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COMPENSATION OF LEGISLATORS

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responsibilities. Thus, as communities grow, the availability of ready state loans might well lead to the conversion of historic shorelands from undeveloped wilderness areas to areas chiefly available to building enthusiasts.

The major issue at stake in Proposition 4 is one of principle. State bond issues for development of the State Harbor seem historically to be sound

policy. State bond funds for local recreational purposes, however, do not seem reasonable nor necessary.

A. F. "GUS" GAYNOR
 San Francisco Insurance
 Representative
 310 Arballo Drive
 San Francisco, California

COMPENSATION OF LEGISLATORS. Senate Constitutional Amendment No. 5.		YES	
5	Permits Legislature to fix legislators' salaries by statute, but not in excess of average salary of county supervisors in the five most populous counties.	NO	

(For Full Text of Measure, See Page 8, Part II)

Analysis by the Legislative Counsel

This constitutional amendment would affect Section 23 of Article IV of the Constitution which purports to fix the salary of a Member of the Legislature at \$100 a month. This 1924 salary amount was superseded in 1954 by the first paragraph of subdivision (b) of Section 2 of Article IV which fixes the present salary of a Member of the Legislature at \$500 a month, and which would be repealed by this amendment.

As amended, the proposed Section 23 of Article IV would specify that the State Legislature is the highest legislative body in the State of California.

It would authorize the fixing of the salary of a Member of the Legislature by statute rather than by constitutional provision.

It would limit the statutory salary for a Member of the Legislature to an amount which does not exceed the average of the salaries provided by law for the office of a member of the board of supervisors in the five most populous counties in California.

This constitutional limit on legislators' salaries would be flexible since changes in supervisors' salaries, as well as changes in the population of counties established as provided by law, would increase or decrease the limit. The last such determination of county population is found in Government Code Section 28020. It is based upon the 1950 Federal Census which established Los Angeles, San Francisco, Alameda, San Diego and Contra Costa as the five most populous counties in California. Using the average of the salaries now provided by law for a member of the board of supervisors in those counties, the constitutional limitation on annual salaries of Members of the Legislature would be \$10,080. The amendment would, of course, permit the Legislature to fix the salary at any figure up to this limit.

Argument in Favor of Senate Constitutional Amendment No. 5

Senate Constitutional Amendment No. 5 proposes to amend the California Constitution by repealing Section 2(b) of Article IV fixing a salary of \$500 per month for members of the Legislature and by amending Section 23 of the same Article to provide that such salary shall be fixed by statute but shall not exceed the average of the salaries provided by law for members of the boards of supervisors of the

five most populous counties. It is also provided that the Legislature of the State of California is the highest legislative body within California.

The amendment itself does not provide a specified annual salary for members of the Legislature. The effect is to remove legislative salaries from the inflexibility of the Constitution and to authorize their fixing by statute within a ceiling.

It has been determined that the constitutional ceiling would currently be \$10,080 under existing laws establishing salaries for supervisors in the five most populous counties. Supervisorial salaries are set either by county charter or by the Legislature. In the latter case, the salaries fixed are customarily only those locally recommended. The figure of \$10,080 is a ceiling only, and legislative salaries may well be fixed below this level.

The following are the principal arguments in support of the proposed amendment:

1. The Constitution, as the basic organic law of the State, should be confined to provisions intended to serve the State over long periods of time and dealing with fundamental decisions of governmental organization, public policy and rights. The salaries of public officers, like those of public employees, require constant review and should be capable of change, either up or down, without amendment to the organic law.

2. The trend in current state government is in this direction. The majority of the states today fix the salaries of members of the legislature by statute rather than by constitutional provision. The Model State Constitution of the National Municipal League contains the provision that "The members of the Legislature shall receive an annual salary as may be prescribed by law . . ."

3. The United States Congress under the Federal Constitution (Article I, Sec. 6(1)) has had since 1788 the unlimited power to set its own salaries by statute. This power has not been abused.

4. Numerous public and citizen bodies recently have concluded, after study of the problem, that legislative salaries should be capable of change by statute. These bodies have included the Joint Legislative Committee on Legislative Procedure, the California Conference on State Government, and the Committee on American Legislatures of the American Political Science Association.

