

## Salem Scene

by Jack Zimmerman

### Lawmakers Frustrated By Legislative Errors

No one could blame members of the 57th Legislature for wondering if strange forces are tampering with Oregon's current lawmaking process.

It's unlikely the problems involve World War II gremlins. And though the mischief produces plenty of noise, there's no way they can hang their tails on poltergeists. Gov. Tom McCall has been playing the exorcist since before the record-long regular session ended last July. But most of the problems are less than satanic.

In view of the season, it might be best to blame leprechauns and hope there'll be a general fund surplus treasure waiting if the real culprit is ever identified.

Whatever the source, it does look as if the current Assembly can't win for losing.

Mistakes dog every legislative session. This one appears to be having more than its share. Whether it acted with dispatch (as it did during the two-week special session) or took its time (as it appeared during the six-month regular session) boo-boos became almost routine.

There were those 16 gubernatorial vetoes -- more than all the rest put together during the two-term McCall tenure. There were enough mistakes in procedures during and after the regular session for the Senate to produce two omnibus measures to try to correct them during the special session.

Problems with the real estate subdivision law just won't go away despite a one-day special - special session convened just to get the home-building and mortgage-lending processes back in business.

The energy thing has produced such an on-again off-again situation some lawmakers probably get the idea they're riding a yo-yo.

And the latest development involves a law that drew only one negative vote from the 90-member body, was supposed to go into effect last Oct. 5 and it wasn't until two days after the two-week special session adjourned Feb. 24 that its many proponents learned enforcement may yet be postponed for months to come.

This situation involves the Habitual Traffic Offenders Act, a measure designed to rid Oregon highways of what the governor called motoring misfits. As intended, HB 2258 would have suspended on a 10-year probationary basis the driver's licenses of some 5,700 motorists convicted in five years of three or five major traffic offenses -- driving under the influence, hit-run, reckless driving, negligent homicide and driving with a suspended license. The same penalty awaited an undetermined number of motorists convicted of any 20 moving violations over the same period.

The Motor Vehicles Division, bombarded with perhaps 50 new laws to enforce, moved in an understandably cautious manner when it came to implementing this particular law. Determining who qualified to taste what many observers now consider retroactive justice was largely a computer problem at first and then became a painstakingly tedious review of records by the time-honored manual system.

About the time the job began to bear fruit, someone questioned language in the act that specified those convicted of two of the three major offenses must be notified their third would create eligibility for the lengthy suspension.

As is the case in such matters, the Attorney General's office was involved and sure enough the language thwarted the law's speedy implementation. As things now stand, those convicted of one, two or three major offenses really only have one blot on their driving record. Conviction of a second will produce the warning and the third will qualify them for possible suspension. And that will take an undetermined period of time.

MVD meanwhile is redoubling efforts to track down those convicted of 20 moving violations in the last five years. But that will take more time and final enforcement is in the hands of local district attorneys -- a process not always equally speedy from one jurisdiction to the next.

So Oregon has still another new law that -- for one reason and another -- won't be enforced on time.

Although lots of fingers get pointed in many directions when these situations occur, fixing personal blame seldom produces a satisfactory solution. Errors occurred on both sides of the political aisle. They cropped up in a beefed-up Legislative Counsel -- the professional bill-drafting arm of the law-making branch. They slipped past this session's newly created research division and they eluded freshmen and veterans alike.

Critics abound and their solutions are just as numerous. Many claim the load imposed by introduction of 2,000 bills or more during a biennial session is unbearable by the present system. The most often advanced solution involves more frequent meetings. And the people may mandate this if they enable lawmakers to call themselves into session by approving such a procedure during the May primary election.

But a growing number of observers and lawmakers alike are beginning to question the basic need for such a volume of law in the first place. Perhaps, they say, the leprechauns will reveal their treasure only when the law -- and the government -- cease to be regarded as the only provider for every wish.

pointive, is upheld by the person holding that office. House Bill 3304 passed during the 1974 special session asks all public officials, including those in counties and cities, to abide by a "code of ethics" which prohibits a person from using his or her office for personal financial gain or obtaining any gifts or favors exceeding \$100 in value from any person who stands to make an unusual economic gain due to the decisions made by that official. The bill also prohibits the public official from using confidential information obtained due to his position for personal benefit.

Some public officials would have to file a "statement of economic interest," a disclosure statement, with a seven-member Oregon Ethics Commission. State public officials, candidates for elective state office, and members of 27 boards and commissions would be required to reveal sources of income accounting for 10 percent or more of household income, business activity constituting more than 50 percent of the household income and real property holdings among other things. This statement would not have to be filed by city or county officials unless the people within those jurisdictions so voted in

November.

The bill also establishes procedures to be followed by the public official if that person becomes involved in a conflict of interest situation. Remedies range from publicly announcing the nature of the potential conflict prior to taking action to disqualifying oneself from acting on the matter; in which case an alternate might be appointed to direct the official's action.

