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**Determinants of Legislator Compensation in  
California and the Residual Impacts of  
Proposition 1A**

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**Abstract**

After cutting legislator pay by 18% in 2009, the California Citizens Compensation Commission, an independent body charged with determining the pay of statewide elected officials, opted to forego an additional 10% cut in 2010. Since 1990, the Commission has raised legislators' mean base salary 10 times, deferred pay increases six times, and reduced pay once. Past research on legislative compensation has found nonsignificant relationships between independent pay commissions and legislative salaries. The present study adds to our knowledge on compensation by finding that the Commission has a substantial positive effect on legislator pay. Furthermore, I investigate the merits of the suggestion that increases in legislator pay may work against the political goals advanced by Democrats in the 1960s particularly with the passage of Proposition 1A. I conclude that Democratic representation in California is not threatened by frequent increases in pay and, instead, the passage of Proposition 1A has only worked to further entrench Democratic ideals.

**Keywords:** legislative salary, compensation, Proposition 1A, California  
Legislature, Proposition 112

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# Determinants of Legislator Compensation in California and the Residual Impacts of Proposition 1A

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## Introduction

After cutting legislator pay by 18 percent in 2009, the California Citizens Compensation Commission (hereafter, the Commission), the independent pay-setting body for statewide elected officials whose members are appointed by the governor, opted to forego an additional 10 percent cut in 2010. Some of the commission members felt uncomfortable with the cuts believing that another dock in pay would seem punitive and perhaps irresponsible since the annual budget had yet to be passed (Hindery 2010). Even with the 2009 dock in pay, however, California's legislature remained the highest paid in the country—\$104,820 mean compensation per annum—by a significant amount over the second highest paid, Michigan—\$79,650 per annum (National Conference of State Legislators 2009). Since 1974, annual mean base pay for legislators has increased roughly \$25,000 in 2008 dollars; including unvouchered expenses, one estimate puts the increase at roughly \$55,000 (Squire and Moncrief 2010).

Annual increases through 1989 were set by legislators and did not exceed five percent—the constitutionally defined maximum. In 1990, voters approved Proposition 112, which wrestled control of setting pay away from legislators and planted it in the arms of the newly formed Commission; the move also eliminated the five percent annual limit. In an effort to put legislative pay on par with representatives in other states, the Commission subsequently adopted differential salaries for particular legislators to reflect relative job demands beginning that year: Assembly Speaker and Senate Pro Tempore salaries increased by 54 percent to \$63,000 over their 1988 levels; minority and majority floor leaders by 41 percent to \$57,750; and

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rank-and-file members by 29 percent to \$52,500. Curiously, had the voters rejected Proposition 112 and retained the constitutional five percent limit, a naïve calculation places legislators' base salaries at roughly \$89,096 (assuming five percent increases), or about fifteen thousand dollars less than present pay even after accounting for the 18 percent pay cut (see Chart 1). The calculation is naïve because it ignores, amongst other things, job demand and performance metrics that vary with time and that may influence Commission decisions. Moreover, it is not likely that the absence of the Commission would remedy current ill-spirited and deceptive practices by legislators that allow them to collect per diem despite not having properly earned it (Joseph 2010; McGreevey 2010).

Despite Californians' focused ire towards salary increases for legislators that they feel are performing poorly, evidenced by record low approval ratings (DiCamillo and Field 2009), arguments supporting freezes in cuts persist. Not surprisingly, each argument seems to hinge on the same line of reasoning. The Superintendent of Public Instruction Jack O'Connell, for instance, maintained that "A further salary cut would be another blow to our ability to find effective, highly qualified policymakers. You [the Commission] need to make sure legislators' salaries are commensurate with the awesome responsibilities they have" (Hindery 2010). A study by Keon Chi of the Council of State Governments argued similarly:

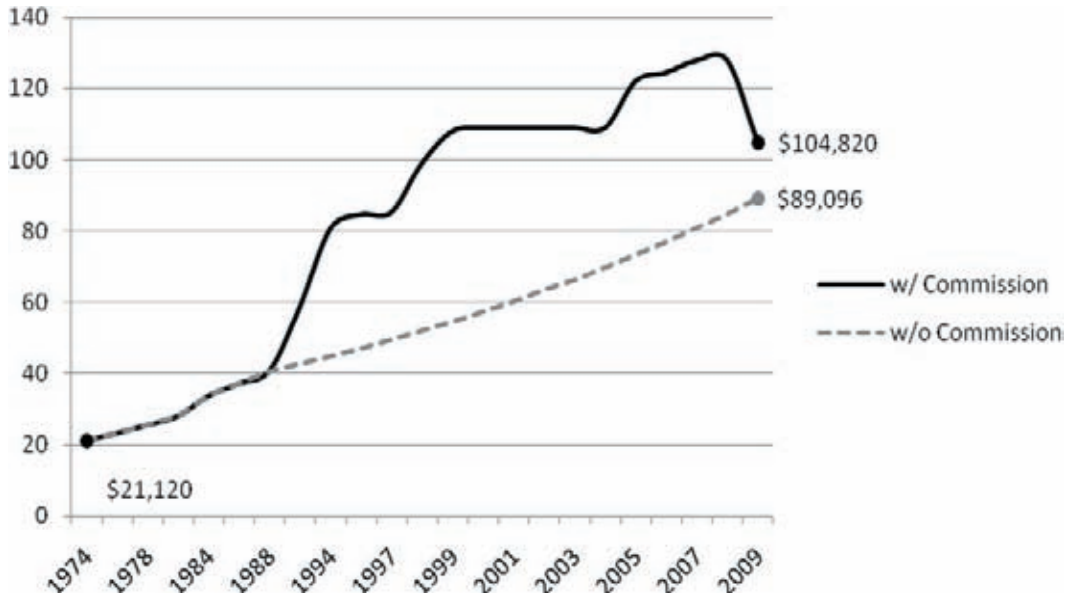
Even in California and other states with higher pay, compensation levels have an impact on recruitment, retention and the work of the legislature. If legislators are not paid adequately, then candidates are drawn from a smaller pool. High pay broadens that pool. You can't expect to attract good candidates with pay that is lower when compared to other jobs and professions (quoted in Penchoff 2007, p. 11).

