OMMP. These local bans only create and encourage a continuing untaxed and unregulated underground market. I support prohibiting local councils and commissions from enacting bans that are not allowed by Measure 91.

**Section 3. (1)** I support the classification of Marijuana as an agricultural crop. It is a plant that must be cared for and raised in the same manner as any other nursery or horticultural crop.

**(6)** I support the concept that the city and county must provide for at least one area for the location of marijuana outlets. It is in the best interest of all, the State, Counties and Cities to provide for legitimate outlets in order to discourage both the underground economy and underage use.

**Section 4.** This is language as supported by Measure 91.

**Section 5.** I support this language. This will keep the cities from enacting ordinances that are contrary to the spirit and intent of Measure 91. Nyssa has already attempted to enact ordinances that would have severely restricted patient growing rights under the OMMP. These proposed ordinances were tabled only after public outcry. Cities will need to be encouraged to comply with the spirit and intent of measure 91.

**Section 6.** I unconditionally support the language in this section. Cities and counties enacted taxes and fees in clear violation of the language of Measure 91. Even when they were warned that these taxes and fees were not allowed, they still passed them. The Cities and Counties continue to pass taxes and fees in spite of the fact that measure 91 had passed and clearly prohibits these regulations and taxes. This will clarify that the language of Measure 91, establishing the State of Oregon as the sole taxing authority, is what will be enacted as per the will of the voter.

**Section 7.** I support the language of this section, as it clarifies the rights of the citizens of the State of Oregon be able to grow and produce their own marijuana. The restrictions that are placed upon commercial grows and outlets should have no bearing upon the rights of the home owner/occupier. Small scale home production will make a large impact upon the underground economy, in denying it some of the customer base upon which it depends. This also clarifies that a person should be safe in their own homes from government intrusion and that private property rights are maintained. This will also keep cities from enacting restrictions that deny the right of Oregonians over the age of 21 to be allowed to cultivate and possess marijuana for personal use. This language is what the average voter expected for the allowance of home growing when voting for Measure 91.

Thank you very much for your time and energy spent on this complicated issue.

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