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Term Limits and Fiscal Responsibility by Jordan Cash

Twelve years ago, Nebraskans voted to amend the state constitution and allow state legislators to serve only two consecutive four-year terms in the Unicameral.[\[1\]](#) Now, six years after the first legislators were forced out by term limits, a new ballot initiative would amend the constitution again, this time to allow legislators to stay for a third consecutive term.[\[2\]](#)

Fifteen states, including Nebraska, have term limits for their state legislatures, and only three-Oklahoma, Louisiana, and Nevada-allow legislators to serve more than eight years in the same legislative house.[\[3\]](#)

This new measure to give state legislators a third term was introduced by Sen. Tom Carlson with the rationale that eight years created too much turnover in the legislature and gave more power to outside groups, particularly lobbyists, political parties, and the executive branch.[\[4\]](#)

Yet there are several flaws with this reasoning. First, the argument relating to lobbyists is brought into question by the fact that several lobbyist groups support the amendment because it makes their job easier.[\[5\]](#) As for enhanced dependence upon political parties, bills deemed important by political parties-such as the Republican Party's support of moving Nebraska's electoral vote back to a winner-take-all system-have failed to gain traction in the Legislature in recent years.[\[6\]](#) Similarly, the perceived dependence upon the executive branch has not prevented the Legislature from over-riding the Governor on several high-profile issues. In the last session alone the Legislature significantly amended the Governor's signature tax reform package, overturned three major vetoes, and was only one vote shy of overturning a fourth.[\[7\]](#)

Additionally, while proponents of extending term limits argue that it would create more contested legislative races,[\[8\]](#) history does not bear this out. Of the 21 incumbents who ran for re-election in 2010, only two were defeated for re-election and eight ran unopposed, an incumbency rate of 95 percent.[\[9\]](#) In 2008, of the ten incumbents who ran for re-election, only one was defeated while five ran unopposed, an incumbency rate of 90 percent.[\[10\]](#) This indicates that incumbency provides a significant electoral advantage to sitting senators and stifles competition from challengers, issues that would be

exacerbated by allowing incumbents to run for a third term.

Aside from ensuring incumbents cannot become career legislators, term limits also appear to have had an impact on controlling state spending. Between 2000 and 2006- before term limits came into effect-spending increased an average of 4.43 percent annually, and in the 15 years between FY1991-1992 and FY2006-2007, spending increased an average of 5.03 percent.^[11] But since fiscal year 2007-2008-when the first crop of legislators were affected by term limits-expenditures from the general fund have only increased an average of 2.08 percent annually, a more than 50 percent decrease in the spending growth rate.

The state constitution should only be amended to address a significant issue, and in this case, increasing the time a politician can stay in office only twelve years after voters chose to limit that time is a solution in search of a problem.

[1] Ballotpedia, "Nebraska State Legislative Term Limits, Initiative 415 (200)." Available at

[http://ballotpedia.org/wiki/index.php/Nebraska_State_Legislative_Term_Limits,_Initiative_415_\(2000\)](http://ballotpedia.org/wiki/index.php/Nebraska_State_Legislative_Term_Limits,_Initiative_415_(2000)), accessed October 4, 2012.

[2] Kevin O'Hanlon, "Voters will have say on term limits, legislative pay," *Lincoln Journal Star*, April 4, 2012. Available at

http://journalstar.com/news/unicameral/voters-will-have-say-on-term-limits-legislative-pay/article_3e596240-13ec-5ba4-a01a-1771a5255efc.html, accessed October 4, 2012.

[3] National Conference of State Legislatures, "The Term Limited States," June 2009. Available at

<http://www.ncsl.org/legislatures-elections/legisdata/chart-of-term-limits-states.aspx>, accessed October 4, 2012.

