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Helping State Leaders Better Prepare for the Future

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Spectrum: The Journal of State Government seeks to be an honest observer of the state government arena and a vehicle for expressing the newest ideas and latest thinking on state policies and institutions. The mission of Spectrum is to provide reliable information and insightful analysis on public-policy issues to anyone whose interest in state government stretches beyond the limited, short-term goals of the status quo.

Spectrum seeks to develop common ground among entities and individuals who are interested in improving state government and to unite practitioners, academics, businesses, the media and others in a common understanding of the problems and solutions that are unique to the governance of the American states and territories.

The opinions expressed by authors are their own and do not necessarily reflect opinions or policies of The Council of State Governments.

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The terrorist attacks on the World Trade Center in New York City and the Pentagon in Washington D.C. on September 11, 2001 will remain the worst events in the history of the United States. State leaders across the nation are now asking: Why did such horrible tragedies take place? Who should do what to prevent such domestic terrorist attacks? What should states do to help win the war on terrorism?

To answer these and other pertinent questions, this issue of Spectrum includes a special section on counterterrorism with articles by some of the nation’s foremost experts on state anti-terrorist strategies. Virginia Gov. James Gilmore, who serves as chair of the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction, makes the panel’s recommendations available for state leaders to consider. New York Senate President Pro Tem Joseph Bruno describes how New York’s legislative branch reacted to the terrorist attacks by enacting new legislation. Emergency management agency directors in California, Georgia and Iowa offer specific policy recommendations based on their own state’s experiences. Finally, Trina Hembree, executive director of the National Association of Emergency Management, provides state policy-makers preventive measures to combat terrorism. Hopefully, state policymakers will find these articles useful when studying their own counterterrorism plans.

The remainder of this issue of Spectrum is devoted to assessing the effects of legislative term limits on the legislative process and constituent services, as initially planned. Since voters in California, Colorado and Oklahoma adopted term limits measures in 1990, 16 other states have joined them. Currently, term limits have taken effect in 11 of the 19 term-limited states. The contributing authors provide compelling insight into the effects of term-limits from both a practitioner’s perspective and a scholar’s point of view. On behalf of The Council of State Governments, I extend our appreciation to Spectrum’s contributing authors, whose contributions contain original research and empirical studies. The authors are some of the most productive scholars and influential lawmakers in leadership positions in eight of the 11 term-limited states.

The term limits issue is likely to remain a worthy trend to track in the future. Recently, CSG has joined the National Conference of State Legislatures and State Legislative Leadership Foundation to undertake a joint study on term limits. The three national organizations of state lawmakers, with financial support from the Smith Richardson Foundation, will conduct surveys of legislators and case studies in several states in the next three years. The joint project on term limits will be completed in December 2004.

Keon S. Chi
Editor-in-Chief
## Editor's Note
Keon S. Chi, Editor-in-Chief

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## Professional Papers

### On Term Limits
State Preparedness for Terrorism

James Gilmore, Governor of Virginia

To be properly prepared for terrorist attacks, a well-coordinated strategy must be formulated that involves all levels of government, including the states. Governors of individual states will play a prominent role in the development and implementation of this strategy, as governors will provide the critical link, and the leadership, between Washington and communities.

On Sept. 11, 2001, a day we will never forget, a horrible and heinous crime was committed against America and the very foundations of our republic. The United States was the victim of an unprovoked attack by terrorists, and thousands of innocent Americans lost their lives. It is painfully clear that the United States is not immune to the barbaric acts of uncivilized terrorists. In the aftermath of this tragedy, our national preparedness for such catastrophic acts has been the subject of much review and debate. Sooner or later, those who inflicted these injuries will feel the full weight of justice and the free world. We will never forget the evil we saw and will join together to hold those responsible accountable. We cannot undo their evil actions now, but we can, and must, move forward to do everything we can to prevent a tragedy of this magnitude from striking again in America.

As chairman of the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction, I have been privileged to work with experts in a broad range of fields — many from outside the Washington beltway — including current and former federal, state and local officials and specialists in terrorism, intelligence, the military, law enforcement, emergency management, fire services, medicine and public health. For over two years, the advisory panel has been working to assess our nation’s combined federal, state and local capabilities to detect, deter, prevent — and respond to and recover from — a terrorist attack inside America’s borders, and to offer recommendations for preparing the nation to address terrorist threats.

To date, our panel has issued more than 50 specific recommendations in two reports — the first report issued in December of 1999, and the second in December of 2000. One of our most important recommendations is the need to develop a comprehensive national strategy on domestic terrorism to be approved by the president. To be properly prepared for terrorist attacks, we must have a well-coordinated strategy involving all levels of government, including the states.

As governors of individual states, we will play a prominent role in the development and implementation of this strategy. We will provide the critical link, and the leadership, between Washington and our communities, to ensure that we have the necessary tools, training and information to meet the potential threat. When terrorism strikes any community in our country, our citizens will look to their governor and Washington for assistance, just as in any other disaster. Although the efforts of the federal government in law enforcement and international diplomacy may prove effective in deterring terrorists before they have the opportunity to strike, the history of terrorism shows us that no effort to prevent terrorism can be expected to be 100 percent effective. However, we must recognize that the first response will occur at the community and state level. When a terrorist is successful in executing plans, the responsibility of assisting the victimized citizens falls to state and local governments.

I would like to take this opportunity to discuss a few of the important steps that must be taken by states to protect our citizens, specifically in the aftermath of a terrorist attack. My focus will be on responding to the consequences of terrorism.

As governors, we must ensure that our national terrorism strategy includes the counsel, capabilities and resources at the state and community levels. That is where we find the experts we turn to first when trouble strikes, the men and women who make up the component disciplines of emergency services. They know about emergency response, through first-hand experience and years of training. What they know should be reflected in our national strategy.

A state’s terrorism preparedness organization need not and should not be created as a separate entity. Indeed, the organization will function more smoothly the more it resembles a state’s existing emergency management and law enforcement structure. As a first step, lead state agencies should be appointed to deal with both law enforcement and emergency management. In some cases, this may be the same agency while in others the law enforcement and emergency management roles will be designated to separate agencies.

For instance, in 1999 I assigned by Executive Order the lead for consequence and crisis management to my departments of State Police and Emergency Management, respectively. This ensured a coordinated approach within state government and between communities and the federal government. By identifying lead agencies for terrorism preparedness, the nation’s governors establish responsibility within state government for effective, ongoing action. We need to ensure the integration of systems into a single,
The organization should augment and reinforce local capabilities — after all, local government will be on the scene first — and fill any gaps in local capabilities. It may be hours or even days before significant resources arrive from the federal government, depending on the nature of the attack. State-level response should address law enforcement, medical treatment, hazardous materials, bomb technicians, emergency management, coordination of mutual aid and the employment of the National Guard. We must remember that the National Guard Weapons of Mass Destruction Civil Support Teams are a state asset and should figure prominently in any state’s organization.

It is essential that the state have some professional staff that clearly understands the federal plans and procedures to be implemented during a terrorist incident. Coordination with the Federal Bureau of Investigation, Federal Emergency Management Association, and other federal agencies is the key to a successful interagency, multi-jurisdictional operation. Without a clear understanding of the federal operations, the state will continually be trying to catch up with events.

There is no guarantee that the federal plans will be implemented as they are written, but it is important that we understand the overall concept of operations of the federal government. Of particular importance is the fact that many agencies involved in terrorism response have little experience with state and local government operations. The interests of the states must be protected. The best way to ensure this is by hiring professionals who are familiar with federal plans for domestic response.

The state’s plan also need to address the state organization, concept of operations, the tasks of all involved state agencies, and how the state will coordinate with federal agencies and their resources. This plan needs to establish formal information flow pathways, identify required notifications, and address the critical public information issues associated with the media, rumor control, and interagency public information through a Joint Information Center (JIC). A JIC is essential if all levels of government are to speak with one voice.

Each state also needs to assess its own levels of training. Virginia has taken the approach similar to that required by Occupational Safety and Health Administration for the training of hazardous-materials response personnel. At a minimum, training should address awareness-level instruction for all first-responders (fire, police, Emergency Medical Services, public works, emergency management and others); an operations-level course for those who may be directly involved in responding to a terrorist incident; a technician-level course addressing the issues surrounding hazard control, scene control and detection and monitoring activities; and a command-level course directed at incident managers.

Many training programs available through federal agencies and through the private sector are not adequate because they do not address state-specific issues. The state’s terrorism training program must be rooted in state law, state organization, state levels of training and state concepts of operation. A “one-size-fits-all” or “cookie-cutter” approach is counterproductive. This means, by necessity, that each state must devote resources to assess and develop appropriate training specific to their needs. You get what you pay for when it comes to terrorism training.

Remember, also, training and planning are of little value if they are not associated with proper exercises. Exercises test the plans and the operational capabilities of the response forces and serve to identify gaps and shortfalls. Exercise outcomes should be rigorously evaluated and then improvement made in areas that are deficient.

Once established, a terrorism program can provide substantial assistance to state agencies and local governments in their terrorism preparedness. We have used federal funds provided through FEMA to develop our plans, present the classes and fund a portion of our exercise program. We have also integrated the FEMA-funded program with other federal programs such as Department of Defense and Department of Justice available to the commonwealth and its localities to develop a comprehensive, integrated and systematic terrorism preparedness program.

I know my fellow governors are already evaluating their state’s terrorism programs. For those who have an effective program that works for your state, keep up the good work. For those who may find their programs lacking, I would encourage you to evaluate your programs and to look at these simple steps to improve America’s overall preparedness.

Our nation has withstood a catastrophic blow. As we move forward in preparation for potential future attacks, we must also ensure that our vigilance in protecting our citizens neither harms nor endangers our citizens’ precious individual rights and freedoms. It has been said that those who sacrifice freedom for security will have neither. We are all stunned by the events of Sept. 11, but while we seek our course of action, we must remember that victory is assured by our commitment to freedom.

Bio

James Gilmore was elected Virginia’s 68th governor in November 1997. Gov. Gilmore, a former military intelligence specialist, also chairs the Advisory Panel to Assess Domestic Response Capabilities For Terrorism Involving Weapons of Mass Destruction, which is responsible for evaluating national efforts designed to improve the United States’ capabilities to respond to domestic terrorist attacks and providing recommendations for improvements to the President and Congress. (804) 786-2211.

6 SPECTRUM: THE JOURNAL OF STATE GOVERNMENT FALL 2001
On Tuesday, Sept. 11, 2001, our world changed forever. I spoke those words during an historic joint session of the New York Legislature two days after the tragic, cowardly terrorist attacks on the World Trade Center and the Pentagon.

My remarks that day focused on the enormous challenges that all Americans, particularly New Yorkers, faced in the wake of the attacks. The first challenge was to rescue survivors, then to find and identify the deceased and comfort and support their family and friends. We can be proud that virtually every American helped meet this challenge through prayers and contributions.

Just a few days later, I joined President Bush, New York Gov. George Pataki and Mayor Rudolph Giuliani to tour ‘ground zero.’ Pictures on television could not capture the true scope of the devastation. To look across several city blocks reduced to rubble and think of the thousands of lives that were lost was heartbreaking. But at the same time, it strengthened my resolve to do whatever could be done to help people affected by the disaster and to prevent such a tragedy from happening again.

The response organized by the mayor and governor has received praise from around the world. The leadership they provided moments after the disaster came after years of putting together an excellent disaster response plan and implementing that plan with the help of thousands of New Yorkers.

Local planning

Many cities are beginning to rethink how to prepare for and defend against terrorist attacks. It is understood that the first response to such a disaster has to be local. The brave men and women of New York’s fire and police departments and ambulance corps were the first on the scene to deal with the disaster. Hundreds of them gave their lives so that others could escape from the Twin Towers.

Local governments are reassessing potential targets – not just tall buildings, but bridges, tunnels, water supplies and other important sites. Most communities are looking at how they could prevent terrorist attacks and are working on comprehensive response plans that could make for a faster, better response that could save lives.

Local leaders could look to Washington, D.C., and New York City for dramatic examples of one city that wasn’t prepared to respond to terrorist attacks and another that was. After the terrorist attack on the Pentagon and the potential threat of attacks on the U.S. Capitol and the White House, officials in Washington, D.C., admitted that they didn’t have an appropriate response plan in place. Emergency communication equipment was locked away in an office, other communications systems became overloaded, evacuation plans weren’t put into effect, there were no guidelines in place for a police response and the public was left in the dark.

In contrast, New York had an effective emergency response plan in place at both the city and state levels that could be implemented immediately. Local hospitals executed emergency plans, the lines of communication between city officials and emergency service personnel were opened, and transportation was in place to help evacuate people from lower Manhattan to safety. Meanwhile, 150 miles to the north in Albany the State Emergency Management Office (SEMO) went into action to coordinate the disaster response between the Federal Emergency Management Agency (FEMA) and localities.

State planning

SEMO

State governments looking for ways to improve their emergency management systems to effectively contend with the new threat of terrorism could look to New York’s SEMO for a model. SEMO is the most detailed, advanced and efficient emergency response organization in the country. It was established in New York in the 1970s, and has become a major priority under Gov. Pataki. In the past few years, SEMO has coordinated the state’s emergency response to Hurricane Floyd that dumped 13 inches of rain on New York, the crash of TWA Flight 800 off Long Island, the 1998 ice storm that devastated communities in the Adirondack Mountains and the major snowfalls that paralyzed the city of Buffalo. SEMO also helped communities prepare for Y2K to avert computer problems, as well as many other emergency and potential disaster situations.

Most states have similar emergency management operations that provide training, information, communication and other resources to help localities in the event of emergencies such as
hurricanes, tornadoes, floods and fires. Unlike every other state, however, the terrorist attacks Sept. 11 and the World Trade Center bombing in 1993 have tested New York’s disaster response plans.

In the early stages of the Sept. 11 attacks, SEMO and state officials coordinated a response that included immediate needs such as traffic control, security, medical transport and debris removal. More than 500 state troopers, 100 criminal investigators and 18 search and rescue dogs were brought to the scene, and the Department of Transportation brought in more than 80 pieces of equipment. In addition, the governor mobilized 5,000 National Guard troops to provide additional security, transportation for emergency workers, 400 vehicles including water tankers, bulldozers, dump trucks and Humvees, as well as lights and power generators for working at night.

Communication

Possibly the most important weapon in the fight against terrorism is communication. If the FAA issues an important warning or order, does it filter down to the people checking the bags? If a governor or mayor makes a decision during an emergency, is it effectively communicated to the appropriate emergency personnel and to the public?

Communication with the public is every bit as important as communication with emergency personnel. In New York, the state moved quickly to ensure that special hot lines were set up for people to get information and assistance as efficiently as possible. Senators held local town meetings with representatives of insurance companies, banks, financial advisors and others who provide important advice and answer questions for the families of victims. These meetings brought the experts to the people in a “one-stop shopping” format.

State and local leaders should meet on a regular basis to review and discuss response plans and their state of readiness to respond to any type of disaster. Having open lines of communication helped New York effectively respond to the terrorist attacks. The key to successful communication in an emergency is not to wait for an emergency to communicate.

Legislation

In the wake of the attacks, it was time to review our state laws and consider a legislative response. I mentioned that our world has changed, part of that is knowing that terrorism can happen here, and our laws must be revised to prevent and appropriately punish terrorism.

