

Term Limits in the Arkansas General Assembly: A Citizen Legislature Responds

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INTRODUCTION

In 1992, 59.9% of the voting citizens of the State of Arkansas approved Amendment 73, a constitutional limitation on the terms of office of their state legislators. It was a banner year for the term limits movement, with a total of 12 legislatures joining the club that fall. The Arkansas margin of victory was relatively low compared to the overwhelming voter approval of term limits in other states. But whatever Arkansas citizens may have lacked in enthusiasm for Amendment 73, they made up for by the rigor of its provisions.

Amendment 73 limits service in the Arkansas State Legislature to three two-year terms in the House and two four-year terms in the Senate. Citizens of the state who are eligible for elective office can anticipate a legislative career that will last no longer than 14 years, assuming they win all of their elections and pursue the maximum opportunity to serve at the State Capitol. Citizens who serve 14 years become ineligible for election to the Legislature. These are among the most restrictive state legislative term limits in the nation.

Two key features of the Arkansas Legislature compound the effects of Amendment 73. First, up until the advent of term limits, the influence of seniority and lengthy legislative service were hallmarks of the institution. Membership turnover averaged about 18 percent between 1988 and 1996, but several long serving members enjoyed legislative careers measured in decades rather than years. Term limits smacked up against these traditions in a dramatic way. Second, Arkansas is one of only six states that retain a biennial legislative session calendar. House members limited to three two-year terms attend only three regular floor sessions during their tenure. Term limits severely collapse the time legislators have to learn the nuances of state policy and the legislative process or the crafts of deliberation, compromise and leadership--or to accomplish their personal and political goals.

Amendment 73 took effect first in the Arkansas House in 1998. Forty-nine of the 100 House members were termed out, and the chamber-experienced turnover that year of over 56

percent. Term limits hit the Senate in 2000 when 13 of 35 Senators were forced to leave. Today, few members remain in the legislatures who were first elected prior to the term limits era and the 2004 election marks at least the beginning of the end of those legislative careers.

Today, Arkansas's term limits law is in almost full effect bringing consequences, both intended and unintended, which are sometimes subtle and often dramatic. This chapter analyzes those consequences and the challenges posed by them. It outlines key institutional responses to term limits and offers insight into the changes and challenges posed by the implementation of Amendment 73.

KEY FINDINGS

1. Term limits have dramatically increased turnover in the Arkansas General Assembly. This has changed the leadership dynamics of the Assembly, which for decades had been a senior dominated legislature with turnover rates between 15-20% every election cycle, among the lowest in the nation.
2. Term limits have not had a significant effect on the Arkansas General Assembly's demographic make-up. Only in an increase in women, especially in the Senate, is there a noticeable effect that may be attributed to term limits.
3. Term limits have had an important effect in the increase of Republican membership in the Arkansas General Assembly. This has especially been true in Democratic termed seats moving Republican. Term limits have given Republicans a toehold in one of the nation's most dominant "Democratic Assemblies."
4. Term limits have led to the establishment new leadership positions in the House and Senate to compensate for the loss of veteran leaders lost through term limits.
5. Overall, term limits appears to have placed the legislative branch in an inferior position to that of the executive.
6. Although lobbyist data are somewhat limited, our interviews suggest that lobbyist influence has declined in an Assembly of more freewheeling members who don't quite understand lobbyist/legislator relationships. In particular, it appears that lobbyists are concerned about new legislators understanding their group's positions in the legislative process and this has required lobbyists to spend more time and energy educating legislators about their issues.
7. Term limits have "injected" to new people into the legislative process as supporters of terms limits expected. Most typical, however, those who are elected already hold public office as members of city councils, county legislators, small and medium town mayors, and county judges, et al. The bottleneck created by long-term incumbents in the Assembly has become uncorked by term limits providing a steady stream of municipal and county officials to the state legislature. Term limits, at least in Arkansas, do not seem to have brought the ideal, ordinary, commoner, without political experience Mr. Smith "goes to Little Rock" type to the legislative process.

8. Term limits have produced an interesting number of rather unusual behaviors for Arkansas legislators. Happy to stay in the Arkansas General Assembly in the past, Arkansas legislators are exploring and adapting to a new opportunity structure. More are running for the upper chamber when possible, vying for congressional or constitutional office, returning to the lower chamber when possible, pursuing state jobs or lobbyist positions, and even extending the incumbency of the seat by having a daughter, son, or wife run for it.

ARKANSAS POLITICAL CULTURE

The effect of term limits on the Arkansas General Assembly must be viewed within the context of the legislature, the state's political culture, and the political environment surrounding the term limits initiative. It should be first noted that Arkansas has a citizen's legislature. The Assembly meets only in odd years for 60 days unless extended by a two-thirds vote. Legislators currently earn only \$13,751 with periodic cost of living raises and modest salary bumps for the Speaker of the House and Senate President Pro Temp. The supporting staff is relatively small, growing only when the Assembly is in session. Legislators themselves have vocations outside the Assembly. Many have occupations in business, insurance and real estate and some are educators, administrators and attorneys. Most have deep roots in their communities with those who reside within 50 miles of the Capitol commuting daily when the legislature is in regular biennial session and leaving the capital city for home on weekends. The state's political culture is an intimate one. Politicos in the state know each other and run into each other on a regular basis. The weekly newspapers in the counties and towns and the state's only major daily--the *Democrat-Gazette*--cover politics comprehensively. Seldom is a political development secret in Arkansas for very long and legislators, members of Congress, constitutional officers and even presidents are seen in the general stores, movie theaters and restaurants of the state on a frequent basis. Where else but in Arkansas can you call a United States Circuit Court of Appeals Judge and be put right through to his honor without a secretary asking: "Who is calling please?" Or see your United State Senator hitting balls next to you at the driving range, or be in a local restaurant and have the former President of the United States take a table only a few feet away?

It is surprising within such a context that term limits would gain so much favor with the state's electorate. That is not to say that the legislature and the state's other political institutions are viewed in such a positive light. Indeed, the high level of media scrutiny on the state's political institutions and their inhabitants often illuminates their misdeeds in greater proportion than perhaps in other states. Nonetheless, the adoption of term limits in Arkansas had more than one cause. First was the initiative of Term Limits Inc, which fervently believed that elected officials who had been in office for a long time, especially members of the United States Congress, were far more interested in their own career and interests than the interests of the citizens who had elected them. The preamble of Amendment 73 of the Arkansas Constitution states very cogently the aims of Term Limits Inc., and its supporters.

Preamble: The people of Arkansas find and declare that elected officials who remain in office too long become preoccupied with reelection and ignore their duties as representatives of the people. Entrenched incumbency has reduced voter participation and has led to an electoral system that is less free, less competitive, and less representative than the system established by the Founding Fathers. Therefore, the people of Arkansas, exercising their reserved powers, herein limit the terms of elected officials: (**Arkansas Constitution**).

Term Limits, Inc. and its allies had a point. During the time that they were sponsoring term limit proposals in states with voter initiatives, the Congress was going through what the media deemed the "check bouncing scandal." Here more than a few members of Congress had written checks that were cleared by the House bank even when funds were not present in the member's account to cover the checks. While the members' salary deposits covered these "hot checks" at the end of the month, this preferential treatment did not set well with ordinary citizens. Many citizens may in fact have thought the congressmen writing the "hot checks" were drawing sums in addition to their taxpayer supported salaries. In Arkansas the scandal was highly visible with two of the four members of state's congressional delegation having written literally hundreds of these types of checks. Both congressmen were to see their elected political careers end forever after this scandal, but the effect of the scandal on the congressional institution, the strength and passion of Term Limits, Inc., and an Arkansas General Assembly with few legislators willing to speak out against term limits, provided a very favorable environment for the adoption of term limits in Arkansas.

ELECTIONS

Those that supported term limits believed that Arkansas elections, particularly legislative elections, would become dramatically more competitive with the onset of term limits. If achieved, more competitive elections would certainly be a change in the state's electoral culture. Arkansas is not a heavily partisan state although it elects mainly Democrats. Most Democratic candidates tend to be center right or conservative in their political philosophy although Republican candidates tend to be more to the right of the political spectrum than Democrats are to the left. Democratic and Republican Party activists, however, following a national trend tend to be more polarized. (Barth). Of the two parties, the Republicans are the more cohesive and ideological. Arkansas voters, like most of the candidates who run for Arkansas state and local office, tend to be more generally conservative and not strongly party driven. Several of the state's leading political scientists have pointed out that the state's largest political party may in fact be its independents. (Blair, Schreckhise). Arkansas voters can, therefore, be highly volatile due to the large number of independents and weak party identifiers. Two legendary elections stand out in this respect. The 1968 presidential election saw a strange mix of results underscoring Arkansas's voter volatility. In that election, moderate liberal Republican Governor Winthrop Rockefeller won re-election; nationally prominent Democratic United States Senator J. William Fulbright was returned for another six year term; and American Independent Party populist and segregationist, George C. Wallace, won the state's electoral vote, the first time a non-Democratic presidential candidate in the 20th century carried Arkansas. Later Nixon, Reagan, Bush 41 and Bush 43 would carry the state for the Grand Old Party. Another landmark election in Arkansas was the 1980 gubernatorial contest between Bill Clinton and Frank White. In this election Arkansas voters would punish its Rhodes Scholar Governor by denying him re-election for perceived non-responsiveness and arrogance in respect to incarcerating large numbers of Cubans force-ably removed by Castro and housed at Fort Chaffee at the request of the Carter Administration, and for increasing the price of license plates for ordinary Arkansans. Journalists labeled Clinton's first failed attempt for re-election as "Cubans and Car tags. Later Clinton publicly

apologized to Arkansas voters for his political sins and went on to win four more terms as Governor before becoming the 42nd President of the United States.

