



## LEGISLATIVE TERM LIMITS AND FULL-TIME AND PART-TIME LEGISLATURES

### Introduction

Legislative term limits and legislative session length have significant effects on the structure and processes of state government. In an effort to inform ongoing discussions on these important topics, Citizens Research Council is providing information on those states that have adopted legislative term limits and on the timing and duration of legislative sessions in all states.

### Legislative Term Limits

Legislative term limits were first adopted in 1990 in the states of California, Colorado, and Oklahoma; by 2000, voters in 21 states had approved legislative term limits. The initiative process was used in 19 states (18 states allow an initiative process to amend the state constitution). In Louisiana, which does not have the initiative, a vigorous campaign forced legislators to place the issue on the ballot for voters to decide and in Utah, the legislature enacted a 12-year statutory term limit to preclude a more stringent limit that was about to be placed on the ballot by initiative.

In those states that have adopted term limits, votes have generally been overwhelmingly in favor of the proposal: over 70 percent in Florida, Louisiana, Missouri, Arizona, Colorado, and Nevada; over 60 percent in Ohio, Maine, Montana, Oklahoma, South Dakota, and Arkansas; 59 percent in Michigan, 56 percent in Nebraska, and 52 percent in California.

Courts invalidated legislative term limit laws in Massachusetts in 1997, Washington in 1998, Oregon in 2002, and Wyoming in 2004. In 2002, the legislature in Idaho repealed that state's term limit law; in 2003, the legislature in Utah repealed that law. Idaho and Utah were among the few states with statutory, rather than constitutional, term limits. Now, only Maine has statutory term limits that can be changed by the legislature.

Term limits first took effect in California and Maine in 1996. Michigan is one of only three states that limit House members to no more than six years; here, term limits were enacted in 1992 and took effect in 1998, when 57 percent of House members were replaced. In 2006, 266 term-limited legislators in 13 states were prevented from seeking re-election. Term limits have not yet taken effect in two states: the impact will occur in Louisiana this year and in Nevada in 2010.

Michigan is one of six states that have adopted lifetime term limits. Lifetime limits are more restrictive than consecutive limits, which allow a legislator to serve up to the limit a number of times, as long as a set period of time (usually two years) intervenes between one period of term limited service and the next.

A number of legislatures in term limit states have considered bills that would increase the number of terms allowed; in most states, including Michigan, this would require a constitutional amendment. Nationally, proposals to abolish or increase term limits have been fought by a group called U. S. Term Limits, which was founded in 1992 to promote limited government and which has been a driving force for adoption of term limits. In 2005, a Michigan Chamber of Commerce proposal for a constitutional amendment to lengthen term limits was met with well organized opposition.



**Table 1**  
**States with Term Limits**

<u>State</u>	<u>Year Enacted</u>	<u>Percentage Voting for Term Limits</u>	<u>House Limit</u>	<u>Senate Limit</u>	<u>Lifetime or Consecutive</u>
Arizona	1992	74	8 years	8 years	Consecutive
Arkansas	1992	60	6	8	Lifetime
California	1990	52	6	8	Lifetime
Colorado	1990	71	8	8	Consecutive
Florida	1992	77	8	8	Consecutive
Louisiana	1995	76	12	12	Consecutive
Maine	1993	68	8	8	Consecutive
<b>Michigan</b>	<b>1992</b>	<b>59</b>	<b>6</b>	<b>8</b>	<b>Lifetime</b>
Missouri	1992	75	8	8	Lifetime
Montana	1992	67	8	8	Consecutive
Nebraska	2000	56	*	8	Consecutive
Nevada	1996	70	12	12	Lifetime
Ohio	1992	68	8	8	Consecutive
Oklahoma	1990	67	12	12	Lifetime
South Dakota	1992	64	8	8	Consecutive

\* Unicameral legislature

Source: The Council of State Governments

## Full-time and-Part time Legislatures

According to the National Conference of State Legislatures, Michigan is one of four states (others are California, New York, and Pennsylvania) that have a full-time, professional legislature. Of these, both Michigan and California have lifetime term limits of six years in the House and eight years in the Senate. An additional seven states (Alaska, Illinois, Florida, Ohio, Massachusetts, New Jersey, and Wisconsin) have nearly full-time legislatures, defined as those in which legislators spend 80 percent or more of the time required by a full-time job on attending legislative sessions, committee work, studying issues, assisting constituents, and campaigning for election. Two of these seven states, Florida and Ohio, have consecutive term limits of eight years in the House

and eight years in the Senate. In 2004, the average compensation (salary, per diem, and any other unvouchered expense payments) for legislators in these 11 full-time legislature states was \$68,599 and the average number of legislative staff members per legislator was 8.9. These states tend to have the largest populations.

Twenty-two states have "hybrid" legislatures, in which, according to the National Conference of State Legislatures, legislators typically spend more than two-thirds of the time that would be required by a full-time job. Nebraska, the only state with a unicameral legislature, which also has term limits of eight consecutive years, is in this group. Other states in this group that have term limits are Arizona, Ar-

kansas, Colorado, Louisiana, Missouri, and Oklahoma. In 2004, the average compensation for legislators in the 22 hybrid states was \$35,326 and the average number of legislative staff members per legislator was 3.1. These states tend to have moderate sized populations.