The week after the attacks, the New York Senate passed a package of bills, submitted by Gov. Pataki, which makes New York’s anti-terrorism laws the toughest in the nation. The new laws include a provision for capital punishment for terrorists, as well as stiff prison sentences for anyone who makes a terrorist threat, provides support for terrorism or hinders the prosecution of terrorists. The anti-terrorism legislation complements federal counter-terrorism efforts to bring terrorists and their supporters to justice.

In addition, a law was enacted to toughen state penalties against making a false bomb threat or placing a fake bomb. These types of incidents should no longer be viewed as pranks, but as serious threats to public safety that must be dealt with in a strong fashion.

The Senate also passed a bill that would give law enforcement authorities greater flexibility to obtain eavesdropping or video surveillance warrants for people suspected of engaging in terrorist activities. This is in line with requests from the U.S. Attorney General urging federal and state governments to give law enforcement better tools to monitor potential terrorists so future tragedies can be prevented.

Moreover, the Senate passed legislation that enables New York to join the Emergency Management Assistance Compact (EMAC), a mutual aid agreement among membership states. Approved by Congress in 1996, 34 states and the territory of Puerto Rico have ratified EMAC. Member states include Connecticut, Delaware, Florida, Maryland, New Hampshire, Pennsylvania, Vermont and Virginia. EMAC provides for clear, predictable and standardized operating procedures for member states.

Conclusion

As this is being written, we are still trying to comprehend the magnitude of the World Trade Center tragedy and help citizens and businesses cope with tremendous losses. The New York Senate has worked closely with the governor and mayor to do whatever is needed to recover from the disaster and help people with the difficult task of moving on with their lives.

Before the attacks on the World Trade Center and the Pentagon, many people thought these types of terrorist attacks couldn’t happen here. Now we must hope that they don’t happen again. Our world has changed, and we must be ready to deal with the kind of disaster and devastation that comes from a terrorist attack. We must tighten security, strengthen our laws and give law enforcement the tools they need to stop potential terrorists before they can act. At the same time, we must have an appropriate emergency response plan in place and implement it as quickly as possible.

Certainly, New York didn’t want to be the model for how to respond to terrorism. But we will be the model for other states and cities to follow so terrorism can be stopped and lives can be saved.

Bio

Joseph L. Bruno, a Republican from Troy, N.Y., has served as state Senate Majority Leader since 1995. A former businessman, his priorities are tax cuts and economic development. Working with Gov. Pataki, Senator Bruno has fought to enact over $100 billion in cumulative tax savings, more than 49 other states combined, and created almost 800,000 new private sector jobs. (518) 455-3191. Bruno@Senate.state.ny.us.
Leadership Commitment to Strong Emergency Management

Ellen M. Gordon, Administrator, Iowa Emergency Management Division

State government has the responsibility to provide the leadership to bring together public and private partners to strengthen state capabilities to respond to and recover from all disasters, including acts of terrorism.

Policy questions

During the process of planning for the response and recovery as well as the mitigation efforts from a terrorist attack, it is important that policy-makers in all three branches of government address the following key issues: Have states provided the highest level of support they can to local government for emergency management matters? Has the federal government provided the highest level of support it can to state government for emergency management matters? Are state laws effective in providing the proper authority to the response agencies? What is the proper use of the military in response to and recovery from terrorist attacks? If a biological attack were to occur, do states know how they will handle the quarantine of the residents of the state? How do states balance the proper level of security while at the same time ensuring that civil liberties are not violated? What is the proper level of security for state facilities? How should state governments respond to credible threats? What information, plans and procedures should be kept confidential?

Review state strategy

State leaders should have a statewide domestic preparedness strategy to assist them in preparing to respond to acts of terrorism. The strategy should include building upon our state’s emergency management systems to include emergency management agencies, fire, law enforcement, emergency medical, public health, hospitals, etc.

To effectively implement a domestic preparedness strategy within the state, not only is it important that governors and state legislators ensure that disaster preparedness initiatives are given appropriate priority and funding, but they must provide the leadership in requiring coordination at the highest levels of government.

Bio

Ellen M. Gordon is the administrator for the Iowa Emergency Management Division and was appointed Iowa’s Homeland Security Advisor Oct. 9, 2001. She is the past president of the National Emergency Management Association and a member of the Gilmore Commission, a presidential and congressional advisory panel on domestic terrorism issues. She also serves on many other national committees of an advisory nature. She has extensive disaster management experience from years in emergency management. (515) 281-3231. ellen.gordon@emd.state.ia.us.
he tragic terrorism incidents that occurred on Sept. 11 have forever changed our approach to governing. The "specter of terrorism" no longer remains a remote possibility; it has happened. From now on, terrorism will be a fundamental consideration in many of our emergency management policy and planning activities.

In California, terrorism preparedness and response has been catapulted to the front burner. As director of the California Governor’s Office of Emergency Services (OES), I have had the opportunity to implement several programs and initiatives to address terrorism incidents. While the nation distills the lessons learned from the recent catastrophe in New York, California evaluates its level of readiness within the emergency preparedness and response system.

One initiative that has performed a valuable service, especially in the volatile aftermath of the recent terrorism incident, has been a state terrorism-planning committee. The State Strategic Committee on Terrorism (SSCOT), was established to carry out a portion of the “California Terrorism Response Plan” which was used by Gov. Davis in 1999 and is an annex to the “State of California Emergency Plan.” Both plans are available at www.oes.ca.gov. It is SSCOT’s responsibility to advise OES and the governor on terrorism-related issues, including preparedness, response, training and legislative matters. The committee is comprised of representatives from public safety and emergency management agencies at all three levels of government: local, state and federal. Integration of the key public agencies makes California’s terrorism programs consistently effective.

A critical sub-element of SSCOT is the State Threat Advisory Committee (S-TAC). Law enforcement agencies are strongly represented in this group. S-TAC disseminates and analyzes rapidly developing threat information on real or potential terrorism incidents. Its members collect “situational” intelligence to help determine the potential consequences of a threat or incident.

The hours and days following Sept. 11 were replete with false reports and hoaxes mixed in with important leads and critical intelligence. It was vital for all levels of government to have accurate and timely information. To that end, S-TAC members held conference calls twice daily, in which they shared information that they knew to be true and discredited what they found to be false. Both SSCOT and S-TAC will continue to play important roles as additional terrorism-related issues undoubtedly surface.

Many of the emerging issues in terrorism have been addressed during other types of disasters endured by California — disasters which have spawned much of the state’s disaster response and recovery infrastructure. Frequent and varied disasters, from earthquakes to fires to floods, have led California to develop the Mutual Aid System whereby local governments help each other in times of need. After the 1989 Loma Prieta earthquake and the 1991 East Bay Hills fire, emergency management professionals from all levels of government in California developed the Standardized Emergency Management System (SEMS). SEMS serves as the fundamental management system during emergencies and disasters. It was built upon the Mutual Aid System and the Incident Command System. The three systems combined make it possible for OES, in coordination with other state, local and federal agencies, to deliver personnel and equipment to disaster-torn communities quickly and efficiently.

The frequency of disasters in California over the years has allowed us to critique and refine our system. Our focus now will be to enhance that system, refrain from reinvention, and provide first responders and medical care providers in California with the tools and training needed to meet the extraordinary challenges of modern domestic terrorism.

Dallas Jones is the Director of the California Governor’s Office of Emergency Services (OES), appointed by Gov. Gray Davis in 1999. He has directed state emergency response and recovery operations for disasters such as a severe freeze, major fires, and two serious earthquakes. The December 1998 freeze disaster and the September 2000 Napa Earthquake both received gubernatorial and presidential Declarations. Jones chaired Gov. Davis’ Year 2000 Emergency Preparedness Task Force and currently chairs the California Emergency Council, the Governor’s School Violence Prevention and Response Task Force, and the State Standing Committee on Terrorism. Jones is a member of the Gilmore Commission, a congressionally established advisory panel, examining the nation’s emergency response capabilities for terrorism. (916) 262-1816. Dallas Jones@oes.ca.gov.
Georgia: Olympic Efforts in Preparing for Terrorism

Gary W. McConnell, Director, Georgia Emergency Management Agency

State leaders are facing what may be their greatest challenge in history. In order to meet this test, states must clearly identify the threats they face and ensure that there are adequate resources to respond. States must also work collaboratively with other levels of government, as well as the private and volunteer sectors and the media to implement their plans. It is also critical that states clearly articulate their needs and expectations to national leaders.

ver the years, Americans have viewed terrorism from a safe distance. That changed abruptly Sept. 11 when terrorism arrived at our doorstep. The images of commandeered passenger jets slamming into symbols of American commerce, of smoke billowing from the torches that were once the World Trade Center complex, and of the shattered walls and twisted metal of the Pentagon are now branded into our minds. We have come to grips with the disquieting fact that there are grave threats to our society – to our very way of life.

America’s emergency management and public safety communities have always been faced with the challenge of meeting new demands and of balancing and reprioritizing our duties. These acts of terrorism make it clear where our emphasis must be placed in the future.

While there will, no doubt, be perceptible changes in our way of life, the values and ideals that form the foundation for that way of life will not change. Further, the conduct of business and government will continue. This creates a difficult paradox for us – maintaining the stability of our free and open society, while fostering changes that will enhance our security and effectively detect and thwart our enemies.

Georgia has been ahead of the curve in planning for the possibility of terrorism, due in large part to the 1996 Olympics. As the state’s lead agency for consequence management for terrorism and other disasters, the Georgia Emergency Management Agency (GEMA) has taken an aggressive and proactive approach. In the years before and after the Olympics, our state has considered various terrorism scenarios, significantly upgraded training for emergency responders, and conducted countless exercises in an effort to plan for the worst.

Assessing a state’s vulnerability is the first step in protecting its people and property. States must clearly identify the threats that they face and develop an inventory of the resources they have available to mitigate the impact of these threats and to respond to them.

Strong collaborative relationships must be formed among all organizations that have the responsibility of protecting citizens. This includes not only law enforcement and public-safety agencies at the federal, state and local levels, but the private sector and the volunteer community, as well.

Georgia, for example, has expanded a Weapons of Mass Destruction (WMD) Working Group, which had been in existence since June 2000, into a WMD Task Force, which includes state agencies, such as the departments of Public Safety, Agriculture, and Human Resources and entities such as the Centers for Disease Control, the Federal Bureau of Investigation, the Georgia Hospital Association, the Georgia Pharmacy Association, the American Society of Industrial Security and the Southeast Contingency Planning Association. The recent creation of a homeland security agency by President George W. Bush underscores the importance of this approach. Hopefully, it will help to set the tone for those states that do not have such protocols in place.

The states must aggressively articulate their needs and expectations to federal authorities. Regardless of how well states carry out their planning and preparedness duties, we are still dependent, in large part, on the investigatory and intelligence capabilities of the federal government. We also rely heavily on federal funding. Thus, we must be assertive in making sure that our voices are heard.

Finally, states must be mindful of the critical role of the news media, and must work closely and candidly with them. We have welcomed Georgia’s news media in GEMA’s State Operations Center (SOC) during the Olympics, during the Y2K activation and the 16 presidentially-declared disasters that the state has experienced over the past decade. Their presence has helped to facilitate the flow of accurate and timely information to the public and in dispelling rumors and preventing panic. GEMA also maintains a strong ongoing partnership with the Georgia Association of Broadcasters and Georgia Public Radio.

We have never been as challenged as we are today, both as public servants and as citizens. The solid and enduring partnerships that have been formed, or are being formed, among federal, state and local officials, and among the public, private and volunteer sectors, will help us to meet the challenge head on.

Bio

Gary W. McConnell is a veteran of three decades in public service and has served as director of the Georgia Emergency Management Agency since 1991. During that time, he has led Georgia’s response to more than a dozen presidential-declared disasters, and was chief of staff for State Olympic Law Enforcement Command during the 1996 Olympics. He is a member of The Council of State Governments’ Public Safety and Justice Trends and Tracking Team and the Executive Session on Domestic Preparedness at Harvard’s John F. Kennedy School of Government. (404) 635-7000. vbartlett@gema.state.ga.us.
The nation’s emergency management system has been preparing for terrorist attacks since the 1995 bombing of the Alfred P. Murrah federal building in Oklahoma City. State and local terrorism response plans have been developed and tested; threat, risk and needs assessments are underway to identify vulnerabilities and resource requirements; and federal grant funds have been used to purchase emergency response equipment. Still, no one could predict the terrorist events that unfolded on Sept. 11.

The National Emergency Management Association represents the nation’s emergency management directors, and is an affiliate of The Council of State Governments. More than a year ago, NEMA developed and adopted a set of states’ principles for a national domestic preparedness strategy that was shared with Congress, the federal government and the nation’s governors. The principles stated the need for the United States to have a viable national vision to guide the development of a clear, comprehensive and integrated national domestic preparedness strategy – one that uses the nation’s existing all-hazards emergency management and response system. The strategy should clearly define federal, state and local government roles and responsibilities and federal program support for state and local responders. Further, NEMA called for increased coordination of all federal domestic-preparedness programs and resources. Several pieces of legislation have been introduced to coordinate federal programs, and President George W. Bush has announced the creation of the Office of Homeland Security, intended to fill the federal coordination role.

Since the recent terrorist attack, NEMA’s states’ principles have evolved into a white paper on domestic preparedness that includes issues raised in the immediate aftermath of the disaster. The NEMA white paper states that, “Congress, federal agencies, governors, state and local officials and all disciplines of emergency responders must work together to develop a strategy for standardized, bottom-up national capabilities to effectively respond to catastrophic disaster situations.”

The federal government has significant resources that can be used to respond to terrorism, but they are not first on the scene of a disaster. Depending on where the event occurs, it could take 12-24 hours or several days before federal assets can be mobilized and deployed. Also, the nation’s military assets may be stretched thin if needed both overseas and at home to prevent or respond to terrorism.

Governors, legislators and all state officials need to be concerned with terrorism preparedness and provide the resources to develop basic statewide capabilities to respond to any catastrophic disaster. Interagency and intergovernmental planning and coordination is essential. Regional planning and the use of interstate and intrastate mutual aid will enhance response efforts. States should review their laws to ensure governors and other officials can respond to a given situation without encroaching on the civil liberties of citizens.

National security experts believe the next terrorist threat facing America may be one involving weapons of mass destruction, whether nuclear, biological or chemical. NEMA has recommended that the public-health and medical-system capabilities, including those of private hospitals, be substantially enhanced. A strengthened medical surge capacity is needed so that hospitals can handle large numbers of patients at once, with plans in place regarding the prioritization of beds and the release of non-critical patients. Biological agent detection and decontamination capabilities are also needed. The federal government should provide private and public hospitals the equipment, training and other resources to develop this additional capability.

The nation’s emergency management and response system works. Certainly, additional consideration must be given to the type of terrorism witnessed on Sept. 11 and what may be in store in the future. It is important to recognize that states and cities came together to help and will do so again.

**Integrated Emergency Management**

**Trina Hembree, Executive Director, National Emergency Management Association**

NEMA is the professional association of state, Pacific and Caribbean insular state emergency management directors committed to providing national leadership and expertise in comprehensive emergency management; serving as a vital information and assistance resource for state and territorial directors and their governors; and forging strategic partnerships to advance continuous improvements in emergency management.

