

Times of change

Legislatures across the country are finding ways to deal with the adverse effects of term limits.

BY MICHAEL E. CONWAY

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n Election Day 1999 in Missis-

issippi, the public rejected term limits for legislators. Some in the state cited the fear of an all-new and inexperienced Legislature as the underlying factor in the outcome of the vote.

Such concerns are not unwarranted. For better or worse, these limits on legislative terms are realities for 18 states. Mississippi, the first to vote down term limits, perhaps benefited from time to reflect since the rush of voter approval for term-limit initiatives. Without the institutional experience of veteran lawmakers, term-limited state legislatures suddenly are finding themselves



placed in a precarious position. How do these legislatures continue to operate without the strengths of experience and institutional knowledge? Simply put, legislatures and new legislators must be trained, educated and redesigned.

Government 101

States already are making important changes to accommodate the educational needs of their new legislators. The most significant of these changes has been the reorganization and strengthening of new-member orientation programs. In Arkansas, where term limits took effect for the state House in 1998, House leaders expanded the orientation period for new members to include "field trips" to



Colorado Senate President Ray Powers

state-funded facilities to help legislators better understand how and what their work affects. Places like the state hospital and prisons have become real life training grounds, allowing new legislators to see where the buck stops.

In Colorado, term limits went into effect for the entire Legislature in 1998.

Colorado Senate President Ray Powers will end 20 years in the Senate this year as his term ends. He says, "Term limits are going to change the way legislatures operate." The changes include a loss of continuity in leadership and institutional memory that went along with legislators who had been there a longer period of time.

In response, House leaders offered an expanded new-legislator orientation, designed to get new members up to speed quickly. The orientation breaks down training into separate elements of learning. One element fo-

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cuses on the basics of working for the state and the general aspects of being a new employee. Another handles the business of the Legislature, from mock committees and sessions to information about staff operations. The final part of the process teaches new members about the budget and policy issues facing the state. The orientation process also includes a technology element that includes computer training.

In Michigan, where term limits took

effect in the House in 1998, new-legislator orientation has moved to a university setting. On the campuses of Michigan State University and Ferris State University, new lawmakers get a true "higher education." The curriculum focuses on the current sociopolitical scene of the state, as well as the relevant policy issues that new legislators will face.

And although term limits won't affect the Michigan Senate until 2002, the issue is significant to its leadership.

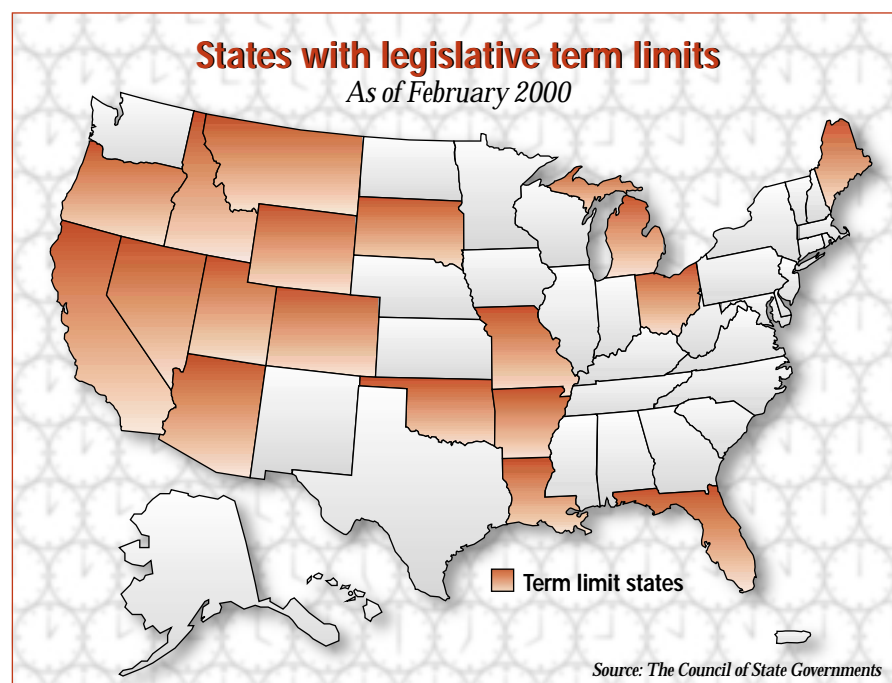
"Everybody and their brother are throwing orientation programs," Senate Majority Leader Dan DeGrow says.

