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City Club
BULLETIN

Crystal Room • Benson Hotel
Friday . . . 12:10 P. M.

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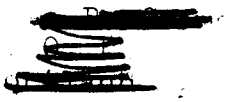

NOTE: *This week's meeting will be in the Crystal Room of the Benson Hotel.*

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PRINTED IN THIS ISSUE OF THE *BULLETIN* FOR PRESENTATION, DISCUSSION AND ACTION ON FRIDAY, NOVEMBER 4, 1960:

REPORTS ON

FINANCING URBAN RENEWAL PROJECTS

(State Ballot Measure No. 3)

The Committee: STUART W. HILL, ROBERT R. KNIPE, HAROLD KROPITZER, WILLIS C. WARREN, and VERNON I. BASLER, *Chairman.*

SUPPLEMENTAL FIRE-POLICE PENSION TAX, CONTRIBUTIONS

(Municipal Measure No. 58)

and

ADJUSTING CERTAIN FIRE-POLICE PENSIONS

(Municipal Measure No. 59)

The Committee: GEORGE J. CAMPBELL, ADOLPH E. LANDAU, CARL R. NEIL, ALVIN F. WIGGERS, A. N. WILLIAMS, and JAMES A. NELSON, *Chairman.*

RECREATIONAL AREAS SPECIAL TAX LEVY

(Municipal Measure No. 52)

The Committee: DR. CHARLES W. BURSCH, ROSS C. MILLER, GEORGE D. RUBY, WILLIAM O. WRIGHT, and GEORGE D. DYSART, *Chairman.*

AUTHORIZING LEGISLATURE TO PROPOSE REVISED CONSTITUTION

(State Ballot Measure No. 5)

The Committee: GUNTHER KRAUSE, CLARENCE LARKIN, JOHN M. SWARTHOUT, and ROBERT L. WEISS, *Chairman,* for the majority; EUGENE J. WATSON, for the minority.

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PLUS: ANALYSIS AND PRIORITY COMMENT

An analysis of all municipal measures will be discussed in summary by a team of City Club members experienced in pertinent previous research on city problems and measures, suggesting priorities.

The Team: JOHN C. BEATTY, JR., and JOHN R. HAY.

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Contained in this issue: Summary of Club Votes

REPORT
ON

FINANCING URBAN DEVELOPMENT PROJECTS

(State Measure No. 3)

Purpose: To amend Constitution to permit payment of cost of urban renewal projects from the additional tax revenues resulting from the increased valuation of the areas redeveloped.

TO THE BOARD OF GOVERNORS,
THE CITY CLUB OF PORTLAND

INTRODUCTION

Measure No. 3 on the November 8 state ballot is a proposal to amend the Constitution of the State of Oregon to provide an alternative method of financing urban redevelopment in the State of Oregon. It would create a new section to be added to and made a part of Article IX which would read as follows:

> "Section 1c. The Legislative Assembly may provide that the ad valorem taxes levied by any taxing unit, in which is located all or part of an area included in a redevelopment or urban renewal project, may be divided so that the taxes levied against any increase in the true cash value, as defined by law, of property in such area obtaining after the effective date of the ordinance or resolution approving the redevelopment or urban renewal plan for such area, shall be used to pay any indebtedness incurred for the redevelopment or urban renewal project. The Legislature may enact such laws as may be necessary to carry out the purposes of this section."

The purpose of this proposal is to provide for a self-financing plan for the local share of the costs of urban renewal projects. It would eliminate any doubt concerning the authority of the State Legislature to enact a statute permitting an Oregon taxing unit to pay its share of the cost of an urban redevelopment project out of the increase in tax revenues resulting from the increase in assessed valuation due to the construction of new buildings and other facilities in the area.

BACKGROUND OF THE MEASURE

Senate Joint Resolution No. 32 of the 1959 Legislature directed the submission of this constitutional amendment to the people at this general election. It was passed by the Senate by a vote of 28 to 1, and by the House by a vote of 58 to 1. It is submitted to the people as Ballot Measure No. 3.

This same proposal was submitted to the people at the general election in November, 1958. A City Club report published on October 10, 1958, favoring the measure, was adopted by the Club, but the proposal was defeated at the polls.* It is possible that the adverse vote was due largely to a lack of understanding on the part of voters as to the purpose of the measure. In the sponsors' opinion, if the voters had realized that the plan would provide self-financing and would ultimately operate to reduce taxes, the 1958 measure might have received a favorable vote. They believe the ballot title is now more suitable, and the measure should receive more favorable consideration by the voters at this election.

CONSIDERATION

The Committee felt that a full discussion of the details of setting up urban renewal projects and of the merits and demerits of such projects should be eliminated from this report, as it has been the subject of two prior reports, and is not involved in this ballot measure. This measure refers only to a permissive constitutional amendment for financing such projects when and if they are otherwise approved. Hence, our report has been limited to the constitutional amendment under consideration.

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* The November, 1958, measure was defeated by a vote of 268,716 to 221,330. It carried in only nine counties and was defeated in Multnomah County by the wide margin of 106,658 to 68,505.

DISCUSSION

An urban renewal project is planned and carried out in a substandard area by means of the joint efforts of the Federal government, the taxing unit concerned, and private enterprise. The Federal government pays two-thirds of the net cost of planning and preparing the site for the construction of the new buildings. The municipality agrees to pay the remaining one-third of such net cost. The cost of construction of the new buildings and facilities, other than public buildings, is financed by private enterprise. The purpose of this amendment and any legislation based thereon is to provide a means of raising the local taxing unit's one-third. The contemplated legislation would authorize the issuance and sale of tax allocation bonds by the taxing unit. These bonds would be serviced by the increased tax revenues resulting from the increase in assessed valuation, thus making the project self-liquidating.

The states of California and Washington have enacted legislation providing for this method of financing which has come to be known as the "Sacramento plan" because of its use in that city. In 1956 the city of Sacramento utilized this method to finance its share of a project to redevelop a 15-block area. The gross cost was in excess of $10,000,000, with the city's share amounting to $2,000,000. A bond issue of Tax Allocation Bonds in that amount was sold to provide those funds. These bonds are payable as to both principal and interest exclusively from — and are secured by — a first pledge of the tax revenues available from the project area, resulting from the increase in assessed valuation.

The city of Richmond, California, has also used this method of financing, and it is reported that Los Angeles is planning to adopt this program. New Haven, Connecticut, used a similar procedure.

This proposal has the endorsement of the Portland Development Commission, Oregon Tax Research, League of Oregon Cities, the Mayor's Advisory Committee on Urban Renewal, the *Oregon Voter,* the *Oregonian,* and the *Oregon Journal.* Representatives of these groups, and of financial institutions, the Multnomah county assessor's office and members of the Legislature were interviewed by members of the Committee.

Your Committee did not uncover any opposition to the proposal, although the assessor had questions regarding the techniques of assessment and tax procedure which will need to be covered in legislation.