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**Bio**

Trina Hembree is executive director of the National Emergency Management Association. NEMA represents the state directors of Emergency Management in all 50 states, the District of Columbia and the U.S. territories. She tracks, analyzes and reports on national legislative and federal policy issues relating to emergency management, including terrorism, and serves as a liaison between the states and Congress, federal agencies and related national organizations. She has written and edited numerous articles and publications dealing with state domestic terrorism preparedness. (859) 244-8233. thembree@csg.org.
Lobbyists’ Views on Term Limits

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Public affairs specialists are in a unique position to assess the effect of term limits in their states. This article reports findings from a survey questionnaire sent to public affairs professionals in five states with term-limited legislatures. The results indicate that lobbyists believe that term limits have shifted power to the executive branch and to others outside the legislature. Moreover, these public affairs professionals believe that term limits have changed the nature of the lobbyists’ job.

Research on the consequences of term limits is complicated by several factors. First, the nature of term limit law varies from state to state. In California and Oregon there is a six-year lifetime limit for service in the lower chamber. In contrast, Louisiana and Utah set a limit of 12 consecutive years per chamber. There is no reason to believe that such different limits will have quite the same effect.

Second, state legislatures are very different from one another with regard to the incentives offered (e.g., financial compensation and staff resources provided) and costs involved (e.g. time commitment). It is unlikely that the consequences of term limits will be precisely the same in a full-time legislature as one that only meets two or three months a year.

Third, other changes concurrent with, but independent of, term limits may occur and make it more difficult to determine causation. For example, changes in campaign finance laws or a switch in party control of the executive or legislative branches may affect legislative dynamics concurrently with changes brought about as a result of term limits.

Clearly, the strategy of systematically surveying legislators’ perceptions of the consequences of term limits is an appropriate one at this point. Until accurate objective measures of behavioral and institutional changes are created and applied, data based upon perceptions are the best available. And legislators, as participants who must work in the term-limited environment, are particularly knowledgeable sources.

There is, however, another category of informed participants in the legislative arena that provide insightful observations: public affairs specialists. Many lobbyists have spent years observing the operation of the legislature and getting to know its members. On a regular basis they interact with individual legislators, attend committee meetings, observe floor votes and closely follow the legislative process. And while lobbyists are professionally affected by legislative term limits, they are not personally affected in the way that legislators are affected. Therefore, an assessment of the affects of term limits by lobbyists might be less biased than one by their legislative counterparts.

Propositions About Term Limits and Interest Groups

Term-limits proponents argue that the relationship between powerful interests and senior legislators—especially committee chairs and legislative leaders—will dissolve. As one California lobbyist noted, “I see a lot of veteran lobbyists who work on the basis of cultivated relationships having a hard time adjusting.” On the other hand, opponents of term limits contend that interest groups will be advantaged because inexperieined legislators will come to rely more on lobbyists for information. As one South Dakota senator put it, “The lobbyists and the Legislative Research Council is where the base of knowledge will be, where the institutional memory will be. It won’t be with the new lawmakers because they’re still trying to figure out where the bathrooms are.”

The Study

In 1999-2000 we surveyed lobbyists in Arkansas, California, Colorado, Maine and Michigan. Each of these states has been affected by term limits. In California and Maine, virtually the entire membership of the lower houses had been replaced as a result of term limits by 1999. Over half the house members in Michigan and Arkansas, and at least a quarter of the representatives in Colorado, were forced out.

Using a systematic random sampling procedure, we sent questionnaires to over 100 registered lobbyists in each of the five states. We received completed questionnaires from 245 public affairs specialists. The overall response rate was 37 percent. In the survey, we asked public affairs professionals their views concerning the effects of term limits on the legislature, and on the lobbyists themselves. Most of the questions asked were in a structured format (strongly agree, agree, not sure, disagree, strongly disagree, etc.). We also solicited open-ended responses to allow
the public affairs specialists to discuss in greater detail some of their thoughts. The analysis below reports data from some of the structured questions supplemented by some of the more interesting or insightful open-ended responses.

Analysis

We asked public affairs specialists a series of questions about their perceptions of changes in the behavior of state legislators after term limits (see Table 1). The first three questions pertain to committee behavior. The clearest negative effect of term limits appears to be a decline in knowledge. Almost three-fourths of the lobbyists felt that term-limited legislators are less knowledgeable about issues being discussed in committee. A plurality (but not a majority) felt that term-limited legislators were less willing to compromise in committee. On the other hand, a substantial majority did not agree that term-limited legislators were less collegial or courteous in committee.

Over half of the respondents felt legislators were less attentive to statewide issues and less likely to follow parliamentary procedure. And 45 percent felt term-limited legislators were less likely to follow floor leadership. Another 37 percent felt term-limited legislators were more likely to follow leadership.

The picture that emerges is that term-limited legislators are, as expected, less knowledgeable about issues and parliamentary procedure than were the legislators they replaced. One of the concerns most often expressed about term limits is that they reduce the “institutional memory,” and the responses from lobbyists seem to bear this out. Moreover, many of the lobbyists sent us written comments about these new legislators:

- “In ______ we are seeing more frequent and dramatic changes in public policy, (such as) inexperienced legislative leaders who don’t know each other, and inexperienced legislators becoming committee chairs with little knowledge of the process and rules and no understanding of legislative history.”
- “Term limits force a large amount of time spent at the legislature to be focused on bringing legislators up to speed on redundant issues as opposed to building on institutional knowledge.”
- “Too many legislators call for advice and background. I, as a lobbyist, have too much power.”

On the other hand, there are those who believe that this is a good thing:

- “The ‘old boys’ network is starting to break apart. As a woman lobbyist I am able to break in and be successful.”
- “Term-limited legislators have demonstrated a more focused, ‘lets get things done’ approach to legislative priorities.”
- “In our state it has opened the door to breaking the monopoly of a one-party system, thereby enabling us to deal with a very corrupt establishment. There are negatives of course… but overall it has been good for us.”

Changes in Lobbying

A substantial majority of the lobbyists report they spend more time communicating with legislators, building coalitions, and in social gatherings getting to know legislators (see Figure 1). There is also a perception among lobbyists that they spend more time communicating with staff. Forty-five percent of the public affairs specialists reported they spent more time in committee hearings since the advent of term limits.

It is clear that lobbyists perceive that their job is far more demanding due to term limits. An astounding 82.5 percent claim they now must spend more time getting their job done in the legislature.

Many of those surveyed made comments about how term limits have changed the way they, as lobbyists, must operate:

- “Term limits have intensified the need for lobbyists to be well-versed on their issues and better communicators, for there is less time to build relationships of trust.”
- “Term-limited legislators rely more upon lobbyists and agency administrators for information, draft legislation and procedural direction in the legislative process.”
- “Term-limited legislators are less predictable, less certain of their position on legislation. This creates a more volatile and chaotic legislative process.”

Influence Patterns

Clearly, lobbyists across states feel that term limits are changing the influence structure. A very strong consensus exists that the governor, the administrative agencies and central legislative staff have increased their influence in the legislature. There is also a belief among lobbyists that partisan or caucus staff have gained influence (see Figure 2).

One of the more interesting findings is that a substantial majority of the lobbyists perceive that interest groups gained influence. Interestingly, a plurality (but not quite a majority) of the public affairs professionals are willing to admit that the specific interest groups they represent gained influence under term limits. As one lobby-
ist so bluntly stated, “Legislators know less relative to lobbyists.”

A substantial number of open-ended responses were devoted to discussions of how power had shifted toward the governor, administrative agencies, staff and the interest groups themselves:

• “Term limited legislators have little or no institutional memory. Accordingly, they view the executive branch and administration as allies and offer them a deference that is outright undeserved and dangerous. It merges two branches into one!”

• “They don’t understand the budget process and are at the mercy of the state employees and administrators.”

• “I feel term limits have only provided for elected chaos. Staff is lobbied far more than in the past, especially staff with prior institutional knowledge. Lobbyists with healthy PACs (I am fortunate to be one) have more access than prior to term limits, which can be dangerous if I say so myself.”

Conclusion

What we have provided here is the combined assessment by lobbyists across five states. It should be noted that the perceptions varied from state to state on some issues.

Nonetheless, the overall assessment of the lobbyists, based on the surveys and comments we received, is a negative one. Public affairs professionals, for the most part, believe that term limits have weakened the legislative institution. In particular, they believe that term limits have shifted power to the executive branch and to others outside the legislature.

Most lobbyists also believe that term limits have changed the nature of their job. They must work harder to get to know the legislators and to communicate their message to them. They view the legislature as more unpredictable; several lobbyists used the word “volatile” in their statements about the legislative process.

Legislatures are remarkably resilient institutions. In all likelihood they will adapt to the term limit environment, state by state, and find ways to continue to function in the political system. But one thing is clear, based on the perceptions of the lobbyists: term limits do change the dynamics inside and outside of the legislature, and adapting to those changes will be a real challenge.

Endnotes

1 See Cain (1996) for one of the earliest cogent discussions of how term limits would have a differential effect in the states. Issues surrounding incentives and costs are often discussed in terms of legislative professionalization. See, for example, Kurtz (1990), Mooney (1995), Rosenthal (1998) and Squire (1992). For a recent update of Squire’s index, see Squire (2000) :142-143.


4 The number of responses from individual states are: Arkansas 43; California 50; Colorado 57; Maine 58; Michigan 37.

Bio

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The Effects Of Term Limits in State Legislatures

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Term limits have had little effect on legislative composition, moderate effects on legislators’ behavior and considerable effects on legislative functioning. Trickle-up effects on careers may be undermining cooperation, while limited tenure reduces citizen knowledge of and contacts with legislators.

In 1995 we surveyed over 3000 current and former state legislators in all 50 states. Although no legislators had yet been forced out of office, term limits were already in place in 18 of the 19 states in which they currently apply (as well as in Massachusetts and Washington, where they were subsequently struck down by state courts), and current and prospective legislators were adapting to the new environment. During the winter and spring of 1997, we interviewed legislative leaders and committee chairs in four states, two of which (Maine and California) had seen the first legislators forced from office by term limits. Because the clock on term limits was ticking during the two years between the survey and interviews, the effects of term limits observed in the interviews should be more pronounced than in the surveys. This difference is notable in the interviews, but equally remarkable is the overall consistency between survey and interview results.

Our examination suggests five potential “impact areas” for term limits within the characteristics of legislatures and the participants in the political process. With respect to legislatures, term limits might have a measurable effect on their demographic composition, on the behavior and priorities of members and on their internal organization and institutional capacity. With respect to individual participants, term limits should alter career trajectories and, by increasing turnover, affect how citizens perceive the legislature and how they approach it with demands. In what follows, we review our findings in each of these five areas.

Composition of legislatures

We detected virtually no effect of term limits on the demographics of those elected to state legislatures. For the 1992 and 1994 electoral cycles, we detected no differences in the professional backgrounds, education levels, income levels, age or ideologies of legislators, nor in the electoral success of black candidates or religious fundamentalists.

However, the states that adopted term limits tended to elect more women than non-term limit states both before and after the reforms. Term limits themselves may have amplified this difference, although in the relatively conservative electoral environment of the mid-1990s, any effect only mitigated the erosion of electoral prospects for women newcomers rather than boosting their prospects relative to the late 1980s and early 1990s. In any case, the statistical results are slight enough to warrant cautionary interpretation.

Newcomers in term limit states displayed the same mix of occupational, educational, ethnic and socioeconomic backgrounds as their counterparts in non-term limit states, and they were equally committed to politics as a vocation. Similarly, we found no evidence that term limits lead to changes in the ideological dispositions of those elected. On liberal-conservative self-placement, newcomers in term limit states and those in non-term limit states reflected the same general tendency toward conservatism relative to their predecessors. On specific policy issues, the differences between term limited and non-term limited newcomers were either non-existent or so slight as to be virtually inconsequential.

Legislative behavior and priorities

Term limits have mixed effects on how legislators budget their time. Our surveys turned up no differences between term limited and non-term limited legislators in how much effort they devoted to studying legislation or to building coalitions, either within or among parties. Nevertheless, the legislative leaders we interviewed uniformly perceived term limits to encourage legislative individualism and undermine the cooperation that is sustained by long-term relationships among colleagues.

The survey and interview evidence concurs that term limits encourage neophyte legislators to spend more time promoting their own legislation. This much is consistent with arguments that the reform will stimulate new policy initiatives, although senior legislators tended to criticize the flood of new proposals as either poorly thought out or as duplications of ideas that had previously been considered and dismissed.
Term-limited legislators reported placing higher priority than their non-limited counterparts on the needs of the state as a whole and on the demands of conscience relative to narrower district interests. Here, as above, interpretations of these changes differ according to one’s opinion of term limits. Our interview subjects tended to regard reorientation toward statewide issues as exercises in position-taking and legislative showboating, designed to attract media attention and raise the visibility of individual legislators eyeing election to higher-level offices. By such an account, strict responsiveness to constituents in the district that is encouraged by unlimited re-election is an important, if sub-optimal, means of ensuring political accountability. Most participants in the term limits debate, however, would likely regard the orientation away from district parochialism as beneficial.

**Institutional effects**

Under term limits, power within state political institutions is redistributed away from committee chairs and party leaders—the traditional power centers in the legislatures. The principal sources of demise in these legislative institutions are loss of expertise and of the long-term relationships that sustain compromise and cooperation. In Maine and California, where the senior legislative cohorts had already been removed by term limits at the time of our interviews, leadership positions traditionally monopolized by long-time members are occupied by relative newcomers. Even in the states where term limits were pending at the time of the interviews, Massachusetts and Washington, party leaders and committee chairs noted the decline in their influence over rank-and-file legislators who anticipated that neither the leaders nor their ranks would maintain their positions for long.

These twin forces—decline in expertise and in incentives for cooperation—both induce influence to seep away from legislatures and toward other policy-making actors, most notably the executive branch and the legislative staff. Although governors in many states are themselves subject to term limits, most can draw on richer informational resources, including much larger staffs, than their legislative counterparts. Historically, legislatures have offset these executive advantages through the expertise accrued by long-standing party leaders and committee chairs, and the ability of these leaders to coordinate legislative action. The adoption of term limits on legislatures upsets this equilibrium, rendering executive staff and informational advantages increasingly decisive.

Finally, many of our interview subjects described a negative effect of term limits on relations between lower and upper legislative chambers due to rivalry generated by rotation among elected offices. As prohibitions on re-election approach for state representatives, many aspire to state senate seats and fresh term limit clocks; some senators move back to the lower house or seek legislative or bureaucratic staff positions. The reforms may, therefore, sow distrust and impede cooperation.

Whereas some term-limit effects on legislative behavior are consistent with the case made by reform adherents, the institutional effects fall in line with the arguments of detractors. No term limit proponents have explicitly listed weakening the influence of elected lawmakers as a goal of the reforms. Even in its early stages, however, the institutional impact of term limits appears to be in this direction.

**Careers and competitiveness**

Term limit effects ripple through the political system by pushing incumbent legislators to run for other posts. In the first place, term limits affect legislators’ determination to seek re-election, but the effect differs systematically by legislators’ status. Freshman legislators in lower chambers are slightly more intent on seeking re-election in term limit than non-term limit states; but as seniority grows, and in state senates generally, term limits increasingly deter legislators from seeking re-election to their current seats, even when they are eligible to do so.