DeGrow says it appears that in an environment of term limits, people realize education is the only way to get new legislators ready to do their jobs.

An enlightened and expanded educational process for freshmen leg-

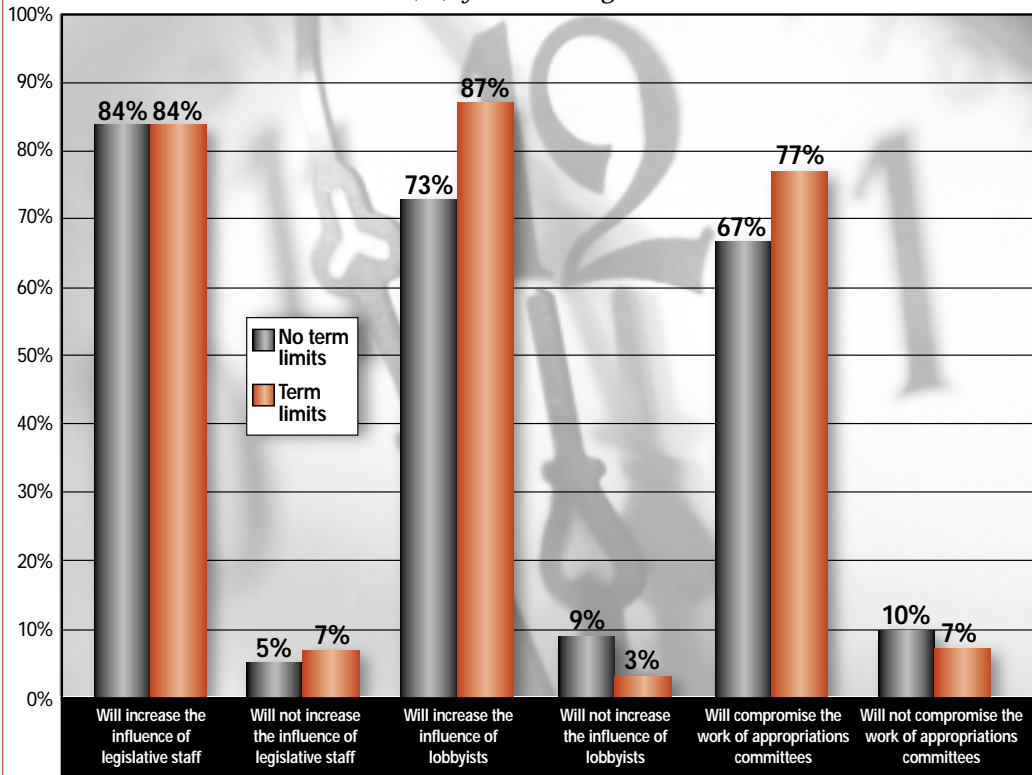


Michigan Sen. Majority Leader Dan DeGrow



Legislators' responses

In your opinion, how will/has the loss of institutional memory affect(ed) your state legislature?



Source: The Council of State Governments

legislators will not change the fact that new members simply don't have all the background they'll need to be successful.

"Some of it must just be on-the-job training," DeGrow says.

On the fast track

With this in mind, legislatures must be permissive to the inexperienced legislators.

"With only six years, you don't have time to learn in the historical perspective," freshman Michigan Rep. Mickey Mortimer says. "New legislators ask not just how, but why is it the way it is."

In a 1997 national survey conducted by The Council of State Governments, legislators across the country overwhelmingly indicated that term limits have provided greater access to leadership roles for first-time legislators. But at the same time, the survey showed, a

large number of legislators and legislative staff alike believe term limits could make legislative leaders less effective. Michigan Gov. John Engler told *The Detroit News* last December that "it is a bit disconcerting to see members who've never served a day in the Legislature already plotting their campaign to become speaker."

