

HJR

2



Illinois General Assembly

LEGISLATIVE RESEARCH UNIT

# FIRST READING

Volume 5, No. 10 ■ December 1990

## Three States Limit Legislative Terms

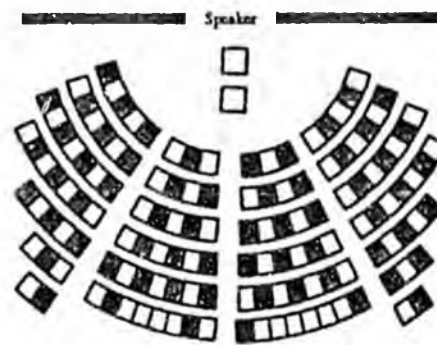
Voters in three western states this fall adopted limits on how long state legislators can serve. A similar grass-roots movement is afoot to limit Illinois legislative terms. It would probably fail to meet the requirements for an initiative under the Illinois Constitution.

Oklahoma voters approved a 12-year lifetime limit on legislative service. California voters chose the stricter of two propositions. It limits lifetime service in the state Assembly to 6 years, and in the state Senate or a single statewide elected office to 8 years. Colorado voters approved limits of 8 consecutive years of service for state elected officials, including legislators. A limit on members of Congress from Colorado to 12 consecutive years is likely to be challenged in court.

None of the propositions will remove incumbents from office immediately. The years of service will be counted beginning next January (except for some California senators).

### Illinois Attempt

A group called Illinois Forum was started in February 1989 to draft an initiative for the November 1990 ballot. Its founder, Robert S. Redfern of Fairfield, was the 1988 Republican Illinois Senate candidate in the 54th district. The group's proposal would have prevented anyone from serving



*A proposal to limit terms of Illinois legislators is expected to be circulated again next spring.*

in the General Assembly more than 10 consecutive years. It proposed the following additions to the Illinois Constitution, art. 4:

#### Sec. 1:

*No member of the Senate or House of Representatives shall serve for more than ten consecutive years.*

#### Subsec. 2(c):

*No person shall be eligible to serve as a member of the General Assembly for more than ten consecutive years.*

#### Subsec. 2(d):

*The time of service by a person filling a vacancy in the office of Senator or Representative shall be included in the computation of the maximum service of ten consecutive years as a member of the General Assembly.*

Over 250,000 signatures were needed to put the measure on the ballot; only 100,000 were gathered. Illinois Forum plans to circulate petitions next spring to put a similar proposal on the November 1992 ballot.

If proponents get enough signatures, a court challenge is likely. The Illinois Constitution allows constitutional amendments by initiative, but restricts their subject matter. They must be "limited to structural and procedural subjects contained in" the legislative article. Illinois courts probably would hold that proposals to limit legislative terms fail this requirement. (See sidebar on p. 3.)

The 1990 proposal would have taken effect in January 1993 when the 88th General Assembly convenes. It had no "grandfather clause" for legislators already serving. Thus in January 1993, legislators who had served 10 or more consecutive years would have had to leave legislative office. The Illinois Forum says its 1991 proposal will have a grandfather clause. It would start counting years of service in January 1993.

The 1990 proposal would have applied to consecutive service. It would not have prevented a legislator from resigning, being appointed to fill the vacancy, and then serving another 10 years—although the political consequences of that maneuver could

*(continued on p. 2)*

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## Term Limits

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be severe. It also would have allowed a House member expecting to be elected or appointed to the Senate to resign from the House early to break the consecutive period.

If adopted, the proposed limit would have disqualified over 54% of present House members and 83% of Senate members if they were still in office in January 1993.

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*Supporters of term limits want more "citizen legislators" who serve a few years, then go home.*

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### Other States' Limits

The overwhelming voter approval of limits on legislative terms in Colorado and Oklahoma was not particularly surprising. Both are maverick states with populist history dating back over 100 years. The Oklahoma legislature also was notoriously unpopular.

California voters' approval of term limits by a slim 51.8% margin is interesting. The *California Journal* reports mixed reaction to term limits enacted 12 years ago in San Mateo county. A statewide poll showed 60% of Californians favoring limits—10 percentage points less than the results of a Gallup poll for the nation generally.

### Oklahoma

At its September 1990 election, Oklahoma became the first state to limit state legislative service. The Oklahoma constitution was amended to set a *lifetime* limit of 12 years of legislative service by any person. These years need not be consecutive, and service in either house counts. Service before January 1, 1991 will not be counted. The vote was 67.3% for and 32.7% against.

### California

California had two term-limitation measures on the ballot. The more stringent, Proposition 140, was approved. It limits *lifetime* service in the state Assembly to 6 years, and in the state Senate to 8 years (a total of 14 years in the legislature). Service in statewide elected offices is also limited to 8 years. Only service in terms starting after November 1990 will be counted—except that senators now in the middle of a 4-year term can run for only one more term. The other measure, Proposition 131, sought to limit state legislators to 12 *consecutive* years of service, and statewide elected officers to 8 consecutive years. The vote on it was 38.1% for and 61.9% against.

