Effects of Term Limits in Michigan: Bureaucrats with More Power

By Sen. Patricia Birkholz, Michigan

While term limits are bringing new energy to Michigan politics they also are creating significant challenges. Frequent turnover, loss of institutional knowledge and failure to consider the long-term policies are among the obstacles Michigan’s Legislature is facing.

When Michigan voters enacted term limits in 1992, supporters praised the “best thing to happen to state government,” while those on the political scene knew the road ahead would present many challenges. Michigan term limits put a cap on three two-year terms for the state House and two four-year terms for the state Senate. After that, the term-limited legislator is barred for life from holding legislative office.

Term limits have brought new energy to Lansing and allowed a more diverse group of citizens to be elected to higher offices. They have helped local residents feel more connected to government as they see their family dentist or elementary teacher elected to the Legislature. However, despite these positives, many of the predicted challenges, and some unpredictable ones, have been realized.

Institution is Complex

Frequent turnover in the Michigan Legislature is a major obstacle in understanding complex issues facing state government. New legislators need time to adjust, learn the ropes and acquaint themselves with fellow legislators and lobbyists. Instead, the ability to master complex issues and learn the nuances of the legislative process is expected from the first day of session. Major issues, such as the budget or education, are forced into their laps immediately, giving them a scant amount of time to study before crucial votes are taken. In the first few months of a new term, this newness engenders heightened confusion and a lack of direction in policy, especially among the new members.

Loss of Historical Knowledge

Term limits have resulted in a huge loss of historical knowledge of the Legislature as an institution. In 2006, the Michigan Senate will face its second round of term limits, losing the last of the very experienced and knowledgeable long-term members. These include the Senate majority leader, the Senate majority floor leader and the chairperson of Appropriations. As they exit, they will take with them valuable information about the intricate workings of the state legislative process.

Power Vests with Governor’s Office

The institution of term limits in Michigan has vested more power in the governor’s office. The governor’s office has greater access to resources and employs a significantly larger staff than the Legislature. Members of the governor’s staff are usually political long-timers and are hand-picked by the governor for their areas of expertise. This is in sharp contrast to legislative staff members who are shuffled between various member offices as term-limited legislators move in and out of office.

Bureaucrats are the Power Base

Term limits have inadvertently given bureaucrats more power. The long-term departmental stalwarts understand the system, know the ins and outs, and use this to their advantage. Many in the bureaucracy will stonewall on an issue or piece of legislation resting on the knowledge that they will endure longer than the current class of legislators. Term limits were intended to make government more accountable but instead are quietly shifting more power to the “unelected” who are not accountable to the general public.

Dominant Chamber

An unforeseen consequence has been the emergence of a dominant chamber. Many current Senate members are former House members who brought six years or more of legislative experience with them to the upper chamber. Few of the new members of the House have any legislative experience, so as they spend their first months learning the intricacies of the Legislature, the Senate is already actively engaged in pushing through its agenda.

Reforming Term Limits

I was fortunate to be a member of the first term-limited class in the Michigan Legislature when I was elected to the House in 1992. And although I have not, and do not support term limits, I am grateful for the opportunity they provided me. However, I believe that term limits have harmed the legislative process in Michigan and ultimately our citizens and the form of government upon which we all depend.

There are on-going discussions to
would have to be citizen-initiated. At this time, I don’t think many citizens would put reforming term limits high on their list. In the meanwhile, Michigan will continue to make the best of an interesting, but flawed, term limit requirement.

Endnotes
1 This article uses referendums instead of the Oxford English Dictionary and common practice.
4 Ibid.
5 Waters.

Gary Moncrief
(Continued from page 27)

extended period of time. And most often, these were the individuals who held the important committee and leadership posts. These were the people who possessed the “institutional memory” and experience that allowed the chamber to function even while many of the legislative seats turned over from one session to another. Under term limits, all legislative seats, including those occupied by leadership, are subject to mandatory turnover.

Endnotes
1 The data reported in this article were collected by Gary Moncrief, Richard Niemi and Lynda Powell with assistance from National Science Foundation grant SES-0212310 and the Smith-Richardson Foundation in support of the Joint Project on Term Limits. For a more detailed analysis of turnover and term limits, see Moncrief, Niemi and Powell, “Time, Term Limits and Turnover: Trends in Membership Stability in U.S. State Legislatures,” Legislative Studies Quarterly volume 29, 357-81.
3 While measuring turnover may seem like a simple procedure, there are in fact several different ways that this can be done, and the way that it is measured has not been consistently applied. Often, turnover is measured in the following manner: compare the list of members of the legislature just before election day with the list of members just after the election. This yields a figure based on (a) those legislators who declined to run again and (b) those who ran but lost. What it does not capture, however, is those people who left office during their term. This is potentially an important component of turnover, especially in term-limited states. If a legislator knows she is precluded from serving again because of a term limit law, she may be more likely to leave office early to take an administrative position or to run for another office. Turnover of this type is best captured by comparing the legislative roster immediately after one election to the roster immediately after the next election. This is the method we use here.