Where do these legislators go? Rather than returning directly to the private sector, many seek other elected offices rather than waiting until they are legally removed from their current post. Term limited lower chamber members are more likely to seek state senate seats than any of their non-term limited counterparts, and the effect is most pronounced among younger politicians in states where politics is highly professionalized. Similarly, state senators jump at the opportunity to contest congressional seats more frequently than if they could remain in the state legislature indefinitely. Most strikingly, they are much more likely to challenge incumbent members of Congress from the opposing party than are non-term limited state senators. As a result, in 1994 and 1996, primary elections for the “out” party in each congressional district were more likely to include state senators in term limit than in non-term limit states.

All this suggests that state legislative term limits could increase competitiveness for higher offices by increasing the pool of candidates for these posts who have prior experience in public office, in fundraising and in campaigning. If term limits stimulate the supply of “quality” candidates who have nothing to lose in running for higher office, and are therefore willing to take on incumbents who could otherwise scare off serious challengers, then the rates of incumbent defeats and retirements might be expected to rise. So far, although we find that a slightly smaller proportion of congressional incumbents were returned to office in term limit than non-term limit states in the mid-1990s, the difference was small and could not be attributed with any confidence to term limits.
We are confident that the number of "term limit challengers" for higher office will continue to rise. In this sense there is, and will continue to be, a "trickle up" effect of term limits on the broader system of elections. We are more cautious, however, in predicting an impact on incumbent turnover. It may be that term limits push state legislators toward elections for higher office before they have established the name recognition, campaign organization and experience to mount successful challenges against incumbents further up the political food chain. Over the next few electoral cycles, as the number of term limit challengers grows, the seriousness of their threat to incumbents at the higher echelons of elected office will become evident.

Citizens’ knowledge and contact: Weakening constituency ties

Recently we have explored an effect of term limits that operates outside of the legislatures themselves: the linkages between constituents and representatives. We examined citizen knowledge of their legislators (name and party) and citizen-initiated contacts with legislators. The data comes from a survey conducted by Harris Interactive.

Our analysis unambiguously finds that term limits reduce citizen knowledge of, and citizen-initiated contacts with, state legislators. If these results are maintained as term limits evolve, they suggest a potentially troubling effect of the reform that has previously attracted little attention. Citizen knowledge of representatives is tenuous enough to begin with that any decline is disquieting. If decreased knowledge of legislators diminishes citizen-initiated contact, the broader effect will likely be to reduce the sense of connectedness between citizens and legislators.

The agenda for legislative term limits research

Our research points to specific areas that warrant particular attention as we continue to monitor and evaluate the effects of term limits. Among these are the impact on the relative weight state legislators give to district interests, statewide concerns and individual conscience; manifestations of legislative individualism; the decline of policy and procedural expertise among legislators; the effectiveness of term limit challengers to higher office; and citizens’ interactions with their legislators. One critical theme that our work so far has not addressed is the effect of term limits on campaign finance. Term limits may increase the importance of fundraising capacity in the selection of legislative leaders even beyond current levels, given that the novice politicians flooding into term limited legislatures have relatively underdeveloped fundraising networks in place but enormous needs for funding to finance campaigns for higher office in short order. Finally, although our work touches on an array of ways in which legislative representation manifests itself, we have not directly evaluated the real bottom line: the effect of term limits on the capacity of state governments to craft good policy.

Bios


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The Impact of Term Limits on Women

Susan J. Carroll, Center for American Women and Politics, Rutgers University

Contrary to the expectation of term-limit advocates and many scholars, the number of women serving in term-limited statehouse seats actually decreased following the 1998 and 2000 elections. One of the major reasons for this was the fact that a substantial proportion of term-limited house seats went uncontested by a woman candidate. Term limits alone, then, are not enough to increase the number of female elected leaders; efforts such as recruitment will be needed to compliment the opportunities presented to women by term limits.

TERM-LIMIT PROponents contend that increases in the numbers of women serving in state legislatures will be one of the benefits of term limits. Several major studies have concluded that incumbency is one of the barriers to increasing the number of women serving in elective office since high proportions of incumbents who seek re-election are re-elected. Researchers have argued that term limits, by breaking the stranglehold of incumbency and increasing legislative turnover, would create more winnable open-seat opportunities for women, translating into increased numbers of women legislators.

The Center for American Women and Politics, a unit of the Eagleton Institute of Politics at Rutgers University, has collected data for 1998 and 2000, the first two elections where term limits were implemented across numerous states. As the analysis below demonstrates, women have fared better under term limits in state senates than in state houses.

How did women fare in races for term-limited state house seats?

Contrary to the expectation of term-limit advocates and many scholars, the number of women serving in term-limited statehouse seats actually decreased following the 1998 and 2000 elections; more women were forced to vacate seats because of term limits than were elected to seats that were open as a result of term limits. Across the six states that implemented term limits for state house races in 1998, 47 incumbent women were forced to leave office as a result of term limits while only 43 women won election to house seats vacated by term-limited incumbents (Table 1). Similarly, across the 11 states in which term limits were in effect for house races in 2000, 70 women who served in term-limited seats left office while only 65 new women were elected to seats that were open as a result of term limits (Table 2).

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In one state, the numbers of women serving in term-limited seats stayed the same in 1998, and in three states, the numbers decreased. Similarly, in only three of the 11 states affected by term limits in 2000 were more women elected to house seats than were forced out of office. In three states the numbers of women in term-limited seats stayed the same while women’s numbers decreased in five states.

Why did the number of women serving in term-limited state house seats decrease?

One of the major reasons the number of women decreased was the fact that a substantial proportion of term-limited house seats went uncontested by a woman candidate. For both elections across all term-limited states, in more than two-fifths of all races for term-limited house seats, no woman entered either the Republican or the Democratic primary.

As a result, most of the women forced out of office by term limits were replaced by men; 74.5 percent of the term-limited house seats in 1998 and 71.4 percent of the term-limited house seats in 2000 held by women before the election were held by men following the election. Because
term-limited women incumbents were seldom replaced by other women, women would have had to win many term-limited house seats previously held by men in order simply to maintain their numbers.

How did women fare in races for term-limited state senate seats?

The expectation that term limits would lead to increases in the number of women legislators finds some support at the state senate level, but only for the 1998 (Table 3), and not the 2000 (Table 4), elections.

Essentially fewer women serve in the upper houses than in the lower houses of state legislatures.4 As a result, women have been a somewhat smaller proportion of those forced to leave office in state senators than in state houses. In 1998, only 14.3 percent of all women legislators who relinquished their house seats in 1998, one had been term-limited out of the house in 1996, and four had left their house seats to run for the senate when state senate seats in their districts opened up because of term limits.5

In 2000, a smaller proportion than in 1998, but a still sizeable proportion, two-thirds, of the women elected to senate seats that were open because of term limits were former state representatives. Of the 19 women elected to term-limited senate seats, 13 had served in the lower houses of their legislatures. Eight of the 13 had been forced to give up their house seats because of term limits, and three had given up their house seats in 2000 in order to run for senate seats that were open because of term limits.

2002 and beyond

The gains made by women in term-limited state senate seats in 1998 demonstrate that term limits can lead to increased numbers of women in office if women candidates, especially politically experienced candidates, take advantage of the opportunities that term limits provide. Nevertheless, the mere existence of more political opportunities does not seem sufficient to increase the number of women serving in office. Although women were successful in winning election to a majority of the term-limited house seats vacated by men, men replaced a majority of the women legislators who relinquished their house seats in both 1998 and 2000. Many

| Table 2: Numbers and Proportions of Term-Limited State House Seats Represented by Women Before and After the 2000 Elections in Eleven States |
|----------------------------------|------------------|------------------|
| **State**           | **Pre-Election** | **Post-Election** |
| | **N= %** | **N= %** |
| Arizona            | 4 26.7 | 4 26.7 |
| Arkansas           | 6 25.0 | 1 4.2 |
| California         | 5 21.7 | 8 34.8 |
| Colorado           | 3 30.0 | 1 10.0 |
| Florida            | 11 20.3 | 11 20.3 |
| Maine              | 5 31.3 | 4 25.0 |
| Michigan           | 7 33.3 | 4 19.0 |
| Montana            | 7 20.6 | 6 17.6 |
| Ohio               | 12 27.9 | 14 32.6 |
| Oregon             | 7 46.7 | 7 46.7 |
| South Dakota       | 3 15.0 | 5 25.0 |
| **All 11 States**  | 70 25.5 | 65 23.6 |

In 1998, three women were forced to give up term-limited senate seats, but 10 other women were elected to senate seats that were vacated because of term limits (Table 3). In 2000, 19 women had to step down from senate seats due to term limits, and 19 other women were elected to term-limited seats (Table 4).

In 1998 women made gains in term-limited seats in each of the three states that had implemented term limits for state senate seats (Table 4), but in 2000 the picture was decidedly more mixed. In two states, more women were elected to senate seats that were open because of term limits than were forced to vacate term-limited seats. In four states, the numbers of women serving in term-limited senate seats was the same before and after the 2000 elections.

Finally, in four states, more women were forced out by term-limits than were elected to seats that were open because of term limits, resulting in decreases in the numbers of women serving in term-limited seats (Table 4).

Why have women fared better in races for term-limited state senate seats than in races for term-limited state house seats?

Proportionately fewer women serve in the upper houses than in the lower houses of state legislatures.4 As a result, women have been a somewhat smaller proportion of those forced to leave office in state senators than in state houses. In 1998, only 14.3 percent of all women legislators who relinquished their house seats in 1998, one had been term-limited out of the house in 1996, and four had left their house seats to run for the senate when state senate seats in their districts opened up because of term limits.5

In 2000, a smaller proportion than in 1998, but a still sizeable proportion, two-thirds, of the women elected to senate seats that were open because of term limits were former state representatives. Of the 19 women elected to term-limited senate seats, 13 had served in the lower houses of their legislatures. Eight of the 13 had been forced to give up their house seats because of term limits, and three had given up their house seats in 2000 in order to run for senate seats that were open because of term limits.

| Table 3: Numbers and Proportions of Term-Limited State Senate Seats Represented by Women Before and After the 1998 Elections in Three States |
|----------------------------------|------------------|------------------|
| **State**           | **Pre-Election** | **Post-Election** |
| | **N= %** | **N= %** |
| California           | 1 9.1 | 5 45.5 |
| Colorado            | 2 22.2 | 4 44.4 |
| Maine               | 0 0.0 | 1 100.0 |
| **All 3 States**    | 3 14.3 | 10 47.6 |
of the seats vacated by incumbents, even women incumbents, went uncontested by women candidates.

Thus far, women have fared better in term-limited seats for state senates than for state houses because there seems to be a “pipeline” effect at work. State representatives appear to constitute an obvious pool of strong potential candidates for the state senate, and so far, this pool has been sufficient to increase (in 1998) or maintain (in 2000) women’s numbers among state senators serving in term-limited seats. At the state house level, however, an obvious pool of potential candidates does not appear to exist.

Studies have found that women who run for state legislatures are less likely than their male counterparts to be “self-starters.” Women more often than men seek office only after receiving encouragement from others, suggesting recruitment efforts are necessary if women are to take advantage of the opportunity presented by term limits. Political parties and advocacy organizations could help by identifying and recruiting potential women candidates in districts where incumbents will be forced to retire because of term limits. PACs could provide much needed financial support and technical assistance for women running for term-limited seats. Incumbent term-limited women legislators could help by identifying and grooming female successors for their seats. Efforts such as these could help to ensure that the opportunities offered by term limits translate into actual increases in the number of women legislators.

Additional research is certainly needed as term limits continue to be implemented in subsequent elections. Nevertheless, the data from 1998 and 2000 clearly suggest that term limits, like many other reforms, are neither inherently bad nor inherently good, at least when it comes to increasing women’s representation. Rather, in the long run, the effect of term limits on the number of women legislators is likely to be strongly influenced by the degree and effectiveness of efforts to recruit women candidates in term-limited states.

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**Table 4: Numbers and Proportions of Term-Limited State Senate Seats Represented by Women Before and After the 2000 Elections in Ten States**

<table>
<thead>
<tr>
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<tr>
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<td>7.8</td>
</tr>
<tr>
<td>All 10 States</td>
<td>19</td>
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</tr>
</tbody>
</table>

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**Notes**

1For purposes of this analysis, we compiled a data set for: all 1998 state house races in the six states that had by then implemented term limits for house seats (Arkansas, California, Colorado, Maine, Michigan, and Oregon); all 2000 state house races in the above six states plus all house races in the five states that implemented term limits for house seats for the first time in 2000 (Arizona, Florida, Montana, Ohio, and South Dakota); all 1998 state senate races in the three states that had by then implemented term limits for state senate seats (California, Colorado, and Maine); and all 2000 state senate races in the above three states plus all senate races in the seven states that implemented term limits for senate seats for the first time in 2000 (Arizona, Arkansas, Florida, Montana, Ohio, Oregon, South Dakota). Most of our data on candidates was obtained from the Project Vote Smart web site (www.votesmart.org) and the office of the secretary of state in each state. I would particularly like to thank Krista Jenkins and Gilda Morales of the Center for American Women and Politics for their efforts in collecting the data.

2Although the number of women serving in term-limited seats decreased in each election, the total number of women serving in the lower houses of the six states that implemented term limits in 1998 remained the same—145—before and after the 1998 elections, and the total number of women state representatives in the 11 states affected by term limits in 2000 actually increased following the 2000 elections from 265 to 271. This is because women were able to compensate for losses in term-limited seats by winning races where they challenged incumbents (in both 1998 and 2000) and where seats were open for reasons other than term limits (in 2000).

342.5 percent in 1998 and 43.6 percent in 2000.

4In 2001, women constitute 23.3 percent of state representatives and 20.0 percent of state senators nationally (Center for American Women and Politics 2001).

5Although these women representatives had not yet been forced out of the house by term limits, their decisions to run for senate seats may well have been influenced by their knowledge that they inevitably would be term limited out of the house in the near future.

6Seven of the eight women had been term limited out in 2000; one had been term limited out in 1998.

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**Bio**

Susan J. Carroll is professor of Political Science at Rutgers University and Senior Scholar at the Center for American Women and Politics (CAWP) of the Eagleton Institute of Politics. She has conducted research on women members of Congress, state legislators, and candidates and is the author of numerous works, including *Women as Candidates in American Politics* (Indiana University Press, Second Edition, 1994). Carroll has co-authored several CAWP publications focusing on the recruitment and impact of women state legislators and members of Congress, including *Reshaping the Agenda: Women in State Legislatures*. (732) 932-9384. scarroll@rci.rutgers.edu.
Term Limits Not Necessary
Randall Gnant, Arizona President of the Senate

Applying term limits in Arizona was not necessary since almost a third of all legislative seats turned over every two years. Term limits have led to a decline in civility in the legislative process, a decline in institutional memory and an erosion of representative government, increased power to the unelected bureaucracy and the rise of free agency among members.

As Arizona approaches its second election where the effect of term limits will be felt, it is clear that many of the negative effects of term limits predicted would occur have indeed happened. Loss of institutional knowledge, increased power to lobbyists and staff, increased partisanship from both political parties, less cordiality among members, and free agency among freshmen and sophomore legislators have all manifested in the halls of the Arizona Legislature in recent years.

Like many other states, applying term limits in Arizona was not necessary since almost a third of all legislative seats turned over every two years. The citizen legislature that Arizona voters cherish naturally produced what term limit advocates trumpeted: a fresh crop of new legislators every two years. Further, the fact that no Senate President had served more than four years as president since 1967 demonstrated that leadership also turned over to allow new individuals an opportunity to lead. Nevertheless, Arizona was swept up in the term limits movement, dealt out of frustration at an intransigent Congress that was dominated by a single political party for more than 40 years.

