

Effects of Legislative Term Limits in Arizona

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FINAL REPORT

Since 1966 -- the year the “one person, one vote” standard forced a change in its structure -- the Arizona legislature has consisted of a 60-member House and a 30-member Senate. Under the plan, voters in each of thirty legislative districts elect two Representatives and one Senator for two year terms. The Constitution imposes the same qualifications on House and Senate members. (Note 1) In 1992, Arizona voters approved a constitutional amendment limiting individuals to four consecutive 2-year terms in either the House or Senate, though allowing term limits to start over if a member moves to another chamber. The measure also term limited members of Congress and top elected state officials but the U. S Supreme Court, in effect, later voided provisions of the law relating to Congress. (Note 2) This report drawing upon a wide range of materials -- including over 50 interviews with legislators, lobbyists, and knowledgeable observers ---offers some tentative conclusions concerning the actual and likely, intended and unintended, effects of the term limits law. (Note 3)

1. Composition

(Turnover and Tenure)

Arizona has long been characterized by relatively frequent turnover among legislators, often from 20 to 30 percent. In recent years, thanks at least in part to term limits, the rate has been generally rising (Table 1). Thus far, term limits have directly contributed to turnover by forcing 37 Arizona legislators out of office -- 22 of these were forbidden from running for re-election in 2000 and 15 from running for re-election in 2002. This amounts to about 30 percent of the 122 legislators who were in the combined “freshmen classes” of 1993 and 1995 (Table 2) Public statements and interviews conducted for this study suggests that most of the term-limited legislators would have been more than willing to run for re-election had they been given the chance. In addition, interviews and published reports indicate that term-limits have played an important part in encouraging some, perhaps many, legislators to leave office prior to the expiration of their term in an effort to take advantage of an opportunity to continue their political careers elsewhere. (Note 4)

By encouraging turnover term limits have contributed to a marked decline in the level of legislative experience (Table 3). In 1990 the average Representative had seven years of legislative service and the average Senator had 11 years of legislative service. By contrast, in 2003 the average number of years was two for Representatives and around six for Senate members. In the ten-year period prior to the adoption of term limits, 1983-1992, the average service was 6.5 for Representatives and over nine for Senators. In the post term limits decade, 1983-2003, the average dropped to 3.5 for House members and seven for Senators.

(Demographic Changes)

When it came to the composition of the legislature, supporters of term limits felt that this reform would bring greater representation to women and minorities. Changes in these directions,

however, are difficult to discern in Arizona. Compared to other states, Arizona is a place where women have done well as legislative candidates, though women have been very under-represented when compared to their number in the population (Table 4). Since term limits went into effect, the number of women legislators has actually declined, as it has on a national basis in recent years. In the first round of term limits, women did relatively well: five of the 32 women serving in 1993, (16%) were eventually term limited, compared to 17 of the 60 men (28%). Matters, however, were reversed for the class of 1995: seven of the 11 women elected that year (64%) wound up term limited compared to eight of the 19 men (42%).

Thus far, term limits appear to have made little difference in regard to the representation of minorities. In recent years there have been gains in legislative seats for Hispanics, but other minorities, Native Americans and Blacks, have held steady or lost representation (some gains in Hispanic representation have come at the expense of Blacks). The number of Hispanics has grown from nine in 1997 to 13 in 2003-4, the largest delegation ever, but this appears to have had less to do with term limits than other factors, particularly districting changes. In 2003-04 there were three American Indians in the legislature and one Black member.

When it comes to the age of legislators, term limits appear likewise to have made little difference. One might note though the Senate appears to have become a bit older, in part, perhaps, because term limits have encouraged older and more experienced House members to move to the Senate (Table 5).

(Party Changes)

Republicans have controlled the state House since 1966 -- the year the "one-person, one vote," standard forced a change in the basic structure of the legislature -- and have lost control of the Senate on only a few occasions since that time. In 2001-02 a 15-15 tie between Democrats and Republicans in the Senate produce an unusual governing coalition as moderate Republicans and Democrats joined hands and the more conservative Republicans found themselves isolated. Following the 2002 election Republicans recaptured the Senate and the coalition came to an end.

With the exception of a modest bump upward in the 2000 election, Democrats have made few gains since term limits (Table 6). While limits have prevented 37 from running, these people have largely been replaced by people from the same party. The underlying problem when it comes to changes in party representation is that the legislature and, the last time around, an independent commission, have carved up the legislative districts so that most of them overwhelmingly favor one party or the other.

(Ambition and Careers)

Contrary to the hopes of term limit supporters, the reform has not filled legislative chambers with citizen legislators with little or no political ambition who are willing to return to their private lives after a few years of service. The legislature is attractive to career politicians. According to survey data, most Arizona legislators plan to run for another office sometime in their career and only a few plan to retire following their current legislative service (Table 7). As Table 8 indicates, 27 of the 37 term-limited legislators, over 70 percent of them, attempted to continue their political careers in an uninterrupted fashion by immediately getting elected to the other house or to some other office. Sixteen of the 27 who ran for office, 59 percent, were

successful (three term-limited legislators lost to another term-limited legislator). Term limited legislators, in short, have demonstrated a strong desire to stay in an elected environment and, by and large, have been able to do so. When it comes to elective offices, Arizona, like Oklahoma, has a good “opportunity structure” -- a governing system that provides a generous number of positions on the local as well as state level for those seeking elective office. (Note 5)

Under term limits, many legislators regularly explore ways staying in legislative office, for example, by the feasibility of switching from one house to the other, and are tempted to take advantage of opportunities for other positions as soon as they appear. Many spend much time preparing their next move, a preoccupation that some interviewees felt distracts them from their duties as legislators. In a broad perspective the term limit law has succeeded not so much in pushing legislators out of politics as it has in prompting them to move to the other house or to seek other elected positions.

From Interviews:

“Term limits did not lead to new types of legislators.”

“I’m amazed about how many people here are using the office as jumping off point -- we have several aspiring congressmen and governors.”

“The increased jockeying for new positions -- often non-legislative state-wide offices -- distracts many members from their legislative work.”

“Legislators don’t like the prospect of ‘being in the dark for two years’ (having to sit out a term). They feel they can’t raise any money unless they are holding office and are even tempted to stay politically alive by running from the Senate to the House. They also want to stay in office because legislators have an excellent retirement system, fully vested after five years.”

