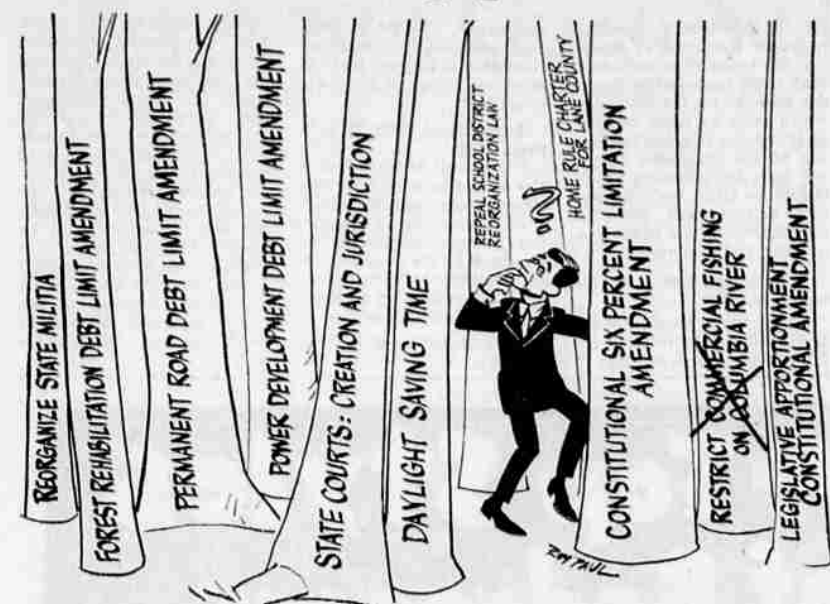


State Reapportionment Issue on Nov. 6 Election Ballot



Modification Sought On Tax Limitation

Oregon's constitutional 6 per cent tax limitation would be modified in three ways if voters approve State Ballot Measure No. 7 in the November general election.

The changes are generally non-controversial. The measure was referred to the people by the 1961 Legislature after passing in both the House and Senate without opposition.

The major purpose of the measure is to prevent the loss of a tax base to taxing units which fail to levy a tax for a three-year period.

It would also establish more clearly the date for agencies to submit new tax bases to its voters, and would exempt expenditures required by state law from a present \$5,000 county debt limitation.

The amendment would not do away with the present state limitation on the amount of taxes a school district, county, city, or other local taxing agency may levy without an election.

Presently, such a levy is limited to the highest levy made "in any of three years IMMEDIATELY PRECEDING" the levy, plus 6 per cent. A tax levy voted outside the 6 per cent limitation and taxes necessary to pay off bonded indebtedness or interest are not included in the allowable 106 per cent.

Ballot Measure No. 7 would amend the 6 per cent limitation by providing that a unit could use as its tax base the highest tax levy "in any one of the last three years IN WHICH SUCH A TAX WAS LEVIED" plus 6 per cent.

This means a taxing district could forego a levy for any number of years without losing its base. Supporters contend the amendment would result in savings to the taxpayer because at present unnecessary taxes are sometimes levied just to protect the tax base.

The second change in the proposed amendment specifies that the question of establishing a new tax base by a taxing unit other than the state shall be voted upon at the time of a regular "statewide" general or primary election.

Some have questioned the present wording, asking if a new tax base could be submitted at the general election of an individual taxing unit—such as a school district election. The proposed amendment would simply add the word "statewide" to the provision to make its intention more clear.

The third change stems from a complicated background of past court rulings and amendments. The Constitution originally prohibited counties from creating debts in excess of \$5,000 except for war, invasion, insurrection, or construction of roads.

In 1903 this prohibition was interpreted by the State Supreme Court to apply only to debt incurred by a county voluntarily, and not debt incurred in the performance of imperative public duty.

Then in 1916 the Constitution was amended to extend the debt limitation to involuntary indebtedness imposed upon counties by the Constitution or by statute.