### Colorado

Colorado's proposition amended the state constitution to limit state legislators and statewide elected officers to 8 consecutive years in each office. The limits apply to terms starting after 1990. Persons who serve the maximum consecutive time will have to wait 4 years before being eligible to run again. The vote was 70.8% for and 29.2% against.

Colorado's measure also attempts to limit members of Congress from Colorado to 12 years in office. The constitutionality of this provision may be challenged. Legal scholars think states individually cannot limit Congressional terms; thus an amendment to the U.S. Constitution would be required.

### Pros and Cons

Term limits have not been recommended by any of several groups that studied legislatures in general, or the Illinois General Assembly in particular. Limits were not among the 87 recommendations by the Commission on the Organization of the General Assembly (COOGA) created by the General Assembly in 1965 to study the Illinois legislature. A limit on the

number of terms a legislator could serve was not proposed at the 1970 constitutional convention. An independent study of all state legislatures, published by the Citizens' Conference on State Legislatures in 1971, did not include term limits among 73 recommendations for improving state legislatures generally. Nor are such limits proposed in the National Municipal League's Model State Constitution.

Voters considering term limits may have conflicting motivations. Voters usually like to return long-time legislators to state capitals or Washington, believing such senior legislators can get more state or federal money for their district. But the same voters may resent the power of equally senior legislators elected from *other* districts. Thus, although voters in each district would like to continue electing their own incumbent, voters *as a whole* might vote to prevent all voters from doing that.

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*Opponents of term limits say voters need the expertise of long-time legislators.*

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### For

Arguments for limiting how long a legislator can serve are based on expanding access to the legislature, and limiting how much power each legislator can accumulate. Supporters tout the idea of "citizen legislators" who would serve several years, then return to whatever they were doing beforehand. They say term limits would refresh legislatures with new ideas and priorities. Limits also would force turnover often enough to prevent individual members from accumulating power. Supporters say limits would help reverse the trend toward reelecting incumbent legislators at both the state and national level.

(continued on p. 12)

## Can Legislative Terms Be Limited by Initiative?

The Illinois Constitution allows initiatives to amend its legislative article; they must be limited to "structural and procedural subjects contained in" that article. The constitutional convention proposed this way to change the General Assembly's basic structure and operations, in part because delegates believed the General Assembly would be unlikely to propose such changes itself. It appears unlikely that a proposal to limit legislators' terms would meet the test in this provision.

In 1976 the Illinois Supreme Court held that this provision requires an amendment by initiative to propose changes in *both* the structure and procedures of the General Assembly. The court said the convention committee, in proposing the amendment, decided against a general initiative provision that could amend any part of the Constitution. There was concern that a general initiative could bring a flood of proposals by special-interest groups to add substantive provisions to the Constitution. The court held that proposed amendments to tighten the dual-officeholding restriction, prohibit voting by a legislator who has a "conflict of interest," and prohibit advance payments of salary to legislators were not *both* structural and procedural, and so could not go on the ballot.

In 1980 the court allowed on the ballot a proposal to reduce the number of House seats from 177 to 118 and abolish cumulative voting for representatives. No initiative proposal has been allowed on the ballot since then.

In two later cases the Illinois courts rejected initiative proposals, saying they sought to alter legislative powers. In 1982 the courts held that a proposed amendment to allow voters to pass ordinary statutes by initiative was an attempt to diffuse legislative powers rather than to change the General Assembly's structure and procedures, and thus could not go on the ballot.

In August 1990 the Illinois Supreme Court refused to allow the proposed "Tax Accountability Amendment" on the ballot. It would have amended the

Constitution by requiring a three-fifths vote in each house on any bill to increase state revenues, and by changing the operations of each house's revenue committee. The Court did not reach the issue whether this proposed both structural and procedural changes. It held that the proposal would have added, in effect, a substantive provision to the legislative article by increasing the difficulty of raising taxes.

The constitutional convention committee's explanation of the provision on initiative said:

Any amendment, so proposed, would be required to be limited to subjects contained in the Legislative Article, namely matters of structure and procedure *and not matters of substantive policy.*

...

The subject matter contained in this proposed Article pertains only to the *basic qualities* of the legislative branch—namely structure, size, organization, procedures, etc. [emphasis added]

In its August 1990 decision the Supreme Court cited these statements as the most significant in showing the intent behind the initiative provision. Supporters of a term limit could argue that it is not a "matter[] of substantive policy" which the committee said initiatives should not address. And they could argue that it *would* change the "basic qualities" of the legislative branch—although none of the committee's examples ("structure, size, organization, procedures, etc.") appears to fit a term limit. Most likely, the courts would hold a term-limit proposal invalid, either because it did not meet the Illinois Supreme Court's 1976 requirement that initiatives propose changes to both legislative structure and procedures, or because a term limit is really a change in the qualifications for legislative office rather than a change in structure or procedure.