While there has always been substantial turnover in members and leadership every two years in Arizona, we still had several members who, prior to term limits, had spent lengthy careers in public service. While cynics would say that such long-term service by a handful of members is harmful, the exact opposite is true. Such service helps provide institutional memory and knowledge that is valuable in the legislative process. For example, like many states, Arizona is experiencing its first economic slowdown since the early 1990s. Thanks to term limits, there are only eight senators who have been through similar economic times and have experience in balancing a budget with slowing revenues. There is not a single member of the Arizona House of Representatives that has voted on a budget that does not foresee increasing revenues and large budget surpluses.

So whom do these members turn to for advice? Legislative staff? Possibly, but term limits have had the same effect on staff as members; only a handful of senior legislative staff have more than 10 years of experience. That leaves members talking to professional lobbyists, all with an angle depending on their client, and the executive branch staff, all who will serve the interests of the governor. Obviously, this weakens the representative branch of government by limiting its ability to have the resources and institutional knowledge to confront pressing issues of the day. The institutional knowledge is left to the professional spending lobby and mid-level government bureaucrats that know they will never be held accountable. In the meantime, government through regulation and rules creeps on, eroding our everyday liberties and freedoms, while the massive bureaucracy grows and grows.

One aspect of term limits that most people did not anticipate is the rise of free agency among members as freshmen and sophomores. Right from the start, a member who may have leadership aspirations realizes that bold moves have to be made to advance his or her cause or issue. This can either be made by taking on a high-profile issue with the blessing of leadership, or attacking leadership on any issue, no matter how contrived. More often, the later is the course that political advisors have set for up-and-coming leaders. The immediate benefit for the freshman or sophomore representative is media attention. When a freshmen member gains such exposure, others often repeat the cycle.

The downside to this challenging behavior is that current leaders are left with a difficult time trying to shepherd legislation through the process; caucus discipline becomes non-existent. Further, members who are not ready for leadership tend to be elevated. Their reason for elevation isn’t based on the ability to lead, but on the ability to divide. Ironically, many of the fights that take place are not over heavy issues, but on little contrived issues that really don’t impact the working of the cosmos in any shape or fashion.

In conclusion, term limits at the state level in Arizona were never needed and have led to a decline in civility in the legislative process, a decline in institutional memory and an erosion of representative government, increased power to the unelected bureaucracy and the rise of free agency among members.

Randall Gnant is currently the president of the Arizona Senate. He is in his fourth two-year term. Arizona has a four-term limit. Since his first election to the senate in 1994, Senator Gnant has been a moving force in promoting increased public participation in the legislative process. Senator Gnant has also authored an 86 page book on how the legislative process works. (602) 542-4138. rgnant@azleg.state.az.us.
When I entered the Arkansas House of Representatives as a freshman in 1997, I found myself in a sea of veterans. Some had been in the House for as long as 42 years, and they returned to Little Rock every two years because their constituents sent them back year after year. In 1992, however, 59.9 percent of Arkansas voters approved a term-limits law restricting house members to three two-year terms and senators and constitutional officers to four two-year terms.

In 1998, the term limits law put a halt to the house careers of 48 members with 720 years of collective legislative experience behind them. They were replaced by newcomers eager, but understandably nervous, about the tasks confronting them.

Have term limits been a success or a failure in Arkansas? Judgment is still out on that question, but I submit that term limits have been neither the panacea proclaimed by supporters, nor have they wrought the destruction predicted by naysayers. Term limits have opened the door for younger, fresher faces with, hopefully, some new ideas.

An unforeseen consequence of term limits has been house members seeking senate seats as they are vacated, and term-limited constitutional officers running for other constitutional offices.

An unforeseen effect of term limits has been felt in redistricting plans this year, as the state Board of Apportionment attempts to redraw district lines based on the 2000 Census. The process has opened new districts and created vacant seats where none existed before. It also has led to house members, knowing their time is limited in the house, to protect or influence the boundaries of their senate seats for a possible future campaign. Current senators have been known to do the same for a future house race.

Another unforeseen consequence is that the door hasn’t yet opened to more minorities serving in the General Assembly. In fact, there are fewer women serving in the General Assembly today than there were just four years ago, and the number of African-American legislators has remained the same.

Today, more and more lawmakers—including those who supported the 1992 term-limits amendment to our state constitution—believe that the limits are too short. Still, lawmakers are just as convinced that voters, not lawmakers, must propel any change, and it is for that reason that the Arkansas legislature, unlike a few states, has rejected proposals to abolish or lengthen the current restrictions.

The key in Arkansas, so far, has been to open the process to newcomers by offering frequent and intensive continuing education programs about the vast inner workings of government and putting newcomers in leadership positions. Since 1998, we have been bringing small groups of four or five unopposed representatives to Little Rock to meet the speaker, other house leaders and staff. These meetings have been casual events in which the new members can learn some of the house policies and procedures well before they take the oath of office.

A post-election orientation session has also helped members get a jumpstart on learning the lawmaking process. This summer and fall, we held periodic one-day sessions, each focusing on a very specific part of government or legislative process. The transformation, certainly, has been difficult at times, but it is no more difficult than the myriad issues lawmakers face every day. It’s through perseverance, hard work and cooperation that we make the system the best we hope it can be.

Bio

Shane Broadway, 29, is serving his third term. He is a former chairman of the House Rules Committee. He is a graduate of Arkansas State University and is the first recipient of ASU’s Distinguished Service Award. He is a marketing consultant. (501) 682-7771. sbroadway@arkleg.state.ar.us.
Term Limits and the CAPITOL Institute

Robert M. Hertzberg, California Speaker of the Assembly

California enacted term-limit legislation in 1990, making it one of the nation’s leaders on the issue. The state is taking a leading role again by taking proactive approach to dealing with the ripple effects of term limits. To assist freshman legislators in carrying out their new responsibilities, California created the California Assembly Program for Innovative Training and Orientation for the Legislature (CAPITOL).

Well before Newt Gingrich popularized the idea of term limits with the “Contract With America,” California voters narrowly approved a 1990 initiative that limited state lawmakers to three two-year terms in the assembly and two four-year terms in the Senate, with a lifetime ban on further service. When term limits went into effect in California, an initial period of turmoil accompanied the transition. In just one year, the assembly had no fewer than three different Speakers and two different Minority Leaders. One veteran journalist called the 1995 session when the terms of veteran lawmakers began to run short, “the most mean-spirited and unproductive in memory, a unique combination of instability, bad behavior, political frenzy and legislative paralysis.”

That period of instability is behind us, but there have been other ripple effects. Not only did term limits impact turnover among elected members, but in their staffs, as well. Also, when the legislature convened to start its two-year session this year, freshman lawmakers made up a plurality of the house — more than a third of the 80-member assembly.

Critics speculated that term-limited legislatures would be less collegial, less competent and less productive. Our experience in California, however, suggests that there are ways to soften the blow significantly.

First, a state as large and diverse as California can draw from a substantial pool of talented professionals, both to run for office and to assume senior policymaking roles. Many freshman legislators are coming to the assembly with substantial experience in local government. Others bring to the table substantial life experience from a variety of professions, from business to psychology.

As a result, many new members come to the assembly with considerable skills as policy-makers — and well acquainted with the political and other demands of holding public office. Given the interaction between state and local government on a wide range of issues, many freshmen join the Assembly with direct experience with — and with valuable perspectives in — the pressing policy issues of the day.

Nevertheless, the learning curve remains steep. New members must quickly master dozens of issues, build and manage a staff in the capitol and in their districts, draft a legislative package and learn the rules governing committee work and floor sessions.

To assist freshman legislators in carrying out their new responsibilities, we created the California Assembly Program for Innovative Training and Orientation for the Legislature (CAPITOL). Within days of each election, the CAPITOL Institute begins its comprehensive training program for new members, covering everything from writing legislation to ethics. The Institute developed its 10-day training program in consultation with the National Conference of State Legislatures, adopting best practices in use in other states.

Because we found that staff turnover grows along with turnover among the membership, the Institute developed ongoing training programs for staff. We also opened on-site childcare and renovated some long-neglected offices to improve employee retention.

The steps we have taken are by no means a cure-all. Like many legislatures, term limits have drained California’s institutional knowledge. It comes as no surprise that many are beginning to give term limits a second, more skeptical look.

But while I believe that the current limits are too restrictive, I also reject the notion that term limits inevitably render legislatures incapable of doing their jobs. In my own brief tenure in the California Assembly, we have dealt successfully with a number of issues that left our veteran predecessors stymied, including school construction and housing. Today’s membership has moved to address the shortcomings of policy choices made before we took office.

I credit this to a change in attitude under term limits. Lawmakers — knowing their time to contribute is short — approach their work with a sense of urgency seldom seen before limits were imposed. And in this fast-moving era of the New Economy, we need a government that can keep pace.

In short, term limits are neither the cure-all promised by supporters nor the calamity feared by critics. In California at least, we have come to see them instead as a challenge to reshape our institutions — and as an opportunity to revitalize our work on the public’s behalf.

Bio

Robert M. Hertzberg was elected Speaker of the California State Assembly in January 2000. Hertzberg has worked to modernize the Assembly by establishing extensive new training courses for new members and legislative staff, opening an on-site childcare center, and upgrading technology throughout the Assembly. (916) 319-2040. Speaker@assembly.ca.gov.
Changes under Term Limits

Jean M. Ross, Executive Director, California Budget Project

Term limits have shifted the balance of budget and policy-making from the legislative to the executive branch and lobbyists, and have led to the departure of many long-term staff. The weaknesses of the new regime are a reflection of the rules that now govern the legislative process, not the failings of individuals.

In November 1990, California’s voters approved Proposition 140, which imposed lifetime limits of three two-year terms on members of the state’s Assembly and two four-year terms on state senators. Proposition 140 also reduced the legislature’s budget, resulting in the departure of many long-term policy staff and a substantial downsizing of the nonpartisan Legislative Analyst’s Office, widely renowned in state policy circles for the quality of its fiscal analyses. Only 15 of the state’s 120 current legislators were in office prior to the adoption of term limits.

In 1991, California faced a $14 billion budget shortfall, roughly equal to one-third of the state’s annual general fund expenditures. California’s fiscal troubles lasted through the first half of the 1990s, requiring substantial tax increases and spending reductions in virtually every area of state government. Lawmakers with decades of experience as leaders and in-depth program expertise guided the state through these difficult policy choices and, to the extent possible, preserved critical public services. Looking back, it is almost impossible to imagine post term limits legislators making those decisions.

Under term limits, there is no time for lawmakers to become experts on issues or to move up through the ranks from subcommittee chair to leader. In an institution where seniority now has little or no meaning, the newly elected are elevated to leadership positions almost as soon as they are sworn into office.

Term limits have also increased the knowledge gap between the executive and legislative branch by forcing long-term lawmakers from office and increasing legislative staff turnover. Where a new governor has a team of skilled fiscal analysts who, because of their civil service status, often have decades of program and policy experience, legislative staff, on the other hand, serve at the will of committee chairs who may serve for as little as a year before being forced out of office. While steps could be taken to encourage staff stability in the legislature, constant turnover has resulted in the departure of many senior staffers; those who remain must build new working relationships at the beginning of each two-year session. The result is an executive branch team that is both larger and more experienced, versus legislators who are new and are backed by staff who are often new on the job, as well.

While governors and legislators come and go, lobbyists can work forever. Nearly every interest group in California is well represented by the state’s large community of professional lobbyists. On many issues, lobbyists have become the institutional memory of legislative and policy debates. By definition, lobbyists serve the interests of their clients, not necessarily the best interest of the state as a whole. Unlike the legislature, the “third house” does reward experience and has gained power by providing a home for many talented former staffers and legislators.

Finally, and perhaps most importantly, term limits have fostered shortsightedness and diminished concern for the future implications of policy decisions. The late 1990s were the opposite of the deficit-ridden years experienced at the beginning of the decade. Flush with tax revenues attributable to booming capital gains and stock options, lawmakers adopted spending plans that granted increases to programs favored by the Democrats and tax reductions favored by the Republicans. However, as a result of the more than $6 billion in tax reductions granted over the past several years, the state now faces a structural deficit of $3 to $4 billion per year and is ill-prepared to cope with the current downturn in the economy, or outstanding demands for public investment.

Voters approved term limits to curb the power of incumbents and to bring about “change.” They have done just that. Power has shifted to the executive branch and lobbyists, and change has become a constant. With term limits, voters have lost the right to choose demonstrated leadership ability and experience at the ballot box. The inherent problems with term limits are not the fault of those who now hold office. The new breed of term limited legislators work as hard, if not harder, than their predecessors. The weaknesses of the new regime are a reflection of the rules that now govern the legislative process, not the failings of individuals.

Bio

Jean M. Ross is executive director of the California Budget Project (CBP). She previously served as principal consultant to the California State Assembly’s Revenue and Taxation Committee. The CBP engages in independent fiscal and policy analysis with the goal of improving public policies affecting the economic and social well being of low and middle income Californians. (916) 444-0500. jross@cbp.org.
Term Limits and the Enhanced Legislature

Tom Feeney, Florida Speaker of the House

More than 50 percent of the Florida’s legislators are freshman, brought into the legislative process because of term limits. While there are obvious disadvantages to term limits, such as loss of experience, lack of institutional knowledge, and a significant reduction of long standing relationships between elected officials, under the proper circumstances, the positive effects can outweigh the negative ones.

In 1992, 77 percent of Florida’s voters passed a law limiting state legislators to serve only eight years in the Florida legislature. Opponents of term limits predicted chaos, citing that the “Eight is Enough” initiative would give legislative staff and the lobbying community too much power due to the lack of institutional knowledge that would now be in the elected legislature. They predicted that by the time freshman legislators learned the ropes, found the Chamber, and met the players, it would be time for the next group of overwhelmed freshman to fill their shoes and try to keep their heads above water.

Because of the new opportunities created by term limits, the 2000 election cycle produced the most diverse field of candidates in the history of Florida: 30 women, eight Cuban-Americans and our first ever Haitian-America were elected to the Florida House. In addition to bringing ethnic diversity, the 2000 elections provided a vast mixture of professions in the elected branch closest to the people: we now count a bank president, a member of the Sports Authority, chiropractors, citrus growers, construction and health professionals, a CPA, attorneys, educators, engineers, a funeral director, health care workers, house wives, insurance agents, real estate agents, telecommunications professionals and stock brokers as legislators. Interestingly enough, individuals in the education field — ranging from administrative positions and college professors to high school history teachers — represent the second largest group of professionals in the Florida House.

These vast professions and ethnic backgrounds have brought insight and expertise to the various legislative issues the Florida House faces. I believe it is imperative that in a representation process of governing, the electorate be mirrored by its elected. As the Speaker of the Florida House, of which more than 50 percent of the legislators are newly elected, I have been extremely proud of our member’s conduct and professionalism during the 2000 Special Session to preserve the Presidential Electors. For the first time in over 100 years, the legislature followed Article II, Clause I of the U.S. Code, giving us the duty to secure electors in order to preserve Florida’s presidential vote. Given the situation, the extraordinary civility and respect of the legislative members in favor of and in opposition to the resolution was remarkable.