A number of cities in Oregon are considering urban renewal projects, notably Eugene, Klamath Falls, Seaside, Oregon City, Forest Grove, Roseburg, and Umatilla. These and other Oregon cities could probably benefit by the use of such a self-financing plan when projects are approved.

CONCLUSIONS

The Committee believes that the adoption of this measure is necessary in order to remove all doubt concerning the right of the Legislature to authorize this method of financing urban redevelopment.

RECOMMENDATION

The Committee unanimously recommends that the City Club place itself on record in favor of the proposed amendment and urge a vote of No. 3 "Yes".

Respectfully submitted,

Stuart W. Hill
Robert R. Knipe
Harold Kropitzer
Willis C. Warren
Vernon I. Basler, *Chairman.*

Approved October 27, 1960, by the Research Board for transmittal to the Board of Governors.

Received by the Board of Governors October 31, 1960, and ordered printed and submitted to the membership for discussion and action.

REPORTS
ON

SUPPLEMENTAL FIRE-POLICE PENSION TAX, CONTRIBUTIONS

(Municipal Measure No. 58)

and

ADJUSTING CERTAIN FIRE-POLICE PENSIONS

(Municipal Measure No. 59)

TO THE BOARD OF GOVERNORS,
THE CITY CLUB OF PORTLAND

Your Committee was appointed to study and report on Municipal Ballot Measures No. 58 and 59, amending Chapter 5 of the Charter of the City of Portland relating to the fire and police disability and retirement and death benefit plan.

Measure 58 requests an additional tax levy to be used only if the presently available levy should become insufficient to fund the pension and retirement plan.

Measure 59 requests an increase in the pensions of firemen and policemen and their dependents if retirement occurred prior to July 1, 1947. Although Measure 59 would increase in some degree the over-all obligations of the plan, it is not the compelling reason for inclusion of Measure 58 on the municipal ballot. For this reason the two measures will be considered separately.

SOURCES OF INFORMATION

Your Committee interviewed Captain Harry Williams, President of the Portland Fire Fighters Association; Captain John R. Pittinger, head of the Traffic Division, Portland Police Department; Miss Blanche Noble of the City Auditor's office; Mayor Terry Schrunk; Joe Hawkins, County Assessor, and Marion Rushing, Chief Deputy City Attorney.

The Committee also studied portions of the present City Charter relating to the pensions of firemen and policemen, information on the measure prepared by City Auditor Ray Smith, and budgets for the 1959-1960 and 1960-1961 fiscal years prepared by the Budget Committee of the Pension Fund. We also studied the City Club Report on a Pension Increase to the pre-1947 pensioners which was passed by the voters at the November, 1954, election, and the City Club report on the present disability, retirement and death benefit plan which was passed by the voters at the November, 1948 election.

MUNICIPAL BALLOT MEASURE 58

A resume of Ballot Measure No. 58 will appear on the Municipal Ballot in the following manner:

58	SUPPLEMENTAL FIRE-POLICE PENSION TAX, CONTRIBUTIONS Charter amendment authorizing additional tax levy not to exceed $500,000 a year outside constitutional limitations and to increase member contributions to 6½% of salary if needed to maintain solvency of Fire and Police Disability and Retirement Fund.	**YES** ☐ **NO** ☐

FUNDING THE PRESENT RETIREMENT PLAN

The present fire and police disability and retirement plan was adopted by the people of the City of Portland at the general municipal election held November 2, 1948.

The fact that firemen and policemen are not protected by social security, state

workmen's compensation or other forms of disability or retirement protection makes some form of retirement and disability protection essential. The existing plan provides retirement pensions, benefits for both service-connected and non service-connected disability, and benefits for widows and children of deceased members. With minor exception the plan is funded initially by a compulsory monthly contribution from each member of the Bureau of Fire and Bureau of Police, amounting to 6% of the member's then current salary, but not to exceed 6% of the then current salary of a first-class fire fighter or first-class patrolman.

Each year the trustees of the fund provide the City Council with an estimate of the funds that will be needed for the balance of the fiscal year and the next succeeding year. If it is estimated that the total amount of members' contributions, together with gifts, bequests, emoluments, income on investments and interest is not sufficient to pay and discharge all requirements of the fund for the next succeeding year, the City Council is required to levy a real property tax not to exceed 2.9 mills* on each dollar valuation in order to provide the required amount as estimated, and at the same time maintain a reserve fund of $750,000. The reserve fund so created is used only in the event that the retirement fund is depleted to such an extent that it cannot meet its current obligations.

The total budget of the Fund for 1960-61 was about $1,930,000. Of this sum, a total of $1,200,910 was to be raised under the tax levy pensions at the rate of approximately 1.47 mills per dollar of assessed valuation.

CONSIDERATION OF MEASURE 58

As can be seen from the above information, the 1.47 mill levy for the 1960-1961 fiscal year is approximately one-half of the total millage levy available. Under the present property assessment ratio of 40% of true value, the present authorized maximum levy of 2.9 mills is clearly ample and would probably remain so for an indeterminate period in the future. If the assessed valuation should be reduced to 25% of present true value, based upon present estimated needs of the fund, your Committee calculated that it would require approximately 2.28 mill levy to produce $1,200,910. If to this were added the $174,090 first year cost contemplated in Ballot Measure No. 59, hereinafter discussed, the necessary levy would be 2.614 mills, still within the present 2.9 mill maximum.

If your Committee felt that the true value of property subject to tax and the needs of the Fund, including the increase contemplated in Ballot Measure 59 would remain static, it would have seen no merit in the request of Ballot Measure 58 for a $500,000 tax levy buffer. However, the above consideration was as far as your Committee could go in relying on specific figures. The pension plan unfortunately but necessarily is subject to various factors which are unstable and cannot be calculated with any great degree of accuracy. Among those factors considered, the Committee felt the following could have the greatest effect on the plan:

1. Police and fire fighters are subject to risks and health hazards not commonly encountered in other fields of endeavor (viz., heart disease, tuberculosis and pneumonia are considered occupational hazards;

2. A catastrophe could occur which would create an unprecedented drain on the fund in any one year;

3. Pensions are keyed to a percentage of current salary rates, which are generally considered to be on the increase;

4. Increases in property value may be offset or overshadowed by necessary increases in personnel in the police and fire departments.

In view of the above factors, an actuarial study that could pinpoint with accuracy the precise point and under what set or sets of circumstances the 2.9 maximum levy would be insufficient to fund the plan would be difficult at best, and probably impossible without assuming facts about which reasonable minds might differ. For example, one source of information feels that the annual obligations of the pension are leveling off, whereas another source feels that such obligations have not yet reached their peak. Also, against the possibility of catastrophe is the enviable record of the fire bureau of never having had more than two deaths as a result of any one fire call. However, the possi-

* The present pension plan passed November 2, 1948, authorizes a levy of 2.5 mills. The City Council believes itself entitled to 2.9 mills by adding a levy of .3 mills from a prior pension plan, and a .1 mill authorized from the general fund. (See Sec. 7-100 and 5-103 Portland City Charter.)

bility that an entire company could be wiped out in one incident is ever present. An actuarial study was made prior to the submission of the plan to vote of the people in the general municipal election of November 2, 1948 and was considered by a previous City Club committee in its report published October 22, 1948. As there stated: "The estimate of the ultimate millage necessary to finance the plan was 2.3 * * * " The actuary further estimated that no greater levy than 1.38 mills would be required for ten years. These figures were based on the then salary schedule, the true value of the then property subject to tax, and the assessed valuation then in effect. A change in any of these factors or any of the other undeterminable factors above discussed would appreciably affect the actuarial study.