*Roberta R. Hogan*  
Staff Attorney

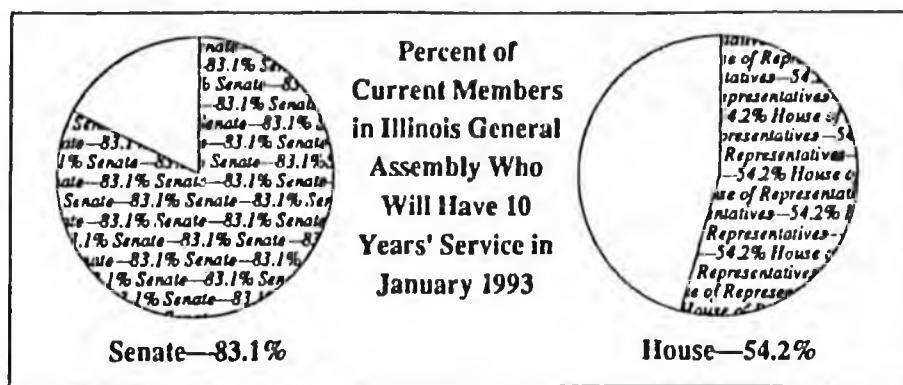
## Term Limits

(continued from p2)

A December 1989 Gallup poll found that 70% of the American public favors limits on politicians' terms. Three national groups are working to amend the U.S. Constitution to limit Congressional terms. *The New York Times* reports that resolutions calling for a constitutional amendment to limit members of Congress to 12 years in office have already passed in South Dakota and Utah; 16 other states are expected to consider such resolutions next year.

### Against

Opponents argue that term limits will deny legislatures the expertise and



wisdom accumulated by senior legislators, preventing the development of those who can stand up to lobbyists or the Governor. A noted political scientist, Nelson Polsby, recently argued that support for term limits relies heavily on popular ignorance about what legislators actually do. Polsby said one who takes term limits seriously must believe a legislator's job is relatively simple and easily mastered. Polsby argues that it can take years to accumulate the expertise necessary to discern a good course of action and achieve the power to make one's viewpoint prevail.

Opponents also argue that *some* supporters of limits are motivated by

self-interest rather than high-minded principles. For example, an easy way to challenge an incumbent is to argue that the incumbent has been in office too long, and to pledge to support term limits if elected. There has also been at least one situation at a local level (Kansas City) in which term limits allegedly were used to remove a disproportionate number of minority council members.

*Karen A. Fahrion*  
Research Associate

(Further information on this subject is in a *Legislative Research Unit Research Response* available to legislators.)

## FIRST READING

Another Publication from the  
*Legislative Research Unit*

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FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO: HJR 2

Revision Date: \_\_\_\_\_  
Title: Proposing amendments...limiting the  
number of...a person may serve in the Legislature...  
Sponsor: Representative Navarre  
Requestor: House State Affairs

Department Affected: Legislative Affairs Agency  
BRU: Legislative Council  
Component: Legislators' Salaries & Allowance

COMPONENT SERIAL NO: 776

Expenditures/Revenues: (Thousands of Dollars)

| OPERATING           | FY 93 | FY 94 | FY 95 | FY 96 | FY 97 | FY 98 |
|---------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES   | 0     | 0     | 0     | 0     | 0     | 0     |
| TRAVEL              | 0     | 0     | 0     | 0     | 0     | 0     |
| CONTRACTUAL         | 0     | 0     | 0     | 0     | 0     | 0     |
| SUPPLIES            | 0     | 0     | 0     | 0     | 0     | 0     |
| EQUIPMENT           | 0     | 0     | 0     | 0     | 0     | 0     |
| LAND & STRUCTURES   |       |       |       |       |       |       |
| GRANTS, CLAIMS      |       |       |       |       |       |       |
| MISCELLANEOUS       |       |       |       |       |       |       |
| TOTAL OPERATING     | 0     | 0     | 0     | 0     | 0     | 0     |
| CAPITAL             | 0     | 0     | 0     | 0     | 0     | 0     |
| REVENUE FUND SOURCE | 0     | 0     | 0     | 0     | 0     | 0     |

FUNDING: (Thousands of Dollars)

|                   |   |   |   |   |   |   |
|-------------------|---|---|---|---|---|---|
| GENERAL FUND      |   |   |   |   |   |   |
| FEDERAL FUNDS     |   |   |   |   |   |   |
| OTHER FUND SOURCE |   |   |   |   |   |   |
| TOTAL             | 0 | 0 | 0 | 0 | 0 | 0 |

POSITIONS:

|           |   |   |   |   |   |   |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| PART-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| TEMPORARY | 0 | 0 | 0 | 0 | 0 | 0 |

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact.

Prepared By: Pamela A. Stoops, Director  
Division: Administrative Services

*Pamela A. Stoops*

Phone: 465-3850  
Date: 2/12/92

Approved By: Warren W. Endicott, Executive Director  
Agency: Legislative Affairs Agency

*Warren W. Endicott*

Date: 2/12/92

Distribution (by preparer): Leg

, & Impacted Agency(ies).

# Alaska State Legislature

Legislative Research Agency



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February 13, 1991

## MEMORANDUM

TO: Representative Mike Navarre

FROM: Deborah L. Davidson *DL*  
Legislative Analyst

RE: Legislative Turnover in the Alaska Legislature Since Statehood  
Research Request 91.127

You asked about the turnover of the Alaska House and Senate since statehood. Tables 1 and 2, attached, show the number and percentage of non-incumbent legislators in the House and Senate for each legislature since statehood. In addition, notations have been made regarding appointed legislators and those who previously served in the legislature. This information was compiled using the Legislative Affairs Agency publication *Alaska Legislature, Roster of Members, 1913-1988*, and current legislative membership.