Florida has learned the value of coupling the enthusiasm and energy of a new class of legislators with the experience and wisdom of our senior members. Sixty-three freshman legislators and 57 incumbent members were able to help change the culture of elected representation this past legislative session. The level of debate and energy on the floor and the philosophies of the house that prevailed made me extremely proud. The 2001 legislative session produced many policy initiatives, accomplishing numerous statewide substantive improvements to protect and improve the quality of life for all Floridians. Some of those accomplishments included an election reform package that is considered a national model, nursing home and long term care reform, education funding (which substantially increased funding for students, teachers and classrooms for the third straight year), and, finally, returning tax dollars to tax payers.

While there are obvious disadvantages to term limits, such as loss of experience, lack of institutional knowledge, and a significant reduction of long standing relationships between elected officials, under the proper circumstances, the positive effects can outweigh the negative ones. More than a few highly successful business people and top-ranked professionals report they ran for the house only because they would not have to spend a decade or more acquiring security to possibly become a significant player and obtain a top leadership position. Overall, term limits have brought many new opportunities and individuals with a high level of energy to the political process in the state of Florida.

Bio

Tom Feeney graduated in 1980 from Penn State with a B.A. in political science and obtained his law degree from the University of Pittsburgh in 1983. He served two terms in the Florida House of Representatives from 1990-1994, and was again elected to the House on April 27, 1996, and subsequently re-elected. He was sworn in as House Speaker in November 2000. (850) 488-1450. feeney.tom@leg.state.fl.us.
Term Limits and Diminished Returns

Michael V. Saxl, Maine Speaker of the House

The term-limits measure has placed constraints on institutional knowledge, balance of power and efficiency of state government. The most significant negative is that the legislature’s strength as an equal branch of government has weakened. As institutional memory diminishes, members must scramble to understand complex issues as well as the greater context in which they arise.

Without a doubt I am the greatest beneficiary of term limits in Maine, and perhaps in the nation. I am a 34-year-old, fourth-term member of the Maine House of Representatives. I have gone from being elected to the Maine House in a special election in 1995 and serving as the most junior member of the legislature, to being elected Majority Whip in my second term, Majority Leader in my third and Speaker of the House in my fourth and final term. In just five years I have gone from being the lowest-ranking to the highest-ranking member of our house. And, like the three speakers who preceded me, my first term as Speaker of the House will be my last.

For some, the revolving door of leadership points to the success of term limits. Proponents believe that term limits encourage new blood and new ideas to the legislative process. While some of that may be true, I believe the overwhelming negatives outweigh the few positives.

The most significant negative is that the legislature’s strength as an equal branch of government has weakened. As institutional memory diminishes, members must scramble to understand complex issues as well as the greater context in which they arise. New legislators do not always know the right questions to ask, or the right people to ask. Because they have not had time to develop an in-depth understanding of legislative processes, government agency organizations or the different concerns of the various interested parties to a debate, they must rely heavily on lobbyists and government officials for information with-out fully understanding what interests those people represent. Moreover, they spend more time learning their role and less time cultivating the trusting relationships they need to build coalitions.

With a limited knowledge of legislative procedure and function, rank-and-file legislators sometimes distrust the process. They introduce legislation that has been introduced and voted down many times, and in one case a legislator introduced legislation that was already law and then argued that we should pass it again. It may sound absurd, but stories like these are commonplace in term-limited legislatures.

What is more, this tendency toward redundancy adds significantly to the already strenuous workload that our part-time legislature faces and erodes its ability to do the work well. In the session that just concluded, the 120th Maine Legislature dealt with approximately 2600 bills in slightly less than six months time. The 119th Legislature, which met from 1999 through 2000, worked through approximately 3200 bills in its First Regular Session and 626 bills in the shorter Second Regular Session. This contrasts to the 1700 bills introduced during the First Regular Session of the 117th Legislature, the last legislative session before term-limits went into effect. While these numbers are partly a reflection of the increasing complexity of our society, they are also indicative of a legislature that has no memory of which battles have already been fought.

It is not just rank-and-file members who lack the breadth of knowledge; it is speakers and other leaders, too. One term-limited Speaker colleague admitted to me that he had to beg the long-standing chief-of-staff to stay on so that he would know the basic procedures of running his house. The chief-of-staff, through his or her institutional knowledge, has greater authority now than ever. In this nation, where we have made sure that power resides directly in the people through simple representative democracy, we now have staffers, who are not elected and do not answer to any constituency, directing policy by virtue of their superior understanding of the legislative process. This undermines the importance of voters and citizens.

Yes, term limits have made me Speaker. And, yes, being Speaker is the greatest professional honor of my life. And, yes, I hope that Maine is better for my service. But, are term limits really better? What about loss of institutional memory, diminished knowledge of the process, empowered un-elected officials, and a co-equal branch of government which is unable to assert its proper role of checks and balances? These unintended effects of term limits undermine our democracy and disable our process. Surely, there is a better way to infuse the legislative process with new blood and fresh ideas without eroding its foundation and power. I strongly suggest that we find it.

Bio

Michael V. Saxl was sworn in as the 95th Speaker of the Maine House of Representatives on December 6, 2000. He is serving his 4th term in the Maine House of Representatives. Speaker Saxl’s legislative priorities include ending violence against women and children and expanding access to higher education for Maine families. (207) 287-1300. RepMichael.Saxl@state.me.us.
Term Limits and the Weakened Legislative Process

Michael H. Michaud, Maine President of the Senate

Term limits hamper the effectiveness of the legislature and result in poor constituent service. They are an experiment that has failed and should be dropped. Advocates of term limits argue that such limits are necessary because elected leaders become non-responsive to the concerns of the public and must periodically be replaced. Unfortunately, the practical result of term limits has been to make government less connected to the public. Ironically, term limits rob legislators of the experience necessary to respond to those concerns.

I was a member of the House of Representatives in 1993 when the people of Maine approved, by a two-to-one margin, a citizen initiative to limit the terms of state legislators to eight years. Maine’s law went into effect in 1996, and prevents a legislator from seeking re-election to a fifth consecutive term in the Chamber, but allows lawmakers to run for office in the other body, or to return to the same Chamber after a two-year hiatus. I opposed term limits in 1993 and feel even more strongly about the issue today.

Have term limits been an unmitigated disaster? No. The members of the Maine Legislature continue to do the people’s business. A number of important legislative initiatives have been enacted over the last five years. Nevertheless, in many ways that are not visible to the public, the legislature has changed.

Term limits have weakened the legislature by making it a more chaotic, less stable institution. The job of managing that chaos resides with legislative leadership, and it is precisely that leadership that is hardest hit by term limits.

When Gov. Angus King leaves office after next year’s election, he will have worked with four different Senate Presidents and the same number of Speakers of the House. Maine’s Legislature is managed by a 10-member Legislative Council comprised of the members of leadership from both Chambers and both major parties. In 2000, five members of the Council were subject to term limits.

Rapid leadership changes are detrimental to the power of the legislature. Leaders have less knowledge of what the position entails and how best to use their influence.

Term limits require leaders to begin planning their next step almost as soon as they begin serving in leadership.

The bulk of any legislature’s work is done in committee, where the fate of most bills is determined. Next year, 10 of Maine’s 34 committee chairs will be unable to run for re-election. At the start of this year’s legislative session, 24 committee chairs only had one or two terms of continuous legislative service. With inexperienced leadership, committees are less efficient and the quality of the legislation they produce suffers.

Due to term limits, rank and file committee members lack experience and cannot provide institutional memory. Without that memory, committees cannot hold departments accountable for their performance, and they spend time considering ideas that have been proposed and rejected in the past.

Many claim term limits have strengthened lobbyists because they are now more permanent than the legislators they work with. They have, so the argument goes, become the holders of institutional memory, and inexperienced legislators lean on them for knowledge and advice. While this argument is true to a small extent, I think it fails to recognize that legislators are well aware of the bias lobbyists necessarily bring to their jobs. Lawmakers are able to assess the competing interests affected by any proposal.

The most effective lobbyists depend upon personal relationships they have developed with key legislators. Term limits create continuous turnover in those positions, forcing lobbyists to scramble to establish new relationships. In addition, weaker legislative leadership means that individual members are more likely to vote against the party line on any vote, forcing lobbyists to talk with every member of the legislature on every issue. In the end, lobbyists’ roles have changed, with a greater focus on providing information, but their overall power has not greatly changed.

Term limits lower the level of services each member can provide to constituents. An experienced legislator develops contacts with key people throughout state government and other major institutions in the state. These contacts are instrumental in helping constituents address the problems they bring to their elected officials. New legislators do not have those contacts and have little time to develop them. They increasingly rely on partisan staff to assist in their constituent work. Constituents still receive good service, but they are getting less direct contact with their elected officials than in the past.

Advocates of term limits argue that such limits are necessary because elected leaders become non-responsive to the concerns of the public and must periodically be replaced. Unfortunately, the practical result of term limits has been to make government less connected to the public. Ironically, term limits rob legislators of the experience necessary to respond to those concerns.

**Bio**

Michael H. Michaud was elected president of the Maine Senate in December 2000. Michaud served in the Maine House of Representatives from 1981 until entering the Senate in 1994. He was senate chair of the Appropriations Committee from 1996-2000. (207) 287-1500. mnmichaud@kai.net.
Challenges of Term Limits

Rick Johnson, Michigan Speaker of the House

While the fresh blood invigorates the system, term limits do have downsides. Just as some lawmakers are reaching their full potential, they must leave their posts because of term limits. This has led many to question the value of term limits or the need to extend them.

Although most of my professional life has focused on running a tree farm in northern Michigan, I have always been interested in public policy. That’s what prompted me to serve on the local school board and area farm bureau organizations. I never dreamed that I would become the speaker of the Michigan House, but thanks to term limits, I had the opportunity.

Michigan’s experience with term limits is still under way, but some trends are emerging. I am living proof that average citizens can get elected and serve an important role in the legislative process. Due to term limits, no longer are entrenched incumbents able to lock up seats for decades. In Michigan, a house member is limited to six years and senate members to eight years. This required turnover opens the door for many others seeking a chance at public service.

With my opportunity to serve comes a gigantic responsibility. Many incoming lawmakers are chairing committees during their first term in office. As they learn the inner workings of state government, these freshman lawmakers must take charge of their individual committees and move the items on their agenda. While these members may not enjoy the institutional memory of the chairs in the past, this is offset by their innovative approaches to the job. Empowering these freshmen committee chairs is a key part of the process and one of the most challenging aspects of being speaker.

Downsides to term limits

While the fresh blood invigorates the system, term limits do have downsides. Just as some lawmakers are reaching their full potential, they must leave their posts because of term limits. This has led many to question the value of term limits or the need to extend them.

Term limits also make it difficult for lawmakers to build relationships. Legislatures have always depended on senior members mentoring incoming colleagues and helping them to learn the ropes. That connection has been diminished with veteran lawmakers leaving after only six years in office.

Term limits also make it harder to reach across the aisle. Fortunately, I served on a committee last term with Rep. Kwame Kilpatrick, a Democrat leader in the Michigan House. Even though I have a rural background and Kilpatrick comes from urban Detroit, we’ve forged a strong working relationship. Our ability to communicate has been beneficial, especially when organizing the chamber and discussing policy on the floor. Even though we disagree on several key issues, the members have conducted their business with spirited but respectful debate.

With turnover on the increase, it is crucial for legislative staff to help preserve the institutional memory. Staffers who work on key policies are extremely valuable resources, especially when lawmakers want to evaluate the effectiveness of state laws or debate potential revisions.

Positive outcomes

Lawmakers and staff in Michigan have faced several challenges during the first months of the 2001 Legislative session. However, even with limited experience, my caucus members got the job done. They have worked diligently to make tough budget decisions during a sluggish economy. Despite the uncertain times, incumbent and freshman lawmakers have stepped up to the plate. Despite limited dollars, we have still been able to push for significant reforms.

Even under term limits, my colleagues are dedicated public servants. A legislator’s work cannot be measured solely by the hours they vote on the floor. Responsible lawmakers sponsor local meetings, conduct district office hours and attend dozens of events in their area every week. Throughout the summer months, even though session had adjourned, my caucus convened hearings in every corner of Michigan on health care, land use, tax simplification and declining school enrollments. They answer constituent calls and work to solve problems throughout the year. The workload doesn’t change under term limits, just the amount of time available to finish it.

The jury is still out on the concept, but Michigan lawmakers are trying to make the most of the situation and develop policies that improve the quality of life for our residents.

Bio

Rick Johnson is a former Osceola County commissioner, serving as board chair for five years. He owns and operates a tree farm. Johnson also was a member of the Pine River School Board of Education and chair of the Osceola County Republican Party. He has served as district director of the Michigan Farm Bureau. (517) 373-1747. rjohnson@house.state.mi.us
A New Paradigm under Term Limits

Chuck Perricone, Michigan Former Speaker of the House

Term limits have turned a culture of seniority and self-preservation upside down in Michigan. Where battle hardened legislators used to ask “why?” new members now ask “why not?” The impact on legislative control, press interaction, district activities, circles of influence, determining the budget and arguments on core issues is profound when studied from a “then and now” perspective.

In 1992, Michigan voters overwhelmingly approved term limits, sent the sitting Speaker packing, and split the House for the first time in Michigan’s history. In 1998, term limits swept away 64 of 110 House members overnight. The governor and Senate will be untouched by term limits until 2002.

The impact of term limits on legislative behavior has been dramatic. Prior to term limits, disruptive members were dealt with quietly: seasoned committee chairs would simply bottle up the offending member’s legislation. Now, however, incoming classes are bursting with solidarity. Lean on a first-termer, and you risk raising the ire of an entire voting bloc.

Limiting terms has resulted in some not-so-subtle adjustments under the dome. The impact on legislative control, press interaction, district activities, circles of influence, determining the budget and arguments on core issues is profound when studied from a “then and now” perspective.

Then: Ownership of an issue was staked out by an individual member or distributed by leadership. Assignments were honored by not presenting competing or amendatory language without the prior approval of the original sponsor.

Now: Members must beat the clock to deliver on their campaign promises. Newly elected members consider themselves equal partners in the process and feel it is their duty to improve legislation at any stage.

Then: Typically, members alerted leadership (and each other) of impending press conferences or releases. Coordination ensured an informed and, at the least, neutral response when reporters came calling.

Now: Members learn quickly that steering a policy initiative requires swift action. However, in today’s competitive environment, advance disclosure can arm dissenters and diminish a legislator’s input by crowding the field.

Then: Members raised local dollars, sent mail and attended events within the confines of their district; to do otherwise met with immediate caucus condemnation. Jumping boundaries was by invitation only, or reserved for open seats and statewide office.

Now: Short tenures force ambitious members to begin cultivating contacts throughout their surrounding districts immediately.

Then: Weary from years of commuting, veterans often pooled resources and bunked near the Capitol. With legislators, staff, bureaucrats and lobbyists operating within blocks of one another around the clock, strong personal relationships were formed.

Now: With terms limited, members consider commutes a temporary inconvenience. Receptions that used to last for hours now cater to legislators willing to trade a few minutes for a bite to eat on their way home. With less interaction, the influence of colleagues and lobbyists takes a back seat to grassroots relationships back home.

Then: Rife with traditions and allegiances, executive, Senate and House leadership could debate, trade and establish budget priorities in advance. The process was left to the committee. Substantive challenges were generally partisan and unsuccessful.

Now: Incoming members view the budget as a target ripe for review. Unaware of personal agendas and unimpressed with tradition, they only have eyes for equity. Have dollars been distributed fairly? Have programs proven their worth? The kitchen table principles of zero-based budgeting prevail.