“The Consequences are not so great for those who are term-limited – they can run for the other house or another office, they have lots of political opportunities.”

2. Representation

Interviews suggest that term limits have made little impact in the way lawmakers regard their constituents. The principal exception to this may occur as lawmakers become lame ducks in their last two years in office and, thus, feel free to take some action that is unpopular among their constituents without fear of being punished at the polls. Some of those interviewed gave examples of this type of behavior. On the other hand, many legislators seem willing to continue to cater to people in their districts even as they approach the eight-year limit. Some may do so in order to pave the way in case they decide to run for the seat sometime in the future or decide to try to represent the same people as a member of the other house. Many legislators appear to have become more future-directed in thinking about their political careers, but often their future ambitions center on appealing to the same set of constituents.

From interviews:

“Term limits have had little effect on constituent relations.”

“Legislators are heavily influenced by the people and groups that helped get them elected, more so than by legislative leadership and general staff.”

“The key connection seems to campaign support -- legislators listen to those who helped, not likely to go out of their way for groups that did not help them in their campaigns.”

3. Leaders

Power in the Arizona legislature continues to be concentrated in its leaders. These individuals are chosen out of party caucuses. The Senate President and House Speaker appoint committee chairs and members, decided which bills go to which committees, and generally control the fate of proposed measures. Still, interviewees suggested, term limits have made life far more difficult for legislative leaders to control members. Indeed, some suggested that the effect of term limits on leadership has been devastating.

Under term limits, leaders can be expected to generally rise to the top more quickly but also to stay there for a briefer period and with reduced influence. The reform has forced the legislature away from a system where leadership was often an award for long service. It has also meant more frequent turnover and more frequent and intense competition for these positions. Thus far, leadership turnover has been particularly apparent in the House (Table 9). Following the election in 2000, 5 new people moved into the 6 House leadership positions -- the only person carried over moved from Majority Whip to Speaker. Following the 2002 election, another five new people joined the leadership ranks, the only holdover moved from Minority Whip to Assistant Minority Leader. While turnover has not been as great in the Senate, competition for leadership positions has become more intense as experienced people moving over from the House have swelled the ranks of contenders. In 2002, for example, the term-limited Speaker of the House managed to get elected to the Senate and made a serious though ultimately an unsuccessful campaign to become President of that body.

Interviewees saw leaders under term limits as less likely to do an effective job because they emerge without the benefit of years of training and because they become relatively powerless lame ducks much sooner than in the past. They were also felt to be less effective because members, as short-timers, are less inclined to go along with what leaders want, and, indeed, more inclined to challenge their decisions. As a House leader put it in 2003: “because of term limits the place runs like a mob without any sense of discipline, adherence to protocol, or respect for leadership.” Term limits, have had their most noticeable impact on the ability of the Republican party leaders to control their caucuses.

There have been several instances of rebellion against leadership within the dominant Republican Party that one can partially attribute to term limits. One of the most publicized of these came in 1999 with a revolt by group of 16 or so moderate House Republicans who became known as the Mushroom Coalition because they felt they were being treated like mushrooms, i.e., kept in the dark and covered with bull. Coalition members, including a number of freshmen, were especially unhappy about having had no input into the budget -- this, they charged was made behind closed doors by a few legislative leaders and the governor. One of the movement's

leaders credited term limits for making first term-lawmakers more aggressive. She felt that because they had only eight years in the House, they were much more eager to get things done and didn't want to be left out. (Note 6) Another coalition member added: "Because of term limits, we know we have to act sooner and take risks . . . They have liberated us. The speaker will be gone in a year. He can't put me in the doghouse for the next 10 years." (Note 7) Still another rebel commented: "I was pleased to see the overall freshman class take an active role in the legislative process, especially on the budget. I believe this will become the norm because term limits compel members to 'make their mark' on public policy from the first day they are in office." (Note 8)

In the 2003 legislative session, divisions among Republicans surfaced again with a couple of rebels leading the way in the Senate and another Mushroom-type rebellion emerging in the House. A group of 20 or so Republican newcomers, both conservatives and moderates, led the uprising in the House. The rebels were initially inclined to go along with leadership, but, as the session progressed, resented being shut out by legislative leaders when it came to making the budget. One participant remarked: "The budget is the most important thing we do at the legislature . . . We can't just sit back and let it happen without having an impact." (Note 9) The rebellious Republicans, called themselves the "Cellar Dwellers" because they met in the House basement.

Legislative leaders had given several of the newcomers what appeared to be important committee assignments, in part, because there was a shortage of experienced members to fill them. Newcomers later complained, however, that these positions actually gave them little power because the important decisions were being made elsewhere. In the House, a newcomer serving as vice chair of the Appropriations Committee could not even get into the meetings where budget issues were being handled. The Cellar Dwellers became more assertive on the budget, demanding and securing more information. One Democratic House Member noted at the time: "This group is more in a hurry, wants to influence the action, and is not willing to blindly follow leaders or vote for something they don't understand simply because leaders want it." A longtime observer noted that although freshmen in the Arizona legislature had always complained about being left out, the Cellar Dwellers seemed particularly anxious to get involved in a meaningful way. Legislative leaders were not prepared for freshmen being so assertive and linked the rebellion, in part, to term limits.

While the Cellar Dwellers ultimately made but a minimal impact on the budget in 2003, the rebellion seems to have loosened up the budgeting process the following year, as leaders brought more rank and file Republicans into the process through the formation of study groups. The majority leader announced that this step was a result of calls from other Republicans to be more involved. He partially attributed these calls for reform to term limits. (Note 10) Although House leaders moved toward more inclusiveness, they also demonstrated a get tough stance with dissidents. In February 2004, for example, House Speaker Jake Flake took the unusual step of stripping two moderate Republicans of their committee chairmanships for defying leadership on a measure regarding Child Protective Services. This show of strength did not, however, prevent another rebellion of the moderate House Republicans against leadership over the budget in 2004.

From interviews:

"The Senate President and House Speaker still run the show the way they want to, still 'hold the

fate of all the bills in their hands' though have to keep their members happy.”

“Term limits change your incentives. You have more independence from leadership because leadership is always relatively new.”