In defense of higher compensation more generally, after receiving a 37 percent raise in 1994, former Speaker Willie Brown noted that the higher pay is necessary to reimburse legislators for long, hard days and nights spent in Sacramento, and further that the increase still meant legislators were underpaid for their duties (Gilliam 1994). Following the same pay increase, long-time Commission Chair Claude Brinegar said,

We are convinced this is the right thing to do for the state of California, and further delay would not produce any worthwhile results. With term limits, we feel it is urgent that we attract candidates to run for the Legislature who represent a balanced mix—not just people who are retired or want to be here for the power, but people who are willing to take mid-career interruptions to serve the state (Gilliam and Morain 1994).

Additionally, in their recently published book on state legislatures, Squire and Moncrief (2010) report that sentiments along these lines are widespread particularly in states with low legislative pay. Perhaps the most pertinent and surprising insight they provide came from a Florida legislator: "I wouldn't advise the average

**Chart 1. Approximate Mean Legislative Pay With and Without the Commission**



Source: Citizens Compensation Commission (2010) and author's calculations

person to think about [legislative service] because it can put you at real financial risk. . . . I've been blessed to have this opportunity. I wouldn't trade it for the world. But I'm not sure that I could do it again" (p. 92).

Unfortunately, absent from a good deal of these types of arguments are mention of evaluative criteria that one could use to determine why a legislator's pay ought to be cut or increased. If the Commission needs to make sure legislators' salaries are commensurate with their responsibilities, then certainly the Commission also needs to make sure that legislators' salaries are commensurate with *the performance* of their responsibilities. Clearly, merely having responsibilities does not thereby imply that the responsibilities are being performed well. Likewise, while increasing the levels of compensation broadens the pool of potential legislative candidates, it does not stand to reason that the broadened pool is full of *quality* candidates more so than what the pool would have been were compensation kept low. One could easily argue that compensation and legislative quality stand in an inverse relationship, as those who are more willing to take on the "awesome responsibilities" for less money are of a higher moral character than those who are motivated into action by the prospect of financial gain. This line of reasoning, of course, is not liable to empirical verification, yet its normative content remains intriguing to keep in mind.

It is curious, moreover, that members of the Commission would cite a late budget as a reason to forgo an additional salary cut, as I mentioned in the opening paragraph. Data from the California State Assembly Clerk indicates that the budget bill has been late every year since 1986. Moreover, a quick review of California's historical budget deficits shows that budget cycles routinely open with a projected deficit, yet neither issue has prevented the Commission from raising legislative salaries before. At worst, they have simply deferred annual increases with the notable exception being 2009.

These observations demand further investigation into the factors that drive legislator compensation in California. In particular, of great interest is the effect of the Commission on legislative pay beyond the naïve calculation above. The present study is an initial attempt at this, and it proceeds along two lines of inquiry. The first line of inquiry is a regression analysis that estimates the effect of the Commission net other factors using a time series model with well-tested controls. The second line of inquiry investigates the merits of Sollars's (1994) observation that higher compensation may be detrimental to legislative professionalism. To meet this objective, I consider the political climate before and after Proposition 1A (1966), the voter-approved initiative that professionalized the state's legislature, and I find that Sollars's stipulation does not hold in California.

Following this introduction I offer a brief review of the analytic literature that considers direct effects on legislative compensation after which I describe the logic grounding my variables and model. I then describe the data sources and explain the empirical results and key conclusions. Finally, I take a closer look at the residual political impacts of Proposition 1A and introduce a theory that attributes the fall in Republican legislative representation on the initiative's then-bipartisan success.

## **Literature Review**

Direct studies on legislative compensation and the factors influencing its ebb and flow have yet to receive substantial attention from researchers. Nevertheless, despite the relatively small number of analytic studies on compensation, we can still glean substantial insights from the extant research base. In an early study by McCormick and Tollison (1978), for instance, the researchers present a model of legislative compensation within the framework of labor economics. Specifically, they treat legislatures as unions, and, consequently, their model employs a handful of controls that intend to reflect cartelization of the political process such as legislators' ability to increase their own pay and age of the state's constitution. In both instances the variables—legislative control of pay and age of constitution—positively and significantly relate to level of compensation, thus confirming their initial expectations. For the present purposes, however, their most important finding is

that legislator pay is sizably lower in states where compensation is constitutionally defined compared to states where it is statutorily defined; we can see from my estimates in Chart 1 that legislator pay in California is consistent with this finding.

Using annual compensation figures from 1983–84, Sollars (1990) discovered a similar relationship. He found that states with legislative constraints on pay do not influence the level of compensation received compared to states without such constraints. In a follow-up study using data from the late '80s, Sollars (1994) uncovered a handful of results of particular use to us. First, he confirmed the 1990 study that legislator pay in states with independent compensation commissions on average did not vary relative to states without such commissions, all other things being equal. Second, he found that days in session, number of bills introduced, larger constituency load, and per capita total tax revenue are positively associated with higher compensation. Third, he hypothesizes that the increased professionalism of state legislatures that higher pay implies is partly at the center of the political reform movements. Rather than seeing a professional legislature as a benefit, as former Speaker Jesse Unruh had argued (Squire 1992), the public may see it as problematic due in part to its general aversion to condoning pay increases. I comment more on this third finding shortly.

Other researchers, notably Moncrief (1988) and Squire and Hamm (2005), revealed a strong link between state income and compensation. In the case of Moncrief (1988), per capita income was the only variable exhibiting a stable and independent impact; in the case of Squire and Hamm (2005), total state income predicted legislative pay. Both sets of authors explain their results similarly: increases in tax receipts (per capita or total) reflect relative increases in constituent size which in turn implies increased policy demands. In other words, higher job demands mean higher pay, a result that confirms the aforementioned findings by Sollars (1994).

Arguing that the per capita costs of financing government is inversely proportional to state wealth, recent research by Squire (2008) sought to uncover the relationship between state wealth and compensation. With, by now, well-used controls such as legislative session length and capacity of lawmakers to set their own pay, he found that gross state product positively and significantly predicts level of pay. He also discovered that the scope of the relationship extends beyond the subnational level, for it also held in national legislatures in four different federal systems.