5. In 1957 a specially appointed California Citizens Legislative Advisory Commission, composed of 67 distinguished citizens of this State representing business, labor, agriculture and government, studied

this problem carefully and recommended that the constitutional provisions fixing legislative salaries should be repealed and authorization given to establish them by statute. The proposed amendment does exactly this except that it also imposes a ceiling upon the exercise of this legislative power.

JAMES A. COBEY
State Senator—24th Senatorial District

Argument Against Senate Constitutional Amendment No. 5

The salary of the members of the California Legislature has long been a problem of concern. Existing inequities will continue as long as all members of the Legislature receive the same salary. The work load of a State Senator representing over five million people in Los Angeles County, for example, is obviously several times the load of a Senator representing a single smaller county having less than 100,000 population. Conversely, an Assemblyman, representing a sparsely populated area has a much more difficult and expensive task in representing such an area, as compared to an Assemblyman representing an urban area.

Realizing the many problems involved, a Citizens' Legislative Advisory Commission was created in 1957 to study the problem of legislative pay and recommend salary revisions and adjustments. After a thorough study at considerable cost, they recommended an increase from the present \$6000 to \$9000 per year. (Whether it is possible to buy statesmanship by offering salary inducement is still an unsolved problem.)

In April 1958, after the Commission reported their recommendation, the Legislature took an entirely different approach, and initiated a constitutional amendment permitting them to set their own salaries, up to the average of salaries received by the supervisors in the five "most populous" counties in the state.

As the proposal works out now the maximum would be \$10,080 a year under this formula. However, the Legislature sets the salaries of supervisors, directly or indirectly, in each of the five biggest counties, excepting San Francisco, where they are regulated by charter. So, if Proposition Five passes, every time the Legislature raises salaries in big counties—and it is done with monotonous regularity—they will in effect be putting themselves in line for more pay, if they choose, to do so. The very idea of trying to set up a device by which Legislators' salaries will be adjusted upward in direct proportion to those of supervisors, which the Legislators themselves control, should be enough to defeat the measure.

However, this is not all. Not the least of the objectionable features of Proposition Five is the very great liberalizing impact that higher pay would have upon the already generous legislative retirement system. The present terms of the State Retirement System permits a Legislator to retire at 75% of his salary if he has had fifteen years of service and has reached sixty-three or over. This same retirement formula would apply on any increased salary, not only to Legislators retiring in the future, but would be retroactive to those who have already retired.

All good Americans desire to pay adequately and in full, for services rendered, be that service in private life or in public office. But this measure is not the answer to the Legislators' salary problem. To grant employees in private life the right to set their own salaries is unheard of—neither should it be permitted in public office. As a member of the Legislature I do not wish to accept that responsibility. As a tax-paying citizen I do not wish to grant it to my representatives. The measure is wrong in principle, poorly conceived and should be defeated.

JOHN A. MURDY, JR.
State Senator—35th District

6 STATE INDEBTEDNESS. Senate Constitutional Amendment No. 33. Changes method of publication of proposed state bond issue laws. Deletes provision establishing Secretary of State's ballot pamphlet as the only required publication and requires that such proposals be published in at least one newspaper in each of at least 50 counties (including the five most populous counties) throughout the State for eight weeks before the election at which submitted for vote.

YES	
NO	

(For Full Text of Measure, See Page 9, Part II)

Analysis by the Legislative Counsel

The Constitution now requires approval by a vote of the people in order for a legislative act to become effective which authorizes the creation of any debt or liability which, singly or in the aggregate with any previous debts or liabilities, exceeds the sum of \$300,000, except in case of war to repel invasion or suppress insurrection.

This constitutional amendment, affecting Section 1 of Article XVI of the Constitution, would add a provision to require that any such law shall be published in at least one newspaper in each of at least fifty of the counties, including at least the five largest counties as determined by the last

federal census of population, and in the City and County of San Francisco for eight weeks next preceding the election at which the law is submitted to the people.

The amendment would eliminate from the Constitution the present provision that full publicity as to matters to be voted upon by the people is afforded by the setting out of the complete text of the proposed laws, together with the arguments for and against them, in the ballot pamphlet mailed to each elector preceding the election at which they are submitted. It would also delete the provision that the only requirement for publication of such a law shall be that it be set out in full length in the ballot pamphlet.

bonds pursuant to this section for the purposes prescribed in subdivision (b) of this section to repay such money to the State on such terms and in such amounts as the Legislature deems proper.