You also asked for information regarding the turnover of the Alaska Congressional delegation since statehood. Listed below are the Congressional delegates and their dates of service.

|                                |                    |                      |
|--------------------------------|--------------------|----------------------|
| U.S. House of Representatives: | Ralph J. Rivers    | 1959 - 1966          |
|                                | Howard W. Pollock  | 1967 - 1970          |
|                                | Nicholas J. Begich | 1971 - 1972          |
|                                | Donald Young       | March 1973 - Present |
| U.S. Senate                    | E.L. Bartlett      | 1959 - 1968          |
|                                | Ted Stevens        | 1969 - Present       |
|                                | Ernest Gruening    | 1959 - 1968          |
|                                | Mike Gravel        | 1969 - 1980          |
|                                | Frank Murkowski    | 1981 - Present       |
|                                |                    |                      |

I hope this information is useful to you. If you have any questions or would like additional information, please call.

Attachment

**TABLE ONE**  
**TURNOVER IN THE ALASKA HOUSE OF REPRESENTATIVES SINCE STATEHOOD**

| Legislature      | Incumbents | Freshmen | % Freshmen | Notes  |
|------------------|------------|----------|------------|--|
| 2nd (1961-1962)  | 17         | 23       | 57.5%      | 2nd session appointee replaced a freshman--did not return in 1963.   |
| 3rd (1963-1964)  | 23         | 17       | 42.5%      | 4 freshmen previously served in the house. 2nd session appointee replaced an incumbent--did not return in 1965   |
| 4th (1965-1966)  | 16         | 24       | 60.0%      | 2 freshmen previously served in the house (1 by appointment); 2 in the senate. Appointee replaced an incumbent--was elected in 1967  |
| 5th (1967-1968)  | 15         | 25       | 62.5%      | 2 freshmen previously served in the house; 1 in the senate. Appointee replaced freshman 2/68--was elected in 1969  |
| 6th (1969-1970)  | 23         | 17       | 42.5%      | 3 freshmen previously served in the house; 2 in the senate   |
| 7th (1971-1972)  | 19         | 21       | 52.5%      | 4 freshman previously served in the house. Appointee replaced freshman 1/72--did not return in 1973.   |
| 8th (1973-1974)  | 20         | 20       | 50.0%      | 4 freshmen previously served in the house. Appointee replaced an incumbent 1/74-- did not return in 1975   |
| 9th (1975-1976)  | 18         | 22       | 55.0%      | 1 freshman previously served in the house; 1 was appointed 1/75--was elected in 1977. Appointee replaced an incumbent 4/75-- was elected in 1977; appointee replaced an incumbent 1/76--was elected in 1977. |
| 10th (1977-1978) | 25         | 15       | 37.5%      | 1 freshman previously served in the house; Appointee replaced incumbent in 4/77-- did not return in 1979.  |
| 11th (1979-1980) | 23         | 17       | 42.5%      | 2 freshmen previously served in the house  |
| 12th (1981-1982) | 28         | 12       | 30.0%      |  |
| 13th (1983-1984) | 17         | 23       | 57.5%      | 1 freshman previously served in the house. Appointee replaced a freshmen 5/84--was elected in 1985   |
| 14th (1985-1986) | 21         | 19       | 47.5%      | 1 freshman previously served in the house; 1 in the senate   |
| 15th (1987-1988) | 27         | 13       | 32.5%      | 1 freshman previously served in the house  |
| 16th (1989-1990) | 33         | 7        | 17.5%      | Appointee replaced an incumbent 1/90--was elected in 1991  |
| 17th (1991-1992) | 26         | 14       | 35.0%      | 1 freshman had previously served in the house; 1 was appointed 1/91  |

