

TO: Adam Crawford-for posting as public testimony adam.crawford@state.or.us



TO: Measure 91 Committee

I am unable to attend the public hearing for HB3400 -28 -29 -31. I therefore am submitting public testimony.

ALERT

HB3400 -28 amendment

1. Sec. 44b, 44c County and City Rights

HB3400 -29 amendment

2. Sec. 44.b, 44c County and City Rights

HB3400 -31 amendment

3. Sec. 44b, 44c County and City Rights

DETAILS

We are opposed to HB3400 amendment -28, -29, and -31 which hopes to preempt counties and cities right to ban marijuana based on the requirement that a city or county must have had a 55% vote result of the measure 91 election results before they can have that right.

Measure 91 manufacturing, processing, wholesaling and retailing is federally illegal and still calls into question the issue surrounding Home Rule Authority. Oregon's laws have long allowed a city or county the power to adopt ordinances on any matter, and we the voters of each city and county support this right. Highly funded out-of-state ballot initiatives that seek to require cities and counties to abandon its responsibility to federal law requirements should not be allowed. The many potential public safety, quality of life, and property value risks involved in seeking such a requirement will not set well with citizens across the State of Oregon and we believe that the recent impasse with SB844 is a reflection of that feeling.

Though we understand the complexity of this issue, it is unconscionable that our legislator's would say to some of the cities and counties in this State that it is ok to prohibit marijuana manufacturing, processing, wholesaling and retailing based on the fact that it is a federally illegal drug, and then on the other hand tell the rest of the State that it's not ok unless it goes direct to the voters is at most one of the most discriminatory compromises yet. That is like creating a segregated law, how can that be even legal?

According to the Oregon Health Authority, there are already over 46,570 medical marijuana growers in the State, all of which are unregulated, untaxed, and unlicensed and measure 91's attempt to simply layer another federally illegal process over the top of an already non-working one is simply just another corrupt legality and the citizens of this state living in communities that are being impacted are simply not going to accept this type of compromise on their behalf.

There are citizens that:

- have experienced living next to one of these unregulated marijuana grows where there have been fatal shootings
- have experienced living next to marijuana grows where the skunk smell of marijuana is so strong that they cannot even sit out on their own porch without being impacted by these smells
- There are others who are watching large pieces of properties in their communities being purchased for the sole reason of growing marijuana without any concern that they are surrounded by rural residential neighborhoods where families live

We would encourage the committee to reflect on the fact that when compromises that relinquish our responsibilities to Public Safety, Quality of Life, and Property Values are made, it is a reflection that it is impossible to balance trying to regulate a federally illegal drug throughout the State, because the segregated compromise in itself reveals the challenge that there is no safe way to regulate marijuana and this compromise will not be well received by citizens throughout Oregon, especially in those cities and counties in which the opposing vote won by the majority of 51% or greater.

Respectfully,



Citizens for Public Safety, Quality of Life, and protection of Property Values
P. O. Box 1351
Welches, Oregon

CC:

- Clackamas County Chair John Ludlow, and Commissioners Tootie Smith, Martha Schrader, Jim Bernard, & Paul Savas,
- Sheriff Craig Roberts
- District Attorney John Foote
- Clackamas County Administrator Don Krupp
- Strategic Policy Administrator Dan Chandler
- County Council Nathan Boderman
- Planning and Zoning Director Mike McCallister
- Director of Public Affairs Gary Schmidt
- Oregon Sheriff's Association
- Oregon District Attorney's Association
- Oregon Association of Chiefs of Police
- US Attorney's Office Acting US Attorney Bill Williams



for **Public Safety** **Quality of Life** **Property Values** SM

Building Collaborative Partnerships & Bridges
on Behalf of Safe Drug Policy

Focus-Marijuana

www.protectorsociety.org

[Legislative deal eases way to marijuana sales bans in almost all of ...](#)

OregonLive.com-15 hours ago

A sweeping bill to regulate the burgeoning **marijuana** industry in ... in his region of the state to ban **medical** and recreational **marijuana** shops ...

