

From: Donald Smith
To: [SENR Exhibits](#)
Subject: Testimony on SB 114 and SB 258
Date: Sunday, April 02, 2017 11:23:57 AM

Senators,

Thank you for taking the time to read my Testimony on SB114 and SB248, the repeal of SB1573 which was rushed through the Legislature and is fraught with "Special Interest." I am respectfully requesting that you support SB114 and SB258 with a "DO PASS" recommendation out of your committee.

My main concern is that the original Bill, SB 1573, has serious implications as to the constitutionality of the separation of State and Local Control as set forth in the Oregon Constitution. The Oregon Constitution forbids the Legislature from passing laws that violate Local Charters (**Oregon Constitution, Art XI, Sec 2** "The legislative assembly shall not enact, amend or repeal any charter or act of incorporation for any municipality, city or town. The legal voters of every city and town are hereby granted power to enact and amend their municipal charters ..."). I believe that this was done to prevent the over reach of a central government and to keep governance where it belongs, closest to the people. Separation of powers is a cornerstone of both the Oregon and United States Constitutions which SB1573 violates.

SB1573 not only violates the "Letter and Spirit" of the Oregon Constitution, but greatly weakens the credibility of the Legislature to be fair and impartial. Laws passed MUST benefit all and not just a few with a personal agenda motivated by money. SB 1573 did nothing to address the housing crisis, Portland (which has the worst of the housing crisis) does not even have a voter approval of annexations Charter Amendment.

SB1573 also has very vague language that, in my opinion, forces people to annex into a municipality even if they do not want to because of the desires of an adjacent property owner (Subsection 3 of Section 2, Chapter 51, Oregon Laws 2016). This provision further violates the rights of the Citizens of Oregon to control their own property and may represent an issue in regards previous decisions that have banned forceful annexations without owner consent.

Oregon has a long, deep and rich history of local control and power resting with the people, not with the Legislature or special interests. Oregon has led the way in Land Use Planning and SB1573 violates the rights of Oregon Citizens to participate in that process by taking away their right to vote on what their municipality will look like. The intent of ORS 195 was orderly development with citizen involvement (Goal 1), no Law should forbid this.

SB 1573 did nothing to address the housing crisis, It was an add on by the OHBA. It did however violate the Oregon Constitution and seriously jeopardize the same. I urge you to vote "YES" on SB 114 and SB258 and restore the integrity of the Oregon Constitution and the due process of Law by ensuring the Legal Separation of State and Local Government as outline by Article XI, Section 2 of the Oregon Constitution and Goal 1 of ORS 195.

Respectfully submitted,

Don Smith

Donald A Smith II

Happy Valley, OR

503-730-0253

donsmith2269@comcast.net