In 1958 another amendment permitted counties to incur bonded debt authorized by statute. For example, a county could sell bonds to build a courthouse because such construction is authorized by statute.

Measure No. 7 would re-

Steelhead Measure X-ed Out

One of the measures on the Nov. 6 ballot is going to appear rather odd.

It's going to have Xs and lines all through it and these hieroglyphics mean that one just doesn't vote on it.

After due consideration, the Oregon Supreme Court has ruled that the measure got to the ballot in an illegal manner—the petitions, at least part of them, were not worded correctly.

So, Measure No. 8, which dealt with steelhead and the Columbia River, really isn't there—it just looks like it.

Laws Concerning State Courts

Measure No. 5 An Amendment

A constitutional amendment which would enable the Legislature to use a different method of designation in laws concerning state courts will be Measure No. 5 on the Nov. 6 election ballot.

The measure, apparently non-controversial, was recommended by the 1960-61 committee on judicial administration of the Oregon State Bar, and referred to the people by the 1961 Legislature.

Under the amendment, the Legislature would be able to pass special—as well as general—laws creating, defining and regulating jurisdictions of lower state courts. The Legislature could specifically identify a particular county or judicial district in the laws affecting circuit, county, district or justice courts.

Oregon's Constitution now prohibits enactment of special or laws regulating the courts. Courts affected by legislation must be defined in a "general" classification. Under present laws, the most frequently used "general" classification has been that of minimum and maximum population figures. Multnomah County, for example, is included in this classification: "Any judicial district consisting of one county and having a population of 500,000 or more."

If Measure No. 5 is adopted, the court, in the instance of Multnomah County, could be identified as that for "the fourth judicial district" or as "the judicial district comprised of Multnomah County"—either of which may be ascertained without reference to official census figures.

Adoption of the amendment would prevent repetition of what happened to Clackamas County following the 1960 census.

The county had been operating with two circuit court judges without congestion of its court docket. But when the census revealed an increased population, Clackamas County became subject to a general law originally intended to apply only to certain other counties—a law requiring those counties to have four circuit judges.

Thus, Clackamas County got two additional court judgeships which were neither desired, needed nor anticipated. And the county was put to the expense of providing extra facilities to accommodate the two new—and unnecessary—appointees.

In 1961, the Legislature amended numerous laws relating to the lower courts in an attempt to make current the applicable population brackets—and to untangle any inadvertent descriptions which might jeopardize the validity of judicial decisions in any court whose jurisdiction might be challenged on grounds the population descriptions no longer applied to its judicial district.

The proposed constitutional amendment is intended to make such reviews and revisions unnecessary.

Measure No. 9 on the Nov. 6 ballot is probably the hardest to understand of all the issues facing the voter.

It is the proposed constitutional amendment which seeks to change the way in which Oregon apportions seats in the state House and Senate.

It comes to the ballot on the petition of people in the state who believe the present system of basing representation on a rather strict population formula is not the best way to do it.

These persons, most of them from more sparsely settled counties, believe that some weight should be given to geography, economy and lines of communication as well as population.

The state's Constitution presently says that the Legislature shall not have more than 30 senators and 60 representatives and that these seats shall be apportioned according to population. If a county hasn't enough population (according to a formula of dividing the state's population by 30 or 60 and using that result as a divisor to determine the county's number of seats) then it is joined with another and the two of them share.

Until 1952, there was nearly no reapportioning done by the Legislature. Then the Constitution was amended so that it became mandatory for the Legislature to reapportion itself after each federal census.

If the Legislature refused, then the Supreme Court would direct it to. If the Legislature came up with a plan which the high court disapproved, the secretary of state would be directed to draw up a new plan.

This is what happened in 1961. The Legislature reapportioned itself but the Supreme Court ruled it had not properly followed the population figures and told the secretary of state to draw up a new set of figures.

The secretary did, and the result was that some Western Oregon counties, such as Lane, gained representation and some Eastern Oregon counties lost.

Lane County gained one full senator and a sixth representative which it shares with Benton County.