ARGUMENTS FOR THE MEASURE

1. The measure does not increase the benefits to members but merely provides an increase in the maximum levy as a safeguard in the event the property assessment ratio is reduced to a point at which the fund would become insolvent.

2. A drop in the assessed value ratio to 25% of true value on present values and costs would bring the fund to a critical level and in view of the ever-changing and indeterminable factors affecting the fund could render the present maximum levy inadequate.

ARGUMENTS AGAINST THE MEASURE

1. Other methods of safeguarding the fund are more workable, such as amending the act to provide a millage levy based on true value rather than assessed value, or providing a millage rate coupled with a fixed dollar minimum.

2. The Multnomah County Assessor has not reduced the assessed value ratio to 25% at the present time, and there is no assurance he will do so in the future. Therefore, the fund is not in immediate danger.

CONCLUSIONS

The assessed value ratio in Multnomah County is far from 25% at the present time, but the Committee feels that the Assessor's office is giving serious consideration to reducing such ratio to the 25% level in the not too distant future, at which time the pension retirement and disability fund could well require a levy in excess of the present maximum of 2.9 mills. Under the circumstances it is the Committee's feeling that the proponents of the measure were not unnecessarily alarmed and had cause to consider some form of safeguard. The method employed in Ballot Measure No. 58 is workable and does not exceed reasonable limits. Your Committee feels that another more workable amendment might possibly have been presented. However, in reaching its decision to recommend approval of the measure rather than suggest that a different approach be considered in the future, the Committee took into consideration the fact that in the event the funds should not be sufficient to discharge all obligations in any year then such obligations are paid on a pro-rata basis and such pro-rata payment is in full settlement of the member's claim with no right to claim a deficiency in a subsequent year. Thus any deficiency in the fund would cause an immediate and unrecoverable loss to each member drawing benefits.

RECOMMENDATION

The Committee unanimously recommends that the City Club of Portland go on record as approving the proposed amendment to the City Charter and urges a "Yes" vote on Municipal Ballot Measure No. 58.

★ ★

MUNICIPAL BALLOT MEASURE NO. 59

The ballot resume of Measure No. 59 is as follows:

59 ADJUSTING CERTAIN FIRE-POLICE PENSIONS

Charter amendment to increase and correlate with current salaries of first-class firefighters and first-class patrolmen, pensions of retired firemen and policemen and their widows and dependent minor children, if either retirement or death occurred prior to July 1, 1947, and providing for annual adjustments.

YES ☐

NO ☐

PRESENT PENSION SYSTEM

Under the system adopted in 1948 and now in effect, persons retiring *since July 1, 1947,* can receive a maximum pension equal to 60 per cent of the current salary of a First-Class Fire Fighter or First-Class Patrolman. The present salary of those positions is $500.93 per month, making the present maximum pension $300.56 per month. The actual pension drawn by a particular person retiring since July 1, 1947, depends upon his length of service and age at retirement. Benefits in varying amounts are also provided from the Fund for widows and dependents of retired firemen and policemen.

It is apparent that persons retiring since July 1, 1947, receive pensions which are adjusted periodically whenever current salaries of firemen and policemen are increased or decreased. This system provides a built-in method of adjusting pension benefits to correspond with increases in the cost of living.

In contrast to the above system, the present charter provisions for pensions of those retiring prior to July 1, 1947, and widows of such persons fix maximum and minimum pensions at certain dollar amounts, which cannot presently be increased above the maximum figure. As amended by the voters in November, 1954, the present maximum pension for persons in this group is $135.00 per month for retired firemen and policemen and $90.00 per month for widows, with a minimum pension of $50.00 per month for anyone in this group.

It will be seen that pensioners in the pre-1947 group do not receive periodic adjustments of their benefits to correspond with cost of living changes, and are limited to a fixed maximum pension until otherwise provided by a charter amendment. By comparison, persons retiring after July 1, 1947, and their widows and dependents receive benefits greater in maximum amount and subject to periodic automatic adjustment whenever current salaries of firemen and policemen are increased.

The number of persons in the pre-1947 group now receiving benefits is 272, of whom 105 are retired policemen and firemen and 167 are widows of policemen and firemen who retired prior to that date. The number of persons in this group will, of course, be decreased by death as time passes. The great bulk of these persons receive pensions ranging from $80.00 to $125.00 per month. Your Committee is informed that because of inadequate pension benefits, a number of these pensioners are receiving additional support either from the City's general fund or from welfare payments. Others are in rest homes or receiving care from public agencies and private charitable groups.

EFFECT OF NEW MEASURE

The measure under consideration is intended to place pensioners in the pre-1947 group on a basis of periodic adjustment of benefits, similar to the basis presently in effect for pensioners in the post-1947 group. This measure would become effective January 1, 1961. On that date, the percentage of the monthly benefits paid on July 1, 1949, of the salary of a fire fighter or patrolman first-class on July 1, 1947, is to be determined for each pensioner. Beginning January 1, 1961, and annually thereafter, benefits are to be increased or decreased by applying the percentage thus determined to the then current salary of a fire fighter or patrolman first-class.

For example, if a certain pensioner on July 1, 1949, received a pension which was 40 per cent of the salary of a fireman first-class as of July 1, 1947, his pension on and after January 1, 1961, will be 40 per cent of the present salary of a fire fighter first-class. If the salary of a fire fighter first-class is increased in the future, this pensioner would also have a pension increase up to 40 per cent of the then current salary figure.

Thus, the measure will subject pre-1947 pensioners to the same annual benefit adjustment process which those in the post-1947 group obtain. Because of the dates for calculating the percentage figure, the maximum pension in the pre-1947 group would be 45 per cent of the current salary figure, and the minimum would be 20 per cent. This compares with the maximum of 60 per cent of current salary received by those retiring since July 1, 1947. Only 13 of the pre-1947 pensioners would receive the maximum percentage. The maximum pension of any person in the pre-1947 group would thus be $225.42 per month (.45 x $500.93 per month) as compared with the present maximum of $135.00 for that group and $300.56 for those retiring since July 1, 1947.

If the measure is adopted, the estimated maximum cost of the increased pensions in the first year after the effective date will be $174,090. Although pension benefits could increase thereafter, the constantly decreasing number of pensioners in the pre-1947 group makes it likely that the cost will decrease annually as the number of persons in the group is reduced. It is estimated that a very modest increase in the present 1.47 millage rate will be required to meet this increased cost in future fiscal years, leaving the rate still well below the maximum 2.9 mills authorized by present law.

