

RE HB 2795 "Directs State Department of Fish and Wildlife to create pilot program that allows persons to use dogs for hunting, or nonlethal pursuit of, cougars within county electing to participate in pilot-program."

*Testimony submitted by Al LePage, Eugene, OR*

Chair Witt, members of the committee, thank you . . .

I'm here today as a friend of democracy, to tell you, as other friends of democracy, that this bill, will harm democracy itself.

In essence, it has to do with the "rule of law," one of the pillars of democracy.

Section 1 of the bill says in part, " . . .The department shall designate wildlife management areas of the following counties as areas in which, subject to elector approval at a county-wide election, the use of dogs in the hunting and in the nonlethal pursuit of cougars is allowed . . ."

Now, the rule of law, simply put, is that a law applies to everyone, a federal law to everyone in the United States, a state law to everyone in the state. It's a rather simple concept, very obvious, but very important for a democracy.

The harm has to do with the fact, that there's a relevant Oregon law in effect regarding the content of this proposed legislation. Specifically, the existing law was passed as . . .

The Oregon Ban on Baited Bear Hunting and Cougar Hunting with Dogs Act, also known as Measure 18, which was on the 1994 ballot as an initiated state statute, where it was approved. The measure banned using bait to hunt black bears or utilizing dogs to hunt black bears or cougars. [1]

One of most important things about the bill before us today is that it would allow a county to essentially opt out of state law.

Therefore, it appears to be a violation of the rule of law itself, one of the pillars of democracy.

If actually passed, such a law could set a legal precedent whereby any county could opt out of any existing state law. And thereby, make state laws meaningless, and thereby endanger democracy itself.

But this bill is even worse for democracy because of how the law it would violate was passed, as a ballot measure.

As stated in Oregon's State Initiative and Referendum Manual . . .

"In 1902, voters overwhelmingly approved a ballot measure that created Oregon's initiative and referendum process. The initiative and referendum process is a method of direct democracy that allows people to propose laws or amendments to the Oregon Constitution or to adopt or reject a bill passed by the legislature."

Further, any legislation, any bill, that would violate the rule of law with an opt-out provision is bad enough for democracy, but in this case especially so, since it would mean that the initiative petition process essentially becomes meaningless since direct democracy can be circumvented by any such bill.

And what makes this bill even more worse, is that . . .

"The Oregon Repeal 1994 Hunting Tactics Limitations Act, also known as Measure 34, on the 1996 ballot was also an initiated state statute, where it was defeated. The measure would have repealed Measure 18 of 1994, thus allowing hunters to utilize bait and dogs when hunting for bears or cougars. [1]"

In other words, not only was a law passed in 1994, but it's attempted repeal through direct democracy in 1996 failed.

The passage of the bill before you today not only would harm democracy and the democratic process in the state of Oregon, but also would be an expression of direct opposition to the will of the voters by the legislature itself.

Given all this, this public hearing is about democracy, but for this bill to move forward from this committee would send a message to the citizens of this state, that legislators are willing to consider removing one of the pillars of democracy, the rule of law itself.

Therefore, as a friend of democracy, this specific bill especially should not move forward from this committee, indeed, any such opt out bill ever proposed should never move forward from any committee if democracy is to continue as part of our state's governance process and political heritage. And further, this and any bill that would overturn a law passed by the ballot initiative process, especially given that a law was not only passed by such a process, but also by the same process failed to be repealed, expresses disregard to the will of the voters and erodes democracy itself.

[1] *Oregon State Library, "State of Oregon Official Voters' Pamphlet"*