Measure No. 9 is the device sought by these smaller counties to get some representation back. (Although persons from larger counties join them in their ambitions.)

The amendment would create 30 permanent representative districts and allow the size of the Senate to grow to 35 and House to 65.

In reapportioning these seats, geography, community of interest and lines of communication could be used as criteria and the population system could become secondary.

In the case of the House, the 30 districts would each have at least one representative, regardless of population changes. The other 35 representatives would be apportioned according to the other factors such as population and geography.

In the case of the Senate, there would be no such permanent districts but a complicated step-by-step formula gives the Legislature some option on how to organize the Senate.

Here again, some consideration may be given to area as well as people.

Disagreement on No. 9 centers on the relative importance of geography and population in determining representation. Is it more a handicap for a legislator to have a huge area as his constituency than it is for another to have many thousands of people to

serve? Should there be districts determined by area (which under No. 9 would be smaller in some cases than at present) or should districts be formed on the basis of population (under the present formula there are fewer persons per legislator than there would be under No. 9)?

Measure No. 9 purports to be a blending of both theories.

The League of Women Voters found these pro and con arguments:

Supporters of the measure contend:

1. An important geographic area of the state now under-represented would be given reasonable representation by this measure without denying adequate representation to metropolitan and urban areas.

2. Current apportionment does not meet the test of one man-one vote.

3. At present, in a district comprised of several counties, representatives are likely to be residents of the most heavily populated of those counties, leaving the other counties with no resident representation.

4. To assure consideration of Oregon's area and resources, the districts fixed by the present measure would grant representation to combinations of two or more counties with relatively equal population consistent with geography, common interest, and lines of communication.

5. Fair and reasonable apportionment in the future is assured by providing an additional representative for a county whose population per representative is four times that of the smallest district.

Opponents of the measures contend:

1. The present system is fair, flexible in its adaptability to population change, and one of the best in the nation. Among the 50 states, Oregon's representation has been judged the third most representative on a basis of population.

2. The proposed amendment violates two basic principles of good government—equal representation for all citizens and flexibility in the state Constitution.

3. By setting up fixed districts in the Constitution, the amendment makes no allowance for change in the population pattern of the state.

4. Under the present formula the population per representative in an urban county cannot be more than three times greater than the population per representative in a thinly-populated county or district. Under the 1962 reapportionment, such disproportion is only 2 to 1.

Under the proposed formula, the population per representative in an urban area would be four or even more times greater than that of a sparsely populated area. The result must be either a great imbalance in representation or a House membership so large as to make that body all but inoperable.

5. The present combinations of counties for representation can be changed by the legislature without sacrificing the fairness of the present formula.

6. The proposal runs counter to the judgment of the U.S. Supreme Court, which this year ruled that urban residents without other recourse may petition in federal courts for alleviation of under-representation, terming it a violation of their rights.

Voter's Choice

School District Reorganization

Measure Seeks Repeal of Law

If an Oregon school superintendent ever wants to stir up trouble in his district, he has only to mention the words "school district reorganization."

Since the 1957 Legislature passed the reorganization law, a lot has happened. There have been elections throughout Oregon, and in many cases voters approved reorganization of their districts—bringing two or more small districts together. But as school districts have been reduced in number, blood pressures have gone up. Some are for reorganization; some are against it—almost everyone feels strongly, one way or another.

Now the voters of Oregon are being asked to repeal the 1957 reorganization law. Ballot Measure 10, to be presented to voters in the Nov. 6 general election, would repeal the unified district law, establish unified districts, reinstate

former county unit systems in place the administrative districts, and authorize elections to re-create smaller districts that had been eliminated.

The initiative measure was proposed by Serve Our State Inc. If the measure is approved, this is what will happen:

Administrative school districts, established under the 1957 law, will automatically become "county units" or "unified districts."

If 10 per cent of the legal voters, or 50 persons (whichever is the lesser number) presents a petition calling for an election, the school board will call a special election to determine if the unified district is to be dissolved. If this move is approved by voters in the district, the several districts from which it was originally formed will be re-created.