Interestingly, Squire (2008) also confirmed that the most Democratic state pays higher legislative salaries than the least Democratic state. As Democrats are more likely to pursue careers in politics and identify themselves as full-time legislators (Rosenthal 1996), this finding is not terribly surprising. There are, however, at least two competing theories on why this is so. Ehrenhalt (1991) suggests that because Republicans are generally distrustful of government they are less likely to maintain the entrepreneurial disposition that drives modern professionalized legislatures;



Democrats tend to believe in government as an institution, and therefore, are more willing to accept long hours and comparatively low pay in order to be a part of it. Fiorina (1994), however, suggests that the shift from amateur legislatures to professional ones explains the difference, not political attitudes toward government. As Republicans are more private-sector oriented, the pool of candidates are often composed of independent professionals whose focus is on their primary stream of income; they could afford to meet the demands of an amateur legislature (i.e., meeting one to three months a year) while concurrently meeting the demands of their private job. The pool of Democratic candidates, however, being generally lower income and more public-sector oriented, must forgo their primary income streams if they were to pursue part-time legislative service. In a professional legislature with greater pay, though, the opportunity cost for Democrats is considerably higher than the opportunity cost for Republicans; Republicans would need to either abandon their well paid private-sector career or simply never enter legislative service whereas Democrats would view public service as a more attractive career path than their alternative (p. 307). It is worth noting, however, that Fiorina's hypothesis is the product of a well-defined logical argument and was not tested with occupational data.

An in-depth survey of legislators following the formation of the Citizens Legislative Advisory Committee in 1957 appears to give Fiorina's position more historical merit in so far as it concerns California. From 1947 to 1957, Cloner and Gable (1959) observed the state's budget increased from roughly \$641m to over \$2b; the number of legislative bills introduced increased 4,628 to 7,426; three additional legislative commissions were formed; six additional joint committees were established; and the total number of legislative employees increased from 139 to 288. The increase in legislative demand resulted in 80 percent of the senators and 64 percent of the assemblymembers opining that their jobs would inevitably become full-time, yet many opposed the trend. At this point, it is worth quoting the authors at length:

Few people can afford to spend as little as 50 per cent of their time on private pursuits during a year, with little or no time at all available during any of the sessions. Only certain businessmen, or the independent or semi-independent professional, such as the attorney, can find opportunities during limited periods of the year to earn an income sufficiently large to meet his needs and make it possible to pursue his legislative career, unless he is retired or independently wealthy. The wage-earner, the salaried employee, the professional educator, to mention but a few, who depend on a full-time salary for their livelihood are virtually excluded unless certain financial arrangements are made. In California over a third of the legislators are attorneys, another 20 per cent are in business or finance, and approximately 15 per cent are in agriculture. The remaining 30 per cent represent all other occupational groupings. If the legislature should reflect a wide range of occupations and interests in the community the problem of making the legislature a full-time body will have to be faced (pp. 722-23).



From 1947 to 1957, Republicans dominated the state legislature. Since 1959 only four Republicans have lead the assembly as Speaker with the longest stint being 21 months; only two Republicans have acted as Pro Tempore of the Senate and none for longer than 12 months.

The present research adds to the growing knowledge of legislative compensation determinants by using a lengthy time series data set, further testing the merits of past efforts, and stipulating a relationship between pay and professionalization. Additionally, in order to connect the results of the statistical analysis with the behavior of the Commission, I add to the literature two hypotheses that aim to explain latent factors that may drive pay decisions.

### Variable Logic and Model

To test the effect of the pay commission on legislative pay, I constructed a time series data set of California legislator base salary from 1947 to 2009. Following the establishment of the Commission, differential salaries were adopted for various legislators that necessitated my tracking annual mean legislative salary over this period. I then regressed annual mean legislative compensation against some of the well-used variables previously found to be associated with pay as noted in the review. More specifically, I use the following model:

$$\begin{aligned} (\text{LOG ANNUAL} \\ \text{MEAN} \\ \text{COMPENSATION})_t = & \beta_0 + \\ & \beta_1(\text{COMMISSION})_t + \\ & \beta_2(\text{TERM LIMITS})_t + \\ & \beta_3(\text{UNEMPLOYMENT RATE}) + \\ & \beta_4(\text{LOG MEAN LEGISLATION INTRODUCED})_{t-1} + \\ & \beta_5(\text{LOG POPULATION PER LEGISLATOR})_{t-1} + \\ & \beta_6(\text{LOG MEAN LEGISLATIVE DAYS IN} \\ & \text{SESSION})_{t-1} + \varepsilon_t \end{aligned}$$

It is worth commenting briefly on each variable and their respective expected signs.

The main variable of interest, COMMISSION, aims to estimate the influence of the Commission on legislative base salary net other factors. The variable is a dummy for the Commission (1 if there is a Commission; 0 otherwise); the variable is 0 up to 1990 at which point it is 1 onward. As noted in the introduction, legislative compensation has increased faster under the Commission than it would have had the power remained with legislators who were constrained by the five percent constitutional limit. Subsequently, I expect the Commission variable to be positive.

If this result bears out, it would run contrary to Sollars's (1990, 1994) finding of no significant relationship between pay commissions and pay.

Furthermore, at the same time voters approved the formation of the Commission, they also approved legislative term limits (Proposition 140). According to the above quote by Claude Brinegar, term limits apparently factor into decisions to increase pay, and therefore it is pertinent to account for them. I use a dummy variable for TERM LIMITS (1 if legislators face term limits; 0 otherwise). To get around the inevitable collinearity with the Commission variable that would result if I began term limits at 1990, I begin the term limits dummy at 1996, which is the first year legislators began being termed out. Since term limits reflect job insecurity, I expect the coefficient to be positive, which implies that potential candidates must be enticed with higher salaries.