Then: Leaders negotiated policy priorities and a calendar in advance. Core issues (abortion, capital punishment, gun control, etc.) took a back seat due to their predictable controversy.

Now: Confronted with such issues throughout the campaign, new members often commit to moving core issues. Such roll call votes pit members against one another, complicating negotiations with other leaders reluctant to take up such issues.

The jury is still out on term limits. Opposition from special interest groups and legislative insiders indicates their hold on the process is weakening. Passionate supporters even argue that the emphasis on core issues coupled with unusually high productivity immediately following implementation has been noticed: polls show public support remains strong. However, shortened tenures have accelerated the race up the political ladder. Cannibalistic rivalries may yet overshadow the energy and fresh perspective new members bring to the process.

Bio

Limited to three terms, Chuck Perricone was first appointed Chair of Tax Policy by Speaker Paul Hillegonds. He was next elected Assistant Leader, then Speaker of the House. He founded New Era Consultants, LLC to assist stakeholders with term limits. (866) 4-NewEra..GoalsMatter@AOL.com.
Term Limits and a Model for Governance

Larry Householder, Ohio Speaker of the House

Much has been said about the impacts of term limits on both governing and politics. One of the most significant changes is how one builds a model for success. Ohio’s model for governance under term limits places an emphasis on recruiting and training quality candidates, and nurturing a spirit of teamwork.

The chamber of the Ohio House of Representatives was packed in January 2001 as the largest freshmen class in more than a generation gathered for the beginning of the 124th Ohio General Assembly. Officially, it was “opening day” for the house, but it also marked the transition into a new era as Speaker Jo Ann Davidson, a fellow Republican, passed me the gavel, ending her 20-year career and signaling the arrival of term limits in Ohio.

Men and women who had never before served in the legislature filled 42 of the House’s 99 seats. As I looked out across the chamber, I saw enthusiastic legislators prepared to roll up their sleeves and do the people’s work, not timid rookies filled with anxiety over the path on which they were about to embark.

Term limits was the story of the day. But it has not become the story of the year – which, in fact, may be one of the big stories of our 2001-02 session. From our vantage point, one of the most significant changes brought about by term limits is how to build a model for successful governance in an era of term limits.

The term limits movement reached Ohio in 1992, when voters approved a constitutional amendment limiting state legislators to eight years in office. For the House, where all 99 seats are up for election every two years, it raised the prospect of a very abrupt turnover after the 2000 elections.

Our model for governance under term limits places an emphasis on recruiting and training quality candidates and nurturing a spirit of teamwork. In years past, new members were apprentices, learning from the masters, rising slowly to positions of major responsibility. With term limits, freshmen are players from day one, carrying major bills and handling major assignments. Moreover, today’s students are tomorrow’s teachers, and our charge is not only to govern but also to prepare those who will govern. While there is no replacing the perspective of a lawmaker who has helped craft intricate state policy, our model was based on the belief that quality candidates, given the proper training, can be successful.

One of the steps we took to prepare for the impact of term limits was to become involved in a number of GOP primary races for open seats across the state, helping recruit, train and elect men and women who would be not only good candidates for the Ohio House, but good members of the Ohio House.

Months before our incoming members were to take office, we hosted a series of issue seminars to educate and highlight the spectrum of opinions in the policymaking process. In talking about workers compensation, for example, we brought in both management and organized labor. On school funding, our incoming members heard not just from state officials, but also from the school coalition whose lawsuit had led to Ohio’s school funding system being declared unconstitutional.

The training and teamwork have already paid dividends, most visibly in work on our new state budget, the tightest in nearly a decade. Rather than hammer out a “leadership-crafted” budget plan, we presented our caucus with the same dilemmas and options we were reviewing. We found they asked fresh, new questions and, in the end, the budget contained the fingerprints of every member of our 59-member caucus, which — for the first time in five decades — voted unanimously in favor of the plan.

But while term limits has infused the legislature with new blood and ideas, they have not come without a cost, including the loss of talented lawmakers and the increased potential for mid-term resignations as members leave for new jobs or offices — a situation we faced 10 times during our 1999-2000 session. Moreover, the ticking clock of term limits raises the potential for unhealthy competition within the ranks, as members jockey for future positions.

The political arena has also been impacted in other ways, including the cost of campaigns. Term limits means more open seats and more lawmakers making their first bid for re-election than in years past — and those campaigns are among the most expensive legislative races to win.

Those studying the impact of term limits may find a potential surprise in the area of constituent services. Rather than see an overall decline in quality, we have found that what our freshmen lack in experience, in many cases they make up in taking the extra step to help constituents, even on seemingly minor issues.

**Bio**

Larry Householder, a Republican, is in his third term in the Ohio House of Representatives, having first been elected in 1996. Householder, 42, began his public service in 1995 as a county commissioner in his native Perry County, where for years he operated a successful insurance agency. (614) 466-2500. Dwight.Crum@ohr.state.oh.us.
Term Limits and Disruptions in the Legislature

Larry E. Adair, Oklahoma Speaker of the House

Term limits may result in more disruptions and confusion in terms of legislative organization. Term limits are likely to make the organization of each legislature that much more difficult.

Voters made Oklahoma the first state with legislative term limits when they approved State Question 632 on September 18, 1990. Sixty-two percent of those who voted approved the measure, and it carried in all areas of the state. Voters in Colorado and California quickly followed Oklahoma later that year. Numerous other states were later added to the legislative term limit list in a revolution that seems to have peaked.

Despite being the first state with term limits, Oklahoma has been slow to see the effects since the limit is a twelve-year cumulative limit on all legislative service beginning with the 1992 elections. In other words, the major impact will occur in the 2004 elections when all incumbent state representatives and state senators who were elected in 1992 will be pushed to the sidelines by term limits. The impact on the senate will be more gradual as those incumbents who were midterm in 1992 will not face term limits until 2006.

The term limit question was placed on the ballot by an initiative petition pushed by a wealthy oil man. He claimed that this was a reaction to the power of incumbents, the erosion of citizen government, and a legislative pay raise awarded by a constitutional legislative compensation board. Although there was no organized opposition to the question, there were many voices at the time in the media and from the academic community who suggested that term limits was not warranted in Oklahoma; the 1986 and 1988 election cycles resulted in the replacement of 29 out of 48 state senators, and 53 of 101 state representatives in the 1989 legislature had less than four years in office. Ironically turnover dropped significantly after legislative term limits passed.

Much has been printed about the impact of legislative term limits on the transfer of power to other branches of state government, to lobbyists and to staff. Rather than repeat those concerns, there are other issues that deserve consideration.

The impact on relations between the two legislative chambers is likely to be very significant and somewhat unique among the states with legislative term limits. In the past, it was quite common for house members to run for and win Senate seats. Of the current senators in Oklahoma, nearly 40 percent have served in the house, including the current senate president pro tempore and his expected successor. However, under term limits, the last incumbent house member to run for a senate seat ran in 1994. This suggests that with a cumulative twelve-year term limit, there will be few members of one chamber running in the other where they will have to start over in terms of seniority. Perhaps more significantly, the important personal relationships that were formed in the past between members in the two assemblies will be absent.

Term limits may result in more disruptions and confusion in terms of legislative organization. A new period of two-party competition has arrived under term limits, and Oklahoma, like many states, now finds itself in a changed partisan environment. In the past, the Democratic party generally controlled both chambers, and the leadership of both chambers was essentially in place well in advance of the convening of the legislature. Term limits are likely to make the organization of each legislature that much more difficult.

The legislative leadership’s power may be more limited. In the case of the Oklahoma House of Representatives, one of the first impacts of legislative term limits may have been when the Democratic caucus reduced the number of terms a Speaker may serve from three to two.

I expect that the Oklahoma Legislature will be studying how other states have handled term limits. I anticipate that the pre-session orientation for new members will be expanded and that there will be special training for committee chairs and vice chairs, many of which may have limited or no experience in running committees.

Grassroots efforts to repeal or modify legislative term limits in Oklahoma are currently underway. Local government leaders are beginning to consider their own initiative drive out of concern that legislative term limits may have a negative influence on local government and their communities. The fact that repeal or modification of term limits is being raised at this time validates my belief that voters failed here and in many other states to realize that at the time they voted for legislative term limits, that it would some day result in their legislator in whom they have placed their trust and support would some day be forced out of office.

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Bio

Larry E. Adair has served in the legislature since 1983. He served four years as Speaker Pro Tempore before election as Speaker for 2001-2002 session. He is a former educator and school administrator. (405) 557-7394. adairla@lbb.state.ok.us.
The challenge

The potential impacts of term limits on legislative institutionalization are clear and significant. Alan Rosenthal noted three areas that define institutionalization in state legislatures: membership and leadership stability, compliance with norms, and managerial autonomy.1 The effects on membership and leadership stability are obvious. Membership stability in most term-limited states will decline significantly as a third or more of the membership retires each election cycle. Obviously, the effect of this will depend on the level of turnover prior to the implementation of term limits and the specification of the limits imposed. For example, the effects have been much greater in California and Michigan than in Colorado and Maine. However, even in states where the effect on membership turnover is low, the effect on leadership is likely to be great. Absent term limits, even in states with high membership turnover, leaders generally have significant experience as legislators and leaders. For example, while average experience in the Colorado House was under four years in the 1990’s, the last two speakers served eight and ten years in that position respectively.2

Term limits tend to undermine long-term relationships and encourage individualism at the expense of cooperation.

Term limits also tend to accelerate the decline in compliance with legislative norms noted by Rosenthal in the 1990’s. This is likely to occur for two reasons. First, as more experienced members leave the institution, they take with them the original reasons for the development of the norms that govern the legislative institution, and most new members have neither the time nor the inclination to spend their limited tenure discussing such issues with senior members who are on their way out. Term limits tend to undermine long-term relationships and encourage individualism at the expense of cooperation.3

Second, legislators with a limited amount of time to make their marks are significantly less interested in playing by the rules that preserve and promote institutional objectives. Rather, they are more likely to focus on their own immediate goals, ignoring traditional norms like institutional loyalty, apprenticeship and reciprocity.4 Term limited legislatures are less steeped in the norms that differentiate it from all other institutions as senior members leave junior members with little interest in institutional stability take their place.

Finally, while the effects of term limits on managerial autonomy are not as direct or as obvious as are those on membership and norms, they are nonetheless significant. Legislators in term limited states are significantly different from their colleagues in other states in how they make decisions regarding public policy. They are more likely to yield to forces outside of the legislature, namely the executive, the lobbyists, the bureaucrats and the courts.5 Term-limited legislatures lack the strong infrastructure to maintain their independence, experiencing a significant decrease in the influence of party leaders,6 committee leaders7 and senior members.8 Without question, the initial effect of term limits is to significantly weaken and insti-
tutionalize state legislatures by decreasing their stability, robbing them of legislative knowledge, rewarding individual as opposed to corporate efforts and removing from positions of influence those most capable of wield-ing it effectively.

The response

The reality is that while term limits may not spread to other states, they are likely to stay in place in more than a third of the state legislatures for the immediate future. In light of that reality, elected leaders and directors of legislative services in these states are trying to minimize the negative consequences of term limits on their institutions in a variety of ways.

Activities relative to the stability of membership and leadership

As noted earlier, one of the most negative effects of term limits on legislative institutionalization concerns the loss of experienced members and leaders. Depending on the particular limits in a state, members may serve anywhere from six to twelve years and leaders will likely serve no more than four years in any one leadership position. According to our survey, leaders are working to minimize the negative consequences of limited experience, particularly relative to the large number of incoming freshmen each year inherent in term limits. Leaders in all of the responding chambers indicated that they have established a new member orientation, or, more often, significantly enhanced the one that was in place. For example, leaders of the Arkansas House have replaced its one-day orientation that focused primarily on the physical facilities with a week-long session that covers everything from dealing with the media to mock debates to a walk through of a typical legislative day. This year, they have even added an “interim orientation” to prepare legislators for responsibilities to be completed between biennial sessions. In Colorado, the training is ongoing, as legislative services offers weekly sessions on a variety of legislative skills (from understanding the budget to utilizing e-mail) each Friday during session. In California, Speaker Robert Hertzberg has put together an orientation program called “The CAPITOL Institute” for members as well as staff that includes nine “courses,” notebooks, videotapes, CD’s, exercises and presentations from folks all across the political and institutional spectrum. While such orientations do not technically increase the stability of membership, they do enable the new legislators to assimilate more quickly and gain access to the legislature and its intricate processes more quickly.

Leaders are also trying to have a bigger impact on access to the legislature by increasing their activity in legislative elections, particularly candidate recruitment. Leaders in six states suggest they are trying to find candidates who will be the most effective legislators and work well within the legislative party. Finally, in an effort to add some stability to the constant leadership transitions occurring in states with term limits, legislators in four states are formally or informally designating the future leader. In the California House, a Speaker Designate is chosen a year before the formal elections in order that he or she can work to keep majority control of the chamber. In the Ohio House, an intra-party battle was finally settled when one of two candidates for Speaker designate was given a judgeship by the Republican governor. The Arkansas and Florida Houses have long had traditions of rotating speakers after one term with the next speaker known at least a year in advance. Now with term limits, those processes have taken on increased importance and formality.

Activities relative to the maintenance of norm compliance

With high membership turnover and the resulting loss of institutional memory, term limits will have a devastating effect on the transference of informal rules of behavior and the establishment of informal relationships critical to the day-to-day operation of the legislative process. Several states are making efforts to facilitate the interaction of junior and senior members in such a way as to help maintain those norms and build those relationships. While new member orientations help members become veterans more quickly, they can also help members build relationships and learn from senior legislators. The aforementioned Arkansas House orientation utilizes several senior and former legislators as faculty. The last two days of the Colorado orientation are open to all legislators so that the old and new members can establish a rapport, and two days of the Ohio orientation take place away from the statehouse where members are encouraged to get to know each other on a more personal, nonpartisan level. Leaders in six chambers have established formal mentoring programs where more senior members work with junior members, hopefully imparting the wisdom of experience.

Finally, leaders in six states have increased the number of caucus meetings held during session so that the new members are not left out or left behind. During the most critical periods of the legislative session, Ohio House Republicans hold daily caucuses following the session to answer questions about the procedural and policy actions that have just taken place. The current speaker of the California House followed the lead of his predecessor in inviting new legislators in groups of six or eight to have dinner in his home prior to the beginning of the legislative session to explain the informal rules of behavior not expressed in the formal orientation. In an effort to encourage relationships across party lines and decrease partisanship, members of the California Assembly no longer sit by party or seniority. Finally, in order to ensure that informal rules of behavior are not lost, former Colorado Speaker Russell George established a committee to examine and formalize them.

Activities relative to improved managerial autonomy

Finally, surveys of both members and leaders reveal a sense that term-limited institutions have initiated a great loss in their ability to control both process and policy. Weakened leaders feel like they do not have the power, experience or membership to stand up to more experienced and well-staffed executives, bureaucrats and lobbyists. In order to improve their lot, legislative leaders have adopted several strategies.

Leaders in five states have increased the number of members in leadership, hopefully enhancing their ability to build coalitions, while also meeting the increased demand of members to make an immediate impact on the legislative process.
Further, a quarter of the institutions have chosen to supplement the loss of legislative experience by increasing the staff support for legislators and committees. An effective staff can serve to counter the influence of lobbyists, executives and bureaucrats. One chamber chose to influence of lobbyists, executives and bureaus. One chamber chose to counter the influence of lobbyists more directly by increasing regulations on their activities.

