

RESOLUTION 5-14-2006

DIGEST

Term Limits: Eliminating Term Limits

Amends California Constitution, Article IV, Section 2 to eliminate term limits for State Senators and Assembly members.

RESOLUTIONS COMMITTEE RECOMMENDATION

APPROVE IN PRINCIPLE

History:

No similar resolutions found.

Reasons:

This resolution amends California Constitution, Article IV, Section 2 to eliminate term limits for State Senators and Assembly members. This resolution should be approved in principle because it addresses the weaknesses of legislative term limits.

The Political Reform Act of 1990 amended the constitution to limit the terms of certain constitutionally elected officials. Since 1990, proposals to limit the terms of state legislators have been the subject of public policy debate in California.

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 140 attempted to extend term limits, however, Californians voted against it.

The most obvious effect of term limits is an increase in turnover. Before term limits took hold, there were generally a handful of members who served for many years and arguably their leadership and expertise were a valuable resource to the institution. (Bowser, Jennifer, National Conference of State Legislatures, *The Effects of Legislative Term Limits*, (2005), p. 112.) Proponents of term limits promised that it would more diversity to state legislature. This has not happened. With a few exceptions, the number of women and minority legislators has not changed. (*Ibid.*) Instead, term limits have turned the legislature into a rung on the career ladder for many elected officials. New legislators come to office with more experience, and choose to seek other elective office when their term expire, rather than retire from office. (*Id* at 113.)

Another noticeable change is that committees are weaker and less collegial and courteous under term limits, due to high turnover in committee chairs and the reduced legislative and policy experience of members. (Bowser, Jennifer, supra, *The Effects of Legislative Term Limits*, at p. 114.) Term limits have siphoned power from the legislature to the executive branch. The governor and agency heads have greater expertise on issues, maintain institutional knowledge of issues, and can wait out the legislature as needed. (*Id* at p. 115.)

In sum, term limit legislatures report more general chaos, a decline civility, reduced influence of legislative leadership and committees, and a shift in power relationships. (*Ibid.*)

TEXT OF RESOLUTION

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

- 1 Article IV, section 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 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 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). No member of the Assembly may serve more than 3 terms (i.e., no more than 6 years). These term limits present a lifetime ban for any person who has served the maximum number of terms in that office.

This Resolution: Eliminates term limitations for State Senators and Assembly members.

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 term limits are pure

myths. In November 2004, the non-partisan Public Policy Institute of California issued a report demonstrating how term limits have failed California.¹ The report concluded simply, “Careerism remains a constant in California politics.”

Moreover, the report observed the following trends:

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. Term limits 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 term limits to rest.

IMPACT STATEMENT

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

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

RESPONSIBLE FLOOR DELEGATE: Thomas H. Vidal