I depart substantially from past research by using UNEMPLOYMENT RATE as a control for economic performance rather than gross state product (Squire 2008), per capita income (Moncrief 1988), or a state revenue measure (Sollars 1990, 1994; Squire and Hamm 2005). These measures, while appropriate for comparative analyses of multiple states or multiple countries, are inferior when considering a single state, particularly one as economically robust as California. Consider that The Golden State's gross state product increased during the most recent recession albeit at a historically low rate, and further that the reduction in both the state's personal income and total revenue can easily mask the severity of the market's decline. The unemployment rate, however, does not suffer such deficiencies, for market declines more easily reveal themselves through job loss. Our intuition about job performance might suggest that there should be a negative relationship between unemployment and pay. The Commission, though, has only cut pay once during its tenure; its preferred tactic when faced with poor legislative performance, it appears, is to defer pay increases (Proposition 1F approved by voters in 2009 precludes the Commission from increasing state officials' salaries during budget deficit years). This suggests that the sign of the coefficient should be positive; though, with a magnitude close to zero.

The remaining three variables borrow extensively from the literature, and they jointly aim to track different dimensions of legislative demands that likely play into Commission decisions to increase their pay. MEAN LEGISLATION INTRODUCED, for instance, follows from Sollars (1994), and in his spirit, I track the mean number of bills, resolutions, and constitutional amendments introduced in the Assembly and Senate. Additionally, whereas Sollars found a positive relationship between mean introduced legislation and pay, I hypothesize a similar outcome. Meanwhile, POPULATION PER LEGISLATOR, used exactly by Sollars (1990, 1994) and to a lesser extent by McCormick and Tollison (1978), measures the state's total population divided by 120, or the total number of legislators. Though the latter

authors found no significant relationship between population per legislator and pay, I predict a positive association like Sollars. Lastly, MEAN LEGISLATIVE DAYS IN SESSION is important to account for given the dramatic change in the number of days legislators must report to work over the time series; from 1950 through 1960, the average number of days in session was 74.5; from 1990 through 2000, it was 231. I expect a positive relationship with this variable as well.

It is also worth noting that I lagged these last three variables in the model. The reason for this is quite intuitive. According to their records, the Commission has made pay decisions in December with their decisions going into effect in January. This suggests that any influence that the job demand metrics have on Commission decisions is related to legislative performance in the preceding fiscal year, not necessarily from the first months of the fiscal year in which they made their decision. That is, the pay decision in December 2007, for instance, is presumed to be based on legislative performance from July 2006 through June 2007. The exceptions to this general rule, I further presume, are variables representing the health of the economy, which in this case is the unemployment rate. A cursory comparison of Field Poll data on legislative performance and state unemployment reveals an inverse relationship. Thus, a high unemployment rate at the start of the fiscal year through December (and, by implication, a low legislative approval rating in the same period) likely carries more weight in the Commission members' decision calculus more so than any indicator of quality legislative performance from the previous fiscal year.

### **Data**

The data I used came from a variety of sources. Legislative compensation from the 1970s onward came from the Commission website. Pre-1970 data came from Hyink (1969) and Cloner and Gable (1959). Historical unemployment rate data was obtained from California's Employment Development Department. In the interest of full-disclosure, I was informed by EDD staff that the method for determining unemployment prior to the early 1970s was different than the method used currently. However, they also added that the differences do not detract from the viability of the pre-1970 estimates for research. The data on mean legislation introduced as well as the mean legislative days in session came from Senate and Assembly Histories maintained by the Assembly Clerk. Finally, the population estimates used in calculating population per legislator came from the most recent California Statistical Abstract. Table 1 below displays descriptive statistics of the data set.

## Empirical Results

Like most time series models, serial correlation is a threat. The Durbin-Watson statistic and Box-Ljung test both revealed correlation of the error term across years. Consequently, I used Newey-West standard errors. Though I do not state it at every turn, all coefficient interpretations hold under *ceteris paribus* conditions. The results are displayed in Table 2.

We can see that the presence of a Commission is associated with a 29.1% increase in annual base pay as evaluated at the mean. This finding improves on Sollars (1990, 1994) who was unable to find a significant relationship between salaries set by independent pay commissions and if they were set by legislators themselves. Data and model differences are likely at work here. He looks at only one fiscal year (1983–1984), and he disaggregates a state's house from its senate for analysis whereas I examine joint data.

Moreover, with term limits in effect, base salaries increase 19.5% more than if term limits are not in effect, a finding that confirms the stipulation that legislative job uncertainties require legislators be higher compensated (Carey *et al.* 2000). The establishment of the Commission and the adoption of term limits, then, conspired to drive up legislative compensation dramatically. Both findings, though, are not themselves surprising. Paddock (1990), for instance, predicted prior to the 1990 November election that placing Proposition 112 on the ballot guaranteed legislators higher salaries whether it passed or failed. If it passed, the higher ethical standards related to bans on speaking fees and limits on gifts would transfer over to large base salaries. If it failed, legislators could report that their then-current practices to augment their income were vindicated. Proposition 140, meanwhile, in addition to setting term limits also prohibited legislators from participating in state retirement systems, which suggests that attracting high quality candidates would require further compensation to make up for future income loss.

Meanwhile, a one percent increase in population per legislator is associated with a 2.23% increase in pay, a finding consistent with Sollars (1990, 1994). Since pay appears to increase faster than representative burden, the heightened job demands often cited as justification to increase pay do not appear to directly stem from increases in legislators' representative obligations. Furthermore, every 10 percent increase in mean number of legislative days in session amounts to a 0.03% increase in pay; the positive association is consistent with Sollars (1990, 1994) and Squire (2008). The finding suggests that legislators have an economic incentive to drag out certain activities. Perhaps the most ostensible opportunity to do so is with the budget bill. However, with the passage of Proposition 25 in November's election, legislators will permanently forfeit their salary and living expenses each day the budget bill is late, which removes the aforementioned incentive going into the

**Table 1. Descriptive Statistics**

Variable	Mean	Std. Dev.	Min	Max
Compensation	41,706	41,092	1,200	127,829
Commission	.317	.469	0	1
Term Limits	.222	.419	0	1
Unemployment Rate	6.58	1.74	3.38	11.4
Mean Legislation Introduced	3,337	1,745	70	7,426
Population Per Legislator	198,270	71,358	81,933	320,733
Mean Legislative Days In Session	167	63	27	304