It is important to understand that this measure has no effect whatever on pensions of persons retiring after July 1, 1947, or widows or dependents of such persons. Likewise, this measure is in no way tied to Measure No. 58, which would authorize an increased tax levy over the present 2.9 mill limitation in the event that revenue in any year from existing sources will not be sufficient to meet the annual disbursements of the Fund. Neither is the measure affected by that part of the Measure No. 60* which relates to the fund under discussion. That portion of Measure No. 60 relates only to procedural matters in applying for benefits and receiving care under the pension and disability plan.

ARGUMENTS FOR THE MEASURE

1. The present pension rates for persons in the pre-1947 group are unrealistically low.
2. Pensioners in that group are victims of discrimination under the present system, because their benefits are fixed at certain amounts, whereas pensions of post-1947 people are subject to annual adjustments reflecting cost of living increases.
3. The measure will substitute pensions benefits, earned by long and faithful service to the City, for public welfare and private charity support now needed for survival by many pensioners in the pre-1947 group.

ARGUMENTS AGAINST THE MEASURE

Your Committee has heard no arguments against the measure. It is true that a certain discrimination in pension benefits would still exist between pre-1947 and post-1947 pensioners, although less serious than under the present charter. This argument appears to your Committee, however, as an unsound reason for rejecting this measure, thereby leaving an even worse discrimination in effect.

CONCLUSION

It seems self-evident that pensions ranging from $50.00 to $135.00 per month are inadequate to support many of the people in the pre-1947 group at even a modest standard of living. Firemen and policemen have rendered long and valuable service to the City of Portland. They and their widows should not be forced into pauperism by inadequate pensions. The strain on public welfare and private charities will be alleviated to some extent by this measure.

Persons on fixed pensions, as are those in the pre-1947 group, are notoriously victimized by increasing costs of the necessaries of life. The measure will alleviate the present rigidity of pension benefits for these persons by allowing them, like post-1947 pensioners, annual adjustments whenever current fire and police salaries are adjusted.

The number of persons in the pre-1947 group is small, and constantly decreasing. The total cost of the increased pensions, even at its maximum of $174,090 per year, is very small in relation to the current annual expenditures of the Fund of almost $2,000,000.

Your Committee believes that the increased tax levy which this measure might cause will be insignificant, and will leave the rates still well below the current limitation of 2.9 mills.

RECOMMENDATION

Your Committee unanimously recommends that the City Club of Portland go on record as approving the proposed amendment to the City Charter and urges a "Yes" vote on Municipal Ballot Measure No. 59.

Respectfully submitted,

George J. Campbell
Adolph E. Landau
Carl R. Neil
Alvin F. Wiggers
A. N. Williams
James A. Nelson, *Chairman.*

Approved October 27, 1960, by the Research Board for transmittal to the Board of Governors.

Received by the Board of Governors October 31, 1960, and ordered printed and submitted to the membership for discussion and action.

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* See City Club report on Measure No. 60, "Partial Charter Revision," in *Bulletin* dated October 21, 1960, Vol. 41, No. 21.

REPORT
ON

RECREATIONAL AREAS SPECIAL TAX LEVY

(Municipal Measure No. 52)

Charter amendment providing for special continuing ten year tax levy of $400,000 per year outside constitutional limitations for acquisition, construction, improvement, equipment, maintenance and operation of recreational areas within and without the City, limiting use of levy revenue for maintenance and operation to one-fourth.

TO THE BOARD OF GOVERNORS,
THE CITY CLUB OF PORTLAND

ASSIGNMENT

Your Committee was directed to report on the proposed amendment of the City Charter providing for a ten year continuing tax levy of $400,000 per year for parks, playgrounds, playing fields, and other recreational areas. The levy would be outside the 6% limitation prescribed in Section 11, Article XI of the State Constitution and would replace a similar levy that dates back to 1939. A new feature of the proposed levy is that up to $100,000 of the annual amount could be used for operation and maintenance.

SCOPE OF INQUIRY

Your Committee interviewed City Commissioner Ormond R. Bean, who directs both the Department of Finance and the Bureau of Parks; Mr. H. B. Buckley, superintendent of the Bureau of Parks and Public Recreation; Mr. Robert Hurd, treasurer of Oregon Tax Research and a member of the Tax Committees of the Portland Chamber of Commerce and the Oregon Association of Real Estate Boards; Mr. Lloyd Keefe, Executive Director of the City Planning Commission, and Dr. Amo deBernardis, assistant superintendent of Portland Public Schools. In addition your Committee studied data furnished by Commissioner Bean, previous City Club reports on similar and related measures, and a member of the Committee, as an observer, attended a public meeting of persons interested in promoting the measure. Except in the limited instance hereinafter noted, your Committee was unable to find any organized or vocal opposition to the measure.

BACKGROUND

In November, 1938, and again in May, 1950, the voters approved 10-year tax levies of .4 of a mill per year for substantially similar purposes as the proposed levy (except for the operation and maintenance purpose). The 1938 measure was for the acquisition and development only of new property within the City. The 1950 measure was for acquisition of property within or adjacent to the City and for improving any of the City's recreational areas. The proposed levy may be used for acquisition of sites within or without the city limits, and for the development or enlargement of new or existing sites. In addition, not more than one fourth of the amount of the levy may be used for operation and maintenance of recreational areas and facilities. The City Council may fix the order of establishment of recreational projects and determine the number of projects which may be acquired, improved or equipped in any one year. The former levies were on a millage basis whereas the proposed measure is drafted in terms of a dollar maximum. A .4 of a mill levy, such as the former measure, would produce an estimated $376,000 the first year as against $400,000 called for under the proposed measure. The new levy would amount to about 73c for each $100 of property tax now paid.

Last May, the City Council proposed a charter amendment which would have provided for a $3,000,000 tax base increase. One of the reasons for that measure was to eliminate the necessity for a number of special levies, including the park and recreation levy which was due to expire June 30, 1960. The defeat of that measure caused the City Council to propose a number of special levies for more limited purposes. One of its proposals is to continue for another ten years a special levy for parks and recreation.

Before submitting the increase in tax base to the voters last May, Commissioner Bean presented a comprehensive chart of suggested allotment of the increased funds, under date of December 5, 1959. This chart, which was printed in the City Club *Bulletin* of May 13, 1960, as part of a committee's research report on the measure, indi-

cated a tentative allocation of $375,000 per annum for the purposes served by the special park and recreation levy.

The contemplated expenditures from the proposed levy are:

Additions and betterments	$ 971,500
Buildings and other structures	1,802,500
Land	226,000
	$3,000,000
Operation and maintenance	1,000,000
	$4,000,000

ARGUMENT FOR THE MEASURE

The principal arguments which have been advanced for the measure are:

1. Portland's park and recreation program, which is far from complete, has been built around a special .4 mill levy for the last twenty years. This levy merely replaces the former levy in order to continue the program.

2. The program of park and recreation area acquisition and development represents one of Portland's better planned programs and has not been carried on in a hit-or-miss fashion.