In Arkansas incumbents frequently win election at both the constitutional and state legislative level. Blair found in 1984, for example, that only one incumbent in the Senate and three in the House lost in primary challenges and just one incumbent overall in the general election. It was expected that term limits would change that dynamic by encouraging primary challenges, creating open seats, and removing entrenched incumbents. Looking at the candidate filings for 2004 primary and general elections and the results of the May 18th general primary should give us some additional insight in assessing this proposition.

TABLE 1: LEGISLATIVE ELECTIONS 2004 MAY 18TH GENERAL PRIMARY

Senate	Seats Up for Election: 18	Contested-Seats Primary: 4	Contested Seats General Election: 3	Incumbents without Opposition: 11	Incumbents Defeated: 1
House	Seats Up for Election: 100	Primary Seats Contested: 27 Termed: 23 Un-termed: 4	Termed: 16 Un-Termed: 11	Incumbents without Opposition 70	Incumbents Defeated: 2

The information presented in Table I, while mixed, is not all together supportive of the notion of increased legislative competitiveness under term limits. First is the evidence that only three incumbents were defeated in the general primary election. In the Senate, which oddly had no term limited seats up in 2004, only four incumbents were challenged, two by term limited House members, one in fact encouraged and financially supported by the Governor because of the incumbent's opposition to the Governor's school consolidation plan. Second, the data indicate that House term limited seats were characterized by more primary challenges than un-termed seats. That

termed seats would generate more primary challenges is no surprise even though several termed seats had no primary or general election challengers. What is of concern from the candidate filing data is that so few House incumbents drew general election opponents. Even though conventional political wisdom posits that the best time to beat an incumbent is in their first re-election, it appears that with 70 House members unopposed, would-be challengers may be suppressing a desire to run until an incumbent is in her or his final term. Couple this with a possible disincentive to run because of an abbreviated legislative career impacted by term limits in the first place and an increasing number of safe seats because of one-party dominance in certain regions of the state, this evidence raises very troubling questions about candidate choice in a term limited legislative system.

Before we close our discussion about term limits and elections, another unintended impact of term limits is evident when the names of the candidates filing for legislative office are closely examined. In several instances where the member is term limited, we found that a spouse, a son, or a daughter of the term-limited incumbent had filed for the seat. Keeping the seat in the family as an incumbent's term ends is certainly not going to occur in most instances. But it is also not surprising that this kind of "incumbency" occurs because of the strict term limits in Arkansas and the desire of some public officials to continue in office no matter what. Indeed, as long as term limits continues in Arkansas we will see this kind of incumbent replacement taking place.

REPRESENTATION

Arkansas legislators as noted are part-time. Their occupations are those that would be found in any small and medium size town in a state that is still quite rural. Legislators are country lawyers, public school teachers, insurance and real estate agents, college professors, and general store merchants. Regular sessions, although longer since term limits, do not usually last over 90 days. During the session the pace is fast and furious. A 1991 study of work styles in the Arkansas General Assembly found that 75% of the legislators interviewed (N=36) worked at least 50 hours a week during the session while 50% said they worked 70 hours or more a week during the regular biennial session. About two thirds of these legislators also reported that they devoted about 70% of

their time during the session to lawmaking activities (English, 1991). About a third of the sample, however, said they devoted at least half their time to constituent matters during the session and it was not unusual for legislators to spend 15-20 hours a week when not in session handling constituent problems in the district and attending interim committee meetings Little Rock. The evidence we have regarding Arkansas legislators is that the vast majority are hardworking people who take the job of representation seriously.

Arkansas legislators are very accessible to their constituents. During the session citizens call the Capitol switchboard frequently usually leaving messages asking their legislators to support a particular bill. Members are accessed in chamber by the following process: The constituent writes a note asking the legislator to come out of the chamber for a brief meeting. The doorman brings the note to the member in the chamber. The legislator then usually comes out to see the constituent at the next break in the proceedings. The constituent then has the opportunity to make a quick point or usually set up a time when the legislator and she can meet. The home numbers of the legislators and their e-mails are readily accessible to constituents and when back in the district, members often make a beeline for the general store, restaurant, gas station or other common meeting place to find out what his or her constituents are thinking. Given this array of "home style" activity it would seem that legislators would be expected to pick up on the instructions of their constituents and be very "delegate like" in their representational behavior. Poised against this hypothesis is the expected effect from term limits: that legislators would tend to be more trustee in their role orientation because of a shortened legislative career and diminished accountability, especially in a legislator's final term.

The 1983 and 1991 data present an interesting insight into Assembly representational attitudes prior to the adoption of term limits. This evidence suggests that most Arkansas legislators then--back in the days of low turnover and senior leadership--either looked to their constituents for guidance, or for the most part, exercised judgment depending upon the situational context of the issue they were confronting. The trustee role was taken by the smallest portion of legislators during

both studies, especially in 1991, our baseline year, and suggests that legislators do pay attention to their constituents when they are directly contacted by citizens on issues that are important to them. Since most legislative issues are neither highly visible nor relevant to a representative's district directly, the more independent trustee or more situational politico roles seem to fit Arkansas legislators the best according to our data.

TABLE 2: LEGISLATIVE ROLES IN THE ARKANSAS GENERAL ASSEMBLY

	1983	1991
Trustee	23%	8%
Delegate	25%	34%
Politico	52%	58%
	N=85	N=38

Some legislative stories about their representational roles and how they made decisions from the 1992 study is instructive as a frame for our current study. Here is what some of the legislators said:

One district oriented legislator, for example exclaimed, “I try to vote like my constituents would have voted but if I fail I tell them I am wrong and try to go on. Usually I know how working people think having come from working class people like myself.”

Another more independent thinking legislator who thinks of himself as a lawmaker remarked: “If an issue is thought through from the start it can be explained in that context. People take my ability to stand up for my beliefs more than the actual decisions.”

Another legislator with a seemingly trustee role orientation said: “It’s really important to get personal with people and try to persuade them to see the good in the bill.”

And still another legislator used the personal approach in explaining a vote with a different twist, noting “that I explain my vote to people I trust and then let them get the word out to the district.

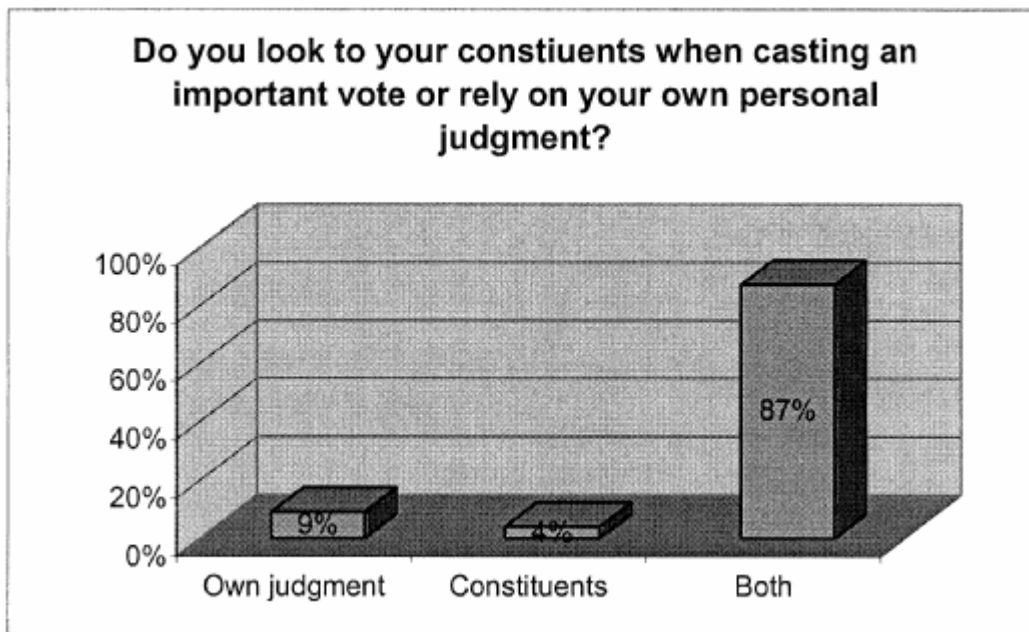
Several other legislators seemed to have a sense of the 'do right rule' in explaining an unpopular vote. “Know your right so you can defend yourself.” “Be down to earth, truthful, present issue as is– no sugar coating, respect differences of opinion.” And “as my grandfather said, tell the truth and you won't have to worry about what you said before.”

