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FISCAL IMPACT REPORT

SPONSOR Kintigh ORIGINAL DATE 02/09/11
LAST UPDATED _____ HJR 2
SHORT TITLE Limit State Legislator Terms, CA SB _____
ANALYST Graeser

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY11	FY12	FY13	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total			\$104.0	\$104.0	Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From
Secretary of State's Office (SOS)

SUMMARY

Synopsis

House Joint Memorial 2 proposes a change in the State Constitution (Article 4, Section 4) to prospectively limit consecutive terms in the state legislature. Beginning with terms ending prior to January 1, 2013 and time served during appointment to a vacant office, a senator shall not serve more than three consecutive four-year terms in the Senate and a representative shall not serve more than six consecutive terms in the House of Representatives. Terms would become limited following the election of 2024.

The constitutional amendment would be submitted to the people for approval or rejection at the next general election or at any special election prior to that date.

FISCAL IMPLICATIONS

In the analysis for HJR12, the SOS notes that, "...in accordance with Section 1-16-4 NMSA 1978, upon receipt of the certified proposed constitutional amendment or other question from the Secretary of State, the county clerk shall include it in the proclamation to be issued and shall publish the full text of each proposed Constitutional amendment or other question in accordance with the constitution of New Mexico."

“Although the county clerk includes the proposed amendments in his/her proclamation, it is the responsibility of the State to pay for the costs associated with the publication per Section 1-16-11 NMSA 1978. The approximate cost per constitutional amendment is \$104,000.”

“If the requisite number of registered qualified electors is confirmed, the question of [term limits] shall be placed for a special election to be called within ninety days of completion or the next occurring general election. The approximate cost for a statewide special election will be \$1,675,541.55; the approximate cost for an all mail-in ballot election will be \$1,968,179.31.”

Only the specific additional cost for advertising the constitutional amendment is included in the operating budget table above, assuming that the question is presented to the voters at the next general election (November 2012), not at a special election called for the specific issue.

SIGNIFICANT ISSUES

According to the National Conference of State Legislators (NCSL), 15 states currently have term limits for legislators. The list includes Arizona, California, Colorado, Montana and Nevada in the west. Among these 15, the most popular limitation is 8 years in the senate, 8 years in the house. These limits have been adopted by AZ, CO, FL, ME, MT, OH, SD. The limit proposed in HJR2 (12 consecutive years in the senate; 12 consecutive years in the house) has only been adopted by Louisiana. In six states, term limits have been repealed by the legislature or by court action. The most recent term limits were enacted in Nevada in 1996 and are effective in 2010. Most of the other term limits were enacted in the early to mid-1990s.

State	Year Repealed	Year Enacted	Who Repealed?
IDAHO	2002	1994	Legislature
MASSACHUSETTS	1997	1994	State Supreme Court
OREGON	2002	1992	State Supreme Court
UTAH	2003	1994	Legislature
WASHINGTON	1998	1992	State Supreme Court
WYOMING	2004	1992	State Supreme Court

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo. Some legislators will serve lengthy terms in either or both houses. Some will be removed by the will of the people after some number of terms.

POSSIBLE QUESTIONS

Considering New Mexico’s populist traditions and the relatively modest adoption of term limits in other states, does the state need constitutional term limits or would a more appropriate remedy be to strengthen campaign finance disclosure and limitation laws?

LG/mew

Updated June 2009

The following table represents the 15 states that currently have term limits for legislators. They are ordered by the year of term limits' impact--the first year in which incumbents who were serving when the term limits measure was passed are no longer eligible to run for re-election. At the bottom of the page is a [table of states](#) that had term limits in the past but no longer do (due to legislative or court action).

State	Year Enacted	House		Senate		% Voted Yes
		Limit	Year of Impact	Limit	Year of Impact	
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
FLORIDA	1992	8	2000	8	2000	76.8
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
* MISSOURI	1992	8	2002	8	2002	75
OKLAHOMA	1990	12	2004	12	2004	67.3
NEBRASKA	2000	n/a	n/a	8	2006	56
LOUISIANA	1995	12	2007	12	2007	76
**NEVADA	1996	12	2010	12	2010	70.4

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

**The Nevada Legislative Council and Attorney General have ruled that Nevada's term limits cannot be applied to those legislators elected in the same year term limits were passed (1996). They first apply to persons elected in 1998.

Source: National Conference of State Legislatures

Consecutive vs. Lifetime Limits

Term limits may be divided into two broad categories: consecutive and lifetime. With consecutive term limits, a legislator is limited to serving a particular number of years in a chamber. Upon hitting the limit in one chamber, a legislator may run for election to the other chamber or leave the legislature. After a set period of time (usually two years), the clock resets on the limit, and the legislator may run for election to his/her original seat and serve up to the limit again. With lifetime limits, on the other hand, once a legislator has served up to the limit, she/he may never again run for election to that office. Lifetime limits are much more restrictive than consecutive limits.

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

Source: National Conference of State Legislatures

Term Limits Repeals

In six states, term limits have been repealed by the legislature or by court action.

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For More Information

Jennie Drage Bowser tracks term limits, and may be reached at 303-364-7700 or elections-info@ncsl.org.



Legislatures & Elections » Legislators & Legislative Staff Data » **Chart of Term Limits States**

The Term Limited States

Updated June 2009

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	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
FLORIDA	
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	8
	2000
	8
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	76.8
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	68.4
SOUTH DAKOTA	
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	63.5
MONTANA	

	1992
	8
	2000
	8
	2000
	67
ARIZONA	
	1992
	8
	2000
	8
	2000
	74.2
* MISSOURI	
	1992
	8
	2002
	8
	2002
	75
OKLAHOMA	
	1990
	12
	2004
	12
	2004
	67.3
NEBRASKA	
	2000
	n/a
	n/a
	8
	2006
	56
LOUISIANA	
	1995
	12
	2007
	12
	2007
	76
**NEVADA	
	1996
	12
	2010

12
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Limit in Years

Consecutive
Lifetime Ban

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AR, CA, MI

8 total

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OK

12 house / 12 senate

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State

Year Repealed
Year Enacted
Who Repealed?

IDAHO

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MASSACHUSETTS	2002 1994 Legislature
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	2004 1992 State Supreme Court

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