Citizen legislators in Montana, New Hampshire, North Dakota, South Dakota, Utah, and Wyoming spend the least time in session, and they, along with 11 other states, have part-time legislatures, in which the average legislator spends less than half the time that a full-time job would require. In the 17 states with part-time legislatures in 2004, the average compensation paid to legislators was \$15,984 and the average number of

**Table 2**  
**Legislative Session Characteristics**

<u>State</u>	<u>Full-time/ Part-time</u>	<u>Limitation on Session Length</u>	<u>2007 Session Begins</u>	<u>2007 Session Ends</u>
Alabama	Hybrid	Statute	March 6	June 7
Alaska	Full-time	Constitution	January 16	May 16
Arizona	Hybrid	Chamber rule	January 8	June
Arkansas	Hybrid	Constitution	January 8	May 1
California	Full-time	Chamber rule	December 4, 2006	September 12
Colorado	Hybrid	Constitution	January 10	May 4
Connecticut	Hybrid	Constitution	January 3	June 6
Delaware	Hybrid	Constitution	January 9	June 30
Florida	Full-time	Constitution	March 6	May 4
Georgia	Part-time	Constitution	January 8	April 20
Hawaii	Hybrid	Constitution	January 17	May 3
Idaho	Part-time	No limit	January 8	March 30
Illinois	Full-time	No limit	January 10	*
Indiana	Part-time	Statute	January 8	April 29**
Iowa	Hybrid	Indirect	January 8	April 29
Kansas	Part-time	Constitution	January 8	May 22
Kentucky	Hybrid	Constitution	January 2	March 27
Louisiana	Hybrid	Constitution	April 30	June 28
Maine	Part-time	Statute	December 6, 2006	June 20
Maryland	Hybrid	Constitution	January 10	April 9
Massachusetts	Full-time	Chamber rule	January 3	*
<b>Michigan</b>	<b>Full-time</b>	<b>No limit</b>	<b>January 10</b>	*
Minnesota	Hybrid	Constitution	January 3	May 21
Mississippi	Part-time	Constitution	January 2	March 30
Missouri	Hybrid	Constitution	January 3	May 30
Montana	Part-time	Constitution	January 3	April 27
Nebraska	Hybrid	Constitution	January 3	May 31
Nevada	Part-time	Constitution	February 5	June 5
New Hampshire	Part-time	Indirect	January 3	July 1
New Jersey	Full-time	No limit	January 9	*
New Mexico	Part-time	Constitution	January 16	March 17
New York	Full-time	No limit	January 3	*
North Carolina	Hybrid	No limit	January 24	early July
North Dakota	Part-time	Constitution	January 9	April 25
Ohio	Full-time	No limit	January 2	*
Oklahoma	Hybrid	Constitution	February 5	May 25
Oregon	Hybrid	No limit	January 8	early July
Pennsylvania	Full-time	No limit	January 2	*
Rhode Island	Part-time	No limit	January 2	late June
South Carolina	Hybrid	Statute	January 9	June 7
South Dakota	Part-time	Constitution	January 9	March 26
Tennessee	Hybrid	Indirect	January 9	June
Texas	Hybrid	Constitution	January 9	May 28
Utah	Part-time	Constitution	January 15	February 28
Vermont	Part-time	No limit	January 3	May 12
Virginia	Hybrid	Constitution	January 10	February 24
Washington	Hybrid	Constitution	January 8	April 22
West Virginia	Part-time	Constitution	January 10	March 10
Wisconsin	Full-time	No limit	January 3	*
Wyoming	Part-time	Constitution	January 9	March 14

\* Legislature meets throughout the year

\*\* Organizational session in November 2006

Source: National Conference of State Legislatures

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legislative staff members per legislator was 1.2. Because the pay for part-time legislators is so low, legislators in these states are expected to have other jobs, and those jobs must be of a type that allows for legislative service. These states tend to be rural and have small populations.

States with both part-time legislatures and term limits are Maine (eight years in the House and eight years in the Senate, consecutive), Nevada (12 years in the House and 12 years in the Senate, lifetime), Montana (eight years in the House and eight years in the Senate, consecutive), and South Dakota (eight years in the House and eight years in the Senate, consecutive).

**Legislative Sessions.** Regular legislative session lengths are limited by various methods. In 28 states, the limits are contained in

the state constitution. Session limits are contained in state statute in four states (Alabama, Indiana, Maine, and South Carolina). In three states (Arizona, California, and Massachusetts), session limits are contained in chamber rules, and in three other states (Iowa, New Hampshire, and Tennessee) an indirect method is used. Michigan is one of 12 states (others are Idaho, Illinois, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, Vermont, and Wisconsin) that have no limit on session length.

In 2007, the regular legislative session began in January in 43 states and ended in February in two states (Utah and Virginia); March in eight states; April in seven states; May in nine states; June in six states; July in three states; and eight states, including Michigan, had no required adjournment date.

Alabama's regular legislative session convened on March 6 and adjourned June 7. In California, the session convened on December 4, 2006, and will adjourn September 12, 2007. Florida's session extends from March 6 to May 4; Louisiana's from April 30 to June 28; Maine's from December 6, 2006, to June 20, 2007; Nevada's from February 5 to June 5; Oklahoma's from February 5 to May 25.

In 2007, seven states have convened special legislative sessions to deal with various issues: industry incentives in Alabama; budgets in Connecticut and Montana; insurance and property taxes in Florida; end of session business in Nevada; campaign finance, ethics, domestic partnerships and domestic violence in New Mexico; and ethics reform in Wisconsin.