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# Report on Ballot Measure 1: Extends Governor's Veto Deadline After Legislature Adjourns; Requires Prior Announcement

City Club of Portland (Portland, Or.)

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Report on  
**Ballot Measure 1**  
**Extends Governor's Veto Deadline After**  
**Legislature Adjourns; Requires Prior Announcement**

Published in  
City Club of Portland Bulletin  
Vol. 69, No. 21  
October 21, 1988

The City Club membership will vote on this report on October 21, 1988. Until the membership vote, the City Club does not have an official position on this report. The outcome of the membership vote will be reported in the City Club Bulletin (Vol. 69, No. 23) dated November 4, 1988.

## Report On

**Ballot Measure 1  
EXTENDS GOVERNOR'S VETO DEADLINE AFTER  
LEGISLATURE ADJOURNS; REQUIRES PRIOR ANNOUNCEMENT**

To the Board of Governors,  
City Club of Portland:

State Measure No. 1 is a proposed amendment to the Oregon Constitution referred to the voters by the 1987 Legislature. Measure 1 would extend the time allowed a governor to consider a bill passed by the state legislature to 30 days after adjournment. The present deadline is 20 days.

The measure also would require a governor to give five days' notice of his "possible intent" to veto a bill, if the legislature has adjourned.

The measure title as it will appear on the 1988 ballot is:

**Question: Shall constitutional deadline for Governor's veto after legislature adjourns be extended and Governor required to announce possible intent to veto?**

**Explanation:** Constitutional amendment referred by legislature. Extends Governor's deadline for vetoing bill after legislature adjourns from 20 to 30 days after adjournment. Maintains five day deadline for vetoing bills presented to Governor more than five days before adjournment. Requires Governor to announce publicly, at least five days before vetoing a bill after adjournment, Governor's "possible intention" to veto, but does not require veto of bill after announcement. Excludes Saturdays as well as Sundays in computing deadlines.

#### I. BACKGROUND

Under current Oregon law, upon passage by the legislature, a bill is referred to the Governor who may: (1) sign the bill, (2) allow the bill to become law without signature (there is no "pocket veto"), or (3) veto the bill within five days of receiving it. However, if the legislature passes a law within five days of adjournment, the Governor has 20 days to make a decision. There is no requirement for public notification of intention to veto a bill at the present time.

Ballot Measure 1 amends this process in two ways. First, if the bill is presented to the Governor within five days of adjournment, the measure extends the time for the Governor to make a decision from 20 to 30 days. Second, if the Governor intends to veto a bill, public notification must be given five days before hand.

The genesis of Measure 1 appears to be from legislators who are concerned with a process that does not provide them with any notice a bill is to be vetoed by the Governor following adjournment of the Legislature.

The current 20 day limit for post-adjournment action was adopted in 1938. In 1982 a measure to extend the post-adjournment time from 20 to 30 days was referred to the voters by the Legislature at Governor Atiyeh's request. The 1982 measure also included language which opponents believed would change citizen's right of referendum. The City Club voted to support the ballot measure's intent to extend the post-adjournment time limit from 20 to 30 days. However, the measure was defeated by voters reportedly because of the right of referendum provision. A similar provision is not included in the current ballot measure.

In 1937 the Legislature passed approximately 500 bills. By comparison, the 1987 Legislature passed 919 bills of which 505 (55 percent) were passed in the last five days of the session. The Governor vetoed 15 bills of the 1987 Legislature.

## II. ARGUMENTS ADVANCED IN FAVOR OF THE MEASURE

1. The five day notification would reduce the possibility of the Governor vetoing a measure because of misinformation or an incorrect perception of the facts.
2. Veto notification would allow members of the general public time to provide additional input to the Governor's office. This would potentially have the effect of opening up the decision-making process to the general public.
3. The additional time for review would provide the Governor and his staff an increased opportunity to analyze the large number of bills passed in the closing days of the Legislature. Approximately half of the bills are passed in the last five days of the legislature.
4. The additional time for review is needed to analyze amendments and changes to bills which occur at the end of the legislative session. At times amendments are made that significantly alter bills, yet bills are sometimes passed without a complete printing of all

changes and amendments. The additional 10 days will help to reduce enactment of legislation that is flawed or hastily changed at the last minute.