Lane County has been among the leaders in Oregon in eliminating small districts.

In 1957, when the school district reorganization law was passed, Lane County had 47 districts; today it has 18. The changes were achieved through elections—reorganization, consolidation and "clarification of boundary" elections.

Each of these types had technical differences, but the overall aim was one—to reduce the number of school districts by bringing two or more districts together.

A nine-member reorganization committee, working with the county school superintendent's office, drew up plans for reorganization. In Lane County, the committee's original goal was 12 districts.

The committee was dissolved last July, and its function taken over by the Lane County School Board. This board believes a few districts would still be helped by reorganization—plans are now being made to call an elec-

tion that would, with voter approval, merge the Springfield and Marcola districts.

Here are arguments for and against Ballot Measure 10, compiled by the League of Women Voters of Oregon: Supporters of the measure say:

• Under the present law the right to vote is exchanged for the right to petition to vote.

• Since there are no restrictions on the size of school districts, whole counties could be made administrative districts and joined together into one statewide school district with centralized control, if voters did not petition for an election.

• Local control is lessened when two five-member school boards are replaced by one seven or nine-member board. The loss is greater in areas involving more than one elementary and one high school.

• There are no restrictions on how often a new plan can be proposed, except that a rejected plan cannot be resubmitted within a year.

• Oregon does not want reorganization. Out of 98 plans submitted to voters, 65 have been rejected.

• Funds appropriated by the Legislature to carry out the reorganization program and funds spent on local reorganization elections could be better spent to improve schools.

• Reorganization into an administrative district does not in itself guarantee better educational opportunities.

Opponents of the measure say:

• Problems of curricula, finance and teacher supply in small and inadequate districts are even greater today than in 1957. Such districts cannot provide the educational opportunity made possible by reorganization.

• Repeal of reorganization effected under the 1957 law would create chaos in Oregon schools. Some districts have grown so tremendously since they were reorganized that facilities in "re-created districts" would be hopelessly inadequate.

• Division of assets would be a physical impossibility. How would a junior high school serving three or four old districts be "divided"? Which district would acquire the building—and the debt?

• Repeal would decrease, not increase, local control. Parents in a "re-created district" offering only an eight-year program would have no voice in the high school education their children received in another district.

• It is impossible under the present law for the state to become "one district with central control." Reorganization is effected on an individual county basis, and there is no provision for joining counties together.

• Changes desired by the voters can be made by amending the present law—thus avoiding the cost and chaos that would result from repeal of the law.

Four 'Housekeeping' Proposals Seek To Modernize Some State Operations

The first four measures on the Nov. 6 ballot are so-called "housekeeping" measures, designed to modernize the way the state government conducts itself.

• Measure No. 1 would amend the Constitution by authorizing the Legislature to reorganize the state militia. It eliminates the election of certain officers and empowers the governor and the adjutant general to appoint all officers.

When the Constitution was written, the state militia (now the Oregon National Guard) had no federal status. It was a purely local force organized as the needs of the times indicated. Groups organized themselves, each man furnishing his

own horse, rifle, powder and such. Officers were elected by popular vote.

The Constitution still calls for these things, such as election of officers although this hasn't been done for a long time.

The 1961 Legislature adopted a new state military code and Measure No. 1 is a necessary companion measure to give the Legislature enough flexibility to keep the militia modern.

• Measure No. 2 would give a more stable, generous debt limit to the state to conduct its forest rehabilitation program.

At present, the state can only borrow ¼ of 1 per cent

of its assessed valuation for forest rehabilitation. Assessed valuation is 25 per cent of the true cash value of property on tax rolls in Lane County.

The measure seeks permission to change this debt formula to 3/16 of 1 per cent of true cash value of all taxable property in the state.

(In Measures 2, 3 and 4, there is a common factor—true cash value changes with the value of property and therefore reflects modern conditions. Assessed valuation is established by the Legislature—such as the 25 per cent factor currently in use.)