“Legislators know now if they want to be speaker, they have to get on the fast track right away.”

“Limits are good in sense that new people become leaders, but bad because they make it difficult to develop such highly respected long-serving past Arizona legislative leaders as Burton Barr and Harold Giss (though some effective legislative leaders in Arizona have reached the top in a relatively short time).”

“I have seen a decline in discipline, decline in ability of leaders to rally troops even in their own party on procedural matters, leaders don't have that iron fist.”

“ Leaders, do not come up through the ranks like they used to, they are now on fast track.”

“The old system with all its warts had a lot of good benefits such as caucus loyalty and leaders who helped members with campaigns (they could raise funds for campaigns, but can't now because of changes in the law.) In the past, leaders had more clout, members come to them for direction.”

“Term limits have helped break with a past in which the Arizona legislature was run by a small circle of legislative leaders and key lobbyists who were insulated from the public.”

“Term limits make members less inclined to go along with what leaders want.”

“Term limits means less experienced leaders. In addition, it prompted those who wished to be leaders to move quickly.”

“Knowing that the President of the Senate or the Speaker will be gone in two years makes members less afraid to buck them.”

“Limits have forced a quick accession to leadership positions -- leaders move up quickly and have to learn quickly.”

“Limits encourage a situation where members are most effectively engaged as leaders in the middle of their eight years of service-- the four years after the two years where they are brand new and before the two years where they are preparing to leave.”

“Influence in the legislature is based largely on personal relationships -- the real problem is that you only have so much time under term limits in developing these relationships.”

“High turnover, has produced a House where there is a very small pool out of which to draw experienced members for leadership positions.”

“Members may defy the speaker, especially a lame duck one, without suffering any great loss --- being deprived of a committee position for a year is not much of a deterrent.”

“Term limits encourage members to go their own way, making it difficult to hold the caucus together.”

“In the past legislative leaders emerged slowly, they had a chance to learn the ropes, now everything happens too fast.”

“We are now producing leaders with little institutional memory and little knowledge of the issues they have to deal with.”

“Many of those in leadership positions have little legislative experience.”

“Leaders have lost some of the clout -- knowing that the President of the Senate or the Speaker will be gone in two years makes members less afraid to buck them.”

“Members have no choice but to move up fast, and the legislature has to turn to inexperienced leaders, including less experienced committee chairs.”

“Term limits has meant that people received committee and other leadership positions before they were ready for them.”

4. Committees

Term limits have not produced any change in the way committee positions are filled -- chairs and committee members are chosen by the President of Senate and Speaker of the House, not so much because of seniority, but because of their help in getting the presiding officer elected. As in the legislature as a whole, legislative committee positions have been subject to high levels of turnover in recent years. Committee chair turnover has been particularly noticeable in the Senate in recent years, in part, because of the change in partisan control of that body. Six of the current 10 Senate committees have been in existence since 1999. Of the six, only one has been headed by the same person more than two years. The extent to which committee chairs had immediate previous service on the committee they later headed, has ranged considerably from year to year: six of the 10 had such experience in 2001-2002, while only one of 10 had such experience in 2003-2004. In the House, there has been a bit more stability. In this body, 13 of the current 16 committees have been in existence since 1999 and of the 13, 5 have been headed by the same person more than two years. In 2001-2002, 7 of the 13 chairs had immediate past experience on their committees, and in 2003-04, 10 of the 13 had this experience. In the House, committee chairs have commonly moved up from the position of Vice Chair.

Though the situation varies from house to house, under term limits committees once dominated by longtime chairs are now being operated by relatively inexperienced people who are less knowledgeable about the subject areas of the committees. Looking for experienced

leaders to head committees, legislative leaders have sometimes turned to people returning to a legislative chamber where they had served for several years or to people with long years of service and leadership in the other house. Legislators with backgrounds as elected municipal officials have also had the type of experience that has given them an advantage in moving into committee leadership positions. Leaders too have made some reductions in the number of committees to make up for the lack of qualified chairs, but in some cases, still have turned positions over to junior people. When it comes to committee members, some committee chairs have sought to overcome the inexperience problem by bringing in specialists for briefing sessions. Often they have given newcomers vice-chair positions for training purposes. **(A copy of a portion of this paragraph has been added to the adaptation section)**

From interviews:

“There has been a considerable change from the old days back in the 1980s when same people came back to the legislature years after year, ruled their committees by divine right.”

“With a few exceptions it has taken time for legislators to learn the system. Without term limits you could take time grooming leaders, now freshmen are chairing committees and are unprepared to do so, they really don’t know how to run committees.”

“Some committee members would not have their positions in a non-term limited legislature.”

“It seems like committee members less collegial and willing to compromise.”

“Committee chairs are less likely than in the past to understand the subject matter of their committees.”

5. Staff

Staff assistance has been of particular importance in helping newcomers to the Arizona legislature learn how to do their job. Survey data collected in 2002, for example, found 44 Arizona legislators ranking staff more important than a host of other factors, e.g., working on a committee or the help of senior colleagues in this regard (Table 10).

Interviews conducted for this study suggest that the legislative staff as a whole has become more important as a result of term-limits: the nonpartisan staff in providing basic information and showing newcomers how to do things and partisan staff attached to leadership in providing policy direction. Some felt that the partisan staff had gained considerably more influence than the nonpartisan staff, indeed, that the partisan staff had gained too much influence. This complaint came primarily from non-partisan staffers, members of the minority Democratic party, and moderate Republicans. In the House, some noted, lobbyists first try to win over the leadership staff, feeling that if they are able to do so, the leaders will follow. Senate members tend to be more experienced than in the House and, thus, appear less dependent on staff. Currently, the staff is probably more important to Republicans than Democrats because they have fewer old time legislators in office.

From interviews:

“Partisan staff tells us what to do ... we pay too much attention to them. The nonpartisan staff treat us well. Overall, though, the staff actually may have more power than they want.”

“If staff are powerful, I must be excluded.”

“Staff people who have an agenda they put off on the members, in effect, usurp the role of the legislators, telling them what to do.”

“Nonpartisan staffers provide information, partisan ones have more direct influence on policy.”

“Partisan staff has played more of a key role, has had more and more influence.”

“The staff has become more influential, especially the House leadership staff which is very partisan. In the House lobbyists first try to win over the leadership staff, feeling that if they are able to do so, the leaders will follow.”

