

Submitter: Katie Miller
On Behalf Of:
Committee: Senate Committee On Rules
Measure: HB4026

I am in opposition to HB 4026A, which is likely unconstitutional and will invite a lawsuit. Please do not let this bill go through.

Article IV, Section 1 of the Oregon Constitution states:

“(3)(a) The people reserve to themselves the referendum power, which is to approve or reject at an election any Act, or part thereof, of the Legislative Assembly . . . (5) The initiative and referendum powers reserved to the people by subsections (2) and (3) of this section are further reserved to the qualified voters of each municipality and district as to all local, special and municipal legislation of every character in or for their municipality or district.”

This bill cannot change the Constitution—only an amendment to the Constitution can do that, not a statute.

In addition:

- The process has been undemocratic. This provision was amended into a completely different bill in a secretive way - halfway through a short legislative session on a Friday afternoon. Now it's not even clear which committee it's going to and how people can testify. This is no way to make legislation that could limit a constitutional right.
- The bill is retroactive to stop a measure that's already on the May ballot. Ten percent of North Plains voting residents signed a petition to get a referendum on their ballot. This bill would retroactively invalidate the legally exercised will of the people.
- Referenda are hard to bring and rare, but important to be able to use for bad cases. It's extremely difficult to get 10% of registered voters' signatures in 30 days, and referenda will only be used for the worst cases. In North Plains, there was limited public engagement {give examples from your experience} and it would be the biggest UGB expansion by percentage in the state's history.
- Referenda are not a threat to housing strategies inside UGBs, since referenda can't be brought for localized decisions like siting a supermarket or zoning changes.