3. Portland has used funds from previous levies to acquire many park and recreation areas when they were available at lower cost. Now there is a need for improving and developing those areas if Portland is to realize on its investment.

4. Acquisition, development and maintenance cannot be adequately financed from the General Fund because it is restricted by the 6% limitation, and wages and fringe benefits take such a large part of the budget. If Portland is to continue its park development program, it must continue to provide the funds by special levy as it has done since 1939.

5. There is a greater need today for such a levy than in the past due to increased use of parks and playgrounds.

ARGUMENTS AGAINST THE MEASURE

The principal arguments which have been advanced against the measure are:

1. It provides that up to 25%, or $100,000, of the annual levy may be used for operation and maintenance, which is not an appropriate purpose for special levies established outside the 6% limitation.

2. Taxes are too high now, and there are many other needs for the limited tax dollar which are more essential than park and recreation development.

3. There has been no attempt to restudy the outdated 1936 City Planning Commission study of park needs, i.e. the dollar figures in this ballot measure are not supported by currently valid plans of that Commission. They are only based upon a budget or chart of suggested allotment of the anticipated funds for this measure which was submitted by the Commissioner of Finance.

4. The budget of the Park Bureau is short-sighted as to the amount tentatively allocated for land acquisitions because even the old 1936 plan for acquisitions is only about 50% completed.

5. There was not adequate notice given to interested citizens or groups of citizens prior to placing the measure on the ballot so that they could express their views regarding the substantive provisions of this measure.

DISCUSSION

The park and recreation program of the City of Portland, which has been carried out under the two previous levies and which is contemplated from the proposed levy, is one of the better-planned of Portland's civic programs. It is a long-range program, based largely upon a 1936 City Planning Commission study. However, unfortunately, there has been no up-dating of the 1936 study which is now obsolete as a blueprint for future acquisitions.

Criteria for recreational area locations have changed since the 1936 study. The concept of a playground within ¼ mile of any home remains. Beyond that, current concepts are for functional neighborhood parks and school areas to serve the various neighborhoods and large community-wide parks which serve special functions or contain

unique features (e.g., zoo, arboretum, boat facilities, golf, scenic drives, Mt. Tabor, viewpoints, forestry building).

The previous two levies, together with operating revenues, produced approximately $4,500,000 of which about $2,000,000 were spent for land acquisitions. Approximately two-thirds of the first levy, and one-third of the second were used for this purpose. Approximately 2195 acres were acquired during the 1939-1960 period of these first two levies. Not all of this was included in the 1936 plan. Approximately 3145 acres of the park and recreational areas recommended in the 1936 plan have not been acquired. However, about 1170 acres of this are currently believed to be no longer desirable for park or recreation use, due to the changing patterns of city development since 1936. It may still be feasible to acquire about 1975 additional acres. Although the 1936 park plan has not been restudied or revised, the Planning Director estimates that 600 to 800 more acres should be acquired inside the city, just to provide playgrounds and neighborhood parks close to the homes of the people; that is, small parks of 5 to 15 acres within short and safe walking distances. Portland now has about one acre for each 145 people, excluding Forest Park.

As can be seen from the above, the previous levies have been used largely for land acquisition. In the next ten years, it is proposed to emphasize development of presently-owned sites with very little new acquisition.

Portland's present park system consists of 124 areas, totalling 6451.06 acres, of which 3868.65 acres are in the Forest Park. Existing park and recreation facilities include:

12 Swimming pools (3 indoor; 9 outdoor)
72 Tennis courts (24 of which are lighted)
52 Softball fields (5 of which are lighted)
25 Baseball fields (4 of which are lighted)
41 Wading pools
43 Supervised playgrounds
10 Community recreation buildings
3 Field houses
1 Museum
5 Golf courses (2, 18-hole; 1, pitch and putt; 1, driving range; property purchased for another 18-hole course)
1 Model yacht basin and casting pool
8 Gymnasiums

The Park Bureau in its tentative budget for the proposed levy would use only $226,000 for land acquisition over the ten-year period. The administration believes the land purchase program is almost complete, and the bulk of the capital expenditures from the proposed levy will go for the improvement and development of properties previously acquired. Your Committee is not satisfied that the land acquisition program is adequate to cope with the territorial expansion and population increases that have taken place since 1936. An examination of the planning map shows that about one-half of the acquisitions proposed by the 1936 long-range park plan have not been made. However, we recognize the need for developing the sites that the City now has, and in view of the current level of taxes and the many other needs of Portland, we are not prepared to condemn the measure because the allocation for acquisition is so small. We feel strongly that the 1936 Plan should be brought up to date before any substantial acquisitions of new areas are undertaken.

The Park Bureau and School District No. 1 have worked closely together in planning the location of, and acquiring lands for parks, playgrounds and schools. Generally it has been contemplated that the Park Bureau would acquire two-thirds of a combined site, and the School District one-third. However, the Park Bureau has fallen behind in acquiring sites near schools. The School District reports that its land acquisition program is virtually complete. There has been good working relationship between the Park Bureau and the School District in land acquisition, and in co-ordinating the operating program but there is disagreement as to the extent of cooperation in the design of facilities such as outside entries to school lavatories, and development of schools as parts of community centers. The Committee hopes full cooperation will prevail, since this is good expenditure of public funds. The same taxpayers own and support both the school properties and the park properties, and they should gain by the co-ordination which gets multiple good out of public facilities.

Your Committee cautions against a repetition of the Exposition-Recreation Center (Memorial Coliseum) controversy in which advance statements of promoters, concerning types of facilities proposed, were often far more extensive than the amount of the bond issue would have permitted. There is some indication of a repetition of that by some supporters of the present measure. For example, an editorial in one of the local daily newspapers said, in justification of this measure, "Portland has real need for marine park and moorage development along the Willamette, for new golf facilities and for additional park areas and equipment." Boating and golf certainly have their following, but the fact is that the ten year preliminary plan for use of the proceeds of this levy contemplates an expenditure of only $10,000 for boating facilities. Development, operation and maintaining of golf facilities, with limited exceptions, are not financed from this fund, but rather from a separate golf fund derived from golf fees.

Your Committee has considered the objection that operation and maintenance expenditures should not be provided by means of a special levy of this type. As a matter of principle your Committee agrees this is a valid criticism. However, it appears that the needs for General Fund expenditures have grown faster than the Fund can handle them, under the 6% limitation. There is little point in spending $300,000 per year to develop new recreation facilities if they can't be operated after they are developed.

This measure contains a number of substantive differences from the recently-expired park and recreation levy. Our investigation has indicated that the substantive provisions and details of this charter amendment were worked out by the Department and City Council in closed executive sessions, with very little public airing prior to the time the ordinance was placed on the ballot. Unlike the city ordinances which do not require voter approval a city charter amendment cannot be amended by the Council after voter approval to correct deficiencies which are found to have merit. We believe the City Council should make greater effort to follow procedure in connection with the submission of charter amendments to the voters, which would enable interested persons or groups to analyze and present their views on the details of each amendment prior to its being placed on the ballot in final form.