“Senators, many of whom have served in the house, are more experienced and less influenced by staff.”

“Staff is important if newcomers are listening to them, but I’m not so sure they are, some of the older professional staffers may feel somewhat out of touch.”

“Limits have brought a lot of turnover among staff, they come and go with changes in leadership. Arizona isn’t a state where one finds long-term staffers playing a dominant role.”

“Term limits will bring about more turnover in staff, as staffers could come and go with changes in leaders.”

“By their third term, most legislators are more confident about what they want to do and see themselves on par with the staff, if not ahead of them, in knowing how to do things. They, thus, are much less dependent.”

“It takes a while for new members to stand on their own and, for now, they are far too dependent on the partisan staff for advice and direction.”

6. Norms and Internal relationships

Term limits have produced little change in how the legislature operates in terms of basic procedures -- though some reforms such as the informal commitment to a 100-day session, first announced shortly after the voters approved term limits--have partially reflected the desire to at least publicly define the body as a “citizen legislature.” (Note 11) Thus far, term limits have not brought an increase in the introduction of legislation – the number of bills introduced and passed in the legislature as a whole has steadily decreased since 2000 (Table 11). Some observers

suggested, however, that term limits have led to an increase in the number of dumb or frivolous bills being introduced and have prompted more people to introduce legislation they know nothing about just to make some sort of record and/or to please some interest group. With a weakening of leadership and the committee system, some observers saw also bills being passed with less vetting.

The emergence of a large group of newcomers more anxious than ever to get involved and make a mark for themselves has generated pressures for a more inclusive policymaking process. This has been especially marked in regard to the making of the budget, the most important thing the legislature does on a regular basis. While these changes may be viewed by many as generally positive, on a broader level, constant turnover in members and leaders, were linked by observers with more general chaos, more emotional decision making and more unpredictability as to results. The departure of several old-timers has been accompanied by a loss of institutional memory regarding legislative norms, procedures, and protocol. Conversely, the increase in the number of inexperienced legislators has produced a body where more legislators are uncertain about how to do their jobs and are relatively uninformed about the issues facing the state. Interviewees also suggested that new legislators are more vulnerable to manipulation and control by lobbyists, staff and executive agency heads and, because of their inexperience, more likely to make mistakes.

Along with the inexperience problem, interviewees suggested that term-limits have created difficulties by encouraging members to be short-sighted. Knowing that they can serve only so long, legislators are more in a hurry to make their mark and move on. In this regard one interviewee noted: "When you realize you only have eight years at the most, everything has to happen much quicker." Being in a hurry means trying to make the mark by the introduction of bills that are not all that important and trying to move up quickly into important committee or leadership positions. Short-timer status was also equated by observers with chilling the legislative climate -- making members less likely to take the time to get to know or to try to get along with each other, less willing to compromise, less inclined to listen to leadership, less respectful of the process, and less likely to care about the welfare of the institution as a whole. Interviewees also saw time limits as undermining what had been a highly functional mellowing process in the Arizona legislature -- one where long years of service had tended to make ideologically driven legislators more moderate or pragmatic and members got to know each other on personal basis and formed friendships that transcended party lines, making it easier to form bipartisan coalitions.

The lack of civility in the Arizona legislature has been a long-term problem, one that was apparent before the voters adopted term limits. The quality of legislative life started to sour during the 1988 impeachment of Evan Mecham and got even worse after a sting operation known as AzScam which led to the indictment of six of seven state legislators for accepting bribes. One legislator who decided to call it quits in 1992 remarked: "It's been very hectic, the tensions, the divisiveness. I wake up in the morning and I tell my wife, 'I don't want to go to work.' It's not fun anymore." (Note 12)

The Arizona legislature always has been a very partisan body but interviewees generally felt that partisanship was on the rise. Since 1966, the Republican party has generally dominated the legislature. With Republicans in charge, Democrats have largely been shut out of the process. There has been, however, considerable division within the GOP, along conservative-moderate lines. Interviewees, suggested that term limits, if anything, have made the bickering and problem

of trying to build a consensus even worse. Term limits have fomented division by making it easier for members to defy party leaders and by making it more difficult to work out partisan or ideological differences because they limit the amount of time legislators have to get to know each other on a personal basis.

From interviews

“It would be easy to get lost in this environment, if you did not have previous experience working with other people, in the give and take of group decision-making.”

“Term limits had driven talented people and subject matter specialists (e.g., in budgeting and health issues) out of legislative office.”

“Term limits have had a general chilling effect on the legislature, leading to a decline in comradery. The legislature is, in a sense a family, but the solidarity had deteriorated over the years in part because members were not able to develop long-term relationships with each other.”

“The legislature has new blood but has also lost congeniality because people don’t know each other very well and have or will have less of an opportunity because of term limits to do so.”

“In the good old days experts could be found in the legislature, in part, because they had time to develop the expertise.”

“The legislature was friendlier in the past.”

“Legislators are less likely to get along with each other. There is more infighting among them.”

“There is less bonding, less consensus building.”

“In the old days when you worked with people for 25 years or so, you developed a degree of understanding, things were more predictable, you had a good idea of what people wanted and what they thought without even asking questions.”

“New members don’t appreciate the art of compromise.”

“Each new Speaker since term limits has included in his platform a desire to return to more civil relationships in the body.”

7. Lobbyists and lobbying

Interviewees saw lobbying groups generally benefitting from the lack of institutional memory in the legislature as a whole, but they differed in their assessment of the impact of lobbyists on the newcomers. The answer depended on who was asked. One view, commonly offered by veteran legislators, is that new legislators have not only increasingly relied on

lobbyists for information but have been manipulated or misled by lobbyists because they lack experience in dealing with them. One veteran legislator reported: “I’ve observed new legislators listening to experienced lobbyists. My orientation is that the biases in these conversations are huge. After a certain amount of time in this institution, you recognize this bias but the inexperienced representatives don’t understand just how flawed this information can be.” Another veteran added: “New legislators sometimes don’t realize that they are not getting all sides of a story from a lobbyist.” Some newcomers, on the other hand, reported they were somewhat suspicious of lobbyists. Not knowing who to trust, they shied away from lobbyists in general or took what they said with a grain of salt. One newcomer reported that she felt that lobbyists were trying to take advantage of her and others in the freshman class and, in effect, were saying to each other “lets get them before they know too much.” She was very hard on lobbyists, wanting to know their qualifications and wanting them to cut to the quick. Other newcomers indicated that they were far from being entirely dependent on lobbyists -- some turned to legislative staff or other legislators for information and guidance or to people outside the legislature such as university researchers. Some lobbyists interviewed were happy to report that more and more people were relying on them, while others felt that newcomers don’t rely on them enough.