| County | Recreational marijuana | No | Yes | Count |
|------------------|------------------------|-------|-------|-----------------|
| Klamath County | 100% Reporting | 56.3% | 43.7% | 12,932 / 10,024 |
| Harney County | 100% Reporting | 65.8% | 34.2% | 1,985 / 1,633 |
| Lake County | 83.3% Reporting | 61.9% | 38.1% | 1,995 / 1,229 |
| Malheur County | 100% Reporting | 68.8% | 31.2% | 5,230 / 2,368 |
| Baker County | 100% Reporting | 59.5% | 40.5% | 4,305 / 2,531 |
| Grant County | 100% Reporting | 64.8% | 35.2% | 2,151 / 1,967 |
| Crook County | 100% Reporting | 58.9% | 41.1% | 5,347 / 3,732 |
| Jefferson County | 100% Reporting | 56.4% | 43.6% | 3,921 / 3,026 |
| Sherman County | 100% Reporting | 61.6% | 38.4% | 555 / 346 |
| Gilliam County | 100% Reporting | 59.1% | 40.9% | 535 / 370 |
| Morrow County | 100% Reporting | 66.1% | 33.9% | 2,121 / 1,086 |
| Wheeler County | 100% Reporting | 64.3% | 35.7% | 444 / 246 |
| Wallowa County | 100% Reporting | 61.2% | 38.8% | 2,236 / 1,416 |
| Umatilla County | 100% Reporting | 62.9% | 37.1% | 12,051 / 7,115 |
| Union County | 100% Reporting | 59.1% | 40.9% | 6,108 / 4,229 |

YES COUNTIES

| | |
|---|---|
| Multnomah County ✕ Key Ballot Measures Recreational marijuana Yes 70.1% 148,168 <small>68.2% Reporting</small> No 29.9% 63,126 | Lane County ✕ Key Ballot Measures Recreational marijuana Yes 59.9% 77,143 <small>87.4% Reporting</small> No 40.1% 51,587 |
| Washington County ✕ Key Ballot Measures Recreational marijuana Yes 54.7% 80,980 <small>76.9% Reporting</small> No 45.3% 67,179 | Clackamas County ✕ Key Ballot Measures Recreational marijuana Yes 51.0% 61,407 <small>100% Reporting</small> No 49.0% 59,092 |
| Tillamook County ✕ Key Ballot Measures Recreational marijuana Yes 55.4% 5,973 <small>100% Reporting</small> No 44.6% 4,814 | Benton County ✕ Key Ballot Measures Recreational marijuana Yes 60.4% 22,714 <small>91.7% Reporting</small> No 39.6% 14,913 |
| Hood River County ✕ Key Ballot Measures Recreational marijuana Yes 57.3% 4,815 <small>100% Reporting</small> No 42.7% 3,586 | Curry County ✕ Key Ballot Measures Recreational marijuana Yes 56.4% 5,138 <small>100% Reporting</small> No 43.6% 3,975 |
| Columbia County ✕ Key Ballot Measures Recreational marijuana Yes 53.4% 10,781 <small>100% Reporting</small> No 46.6% 9,423 | Lincoln County ✕ Key Ballot Measures Recreational marijuana Yes 61.9% 12,244 <small>100% Reporting</small> No 38.1% 7,537 |
| Clatsop County ✕ Key Ballot Measures Recreational marijuana Yes 56.7% 7,031 <small>100% Reporting</small> No 43.3% 5,361 | Coos County ✕ Key Ballot Measures Recreational marijuana Yes 53.5% 12,866 <small>100% Reporting</small> No 46.5% 11,992 |
| Deschutes County ✕ Key Ballot Measures Recreational marijuana Yes 51.5% 35,257 <small>100% Reporting</small> No 48.5% 33,216 | |