CONCLUSIONS

Adequate park and recreation facilities are an essential part of any progressive community. Heretofore, Portland has wisely emphasized park and playground land acquisitions. Now, if the public is to realize on this investment, the levy must be continued in order that the city can develop the areas it has acquired. The Portland park program will not end with this levy. Ten years from now there undoubtedly will be a request for its extension unless other financing arrangements have been accepted in the meanwhile. It should be emphasized that this is a long-range, relatively well-planned program to provide for Portland's continuing park and recreation needs. This measure will enable Portland to continue this program with essentially no increase in the tax which has been levied for this purpose for the last twenty years. This is not a new program, nor an additional tax. It is an old friend of proven worth which has merited and continues to merit retention.

While the Committee has certain reservations associated with this measure, as expressed above, nevertheless it would be a definite step backward not to continue such a park and recreation levy. We believe that the arguments in favor of this measure far outweigh those in opposition.

RECOMMENDATION

Therefore, your Committee unanimously recommends that the City Club go on record in favor of this charter amendment, and urges a vote of No. 52 "Yes".

Respectfully submitted,

Charles W. Bursch,Ed.D.
Ross C. Miller
George D. Ruby
William O. Wright
George D. Dysart, *Chairman.*

Approved October 27, 1960, by the Research Board for transmittal to the Board of Governors.

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REPORT

ON

AUTHORIZING LEGISLATURE TO PROPOSE REVISED CONSTITUTION

(State Ballot Measure No. 5)

Purpose: To amend Constitution to permit the Legislature to revise the Constitution in whole or in part and to refer it to the voters for approval.

TO THE BOARD OF GOVERNORS,
THE CITY CLUB OF PORTLAND

ASSIGNMENT

Your Committee was asked to study and report on a constitutional amendment proposed by House Joint Resolution No. 5, and referred to the voters by the Oregon Legislature, which would:

1. empower the Legislature to propose, by a two-thirds vote of each house, revision of all or part of the Constitution, without limiting each such revision to a single subject; and

2. when such revision has been referred, would authorize the submission of constitutional amendments to the people at the same election as amendments to the "revision" proposed by the Legislature and, alternatively, as an amendment to the existing Constitution. Such alternative amendments may be proposed by initiative or as legislative action by a majority vote.

This ballot measure may be better understood if a distinction is made between the terms "revision" and "amendment". "Revision" refers to changes which may deal with more than one subject, with several, or all parts of the Constitution. Revision is possible now only by Constitutional Convention. "Amendments" deal with separate subjects, and if several are made, they must be voted on separately. Amendments may be originated by initiative, or by majority of the Legislature. A Constitutional Convention may originate amendments, but its emphasis would doubtless be upon revision rather than amendment.

House Joint Resolution No. 5 adds a new Section to Article XVII of the Constitution, in pertinent part as follows:[1]

> "Section 2. (1) In addition to the power to amend this Constitution granted by Section 1, Article IV (initiative and referendum)* and Section 1 of this Article (XVII; amendments proposed by Legislature by majority vote; Constitutional Conventions)* a revision of all or part of this Constitution may be proposed in either house of the Legislative Assembly and, if the proposed revision is agreed to by at least two-thirds of all the members of each house, the proposed revision shall, with the yeas and nays thereon, be entered in their journals and referred by the Secretary of State to the people for their approval or rejection, notwithstanding Section 1, Article IV of this Constitution, at the next regular state-wide primary election, except when the Legislative Assembly orders a special election for that purpose. A proposed revision may deal with more than one subject and shall be voted upon as one question . . . .
>
> (2) Subject to Subsection (3) of this Section, an amendment proposed to the Constitution under Section 1, Article IV, or under Section 1 of this Article may be submitted to the people in the form of alternative provisions so that one provision will become a part of the Constitution if a proposed revision is adopted by the people and the other provision will become a part of the Constitution if a proposed revision is rejected by the people. A proposed amendment sub-

1. It will be more easily understood if it is noted that Subsection (2) does not apply except when the provisions of Subsection (3) are in effect.

* Parenthetical explanations added.

mitted in the form of alternative provisions as authorized by this Subsection shall be voted upon as one question.

(3) Subsection (2) of this Section applies only when:

(a) The Legislative Assembly proposes and refers to the people a revision under Subsection (1) of this Section; and

(b) An amendment is proposed under Section 1, Article IV, or under Section 1 of this Article; and

(c) The proposed amendment will be submitted to the people at an election held during the period between the adjournment of the legislative session at which the proposed revision is referred to the people and the next regular legislative session."

SCOPE OF RESEARCH

Your Committee held interviews with Sam R. Haley, Legislative Counsel for the State of Oregon; Representative Shirley Field; former Senator Rudie Wilhelm, Jr.; and Thomas Scanlon, Research Director, Oregon AFL-CIO. Various political science journals were referred to, as well as editorial comment in local newspapers.

BACKGROUND AND PURPOSE

The Oregon Constitution provides that it may be amended by:

1. Use of the initiative.
2. Legislative action, taken upon a majority vote.
3. A Constitutional Convention called by the Legislature.

In all cases, amendments must be ratified by a vote of the people.

In case of measures referred to the people, the Constitution provides that each amendment shall be voted on separately. This means that each amendment can deal with only one subject.

Under existing constitutional provisions, any comprehensive revision of the Constitution can be achieved, in a practical sense, only by a Constitutional Convention. In 1955 a majority report of a legislative interim committee recommending a Constitutional Convention failed to receive a favorable vote in the Legislature. Since that time it has become increasingly obvious that there is considerable opposition to a Constitutional Convention, and that except under circumstances of great urgency it would not be practical to attempt constitutional revision by this means. The Committee was not directed to investigate the advisibility of calling a Constitutional Convention and accordingly the arguments in opposition to the Constitutional Convention, such as cost, difficulty and frequent lack of efficacy, were not analyzed in great detail. The existence of considerable opposition was merely noted as a fact.

House Joint Resolution No. 5 was conceived as a means of achieving such revision. It provides that the Constitution may be revised by the Legislature taking affirmative action by a two-thirds vote and by then referring the proposed revision to the people for approval at a regular primary or special election. Such revision would permit any number of amendments or modifications, dealing with any number of subjects, to be voted upon as a single question, but only if approved by a two-thirds vote in each house of the Legislature.

All existing means of amending the Constitution would remain in effect.

THE NEED FOR CONSTITUTIONAL REVISION

Of the fifty states, only twenty, including Alaska and Hawaii, have found it possible and desirable to continue to operate governmentally without at least one overall revision of their respective original constitutions. Unlike the Federal Constitution, written in such broad terms that most necessary changes can be made by law or interpretation rather than by amendment, a state constitution traditionally prescribes governmental arrangements in detail, and over long years, as needs and political ideas change, these detailed arrangements require such frequent amendment that the Constitution becomes confused or self-contradictory and replete with outworn provisions. At this stage, full revision becomes desirable if not necessary, if only to produce a logical and understandable fundamental law.