**TABLE TWO**  
**TURNOVER IN THE ALASKA SENATE SINCE STATEHOOD**

| <u>Legislature</u> | <u>Incumbents</u> | <u>Freshmen</u> | <u>% Freshmen</u> | <u>Notes</u>  |
|--------------------|-------------------|-----------------|-------------------|---|
| 2nd (1961-1962)    | 15                | 5               | 25.0%             |   |
| 3rd (1963-1964)    | 12                | 8               | 40.0%             | 1 freshman previously served in the house; 1 was appointed in 1962--was elected in 1964; 1 was appointed in 1963--was elected in 1965 |
| 4th (1965-1966)    | 16                | 4               | 20.0%             | 1 freshman previously served in the senate; 2 in the house  |
| 5th (1967-1968)    | 6                 | 14              | 70.0%             | 1 freshman previously served in the senate; 6 in the house  |
| 6th (1969-1970)    | 16                | 4               | 20.0%             | 3 freshmen previously served in the house; appointee replaced an incumbent 3/70--was elected in 1971                                  |
| 7th (1971-1972)    | 14                | 6               | 30.0%             | 5 freshmen previously served in the house; appointee replaced incumbent 1/72--was elected in 1973                                     |
| 8th (1973-1974)    | 15                | 5               | 25.0%             | 5 freshmen previously served in the house; appointee replaced incumbent 4/73--did not return in 1975                                  |
| 9th (1975-1976)    | 11                | 9               | 45.0%             | 5 freshmen previously served in the house; appointee (from house) replaced incumbent 1/75--was elected in 1977                        |
| 10th (1977-1978)   | 18                | 2               | 10.0%             | 1 freshman previously served in the house.  |
| 11th (1979-1980)   | 13                | 7               | 35.0%             | 3 freshmen previously served in the house   |
| 12th (1981-1982)   | 16                | 4               | 20.0%             | 2 freshmen previously served in the house; appointee replaced incumbent at 3/82--did not return in 1983                               |
| 13th (1983-1984)   | 14                | 6               | 30.0%             | 1 freshman previously served in the senate; 2 in the house  |
| 14th (1985-1986)   | 16                | 4               | 20.0%             | 1 freshman previously served in the senate; 2 in the house  |
| 15th (1987-1988)   | 15                | 5               | 25.0%             | 4 freshmen previously served in the house; appointee replaced incumbent 2nd session--did not return in 1989                           |
| 16th (1989-1990)   | 16                | 4               | 20.0%             | 4 freshmen previously served in the house   |
| 17th (1991-1992)   | 15                | 5               | 25.0%             | 4 freshmen previously served in the house; appointee (from house) replaced incumbent 1/91   |

Prepared by the Legislative Research Agency, February 1991 (91.127)

Limited  
f- HJR 2700

# A Free Marketeer's Case Against Term Limits

By ROBERT J. BARRO

To economists, term limits sound like minimum wages, rent controls and similar interferences with free markets. In each case, the government tries to prevent a mutually advantageous trade: an employer hiring a low-productivity, hence, low-wage worker who is willing to work at that wage; a renter inducing an increase in the supply of housing by willingly paying a higher price; and an electorate choosing a desired representative who is willing to serve. The real surprise is that some strong supporters of free markets, such as *The Wall Street Journal*, have been the biggest advocates of term limits. What is going on here?

One argument is that incumbent politicians have unfair advantages in elections because of their ready access to campaign funds, staff, mailing and travel privileges, media publicity, and so on. Hence, the electorate is fooled systematically into supporting incumbents even when they are inferior to their challengers. This argument is similar to the Galbraith-like view that big corporations with massive advertising budgets can consistently dupe their customers into buying inferior products. Supporters of free markets and the capitalistic system reject this message because they have faith in the self-interested consumer to discipline the companies that do not deliver the goods. Advocates of the democratic electoral process ought to have similar confidence in the public.

## Citizen Congress

Another argument is that a citizen Congress with its continuing flow of fresh faces into Washington would result in better government than that provided by representatives with lengthy tenure. The counter-argument is that experience is an important characteristic for legislators. Each viewpoint has some validity. Presumably the best solution is to let the market decide, that is, to allow the electorate to determine the proper balance between freshness and experience. Most of us would not want the government to determine whether a familiar or a new brand of toothpaste is preferable; why is a political representative different in this respect?

Many commentators bemoan the high tendency for incumbents to be re-elected. But if the electoral control process is working, so that officeholders conform with the interests of the majority of their constituents, then the electorate rewards its representatives with re-election. If the public voted against satisfactory performers just to install a new face, then officeholders

would have less incentive to behave and the system would work badly. Thus the main inference from a 95% re-election rate is that the political process is working and that officeholders are conforming to the wishes of their constituents. If we ever see a 50% re-election rate, then there really would be reason to worry.

The threat not to re-elect works only if the incumbent is interested in another term, whether for his current or for another office. A problem with term limits is that it creates more lame ducks, who are less responsive to the desires of the electorate. Much has been made of Alexander Hamilton's reflections on this point in

Federalist 72: "One ill effect of the exclusion [from re-election] would be a diminution of the inducements to good behavior." (It is interesting to note, however, that Hamilton was not discussing term limits on the legislature, and was actually arguing against the term limits on the chief executive that are contained now in the 22nd Amendment.)

*Most of us would not want the government to determine whether a familiar or a new brand of toothpaste is preferable; why is a political representative different?*

The only respectable argument in favor of term limits that I know of refers to the legislature and involves the interaction with the seniority system. Representatives accumulate more power as they become more senior, partly because of better committee assignments and more staff and partly because of increased familiarity with government officials and institutions and with outside interest groups. Some aspects of this power, such as greater experience with governmental programs, are desirable; others, such as the increased ability to extract funds from interest groups, are not.