Overall, it seems fair to say, that because of their lack of knowledge about the issues, some legislators have been tempted to rely on lobbyists for information and some, no doubt, have been misled as a result. Lobbyists have also taken advantage of legislative turnover by bringing back bills rejected in previous years, hoping no one is around who remembers why they were rejected. The extent of lobbyist influence is probably less severe in the Senate because many members of that body (currently 19 of the 30) have served in the House and have cut their teeth there, learning whom they can trust and whom they cannot trust. More generally, though, the traditional notion that lobbyists are constrained because they depend on building a relationship of trust with legislators and are likely to be wary of crossing them up may be less applicable in a term-limited legislature because the chances that someone will be around to pay back lobbyists for their misdeeds are reduced.

The turnover stimulated by term limits has generally made the work of lobbyists much more difficult in that they now have to regularly make contact with and educate a larger stream of newcomers. Turnover, though, has hurt some groups far more than others. It has worked to the particular disadvantage of many old time Arizona lobbyists who had built up long-term relations with legislators. Many of these legislators are now gone and have been replaced by newcomers who don’t have the slightest idea who these old time lobbyists are. In a sense, the one time powerhouses are now in the same boat as everyone else as they scramble to introduce themselves to the new legislators.

Term limits, in sum, has not, as some of its proponents argued, reduced the overall influence of interest groups. Interest groups in Arizona have always been important and continue to be so. However, they have had to operate somewhat differently because of term limits. Many have adapted to the new conditions by spending more and working harder to establish contact with the parade of new legislators and those who had relied on long standing contacts with influential senior members have lost their edge. The future belongs to those willing and able to win over transitory leaders, work harder to ingratiate themselves with a continuous parade of new members and new leaders. Some are struggling to establish relations with the passing parade of new members and new leaders. This situation is not so bad for groups with resources.

Some now offer new campaign services as a way of extending their influence.

*From interviews:

“The big winners from term limits were lobbyists -- before term limits they had to deal with experienced people they could not get around.”

“Lobbyists are more powerful, are able to intimidate new members, new people are overwhelmed by lobbyists”

“Lobbyists have never had more power.”

“Lobbyists had become more important because of term limits, have a natural advantage in leadership because they are always there.”

“Given their lack of knowledge about the issues, some legislators are tempted to rely on lobbyists for information.”

“New legislators sometimes don’t realize that they are not getting all sides of a story from a lobbyist.”

“Currently, incoming freshmen are overwhelmed by lobbyists, lobbyists swop down on them, claim they have the institutional memory, though their memory is very self-serving.”

“Freshmen don’t always recognize the bias of lobbyists.”

“The job of lobbyist was more difficult in that he or she has more members to meet.”

“Lobbyists are going nuts, they don’t know, these new people.”

“In this legislature there has been a heavy flow of lobbyists in and out of legislative offices as lobbyists have been trying to establish contact and educate the new members on the issues (as the lobbyists see them).”

“Turnover has worked to the disadvantage of many old time lobbyists who had built up long-term relations with legislators. Many of these legislators are now gone and have been replaced by newcomers who don’t have the slightest idea who these old time lobbyists are. In a sense, the one time powerhouses are now in the same boat as everyone else as they scramble to introduce themselves to the new legislators.”

“Some lobbyists, he felt, found it very easy to manipulate the newcomers.”

“Lobbyists also have become less accountable to legislators -- they can avoid punishment for not telling the truth or living up to their word because there are fewer veterans around to keep them in check.”

“Term limits have strengthened the role of lobbyists – they always have been important, but they are now more important than ever and have more direct influence over legislators.”

8. Policy and Budget

When it comes to policies, observers saw term limits hindering legislative efforts to deal with long-range problems such as air and water pollution brought on by population growth and with complicated matters such as the budget. Legislators, because of term limits, may have to get by with a more superficial understanding of big issues. Term limits, interviewees felt, encourages legislators to concentrate on ‘littler’ issues and short term problems for which there is an immediate payoff and to ignore the long term consequences of their decisions. Legislators who are inclined to deal with long term problems are frustrated because term limits means they will not be around long enough to solve them. As one interviewee noted: “There’s no time to see things through.” In the area of regional politics, some rural legislators fear that term limits weaken rural areas of the state because there has been a practice in these places to send the same people to the legislature time-after-time so that they can gravitate into positions of influence they can use on behalf of the area.

From Interviews:

“Legislators are less willing to show political courage by taking controversial stands -- because of term limits they did not have the opportunity to build up a long-term record to offset the more controversial decisions they had made.”

“Constant turnover among leaders has meant less continuity in policy, lots of wasted time and efforts, and makes it difficult to concentrate on long-range projects.”

“Lack of continuity in leadership has meant a history of wasted efforts as programs favored by one leader are discarded by another.”

“People trying for leadership positions don’t want to upset anyone with controversial stands. They play it safe on issues or avoid tough ones, because it might hurt their advancement.”

“Legislative sessions have become less productive, as the legislature goes from crisis to crises without solving much of anything.”

“Legislators don’t stick around long enough to deal with complicated problems that take years to resolve.”

“Legislators lack the experience to deal with complex issues like the budget.”

“There is a sense of helplessness and a lack of vision in the legislature and people in the legislature seem more concerned with careers than solving long-term problems.”

“It is now more difficult to build a consensus around big issues.”

“Term limits have brought legislators who are in a hurry. Knowing they won’t be in office long they are also short-sighted. They don’t think of the long-range problems of the state, what it will be like fifty years from now. They have no vision of the future or long-term interest of the state.”

“Terms limits have tended to increase the length of budgeting process because of the need to accommodate more people.”