**Table 2. OLS Regression Results**

Variable	Log Mean Legislative Pay Coefficient (Newey-West Standard Errors)
Commission	.291*** (.083)
Term Limits	.195** (.090)
Unemployment Rate	-.001 (.020)
Log Mean Legislation Introduced	-.040 (.045)
Log Population Per Legislator	2.23*** (.171)
Log Mean Legislative Days In Session	.003** (.001)
Constant	-17.3*** (2.05)
Prob > F	.000
$\overline{R^2}$	.965

\*\*\*99% level \*\*95% level

future. The state's voter guide estimates the savings to be about \$50,000 per day. Interestingly, if I apply the coefficient to the mean 2009 legislator base salary, the resulting savings is \$42,044 per day. When you factor in legislators' 2009 expenses for travel per diem, car lease, gas, car rental, and their per diem rate, the amount is \$54,430. I am not sure how the \$50,000 was calculated, but my estimate is not far off.

Finally, the signs for the annual unemployment rate and annual mean number of legislation introduced were negative. As expected, the magnitude of the unemployment rate is near zero. However, though both signs are contrary to what I initially hypothesized, the coefficients are also nonsignificant. Sollars (1994) found a positive relationship in his work, which clearly I could not duplicate in California.

Many of the conclusions just reached can easily be criticized with the following observation: how can legislators who are not in control of their pay enjoy the benefits of supplemental salaries when they, for instance, work more days each year? What is missing from my interpretation of the results, then, is a theory that connects legislator behavior and Commission decisions. I offer the following as such a theory.

Let us first note that legislative job performance does not appear to fully account for the rapid increase in pay. The Commission, when faced with evidence of poor legislative performance such as low approval ratings, high unemployment, burgeoning deficits, and the like, has historically, as previously noted, opted to defer pay increases, not cut them (with 2009 being the exception). Therefore, some other factor besides performance must be playing a large role in Commission decisions to not cut pay more often when conditions appear to warrant such a move (if cutting pay is the appropriate move in such circumstances, deferring pay increases, then, is an additional perquisite of legislative service).

I propose that decisions to increase pay are due more to Commission members' sympathy (or loyalty, to use another word) of legislator job demands rather than legislator performance. That is, members' dispositional characteristics may override or mitigate their decisions particularly if they share certain sympathies with legislators. We might properly call these "internal factors" as they are member-dependent while conditions such as per capita income, gross state product, and other member-independent measures are "external factors."

On the surface, this postulation suggests that any sympathy exhibited by the Commission towards legislators is similar in spirit to Stigler's (1971) capture theory of regulation. As I see it, if sympathy is a factor, it would likely stem from either occupational loyalties between a majority of the Commission and the legislature, or partisan loyalties between a majority of the Commission and the legislative majority. Members, for instance, who have professional occupations with demands similar to legislators or who share a partisan affiliation with a majority of the leg-

islature may be more sympathetic to voting for an increase or deferment in case of poor legislator performance relative to those with blue collar occupations or those who share partisan affiliations with the legislative minority. Let us call these internal factors the “occupational sympathy hypothesis” and the “partisan sympathy hypothesis,” respectively.

Though the partisan sympathy hypothesis may hold for independent compensation commissions in other states, all signs indicate that it is not applicable in California. This is apparent for at least three reasons. First, the Constitution places occupational background constraints on appointments to the Commission, not political affiliation constraints; it must be composed of an expert in compensation, a member of a nonprofit organization, a representative of the general public, a small business owner, an executive of a corporation and two members of labor unions. However, in North Dakota, for instance, appointment is only constrained by political party (no more than three commission members can be from the same party). Second, Republican governors have appointed many Commission members who are Democrats. Third, the partisan relationship necessary to make the hypothesis realistic requires that a majority of the Commission members, the appointing governor, and a majority of legislators all are from the same party. This occurred in 2003 before the recall of Governor Davis, yet pay did not increase. It also occurred between 2004 and 2006 when Governor Schwarzenegger inherited Davis’s appointees, but pay only increased in 2005 and 2006 following a five-year trend of pay deferments. To be sure, taken together the three observations do not imply that Commission members’ political affiliations do not play a role in their decisions; they only suggest that it is unlikely.

Given this overview, it would be prudent to test the occupational sympathy hypothesis so as to corroborate its merits. The best way to do this would be to collect historical Commission member occupational data, and build it into the compensation model. However, two problems are immediate. The first problem is that it would not be reasonable to make the sort of commensurability claims necessary to connect the occupations of Commission members with the occupational demands of legislators. If the governor appointed a teacher, one would need to be able to say that the teacher, for instance, is sympathetic to legislative job demands because she too experiences similar demands to a similar degree. Commensurability is highly suspect given the range of occupations or occupational backgrounds that Commission members might have. The second problem is that I was not able to obtain historical data about Commission members from the California Department of Personnel Administration. Repeated searches of public databases and newspaper archives did not yield a complete or even near complete dataset of past and current Commission members’ occupations, a result that lead me ultimately to abandon direct testing. Consequently, pending the acquisition of viable data, in so far as it



concerns the Golden State, validating the merits of my theory behind its prima facie sensibility must be placed on hold. Circumstances in other states may prove more fruitful for testing, however.