Even if seniority is a net cost in the aggregate, however, each district has an incentive to re-elect its own incumbent (and would if possible vote against the incumbents from other districts) because the representative's relative seniority translates into a large share of governmental largess. The voters would be better off if they could reach a binding agreement that precluded the re-election of incumbents, that is, if term limits were instituted. As an example, the voters of Washington state recently rejected a proposal that would have limited the seniority of their congress-

sional representatives relative to those of other states. Yet the same voters likely would have approved a proposal that limited the terms of all Congressional representatives, not just those from Washington. Changes in the seniority system may therefore be a superior alternative to term limits. If a representative's power to favor his or her district did not vary with seniority, then voters would not have an excessive incentive to re-elect incumbents. The seniority system could be changed only by getting Congress to alter its own rules (as it has at times in the past) or else by constitutional amendment, which would,

from a practical standpoint, also have to initiate in Congress. Although the chances of success seem small, one way to proceed would be to call the proposal the Civil Rights Amendment—recent experience shows that calling something a Civil Rights Act helps to get it passed. It does not seem to matter much—it may even be detrimental—if the content of a Civil Rights Act actually has something to do with civil rights.

The weakening of the seniority system in Congress would, it must be conceded, sacrifice some genuine benefits. Greater experience may justify positions of more authority, and, the rewards from seniority give Congress an efficient method to motivate good behavior from junior members. These arguments parallel the benefits from worker seniority in firms (or, indeed, the usefulness of a parole system as a carrot to help control inmates in prisons). The formal system of seniority is also only a part of the story; members' increasing familiarity with interest groups is a kind of seniority that would not be eliminated by changes in the rules for committee assignments, staffing and so on. It is unrealistic as well as undesirable to try to remove completely the operation of a seniority system in any legislature.

The various complexities about legislative term limits and their interaction with seniority do not arise for executive term limits. Voters do not have to worry that rejecting their incumbent puts them at a disadvantage relative to other voters' incumbents, so the electorate can properly weigh

experience, fresh ideas, the value of rewarding satisfactory performance in office, and so on. The only defense for executive term limits is that the electorate needs to be protected against itself, an argument which, if true, would mean that democracy was seriously flawed and would work much less well than it seems to.

Of course, since the passage of the 22nd Amendment in 1951, there is a two-term limit on the presidency, and 29 of the 50 states have some kind of term limit on the governor. (Seven of these limits have been introduced since 1960.)

The origins of these limits may have more to do with competition between legislative and executive branches than with a desire to improve public policy. The 22nd Amendment reflected Congress's desire to shift the balance of power away from the executive, and notably the desire of a Republican-dominated House and Senate to prevent the rise of another powerful Democratic president, like Franklin Roosevelt. To some extent, the current pressures for legislative term limits reflect the reverse desire to shift power away from Congress. From the standpoint of balance of power, it would surely be preferable to repeal the 22nd Amendment.

## Not Important to Growth

Perhaps the best test of executive term limits is to check whether the states with term limits on the governor have performed better or worse than those without such limits. The answer, if one holds constant geographical region and the level of per capita income in 1960, is that states with term limits experienced slightly below average growth of per-capita income over the last 30 years but were also a little below average in the fraction of state product that went to state and local government expenditures. Not surprisingly, the main message is that executive term limits are not an important determinant of economic growth or state spending.

Executive term limits are therefore a bad idea, but one should not expect vastly better performance at the state or national level from the elimination of these restrictions. Legislative term limits are less clear-cut and it is possible to build a respectable case that favors such limits. But it is unrealistic to think that the enactment of these limits would lead to great improvements in the functioning of government and hence, in the performance of the economy.

Mr. Barro, a professor at Harvard, is a *Wall Street Journal* contributing editor.

FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO. HJR 2

Revision Date: February 13, 1992  
 Title: "... limiting the number of terms a person  
 may serve ..."  
 Sponsor: Representative Navarre  
 Requestor: House State Affairs

Department Affected: Department of Law  
 BRU: Legal Services  
 Component: Operations

COMPONENT SERIAL 

|  |  |   |   |
|--|--|---|---|
|  |  | 9 | 3 |
|--|--|---|---|

Expenditures/Revenues: (Thousands of Dollars)

| OPERATING         | FY 93 | FY 94 | FY 95 | FY 96 | FY 97 | FY 98 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES |       |       |       |       |       |       |
| TRAVEL            |       |       |       |       |       |       |
| CONTRACTUAL       |       |       |       |       |       |       |
| SUPPLIES          |       |       |       |       |       |       |
| EQUIPMENT         |       |       |       |       |       |       |
| LAND & STRUCTURES |       |       |       |       |       |       |
| GRANTS, CLAIMS    |       |       |       |       |       |       |
| MISCELLANEOUS     |       |       |       |       |       |       |
| TOTAL OPERATING   | -0-   | -0-   | -0-   | -0-   | -0-   | -0-   |

|         |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|
| CAPITAL |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|

|                      |  |  |  |  |  |  |
|----------------------|--|--|--|--|--|--|
| REVENUE FUND SOURCE: |  |  |  |  |  |  |
|----------------------|--|--|--|--|--|--|

FUNDING: (Thousands of Dollars)

|                    |     |     |     |     |     |     |
|--------------------|-----|-----|-----|-----|-----|-----|
| GENERAL FUND       | -0- | -0- | -0- | -0- | -0- | -0- |
| FEDERAL FUNDS      |     |     |     |     |     |     |
| OTHER FUND SOURCE: |     |     |     |     |     |     |
| TOTAL              |     |     |     |     |     |     |

POSITIONS:

|           |     |     |     |     |     |     |
|-----------|-----|-----|-----|-----|-----|-----|
| FULL-TIME | -0- | -0- | -0- | -0- | -0- | -0- |
| PART-TIME |     |     |     |     |     |     |
| TEMPORARY |     |     |     |     |     |     |

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.) Please see the attached analysis.

