



Senate Joint Resolution 127

Proposed Constitutional Amendment

Ballot Title:

Shall a commission be created to fix all legislative salaries and legislators' eligibility for election to other offices be expanded?

Vote cast by the members of the 1975 Legislature on final passage:
HOUSE [98 members]: Yeas, 67; Nays, 17; Absent or not voting, 14.
SENATE [49 members]: Yeas, 47; Nays, 1; Absent or not voting, 1.

NOTE: The ballot title and explanatory statement were written by the Attorney General as required by state law. The complete text of Senate Joint Resolution 127 begins on Page 26.

Statement for

REMOVES CONFLICT OF INTEREST

Legislators set their own salaries—an obvious conflict of interest. SJR 127 would establish an independent commission to set legislator's salaries, removing this conflict and placing legislators' compensation in the hands of the citizens.

The proposal would allow salaries to be established on a professional non-political basis and removes the issue from partisan politics.

A POLICY DECISION BY CITIZENS

At least 60% of the Commission must be chosen by lot (similar to a jury procedure) from the state's registered voters. The remaining members could be selected so as to provide experience in personnel or salary management. This would insure control by the citizen majority.

In addition, the right to file a referendum petition against any salary increase is guaranteed.

A METHOD FOR SETTING LEGISLATIVE SALARIES IS NEEDED

An annual legislative salary of \$3,600 was set in 1965 and revised by Initiative 282 by 5½% in 1973. Thus, only one 5½% increase has been made in ten years. A citizen's salary commission could keep salaries on a more current basis.

In accordance with the constitutional provision for officials who do not set their own salary, SJR 127 would allow legislators to receive an increase during their term of office, so House members serving two-year terms and Senators serving four-year terms would be treated equally.

EXTENDS EQUAL RIGHT TO RUN FOR OFFICE TO LEGISLATORS

Presently, a legislator may not be elected to an office if it was created, or if the salary was increased, during the legislator's current term. SJR 127 gives legislators the same right to run for office as other citizens, but still prohibits appointment to such an office.

Rebuttal of Statement against

Commissions serve a valuable purpose in providing direct decision making by citizens and a safeguard against excessive power in government. Since no legislator or lobbyist may be a member of this commission, it would provide a necessary safeguard against self interest.

Voters' Pamphlet Statement Prepared by:

GARY GRANT, State Senator, Democrat; SID W. MORRISON, State Senator, Republican; and HELEN SOMMERS, State Representative, Democrat.

Advisory Committee: MAXINE KRULL, President, League of Women Voters of Washington; T. PATRICK CORBETT, Judge, Washington State Magistrates' Association; WARREN BISHOP, Chairman, State Committee on Salaries for Elected Officials; JOHN S. MURRAY, State Senator, Republican.

The Law as it now exists:

Under the present state constitution the salaries of members of the state legislature, as well as other state elected officials, are fixed by the legislature or by the people in the exercise of their initiative powers. The constitution prohibits any salary increase for a legislator from taking effect during the term which the legislator was serving at the time the increase was granted. The constitution also prohibits any legislator from being appointed or elected to any other public office which was created, or the compensation of which was increased, during the legislative term for which the legislator, was elected.

The effect of Senate Joint Resolution 127, if approved into Law:

SJR 127 provides for the creation of an independent commission to fix the salaries of members of the legislature, subject to review and nullification by the people by referendum.

No present or former legislator or state or local governmental officer or employee, nor any registered lobbyist, could be a member of the commission. Not less than sixty percent of the commission's members would be chosen by lot from the registered voters of the state, with one member for each congressional district. The re-

maining members would be appointed in a manner to be provided by implementing legislation.

All persons thus selected to serve on the commission would then be subject to confirmation by a superior court judge designated by the chief justice of the state supreme court. Any person found by reason of prejudice, special interests, or incompetency to be unable properly to serve as members of the commission by the superior court judge would be replaced by others chosen in the same manner as the disqualified person was originally chosen.

The commission would file any changes in salary with the secretary of state and those changes would become effective ninety days thereafter unless blocked by the filing of a referendum petition by the people. In that event, the new salaries would not take effect unless approved by the people at the next following general election.

In addition, Senator Joint Resolution No. 127 would also remove the existing prohibition against mid-term salary increases for members of the legislature and would permit legislators to be elected (but not appointed) to other public offices which were created, or the compensation of which was increased, during the legislative terms for which they were elected.

Statement against

Commissions, commissions, commissions!!! Let's not create another costly commission, answerable to no one, just to establish legislative salaries. Legislators should stand up and be counted when it comes to increasing their own salaries. Don't diminish their responsibility and your voice in government by passing this political hot potato to a commission.