The people of the State of California in adopting this section hereby declare that it is in the

interests of the State and of the people thereof for the State to aid school districts of the State in providing necessary school sites and buildings for the pupils of the Public School System, such system being a matter of general concern inasmuch as the education of the children of the State is obligation and function of the State.

3	STATE CONSTRUCTION PROGRAM BONDS. Assembly Constitutional Amendment No. 7. Authorizes issue and sale of \$200,000,000 of state bonds to carry out building program contemplated by State Construction Program Bond Act of 1958. Said Act authorizes use of the bond money, when appropriated by the Legislature, for buildings and building sites for state educational institutions, mental and correctional institutions, and other state facilities. Validates said 1958 State Construction Program Bond Act.	YES	
		NO	

(This proposed amendment does not expressly amend any existing section of the Constitution, but adds a new section thereto; therefore, the provisions thereof are printed in **BLACK-FACED TYPE** to indicate that they are **NEW**.)

PROPOSED AMENDMENT TO ARTICLE XVI

Sec. 19.5. The issuance and sale of bonds of the State of California in the sum of two hundred million dollars (\$200,000,000) and the use and disposition of the proceeds of the sale of said bonds, all as provided in the State Construction Program Bond Act of 1958 authorizing the issuance and sale of bonds for the purpose of providing a fund

to be used to carry out the state construction program contemplated by that act, is hereby authorized and directed, and the State Construction Program Bond Act of 1958 is hereby approved, adopted, legalized, validated and made fully and completely effective. Nothing in this Constitution shall invalidate or restrict the provisions of this section, nor shall this section prevent amendments to the State Construction Program Bond Act of 1958 which are germane to the subject thereof; provided, such amendments do not increase the sum of the bonds herein authorized to be issued and sold nor utilize the proceeds thereof for purposes not related to the construction program generally described therein.

4	HARBOR DEVELOPMENT BONDS. Assembly Constitutional Amendment No. 11. Authorizes issue and sale of \$60,000,000 of state bonds in accordance with Harbor Development Bond Law of 1958. Said Law permits up to \$50,000,000 of bonds to be issued for development of state harbor facilities at San Francisco and up to \$10,000,000 for financing of small craft harbor development program. Bonds will be general obligations of State, but payable primarily from receipts of state treasury funds designated as San Francisco Harbor Improvement Fund and Small Craft Harbor Improvement Fund, respectively. Validates said Harbor Development Bond Law of 1958.	YES	
		NO	

(This proposed amendment does not expressly amend any existing section of the Constitution, but adds a new section thereto; therefore, the provisions thereof are printed in **BLACK-FACED TYPE** to indicate that they are **NEW**.)

PROPOSED AMENDMENT TO ARTICLE XVI

Sec. 8½. The issuance and sale of bonds of the State of California in the sum of sixty million dollars (\$60,000,000) and the use and disposition of the proceeds of the sale of said bonds, all as provided in the Harbor Development Bond Law of 1958 authorizing the issuance and sale of bonds for the purpose of providing funds for the con-

struction, improvement, and development of harbors in this State, is hereby authorized and directed, and the Harbor Development Bond Law of 1958 is hereby approved, adopted, legalized, validated and made fully and completely effective. Nothing in this Constitution shall invalidate or restrict the provisions of this section, nor shall this section prevent amendments to the Harbor Development Bond Law of 1958 which are germane to the subject thereof; provided, such amendments do not increase the sum of the bonds herein authorized to be issued and sold nor utilize the proceeds thereof for purposes not related to the purposes generally described therein.

5	COMPENSATION OF LEGISLATORS. Senate Constitutional Amendment No. 5. Permits Legislature to fix legislators' salaries by statute, but not in excess of average salary of county supervisors in the five most populous counties.	YES	
		NO	

(This proposed amendment expressly repeals the first paragraph of a subdivision of an existing section, and amends an existing section, of the Constitution; therefore, **EXISTING PROVI-**

SIONS proposed to be **REPEALED** or **DELETED** are printed in **STRIKE-OUT TYPE**, and **NEW PROVISIONS** proposed to be **INSERTED** printed in **BLACK-FACED TYPE**.)