9. Balance of power (executive relations)

Over the last several years the Arizona legislature has seldom received better than a “C” grade from the public. The legislature’s overall low standing reflects a variety of criticisms. Central among these are that it has been out of touch with the voters, overrun with lobbyists, and bogged down in a decision-making style characterized by behind-the-scene manipulations, intimidation, deal making, and procedural tricks. Not surprisingly, in recent years, there has been a growing impatience with the legislature and an increased willingness on the part of all types of groups to use the courts to prod the legislature into action and to use the initiative to circumvent the body in order to make change. Term limit reform reflected this broad pattern of discontent with the legislature, but it is not clear if it has done much, if any thing, to improve citizen evaluations of the legislature or improve the status of the legislature vis a vis other institutions.

On the other hand, there is little to indicate that term limits have escalated the shift of power away from the legislature. Generally, interviewees for this study, did see a gradual shift of power away from the legislature to the governor. They did not, however, see general power relations with the governor as having much to do with term limits. These, they felt, were largely set by the personal qualities and inclinations of the governors, e.g., whether they were proactive or reactive. Some, though, saw term limits giving agency heads an advantage in dealing with legislators on budgeting matters and, by default, greater responsibility for coping with long term and complex problems.

From Interviews:

“Under term limits administrators can lie to legislators, saying that they are going to do a certain thing, for example, reduce the time it takes to get a drivers license, if they are given the money and get by without reaching the objective or even trying to do so because they know the legislators they are talking to will be gone by next year.”

“Executive agencies were more likely to take the lead in focusing on long term and complex problems.”

10. Adaptation/Institutional maintenance

Many Arizona legislators would, if they could, eliminate or modify the term limit law. Living with term limits has caused them to make several sometimes painful adjustments. To get around the limits, legislators have frequently considered running for another elective office, most commonly the other legislative body (even Senators have thought about “stepping down” to the

House), swapping legislative seats, and, to at least keep the seat in the family, by having a relative fill in for a term or so. Living with term limits has also forced some out just at the peak of their power and influence in a legislative body. Overall, though, the effects of the term limit law have been somewhat mitigated by the ability of legislators to move from house to house.

To cope with the problem of bringing members up to speed, legislative leaders have increased training, both orientation and ongoing, in regard to issues and the institution, e.g., on how to propose legislation and ethics problems. The legislature could do more, but most interviewees noted that training can only do so much. Several contended there is really no substitute for on the job training or “for jumping into the process.” The rub, at least for some legislators, is that the existing eight year limit provides too little time to acquire the necessary leadership skills and that just as these skills are acquired the legislators have to leave.

In the eyes of many of those interviewed, the eight-year limit simply does not provide enough time. Several interviewees suggested, for example, that the problems associated with inexperience are likely to be permanent ones because their resolution requires more years of on the job training than allowed by the law. Though there was considerable disagreement among those interviewed on just how long it takes to learn the legislative job, several legislators remarked that for most legislators, especially legislative leaders, this required at least six years. Thus, with an eight-year limit, legislators are forced out of office just as they begin to understand the issues and can stand on their own two feet.

Looking for experienced leaders to head committees, legislative leaders have sometimes turned to people returning to a legislative chamber where they had served for several years or to people with long years of service and leadership in the other house. Legislators with backgrounds as elected municipal officials have also had the type of experience that has given them an advantage in moving into committee leadership positions. Leaders too have made some reductions in the number of committees to make up for the lack of qualified chairs, but in some cases, still have turned positions over to junior people. When it comes to committee members, some committee chairs have sought to overcome the inexperience problem by bringing in specialists for briefing sessions. Often they have given newcomers vice-chair positions for training purposes. **(This material is also found in the committee section)**

From Interviews:

“It is more difficult to train people for leadership positions, less time to do it.”

“Some of the newcomers are likely to take to training but many are not.”

“Only so much can do through orientation programs.”

“Orientation courses for legislators are of marginal value -- about the only way one can learn to be a legislator is through on the job training -- there is no substitute for jumping into the process.”

Additional effects:

11. On Competition and Voter Choice

One of the anticipated benefits of term limit reform was that by creating more open seats, it would create greater competition for legislative offices and, thereby, greater voter choice among candidates. The actual net effect of term-limits on competition, though, is difficult to pinpoint. Available information is somewhat positive in showing a slight overall increase in the number of pre-primary legislative candidates from 1998 to 2000. Although the number slightly dipped in 2002, it was still higher at that time than at any other time in the 1990s (Table 12).

There are, however, several caveats one should take into account in interpreting these findings. For one, the term limit law itself may have created the large drop in candidates between 1996 and 2000 -- many people appear to have passed up the opportunity to run in 1998 so that they could contend for one of the many seats forced open by term limits in the 2000 election. As one legislator remarked in 1998: "Why compete for something that will be an open seat in two years." (Note 13) For this reason, the gap in turnout between 1998 and 2000 may have been distorted. Another difficulty in interpreting the effects of term limits is untangling the impact of this reform on the 2000 and 2002 elections from that of a state program, adopted by the voters in 1998, that provided public financing for campaigns. Survey research leads us to believe that both were important, but which of the two was most important is uncertain. (Note 14)

In assessing the effects of term limits on competition one also has to note that these, to some extent, could have been negative as well as positive. Some interviewees suggested, for example, that term limits have discouraged competition by making the office more of a dead end one and, thus, less attractive from a career perspective. On the whole, however, the extent to which the "dead end" nature of the office, has discouraged people from running seems minimal. Some interviewees felt the term limited nature of the office has generally little to do with the decision to run or not to run-- prospective candidates simply don't think about it or, if they do, find it far less important than other factors such as the amount of competition and the availability of campaign funds in deciding to run. (Note 15) From the historical data, it appears that many of those who decide to run don't expect to be in the legislature long enough to be term limited -- that eight years is more than enough time to do what they want. Some too may feel that if they decided to stay around they could always do so by moving to the other house (this, as noted later, is a common ambition). The job, in essence, may not be perceived by many to be a dead-end one.