Finally, in response to term limits, leaders in six states have (or will) significantly altered their committee structure. Leaders in four states increased the number of committees, while leaders in two others suggest that they will cut the number of committees in their chambers. While Polsby’s explanation of managerial autonomy would suggest that increasing the number of committees and increasing the number of decision-making sub-units would increase managerial autonomy of the chamber, it is not clear that these committees really have such power. On the other hand, the two leaders who have (or will) decreased the number of committees suggest that they must do so to maintain the integrity of the committee system and the influence of the legislature in light of a declining number of experienced legislators. The degree to which these two contradictory moves will actually minimize the loss of autonomy and influence will be seen in the future.

**Conclusion: Small, but steady lights**

When citizen’s in 19 states (directly or indirectly) saw fit to impose term limits on their state legislators, legislators had two options: curse the darkness of the new world, thereby giving up their position in the policy-making process to lobbyists and the courts; or, deliberately create new methods, lighting candles to shed light out politics and policy of their states. Will they ever shine as bright as they might have been without term limits? Will they look and behave the same as they did before term limits? Probably not. But, we can be assured, they will continue to perform the varied and valuable functions that are required of them in the way that highly institutionalized organizations do and that their leaders will continue to find creative ways to make the system work.

**Endnotes**

8. Little, et al.

**Bio**

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**Table: Institutional Responses to Term Limits (N=23 Chambers)**

<table>
<thead>
<tr>
<th>Enhanced Relative to Member/Leader Stability</th>
<th>***% of Chambers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Established or Enhanced New Member Orientation</td>
<td>100% (20)</td>
</tr>
<tr>
<td>Increased Activity in Elections</td>
<td>30.0% (6)</td>
</tr>
<tr>
<td>Formalized or Created Leader-Designate Position</td>
<td>20.0% (4)</td>
</tr>
<tr>
<td>Activities Relative to Norm Transference</td>
<td></td>
</tr>
<tr>
<td>Established or Enhanced New Member Orientation</td>
<td>100% (20)</td>
</tr>
<tr>
<td>Held More Caucus Meetings</td>
<td>30.0% (6)</td>
</tr>
<tr>
<td>Established Mentoring Program</td>
<td>30.0% (6)</td>
</tr>
<tr>
<td>Activities Relative to Managerial Autonomy</td>
<td></td>
</tr>
<tr>
<td>Increased Leadership Positions</td>
<td>25.0% (5)</td>
</tr>
<tr>
<td>Increased Staff Support</td>
<td>25.0% (5)</td>
</tr>
<tr>
<td>Increased/ Decreased the Number of Committees</td>
<td>30.0% (6)</td>
</tr>
<tr>
<td>Increased Restrictions on Lobbyists</td>
<td>5.5% (1)</td>
</tr>
</tbody>
</table>

*Responses were received from three institutions where the impact of term limits has yet to be felt and no action has been taken.

**The percentages are a proportion of the 20 institutions indicating some activity has been engaged in.**
adaptation is essential to keeping a termed legislature functionally independent. The “responsible party model” offers some solutions to challenges posed by term limits including: loss of institutional power, loss of leadership, loss of experienced members and an influx of freshmen legislators. Responsible caucuses can sweeten and dilute the lemon juice produced by term limits.

Political reformers of the late 20th century revered independence. Many promoted term limits as a method of producing more independent legislators. However, legislatures are effective only when members are team players. Too much independence tends to bog down the legislative process. In politics, teams are called political parties. By acting as “responsible parties” legislative caucuses can ameliorate the effects of term limits.

How do responsible parties act?

Responsible parties are cohesive and competitive. In 1950, leading political scientists agreed that democracy works best when parties:

- Present competing, comprehensive plans for governing;
- Recruit candidates committed to the party’s vision and use discipline to foster cohesion within the party;
- Act on the plan, when in the majority; offer a clear alternative, when in the minority;
- Accept responsibility for the results.

Democracy rests on competition, legislating rests on teamwork. When members work in teams the majority can effectively govern. When parties are cohesive and competitive, voters have a clear choice of policy direction on election day.

What specifically should caucuses do?

Candidate recruitment

The competition over policy ideals ends in the legislature, but it begins with candidate recruitment. Many legislative issues become fait accompli on election day, some at candidate filing. Term limits create the need to recruit many additional qualified candidates each election cycle. The most effective recruiters have the most friends in the legislature. This has prompted outsiders like interest groups and governors to get involved in recruitment. Caucus leaders can build cohesion in the caucus and ward off outside influences by aggressively recruiting candidates. Term limits make recruitment a constant necessity.

Campaign fundraising

Candidates are more appreciative of cold cash than of any other resource, thus major contributors have their ear after the election. Lobbyists and state party officials, with large campaign funds, are in a strong position to gain influence among the legion of new legislators through campaign contributions. Caucus leadership can win the loyalty of new members by building the caucus leadership fund, using the money to support like-minded candidates, and coordinating the contributions of interest groups and party headquarters. New members, who largely raise their own campaign funds, feel little party loyalty once elected, greatly reducing leadership’s ability to govern. The increased number of open seats due to term limits intensifies the caucus’ need to raise funds and support its hopefuls, producing both increased membership and increased loyalty.

Campaign consulting

Campaign services provided by seasoned pros are often more effective in elections than the cash spent by novice campaigners. Providing consulting services is an effective way to win elections and increase caucus membership. However, it is less effective than cash at building caucus loyalty among freshmen. Campaign expertise is rarely prized as highly as cash. Strong legislative teams need both membership and loyalty. Caucus leaders need to offer qualified candidates both cash and services to build a cohesive governing party. Term limits increase the number of first time candidates needing campaign services.
Speakers bureau

Members are sometimes reluctant to campaign against colleagues. However, increasing caucus membership is essential in the battle over policy ideals. If parties don’t compete, the voters lose. Responsible parties have an obligation to challenge the opposing party’s policies in the public square. Public endorsements and fundraising appearances during the campaign build relationships, loyalty and cohesion within the caucus after the election. In addition, the increased number of open seats offers many more opportunities for leaders to assist campaigns without directly challenging colleagues.

Legislative program

The 1994 “Contract With America” is both credited and criticized. While some feel it was the key to Republican success, others argue it had little effect on voters. Perhaps, more important was its effect on caucus members. Those candidates who signed the contract and ran successfully on that platform were committed to enacting its provisions after the election. Within weeks all 10 provisions were brought to the floor for a vote. This cohesion was only possible because candidates ran as a team on a common platform.

Like the 1994 “Contract,” legislative contracts have met marginal electoral success. However, they do produce cohesion within the caucus. Members elected with common ideas are prepared to act on these ideas. Leadership is able to govern, with members committed to common policies. This benefits the caucus, state government, and democracy. Common candidate platforms simplify voters’ choices, a democratic by-product of responsible parties. A common legislative program prior to the elections is a way leadership can maintain control of the legislative process when faced with a constant influx of new members.

Relationships

In termed legislatures, demanding loyalty of junior members is not enough. Leaders must earn the respect of each new class. Like lobbyists, leaders must build a new set of relationships after each election if they hope to govern. Whoever befriends new members early will be the friends they go to for advice later. Early relationships are often lasting. In politics relationships are essential for building a team.

Recent evidence suggests that freshmen legislators are team players. Perhaps their lack of experience with the legislative process forces them to look to leadership for guidance. Caucuses should seize this opportunity. Leaders should cultivate relationships with junior members before they start looking to staff, the governor, lobbyists or other outsiders for advice. Relationships build a cohesive team.

Mentoring

An effective method of building relationships within the caucus is to organize a mentorship program. Under term limits, large numbers of junior members need advice. If they have a confidant within the caucus they are much more likely to be a team player. If they turn to outsiders for advice they are much more likely to defect on important votes.

Incumbency program

Incumbency affords members a multitude (more than just fundraising prowess) of campaign resources. The first priority of most caucuses is to maintain their incumbents. An organized effort teaching freshmen to use their many incumbency resources is an effective way to maintain caucus membership. Members need to learn to use constituency service, speaking opportunities, media, mail and other privileges to insure re-election. An organized effort is required to meet the needs of the many new members in termed legislatures.

Orientation

Most first time candidates, when they decide to run, cannot describe the path a bill follows through the legislature. Once they arrive there is a lot to learn in a very short period, everything from floor debates to capitol parking. The chamber staff and academics provide some orientation services. But, the caucus has the most at stake in training its members. Due to term limits the caucus must depend on freshmen to function in committee, on the floor and in public.

A good orientation program teaches new members to be effective legislators immediately. Also, it is a good time to initiate mentoring and incubency programs. Certainly, the caucus leadership wants to be seen by the many new members as the place to seek advice when questions arise.

Leadership succession

Under term limits legislatures struggle to find experienced leadership. Leadership succession plans help parties mentor future leaders and smooth the transition from session to session. Identifying the next leader, providing an apprenticeship, and creating the expectation of the apprentice becoming the leader eases tensions in the caucus. Aspiring leaders will always fight for open positions, but with a tradition of succession in place, these battles are never for the top position. Wise politicians use the apprenticeship period to heal factional wounds, build loyalty and trust, and take control of the caucus. When the next leadership battle occurs, they are secure and above the fray. A succession plan assures experienced leadership and greater cohesion within the caucus.

How do these actions ameliorate term limits?

These are not new ideas. Many caucuses already engage in these activities seeking to increase their numbers. What might be new is the recognition that these activities build cohesion within the caucus, are consistent with democratic principles, and can help legislatures overcome the challenges presented by term limits.

Term limits leave legislatures with inexperienced leadership. The party caucuses can offset this problem if they provide leadership apprenticeships. Termed legislatures face a loss of experienced members. Caucuses developing orientation and mentorship programs for fresh-
men can counteract this problem. Legislatures with term limits have large freshmen classes. These freshmen are searching for advice they can trust. Building relationships between caucus leaders and freshmen allows leadership to govern. These relationships are best begun before the election.

When candidates emerge on their own, develop their own campaign organizations and resources, and get elected independent of the party, they have little reason to be a team player once in office. However, if the caucus plays an important role in their election bid, they are much more likely to work with the leadership after the election. This has always been true, but with term limits it is more important because there are more open seats.

Institutional independence is at stake. If party caucus leaders do not recruit and support candidates, someone else who wants to have power in the legislature will. Maybe that will be the governor, the state party headquarters, a junior member of the caucus who aspires to leadership, lobbyists, political consultants, or the opposition caucus. They know that the people with the most friends in the legislature will be the most successful in the impending policy battles. And, they know that recruiting and supporting candidates is where it all begins. When the caucus leadership effectively provides campaign and mentorship services and coordinates the services of outside groups, the legislative leadership is able to govern. If the leadership fails to build the necessary loyalty before new members find other candidates, then leadership faces a large class of freshmen whose loyalties are to outsiders. If the legislature wishes to remain independent of outside forces and leadership wishes to retain control, the caucus must recruit and support new caucus members. The open seats created by term limits intensify this imperative.

Acting as responsible, cohesive, competitive parties, legislative caucuses can help the legislature overcome some of the challenges posed by term limits. Caucuses can develop the leadership desperately needed by the legislatures. They can bring members together to accomplish the work of the legislature. They can provide new members with the guidance they need to be effective legislators. They can find new talent to serve in the legislature. By acting responsibly, party caucuses can protect the legislature’s independence. Caucuses can make lemonade of the lemons.

Endnotes

1 No standard phrase has emerged in the academic literature for describing the presents or absence of term limits. In The Test of Time: Coping With Legislative Term Limits (Lexington Press, 2002), Peery and Little suggest “termed” and “untermed” as a standard.


Bio

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Editor’s Note:
This section highlights selected papers on term limits presented at the 2000 and 2001 meetings of the American Political Science Association and the State of the States Conference in 2000.


“Findings from our analysis of electoral outcomes in states where term limits were in effect from 1998 and 2000 suggest that women, minorities and minority women have fared differently. Contrary to the expectations of term-limit advocates and many scholars of women and politics, women state representatives were forced out of office by term limits in both 1998 and 2000 than were elected to seats vacated by term-limited incumbents. The number of minorities in term-limited state house seats increased following both elections.”


“In this paper we explore whether new factors emerge to rival or complement seniority in exerting significant influence on leadership selection in the legislatures of term-limited states. Using data from 11 term-limited and 13 non-term limited states, we examine the effect of several possible factors, including personal characteristics, district characteristics and experience-related factors. Our analyses indicate that with term limits, women may have a better chance of being selected to top leadership positions such as speaker and party leader, and African Americans may have a better chance of moving into lower level leadership positions such as assistant leaders, whips and committee chairs.”

“Legislative Term Limits’ Impact on Minority Candidates in the California State Assembly and the Michigan State House,” by Stanley M. Caress, State University of West Georgia.

“This article investigates the potential relationship between term limits and the election of minority candidates using the California State Assembly and Michigan State House’s initial experience with limited incumbent tenure. The aggregate number of minority incumbents increased substantially during California’s first period of term limit implementation (1990-96); however while Hispanic incumbents increased, black incumbents decreased. In Michigan, in contrast, there was only a minor increase in minorities elected during its term limit implementation period (1992-98).”


“Maine is the first state where state legislative term limits took effect in both chambers, beginning in 1996. Our paper primarily examines the impact of term limits on the joint standing committees of Maine’s citizen legislature. We find that the committees are in a state of flux, marked by membership turnover, burgeoning workloads and decreasing levels of unanimity. We also note that considerable variation exists across the standing committee structure. We discuss recent efforts by the legislative leadership to address widely perceived problems.”


“In this paper, we explore how the adoption of term limits has affected the motivations and behaviors of members of the Michigan House of Representatives. We do so by comparing the motivations, behaviors and role orientations of members elected before and after the adoption of the term limits as revealed in face-to-face interviews with 96 of the 100 members of the 1998 Michigan House.”

“Initiating a Response: Term Limitations and the Games Institutions Play,” Jolly Ann Emrey, University of New Hampshire; Virginia A. Hettinger, Indiana University; Christopher Zorn, Emory University.

“We have demonstrated that several factors influence the speed with which states pass legislative term limits through the initiative process. Consistent with our expectations, professionalism and political culture increase the hazard of term limit passage. Counter to our expectations, states with supreme court judges elected on contested ballots do not exhibit a higher hazard of term limits. Although our theory suggested that forward-thinking voters would anticipate the possibility that some state supreme courts may invalidate the initiative, we are left with results to the contrary.”


“This study seeks to investigate changes in participation at the intra-party district level for primary elections where the consequences of the changing nature of competition are first likely to occur. We develop the analysis within a quasi-experimental design to test the relations between citizen participation and the impact of term limits. Data used in this study come from the 1994 and 1998 primary elections in Michigan and Illinois. Results indicate that controlling for other campaign mobilizing factors, term limits have a significant and substantial negative impact on voter turnout.”
Life as we know it may have changed on Sept. 11, but state government is still solid.


In the wake of the terrorist attacks that occurred on Sept. 11, our staff began compiling information on the subject of terrorism from our resources and then made it available online. Specialists, editors, writers and researchers contributed to produce an entire issue of State Government News — one of CSG’s premier publications — within days so we could display it online as a service to our members.

What else will you find? Hundreds of headlines about state government issues from news sources across the country are updated weekdays and categorized. We also offer policy resources and information about CSG products and services. This all can all be found at http://www.csg.org.