PROPOSED AMENDMENTS TO ARTICLE IV

First, that the first paragraph of subdivision (b) of Section 2 of Article IV be repealed.

(b) Each Member of the Legislature shall receive for his services the sum of five hundred dollars (\$500) for each month of the term for which he is elected.

Second, that Section 23 of Article IV be amended to read:

Sec. 23. The Legislature of the State of California is the highest legislative body within California. The members of the Legislature shall receive

for their services the sum of one hundred dollars each for each month of the term for which they are elected, to be paid monthly in the even numbered years and to be paid during the regular legislative session in the odd numbered years at such times as may be provided by law. Each Member of the Legislature shall receive for his services the salary fixed by statute, which shall not exceed the average of the salaries provided by law for the office of member of the board of supervisors of the five most populous counties, and mileage to be fixed by law, all paid out of the State Treasury, such mileage not to exceed five cents (\$0.05) per mile.

6 **STATE INDEBTEDNESS. Senate Constitutional Amendment No. 33.** Changes method of publication of proposed state bond issue laws. Deletes provision establishing Secretary of State's ballot pamphlet as the only required publication and requires that such proposals be published in at least one newspaper in each of at least 50 counties (including the five most populous counties) throughout the State for eight weeks before the election at which submitted for vote.

YES	
NO	

(This proposed amendment expressly amends an existing section of the Constitution; therefore, **EXISTING PROVISIONS** proposed to be **DELETED** are printed in **STRIKE-OUT TYPE**, and **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE**.)

PROPOSED AMENDMENT TO ARTICLE XVI

Section 1. The Legislature shall not, in any manner create any debt or debts, liability or liabilities, which shall, singly or in the aggregate with any previous debts or liabilities, exceed the sum of three hundred thousand dollars (\$300,000), except in case of war to repel invasion or suppress insurrection, unless the same shall be authorized by law for some single object or work to be distinctly specified therein which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within 50 years of the time of the contracting thereof, and shall be irrevocable until the principal and interest thereon shall be paid and discharged, and such law may make provision for a sinking fund to pay the principal of such debt or liability to commence at a time after the incurring of such debt or liability of not more than a period of one-fourth of the time of maturity of such debt or liability; but

no such law shall take effect until, at a general election, it shall have been submitted to the people and shall have received a majority of all of the votes cast for and against it at such election; and all moneys raised by authority of such law shall be applied only to the specific object therein stated or to the payment of the debt thereby created. Full publicity as to matters to be voted upon by the people is afforded by the setting out of the complete text of the proposed laws, together with the arguments for and against them, in the ballot pamphlet mailed to each elector preceding the election at which they are submitted, and the only requirement for publication of such law shall be that it be set out at length in ballot pamphlets which the Secretary of State shall cause to be printed, and such law shall be published in at least one newspaper in each of at least 50 of the counties, (including at least the five largest counties as determined by the last federal census of population) and in each city and county throughout the State for eight weeks next preceding the election at which it is submitted to the people. The Legislature may, at any time after the approval of such law by the people, reduce the amount of the indebtedness authorized by the law to an amount not less than the amount contracted at the time of the reduction, or it may repeal the law if no debt shall have been contracted in pursuance thereof.

7 **GOVERNMENT FUNCTIONS: WARTIME DISASTER. Assembly Constitutional Amendment No. 5.** Adds enabling provision to Constitution authorizing Legislature to adopt wartime disaster laws, providing for filling offices of legislators or governor in case of death or disabling injury of one-fifth of legislators or incumbent governor; for convening of general or extraordinary legislative sessions; for elections to fill vacant or temporarily-occupied offices, and for temporary location of state capital and county seats. Modifies existing constitutional provision regarding succession to governorship.

YES	
NO	

(This proposed amendment expressly amends an existing section of the Constitution, and adds a section thereto; therefore, **EXISTING PROVISIONS** proposed to be **DELETED** are printed

in **STRIKE-OUT TYPE**, and **NEW PROVISIONS** proposed to be **INSERTED** or **ADDED** are printed in **BLACK-FACED TYPE**.)