



Salem Scene

by Jack Zimmermann

New Governor Exercises Rare Veto Procedure

Although the 58th Legislature adjourned sine die on June 14, another step in the legislative process was completed 20 days later—this time by the Executive Department.

Governor Bob Straub on July 8 complied with the constitutional provision that requires gubernatorial review of all new legislation. In the case of each of the record 867 measures passed by House and Senate, Gov. Straub had three options. He could express his approval by signing them into law. He could let them become law without his signature on the 20-day deadline date. Or, he could veto those he disapproved of for any of a variety of reasons.

The last choice is the one that makes news on this particular day after each regular biennial session and Gov. Straub provided his share. He had vetoed two bills earlier and on deadline day announced vetoes of eight more. He also let another 10 become law without his signature.

Actual effective date for most of the new laws will be September 13—90 days following legislative adjournment.

But of particular significance to students of constitutional law, was Gov. Straub's item veto on House Bill 2647, designed to ease problems caused by soaring costs of medical malpractice insurance. Attached to the bill was the Emergency Clause, which would have

made the measure effective upon receiving the governor's signature instead of 90 days after the Assembly adjourned.

The partial veto is a constitutional exception to the general rule in this state that a governor cannot strike out portions of an enacted law and let the remainder survive. The exception is carefully stated in Article V, Section 15: "The Governor shall have power to veto single items in appropriation bills, and any provision in new bills declaring an emergency, without thereby affecting any other provision of such bill."

And it was the emergency portion of the bill stricken by Straub, who also refused to sign it. So although he didn't particularly like the measure, he only delayed its effective

date until fall. The reason given, according to his veto statement, was to permit more time for setting up necessary procedures for its implementation by the Insurance Commissioner.

It is interesting to note Oregon governors seldom use the item veto, although it has been on the books since 1916. Gov. McCall vetoed individual appropriations out of only two bills during his two terms in office. And the E-Clause veto was most recently invoked by now-Sen. Mark Hatfield in 1963 on House Bill 1234, the state's first sub-division control law, and quite likely for a reason similar to Gov. Straub's.

A perusal of the Voter's Pamphlet for the 1916 General Election at which the people approved the amend-

ment, reveals arguments for its passage. More convincing then, than now was the fact an "emergency" might well subside between the time of legislative enactment and signing of a bill by the chief executive. But the major reason for providing the exception is the additional fact that the E-Clause can circumvent the right of the people to gather signatures sufficient to refer bills to statewide vote in the three months between adjournment and a new law's normal effective date.

Lawmakers today reluctantly admit emergencies were probably considerably more vivid when the clause was attached to bills in the past than now. Nonetheless, it remains their collective right to speed effective dates

of new laws on all but revenue bills.

Article V, Section 15a simply provides another of those executive checks that we find balancing constitutional government wherever it exists.

Gubernatorial vetoes are seldom exercised capriciously and might be considered rare when balanced against the great number of new laws approved each legislative session. Halting 10-and-a-fraction out of 867 isn't much of a percentage, really.

Gov. McCall vetoed 16 measures out of 841 passed by the 1973 session, one out of 792 in 1971 and 2 out of 710 in 1969. He vetoed 7 out of 638 in 1967 and Hatfield vetoed 8 out of 634 in 1965. Stemming from Latin, one

must assume the veto dates back to ancient Rome and Greece. Drafters of the U. S. Constitution were naturally influenced by British parliamentary procedure. Regardless of origin, it is an integral part of our system today. And until and unless abused, the power of the veto remains a strong segment of the checks and balances sustaining that system for two centuries in this country.

A former Oregon lawmaker looking at the veto from a retrospective stance, describes it as the system's single remaining opportunity for a politician to exercise statesmanship.

Unfortunately, he added, few chief executives really take advantage of the opportunity until their political options are foreclosed.

Wattwise

Home Making Tips

By Helen Johnson

Whatever Happened To The Light Bill?

We used to refer to the monthly charge from the electric company as the "light bill." Lighting now represents a relatively small percentage of electrical use. Unfortunately in many areas the light bill is no longer "light." There is no good short answer to the question "why?"

For many years utility companies had a record of the average unit price coming down; one of the reasons being advancing technology which made conversion of basic fuels to electric power more efficient. Because electric energy has been known as a flexible, versatile form of energy, increased use has forced electric utility companies to build larger and larger power supply facilities. However, at the beginning of the 1970's inflationary pressures began to take their toll. Money is short for the utility companies (as it is for consumers). Consequently the rates must go up. At the same time, progress in extracting more electric energy from the basic fuels becomes more difficult as technical limitations slowed advances in efficiency. There must be a proper balance between energy needs and environmental goals. The result should be sound cost/benefit evaluations.

Evidence that greater and greater reliance on electricity abounds. Numerous examples of switches over to electric power to substitute for other energy forms in short supply can be found. With substantial numbers of new families, new homes, new babies, more and more families are improving their living standards through electric labor savers and conveniences. We watch this growth in electric use, adding 7000 new customers in 1974.

Yet we hear about people who say no new power plants are needed.

Meanwhile, the homeowner is concerned about her Energy Dollar. Idaho Power would like to help you get the greatest benefit of electric energy. As residential advisor, I will be happy to visit your home and discuss your heating and cooling systems and how they might be improved for efficiency (it doesn't matter what kind of energy you use). Perhaps we can discuss your insulation and see if it is adequate. Weather stripping and caulking are important—learn how valuable it is! Discussion on the Wise Use of Energy in heating, cooking, refrigeration and appliances are always in order. Call your local Idaho Power office for a free appointment with an Energy Advisor. They are happy to make your acquaintance.

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