Prepared by: Richard I. Pegues, Director  
 Division: Administrative Services

Phone: 465-3672  
 Date: February 13, 1992

Approved by Commissioner: Charles E. Cole, Attorney General  
 Agency: Department of Law

Date: February 13, 1992

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO.   HJR 2  

ANALYSIS: (continued)

House Joint Resolution No. 2 proposes amendments to the Constitution of the State of Alaska limiting the number of terms a person may serve in the legislature and in the United States Congress.

First, Section 1 would amend Article II of the state constitution to provide that no person may serve more than four full terms as a representative and two full terms as a senator in the legislature. This limitation would not apply to partial terms.

Second, Section 2 would amend the state's constitution by adding a new section to provide that no person may serve more than four full terms as a representative in the Congress of the United States, and that no person may serve more than two full terms as a senator in the Congress of the United States. This limitation does not apply to partial terms.

Third, Section 3 would amend the state's constitution to provide that the proposed amendments limiting the number of years a person may serve as a legislator and limiting the number of terms a person may serve in the Congress of the United States apply only to terms beginning after the effective date of the amendments.

These proposed constitutional amendments would be placed before the voters at the next general election, after the resolution is approved by the legislature.

Similar proposals to limit the terms of legislators and members of the United States Congress are being considered in several states. There is some uncertainty whether a state, on its own volition, can limit the number of terms a person can serve in the United States Congress, or whether such a limitation requires a change in the United States Constitution. Because of the provision that the limitations apply only to terms beginning after the effective date of the amendments, the issue of limited federal representation should be resolved due to actions in other jurisdictions, and there should not be a fiscal impact for the Department of Law.

FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO. HJR 2

Revision Date: 01/13/92  
Title: Amendment to the Constitution RE: Limit Legislative Service to 12 Years  
Sponsor: Representative Navarre  
Requestor: House State Affairs

Department Affected: Office of the Governor-Elections  
toBRU: Division of Elections  
Component: 11-Primary and General Elections

COMPONENT SERIAL NO.

|   |   |   |   |
|---|---|---|---|
| 0 | 0 | 2 | 2 |
|---|---|---|---|

Expenditures/Revenues: (Thousands of Dollars)

| OPERATING         | FY 93 | FY 94 | FY 95 | FY 96 | FY 97 | FY 98 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | 0     | 0     | 0     | 0     | 0     | 0     |
| TRAVEL            | 0     | 0     | 0     | 0     | 0     | 0     |
| CONTRACTUAL       | 2.2*  | 0     | 0     | 0     | 0     | 0     |
| SUPPLIES          | 0     | 0     | 0     | 0     | 0     | 0     |
| EQUIPMENT         | 0     | 0     | 0     | 0     | 0     | 0     |
| LAND & STRUCTURES | 0     | 0     | 0     | 0     | 0     | 0     |
| GRANTS, CLAIMS    | 0     | 0     | 0     | 0     | 0     | 0     |
| MISCELLANEOUS     | 0     | 0     | 0     | 0     | 0     | 0     |
| TOTAL OPERATING   | 2.2*  | 0     | 0     | 0     | 0     | 0     |

|         |   |   |   |   |   |   |
|---------|---|---|---|---|---|---|
| CAPITAL | 0 | 0 | 0 | 0 | 0 | 0 |
|---------|---|---|---|---|---|---|

|                      |   |   |   |   |   |   |
|----------------------|---|---|---|---|---|---|
| REVENUE FUND SOURCE: | 0 | 0 | 0 | 0 | 0 | 0 |
|----------------------|---|---|---|---|---|---|

FUNDING: (Thousands of Dollars)

|                    |      |   |   |   |   |   |
|--------------------|------|---|---|---|---|---|
| GENERAL FUND       | 2.2* | 0 | 0 | 0 | 0 | 0 |
| FEDERAL FUNDS      | 0    | 0 | 0 | 0 | 0 | 0 |
| OTHER FUND SOURCE: | 0    | 0 | 0 | 0 | 0 | 0 |
| TOTAL              | 2.2* | 0 | 0 | 0 | 0 | 0 |

POSITIONS:

|           |   |   |   |   |   |   |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| PART-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| TEMPORARY | 0 | 0 | 0 | 0 | 0 | 0 |

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.) \* This figure covers cost of inclusion of information about this issue in the Official Elections Pamphlet as required by AS 15.58, and programming for DataVote counting of votes cast on this measure. However, only 4 measures can be printed on a single ballot card. Should this measure require printing an additional ballot card, the fiscal impact would be: 53.4.