### **Compensation and Professionalization**

In light of these results and what they may imply, it is worthwhile to examine a passing commentary Sollars makes in concluding his piece:

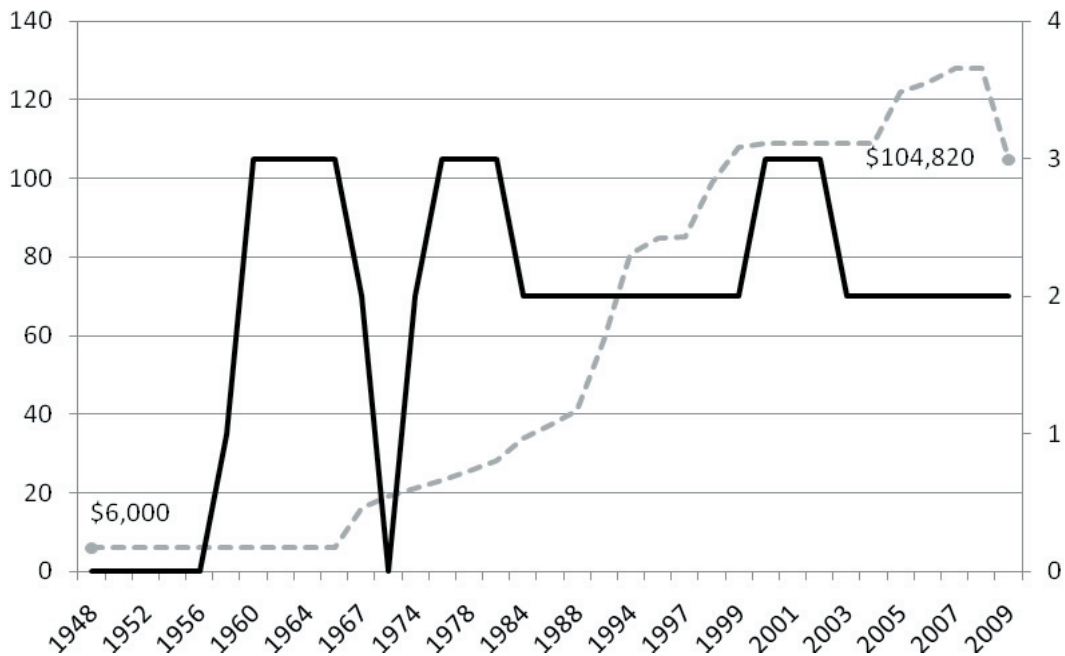
An interesting contradiction has developed. As legislatures have become more professional, public esteem of the legislatures has declined. Constituents, rather than viewing increased professionalism as beneficial, view it as problematic. Higher compensation, while it encourages professionalism, is also politically unpopular and may be responsible for the impetus towards other citizen reforms—such as term limits. Term limits would obviously decrease the professionalism of the legislature. Is it possible that better compensation could actually be detrimental to the goals of the reforms begun two decades ago? (1994, 517–18).

Based on Ehrenhalt (1991) and Fiorina (1994) we can tie Sollars's observation together with ideological dispositions along partisan lines. If more professionalized legislatures attract more Democrats than Republicans, then we should notice increases in Democratic legislative participation as legislative salaries increase. Indeed, this is what we see. Chart 2 plots historical mean legislative pay against an additive value of California voters' election of a Democratic governor, Senate majority and Assembly majority in general elections; in case they elect for Democratic control in all three bodies, I assigned "3"; if only two of the three, a "2"; and so on. With the exception of the 1970 general election Democrats have maintained control of no less than two of the bodies since the early 1960s.

However, if continuously increasing legislative pay is substantially detrimental to the Democratic reforms that brought about a professionalized legislature in 1966, then we should see not just an increase in calls to reinstate an amateur legislature, but also a shift towards electing more Republican representation. A vocal minority lead by the Citizens for Californian Reform attempted to muster sufficient signatures to place a part-time legislature initiative on the 2010 ballot, but their effort failed despite attracting the support of one of the state's most influential advocacy groups, the Howard Jarvis Taxpayer Association (Coupal 2009). But does mounting frustration over the apparent failures of a full-time legislature translate into a growing shift towards non-Democratic representation that the hybrid Sollars-Ehrenhalt-Fiorina hypothesis implies?

One would expect that with the severity of the state's on-going fiscal crisis that voters would be sufficiently frustrated to the extent that they would vote out incumbent Democrats in droves. Alas, this did not occur in California in the 2010 mid-terms. Despite the state's majority Democratic electorate unhappy with Demo-

**Chart 2. Mean Legislative Pay and Democratic Election Outcomes**

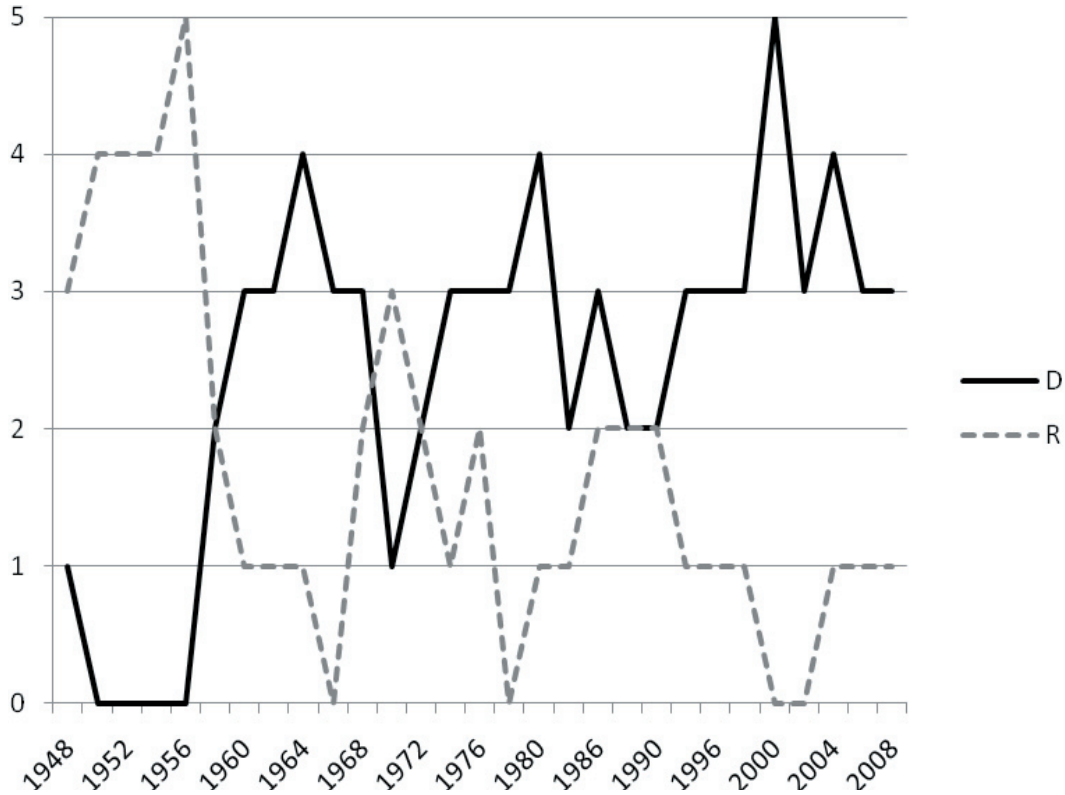


cratic political leaders, ire apparently only manifested itself in pre-election opinion surveys. When faced with the prospect of going against their party in the voting booth, the majority electorate could not compel themselves to go any other way.

