Rep. Bob Duncan Gives Evaluation Of 1957 Session of Oregon Legislature

(Editor's note: The following summary and evaluation of the 1957 session of the Oregon state legislature was written by Robert B. Duncan, freshman Democratic representative from Jackson county, as the final one in a series he has written since the start of the session. State Sen. Philip B. Lowry, Republican, has indicated he is preparing a similar summary which will be published when prepared.)

By ROBERT B. DUNCAN
State Representative

Now that the Legislature has adjourned, perhaps a brief summary might be in order, and so impose once more upon the space offered by this paper.

Bob Duncan

The session lasted for 128 days. The delay in getting the Senate organized cost time; but an additional reason for the long session was the 1,508 bills, resolutions and memorials introduced, all of which required time for consideration. And I think each bill was considered in at least one committee. Those that were passed had in most instances been amended — evidence of a sincere desire on the part of this Legislature to do a good job.

There is little hope for shorter sessions as our state continues to grow. But the rate of increase might be held down if some limitation on number of bills introduced could be found. A rules committee to screen all bills might well be to powerful and stifle the democratic process. One suggestion I have heard is to insist that no bills be sponsored at the request of someone, the theory being that if the bill could not be sold without qualifications to one legislator, it shoud not be introduced.

On Expenses

On state expenses — former Governor Smith's budget called for expenditure of $259,848,743. Nothing was included in this for Basic School Support, for purchases of land in Capital Mall area, for increased welfare payments to nursing homes and other expenses, all of which everyone knew would have to be budgeted. Nor did Smith budget for meat inspection, ragweed control, the Centennial Celebration, educational television and many other items. Had he done so, his budget would have been close to $279,000,000.

Economies were effected by the session in the Smith budget; the above mentioned necessary or desirable expenses were budgeted; the institutions were provided for; salary increases were given to all state employees, civil service, statutory and elective officers, and, in addition, academic salaries for college personnel were increased by some 25 per cent. The budget came out close to $272,000,000—a far cry from the $330,000,000 which the press of the state anticipated up through the first 90 days of the session.

Further Savings

From my personal standpoint there are further savings which I wanted to see made and which I think could and should be made. The majority didn't agree with me, however, and the democratic process prevailed. The budget, when compared with anticipated income, should leave a surplus of some $8,000,000 to $10,000,000, which is about the right amount. Larger surpluses encourage raids on the treasury for all kinds of new or expanded projects and in my opinion are unwise. I think we should plan to raise what we need and only enough more for emergencies. The money will do more good in the taxpayer's pocket than in the state treasury. Neither do I favor deficit financing for the state, and I resisted all such proposals except for a bond issue to get the federal highway program off on a maximum basis. Many people point to short sessions in Washington and ask why we couldn't do the same. The Washington legislature left for home with a large deficit. Need I say more?

It is always difficult to become enthusiastic over any tax program. No one wants to pay taxes, and if as many people expressed themselves against spending proposals as write supporting them, we'd have less to pay. But each group thinks its idea is absolutely essential and cannot be cut or put aside. The result is a constantly larger budget which must be met.

Tax Structure

This legislature elected to rely again on the income tax, replacing the surtax with graduated rates, together with modest increases in business taxes. The rich were not soaked and tax exemptions for dependents were raised again to $600, a definite help to taxpayers. This means that Oregon taxpayers contribute to their government according to their ability. If the mill shuts down, the workers do not have a tax to pay. If they are working, they will have the money to pay their taxes. A realistic withholding program will collect the tax as income is earned, avoiding a big tax bill at the end of the year when the money is spent. A sales tax and the ad valorem tax on property become due and must be paid regardless of earnings, and therein lies their chief drawback.

In regard to a sales tax, I worked to keep the sales tax proposal alive in committee when it was brought out to the floor early in the session. I wanted to see the alternatives before discarding any tax proposal. While we may in time come to a sales tax, I prefer to work on the income tax basis so long as possible for reasons noted above. To many, the sales tax represents an inexhaustible reservoir of money to which no one has to contribute. All taxes must be paid by you and me. And I venture to say that had we gone to a sales tax, the budget would have been substantially larger. Again the philosophy of "let's get ours" from this sales tax would have made budgeting doubly difficult.

Small Increase

No average family under the new program will pay more than an $11 increase, and for many in the lower brackets there will be modest tax cuts. While our income tax is higher than adjoining states, the analysis made by the Interim Tax Committee of the 1955 legislature indicates that our over-all tax picture — considering total tax burden including sales, income and ad valorem taxes in the respective states—does not put us in an unfavorable position compared with Washington and California.