The Oregon Constitution, adopted a century ago and now the tenth oldest among the states, is by no means the worst of the 50. Although it is three times the length of

the Federal Constitution and has been amended over a hundred times, it still serves adequately if not perfectly for the state and, it would appear, generally to the people's satisfaction. Outworn provisions, like that dealing with dueling, are no real problem in practice, and only a few sections, like Article XI-A dealing with veterans' loans, and Article VII, on the judiciary, are seriously overdetailed or confusing. Nevertheless, it must be assumed that over-all revision will become increasingly needed as time goes on, accomplished with due regard for the valued basic features of the Oregon system. Indeed, it would be helpful now to make the document more concise, logical, understandable, and up-to-date.

ANALYSIS OF PROPOSAL

The following brief analysis of HJR No. 5 was prepared at the request of Representative Field by the office of the Legislative Counsel under date of March 25, 1959:

> *"Authorizes legislature to propose revision of all or part of Constitution to people for adoption.* House Joint Resolution No. 5 is a proposed constitutional amendment. It will add to the Oregon Constitution a new section authorizing the Legislative Assembly by a *two-thirds* vote of *all the members of* each house to propose to the people a revision of all or a part of the Oregon Constitution. A proposed revision would be submitted at the next regular state-wide *primary* election, except when the Legislative Assembly orders a special election for that purpose.
>
> *"When would revision method be used?* Under the present Constitution, when two or more amendments are submitted, they shall be so submitted that each amendment shall be voted on separately. A new Constitution can be proposed only by a Convention. Because of these limitations, the Legislative Assembly cannot submit to the people a proposed revised Constitution nor, in many cases, a proposed revised Article of the Constitution. The proposed revision method would be used only when it was desired to cover more than 'one question' in a single measure. Thus, the revision method would be used when the Legislative Assembly desired to:
>
> (1) Submit an *entire new Constitution* to the people for their approval. The revised Constitution could, for example, be prepared by an interim committee. The revised Constitution could be one that represented a re-examination of the entire Constitution as to policy and substance. Or, on the other hand, it could be merely a 'clean up' of the existing Constitution to eliminate obsolete, duplicated and conflicting provisions and to reorganize the remaining material in a shorter, well organized Constitution.
>
> (2) *Submit a revision of a particular Article (with necessary adjustments in other Articles)* of the Constitution to the people for their approval. This would allow piecemeal revision of the Constitution which generally is not possible now because of the limitation that a proposed amendment cover only one subject.
>
> *"What about a proposed amendment when a 'revision' covering the same part of the Constitution is submitted to the people?* The way the proposed 'revision method' and the present 'amendment method' would work together is as follows. If a person wanted to make an amendment to the Constitution and a revision was being proposed that would affect the part of the Constitution he wanted to amend, the person would have two choices. First, if he could get the required two-thirds vote, he could have his proposed change incorporated into the revision. If he could not get the required two-thirds vote, he could present his amendment in alternative form. For example, suppose he wanted to repeal the constitutional provision relating to the dedication of highway moneys. His amendment[2] would provide, in effect, that 'if the proposed revision is adopted, the provisions of the revised Constitution be amended by repealing (the Section of the revised Constitution relating to the dedication of highway moneys); or, if the proposed revision is rejected, Section 3, Article IX of the Constitution be amended to read (setting forth amended Section deleting the dedication of highway moneys)'.[3]

2. Refers to a dual amendment.
3. The people's "yes" vote on his alternative amendments would make the appropriate amendment affect the original Constitution if the revision vote failed, or affect the revised Constitution if the revision vote carried. If the "no" prevailed on his pair of amendments, there would be no effect, no matter which way the revision vote went.

"Furthermore, if a person were able to get his proposed change into the revision, he might, nevertheless, want also to submit his change to the existing Constitution in the form of an amendment in case the revision was not adopted. In this latter case, he would not need to present his amendment in the alternative form since, if the revision were adopted at the primary election, the people could vote down the proposed amendment at the general election since the same change had already been made in the revision.[4]

"This method of 'adjusting amendments' outlined above was used in 1953 when the Oregon Revised Statutes were adopted. It caused no difficulty from a legal or mechanical point of view."

ARGUMENTS IN FAVOR

1. The Oregon Constitution contains many outdated, contradictory and poorly drafted provisions and should be amended and revised.

2. The experience of other states has demonstrated the wisdom of creating a means for comprehensive constitutional revision to meet the needs of changing times.

3. At present the Constitution can be amended by a majority vote of the people upon an initiative measure, a referendum or a Constitutional Convention. If HJR No. 5 is adopted, there will be no change of presently available methods of amending the Constitution.

4. The measure provides an additional method of amending the Constitution.

5. The measure will permit more orderly amendment of the Constitution by permitting more than one subject to be covered by the referendum measure. Moreover, this is sometimes necessary when the same subject is dealt with in several sections of the Constitution.

6. The present piecemeal method of amending the Constitution has prevented antiquated sections from being amended and has resulted in confusing and sometimes self-contradictory provisions.

7. A Constitutional Convention for writing a new Constitution or amending the present Constitution cannot be regarded as a practicable instrument for the purpose, in view of recent legislative history and the considerable organized opposition to the Constitutional Convention.

8. The writing of a new Constitution or a thorough amendment of the present Constitution can be accomplished by the Legislature or a committee acting under authority of the Legislature, but its value will be largely lost if every amendment must be covered by a separate measure.

9. The alternative method provided will not result in ill-considered amendments (or amendments contrary to the wishes of the majority of the people) because it requires a two-thirds affirmative vote of both the Senate and House, and a majority vote of the electorate.

ARGUMENTS AGAINST

1. The Oregon Constitution is satisfactory, and there is little need for amendment.

2. The present method of amendment has been adequate and no need has been shown for providing an alternative method of amending the Constitution.

3. If the measure is adopted, it will encourage unnecessary amendment of the Constitution.

4. If more than one subject is covered by a measure amending the Constitution, the electorate may be forced to adopt undesirable or unnecessary amendments in order to save deserving amendments from defeat.

5. Measure No. 5 also provides for submitting to the people amendments which are proposed by presently existing means, as alternatives to a proposed revision passed by a two-thirds vote of the Legislature. By increasing the number of ballot choices dealing with the same subject, alternative amendments make the ballot more complex and confusing.

MAJORITY DISCUSSION AND CONCLUSIONS

The amendment under consideration provides what seems to the majority of your Committee to be a very useful means for constitutional improvement, without the risk

4. Or it, if passed, would be of no effect because it would amend a repealed section.

of endangering the governmental principles dear to Oregon citizens. As an alternative to a series of piecemeal single amendments, it would permit the revision in one correlated action of a whole article or of the interrelated parts of several articles, when that action seemed necessary to a two-thirds majority of the Legislature and a majority of the people. As an alternative to a Constitutional Convention—a more costly and difficult method—it would allow over-all revision through the means of a long-term study by a constitutional commission of carefully selected members responsible to the Legislature, again only if a two-thirds majority of the Legislature and a majority of the people approved.