We can look at historical trends to show that this insight is not surprising. Chart 3 and 4 use a similar logic to the additive values used in Chart 2. In Chart 3 I looked at how California’s electorate voted on a combination of national and state races, namely, the Presidency, California’s congressional senators, the governor, and state legislative majorities in both houses. The downward trend of Republican representation from the 1940s and ’50s onward is clear. In Chart 4, however, the same trend is more pronounced with the anomaly, again, being the 1970 general election. Yet perhaps the most fascinating observation is that even when Republican representation was at its peak before the 1960s Democratic reforms, Democratic registered voters consistently outnumbered Republican registered voters (see Chart 5). According to California Secretary of State (2009) records, there were more Republican voters than Democratic ones up until 1934 after which the Democrats took and continue to maintain their electorate edge.

There are a couple of conclusions we can reasonably draw given this data. First, had the 2010 elections mirrored the 1970 elections in the sense that Democratic incumbents lost their seats, there would have been a good chance that in the following election or two they would have won most, if not all, of them back; elector-

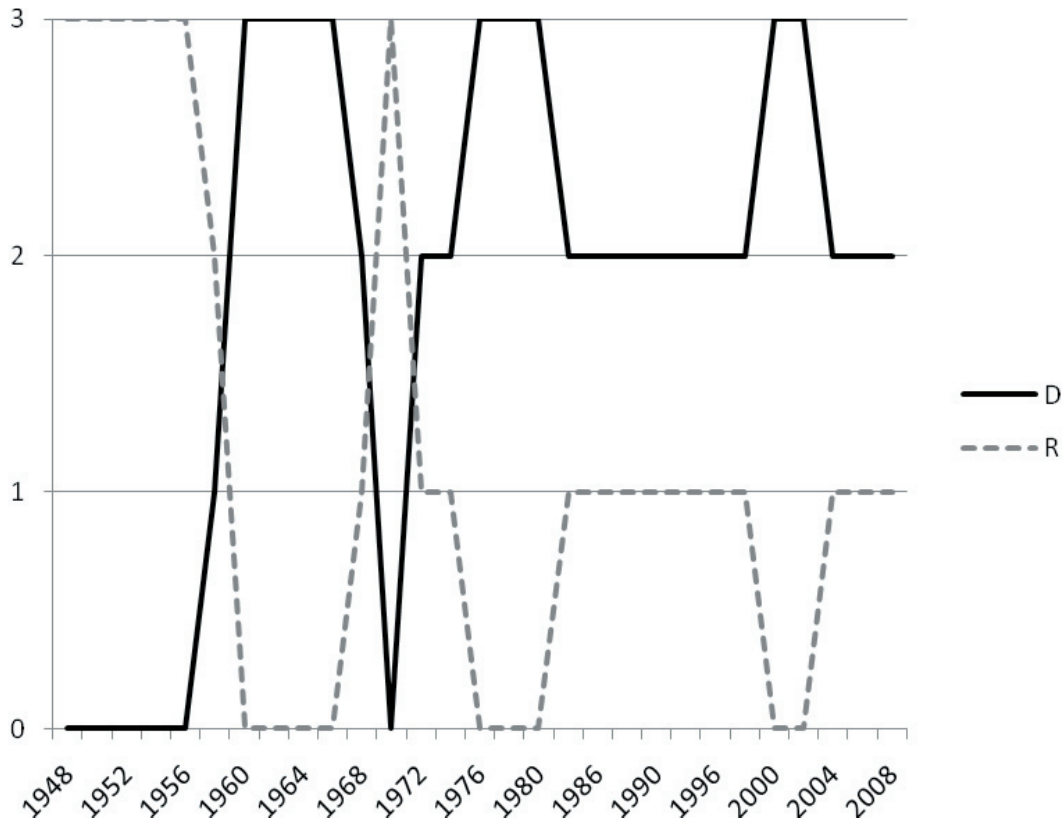
**Chart 3. California Majority Voter Outcomes on National and State Races by Party**



ate faith in Republican majorities appears to have a short shelf life in the modern Golden State. Second, there does not appear to be anything resembling a trend towards more Republican representation at this time, and the 2010 mid-terms only reinforced this position.

From a partisan standpoint, then, this data seems to conflict with the Sollars-Ehrenhalt-Fiorina hypothesis that increased compensation is detrimental to the Democrat reforms that initiated a professionalized legislature. Instead, what it perhaps shows is that Democratic principles appear to be so embedded in the ideological make up of a majority of California's electorate that if pay has a detrimental effect, it is not so significant of a threat to reverse Democratic control or their Proposition 1A reforms in the long run. We need look no further than registered voters for a theory on why this may be so. As previously noted, Democratic voters outnumbered Republican voters from the 1930s onward, yet the Republicans held control of the state legislature far more often than the Democrats up until the reforms. Why? I think the best explanation is that Democratic voters simply did not vote.