And finally a freshman legislator, “I do the best I can and then I feel like my vote was consistent with my platform.”

However, the data we have collected from some of our 2002-2004 interviews and the knowledgeable observer study of Arkansas paint a somewhat different picture. A few of our legislative respondents thought that term limits weakened the legislator\constituent connection considering that many citizens do not have a strong attachment to their representative in the first place. Studies and polls over the years have shown that many constituents don't even know the name of their representative or the office they hold. As several legislators mentioned in the 1991 study and our 2002-2003 interviews, more than just once or twice when back home in their district they will meet constituents who ask: "Well Senator, how are things back in Washington?" The knowledgeable observers' survey seems to support the view that Arkansas legislators are dealing with constituents in approximately the same ways as they did ten years ago in terms of communication styles: person to person meetings and mail. What is different according to these observers is that Arkansas legislators are spending less time solving constituent problems and while placing more emphasis on generating pork for their district (**Knowledgeable Observer Survey**).

This latter piece of information can be interpreted in a couple of different lights however. Getting "stuff" for the district is a form of constituent service that usually points up a legislator's effectiveness in assisting constituents in the district. On the other hand, it might also be seen as a way for the legislator to credit claim as a means of using his or her term limited office to spring board to another higher elective or appointive office. Or it could even indicate perhaps a move to a broader approach for the legislator in solving district problems--something that term limit supporters would advocate--as opposed to individual problem solving for constituents that do not contribute to the greater good of the district. At this point in our study we simply do not have enough evidence to decipher which representational strategy is most likely to be followed by term limited legislators. A good speculation based on our interviews and survey data is that representational relationships are likely to suffer more under term limits simply because the amount of time that a legislator has to develop relationships with constituents is so much less before a legislator is replaced than prior to term limits.

Finally one other piece of evidence from our 2004 interviews gives us another look at legislative representation and decision-making in a term limited context. Unfortunately the data do not reveal a trend towards greater trustee or delegate representation by the 23 respondent legislators. Without following up on their responses we were not able to deduce whether one form of representation was utilized to a greater degree than another or perhaps these legislators were simply saying that both elements were significant in their decision-making. At this point we need more systematic and tighter evidence to make any substantial generalization.



LEGISLATIVE WORK

While our speculation certainly has some merit, there is some additional present and past evidence to add to the debate over whether term limits will enhance or diminish constituency representation in the Arkansas General Assembly. An analysis completed just as term limits was adopted using 36 interviews from the 78th and 79th legislatures indicates that these Arkansas legislators were a hard working group attentive to their constituents. According to these data, 95% of the responding legislators in 1989 and 1991 worked over 40 hours a week while the legislature was in session. Far more striking in the legislative work effort was the 50% of the solons who said they worked over 60 hours a week at their legislative duties.

TABLE 3: LEGISLATIVE WORK, 78TH AND 79TH ASSEMBLIES

Hours worked	Weekly	In Session
	#	%
Over 70	13	36
60-69	5	14
50-59	10	28
40-49	6	17
30-39	2	5
	36	100

How was this legislative work apportioned during the session? Table 4 gives us some clues at least before term limits. Even though 23 legislators devoted 70% of their time to law making activities during the session, six legislators, or 16% of those whom we interviewed during the two prior legislative sessions before term limits, said they split their time between constituent requests and lawmaking activities (English, 1992). In fact over half of the responding legislators devoted 30% or more of their activities in session to constituent requests. What form did some of these requests take? Our interviews indicated that many calls were from constituents asking the legislator to take a position for or against a bill, interactions that could be defined as falling within the legislators' lawmaking role. Other familiar types of constituent contacts were requests for jobs or requests for the legislator to intervene on behalf of the constituent with a state agency. These interactions did not take into consideration constituent contacts back in the district during the legislative session. During the session many of our respondent legislators said living outside of Little Rock reported that they went home every weekend to find out what their constituents were thinking. One legislator said that he went back to the district not only every weekend but one night during the beginning of the session to ascertain what his constituents were thinking. Other legislators indicated they kept up with their constituents by going down to the coffee shops, the general store, and town beauty shop to jaw with constituents. Some legislators tapped into constituent opinion by phoning key supporters in the district or by simply letting constituents know they were in town and could be

found at their occupational office. As noted the Arkansas General Assembly is a part-time body and many of its inhabitants have their law office, real estate and insurance office in the district, a convenient place that constituents can visit. Other legislators who responded in this study said that community events were a main vehicle for maintaining visibility in the district. This would include attending local civic activities, being seen at high school football and basketball games, and not missing a funeral. One current legislator (85th---2005) who had achieved a high leadership position in the legislature is known for his omnipresence at district events. A colleague in fact not of that legislator's political persuasion has complained mightily about seeing her legislative nemesis at virtually every event in the community that she attends, a sure sign that he in fact makes every event in his district.

**TABLE 4: LEGISLATIVE TIME ALLOCATED TO LAWMAKING
IN SESSION: 78th and 79th SESSIONS**

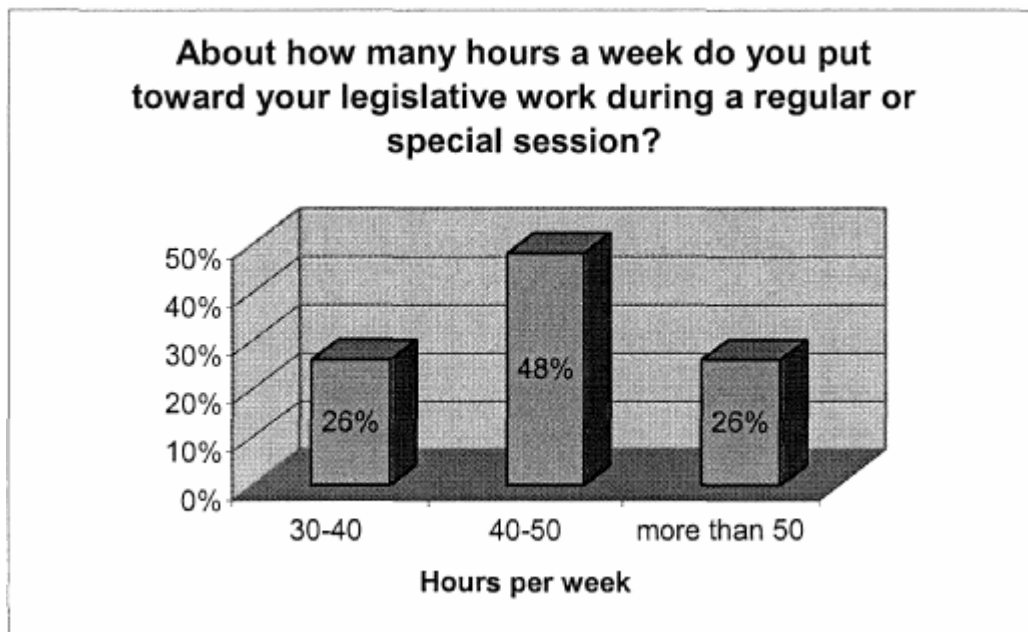
Percent Time Allocated to Lawmaking	Number of legislators	Percentage of Legislators
Over 89	14	38
Over 79	3	8
Over 69	6	16
Over 59	8	22
50-50	6	16
Under 50	0	0
	37	100

When the General Assembly is out of session our 1992 study revealed that legislators continue to find themselves addressing legislative business. Most of our respondents reported that they devoted about 15 hours a week at the low end of the scale and about hours at the high end to 30 hours a week on legislative related tasks. And the kinds of constituent requests that

dominated their agenda when the Assembly was not in session did not seem to be substantially differentiated from constituent requests and contacts during the session. Most fell into the following categories: jobs, speaking requests, information on bills that passed and why other did not, pending legislation, agency intervention and referrals, i.e. social security, traffic tickets, roads, and pot-holes.

Our most recent data from legislators serving at the end of the 84th General Assembly gives us some additional perspective on legislative work. Considering the fact that it is human as well as legislative nature to inflate the number of hours that we devote to our jobs, these data nonetheless reinforce the finding that Arkansas legislators work long hours, un-termed or term limited. Seventy five percent of these respondents said they worked over 40 hours or more while the legislature was in session. That information did not consider time allocated to constituents and other duties during the weekend when many legislators commute back to their districts and meet with constituents. We would expect in fact that legislators with little or no experience in a legislative institution would have to work hard at their jobs. When compared with the veteran Arkansas legislatures of the pre-termed periods and their long hours too, the explanation may be simply that the Arkansas Citizens' Legislature when in session takes upon the character of a professional legislature and regardless of term or pre-termed contexts legislators must work hard in addressing the difficult problems of state government: school consolidation, health costs, and the myriad of revenue and spending decisions that state government must confront. If there is a difference in the pre-termed and termed legislatures regarding their work, it may be that the legislators of the past devoted many hours to their jobs because of the stability and experience they accrued in their legislative careers. The career of a term limited Arkansas legislature is a much more time encapsulated one where things have to get done and done in a hurry. As has been mentioned by several of our 2001 and 2002, respondents, you have to get cracking early because technically if you are a house member, your six year career is limited to 180 legislative days. One last generalization may be offered comparing legislative work in the pre and post

termed Arkansas General Assembly. As our data clearly show Arkansas legislators work very hard whatever the era. With term limits they just have to work much quicker. The results of their work are likely to be more bills introduced and more local projects advocated. In the 85th Assembly, for example, (2005-2005) it is expected that 3000 bill barrier will be cracked for the first time in Assembly history while the number of local development and district improvement projects to be greater than any other previous legislature. (English—Spectrum). With little doubt term limits had changed the pace of work and the nature of work in the Arkansas General Assembly.