On the whole, interviewees suggested that by creating more open seats term limits have encouraged greater competition for legislative positions and more choices for voters -- people, they said, have run for office who would not have done so if they would have had to face an incumbent. To a certain extent, term limits have also increased competition for various offices by encouraging or forcing legislators to look elsewhere to continue their careers. Within the legislature, the desire to continue political careers has frequently prompted legislators in one house to refocus their effort on getting elected to the other house, thus increasing the competitive pool for these positions. Movement of this type is encouraged by the fact that Senators and Representatives are elected from the same districts -- a switch means no change in the electoral base. By forcing out legislators anxious to continue their careers, the reform has also indirectly improved the general competitive situation by providing additional candidates for a variety of other races such as secretary of state, state treasurer, the state corporation commission and a variety of local offices.

12. Movement from the House and Senate

To a certain extent, the House has always served as a training ground for the Senate. Yet, while movement from the House to the Senate was common prior to term limits, it has accelerated since then and may be expected to continue to accelerate. Term limits have meant there are more legislators with experience in both legislative chambers. Switches from one body to another reduce the loss of expertise in the legislature as a whole and encourage cross fertilization and greater awareness and understanding of the other house. On the other hand, switching undermines the term limit goal of bringing new people into office. It also produces tension by increasing the competition for leadership positions.

Notes

1. The law requires that legislators must be a U.S. citizen, 25 years old, and a resident in the state for at least three years and in the county from which they are elected for at least one year. In 1998 voters increased legislative pay from \$15,000 to \$24,000 per year. In 2000 they rejected a proposal that would increase the pay to \$30,000.
2. U.S. Term Limits v. Thornton, 63 U.S.L.W. 4413 (May 22, 1995).
3. The interviews were conducted between April 2003 and March 2004 mostly in person but also by telephone and e-mail, by David R. Berman and/or Mary Lou Cooper, Program Manager, Council of State Governments, whose help on this project has been indispensable. Interviews were considered confidential and the interviewed individuals who are quoted in this paper are not identified. In addition to the interviews, the author conducted an extensive review of newspaper files and public records. For views concerning the likely effects of term limits I drew upon arguments made by people supporting and opposing the reform as found, for example, in Gerald Benjamin, Michael J. Malbin, editors, *Limiting Legislative Terms* (Washington, D.C.: CQ Press, 1992), Appendix A.
4. One notable early example was longtime House Minority Leader Art Hamilton who could have served until 2000, but decided in 1998 to run for Secretary of State. He lost in the general election. (See: Michael Kiefer, "The Work of Art Hamilton," *New Times* (October 1, 1998), np. Other published reports citing such examples are found in: Beth Lucas, "Term Limits Arrive: What's Next," *Arizona Capital Times* (May 5, 2000): 1, 13, 14 and Mark Anderson, "Changes on the Way: Preliminary Effects of Term Limits in Arizona," *U.S. Term Limits Foundation Outlook Series*, November 1995, Volume IV, Number 4, 13 pages.
5. On Oklahoma see: Gary W. Copeland, "Term Limitations and Political Careers in Oklahoma: In, Out, Up, or Down," in Benjamin et al, pp. 179-157.)
6. Chris Moeser, "'Mushrooms' fight for education," *The Arizona Republic* (April 4, 1999): A6.
7. Quoted in "Session Wrap-Up," *Arizona Capitol Times* (May 21, 1999), p. 17.
8. Ibid

9. "GOP bloc may swing budget vote," *The Arizona Republic* (June 9, 2003), A1, A2 at A2.
10. Paul Davenport, "More legislators included in closed-door talks on budget," Associated Press State and Local Wire, February 24, 2004.)
11. At the beginning of the 1993 session, legislative leaders noted that voter approval of the term limits measure reflected strong public support for the idea of a citizen's legislature. Leaders went on to voice their commitment to this concept and, in this spirit, vowed to complete the work of the legislature quickly and efficiently in 100 days so that legislators could go back to their homes and businesses as soon as possible. See: Mary K. Reinhart, "Lawmakers open session tomorrow aiming to fit priorities into 100 days," *The Arizona Daily Star* (January 10, 1993) np.
12. Don Harris, "Calling it quits at the Capitol, Record 19 leaving legislative posts," *The Arizona Republic* (May 10, 1992), B1, B6.
13. Joe Burchell, "There's no fun in legislative run, Arizonans say Term Limits and lack of civility are cited," *The Arizona Daily Star* (July 5, 1998): 1A.
14. See General Accounting Office, *Campaign Finance Reform: Early Experience of Two States That Offer Full Public Funding for Political Candidates*, (Washington, D.C., Government Printing Office, May 9, 2003). Senator Pete Rios has suggested that open seats draw people out - - while public funding evens the money field, incumbents are still difficult to defeat because they have an advantage in name identification. Quoted by Mary Jo Pitzl, Chip Scutari, Ashley Bach, "Candidate fillings hit state record," *The Arizona Republic* (June 13, 2002): 1, 16.
15. One interviewed former legislator remarked that he did not think about term limits when deciding to whether to run for the legislature but, after getting elected, the recognition that he was only going to be there eight years at best, prompted him to make his mark as soon as possible and he did so by sponsoring education legislation.

TABLE 1
 LEGISLATIVE TURNOVER SINCE 1981*
 (Percent)

Year (s)	House	Senate
1981-90	25	23
1990	25	33
1992	48	37
1994	35	33
1996	32	37
1998	25	23
2000	45	33
2002	58	60

*Measurement made by checking the rosters at the beginning of the first session immediately after an election. Source: Gary Moncrief, Richard Niemi and Lynda Powell. 2004. "Time, Term Limits, and Turnover," *Legislative Studies Quarterly* (forthcoming, August).

