



Legislative Learning

The idea for term limits in state legislatures seems to be gaining steam. While some say it puts the power in the hands of voters, others believe term limits rob legislatures of needed expertise for good government.

By Laura Coleman

Sen. Kermit Brashear, speaker of the Nebraska legislature, considers policymaking an art and a science.

“I had the most fun in the first two years I served,” he said. “And then I found out that I didn’t know what I was doing.”

“The fact remains that if you have never legislated before, you don’t know how. Period,” he said. “There is no manual of six quick and easy steps of how to be effective in the legislative body.”

This fall, Nebraska, the only state in the country with a unicameral legislature, for the first time will feel the effects of term limits when 41 percent of its legislature will be involuntarily removed from office. Voters passed the initiative in 2000, and the limits apply to legislative service after Jan. 1, 2001.

According to the Joint Project on Term Limits by The Council of State Governments, the National Conference of State Legislatures and the State Legislative Leaders Foundation, 19 states have term limits for legislators. Six states—Idaho, Massachusetts, Oregon, Utah, Washington and Wyoming—enacted term limits and have repealed them.

The term limits issue is divisive. While there seems to be a voter-initiated drive toward enacting term limits, some political scientists fail to see their benefits.

Institutional Memory Loss?

Dr. Carl Stenberg, professor of public administration and government at the University of North Carolina School of Gov-

Curve

Many Believe Term Limits Rob Legislatures of Expertise

ernment, said as term limits became more popular, there was concern that they would deprive the legislature of members who had gained expertise in specialized areas. This expertise, said Stenberg, is essential to the committee system if they are to act effectively on proposed legislation.

“With the complexity of some of the bills, you need expertise in the legislative body,” said Stenberg. “Some of that comes from staff members, but a lot of it is represented in the legislative body.”

Kevin Elsenheimer, a sophomore representative from Michigan, and Dr. Alan Rosenthal, professor of public policy at Rutgers University, agree.

“Term limits have led to an over-reliance on staff and lobbyists since they tend to be the people who have the institutional memory,” said Elsenheimer.

Rosenthal said his research verifies that term limits weaken legislatures.

“One could have anticipated it right at the outset,” he said. “The results show that you get rid of experience, legislative memory, legislative expertise, dedication to the institution. It changes the way the legislature does its business. If one assumes that experience is useful in professions, one would question term limits from the get-go.”

To Grover Norquist, president of Americans for Tax Reform, arguments that governing requires experience don’t hold water.

“What that means is that there are secrets legislators know that other people don’t know,” he said. “There is something fun-

damentally wrong if people don’t know that. That means that for five or six years they flail around, getting paid without knowing what they’re doing. If the government is so complicated and people elected are so dimwitted, with such lousy learning curves, the solution isn’t to get rid of term limits.”

Disturbing the Balance of Power

Term limits restore power to the right hands, Norquist said.

“Any time the legislature works on seniority, you end up with extra power given to districts that never turn over. Committee chairs go to members of unusual districts,” he said. “Nobody should exercise that much power. Power over time is similar to too much power at any given time.”

Rosenthal disagrees. The winner in term limits, he said, is the governor and the executive branch.

“There is general agreement that governors who are already powerful vis-à-vis legislative bodies have their power further enhanced by term limits,” he said. “It’s hard for the legislature to be a co-equal branch to governors when term limits strengthen what is already a predominant position.”

Rosenthal said term limits not only re-distribute power to the executive branch, they also disturb balance within the legislature.

“They strengthen one house at the expense of the other,” said Rosenthal, citing California—a state in which most Senate members have already served in the assembly but assemblymembers



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are new to their jobs. “There is great disparity in experience and expertise. It unbalances the two houses.”

In addition, he said, term limits can give interest groups, the private sector and bureaucrats a louder voice. Stenberg said there is concern that newer legislators would turn to interest groups for information and insight, resulting in a point of view that may not be in the public’s or legislature’s best interest.

“Bureaucrats can wait out a legislator with whom they have had difficulty,” said Elsenheimer. “If somebody is overly critical of a department, that person will be gone.”

Rosenthal, however, quickly points out that term limits can also be a disadvantage to lobbyists because they must continuously develop relationships and explain their cases.

Norquist agrees. “All corruption requires long-term relationships,” he said. “If you know that you and another legislator or lobbyist or interest group will be there for 30 years, you trade all kinds of favors that are not in the public interest. No cop becomes corrupt in the first two years. He has to be there awhile.”

Wanted: A Fresh Perspective?

Proponents of term limits argue that legislatures become stagnant with career politicians and need a fresh perspective.

“We want people who are going to go out the door and live under the laws they create,” said Norquist. “When people see themselves as legislators instead of citizens, they live like legislators instead. We want citizen legislators to be legislators and then go back to being citizens.”

Critics of term limits, however, maintain that governing is too complex to mandate turnover.

“Politics and politicians are not up there in terms of the preferred list of professions and activities,” said Stenberg. “It’s easy to make a case that we need to rotate these folks out of office because they get too entrenched. But I don’t think people appreciate the complexity of policymaking and the difficulty of legislative life.”

Rosenthal said the adoption of term limits in some states is an indication of the public’s cynicism with politics.

“What the public was doing with term limits was expressing dissatisfaction with politics, institutions and political people,” he said. “They want to get rid of these bums. Not my legislator, but the rest of them.”

A fresh perspective, however, comes with a price, according to the joint study. Respondents to NCSL’s online term limits survey indicated that new legislators don’t necessarily bring new ideas, and they often complicate things. One staffer wrote, “Originally I believed that fresh blood would be good; however,

experience, understanding of the process and historical knowledge are lost. The same debates occur year after year.”

A Last Word on Limits

So should the people, through elections, be the last stop as far as the term limits issue is concerned? The answer to that question depends on who you ask.

According to Norquist, the ballot box fails to equally represent people in certain districts. “People who tell you that think you’ve never seen the word gerrymandering in the dictionary,” he said. “That’s a thoroughly dishonest argument.”

To Brashear, the answer is a resounding yes. “Absolutely,” he said. “And shame on us if we don’t stay informed enough to turn people out of office because they are unresponsive to our will.”

Brashear added that term limiting state officials makes no sense when the bigger problem is Congress.

“It drives me crazy that people are concerned about term limiting local politicians they can meet in the supermarket or call on the phone and only pay \$12,000 to, but we allow people to run for the federal Congress where they approve their own wages/salaries, raise their salaries on an automatic vote unless they’ve all voted no, which they’ve never done, are paid \$150,000 plus or minus, qualify for retirement sooner, and earn more than what they would earn in the private sector. And they can do it forever,” he said. “What’s wrong with this picture?”

But to Norquist, the popularity of term limits is a direct representation of the people’s will. “The uniformity that’s missing is that states that don’t have the initiative process are missing out,” he said. “They exist where people have the right to pass them.”

“The only beneficiaries or critics of term limits are people who favor big government,” he said. “Labor unions and government contractors always hate term limits. It’s fiction that term limits give lobbyists more power.” He believes anti-term limit campaigns are always funded by lobbyists.

Rosenthal thinks the public would benefit from an educational campaign about the effects term limits have on state governments.

“My parting shot would be, I think, that states with term limits, if there were any leadership in those states, should think about campaigns and strategies to put on the ballot a proposition to get rid of term limits,” he said.

“I would see it as a teaching opportunity for the public at the very least. To do that, you need state leadership to wage such a campaign, to raise money for such a campaign. It must come from outside the legislature and the legislature must be willing to endorse it. And that’s a lot to ask for.”

—Laura Coleman is associate editor of *State News* magazine.