



HOUSE OF REPRESENTATIVES

Chair Lively, Vice-Chair Gamba, Vice-Chair Levy, and members of the committee.

Thank you for the opportunity to testify today.

I am here to urge your support for SB1067. The issue that SB1067 seeks to correct is not only a matter of bureaucratic streamlining, but of constitutional legality. As it stands the legality of Marion County's flow control is questionable. The Commerce Clause makes it clear that state laws engaging in economic protectionism are prohibited. Marion County, then, may very well have conducted unconstitutional flow control through the favoring their primary incinerator over other options. Indeed, prior to the recent shutdown of the county's incinerator, residents paid higher rates to ensure the facility received enough traffic to make itself economically viable. With the facility shut down, there is no way to know that Marion County will allow proper competition given their current control over waste management flow. Opposition to SB1067 may only delay the inevitable: Marion County's flow control *would likely* be struck down in court—it is just a matter of when. Why then, delay the inevitable when we can easily correct the problem at hand with SB1067?

Legality aside, it is also prudent that we acknowledge that Marion County's current policy is the exception, not the norm. Marion County stands alone as the only county in the state of Oregon utilizing flow control on its waste collection and processing. Rather than having the county dictate which facility cities must send their waste to, local municipalities can allow proper business competition to achieve the best rates for their constituents. This is not true for Marion County.

It must be concluded, then, that passing SB1067 both absolves the state of legal risk and allows for competition that will achieve better rates for their constituents. It is because of this that I urge your support for SB1067.

Respectfully,