[4] Testimony of Senator Tom Carlson introducing LR358CA, Nebraska Legislature Executive Board Committee Transcript, February 1, 2012. Available at

<http://www.legislature.ne.gov/FloorDocs/Current/PDF/Transcripts/ExecBoard/2012-02-01.pdf>, accessed October 4, 2012, pages 18-20.

[5] Testimony of Jerry Stilmock, representative of Nebraska State Volunteer Firefighters Association, the Nebraska Fire Chiefs Association, and the Nebraska Bankers Association, supporting LR358CA, Nebraska Legislature Executive Board Committee Transcript, February 1, 2012. Available at

<http://www.legislature.ne.gov/FloorDocs/Current/PDF/Transcripts/ExecBoard/2012-02-01.pdf>, accessed October 4, 2012, pages 20-23; testimony of Adam Morfield, executive director of Nebraskans for Civic Reform, supporting LR358CA, Nebraska Legislature Executive Board Committee Transcript, February 1, 2012. Available at

<http://www.legislature.ne.gov/FloorDocs/Current/PDF/Transcripts/ExecBoard/2012-02-01.pdf>, accessed October 4, 2012, pages 23-24; testimony of Ron Sedlacek, representative of the Nebraska Chamber of Commerce, supporting LR358CA, Nebraska Legislature Executive Board Committee Transcript, February 1, 2012. Available at

<http://www.legislature.ne.gov/FloorDocs/Current/PDF/Transcripts/ExecBoard/2012-02-01.pdf>, accessed October 4, 2012, pages 24.

[6] That particular bill moving back to a winner-take-all system, LB21, was indefinitely postponed last session. It is available at

http://nebraskalegislature.gov/bills/view_bill.php?DocumentID=11810.

[7] Nebraska Legislature, "LB970-Change income tax rates, brackets, and determinations," January 12, 2012. Available at

http://nebraskalegislature.gov/bills/view_bill.php?DocumentID=11810, accessed October 4, 2012; JoAnne Young, "Legislature overrides veto of state payment of child welfare claims," *Lincoln Journal Star* April 3, 2012. Available at

http://journalstar.com/news/unicameral/legislature-overrides-veto-of-state-payment-of-child-welfare-claims/article_946209ea-2e1d-54df-8bbc-b3c0590c2bf6.html, accessed October 4, 2012; Fred Knapp, "Lawmakers override Gov's prenatal, sales tax vetoes," *KVNO News* April 18, 2012. Available at

<http://www.kvnonews.com/2012/04/lawmakers-override-govs-prenatal-sales-tax-vetoes/>, accessed October 4, 2012; Brent Martin, "Legislators fall one vote short in attempt to override historic horse racing veto," *Nebraska Radio Network*, April 18, 2012. Available at

<http://nebraskaradionetwork.com/2012/04/18/legislators-fall-one-vote-short-in-attempt-to-override-historic-horse-racing-veto/>, accessed October 4, 2012.

[8] Testimony of Senator Tom Carlson introducing LR358CA, Nebraska Legislature Executive Board Committee Transcript, February 1, 2012. Available at

<http://www.legislature.ne.gov/FloorDocs/Current/PDF/Transcripts/ExecBoard/2012-02-01.pdf>, accessed October 4, 2012, pages 18-20.

[9] Ballotpedia, "Nebraska State Senate elections, 2010." Available at http://ballotpedia.org/wiki/index.php/Nebraska_State_Senate_elections,_2010, accessed

October 9, 2102.

[10] Nebraska Secretary of State, "Official Results of Nebraska General Election- November 4, 2008," Available at <http://www.sos.ne.gov/elec/pdf/2008%20General%20Canvass%20Book.pdf>, accessed October 9, 2012.

[11] Calculations by author using information from the Nebraska Legislative Fiscal Office, "State of Nebraska FY2011-12/FY2012-13 Biennial Budget," August 2011. Available at <http://nebraskalegislature.gov/pdf/reports/fiscal/2011budget.pdf>, accessed October 9, 2012.



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