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FISCAL IMPACT REPORT

SPONSOR: Tripp DATE TYPED: 02/19/01 HB HJR 28
 SHORT TITLE: Limit Terms of State Legislators SB _____
 ANALYST: Burch

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
			**		

(Parenthesis () Indicate Expenditure Decreases)

**See Fiscal Implications section of this report.

Conflicts with House Joint Resolution 14 and House Joint Resolution 21

SOURCES OF INFORMATION

LFC Files

SUMMARY

Synopsis of Bill

House Joint Memorial 28 amends Article 4, Section 4 of the Constitution of New Mexico to limit the terms of senators to three (12 years total) and of representatives to six (12 years total). This provision would exclude terms served prior to January 2003 or appointment to a vacant office.

Significant Issues

Currently, there are no term limits imposed on legislators. The National Conference of State Legislatures (NCSL) reports there are now 18 states with term limits. Please see attachment for a March 2000 NCSL report on term limits.

FISCAL IMPLICATIONS

If passed, this question will appear on the ballot is in the November 2002 general election. The Secretary of State reports it costs \$30.0 to place an item on the ballot. Included in the cost is: (1) the publishing of constitutional amendments in English and Spanish for four consecutive weeks in one newspaper in each county of the state; (2) the oral translation and radio broadcast into the Native American languages of Tewa, Tiwa, Towa, Keres, Zuni, Mescalero Apache, Jicarilla Apache and Navajo; and (3) the printing of amendments booklets in English and Spanish (including Spanish language translation cost) and distribution to all county clerks (100,000 booklets were printed for

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2000 general election). Therefore, there would be a nonrecurring cost to the general fund of \$30.0 in FY03. This legislation does not include the appropriation necessary to fund these costs.

CONFLICT

House Joint Resolution 14 amends the same section of the constitution to increase the terms of senators from four to six years and the terms of representatives from two to four years and provides for staggered terms.

House Joint Resolution 21 amends the same section of the constitution to limit the terms of senators to four terms (16 years total) and of representatives to eight terms (16 years total).

DKB/ar
Attachment

TERM LIMITS for STATE ELECTED OFFICIALS

Last Update: 3/22/2000

Proposals to limit the terms of state legislators have been the subject of public policy debate since 1990, when citizen initiatives limiting the terms of legislators were passed by voters in California, Colorado and Oklahoma. Subsequently, 18 other states adopted term limits but in three-Nebraska, Massachusetts and Washington-term limits were thrown out by the state supreme court. That leaves 18 states with term limits currently in effect for legislators and other elected officials. And the final outcome of pending litigation could reduce that number. In 19 states, term limits were the result of citizen initiatives placed on the ballot through the petition process. In Louisiana, the legislature proposed a constitutional amendment limiting legislative terms. The amendment passed. In Utah, the legislature itself enacted a term limits law, so that a vote of approval by the electorate was not necessary.

Summary and Citations of State Term Limit Laws

18 states limit the terms of *state* lawmakers. These limits are summarized below. The constitutional (C) or statutory (S) locations of these limits are parenthetically cited. Click linked citations and full text will appear. State Supreme Courts have voided term limit provisions in Massachusetts, Nebraska and Washington.

Arizona: Limits state lawmakers to four consecutive two-year terms and members of the executive branch to two consecutive four-year terms. © - Article IV, Part 2, Section 21)

Arkansas: Restricts statewide elected officials to two four-year terms, state representatives to three two-year terms and state senators to two four-year terms. © - Amendment 73)

California: Limits state lawmakers to three two-year terms in the Assembly and two four-year terms in the Senate. Constitutional officers are limited to two four-year terms. © - Article IV, Section 2)

Colorado: Limits state lawmakers to four consecutive two-year terms in the House and two consecutive four-year terms in the Senate. © - Article V, Section 3)

Florida: Restricts an individual from running for re-election to the Legislature, executive branch or U.S. Congress if by the end of their current term they have served for eight consecutive years. © - Article VI, Section 4)

Idaho: State legislators and statewide-elected officials are limited to eight years in a 15 year period. (S - ID ST 34-907)

Louisiana: Limits members of the House and Senate to three consecutive four-year terms. © - Article III, Section 4-E)

Maine: Restricts state legislators and constitutional officers to four consecutive two-year terms in each body. The state auditor is limited to two consecutive four-year terms. Restrictions on state lawmakers become effective with the 1996 elections and apply to individuals currently holding office. Applies to time served by senators and representatives beginning January 1, 1995. (S - ME ST T. 21-A, Section 553)

Massachusetts: Limits governor, Lt. governor, secretary, treasurer, auditor or attorney general to two consecutive terms within an 11-year period. Limits state senators and representatives to four

consecutive terms in nine years. (S - MGLA Chapter 53, Section 48) Note: A 1997 decision by the Massachusetts Supreme Court invalidated that state's term limit statute.

Michigan: Limits state representatives to three terms, state senators and members of the executive branch may serve only two terms. © - Article IV, Section 54)

Missouri: Restricts state lawmakers to eight years in the same house and 16 years total of legislative service. © - Article 3, Section 8)

Montana: Restricts state senators, state representatives and state officials to eight years in a 16-year period. © - Article IV, Section 8)

Nebraska: Had limited state legislators to two consecutive terms in office © - Article III, Section 8). Note: The Nebraska Supreme Court in February 1996 voided the provisions.

