

Senate Committee on Rules;
Chair Lieber, Senators Knopp, Hansell, Manning, and Steiner,

It's a mystery to me that HB 4026 A, while in great need of more careful legal review, is still alive.

Two attorneys and at least one legislator agree that there are serious legal issues that must be considered before approving a bill as flawed as HB 4026A.

The Legislative Counsel Dexter Johnson wrote that **“this statutory fix is very likely redundant. And if it is not, it is very likely unconstitutional.”***

Similarly, Kenneth Dobson, attorney for an opponent of the bill, Friends of North Plains Smart Growth concluded, **“it would be inappropriate, if not reckless, to expose HB 4026 to near certain legal challenge especially when the Legislative Counsel has opined that the amendment is unnecessary.”****

In addition, Representative Susan McLain noted, in her House Floor vote explanation, that, **“there are questions of constitutionality and a lack of consensus on the bill’s central components.... It’s possible that a court of law could find HB 4026 A to be unconstitutional.”*****

For these reasons, the Senate Committee on Rules would be ill-advised to take this bill to the Senate Floor. Condensing the above statements, **HB 4026 A is likely either redundant or unconstitutional.** Not a good candidate for a new Oregon statute.

Thank you for your care, consideration and stamina for this high-pressure short session, and for our Oregon.

Faun Hosey
Rural Washington County

Cc Senate President Ron Wagner

Footnotes:

* full letter from Legislative Counsel Dexter Johnson, at request of Rep Gamba, 2/20/24,

<https://olis.oregonlegislature.gov/liz/2024R1/Downloads/CommitteeMeetingDocument/283081>

** full letter from attorney Kenneth Dobson at the request of Friends of North Plains Smart Growth, 3/1/24,

https://docs.google.com/document/d/1eNHSbgdSoftrkVXk3L1N_Zttd22aH4BOe7Nsl5UkiO8/edit

*** full letter from Rep McLain as her House Floor vote explanation on HB 4026 A, 3/1/24, <https://olis.oregonlegislature.gov/liz/2024R1/Measures/Overview/HB4026#>