For education we passed a bill appropriating $15,000,000 more for Basic School Support and re-wrote the distribution formula. No other legislature has ever given a nickel to the Basic School Fund. Everyone wished it could be more, but the majority could not justify it considering other demands for state money. The formula for distribution is a compromise that few are fond of and only the next two years will tell if it is sound or not. It will give a little tax relief for the real property taxpayer, but this will probably go more to holding down increases rather than showing as a reduction.

Colleges Fare Well

Our colleges fared well with some $7,000,000 going to new construction. S.O.C.E. will get their needed heating plant and dormitories. The latter were in considerable jeopardy as the chancellor had assigned them a low priority, and if cuts had been made it would have been a fight between a swimming pool at the University of Oregon and steam line tunnels at Oregon State on the one hand and S.O.C.E.'s dorms and other projects at the smaller schools on the other hand. Believing in the value of the small college and S.O.C.E.'s needs, I was glad to do what I could to secure the appropriation.

Salary increases to academic staffs should halt or slow down the mass exodus of teachers; and the educational television and community college proposals should take education to the people and take a little pressure off established colleges.

County school reorganization passed and should result in increased efficiency and economy of operation. The life of nonhign districts is prolonged for two more years until the county reorganization can take over. This latter bill was sponsored by Senator Lowry and me as the result of a letter written by a member of a non-high school board from Trail.

UCC Trend Halted

The dangerously downward trend in the reserves of the Unemployment Compensation fund has, we hope, been halted. Modest increases in benefits was also granted. The maximum benefit went up to $40 from $35 with the average increase estimated at about $2.75 per week. Increased workmen's compensation benefits were granted; they still are not compensatory, but it is some improvement.

One measure in which I was quite interested and happy to see passed was the resolution to refer to the people a constitutional amendment to substantially repeal capital punishment. It would still be permissible but not mandatory in cases of first degree murder committed while the accused was serving a life sentence and would be mandatory for treason. The latter is academic as there has never been a conviction, so far as I know, for treason against a state. The former provision was included as a measure of protection for prison authorities during riots.

This is a most important bill, and if passed by the people will be, in my opinion, the most progressive thing done by this legislature. My prime reason for advocating this is my knowledge that the punishment is unevenly applied and that juries and courts, being human agencies, can and do make mistakes. Bad as I deem it to be to take any life, I can think of nothing more revolting than the execution of an innocent man. We can and must protect society but we can do this without the brutal, degrading institution of executions. The bill which passed the legislature and which will become effective if the people accept the constitutional amendment, tightens the parole laws so as to give us reasonable protection against premature release. It was interesting in the hearings on this matter that three people appeared who had close relatives who had been murdered—all of these people supported the measure to abolish the death penalty. Even Warden Gladden, a stern, practical prison administrator for many years, urged that capital punishment be abolished. I hope you will all give the matter serious thought.

Many Other Matters

There were many other important matters considered. Election laws were given a thorough and long overdue rearranging. There is doubtless still room for improvement, but registration and voting, those most priceless privileges of a democracy, have been made easier and the corrupt practices act has been strengthened. Workmen's compensation was extended on a reciprocal basis to cover Oregon workmen and employers when the employee is temporarily out of the state. This gives the workman and employer certainty of coverage and eliminates the necessity of the employer having to have private employers liability insurance for occasional out of state business. This will be effective soon insofar as California and Nevada only are concerned. Do not rely on it without checking with the Compensation Commission as to the effective date of the Act and the state involved. This bill was sponsored by Senator Lowry, Representative Littrell and myself and took lots of work to get it through the rules and Labor and Industries committees. I appeared before the latter committee one evening at 6:25 p.m. before the afternoon's work ended and the evening's work began.

Question Eliminated

Another bill which I sponsored and which will be of benefit in the workmen's compensation field was one to eliminate the question of whether the workman is an employee or an independent contractor and thus eligible for benefits or not. This uncertainty has produced many lawsuits and much heartache and is important in an area such as ours where there are many owner-operators of logging equipment. When the bill becomes law, the employer and workman will determine at the time of employment whether workmen's compensation coverage is to exist or not. It is not mandatory.

