



SJR 140

Senate Joint Resolution
Proposed Constitutional Amendment

Ballot Title:

Shall the governor's item veto power be restricted and the legislature be permitted to reconvene itself to consider vetoed bills?

Vote cast by members of the 1974 Legislature on final passage:
HOUSE: [98 members] Yeas, 66; Nays, 31; Absent or not voting, 1.
SENATE: [49 members] Yeas, 40; Nays, 6; Absent or not voting, 3.

NOTE: The ballot title and explanatory comment were written by the Attorney General as required by state law. The complete text of Senate Joint Resolution 140 begins on Page 13.

Statement for

Help Rid Your State of One-Man Lawmaking

Washington is the only state in the nation in which the Governor exercises practically unlimited power to remove portions from laws passed by the Legislature. This "item veto" power has been interpreted by recent Governors to apply to any element of a bill down to a single word.

It empowers our Governors to act in effect as an unseparated third house of the Legislature to alter measures substantially prior to signing them into law. This is contrary to the grant of authority allowed our nation's Presidents under the Federal Constitution — which is to reject entire pieces of legislation by veto, not to change them.

SJR 140 is a moderate compromise proposal passed with bipartisan support. It will not completely eliminate this unparalleled power, but limit it to the veto of sections of bills as well as entire bills, and even provides that budget bills would still be subject to the item veto.

For Responsive Government

SJR 140 will prevent a Governor who is politically secure in office for four years from altering the will of the people as expressed through their legislators, over three-fourths of whom must be responsive to the wishes of the people at the polls every two years.

For Open Government

SJR 140 will prevent one person from changing behind the closed doors of his office bills which are the product of an open hearings process, accessible and visible to all citizens.

For Your Own Best Interest

SJR 140 will protect measures which you ask your legislators to enact from being changed by a Governor upon consultation with his agency heads, personal staff, or the few others of influence who have access to him — without a chance of your input.

Rebuttal of Statement against

Representative government is designed to have decisions made by the majority, not by one man. The power of the item veto eliminates our democratic concept by forcing one man's decision on all of us, therefore destroying the quality of government. It erases your legislative voice at the local level. No other Governor can reverse decisions made by local representatives. The Governor's Constitutional Revision Commission appointed by him recommends exactly what SJR 140 proposes. Vote for SJR 140.

Committee For Senate Joint Resolution 140:

HARRY B. LEWIS, State Senator, Republican and ALLEN THOMPSON, State Representative, Democrat.

Advisory Committee: JAMES K. BENDER, Executive Secretary, King County Labor Council, AFL-CIO; WILLIAM E. BURCH, Chairman, Association of Washington Business; HENRY R. DUNN, Prosecuting Attorney, Cowlitz County; BRUCE HELBERG, Publisher, The Bellevue American; BLAIR PATRICK, President, Washington Education Association.

The Law as it now exists:

The state constitution provides that before a bill passed by the legislature can become law, it must either be presented to the governor for his approval or submitted to the voters in the form of a referendum. When a bill is presented to the governor, he can approve it by signing it or he may permit it to become law without his signature by failing either to sign or veto it within five days if the legislature is still in session or ten days if the legislature has adjourned.

Alternatively, the governor may disapprove such a bill of the legislature by vetoing it, either in whole or in part. In the exercise of his authority to veto part of a bill passed by the legislature, the governor may veto any section or item in the bill.

If a bill is vetoed, in whole or in part, it is returned to the house from which it originated for reconsideration if the legislature is still in session. If the legislature is not in session, the bill is filed with the secretary of state who is then to bring it before the house from which it originated at its next session. The legislature may override the governor's veto by the vote of a two-thirds majority of the members of each house. There is, however, no provision in the present constitution for the legislature to reconvene itself for the purpose of reconsidering acts vetoed by the governor.

Effect of Senate Joint Resolution No. 140, if approved into Law:

This proposed constitutional amendment would restrict the governor's power to veto *items* in bills passed by the legislature by limiting it to *appropriation items* only. The amendment would not, however, affect the governor's power to veto an entire bill or an entire section of a bill, regardless of the nature of the bill.

The proposed amendment would also permit the legislature, within forty-five days after its adjournment, to reconvene itself by a petition of two-thirds of the membership of each house in a special session of not more than five days duration solely to reconsider any bills which the governor has vetoed in whole or in part.

Finally, while the proposed amendment would not change the time period during which the governor is to exercise his veto while the legislature is in session, it would increase from ten to twenty days the time granted to the governor to exercise his veto power following the adjournment of a legislative session.

Statement against

SJR 140 should be rejected decisively by the voters. Here's why:

(1) The item veto is part of the necessary system of checks and balances established by the people in their Constitution in 1889. Nothing has happened since to indicate they acted unwisely. SJR 140 is a blatant, unwarranted and unjustified power grab by the legislature designed to destroy our constitutional system of checks and balances. If the relationships between the legislature and the executive need to be changed, if either should have more or less power, it should be done not on a piecemeal basis but by reexamining all executive and legislative powers in the Constitution.

(2) The item veto has been essential in correcting unintentional legislative errors. In over half the instances where it was used it was to correct the legislature's mistakes.

(3) The governor is the only elected official in the legislative process with responsibility to all the people, not just a particular constituency or local interest. The governor is in a unique position to protect the people from special interest legislation for a favored few.

(4) Adequate safeguards exist against abuse of the item veto: (a) the legislature can override an item veto by a $\frac{2}{3}$ vote and has done so recently; (b) the legality of an item veto can be and has been challenged in the courts.