• Measure No. 3 is similar to No. 2 but deals with the

permanent road debt. Here the change would be from 4 per cent of assessed valuation to 1 per cent of true cash value for the limit of money the state could borrow for construction of highways.

• Measure No. 4 is the same idea, applied to the debt limit on power development. The base would be changed from 6 per cent of assessed valuation to 1½ per cent of true cash value.

These proposed constitutional amendments were referred by the Legislature with no dissenting votes.

The League of Women Voters found several arguments in favor of the measures but none against them.

Uniform Daylight Saving Time an Issue Once Again

Daylight Saving Time seems to be one of those red-flag-in-front-of-a-bull issues that raises the emotions of otherwise placid people.

It matters not whether he is for or against DST—rare is the person who doesn't have a strong and often vocally supported viewpoint on the subject.

So it seems little wonder that action by the 1961 Legislature to give five northern Oregon counties the right to go on DST set off repercussions up and down the state. Some cities outside those five counties adopted "unofficial" DST, others went to "fast time"—leaving the clocks alone, but advancing work and business schedules an hour—still others stayed on standard time.

All the while there were protest meetings, petitions, letters to the editor, and loud protests from those who said the Legislature had "gone against the will of the people."

The people have voted on the issue of state-wide daylight time several times. In 1949 the Legislature gave the governor the option of declaring DST. An initiative petition referred the issue to the people in 1950 and they voted to uphold the Legislature.

The governor then proclaimed DST, another initiative petition brought the issue before the voters again in 1952, and this time they voted to repeal the governor's option and establish standard time year 'round.

Another DST referral was defeated in 1960. This brought events up to the passage of the five-county option measure by the 1961 Legislature.

That measure—and the subsequent "clock fiddling" that resulted in other parts of the state—made Oregon literally a "state of confusion." In the summer of 1962, for example, six of the 25 largest Oregon cities observed DST legally, eight others observed DST predominantly, and 11 observed standard time.

Now, on Nov. 6, voters will have the chance to ballot on the DST issue once again. The same 1961 Legislature that passed the five-county option bill also referred to the voters a proposal to establish Daylight Savings Time in all parts of Oregon within the Pacific time zone from the last Sunday in April until the last Saturday in September.

In other words, virtually all the state—except the extreme eastern portion that lies within the Mountain Time zone—would

be on uniform Daylight Saving Time during that period.

No department of the state government and no county, city, or other political subdivision could adopt any statute, ordinance, or order providing for the use of any other time. If the measure is defeated by the voters, the five northern Oregon counties—Multnomah, Washington, Clackamas, Columbia, and Hood River—would still have the option of adopting DST.

Supporters of the measure offer these points in its favor:

• It would give the state virtual uniform time.

• People who work during the day would have an extra hour of daylight for recreation and other purposes in the evening.

• California and Washington and a majority of other states already have DST, making for confusion for tourists and others traveling by private car or public transportation through a standard time zone in Oregon.

• Insurance and lumber brokers and others concerned with financial markets and out-of-state sales are penalized when Oregon, on standard time, is four hours behind Eastern DST.

• DST would eliminate radio and television program scrambles resulting from the state's staying on standard time while the major TV centers go to DST.

Opponents of the measure have this to say against it:

• Changing the clocks is artificial and foolish.

• DST works a personal hardship on milkmen and others making early morning deliveries.

• It would work an economic hardship on outdoor theater owners—whose busiest season is during the summer—and on such indoor recreation operations as theaters, bowling lanes, bars, and taverns.

• Farmers of necessity operate on sun time—they arrange neither working nor leisure time by the clock. They see little advantage, some inconvenience, and occasional hardship from DST.

• When local businesses serving farmers operate on DST, the business period available to the farmer is shortened.

• DST shortens the workday for growers employing itinerant workers, since picking starts in the morning as soon as weather permits and must stop in time to allow the workers to transact business with local merchants.