Nevada: Limits members of the Assembly to serving 12 years or six terms and members of the Senate to three terms or 12 years. Secretary of state, state treasurer, state comptroller and attorney general are limited to eight years or two terms. Governor is already limited to two consecutive terms. © - Article 4, Sections 3 and 4; Article 5, Section 19; Article 15, Section 3)

Ohio: Limits state senators to two consecutive terms and state representatives to four consecutive terms. Limits members of the executive branch to two consecutive terms. Terms are considered consecutive unless there is a break of four years. © - Article II, Section 2)

Oklahoma: Restricts state lawmakers to 12 years of legislative service. © - Article 5, Section 17-A)

Oregon: Holds state lawmakers to six years in the House and eight years in the Senate or no more than 12 years of legislative service. Statewide officeholders are limited to eight years. © - Article II, Section 19)

South Dakota: Limits state lawmakers to four consecutive two-year terms in each house and statewide officers to two consecutive terms. © - Article III, Section 6)

Utah: Prohibits state officers and members of the House and Senate from placing their names on the ballot if they have served more than 12 consecutive years in office. (S - UCA 20A-10-201)

Washington: Limits state senators to eight out of 14 years, representatives to six out of 12 years, and the governor and Lt. governor to eight out of 14 years. Terms served before November 1992 will not count toward limits. (S - RC WA Section 44.04.015) Note: Washington Supreme Court in January 1998 voided the provisions.

Wyoming: Limits state senators to three terms in any 24-year period, representatives to six terms in any 24-year period, and constitutional officers to two terms in any 16-year period. (S - WSA Section 22-5-103)

Note: The foregoing descriptions *do not* include the term limits approved by some of these and other states on US Senators and US Representatives which were ruled unconstitutional by the US Supreme Court in May of 1995 in the *Thornton* decision.

Countdown Starts for Term-Limited Lawmakers

Term limits are here and now. For 52 of the nation's 2,268 state legislators subject to term limits, the end of their terms arrived in 1996. In Maine, 26 of 151 members of the House and four of 35

members of the Senate were ineligible to run for re-election in 1996. In California, 22 of the Assembly's 80 members could not run for re-election.

The tempo increased dramatically in 1998 when time ran out for another 203 members in both houses in California, Colorado, Maine and Oregon, the Missouri Senate, and the Arkansas and Michigan House chambers. The 1998 term limit casualty list hit the hardest in the Arkansas and Michigan Houses. Half of Arkansas' 100 House members and 63 of Michigan's 110 members could not run for re-election in 1998. The Oregon House lost 22 of its 60 members and the Senate lost 2 of 30. In California, the numbers were 16 of 80 in the Assembly and 11 of 40 in the Senate. Colorado's House lost 18 of 65 members, and the Senate nine of 35. In Maine, 11 House members and one senator could not run in 1998. One of Missouri's 34 senators was not eligible to run because of an earlier special election.

In 2000, term limits will take effect in an additional five states: Arizona, Florida, Montana, Ohio and South Dakota. A total of 378 legislators in 12 states will be ineligible to run in 2000.

States With Term Limits for Legislators

Limit in Years	Consecutive	Lifetime Ban
6 house / 8 senate		AR, CA, MI, OR*
8 total	ID	
8 house / 8 senate	AZ, CO, FL, ME, MT, OH, SD	MO
12 total		OK
12 house / 12 senate	LA, UT, WY	NV

* Oregon legislators are limited to a total of 12 years in combined house and senate service.
Source: National Conference of State Legislatures

Effect of Term Limits in the 2000 Elections

In the 2000 elections, 11 more chambers in 6 states will feel the effects of term limits for the first time. Here's where they are:

Arizona House	15 of 60 members
Arizona Senate	7 of 30 members
Arkansas Senate	13 of 35 members
Florida House	55 of 120 members
Florida Senate	11 of 40 members
Missouri House	8 of 163 members
Montana House	33 of 100 members
Montana Senate	14 of 50 members
Ohio House	43 of 99 members
Ohio Senate	6 of 33 members
South Dakota House	20 of 70 members
South Dakota Senate	13 of 35 members

The effects of term limits will continue to be felt in the Arkansas House and in both chambers in California, Colorado, Maine, Michigan and Oregon.

Term Limited States

By Year Enacted and Year of Impact

(The year of impact represents the first year in which incumbents serving when the term limits measure passed will no longer be eligible for reelection.)

State	Year Enacted	Limit	House		Senate		% Voted Yes
			Year of Impact	Limit	Year of Impact	Limit	
MAINE	1993	8	1996	8	1996		67.6
CALIFORNIA	1990	6	1996	8	1998		52.2
COLORADO	1990	8	1998	8	1998		71
ARKANSAS	1992	6	1998	8	2000		59.9
MICHIGAN	1992	6	1998	8	2002		58.8
OREGON	1992	6	1998	8	1998		69.6
FLORIDA	1992	8	2000	8	2000		76.8
* MISSOURI	1992	8	2002	8	2002		75
OHIO	1992	8	2000	8	2000		68.4
SOUTH DAKOTA	1992	8	2000	8	2000		63.5
MONTANA	1992	8	2000	8	2000		67
ARIZONA	1992	8	2000	8	2000		74.2
IDAHO	1994	8	2004	8	2004		59.4
OKLAHOMA	1990	12	2004	12	2004		67.3
NEVADA	1996	12	2008	12	2008		70.4
UTAH	1994	12	2006	12	2006	leg. passed	
WYOMING	1992	12	2006	12	2006		77.2
LOUISIANA	1995	12	2007	12	2007		76

* Because of special elections, term limits will be effective in 2000 for eight current members of the House and one Senator in 1998.

Source: National Conference of State Legislatures