TABLE 2
 THE EFFECTS OF TERM LIMITS ON LEGISLATORS SERVING
 IN THE FRESHMAN CLASSES OF 1993 AND 1995
 (Percentages of Total in Parenthesis)

Item	Total Number	Served all eight years in one or both houses	Served all eight years but moved to the other house	Served all eight years in same house (term-limited)
Total Members	122	51 (42)	14 (11)	37 (30)
House Members	82	38 (46)	14 (17)	24 (29)
Senate Members	40	13 (33)	0 (00)	13 (33)
Republicans	77	31 (40)	6 (17)	25 (32)
Democrats	45	20 (44)	8 (18)	12 (27)
Male	79	33 (42)	8 (10)	25 (32)
Female	43	18 (42)	6 (14)	12 (28)
Maricopa County	77	29 (38)	8 (10)	21 (27)
Pima County	21	14(67)	4 (19)	10 (48)
Rural Counties	24	8 (33)	2 (08)	6 (25)

TABLE 3
LEGISLATIVE EXPERIENCE

Period	Average Number of Years For House Members	Average Number of Years for Senate Members
1990	7.0	11.0
1991	6.3	6.8
1992	6.5	7.6
1993	4.4	6.6
1994	5.0	7.5
1995	3.6	6.2
1996	4.6	7.1
1997	3.8	6.2
1998	4.8	7.2
1999	3.3	7.4
2000	4.3	8.4
2001	2.7	7.0
2002	3.6	7.7
2003	2.0	5.9
1973-1982	5.3	5.9
1983-1992	6.5	9.4
1992-2003	3.5	7.0

Source: The Arizona Legislative Council

TABLE 4
WOMEN IN THE ARIZONA LEGISLATURE*

Years	House		Senate		Total	
	Number	(Percent)	Number	(Percent)	Number	(Percent)
1993-94	23	(38.3)	9	(30.0)	32	(35.6)
1995-96	19	(31.7)	8	(26.7)	27	(30.0)
1997-98	25	(41.7)	8	(26.7)	33	(36.7)
1999-00	25	(41.7)	7	(23.3)	32	(35.6)
2001-02	22	(36.7)	9	(30.0)	31	(34.4)
2003-04	16	(26.7)	8	(26.7)	24	(26.7)

*Based on election results only.

TABLE 5
AVERAGE AGE OF LEGISLATORS*

Session starting	House	Senate
1993	49.1	49.7
1995	49.3	50.1
1997	49.6	49.5
1999	47.5	52.2
2001	49.2	51.8
2003	49.2	53.2

*Calculated from legislators' biographies

TABLE 6
SEATS HELD BY DEMOCRATS

Years	House Number (Percent)	Senate Number (Percent)	Total Number (Percent)
1993-94	25 (41.6)	12 (40.0)	37 (41.1)
1995-96	22 (36.7)	11 (36.7)	33 (36.7)
1997-98	22 (36.7)	12 (40.0)	34 (37.8)
1999-00	20 (33.3)	14 (46.7)	34 (37.8)
2001-02	24 (40.0)	15 (50.0)	39 (43.3)
2003-04	21 (35.0)	13 (43.5)	34 (37.8)

TABLE 7
“AFTER SERVICE IN THE PRESENT CHAMBER,
WHAT ARE YOU LIKELY TO DO?”
(N= 44)

Item	Number Checking	Percent
Run for other Chamber*	21	48
Run for Statewide Office	9	21
Run for U.S. House or Senate	9	21
Run for Local Office	7	16
Retire	5	11
Take Appointive Office	4	09
Return to Non-Political Career	4	09
Engage in Lobbying/Consulting	4	09
No Further Office	3	07

Source: Survey by John M. Carey, Gary F. Moncrief, Richard G. Niemi, and Lynda W. Powell, in Cooperation with the Joint Project on Term Limits, supported by the Smith-Richardson Foundation and a grant from the National Science Foundation.

*Nineteen of the 21 legislators who planned to run for the other chamber were serving in the House.

TABLE 8
ACTIONS OF TERM LIMITED LEGISLATORS
IN THE NEXT ELECTION

Item	Total	Percent
Term Limited Legislators	37	100
Senate Members	13	35
House Members	24	65
Did not run for any office	10	27
House Members who ran for Senate	15	41
Senate Members who ran for House	2	05
Those who ran for other offices	10	27
Those who won any office	16	43
Those elected to other legislative body	11	30
Those who lost to another term-limited legislator	3	08

Table 9
Leadership Turnover*
(In Percentages)

Year	House	Senate	Total
1993-1994	50	67	58
1995-1996	50	50	50
1997-1998	50	100	75
1999-2000	33	50	42
2001-2002	83	50	67
2003-2004	83	67	75

*This table was constructed by counting the number of members in leadership positions who were not in leadership the previous legislature and dividing that number by the total number of leadership positions. There were 6 leadership positions in each house: Speaker of the House, Majority Leader, Majority Whip, Minority Leader, Minority Whip, and Assistant Minority Leader in the House; and President, Majority Leader, Majority Whip, Minority Leader, Minority Whip, and Assistant Minority Leader in the House.

TABLE 10
 WHEN YOU WERE FIRST ELECTED TO THE LEGISLATURE,
 HOW IMPORTANT WERE EACH OF THE FOLLOWING
 IN TERMS OF LEARNING HOW TO DO YOUR JOB?*

Item	Number	Mean
Legislative staff	44	4.14
Working on a Committee	43	4.09
Senior Colleagues	44	3.98
Listening to Debate on the Floor	43	3.91
Trial and Error	43	3.56
Formal Training	44	3.14
Party Leaders	43	2.30

*Arizona legislators responses on a scale of 1 to 5, from not important at all to very important. Source: Carey, et. al.

TABLE 11
Legislative Bill Totals Since 1990

Year	Bills Introduced Senate	Bills Introduced House	Bills Introduced Total	Bills Passed Number	Bills Passed Percent	Bills Vetoed
1990	559	692	1251	417	33.3	5
1991	476	503	979	335	34.2	12
1992	545	597	1142	369	32.3	8
1993	433	393	826	261	31.6	2
1994	565	598	1163	380	32.7	0
1995	407	550	957	309	32.3	8
1996	425	571	996	385	38.7	17
1997	468	577	1045	307	29.4	7
1998	431	698	1129	315	27.9	12
1999	419	706	1125	374	33.2	21
2000	559	721	1280	420	32.8	1.5
2001	584	637	1221	416	34.1	15
2002	470	712	1182	353	29.9	9
2003	367	541	908	285	31.4	17

TABLE 12
LEGISLATIVE CANDIDATES SINCE 1990*

Election Year	Total Candidates	Candidates Per Seat	Population Per Seat
1990	189	2.1	40,724
1992	207	2.3	42,778
1994	180	2.0	45,000
1996	211	2.3	46,987
1998	162	1.8	51,111
2000	223	2.5	57,007
2002	217	2.4	61,111

*Number of candidates filling pre-primary nominating petitions for a seat in the 90-member Arizona legislature. Does not include write-ins or post-primary filers.

*Source: *Arizona Capital Times*