MEMBERSHIP TURNOVER

One of the anticipated effects of term limits was that legislatures would experience dramatic turnover leading to new members and new ideas. In the Arkansas General Assembly turnover has long been less than in most states. The reasons for this are several. For one, scholars have found that Arkansas legislators, with their deep roots in the community and their part-time status, were very happy running for term after term in the legislature. (Rosenthal). The part-time citizen nature of the Arkansas General Assembly provided members with ample opportunity to earn a living in their primary vocation while also serving their constituencies as lawmakers. Reinforcing the lack of

turnover was the one party Democratic make-up of the state legislature and the lack of competitive elections. Many legislators stayed in the Assembly to make business connections and foster their law practice. In consequence it was not unusual for the legislatures of the 1970s and 1980s and earlier to have numerous members with ten years or more service. In the 78th General Assembly, which we use as baseline here, the Assembly before the adoption of Amendment 73, 81 out of 135 members had served ten years or more including the 1991 session.

TABLE 4: ARKANSAS MEMBERSHIP TURNOVER

Year	House	Senate
1991-1992	16.00%	20.00%
1993-1994	18.00%	11.43%
1995-1996	29.00%	20.00%
1997-1998	22.00%	14.26%
1999-2000	56.00%	14.26%
2001-2002	32.00%	45.71%
2003-2004	35.00%	45.71%
2005-2006	39.00%	3.0%

Once term limits was adopted higher turnover became a given. As Table 4 and Chart I dramatically show, the first year term limits took effect in the 1999 House, turnover was 56%. In the Senate first effects were in 2001 and 2003 where turnover was almost 50%. Large numbers of new members are now a reality every two years, but as Table 3 indicates, many new Senate members are from the House and many of the new House members are from local government--primarily the county legislatures also known as the quorum courts. Several Senate members have even migrated back to the House. If term limits supporters posited an Assembly of yeoman citizens coming directly from their communities without political or elected experience, that ideal has not been achieved. Still term limits has changed the Arkansas General Assembly forever. With term limits in force there will never be a John Miller who entered the House in 1959 and served almost 40 years. Miller's expertise was budgetary, and he was known for his experience and mastery in preparing the state's complex budget law. When he left the House in 1997 after term limits kicked in, he took that institutional experience and knowledge with him. Nor will there ever be a Max Howell who began his legislative career in the House in 1947 and entered the Senate in 1951 serving in that body until 1993. Howell

and several other senior legislators dominated that Senate for many years, perhaps underscoring the argument made by term-limited legislators about long serving legislators. Indeed, Howell's power was dominant from his traditional "duck dinner" just before the start of the Assembly's biennial session where he awarded the best committee leadership positions to his Senate supporters and cronies. Howell's hold over the Senate was noted by fledging Governor Bill Clinton in 1978 when he quoted Howell as giving him the following advice about his nascent governorship: "Son, I've been in politics since you were born; I'll probably be here when you die; I'll sure enough be here when you're governor and then you'll wish you were dead." (**Blair**).

DEMOGRAPHIC CHANGE

Those who advocated term limits had hoped and anticipated that the release of more competitive and open seats would lead to greater social and economic change in legislative bodies. Legislators would be more diverse and more demographically representative of their state. Although it was also anticipated that term limits would reduce the age of legislative bodies by bringing in younger members, this has not happened in Arkansas so far. The average age of the Assembly, for example, has remained remarkably stable in both chambers. Where Arkansas legislators seemed to grow old in the chamber prior to term limits, the ages of legislators taking their places has remained in the high forties and low fifties. As has been noted, Arkansas legislators are deeply immersed in their communities and the kinds of people who seem to be running and winning legislative seats reflect the maturity of their occupations, with an increasing number of retired people running for legislative office. Perhaps young aspirants to a political career have been dissuaded by the more limited opportunity to make a part-time career in the Assembly for their law practice or business by term limits. It was this type of legislator, the "advertiser," that James Barber found interested in a legislative career in his classic study of legislative behavior--one who used legislative service to promote his vocation (**Barber**). These legislators were not; however, the active positive "lawmaker" legislators who spoke forcefully on the floor, introduced legislation, and

embraced the legislative process at every turn, and who ironically are more likely to be found in professional rather than citizen legislatures. Nonetheless, it is an interesting proposition to advance the argument that term limits has forced legislators to become more like lawmakers with a much more limited legislative career in front of them. And if there were fewer “advertisers” in the Arkansas General Assembly, this would seem to be a strong argument for term limits. Additional evidence and study are needed to flesh out these propositions.

TABLE 5: DEMOGRAPHIC COMPOSITION-ARKANSAS LEGISLATURE

Year	%Democrat	% Non-White	%Women	Ave. Age
1991-1992	90.30	8.88	6.66	51.48
1993-1994	88.89	9.63	9.63	51.96
1995-1996	85.93	8.89	12.59	50.96
1997-1998	85.19	9.63	17.04	50.20
1999-2000	74.07	11.11	14.81	47.70
2001-2002	78.52	11.11	13.33	49.70
2003-2004	71.85	11.11	16.30	50.50
2005-2006	74.00	11.11	16.30	50.90

Supporters of term limits in Arkansas also argued that the divesting of incumbent seats would allow more females and minorities to enter the Arkansas General Assembly. As noted in the Table____, this has not occurred. Demographically, term limits appears to have little to modest impact upon the number of African Americans and females in the Arkansas General Assembly although the impact is relative in numbers. Blacks and females have always been a distinct minority in the Arkansas General Assembly. Typically black and female representation prior to the mid 1980’s was token and sparse. At any one time during the 1970’s and 1980’s more than one woman or black in the Senate and a handful of either in the House was the Arkansas legislative norm. The larger consciousness of minorities towards public service, particularly women, and the fashioning of several black majority districts during the mid to late eighties begin the flow of women and Africans toward the Arkansas legislature, but it has never been any larger than what is shown above. What has changed, however, under term limits is the power of women and blacks in the Arkansas General Assembly despite their relatively small numbers. Since term limits African Americans have formed a Black Legislative Caucus that articulates and takes positions favorable to minorities and is an important part of the Democratic legislative party. During the 2004 presidential election the

legislative caucus brought several Democratic presidential hopefuls such as Carol Mosley Braun and presidential surrogates such as Congressman John Conyers (D Michigan). Within the Arkansas 2005 Arkansas General Assembly itself, the majority whip of the Senate is an African-American and the chair of the House Judiciary Committee and leading House player in the school consolidation debate is a black woman. Women in the Senate and House have also have unsurprisingly increased their influence in the Arkansas General Assembly under term limits. They chair major committees in both the House and Senate and have representation on key committees in both chambers. A female member of the House is a majority whip and recently in fact a female state senator introduced a resolution calling for Arkansas to ratify the equal rights amendment to the United States Constitution. In a way this is a good symbolic measure of the new found power of women in the current 2005 Assembly because that amendment never got out of committee when it was introduced in the 1970's and never in fact even had a vote in committee. That a female senator has the backbone to introduce this resolution again----with the expectation----that it would get a vote is a measure in our view of how far female representation has advanced in the Arkansas General Assembly.

TABLE 6: DEMOGRAPHIC COMPOSITION- ARKANSAS HOUSE

Year	%Democrat	% Non-White	%Women	Ave. Age
1991-1992	91.00	9.00	8.00	52
1993-1994	90.00	10.00	12.00	53
1995-1996	88.00	9.00	16.00	52
1997-1998	87.00	10.00	22.00	51
1999-2000	76.00	12.00	20.00	47
2001-2002	70.00	12.00	14.00	50
2003-2004	70.00	12.00	15.00	50
2005-2006	72.0	12.00	16.00	49.5

TABLE 7: DEMOGRAPHIC COMPOSITION- ARKANSAS SENATE

Year	%Democrat	% Non-White	%Women	Ave. Age
1991-1992	88.57	8.57	2.85	50
1993-1994	85.71	8.57	2.85	49
1995-1996	80.00	8.57	2.85	48
1997-1998	80.00	8.57	2.85	48
1999-2000	82.86	8.57	0	50
2001-2002	77.14	8.57	11.43	49
2003-2004	77.14	8.57	20.00	52
2005-2006	77.14	8.57	17.14	55

One other point is also worth making about women in the Arkansas General Assembly and term limits. The larger representation of women in the Senate seems to have a correlation to the increased number of women in the House and those opportunities that open up in the Senate. In 1991 not only were Representative John Miller and Senator Max Howell still present (Miller would go on to serve three more sessions), but the Senate continued its long time pattern of female under-representation with only one female member. However, with the first impact of term limits taking place in the Senate in 2001, followed by a second wave in 2003, the percentage of women rose to 11 and then 20 percent. Was term limits responsible for this spike in female senators? Reference to Table 3 shows the large number of current Senators with House experience. Five of them are women who have served in the House indicating that incumbency and House experience provide an effective jumping off point for women interested in pursuing their public service career into the Arkansas Senate.