And in California, where term limits took effect in 1996 for the Assembly and 1998 for the Senate, 78 percent of respondents to CSG's survey say term limits have contributed to legislators being less effective. George Skelton of the *Los Angeles Times*, in October 1999 wrote, "... the very fact that legislators already are pondering two speaker generations into the future is symptomatic of just how brief those generations have become under term limits." Skelton continued, "It's also indicative of the Assembly's instability and insecurity."

To facilitate the need for stability and quick competence, Arkansas redesigned the structure of the Legislature to create an atmosphere ripe for learning. Former Speaker Bobby Hogue's rules changes in 1993 opened up the Arkansas House to new members through greater access to committee participation and development of consistency in committee schedules. Legislators in caucuses that parallel the state's congressional districting now choose members of committees, members who once were chosen by seniority. These changes allow new legislators to move quickly into leadership through active participation, and give them a chance to make the

most of their term in office.

In Michigan's 110-seat House, which gained 64 new legislators in 1998 due to term limits, leadership reduced the size and number of committees to encourage participation. Former Michigan Speaker Paul Hillemonds made these changes prior to term limits taking effect to help prepare the House. Today, active participation by new legislators is the rule, not the exception.



Michigan Rep. Mickey Mortimer

"The volume of measures enacted into law already this year surprised many observers who feared a House with so many newcomers would be slow to act as rookies took their time getting up to speed," B.G. Gregg of the *Detroit News* wrote in

June 1999. "One thing is certain: They've (the 1999 class of freshmen) earned their stripes. This class has served through one of the busiest and most controversial periods in recent legislative history," Gregg wrote.

Relying on staff

As states improve orientation programs, they also can help new legislators in other ways. Doug Brown, director of the Colorado Office of Legislative Legal Services, suggests that new legislators need to recognize the value of legislative staff. Staff must be able to help new members get up to speed quickly, within the ethical parameters of their positions, he says.

"New members need to know who staff are, what (staff) do and must believe that (staff) services are of value," Brown wrote in *CSG-WEST's Inside Western Legislatures*. "A strong customer service orientation is critical (for staff)."



Louisiana Rep. Melvin "Kip" Holden

The growing reliance upon staff — and, ultimately, their growing influence — is a major point of contention in the term limits debate. More than 90 percent of staffers surveyed by CSG from states without limits said staff would gain a great influence within the legislative process in a world of term limits. In states with term limits, 63 percent of staff said their influence would increase.

"It is not unusual in this day and age for lobbyists to take staff out," Louisiana Rep. Melvin "Kip" Holden says of the growing importance of staff under term limits.

Regardless of how it is presented, a well-trained experienced staff can help a newly elected candidate become an effective new legislator.

"If staff are viewed as competent, savvy, ethical and responsive, term limits could drive staff and members closer

together," Colorado's Brown says.

This shift would, in effect, give staff a much more influential role in the legislative process than they've ever had before, he says, giving them a key role in educating new legislators and a chance to help make legislators be the best they can be.

The increasing influence of staff likely was not an intended consequence of the term limits movement. Nor were a loss of institutional wisdom and how-to knowledge. Regardless, states now are getting a handle on these and other consequences.

Opening the 2000 session, Michigan Speaker Chuck Perricone acknowledged the challenges presented by having 64 new members in a 110-member House. In response, he named every majority caucus freshman chair or vice chair of a committee.

Perricone says, "While critics of term limits may portray a scenario of experienced, knowledgeable people being pushed out of office, only to be replaced by inexperienced newcomers, I believe those naysayers fail to appreciate the benefits resulting from a new infusion of capable leaders." ★

How can CSG help?

"In a world of term limits, it is important for organizations like CSG to be involved in the educational process of new legislators," Michigan Sen. Dale Shugars says. "A nonpartisan organization, designed as an institution for the transfer of knowledge, is an important tool for the newly elected."

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