

February 13, 2020

Energy and Environmental Committee  
Oregon State Capitol

Please accept my comments about three bills on the legislative agenda, HB 5159, SB 1530, and SB 1574 commonly called the Oregon Greenhouse Gas Initiative.

Oregon's Constitution; Article 4 Section 28: No act shall take effect until ninety days from the end of the session at which the same shall have passed, except in case of emergency, **which** emergency shall be declared in the preamble, or in the body of the law.

Question; what or where is the emergency or statement of an emergency that requires immediate preservation of public peace, or health, or safety? There is no verifiable environmental condition to verify that there is an emergency for public peace, or health, or safety, in my opinion. Thus, to claim an emergency in these proposed legislations is unconstitutional and diminishes the credibility of the authors of this legislation.

Oregon's Constitution; Article 4 Section 18 Raising revenue shall originate in the house. Legislators have attempted to redefine in the Senate whether the Greenhouse Gas Initiative is raising revenue or not. To accomplish changing a definition is a task requiring amending the Constitution, which has not occurred. If the legislators could manage a method to accomplish this task there is a need to find some method to surpass the requirements in the United States Constitution, which each legislator has sworn an oath to uphold.

US Constitution; Article 1, Section 7: All bills for raising Revenue shall originate in the House of Representatives.

Oregon's Constitution; Article 4 Section 21 Every act and joint resolution shall be plainly worded as far as practicable the use of technical terms.

The Oregon Greenhouse Gas Initiative of 140 pages or more is confusing, difficult to understand and profuse with the ability of reinterpretation by an administrative bureaucracy that defies the validity of Article 4 Section 21 and the individual liberty of every citizen. For example the term "Fungible" is used to support the bureaucracy but not the Constitution or the term "anthropogenic" is used without clear meaning, i.e. according to the dictionary; a mother giving birth, the baby has a negative impact on the environment.

The Oregon Greenhouse Gas Initiative, HB 5159, SB 1530, and SB 1574, needs to consider the following:

- A. Oregon's Constitution; Article 1 Section 33: This enumeration of rights and privileges shall not be construed to impair or deny others retained by the people.
- B. United States Constitution: Checks on power and the abuse of individual rights, our **unalienable rights** a legislative body nor can the "Oregon Greenhouse Gas Reduction Board" supersede those Constitutional rights.
- C. Declaration of Independence: That to secure our rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, which includes the peoples right to life, liberty and the pursuit of

happiness; i.e. property rights. Among the many property rights are intellectual rights and money rights, neither of which can be removed from the individual without their consent. As written in the Oregon Greenhouse Gas Initiative the people are denied, denied the Oregon and US Constitutions and mostly deny the Declaration of Independence; therefore the legislation should never become law.

The following “Oregon Constitution Article” references HB 3427 of 2019 and will affect HB 5159, SB 1530, and SB 1574 collectively known as the Oregon Greenhouse Gas Initiative if it becomes law. Potentially, all future laws in Oregon will need legislative attention for correction.

Oregon’s Constitution; Article 4 Section 1 (2) (a): The people reserve to themselves the initiative power, which is to propose laws and amendments to the Constitution and exact or reject them at an election **independently of the Legislative Assembly.**

In the spring of 2019 the Gross Receipts Sales Tax, HB 3427 became law upon the signature of the governor. This act triggered the people’s initiative petition process of Article 4 Section 1 (2) (a) and petitions were distributed to the people of Oregon. With the Legislature still in session in 2019, House Bill 3427, without knowledge of the entire Legislature, was summarily re-worded replacing the original version of HB 3427. There was no vote by the House of Representatives or the Senate or with bipartisan involvement. Obviously, the Governor did not affix her signature to the changes. With the narrative of HB 3427 changing, the initiative petition was withdrawn. No attempts were made to begin a new petition process. With the 2020 legislative session in February, there was fear of the legislature changing language of HB 3427 again, which was a distinct possibility, further denying the use of the people’s initiative process.

This violation of Article 4 Section 1 (2)(a), as I understand, can only be corrected in a court of law. If the Oregon Greenhouse Gas Initiative becomes law, continued violation of Article 4 Section 1 (2) (a) is possible and this action needs to be corrected in order to preserve Oregon’s Constitution and the people’s freedom.

Oregon’s Constitution; Article 1 Section 21: “. . . nor shall any law be passed, the taking effect of which shall be made to depend upon any authority, except as provided in this Constitution;”

The Oregon Greenhouse Gas Initiative creates the Oregon Greenhouse Gas Reduction Panel, which will have unlimited authority without checks and balances from elected legislators, and creates an authority outside Oregon’s Constitution Article 1 Section 21 denying the people their rights in the US Constitution.

The Oregon Greenhouse Gas Initiative, in my opinion, is a piece of legislation with the purported intent to improve Oregon’s environment. Currently there are existing viable alternatives to SB1530, SB 1574, and HB 4159, that need exploring prior to creating this legislation. It is the people’s right, the people’s duty through their elected representatives, to explore alternatives such as:

1. One or more persons in the past, without legislative authorization, acted as King(s) and “redefined” water as a non-renewable resource. Thus, the water

behind all of Oregon's dams have no environmental impact to include the generation of electricity. Returning water to its constitutional common sense place in our environment would, in essence, satisfy 60% of the greenhouse gas emission as forecasted by an unknown state agency.

2. Trees are considered great sources of absorbing carbon and should not be harvested. Recently "environmental science" discovered or found that young trees absorb 20% more carbon than old trees. Common sense or logic should conclude that harvesting old trees and planting new would be beneficial to the environment and improve the economic vitality of Oregon, but no action occurs.
3. Nuclear power has not been considered, looked at or discussed. Technology has advanced nuclear energy into a safe, functional and environmentally viable option. The use of nuclear power would reduce all sources of fossil fuel to heat and light every structure in Oregon, thus meeting all current carbon emission requirements to zero.

Thank you for considering this document. For all the documentation presented above about HB 4159, SB 3150, and SB1574, the proposed Oregon Greenhouse Gas Initiative and the subsequent Oregon Greenhouse Gas Reduction Board are flawed according to Oregon's Constitution, the US Constitution and the people's freedom. Viable alternatives need implementation with the people prior to any legislative mandates without the voice of the people being expressed.

Thank you,

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