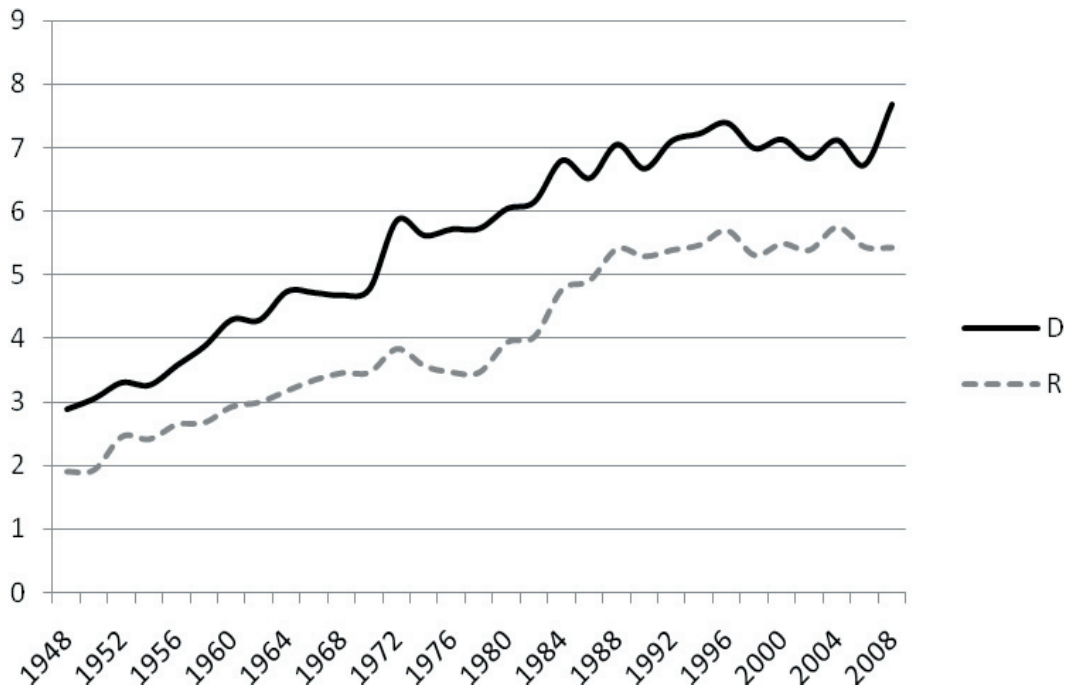
**Chart 4. California Majority Voter Outcomes on State Races by Party**



Professionalizing the legislature gave Democratic leaders a full-time platform to encourage otherwise static Democratic voters to participate, thereby bringing to the surface that which had previously been latent. Furthermore, compensation is not often the type of thing that compels people to genuinely abandon one set of principles for a radically new set of principles. In short, if the Democratic hegemony or the professionalization of the state’s legislature were ever to flounder it would likely not be due to levels of compensation. Moreover, if the theory presented here has merit, the public outcry that often accompanies increases in legislative salaries, if it warrants such attention, could easily be squelched with yet another set of “reforms” championed by Democrats.

The keen reader may have noticed a possible hole in my hypothesis: if professionalizing the legislature invariably led to the waking of a slumbering Democratic electorate, much to the disadvantage of future Republicans, why did the Republican party at the time endorse the initiative? Why would gubernatorial Republican candidate Ronald Reagan concur with Edmund Brown in supporting Proposition 1A (Gilliam 1966) when ultimately it would serve to remove the political advantages

**Chart 5. California Registered Voters by Party (in millions)**



Source: California Secretary of State (2009)

Republicans had long since enjoyed? Were they on board with 1A only because of the substantial pay increase and ability to set future salaries? Did they just ignore the bigger picture?

I think the most reasonable response is that the rapid decline in Republican participation was an unforeseen consequence of a full-time legislature and not necessarily the product of Republican in-fighting in post-war California as Gerston and Christensen (2008) argue. Additionally, the U.S. Supreme Court's ruling in 1965 that all state legislative bodies have to be reapportioned by population certainly conspired with the presence of a professionalized legislature to augment Democratic representation particularly from southern California districts (Lawrence 2009). However, this only provides a partial explanation for Republican decline in the Senate, not the Assembly. Proposition 1A explains the decline in both. Indeed, one would have only needed to examine voter records at the time to see the potential impact of moving to full-time representation to infer future decline. In his thorough analysis of proposed Constitutional revisions in the 1960s, Bernard Hyink (1969) describes a state legislature that seemed eager to work together to solve their issues without letting partisan loyalties interfere. As a by-product of their collegiality they approved the formation of the Constitution Revision Commission (hereafter,

the CRC), which was the chief architect of Proposition 1A; the nonpartisan effort was apparent when the Democratic-run Assembly appointed a Republican, Judge Bruce Sumner, as chief of the CRC. Furthermore, the legislature approved the participation of sixty commissioners from a range of partisan interest groups including the State Chamber of Commerce, the California Taxpayers Association, League of Women Voters, AFL-CIO, and the California Teachers Association. By all accounts, CRC participation did not appear to favor any one political party.

After the CRC filed the first part of its final report that would eventually become Proposition 1A, the legislature made some modifications to it before placing it to public vote. Perhaps the most surprising change was the removal of a clause that placed limits on days in session. In its place the legislature argued that having no limitations on days in session would provide the flexibility required to ensure that they could address all business without rushing to meet a termination date. Moreover, Democratic governor Edmund Brown initially went against his party by not supporting Proposition 1A's institution of a full-time legislature, because he felt it moved too much political influence from the governorship to the legislature (Hyink 1969). As a concession for his support, he requested that the two-thirds requirement for budget approval be amended to a simple majority (Lee 1991). Two other legislative dissenters shared a similar sentiment: Assemblyman Leo Ryan—a Democrat—and Senator John Schmitz—a Republican. Unlike the legislators, however, Governor Brown ultimately offered his support, with the two-thirds requirement intact, after persuasion from Speaker Unruh, and he eventually became an honorary CRC chairman along with his gubernatorial challenger, Ronald Reagan.

In order to defend the claim that a politically shrewd and crafty Democratic leadership intentionally duped Republicans, one would need to show that underneath the superficial nonpartisan endeavor was a well-controlled orchestration of all CRC participants and outcomes. Indeed, if the long-term political effects of a full-time legislature were foreseen by Democratic leadership, Proposition 1A should go down as one of the biggest political dupes in California history. I think such a conclusion, however, is preposterous and contrary to the presented evidence. Hyink (1969) makes the much more reasonable case that professionalizing the legislature grew out of a desire to strengthen its influence at a time in which its demands were exceeding its resources. The future decline of Republican control, then, was only collateral damage.



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