Locally the procedure for paying bounties has been simplified, the consolidation of Oak Grove and Medford School Districts validated, and an amendment passed which will help the City of Medford to work out problems of assuming obligations of water districts when they are partially annexed to the City. The bill to permit industrial use of the Rogue River waters was tabled, but the State Water Resources Board and State Engineer were directed to study the problem and make recommendations to the next session. The Klamath River compact insuring against diversion of the Klamath River waters to southern California was likewise passed and will be submitted to Congress for approval. A new circuit judge was added for Jackson county.

Gov. Holmes' Program

A word about Governor Holmes and his administrative branch of government—His announced goal was a progressive one. It set a goal, and many steps were taken toward that goal. All of his ideas did not become law. The legislature exercised its prerogative of accepting, rejecting and modifying his suggestions, as they properly should, and some were postponed for future consideration. Governor Holmes is and will be a fine governor. He was always available for conference on any problem, and I know he is interested in maintaining close communication with the people and problems of this state. I was, for instance, able to arrange an appointment on very short notice for people from this area to discuss with him their concern over a gasoline price war in the state. Should anyone else wish to confer with him, I will be happy to do what I can to facilitate the matter, and I know that you will find him sympathetic and anxious to help.

Interim committee appointments have not been made up to this writing, but I have been designated to serve on the Emergency Board and the Legislative Counsel Committee. The former is composed of four members of the House and three members from the Senate and is vested with certain powers of the legislature which it can exercise while the legislature is in adjournment. The latter handles the compilation and publication of the laws and provides bill drafting and legal assistance to the legislature. Both will meet from time to time during the interim.

One Disappointment

It was a disappointment not to be able to do something for those deserving teachers who retired prior to the time they would be eligible for retirement payments. I worked closely with Senator Lewis on this problem, and the matter was referred to a sub-committee of Ways and Means on which I served. Serious constitutional objections were raised to the bill, which I think probably had merit. The only way they could be avoided would be to amend the Constitution, and that could not be done by the legislature, but only by the people. The bill was tabled without any vote as I wanted very much to help these people.

All in all, it was a hard working session. It was the hardest work I have ever done. It is an expensive experience to serve in the legislature. It is frustrating and disappointing at times. I know many must have disagreed with me from time to time, and I know already that I have made mistakes. But there are compensations to the legislator in knowing that he is playing a part in keeping representative government, with all its imperfections, a vibrant, vital agency for freedom. I tried to give every bill thoughtful consideration, every letter and request an answer and such action as time and its merits would permit. I hope you will feel that I served you well. For my part, I am grateful for the opportunity which you gave me to serve.

30 Youngsters Go On Overnight Trip

Approximately 30 youngsters from 4-H forestry clubs in Jackson county went on an overnight camping trip to the Four-Bit Ford forest service camp on Fish lake rd. Friday.

County 4-H Agents Glenn Klein and Miss Marjorie Hatten accompanied the group.

Members hunted fire hazards and forest specimens and studied pacing, fire building and extinguishing. They visited Rock Point lookout and the Medford watershed reforestation area Friday afternoon.

Atlas Missile Said Due for Test Firing

San Diego — (AP) — The San Diego Union said in a copyrighted story Friday that the first firing of the Atlas intercontinental ballistic missile probably would take place today at Patrick Air Force base, Fla.

The Atlast is built in San Diego by the Convair division of General Dynamics corporation. It is reported to have a range of 5,500 miles and travel at 15,000 miles per hour.

A new magnetron tube is said to double the range of radar. It delivers 1 million watts at peak and its temperature reaches 3100 degrees Farenheit with each pulsation.

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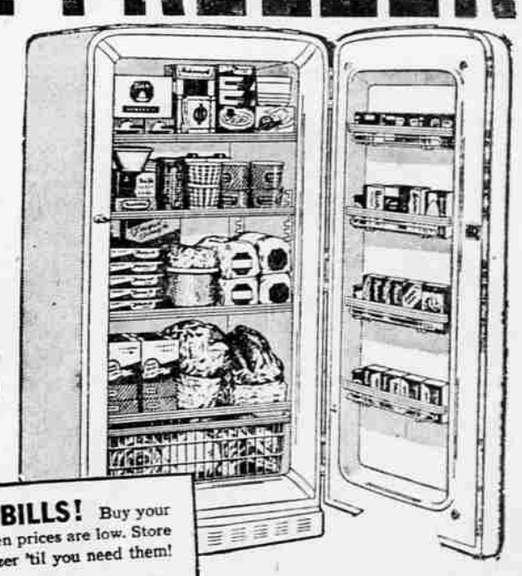

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