In order to maintain the accountability that the voters have justifiably demanded, we urge you to defeat this constitutional amendment. Insist that legislators face up to their responsibility to listen to and be guided by the citizenry in setting salaries!

Presently, state legislators receive an annual salary of \$3,800 and must work full time in Olympia an average of about three months each year. While in Olympia they receive a \$40 per diem allowance to defray living expenses. The remainder of the year they must work part time handling miscellaneous matters in their districts and elsewhere. Instead of voting for a new commission, we suggest that you carefully consider the above facts and then write your legislator indicating your preference for the proper salary: (a) less than \$3,800; (b) between \$3,800 and \$5,999; (c) between \$6,000 and \$7,999; (d) between \$8,000 and \$10,000; or, (e) more than \$10,000. You may also send your opinion to: Salary Survey, Institutions Building, Room 115B, Olympia, Washington 98504.

Rebuttal of Statement for

Legislators **don't** set their **own** salaries — the constitution specifically prohibits such a clear conflict of interest. Before a salary increase can be realized by a legislator he or she must first be re-elected. Citizen input and legislative accountability are thus assured through the ballot box. Vote "No" on SJR 127 and keep this politically sensitive subject right where it belongs — in the laps of the legislators who answer to you, the voter.

Voters' Pamphlet Statement Prepared by:

KENT E. PULLEN, State Senator, Republican; RON DUNLAP, State Representative, Republican; and DONALD L. BOWIE.



**EXISTING
CONSTITUTIONAL
PROVISIONS**

NOTE: The proposed constitutional amendment which appears on this page repeals or modifies the effect of other provisions of the state constitution. These affected provisions are printed in the left-hand column of the page so that voters may readily compare them to the proposed changes, in the right-hand column of the page, and determine how the existing constitutional language would be affected.

**PROPOSED
CONSTITUTIONAL
AMENDMENT**



THESE CONSTITUTIONAL PROVISIONS WOULD BE REPEALED BY SENATE JOINT RESOLUTION 127:

Article II, Section 13

LIMITATION ON MEMBERS HOLDING OFFICE IN THE STATE. No member of the legislature, during the term for which he is elected, shall be appointed or elected to any civil office in the state, which shall have been created, or the emoluments of which shall have been increased, during the term for which he was elected.

Article II, Section 23

COMPENSATION OF MEMBERS. Each member of the legislature shall receive for his services five dollars for each day's attendance during the session, and ten cents for every mile he shall travel in going to and returning from the place of meeting of the legislature, on the most usual route.

THE EFFECT OF THESE CONSTITUTIONAL PROVISIONS WOULD BE MODIFIED, BUT NOT REPEALED, BY SENATE JOINT RESOLUTION 127:

Article II, Section 1

LEGISLATIVE POWERS, WHERE VESTED. The legislative authority of the state of Washington shall be vested in the legislature, consisting of a senate and house of representatives, which shall be called the legislature of the state of Washington, but the people reserve to themselves the power to propose bills, laws, and to enact or reject the same at the polls, independent of the legislature, and also reserve power, at their own option, to approve or reject at the polls any act, item, section or part of any bill, act or law passed by the legislature.

(a) Initiative: The first power reserved by the people is the initiative. Every such petition shall include the full text of the measure so proposed. Initiative petitions shall be filed with the secretary of state not less than four months before the election at which they are to be voted upon, or not less than ten days before any regular session of the legislature. If filed at least four months before the election at which they are to be voted upon, he shall submit the same to the vote of the people at the said election. If such petitions are filed not less than ten days before any regular session of the legislature, he shall transmit the same to the legislature as soon as it convenes and organizes. Such initiative measure shall take precedence over all other measures in the legislature except appropriation bills and shall be either enacted or rejected without change or amendment by the legislature before the end of such regular session. If any such initiative measures shall be enacted by the legislature it shall be subject to the referendum petition, or it may be enacted and referred by the legislature to the people for approval or rejection at the next regular election. If it is rejected or if no action is taken upon it by the legislature before the end of such regular session, the secretary of state shall submit it to the people for approval or rejection at the next ensuing regular general election. The legislature may reject any measure so proposed by initiative petition and propose a different one dealing with the same subject, and in such event both measures shall be submitted by the secretary of state to the people for approval or rejection at the next ensuing regular general election.