### III. ARGUMENTS ADVANCED AGAINST THE MEASURE

1. The Governor may list a large number of measures he might veto in order to preserve the veto option. This could result in wasted effort on the part of the public presenting favorable arguments and the Governor's staff in addressing bills which would have been signed anyway.
2. The Governor's position on bills typically is known in advance which provides sufficient opportunity to present supporting arguments during the course of the Legislature.
3. The veto notification invites increased pressure on the Governor and may result in selective facts being presented following the public notification.
4. The Governor's office follows the bills through the legislative session and does not need the additional ten days for consideration.

### IV. DISCUSSION

Measure 1 does not appear to be a controversial issue. One lobbyist referred to it as a "ho hum" measure. There is no known organized opposition.

#### A. Veto Notification

The one controversial aspect of Measure 1 is the veto notification requirement. Governor Neil Goldschmidt has not taken an official position on notification. The Governor's staff have argued against the notification provision on the grounds that it would spur additional calls and lobbying on bills the Governor might eventually sign. The Governor favors the time extension from 20 to 30 days.

Your Committee believes the arguments are stronger for veto notification. Your Committee heard several stories of bills which in the past had been vetoed based on inaccurate information and without consultation with the bill's sponsors. One of these instances involved Governor Robert Straub who vetoed a bill which he was told would endanger the habitat of a rare bird. In fact, the bird is widely found in Oregon. At a subsequent special legislative session, the bill was promptly passed and was signed. Veto notification may have prevented this type of situation.

Lobbyists interviewed indicated they favored the measure, but saw no harm if it was not passed. Lobbyists said they usually know what the Governor's position is on

specific bills. For them, the notification provision is unnecessary. However, your Committee believes that the general public, who are not "insiders", will benefit by notification of the Governor's intent to veto. The measure acts as a sunshine provision opening up the process of government to view by the general public. Your Committee assumes that the media will watch for these notices and publicize them, thereby enhancing the opportunity for citizens to present one last argument in support of bills they favor.

This measure will likely apply to several hundred bills, most of which are subject to extensive amendment throughout the session. Many of the changes occur within the last several days of the legislative session. Witnesses described a staggering volume of bills to be read (including amendments) prior to final passage. At times votes are taken on bills before the printing office is able to provide legislators with a printed copy of the final language.

#### B. Time Extension

It was reported to your Committee that several past governors as well as the current governor have all expressed the need for an extension of time to consider bills at the end of the session from 20 to 30 days.

The extra 10 days for review appears warranted and beneficial to the public. No argument was made that the extension of time would either increase the costs of government or prejudice the decision-making process.

The extension of time from 20 to 30 days provides for a more deliberative process with less chance of misinformation or error.

#### V. CONCLUSION

Your Committee believes that the value of greater access to the decision-making process by the general public outweighs the additional burden on the Governor and his staff that could occur because of notification. The addition of ten days for consideration of bills in the post adjournment period is both needed and reasonable.

#### VI. RECOMMENDATION

Your Committee therefore recommends a "Yes" vote on Ballot Measure 1.

Respectfully submitted,  
Ronald W. Atwood  
Michelle J. McKenna  
Mary O. McWilliams  
Kurt J. Wehbring, Chair

Approved by the Research Board on September 15, 1988 for transmittal to the Board of Governors. Approved by the Board of Governors on September 26, 1988 for publication and distribution to the membership, and for presentation and vote on October 21, 1988.

#### APPENDIX A

##### Persons Interviewed

State Senator Peter Brockman, member, Government Operations and Elections Committee, 1987 Oregon Legislature  
 John Danielson, Governmental Relations Consultant, Oregon Education Association  
 Karl Frederick, Vice President and Director of Legislation, Associated Oregon Industries  
 Robert Oleson, Public Affairs Director, Oregon State Bar Association  
 State Senator Glenn Otto, Chair, Government Operations and Elections Committee, 1987 Oregon Legislature  
 Gail Ryder, Committee Administrator, Government Operations and Elections Committee, 1987 Oregon Legislature  
 Steve Socotch, Secretary-Treasurer, Oregon AFL-CIO  
 Cory Streisinger, Legal Counsel, Governor's Office

#### APPENDIX B

##### Bibliography

City Club of Portland. "State Measure No. 2, Lengthens Governor's Time for Postsession Veto or Approval of Bills." Bulletin, Vol. 63, No. 21. October 22, 1982.

Hearings on SJR 4 before the Senate Committee on Government Operations and Elections, 64th Legislative Assembly, (May 18 and June 1, 1987).

Secretary of State. Voter's Pamphlet. Ballot Measure No. 1, 1988 General Election.

Secretary of State. Voter's Pamphlet. Ballot Measure No. 2 1982 General Election.

Senate Joint Resolution 4, 64th Legislative Assembly.