Lobbyist activities would also be regulated to a greater extent than they have been to date. Among other things, paid lobbyists would be required to report their lobbying expenses and prohibited from knowingly making a false statement or presenting a document containing falsehoods without notifying the official of the fact. The bill also prohibits a legislative official from receiving or soliciting any funds, or the lobbyists from promising to make any payment or contribution, during legislative session for the purpose of meeting campaign expenditures or deficits of a legislative official. The majority party conducted such fund raising during the 1973 legislative session. It is a practice which puts both parties and the legislature in a bad light, and places the lobbyist in the ticklish position of being asked for a contri-

but ion while bills important to him are in legislative committees controlled by those who are requesting his donation.

Republicans have been fighting for the bill since its inception, we strongly endorse its concepts. It should be noted that the conflict bill which passed during the 1973 session. The bill developed by Governor McCall's Special Committee on Conflict of Interest was the heart and soul of the bill originally considered during the special session, and it was a Republican legislator who carried the measure which passed the House. Republican leaders in the Senate were responsible for bringing order to a bill so hurriedly and heavily amended there that a majority could not support it. In the words of Blanche Schroeder of Common Cause, "I feel Republican support for the conflict of interest issue and the concepts Common Cause supported was very useful in getting the bill we supported passed."

It is significant also that this proposal is going to the voters because there is doubt in some minds that such legislation is really needed, or that it will have a favorable impact on government. Several legislators and many local officials expressed the opinion that public dis-

## United States Begins Staley Action

The Secretary of Agriculture has filed a Declaration of Taking in United States District Court, Portland, Oregon, to acquire a Conservation Easement on pro-

losures at the local level could kill local government. November 5, citizens in the counties and cities of Oregon will decide whether their government officials at the local level are to be included.

It is difficult to measure the good that can result from the conflict of interest bill passed during the special session. If it is approved by the voters it will at least give the public access to information about their public officials they did not have before. At best, it will act as a deterrent against those persons who seek or hold public office simply for personal gain. Such practices have not been a problem in Oregon, but it is better to provide the legal framework now to deal with them than to wait until such practices have undermined confidence in state government to the extent confidence in federal government has been shattered by Watergate and other national scandals.

parties known as Clay Hill and Peyton Place belonging to Mr. and Mrs. Thomas Staley in the Wild section of the Rogue Wild and Scenic River. Conservation Easements place restrictions on use and development of private property within the boundaries of a Wild and Scenic River. Condemnation to acquire such Easements is authorized by Public Law 90-542, the National Wild and Scenic Rivers Act. Mr. Staley's attorney is expected to file objections to the action.

William P. Ronayne, Siskiyou National Forest Supervisor, emphasized that the Forest Service prefers to acquire such Easements on a voluntary basis, but sometimes the two parties are not able to reach agreement on the rights to be acquired or on the amount of compensation.

Twenty-one Conservation Easements have been purchased to date on a voluntary basis. This represents about 26% of the number of privately owned properties within the Recreational, Scenic and Wild portions of the Rogue Wild and Scenic River Area administered by the Forest Service. Additional pro-

tection of the river environment should be assured through recent completion of the Ken Rogge Lumber Co. and Brookings Plywood Corporation land exchanges and several land purchases.

Appraisal, to determine the amount of compensation due the landowner for the rights taken by the United States, has been completed for most of the private property within the Rogue Wild and Scenic River Boundary.

Negotiations with most of the landowners is now in progress. Mr. Ronayne stated, "It is important that we progress toward obtaining these Easements to meet the goals of the Wild and Scenic Rivers Act and the intentions of Congress in passing the Act."

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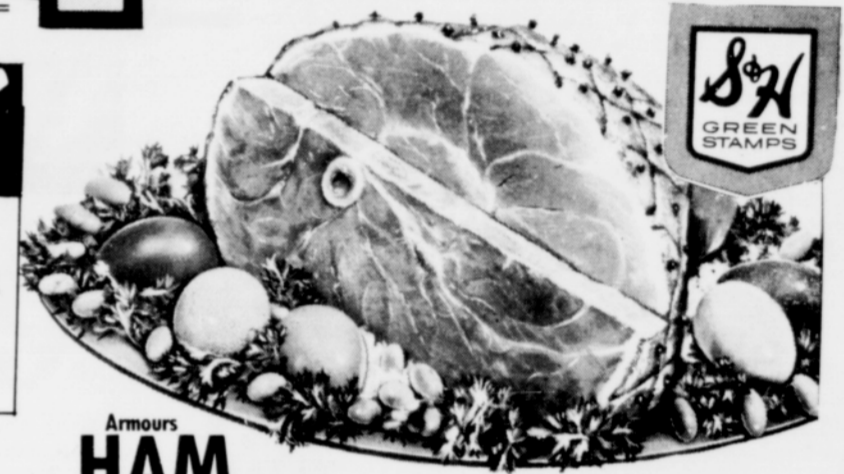
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