THE DECLINE OF THE LAWYER LEGISLATOR

One of the more interesting changes in the composition of the Arkansas General Assembly has been the decline of lawyers in the Arkansas Senate. Until term limits began to take effect in the Arkansas Senate in 2001 and 2003, the percentage of lawyers in the Senate had always been substantially higher than that of the House, a chamber more akin to insurance agents, small business owners, self styled consultants, farmers, and those retired from primary occupational life rather than attorneys. The Senate was viewed as a chamber of legal eagles that used their expertise as institutionalized in the Senate Judiciary Committee to amend and often prevent the passage of poorly drafted bills emanating from the House. In 1991, for example, the Senate Judiciary Committee was still chaired by the powerful and venerable Max Howell. While the 1991 biennium would be the last session of Howell's 45 year career in the Arkansas General Assembly, Howell presided over a Senate Judiciary Committee of seven lawyers including him. By way of contrast the

2005 Senate Judiciary Committee is chaired by a banker although it does have as its vice chairperson one of the two current attorneys remaining in the Senate.

Our interview data revealed concern over the lack of attorneys left in the Senate but the decline of lawyers in the Senate has witnessed a concomitant increase of lawyers in the House. As noted term limits has provided a broader opportunity structure for those interested in public service to run for the legislature. It is likely that the larger number of attorneys in the House is related to the larger opportunities to run for House seats which are term limited after six years. The House may in fact continue to see an increase in the number of young lawyers who are looking for a way to promote the prominence of their law practice while sampling the fortunes of public service. Since many in the House who have an opportunity run for the Senate the lack of lawyers in the Senate may correct itself in a session or two. One other point is worth making about the larger number of lawyers in the House in conjunction with the increased presence of Republicans in that chamber as well. During the 2003 session House Republican members including several Republican lawyer legislators were able to place themselves on this committee. That presence enabled them to lead a successful fight to pass a strong bill limiting and constraining tort actions. At least in that session there was full role reversal of the Assembly's judiciary committees with the House committee assuming a prominent role in actually advocating and passing important legislation.

Table ____ Lawyers in the Arkansas General Assembly
YEAR HOUSE PERCENT SENATE PERCENT

YEAR	HOUSE	PERCENT	SENATE	PERCENT
1961	22	22	15	43
1981	13	13	6	17
1991	13	13	16	46
1993	13	13	15	43
1995	15	15	16	46
1997	13	13	16	46
1999	15	15	16	46
2001	10	10	7	20
2003	15	15	2	6
2005	21	21	2	6

RECRUITMENT

Clearly the concept often referred to as institutional memory has been one of the chief arguments against the continuation of terms limits in Arkansas. The argument appears to be a strong one, although it requires some qualification. As Table 3 shows in the Arkansas Senate, there is no lack of members with previous elected experience making their way to that chamber. The number of Senators with county legislative experience and especially House experience has increased dramatically since 1985. New Senators certainly know their way around politics perhaps even more so than those entering the legislature two decades ago given their familiarity with the Assembly in general. In the last Assembly before term limits was mandated (1991) only 16% of the Senate had previously served in the House. Starting in the 2001 General Assembly as House members' terms expired that percentage leaped to over 80 percent of Senate members beginning their terms with House experience. However, what is lacking is not political experience in a legislative body, which is indeed helpful. Rather it is chamber specific experience that is missing. Members of the House coming to the Senate are generally quite unfamiliar with the more informal norms and traditions of the Senate, and with few veterans left to pass them on there has been a concern among members of a loss of Senate identity and a lessening of Senate influence in the legislative process. On an individual level many of our Senator\respondents expressed discontent about the lack of opportunity to continue in public service because of term limits. While a number run for Congress (and several have been successful) and some take jobs as lobbyists, with state government, or even return to the House, other very successful men and women in their own vocations who wish to continue to make a public contribution find themselves frustrated when no path for future public service emerges. One extremely successful and well thought of young legislator who had completed his eight years in the Senate told us that he still had plenty to contribute, but that outside of running for Governor, an office he did consider becoming a candidate for, there were no real public service options left for him with legislative term limits.

Another recruitment trend that has its roots in term limits is the increasingly larger number of legislators who have local government experience. Those who favored term limits expected that new blood would enter the legislature and as our turnover data indicates, that has occurred. The opportunity structure for public service has been broadened tremendously by term limits and that has been manifested significantly at the local government level. While there are certainly more “Mr. Smith goes to Little Rock types” serving in the Arkansas General Assembly since term limits, many others are veteran local government servants who ran successfully for open seats. The number of those with local government experience is actually astonishing given the diversity of their public service experience. In Arkansas a plethora of local officials are elected and that is reflected in the public service backgrounds of the 2005 General Assembly which include 17 members with county (quorum court\justice of the peace) legislative experience, six county judges, and 24 other legislators: several who have served as mayors and members of town councils, others who have been sheriffs, county clerks, alderman, and even coroners, still an elective office in most Arkansas counties. These data pretty clearly show that term limits has provided a whole new opportunity structure for public service in the Arkansas General Assembly and while House experience is not Senate experience and local government experience is not legislative experience, many inhabitants of term limited legislatures in Arkansas are not complete amateurs when it comes to the routines of public service.

In response to this kind of “term limits” situation, the 84th General Assembly adopted as one of the three amendments it may constitutionally submit during a regular legislative session an amendment that doubled the number of years a member of the House could currently serve from 6 to 12 and extended by a full third, one full term, the potential number of years (from 8 to 12) that state Senators could serve. This adaptation suggests that the Arkansas General Assembly believed that additional time was needed to be an effective lawmaker, but that the voters would defeat any proposal abolishing term limits or extending them beyond 12 years. As discussed later in this document, this amendment interestingly was supported by a coalition of powerful lobbyists and influential legislative leaders and interestingly did not remove term limits on constitutional officers

including the governor. In the 2004 November 2nd general election it was crushed by a 70% margin against it.

Table 3 -County Legislative Experience in the Assembly and Previous House Experience in the Senate: 1985-2005

Year	1985	1987	1989	1991	1993	1995	1997	1999	2001	2003	2005
County Legislative Experience	8	10	11	12	15	17	17	18	21	17	17
Senators with House Experience	9	8	8	6	7	9	8	8	21	29	29

PARTY CHANGE AND PARTISANSHIP

Term limits has had an impact on party representation in the Arkansas General Assembly. Long a body dominated by Democrats, though conservative Democrats; term limits opened up long time Democratic seats in areas of growing Republican strength and gave Republican membership in the Arkansas General Assembly a tremendous boost.

TABLE 8: SEATS CHANGING PARTIES

Year	House				Senate			
	Untermid		Termed		Untermid		Termed	
	D to R	R to D	D to R	R to D	D to R	R to D	D to R	R to D
1992	0	0	-	-	-	-	-	-
1994	0	0	-	-	1	0	-	-
1996	4	2	-	-	2	0	-	-
1998	3	1	-	-	1	1	-	-
2000	0	1	11	1	0	1	1	0
2002	0	0	6	0	1	0	3	0

As Table 8 illuminates, in term limited seats Republicans picked up 18 seats in the House and three in the Senate whereas Democrats could only turn one seat their way in both the House and the Senate in 2000 and 2002. Democratic dominance in the Assembly, of course continues, but Republicans now have enough seats to warrant minority leaders in the both chambers and the number of Republican chairpersons, based on token representation and seniority in the not too

distant past, now has to be taken into consideration by the majority party and the respective party leaderships.