Prepared by: Elizabeth Ziegler, Deputy Director  
Division: Elections

Phone: 465-4611  
Date: 01/13/92

Approved by Commissioner: *Charles E. Thiel*  
Agency: Office of the Governor

Date: 01-13-92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO: HJR 2

Revision Date: \_\_\_\_\_  
Title: Proposing amendments...limiting the  
number of...a person may serve in the Legislature...  
Sponsor: Representative Navarre  
Requestor: House State Affairs

Department Affected: Legislative Affairs Agency  
BRU: Legislative Council  
Component: Legislators' Salaries & Allowance

COMPONENT SERIAL NO: 776

Expenditures/Revenues: (Thousands of Dollars)

| OPERATING                  | FY 93 | FY 94 | FY 95 | FY 96 | FY 97 | FY 98 |
|----------------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES          | 0     | 0     | 0     | 0     | 0     | 0     |
| TRAVEL                     | 0     | 0     | 0     | 0     | 0     | 0     |
| CONTRACTUAL                | 0     | 0     | 0     | 0     | 0     | 0     |
| SUPPLIES                   | 0     | 0     | 0     | 0     | 0     | 0     |
| EQUIPMENT                  | 0     | 0     | 0     | 0     | 0     | 0     |
| LAND & STRUCTURES          |       |       |       |       |       |       |
| GRANTS, CLAIMS             |       |       |       |       |       |       |
| MISCELLANEOUS              |       |       |       |       |       |       |
| <b>TOTAL OPERATING</b>     | 0     | 0     | 0     | 0     | 0     | 0     |
| <b>CAPITAL</b>             | 0     | 0     | 0     | 0     | 0     | 0     |
| <b>REVENUE FUND SOURCE</b> | 0     | 0     | 0     | 0     | 0     | 0     |

FUNDING: (Thousands of Dollars)

|                   |   |   |   |   |   |   |
|-------------------|---|---|---|---|---|---|
| GENERAL FUND      |   |   |   |   |   |   |
| FEDERAL FUNDS     |   |   |   |   |   |   |
| OTHER FUND SOURCE |   |   |   |   |   |   |
| <b>TOTAL</b>      | 0 | 0 | 0 | 0 | 0 | 0 |

POSITIONS:

|           |   |   |   |   |   |   |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| PART-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| TEMPORARY | 0 | 0 | 0 | 0 | 0 | 0 |

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact.

Prepared By: Pamela A. Stoops, Director  
Division: Administrative Services

*Pamela A. Stoops*

Phone: 465-3850  
Date: 2/12/92

Approved By: Warren W. Endicott, Executive Director  
Agency: Legislative Affairs Agency

*Warren W. Endicott*

Date: 2/12/92

Distribution (by preparer): Leg. Finance, Legislative Sponsor, Requestor, OMB, Gov. , & Impacted Agency(ies).

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# Older, tired of abuse, lawmakers are leaving the Hill

By JIM DRINKARD  
ASSOCIATED PRESS

WASHINGTON — More than 100 fresh faces are expected in Congress next year in the largest turnover since World War II, a change brought on by factors ranging from an aging crop of lawmakers to revised ethics rules.

With this session of Congress barely two weeks old, 29 incumbent lawmakers have announced they will not be back in 1993.

"It should be a refreshing breeze for the institution," said Rep. Dennis Eckart, a 41-year-old Ohio Democrat elected in 1980 and departing after the November election.

Precisely how the breeze would

blow is unpredictable. The so-called Watergate class swept into office in 1975 produced a series of reforms and ousted some long-entrenched committee chairmen.

Reasons why lawmakers are leaving include:

- Redistricting that has carved up the home turf of some incumbents, mostly in the Northeast and Midwest. A few lawmakers must either retire or fight each other. Many would have to run on less friendly territory.

- Low public esteem for Congress, fanned by mini-scandals involving the House's internal management. Lawmakers are subjected to constant criticism back home, and more may retire

if the ethics committee releases a list of those who bounced checks at the House bank.

- An ethics law that allows members elected before 1980 to keep for personal use any leftover campaign funds, but only if they retire this year.

- The House is getting older. Fully 105 of its 435 members are over 60, and 33 are in their 70s or 80s.

Observers say the combination of all these factors is likely to push the number of House freshmen over the 100 mark next year.

Over the past four decades, average turnover in the House every two years has been about 62, ranging from a low of 36 in 1969

to a peak of 86 in 1975. Retirements alone have accounted for anywhere from 21 seats in 1956 to 49 in 1978.

In years past, lawmakers such as Eckart would have been just settling in for long Capitol Hill careers. He had acquired a reputation as a thoughtful and articulate lawmaker with a bright future in Congress.

But times have changed. "It's very clear there is a loss of stature at home, to say you're a member of Congress," he said.

And those who came to Washington to pursue idealistic goals have been stymied by budget constraints and polarization between the Republican White House and

the Democratic Congress. "We seldom have paralyzed government like what we've had the past decade," Eckart said.

Committee chairmen also are among those leaving.

They include Walter Jones, D-N.C., chairman of the Merchant Marine and Fisheries Committee; Frank Annunzio, D-Ill., chairman of the Banking subcommittee on financial institutions; Edward Roybal, D-Calif., chairman of the Appropriations Treasury subcommittee; Gus Yatron, D-Pa., chairman of the Foreign Affairs human rights subcommittee, and Mervyn Dymally, D-Calif., chairman of the Foreign Affairs Africa subcommittee.