

Joint Committee on Implementing Measure 91

May 4, 2015

For the record, I am William James Nance. I own property in Nyssa, Oregon.

Subject: SB 844 Specifically -16 and its impact upon 1531 and 3460

The following is the text of an e-mail sent to select members of the Committee on Implementing Measure 91. I would like that e-mail entered into the public record. I would also like to enter additional comments concerning the -6/7 amendments.

“Dear Senators and Representatives of the Joint Committee on Implementing Measure 91:

Dear Senator [redacted]:

Thank you very much for all of your time and efforts in protecting the OMMP program.

I have received information that the -16 amendment to allow cities and counties to ban medical cannabis dispensaries will be re-introduced with a good chance of passage.

Please do not let the rebellion by the Eastern Oregon cities and counties succeed. The cities and counties have passed illegal continuations of the 1531 moratoriums and in some cases, outright permanent bans on all matters cannabis. These taxes, ordinances and regulations are not legal and yet continue to be allowed. In effect, we have two Oregons. One Oregon is a progressive state where good sense and good governance is in effect. The other Oregon is a collection of ultra conservative, religious minded and anti-government types who want to pick and choose what Oregon laws they want to obey. Despite the fact that a majority winner in an election, is the deciding party, these entities and the politicians want to be able to ignore the OMMP and the Measure 91 language. The allowance of the -16 language will only reward and vindicate all of the cities in their rebellion against the OMMP and the Measure 91 initiative. This will also open up a virtual

Pandora's box of Home rule ordinances. If a city does not like to see gay couple kissing, well, there is an ordinance for that. What if we do not want a certain group to live in our city, well there is a new ordinance for that...despite what the laws of the State of Oregon mandate. Why have any Oregon law at all. Just let all of the local governments develop their own laws, as this is exactly the case with the OMMP laws and the soon to be Measure 91 statutes. One Oregon law for ALL Oregonians.

If these cities and counties do not have to follow the law (3460), then why insist that the citizens of those same cities must follow any law that they do not agree with? Cities and counties are not people. They are artificial entities created to manage the day to day business of a city. They are not elected to force their own personal philosophies onto the rest of the citizens of that city. Why are the desires of these artificial entities allowed to over-rule the desires of the citizens? Patients are people. Cities and Counties have no souls, do not get sick and have no conscience. Please choose people over entities, when making your choices.

The presence of a patchwork quilt of laws will only encourage and validate the underground market. The underground market already has been in existence for 50 or more years. It does not need to invent itself or blossom as a result of OMMP or Measure 91. Drug Dealers are cheering for the passage of these bans, as it allows them to set the market price and dictate supply. With the allowance of home grows and the licensing of production facilities growing and distributing cannabis, this underground market will become even more invisible. This will be the unintended consequence of any ban. If 50 years of SWAT teams and the DEA not being able to control or influence the underground economy, it is simplistic to think that some rule or ordinance that a law abiding citizen will readily follow, will also be followed by an underground profiteer. These bans are only a dying attempt at re-instituting prohibition based upon moral, philosophical and religious view points. Please do not reward bad behavior on the part of the cities and counties. Please do not allow the law enforcement ham-hand approach to the "War on Drugs" to be justified by allowing the continuation of bans and illegally implemented moratoriums.

The language of 3460 and 1531 were quite clear. Please do not let these statutes be ignored. As you have stated, when 1531 was passed, you shook hands and had an agreement. This -16 is not respectful of you, your position or the trust that you thought that was established through the passage of 1531. Please insist upon the language of 3460 be followed to the letter of the law, both in spirit and intent, and not allow -16 to be added to SB 844, as the -16 amendment destroys 3460 and institutes a permanent enactment of (the temporary) language of 1531.

Thank you for your years of service and involvement in the issue of patient rights to cannabis.

It is quite apparent that the cordial behavior exhibited in the early meetings has deteriorated. This is seen in the conduct displayed at the last few meetings. The comments by Senator [redacted] and the denial of the medicinal properties by Representative [redacted] are very revealing. There are persons on the committee that are not fully in support of the Measure 91 language or the OMMP. Please do not let these persons sabotage all of the fine efforts that have been done up to date by the rest of the committee. It also appears that the committee is breaking down to party line votes. This is especially disappointing. The OMMP enjoys a +75% approval and measure 91, a 56 % approval. People of both parties and independents support the reforms and language of the OMMP and Measure 91. This support transcends party lines and should be remembered by all on the committee.

I stand in support of you and your continuing efforts to see these programs enacted and on their way to becoming law.

Please do all that you can to end the proliferation of prohibited taxes, moratoriums and bans that the cities and counties of Eastern Oregon have enacted. Please do not reward their rebellion against the OMMP and Measure 91.

At your Service,

William James Nance
28 Park Avenue #5
Nyssa, Oregon 97913"

Subject: SB 844-13(proposed)

I endorsed the inclusion of this clause into SB-844-6/7

Subject: SB 844-6/7

Thank you for modifying the language of 844 -6 to include the -7 changes.

I am still having difficulty with the OHA-Law Enforcement nexus. This, in the end, will result in pockets of uneven law enforcement and the harassment of patients and their caregivers, growers and dispensaries. If OHA and OMMA are administrative programs, then criminal solutions to civil violations are not what

are either necessary or defensible. Please do not re-establish quasi-prohibition, with all of its criminal arrests and incarceration policies.

The residency question still remains an issue. Despite what Councilor Marks has indicated, I am inclined to agree with the legal analysis rendered to other members of the committee that state that the residency requirements do not pass muster.

Thank you, all, very much for your time and efforts in dealing with this very complicated issue,

William James Nance