In one sense the institutionalization of party leadership in a legislature known for its weak parties has been one of the most interesting developments of the age of term limits in Arkansas. Prior to term limits the real leaders of the Assembly were centered in the formal leadership of the House and Senate: the Speaker of the House, the Senate Pro Tempore, the Committee Chairs and the floor leaders identified in the Senate. Since term limits, however, a formal leadership in both legislative parties has sprouted up. One reason this has occurred had been the long time governorship of Mike Huckabee. Huckabee's ascendancy to head the executive branch brought an immediate reaction from Democrats in the Assembly who organized a Democratic Party caucus and overrode a series of gubernatorial vetoes in a fight over which branch would have control over capital improvement project money. The presence a Republican Governor with term limits on the Arkansas General Assembly fed the flames of partisanship that led to a Speaker of the House being elected for two consecutive terms---a substantial break over House tradition---and the formation of more formal party leadership. The irony of this is that policy disagreement in the Arkansas General Assembly is more likely to take the form of very conservative versus conservative/moderate legislative coalitions and rural versus urban interests rather than party centered groups. A couple of examples should illustrate. As noted the legislature's battle with Huckabee in 1997 was over the distribution of public goods, who would get what, when, and where. The 2003 session and special session battles over school consolidation were urban-rural fight with Huckabee, who favored broad school consolidation, allied with the Democratic Chair of the Senate Education Committee against rural legislators such as the Democratic Senate Pro Tempore and the Speaker of the House. The Governor in fact campaigned against the Speaker-Designate in the 2004 election because of his opposition to the Governor's consolidation plan in the 2003 legislative session. Perhaps one other example, one more ideologically centered from the 2005 session, will suffice. In a vote on whether illegal immigrants who had attended three years of public schooling in Arkansas would be eligible for in-state tuition

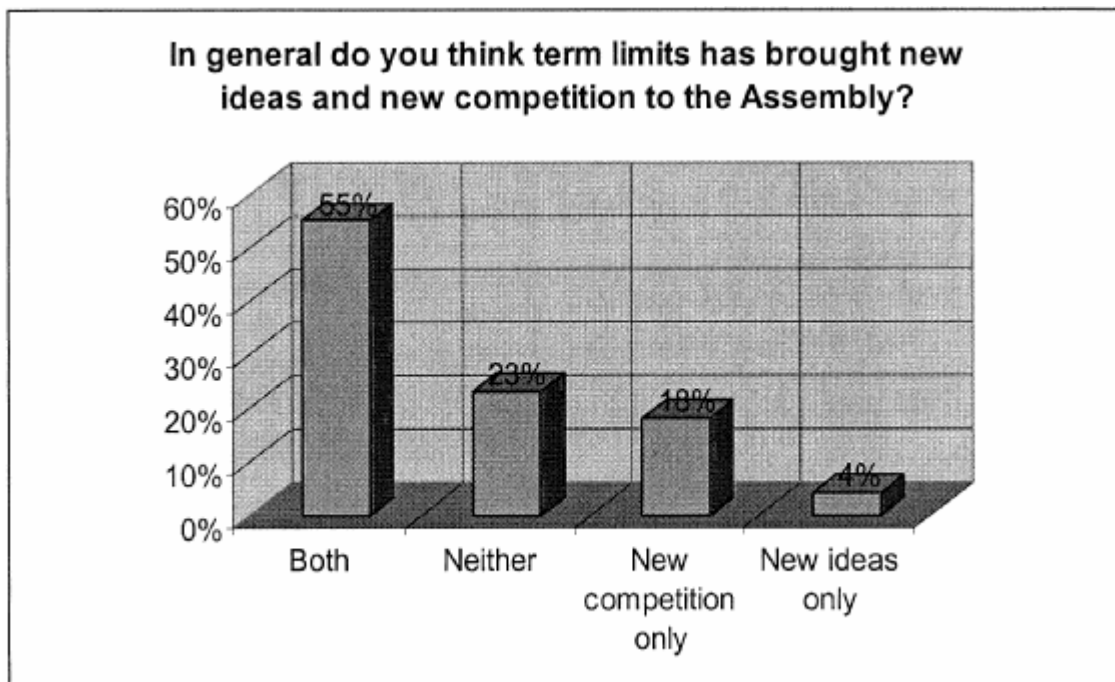
and taxpayer supported college scholarships, a bill strongly supported by Huckabee, 16 House Republicans mostly from conservative in Northwest Arkansas, voted against the Governor although the bill passed 63-31.

Nonetheless the presence of more Republicans in the House and Senate does have political and policy consequences in the Arkansas General Assembly. Since most tax increases under the lengthy, highly detailed and frequently amended Arkansas Constitution require a three-fourths majority for passage, In consequence Republican legislators have been close to veto strength in both chambers since the first few waves of terms limits has kicked in. The much higher number of Republicans in the House will also allow the GOP the opportunity to be much more competitive for seats in the Senate and Republican recruitment of candidates for constitutional and congressional office in the future. In a word the increased number of Republican in the House aided strongly by term limits has provided a chamber farm team for a state party long in need of grassroots representation. In the 2004 cycle, for example, the term limited Republican minority leader decided to run for the 2nd Congressional seat (Little Rock and Central Arkansas) while a Republican House member from traditionally Republican Northwest Arkansas secured the Republican nomination to oppose first term United States Senator Blanche Lincoln. Not to be outdone a Democratic term limited member of the House ran an uphill race for the 3rd Congressional seat in Republican dominated Northwest Arkansas, the state's fastest growing region in population and economic development. These examples give some credibility to the claim that term limits can stimulate an increase in two party competition by fostering the ambition of state legislators who with the end of their legislative career look elsewhere for a continuation of their public service. At this writing in fact two term-limited senators have already announced their plans to for Lieutenant Governor in 2006.

One other interesting very recent (2005) party development has also taken place that may be related to term limits and may indicate a rising partisanship in the Arkansas General Assembly. There has been much closer fit between the party organization and the party in the legislature during the proceedings of the 85th Arkansas General Assembly. One of the eight Republicans in the

Arkansas Senate is the current state party chair which allows some meshing of the party organization and the party in government while the newly minted state Democratic Party chair has developed much closer relations with his party in the legislature by promoting the House Democratic caucus's "Lead Agenda": L=Lower Health Care Costs; E=Early Childhood Education; A=Accountability and Efficiency in Government; D=Decrease Crime and Repeat Offender Rates. While Arkansas legislative parties have never behaved like the responsible party model, they certainly have talked a pretty good game in the 2005 legislature.

Finally, to refer to one more piece of the term limits puzzle, we have some responses from our 2004 legislative interviews. How did this group view the impact of term limits on legislative competition? Because our question did not directly address party competition, these data, which represent only a small portion of the legislature anyway, (about 23 responses) do not merit strong endorsement. Still, they are interesting in that 65% of the respondents believed that term limits fostered both new ideas and new competition to the Assembly. At least these legislators believed that term limits had improved the Arkansas General Assembly from those perspectives.



CIVILITY AND THE RULES OF THE GAME

Legislatures, of course, are incredibly human institutions bringing together in the case of the Arkansas General Assembly 100 members in the House and 35 members in the Senate every two years to represent constituents, make law, and monitor the other institutions of state government. Like virtually all-legislative bodies, the Arkansas General Assembly must function with both written formal and unwritten rules: the latter deeply ensconced in the legislative culture and often more important than the formal book rules of the legislative process. How term limits has impacted upon the informal workings of the Arkansas General Assembly is thus a very important question because it goes to the heart of the legislative process—the ability to work together in the stressful situations of who gets what, when, and how. One of the few studies of the Arkansas General Assembly that examined the informal rules or folkways of the Arkansas General Assembly found that legislators mentioned 15 unwritten rules present in the Assembly of which four were particularly important: apprenticeship, keep your word, respect colleagues and specialization (English & Carroll, 1983).

While our data are limited, it appears that term limits has created a very different working environment for legislators. First, and very simply, term limits has had an effect on the norms of apprenticeship and specialization. Legislators now simply don't have time for an apprenticeship and in consequence their assertiveness in some situations may impact adversely upon institutional civility. Several of our legislative and lobbyist respondents mentioned that legislators don't seem to care as much about their colleagues' feelings or keep their word with lobbyists about supporting their legislation.

Legislative specialization also seems to have suffered. For example, it appears that term limits has made the Arkansas legislature less attractive to attorneys, in part, because limited terms minimize the vocational side-benefits traditionally associated with legislative service. In the 1991-92 session, to illustrate, the Senate had 16 members with law degrees, 14 practicing attorneys, and two others with degrees but other primary occupations. In the 2003-04 Senate, however, just two members had law degrees underscoring a tremendous decrease in legal eagles in a body well known for keeping bad

legislation off the books. In a word those opposed to term limits point to the inimical effects they can have by terming out legislators with specialized issue expertise in important areas of the legislative process.