If our Constitution is to be amended: (a) will it improve the quality of government; and (b) will it better serve the people? The answer to both these questions is no. Vote against SJR 140.

Rebuttal of Statement for

The Committee against the Item Veto includes big business and big labor. Why are they against it? Because after spending thousands each legislative session lobbying for private interests they don't like to have them vetoed. Vote "NO" on SJR 140. Retain the item veto and let the Governor protect you from the expensive special interest lobbyists. He must be doing a good job or the big lobbyists wouldn't be trying to take it away.

Committee Against Senate Joint Resolution 140:

JONATHAN WHETZEL, State Senator, Republican and ARTHUR C. BROWN, State Representative, Republican.

legislature consisting of: (1) Two members of the senate, one from the majority political party and one from the minority political party, both to be appointed by the president of the senate; (2) two members of the house of representatives, one from the majority political party and one from the minority political party, both to be appointed by the speaker of the house of representatives; (~~all of whose terms shall end December 31, 1974; appointments shall be made within thirty days of July 16, 1973~~) such appointments shall be for a term of two years or for the period in which the appointee serves as a legislator, whichever expires first; members may be reappointed; vacancies shall be filled in the same manner as original appointments are made. Such ex officio members who shall collect data deemed essential to future legislative proposals and exchange information with the board shall be deemed engaged in legislative business while in attendance upon the business of the board and shall be limited to such allowances therefor as otherwise provided in RCW 44.04.120, the same to be paid from the "gambling revolving fund" as being expenses relative to commission business.

NEW SECTION. Sec. 28. This 1974 amendatory act shall be submitted to the people for their adoption and ratification, or rejection, at a special election hereby ordered by the legislature, which election shall be held in conjunction with the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1974, all in accordance with the provisions of section 1, Article II of the Constitution of the state of Washington, as amended, and the laws adopted to facilitate the operation thereof.

COMPLETE TEXT OF

Senate Joint Resolution 140

Proposed Constitutional Amendment

BE IT RESOLVED, *By the Senate and House of Representatives of the State of Washington, in Legislative Session Assembled:*

THAT, At the next general election to be held in this state, there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, a proposal to amend Article III of the Constitution of the state of Washington by amending section 12 as follows:

Article III, section 12. Every act which shall have passed the legislature shall be, before it becomes a law, presented to the governor. If he approves, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, which house shall enter the objections at large upon the journal and proceed to reconsider. If, after such reconsideration, two-thirds of the members present shall agree to pass the bill it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present, it shall become a law; but in all such cases the vote of both houses shall be determined by the yeas and nays, and the names of the members voting for or against the bill shall be entered upon the journal of each house respectively. If any bill shall not be returned by the governor within five days, Sundays excepted, after it shall be presented to him, it shall become a law without his signature, unless the general adjournment shall prevent its return, in which case it shall become a law unless the governor, within (~~ten~~) twenty days next after the adjournment, Sundays excepted, shall file such bill with his objections thereto, in the office of secretary of state, who shall lay the same before the legislature at its next

session in like manner as if it had been returned by the governor; PROVIDED, That within forty-five days next after the adjournment, Sundays excepted, the legislature may, upon petition by a two-thirds majority or more of the membership of each house, reconvene in extraordinary session, not to exceed five days duration, solely to reconsider any bills vetoed. If any bill presented to the governor contains several sections or appropriation items, he may object to one or more sections or appropriation items while approving other portions of the bill; PROVIDED, That he may not object to less than an entire section, except that if the section contains one or more appropriation items he may object to any such appropriation item or items. In (~~such~~) case of objection he shall append to the bill, at the time of signing it, a statement of the section (~~or~~) or sections (~~or~~) appropriation item or items to which he objects and the reasons therefor (~~or~~); and the section or sections, appropriation item or items so objected to (~~or~~) shall not take effect unless passed over the governor's objection, as hereinbefore provided. The provisions of Article II, section 12 insofar as they are inconsistent herewith are hereby repealed.

AND BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

COMPLETE TEXT OF

Senate Joint Resolution 143

Proposed Constitutional Amendment

BE IT RESOLVED, *by the Senate and House of Representatives of the State of Washington, in Legislative Session Assembled:*

THAT, At the 1974 general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article VI of the Constitution of the State of Washington by amending section 1 (Amendment 5) thereof as follows:

Article VI, section 1. QUALIFICATIONS OF ELECTORS. All persons of the age of (~~twenty one~~) eighteen years or over (~~possessing the following qualifications~~) who are citizens of the United States and who have lived in the state, county, and precinct thirty days immediately preceding the election at which they offer to vote, except those disqualified by Article VI, section 3 of this Constitution, shall be entitled to vote at all elections. (~~They shall be citizens of the United States, they shall have lived in the state one year, and in the county ninety days, and in the city, town, ward or precinct thirty days immediately preceding the election at which they offer to vote, they shall be able to read and speak the English language.~~ PROVIDED, That Indians not taxed shall never be allowed the elective franchise. AND FURTHER PROVIDED, That this amendment shall not affect the rights of franchise of any person who is now a qualified elector of this state. The legislative authority shall enact laws defining the manner of ascertaining the qualifications of voters as to their ability to read and speak the English language, and providing for punishment of persons voting or registering in violation of the provision of this section. There shall be no denial of the elective franchise at any election on account of sex.)

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing Constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.