NO COUNTIES

| | |
|---|---|
| Douglas County ✕ Key Ballot Measures Recreational marijuana No 54.5% 22,600 <small>100% Reporting</small> Yes 45.5% 18,856 | Marion County ✕ Key Ballot Measures Recreational marijuana No 53.0% 41,085 <small>70% Reporting</small> Yes 47.0% 36,423 |
| Wallowa County ✕ Key Ballot Measures Recreational marijuana No 61.2% 2,236 <small>100% Reporting</small> Yes 38.8% 1,416 | Jackson County ✕ Key Ballot Measures Recreational marijuana Yes 53.2% 42,950 <small>100% Reporting</small> No 46.8% 37,803 |
| Josephine County ✕ Key Ballot Measures Recreational marijuana No 50.1% 17,011 <small>100% Reporting</small> Yes 49.9% 16,917 | Klamath County ✕ Key Ballot Measures Recreational marijuana No 56.3% 12,932 <small>100% Reporting</small> Yes 43.7% 10,024 |

| County | Key Ballot Measures | Recreational marijuana | No | Yes | 100% Reporting |
|------------------|---------------------|------------------------|-----------------|------------------|-----------------|
| Lake County | Key Ballot Measures | Recreational marijuana | No 61.9% 1,995 | Yes 38.1% 1,229 | 83.3% Reporting |
| Harney County | Key Ballot Measures | Recreational marijuana | No 65.8% 1,985 | Yes 34.2% 1,033 | 100% Reporting |
| Malheur County | Key Ballot Measures | Recreational marijuana | No 68.8% 5,230 | Yes 31.2% 2,368 | 100% Reporting |
| Baker County | Key Ballot Measures | Recreational marijuana | No 59.5% 4,305 | Yes 40.5% 2,931 | 100% Reporting |
| Grant County | Key Ballot Measures | Recreational marijuana | No 64.8% 2,151 | Yes 35.2% 1,167 | 100% Reporting |
| Crook County | Key Ballot Measures | Recreational marijuana | No 58.9% 5,347 | Yes 41.1% 3,732 | 100% Reporting |
| Jefferson County | Key Ballot Measures | Recreational marijuana | No 56.4% 3,921 | Yes 43.6% 3,026 | 100% Reporting |
| Wasco County | Key Ballot Measures | Recreational marijuana | No 51.2% 4,725 | Yes 48.8% 4,497 | 100% Reporting |
| Polk County | Key Ballot Measures | Recreational marijuana | No 52.7% 15,667 | Yes 47.3% 14,085 | 100% Reporting |
| Wheeler County | Key Ballot Measures | Recreational marijuana | No 64.3% 444 | Yes 35.7% 246 | 100% Reporting |
| Sherman County | Key Ballot Measures | Recreational marijuana | No 61.6% 555 | Yes 38.4% 346 | 100% Reporting |
| Gilliam County | Key Ballot Measures | Recreational marijuana | No 59.1% 535 | Yes 40.9% 370 | 100% Reporting |
| Morrow County | Key Ballot Measures | Recreational marijuana | No 66.1% 2,121 | Yes 33.9% 1,086 | 100% Reporting |
| Union County | Key Ballot Measures | Recreational marijuana | No 59.1% 6,108 | Yes 40.9% 4,229 | 100% Reporting |
| Wallowa County | Key Ballot Measures | Recreational marijuana | No 61.2% 2,236 | Yes 38.8% 1,416 | 100% Reporting |
| Umatilla County | Key Ballot Measures | Recreational marijuana | No 62.9% 12,051 | Yes 37.1% 7,115 | 100% Reporting |
| Yamhill County | Key Ballot Measures | Recreational marijuana | No 51.1% 11,090 | Yes 48.9% 10,596 | 56% Reporting |

Amendment -28

4 "LOCAL OPTION

5
6 "SECTION 44b. (1) As used in this section, a "qualifying city or
7 county" means a county, or a city located in a county, in which not
8 less than 55 percent of votes cast in the county during the statewide
9 general election held on November 4, 2014, on Ballot Measure 91
10 (chapter 1, Oregon Laws 2015) were in opposition to the ballot measure.