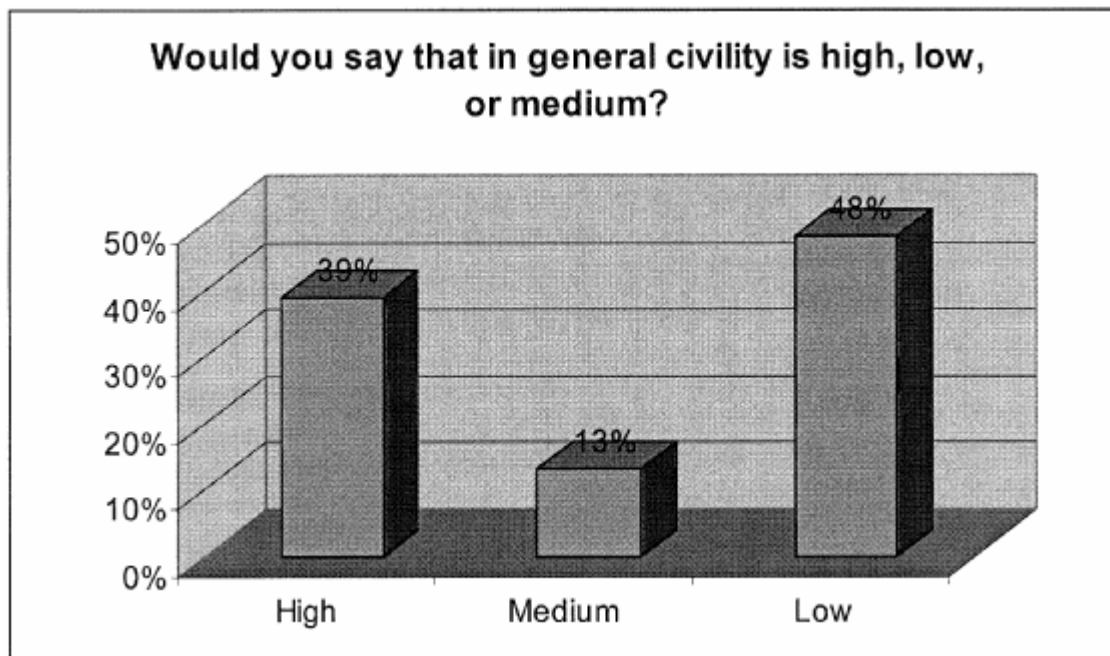
The knowledgeable observer survey data support the proposition that new legislators are less likely to know and embrace the unwritten rules of the game. Legislators are less likely than ten years before to be defenders of the legislature when it is under attack, and they are less likely to be collegial and courteous in committee and polite to other members. The overall findings at this point in our study call into question the wisdom of term limits contributing to a smoother functioning legislative body. A state legislature that is less likely to get along and go along is probably less likely to be an efficient, responsive, and accountable one in dealing with the incredible diversity of demands that a modern legislative body must confront and reconcile.

One norm that has undergone adaptation however has been reciprocity, a norm that has had strength in the Arkansas General Assembly. Reciprocity has meant generally being able to vote for a fellow legislator's bill whenever it was not inimical to the responding legislator's interests, especially the interests of the legislators' constituents. Under term limits, however, reciprocity has become more important in terms of substantive public goods for legislators. In the past the state's general improvement fund has been a source of funds for both the state and local interests. The fund, which accrues scarce dollars from unspent agency budgets and interest on state accounts, has been an important source of both gubernatorial and legislative pork over the years, but because of partisan politics with the governor and the shortened career of the legislators, it has become even more important for legislators to deliver the goods to their district. While the total amount has fluctuated over the past decade, the tension between state projects and local ones has increased. In the 2002—2-003 session, for example, of the \$106.5 million in the fund, 18.5 million went to local projects; mostly volunteer fire departments, local law enforcement, community centers and the like. With the local fund expected to grow to almost 75 million dollars for the 2005-2006 budget, state and local interests exacerbated by term limits are clashing even more among legislators. Legislators are making

more varied requests than ever before, for prom parties to parry prom night drinking to community sports facilities to keep kids involved in quality activities. Rural legislators especially believe that funding local projects is a great way of putting money back into their districts and local communities. Other legislators, more trustee-oriented in a state where the support of school facilities because of court ordered consolidation has pushed state resources to the limits, believe that the state interests should prevail over local ones. If each legislator can bring something home to the district though, reciprocity and delegate role behavior should prevail. After all, term limited legislators don't have the luxury of waiting until next year. But as the pro temp of the senate has said---putting the dilemma of the state versus local interest into leadership perspective: "For each legislator to take something back to their district is very popular....But if the choice comes down to not funding Medicaid---and throwing Granny out of a nursing home---versus funding rural fire departments, I'm for Granny." (Arkansas Democrat Gazette, March 6th, 2005—12A)

In our interviews with legislators in 2001 and 2002 regarding the state of civility in the Arkansas General Assembly we found legislators had a bifurcated view of whether term limits had diminished civility in the Assembly. Among themselves legislators found civility on the downturn. Why? Reasons were varied but primarily legislators thought that without the seasoning of legislative experience newer legislators did not know how to apply what many have referred to as the unwritten rules of the game. In consequence, some legislators did not keep their word or spoke too frequently during a debate or did not show enough courtesy to a fellow legislator. On the other hand, we had a number of legislative staffers tell us that the new legislators treated them with greater courtesy and respect than legislators, especially legislative leaders, had treated them before term limits. The point they made to us was an interesting one. A few senior legislators before term limits was invoked dominated the legislature and they often treated staff impersonally and with dispatch, behavior patterns perhaps routed in their longevity at the top of the legislative food chair. In the fall of 2004, as noted earlier, we completed another battery of interviews with 23 responding legislators. Their responses are reported in the below Table. The data are interesting from the perspective that almost

half the respondents saw general civility as low in the Assembly, a finding that does tandem pretty substantially with our 2001 and 2002 interview data. Open-ended comments from the 2004 legislators were varied nonetheless. For example, a term limited Republican House member from a rural district said that inexperience among legislators had caused a lower level of civility although he could not evaluate previous legislatures. On the other hand a term limited Democratic legislator from an urban district thought that term limits had actually enhanced civility because they all had the similar experience of being new to the legislative institution. He suggested that this was his perception though because he “simply could not be sure” probably because of little standard of reference in previous legislatures. Finally an interview with an a senior Senator who had served in the House in the 1991 session, just before term limits kicked in, thought that the difference in civility was a matter of time and comfort levels. His take was that in the pre-termed Arkansas General Assembly had a much higher level of comfort with each other because of the long shared work experience. Families knew each other and spent time with each other. According to this legislator, the lack of time legislators have to get things done cuts the time for social relations and hence the time for higher levels of civility among legislators. And if norms such as specialization have suffered to a degree, “it is not a matter of intellect as it is a lack of experience.”



STAFF

In the Arkansas General Assembly staff assumes a central role because of the part-time institutional setting that is the Arkansas legislature. Members have no personal staff unless they use their \$800 monthly administrative stipend to hire a part-time person who can help with constituency work, especially during the regular session when lawmaking assumes the major role of the Arkansas legislator and long and harried weeks of work are typical. Sometimes an intern from a local university or college is found but the Arkansas General Assembly has always had a problem of adequate space and members of the House especially, because all but the leadership lack offices have few places for an intern to work. The formal staff of the institution resides in the Bureau of Legislative Research supervised by the Legislative Council of the General Assembly, a “senior” group of legislators who exercise general supervisory control over the staff and in effect act as the “legislature” when it is not in full or special session. The 50 plus employees of the Bureau along with the handful of staffers who work with each chamber directly for each chamber as administrative support: information officers, legal counsel, fiscal officers and constituent relations specialists, constitute the staff of the Arkansas General Assembly. In addition, the legislature employs over 200 people in its Division of Legislative Audit, but these workers are generally not engaged in the day-to-

day activity of the legislative process. The Bureau in particular is a key institution for the individual legislator just elected under term limits. Each committee has a Bureau staff member who provides support to one or more standing committees. The legislative bill drafting service of the Bureau is the key unit in drafting bills for members of the Assembly who depend greatly on this office's ability to draft expertly and quickly.

Within this context it is clear that the Assembly's legislative staff is very important to the legislature. With far fewer attorneys in the Assembly and lobbyists scratching their heads about which legislator to approach to introduce their legislation--if they can recognize them in the first hectic days of a session in the first place--the four or five members of the Bureau's bill drafting services especially assume a critical role in the movement of legislation. With senior legislators now often having just two terms or four years of experience in the House and perhaps six years of experience at the most in the Senate, it is arguable that staff members could sometimes supplant their expertise for that of the legislators. This proposition would seem to be an even more inherently serious one in the term limit debate considering that many staff personnel in the Assembly have been there for a decade or more. Of the ten key staff listed in the 1991 Southwestern Bell legislative directory under the "officers of the House and Senate," six of them were still there at the beginning of the 2003 session. The parliamentarian of the House in fact has been in that position since the 1970's, and the Director of the Bureau of Legislative Research retired in 2004 after 50 years in that position,

Given this few but rapidly graying "band of brothers" assisting the Assembly, staff influence, it would seem, would be certain to increase in the Arkansas legislature--a concern because of the inherently undemocratic nature of un-elected staff. Interestingly, data from our interviews and the survey of knowledgeable observers of the Arkansas General Assembly do support a conclusion of increased staff influence but not in a pernicious manner (**Knowledgeable Observer Survey**). The data from the survey say that members of the Arkansas General Assembly now rely on staff to a higher degree than a decade ago--and this is a statistically significant finding--but our personal

interview data paint a picture of very hardworking staff who while asked to do more, stay well within the bounds of what legislative staff are expected to do, provide research and support but not policy advice. For example, the Bureau’s legal staff, after providing appropriate counsel, will defer to legislators’ preferences, even in cases where those preferences duplicate legislation that already might be part of the state’s legal code and where those preferences might cause constitutional defects in the draft legislation. Committee staff is happy to respond to questions even though many questions may be ones that veteran legislators would have automatically known in preceding sessions. Several of our staff respondents pointed out that while term limited legislators know less and depend upon them more; they also treat them with more respect and deference than in the non-term limited Arkansas legislature. While all of this is very logical, perhaps it might also be explained by the “role reversal” of legislators and staff. Before term limits many Arkansas legislators had as much or more seniority in the Assembly as staff. With term limits legislators are now perennially the new kids on the block compared to most legislative staff. The greater dependence on staff has made them more important in a term-limited legislature, but so far it appears that staff has not nor will not inject itself into the policymaking process.

