

## RESOLUTION 5-13-2006

### DIGEST

#### Term limits: Senators and Assembly Members: Extending Number of Terms

Amends California Constitution, Article IV, Section 2 to extend continuous service periods for the Senate and Assembly.

### RESOLUTIONS COMMITTEE RECOMMENDATION

#### APPROVE IN PRINCIPLE

#### History:

No similar resolutions found.

#### Reasons:

This resolution amends California Constitution, Article IV, Section 2 to extend continuous service periods for the Senate and Assembly. This resolution should be approved in principle because it gives members new to the Legislature an opportunity to become more familiar with their role as legislators, and develop more expertise in important policy areas, enabling them to make more informed decisions.

The Political Reform Act of 1990 amended the constitution to limit the terms of certain constitutionally elected officials. Currently, no Senator may serve more than 2 terms ( i.e. no more than 8 years) and no Assembly member may serve more than 3 terms (i.e. no more than 6 years). In March 2002, Proposition 45 attempted to extend term limits, however, Californians voted against it.

In March 2002, Proposition 45 attempted to weaken the term limit law by allowing politicians to extend their terms. The voters voted against it. Because of term limits there is a tremendous diversity of opinion. A diverse citizenry now have the opportunity to become representatives for their community.

According to the Public Policy Institute of California, a non-partisan research group, extending term limits would allow legislators to stay in one house to learn more about particular policy areas and committees. Additionally, extending term limits would enable talented elected officials to remain in office longer and continue to serve their constituents and mentor newer, less experienced legislatures.

Thus, adoption of this amendment would address the current issue of inexperienced legislatures while at the same time maintaining the lifetime ban for certain elected officials approved by California voters in 1990.

### TEXT OF RESOLUTION

RESOLVED that the Conference of Delegates recommends that legislation be sponsored to amend California Constitution art. IV, § 2 as follows:

1 Cal. Const. art. IV, § 2  
2 (a) The Senate has a membership of 40 Senators elected for 4-year terms, 20 to  
3 begin every 2 years. No Senator may serve more than 3 consecutive ~~2~~ terms.  
4 The Assembly has a membership of 80 members elected for 2-year terms. No  
5 member of the Assembly may serve more than 6 consecutive ~~3~~ terms.  
6 Their terms shall commence on the first Monday in December next following their  
7 election.  
8 (b) Election of members of the Assembly shall on the first Tuesday after the first  
9 Monday in November of even-numbered years unless otherwise prescribed by the  
10 Legislature. Senators shall be elected at the same time and places as members of the  
11 Assembly.  
12 (c) A person is ineligible to be a member of the Legislature unless the person is an  
13 elector and has been a resident of the legislative district for one year, and a citizen of the  
14 United States and a resident of California for 3 years, immediately preceding the election.  
15 (d) When a vacancy occurs in the Legislature the Governor immediately shall call  
16 an election to fill the vacancy.

(Proposed new language underlined; language to be deleted stricken.)

PROPONENT: Beverly Hills Bar Association

#### STATEMENT OF REASONS

Existing Law: Proposition 140, the Political Reform Act of 1990, amended the Constitution to limit the terms of certain constitutionally elected officials. No Senator may serve more than 2 terms (i.e., no more than 8 years). These term limits present a lifetime ban for any person who has served the maximum number of terms in that office.

This Resolution: Extends continuous service periods for State Senators and Assembly members, from 8 and 6 years, respectively, to 12 years for each.

The Problem: Term limits for California State legislators and other Constitutional officers were enacted as part of the Political Reform Act of 1990. Once wildly popular, legislative term limits have been a profound failure in California.

Term limits—the supposed panacea for everything that is wrong with the State Legislature—has proved to be just the reverse. Rather than fix the legislature, it has created systemic problems that severely impact the State’s ability to govern effectively. Since term limits were approved in 1990, California has experienced firsthand that the supposed benefits of these extremely brief term limits coupled with a lifetime ban once termed out are pure myths. In November 2004, the non-partisan Public Policy Institute of California issued a report demonstrating how term limits have failed California.<sup>1</sup> The report concluded simply, “Careerism remains a constant in California politics.”

Moreover, the report observed the following trends:

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<sup>1</sup> Bruce E. Cain & Thad Kousser, *Adapting to Term Limits: Recent Experiences and New Directions* (2004) (on file with the Public Policy Institute of California).

1. “Special interest money still flows in roughly the same proportions to Senate and Assembly leaders in ever-rising amounts; term limits have not eased the burden of fundraising in any way.”
2. “[F]requent changes in the membership and leadership of legislative committees, especially in the Assembly, diminish their expertise in many important policy areas. Many committees lack the experience to weed out bad bills and to ensure that agencies are acting efficiently and in accordance with legislative intent.”
3. “Legislative oversight of the executive branch has declined significantly.”
4. “[T]he Legislature is less likely to alter the Governor’s Budget, and its own budget process neither encourages fiscal discipline nor links legislators’ requests to overall spending goals.”
5. “With only six years in the Assembly before a lifetime ban goes into effect, Speakers have less than two years to leave their mark, and lame duck leaders face serious obstacles.”
6. “The practice of ‘hijacking’ Assembly bills—gutting their contents and amending them thoroughly in the Senate—has increased sharply.”

Term limits have undermined the California legislature and made its members marginally effective at best. As a result, California, the 7th largest economy in the world, is in danger of falling behind other states and world economies. Lifetime bans and term limits of such short duration have created “short-loop” responsiveness and proven the effects of un-tempered, poll-driven government. Term limits have cut short the careers of talented elected officials who retain the confidence of their constituencies and have years of capable service still to give. Term limits have killed any incentive for officials to serve well.

Our Legislature has lost its experience, judgment, and caution. In short, it has lost its wisdom. It is time to put the brake on term limits by eliminating the lifetime ban and by increasing the number of terms our Senators and Assembly Members may serve.

#### IMPACT STATEMENT

This resolution does not affect any other law, statute, or rule.

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