11 "(2) The governing body of a qualifying city or county may adopt
12 ordinances that prohibit the establishment of any one or more of the
13 following in the area subject to the jurisdiction of the city or the
14 unincorporated area subject to the jurisdiction of the county:

15 "(a) Marijuana processing sites registered under section 10 of this
16 2015 Act;

17 "(b) Medical marijuana dispensaries registered under ORS 475.314;

18 "(c) Marijuana producers licensed under section 19, chapter 1,
19 Oregon Laws 2015;

20 "(d) Marijuana processors licensed under section 20, chapter 1,
21 Oregon Laws 2015;

22 "(e) Marijuana wholesalers licensed under section 21, chapter 1,

5 "SECTION 44c. (1) The governing body of a city or county may
6 adopt ordinances to be referred to the electors of the city or county
7 as described in subsection (2) of this section that prohibit or allow the
8 establishment of any one or more of the following in the area subject
9 to the jurisdiction of the city or the unincorporated area subject to the
10 jurisdiction of the county:

11 "(a) Marijuana processing sites registered under section 10 of this
12 2015 Act;

13 "(b) Medical marijuana dispensaries registered under ORS 475.314;

14 "(c) Marijuana producers licensed under section 19, chapter 1,
15 Oregon Laws 2015;

16 "(d) Marijuana processors licensed under section 20, chapter 1,
17 Oregon Laws 2015;

18 "(e) Marijuana wholesalers licensed under section 21, chapter 1,
19 Oregon Laws 2015;

20 "(f) Marijuana retailers licensed under section 22, chapter 1, Oregon
21 Laws 2015; or

22 "(g) Any combination of the entities described in this subsection.

23 "(2) If the governing body of a city or county adopts an ordinance
24 under this section, the governing body shall submit the measure of the
25 ordinance to the electors of the city or county for approval at the next
26 statewide general election.

27 "(3) If the governing body of a city or county adopts an ordinance
28 under this section, the governing body must provide the text of the
29 ordinance:

30 "(a) To the Oregon Health Authority, in a form and manner pre-

1 Oregon Laws 2015;

2 "(f) Marijuana retailers licensed under section 22, chapter 1, Oregon
3 Laws 2015; or

4 "(g) Any combination of the entities described in this subsection.

5 "(3) If the governing body of a city or county adopts an ordinance
6 under this section, the governing body must provide the text of the
7 ordinance:

1 scribed by the authority, if the ordinance concerns a medical
2 marijuana dispensary registered under ORS 475.314 or a marijuana

Amendment -29

1 "SECTION 44b. (1) As used in this section, a "qualifying city or
2 county" means a county, or a city located in a county, in which not
3 less than 55 percent of votes cast in the county during the statewide
4 general election held on November 4, 2014, on Ballot Measure 91
5 (chapter 1, Oregon Laws 2015) were in opposition to the ballot measure.

6 "(2) The governing body of a qualifying city or county may adopt
7 ordinances that prohibit the establishment of any one or more of the
8 following in the area subject to the jurisdiction of the city or the un-
9 incorporated area subject to the jurisdiction of the county:

10 "(a) Marijuana processing sites registered under section 10 of this
11 2015 Act;

12 "(b) Medical marijuana dispensaries registered under ORS 475.314;

13 "(c) Marijuana producers licensed under section 19, chapter 1,
14 Oregon Laws 2015;

15 "(d) Marijuana processors licensed under section 20, chapter 1,
16 Oregon Laws 2015;

17 "(e) Marijuana wholesalers licensed under section 21, chapter 1,
18 Oregon Laws 2015;

19 "(f) Marijuana retailers licensed under section 22, chapter 1, Oregon
20 Laws 2015; or

21 "(g) Any combination of the entities described in this subsection.

22 "(3) If the governing body of a qualifying city or county adopts an
23 ordinance under this section, the governing body must provide the text
24 of the ordinance:

25 "(a) To the Oregon Health Authority, in a form and manner pre-
26 scribed by the authority, if the ordinance concerns a medical
27 marijuana dispensary registered under ORS 475.314 or a marijuana
28 processing site registered under section 10 of this 2015 Act; or

22 "SECTION 44c. (1) The governing body of a city or county may
23 adopt ordinances to be referred to the electors of the city or county
24 as described in subsection (2) of this section that prohibit or allow the
25 establishment of any one or more of the following in the area subject
26 to the jurisdiction of the city or the unincorporated area subject to the
27 jurisdiction of the county:

28 "(a) Marijuana processing sites registered under section 10 of this
29 2015 Act;

30 "(b) Medical marijuana dispensaries registered under ORS 475.314;

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1 "(c) Marijuana producers licensed under section 19, chapter 1,
2 Oregon Laws 2015;

3 "(d) Marijuana processors licensed under section 20, chapter 1,
4 Oregon Laws 2015;

5 "(e) Marijuana wholesalers licensed under section 21, chapter 1,
6 Oregon Laws 2015;

7 "(f) Marijuana retailers licensed under section 22, chapter 1, Oregon
8 Laws 2015; or

9 "(g) Any combination of the entities described in this subsection.

10 "(2) If the governing body of a city or county adopts an ordinance
11 under this section, the governing body shall submit the measure of the
12 ordinance to the electors of the city or county for approval at the next
13 statewide general election.

14 "(3) If the governing body of a city or county adopts an ordinance
15 under this section, the governing body must provide the text of the
16 ordinance:

17 "(a) To the Oregon Health Authority, in a form and manner pre-
18 scribed by the authority, if the ordinance concerns a medical
19 marijuana dispensary registered under ORS 475.314 or a marijuana

Amendment -31

1 "SECTION 44b. (1) As used in this section, a "qualifying city or
2 county" means a county, or a city located in a county, in which not
3 less than 55 percent of votes cast in the county during the statewide
4 general election held on November 4, 2014, on Ballot Measure 91
5 (chapter 1, Oregon Laws 2015) were in opposition to the ballot measure.

6 "(2)(a) The governing body of a qualifying city or county may adopt
7 ordinances that prohibit the establishment of any one or more of the
8 following in the area subject to the jurisdiction of the city or the un-
9 incorporated area subject to the jurisdiction of the county:

10 "(A) Marijuana processing sites registered under section 10 of this
11 2015 Act;

12 "(B) Medical marijuana dispensaries registered under ORS 475.314;

13 "(C) Marijuana producers licensed under section 19, chapter 1,
14 Oregon Laws 2015;

15 "(D) Marijuana processors licensed under section 20, chapter 1,
16 Oregon Laws 2015;

17 "(E) Marijuana wholesalers licensed under section 21, chapter 1,
18 Oregon Laws 2015;

19 "(F) Marijuana retailers licensed under section 22, chapter 1,
20 Oregon Laws 2015; or

21 "(G) Any combination of the entities described in this subsection.

22 "(b) The governing body of a qualifying city or county may not
23 adopt an ordinance under this section later than 180 days after the
24 effective date of this 2015 Act.

25 "(3) If the governing body of a qualifying city or county adopts an
26 ordinance under this section, the governing body must provide the text
27 of the ordinance:

28 "(a) To the Oregon Health Authority, in a form and manner pre-

1 as described in subsection (2) of this section that prohibit or allow the
2 establishment of any one or more of the following in the area subject
3 to the jurisdiction of the city or the unincorporated area subject to the
4 jurisdiction of the county:

5 "(a) Marijuana processing sites registered under section 10 of this
6 2015 Act;

7 "(b) Medical marijuana dispensaries registered under ORS 475.314;

8 "(c) Marijuana producers licensed under section 19, chapter 1,
9 Oregon Laws 2015;

10 "(d) Marijuana processors licensed under section 20, chapter 1,
11 Oregon Laws 2015;

12 "(e) Marijuana wholesalers licensed under section 21, chapter 1,
13 Oregon Laws 2015;

14 "(f) Marijuana retailers licensed under section 22, chapter 1, Oregon
15 Laws 2015; or

16 "(g) Any combination of the entities described in this subsection.

17 "(2) If the governing body of a city or county adopts an ordinance
18 under this section, the governing body shall submit the measure of the
19 ordinance to the electors of the city or county for approval at the next
20 statewide general election.

21 "(3) If the governing body of a city or county adopts an ordinance
22 under this section, the governing body must provide the text of the
23 ordinance:

24 "(a) To the Oregon Health Authority, in a form and manner pre-
25 scribed by the authority, if the ordinance concerns a medical
26 marijuana dispensary registered under ORS 475.314 or a marijuana

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