COMPLETE TEXT OF

**Senate Joint
Resolution 127**

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 general election to be held in this state on the first Tuesday next succeeding the first Monday in November, 1975, there shall be submitted to the qualified electors of this state, for their approval and ratification, or rejection, a proposal to amend Article XXVIII of the Constitution of the state of Washington by amending section 1 thereof to read as follows:

Article XXVIII, section 1. All elected state officials shall each severally receive such compensation as the legislature may direct. The compensation of any state officer shall not be ~~((increased on))~~ diminished during his term of office ~~((except that the legislature, at its thirty first regular session, may increase or diminish the compensation of all state officers whose terms exist on the Thursday after the second Monday in January, 1949))~~. No member of the legislature, during the term for which he is elected, shall be appointed to any civil office in the state which shall have been created, or the emoluments of which shall have been increased, by the legislature during the term for which he was elected. Salaries for members of the legislature shall be fixed by an independent commission created by law for that purpose. No state official, member or former member of the state legislature, state employee, or official or employee of a political subdivision, municipal corporation, or special district of the state, or person required to register with a state agency as a lobbyist, shall be a member of the commission. No less than sixty percent of the membership of the commission shall be chosen by lot by the secretary of state from among the registered voters of the state, with one member from each congressional district. The balance of the membership shall be appointed as provided by law. All persons selected by lot or appointed shall possess the qualifications required by law of jurors. All persons chosen shall be confirmed by a superior court judge designated by the chief justice of the supreme court who shall examine each person for interest, prejudice, and competency. Persons who by reasons of prejudice, interest, or incompetency are found to be incapable of discharging their duties as members of the commission shall be disqualified and shall be replaced by persons chosen in the same manner in which the disqualified person was originally chosen. The term of office of the members of the commission shall be as determined by law, and no member of the commission may be removed except for cause specified by law, following a hearing by a tribunal of three superior court judges appointed by the chief justice of the supreme court. Any change of salary shall be filed with the secretary of state and shall become law ninety days thereafter without action of the legislature or governor, but shall be subject to referendum petition by the people, filed within said ninety days. Referendum measures under this section shall be submitted to the people at the next following general election, and shall be otherwise governed by the provisions of this Constitution generally applicable to referendum measures. The salaries fixed pursuant to this section shall supersede any other provision for the salaries of members of the legislature. Sections 13 and 23 of Article II are hereby repealed, and the provisions of sections 14, 16, 17, 19, 20, 21, and 22 of Article III and section ~~((23))~~ 1 of Article II insofar as they are inconsistent herewith, are hereby repealed.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendments to be published at least four times during the four weeks next preceding the election



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**PROPOSED
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When conflicting measures are submitted to the people the ballots shall be so printed that a voter can express separately by making one cross (X) for each, two preferences, first, as between either measure and neither, and secondly, as between one and the other. If the majority of those voting on the first issue is for neither, both fail, but in that case the votes on the second issue shall nevertheless be carefully counted and made public. If a majority voting on the first issue is for either, then the measure receiving a majority of the votes on the second issue shall be law.

(b) Referendum. The second power reserved by the people is the referendum, and it may be ordered on any act, bill, law, or any part thereof passed by the legislature, except such laws as may be necessary for the immediate preservation of the public peace, health or safety, support of the state government and its existing public institutions, either by petition signed by the required percentage of the legal voters, or by the legislature as other bills are enacted.

(d) The filing of a referendum petition against one or more items, sections or parts of any act, law or bill shall not delay the remainder of the measure from becoming operative. Referendum petitions against measures passed by the legislature shall be filed with the secretary of state not later than ninety days after the final adjournment of the session of the legislature which passed the measure on which the referendum is demanded. The veto power of the governor shall not extend to measures initiated by or referred to the people. All elections on measures referred to the people of the state shall be had at the biennial regular elections, except when the legislature shall order a special election. Any measure initiated by the people or referred to the people as herein provided shall take effect and become the law if it is approved by a majority of the votes cast thereon: PROVIDED, That the vote cast upon such question or measure shall equal one-third of the total votes cast at such election and not otherwise. Such measure shall be in operation on and after the thirtieth day after the election at which it is approved. The style of all bills proposed by initiative petition shall be: "Be it enacted by the people of the State of Washington." This section shall not be construed to deprive any member of the legislature of the right to introduce any measure. All such petitions shall be filed with the secretary of state, who shall be guided by the general laws in submitting the same to the people until additional legislation shall especially provide therefor. This section is self-executing, but legislation may be enacted especially to facilitate its operation.

(e) The legislature shall provide methods of publicity of all laws or parts of laws, and amendments to the Constitution referred to the people with arguments for and against the laws and amendments so referred. The secretary of state shall send one copy of publication to each individual place of residence in the state and shall make such additional distribution as he shall determine necessary to reasonably assure that each voter will have an opportunity to study the measures prior to election. These provisions supersede the provisions set forth in the last paragraph of section 1 of this article as amended by the seventh amendment to the Constitution of this state.

in every legal newspaper in the state.