Although the possibility exists that pressure may be brought to bear for the adoption of undesirable constitutional amendments by attaching such amendments as riders to other necessary or desirable amendments, the Committee felt that the danger was remote in view of the requirements for a two-thirds vote in the Legislature and a majority vote of the people.

Although the provision allowing submission of amendments in the alternative may appear confusing, the majority of your Committee believes that it furnishes sufficient opportunity to the voter to make intelligent choices regarding proposed changes in the Constitution.

MAJORITY RECOMMENDATION

The majority of your Committee therefore recommends that the City Club go on record in favor of the constitutional amendment, and urges a vote of No. 5 "Yes".

Respectfully submitted,

Gunther Krause
Clarence Larkin
John M. Swarthout
Robert L. Weiss, *Chairman,*
for the Majority

MINORITY DISCUSSION

The Constitution of the State of Oregon is considered to be outstanding in its protection of the rights of all citizens. Through their Constitution the people reserve to themselves the decisions which affect their major liberties. No evidence was submitted to your Committee that the Oregon Constitution has failed in any major aspect of this primary purpose.

Some criticisms have been directed at the Constitution such as an editorial which says that the Constitution "has become a hodge-podge of trivia and outmoded and irrelevant provisions, many of which belong, if anyplace at all, in the state's statutes." An interim committee of the Legislature (1953-1955) found "the Oregon Constitution, never integrally revised, is the 12th oldest, 15th longest and 8th most amended of the state constitutions" and concluded that 166 of the then 232 sections should be amended, deleted or shifted to other places in the document. These criticisms are directed to the craftsmanship, the writing, organization and arrangement of the document.

The 1959 Legislature's solution to this problem was that the Legislature was the logical body to perform major surgery on the Constitution.

Legislative revision is supported by a proponent on the ground that "each controversial item would be submitted to the people as a separate vote. Each issue would have to stand or fall on its own merits. No measure could sneak through on another's coat-tails. The people could understand each issue clearly as it was presented. None could be soft-pedalled and slip through unnoticed." This minority member of your Committee does not have such faith in the proposed measure.

The writing of a new Constitution, and that is what this measure ostensibly seeks, is an immense and difficult task requiring the services of constitutional lawyers and other experts to avoid pitfalls in the technical complexities of rewording and reorganizing of the Constitution. The crowded biennial session of Oregon's Legislature is no place to deliberate the full revision of our Constitution, even with the advance spade work of an interim committee. There would be grave danger that many important provisions would be caught and mangled in the inevitable adjournment rush.

The Legislature now has the power to create an interim committee, with adequate funds, to make the long and technical studies necessary to rewriting the Constitution, to recommend changes in form but not in substance, to improve the quality of the writ-

ing and the logic of its organization but not to change the basic protections of the people or by omission deprive them of their rights. If the Legislature had already done this necessary spade-work, we might reasonably extend it the authority to present to the people such a revision covering more than one subject. But that spade-work has not been done, nor is that what this measure proposes.

By limiting each proposed constitutional amendment to a single subject, the Constitution now protects the people from the presentation of a confusing combination of issues and has already attained the desirable goals so cogently advanced by proponents. Regardless of opinion as to its literary value, the substance of the Constitution has achieved its fundamental purpose.

The proposed measure does not simply provide another method of amending the Constitution, but it would allow the Legislature to combine as many subjects as it desired in a single measure and thus it whittles away at one of the protective clauses the people have inserted in the document.

Further, the proposed measure would authorize the submission of a proposed amendment to the people "in the form of alternative provisions so that one provision will become a part of the Constitution if a proposed revision is adopted by the people and the other provision will become a part of the Constitution if a proposed revision is rejected by the people."

Despite the scholarly explanation of the Legislative Counsel printed in this report, and the untiring efforts of my lawyer friends (who don't agree among themselves or with the Legislative Counsel), I still don't know or understand exactly how this provision will operate. My position on this point is perhaps best summed up in the words of an *Oregonian* editor who said "Nor do we cotton to the idea of an alternative ballot measure, *although we are told by responsible persons* that such a device would be necessary in event the people by initiative should submit at the same election a measure in conflict with a provision of a constitutional revision proposed by the Legislature" (underlining added — apparently the editor didn't understand how it would operate either).

The proposed measure is submitted as a simple and practical means to improve the literary quality of the Constitution but, sneaked in under the coat-tails of this laudable purpose, is the removal of one device for the protection of the people's substantive rights, and the addition of that most confusing and uncertain alternative provision.

MINORITY CONCLUSION

It is the opinion of this minority member of your Committee:

1. that the proposed form of legislative revision of the Constitution is not desirable;
2. that the proposed measure is not simply another means of amendment; it actually removes a substantive right of the people — the right to an amendment covering only a single subject.
3. that the alternative provision in the measure is confusing, uncertain in its application, and its presentation soft-pedalled so it might slip through unnoticed.

MINORITY RECOMMENDATION

Therefore, the minority of your Committee recommends that the City Club go on record opposing the proposed measure, and urges a vote of "No" on State Ballot Measure No. 5.

Respectfully submitted,
Eugene J. Watson,
for the Minority

Approved October 26, 1960, by the Research Board for transmittal to the Board of Governors.

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SUMMARY OF CITY CLUB BALLOT MEASURE REPORTS

NOVEMBER 8, 1960 GENERAL ELECTION

Ballot Number	Ballot Title	Committee Vote	Membership Vote
STATE			
1	Fixing Commencement of Legislators' Term	Yes	Yes
2	Daylight Saving Time	Yes	Yes
3	Financing Urban Redevelopment Projects	Yes	*
4	Permitting Prosecution by Information or Indictment	Maj.—Yes Min.—No	No
5	Authorizing Legislature to Propose Revised Constitution	Maj.—Yes Min.—No	*
6	State Bonds for Higher Education Facilities	Yes	Yes
7	Voter Qualification Amendment	Yes	Yes
8	Authorizing Bonds for State Building Program	No	No
9	Compulsory Retirement for Judges	Yes	Yes
10	Elective Offices: When to Become Vacant	No	No
11	Financing Improvements in Home Rule Counties	Yes	Yes
12	Continuity of Government in Enemy Attack	Yes	Yes
13	War Veterans' Bonding and Loan Amendment	No	No 64/21
14	Personal Income Tax Bill	No	No
15	Billboard Control Measure	Yes	Yes
MUNICIPAL			
51	Special Tax for Disasters, Civil Defense	Yes	Yes
52	Recreational Areas Special Tax Levy	Yes	Yes
53	Special Tax for Grade Separations	Yes	Yes
54	Special Tax for Traffic Signalization, Facilities	No	No
55	Sewer User Service Charge Increase	Yes	Yes
56	Special Tax for Zoo Expansion, Operation	Yes	Yes
57	Docks Development Bonds	Yes	Yes
58	Supplemental Fire-Police Pension Tax, Contributions	Yes	Yes
59	Adjusting Certain Fire and Police Pensions	Yes	Yes
60	Partial Charter Revision	Yes	Yes

* To be voted on at November 4, 1960 membership meeting.