LEADERSHIP

Two areas of term limit impact are legislative leadership and the legislature’s relationship with the fourth branch of government, lobbyists. Leadership in particular has undergone significant change under term limits.

TABLE 9: ARKANSAS LEADERSHIP TURNOVER

Year	House	Senate
1991-1992	1 of 1	1 of 1
1993-1994	2 of 2	1 of 1
1995-1996	6 of 6	1 of 1
1997-1998	4 of 6	1 of 1
1999-2000	5 of 6	1 of 1
2001-2002	10 of 10	4 of 4
2003-2004	1 of 10	4 of 4

In the past, leadership, through formal position, seniority and legislative expertise, dominated the rank and file of the Arkansas legislature. Nowhere was this more evident than in the Senate of the 1970's and 80's. In the Senate Max Howell and Knox Nelson controlled the membership by assuming most of the key formal and informal positions of power themselves. In Howell's last year in the Senate with Nelson defeated in a Democratic primary, Howell still chaired the Senate judiciary committee, still sat on the powerful joint budget committee, chaired the Senate's efficiency committee and was vice chair of rules, resolutions, and memorials committee. Leadership centralization explained power the Senate. A strong seniority system in the House symbolized power in that chamber (**Goss & English**). Senior leaders in effect dominated the legislative process, and it often took five or six terms in the House and several in the Senate before a legislator became a committee chair or vice chair. Some who offended the leadership in some way never achieved formal Assembly power despite numerous re-elections. Two and three term legislators, never mind freshmen, had little power. They were expected to learn the ropes and not make waves. Senior committee chairs and members of the Joint Budget Committee members ran the show, made the important decisions, and bargained for the Assembly on key issues with the Governor.

Term limits brought change to both chambers in the following ways. First, with senior legislators removed from both the Senate and House a leadership vacuum was created. In the Senate, power equalized and fragmented. Of the 2003-2004 Senate's 19 standing, joint, and select committees, only one person--a newly elected but former long serving member of the House--chairs more than one of these committees, another illustration of greater equality of power in today's state Senate and a far cry from the days of Nelson and Howell when power was concentrated in just a few leaders.

In the House a similar division of legislative resources exists. Furthermore, in both the House and the Senate, Republican members, because of their increased numbers and their "seniority" in a term limited and hence equalized legislature, find themselves chairing important committees they

would not have even had the opportunity to serve on in past legislative sessions. Second, because of term limits, the predictability of who becomes Speaker of the House or Pro Temp of the Senate no longer runs along the formerly well-established track of seniority. Third, the Speaker of the House and the Pro Temp of the Senate, both somewhat ceremonial positions in the past (in part, because they were only one session offices), have become more powerful relative to other legislators because their formal positional power now stands out relative to the junior status of the rest of the legislators. As noted earlier as term limits approached and a Republican Governor assumed office, the Democrats in the Arkansas House, with a strong break in tradition, elected the same person as speaker for two consecutive sessions to combat a Republican Governor whom they found alien to their own interests.

In the 84th Assembly and special legislative sessions, which confronted the highly charged issue of school consolidation, the Speaker of the House and the Senate Pro Temp assumed very visible and important positions in the media war with the Governor over his plan. While they were far from all the actors involved in this issue, their central formal position as spokespersons for the Assembly thrust them into the fray much more than legislative leaders in the past that could often operate well under the media radar screen.

A fourth and very important impact of term limits on legislative leadership has been the change in leadership structure, particularly in the House. Since the invocation of term limits the House has gone simply from a Speaker, Speaker Pro Temp model to four assistant speakers pro temps, one for each Congressional district, widening the speaker's leadership circle and assigning greater status to these legislators. The other related development is a new and striking one. In both the House and the Senate there are now formal floor leader positions--majority and minority leaders and whips--who by law also become members of the powerful Legislative Council of the Arkansas General Assembly, the body which essentially is the legislature when that body is not in regular or special session. And one other important point needs to be made about the changes in leadership structure in the House and Senate. In the House before term limits, committee placement was

largely a function of seniority. Under term limits the Speaker of the House considers seniority, caucus recommendations, and individual member preferences. In this kind of system during the 2003 session House Republican members were able to stack the House Judiciary Committee so that they could successfully, which they did, influence tort reform legislation. In the Senate, a more informal and clubby body even with term limits, committee selection is most influenced by seniority rank and majority party leadership.

Another most interesting and in some ways the most attention-getting result of the impact of term limits on legislative leaders has been the experience levels of the leaders in the House and Senate. Usually before a legislator became Senate Pro Temp or Speaker of the House, a legislator had to have upwards of 15-20 years of legislative service (**English, Spectrum**). Under term limits a speaker designate is now selected in their second two-year term, and a pro tem may be selected just after the conclusion of their first four-year term and their successful re-election to another term. In consequence, recent Assemblies have seen incredibly youthful leadership in the House particularly. Speaker Bob Johnson was only 33 when he assumed the reins of the 82nd (1999 Assembly), the first Assembly to confront term limits head on, and Speaker Shane Broadway, first elected at 24, became speaker at 28. It is fair to say that prior to term limits both of these legislators would have had to have served six or seven terms and been into their forties before they would have attained the legislative stature to run for Speaker of the House. Term limits in this sense has provided leadership opportunities that could be said to devolve more on competitive merit than seniority. On the other hand, in past Assemblies experience and merit were often melded together in leadership positions.

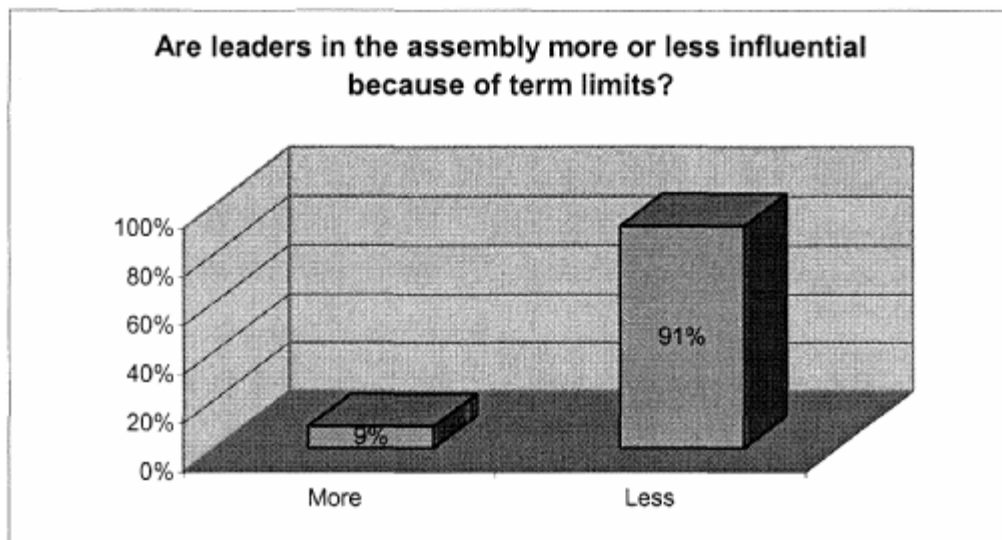
Leadership has had to adapt to the changing circumstances wrought by term limits however and the question of how powerful leadership under term limits is relative to the “old day” seems clearly less. One adaptation brought on by term limits is the power of the Speaker. Clearly he is more powerful than other fellow term limited legislators because of his appointment and visibility powers. In some ways he may actually be more powerful than pre-termed speakers who had to share their power with strong committee chairs. In truth power has always been dispersed in the Arkansas

House of Representatives to one degree or another. The difference is that in the age of term limits speakers may have to take extra political steps to keep their influence from being fragmented during the actual legislative session because they won't be coming back to the House. One of the first things Speaker Designate Bill Stovall did upon winning the office during the 2003 was to set up a leadership PAC to contribute to candidates that would share a common agenda but would not fund challengers against incumbents. In Stovall's words, "It is just an opportunity that some of us believe will bring a little more continuity in the General Assembly under term limits. It is a chance to get people elected that can help pass an agenda that reflects the character of the state." (Arkansas Democrat Gazette, 4B, October 12th, 2003). Interestingly, the view that Assembly leaders must be more strategic in planning their agenda seems to fit well with the knowledgeable observer survey which found that compared to a decade ago legislative leaders would have to focus on election campaigns and plan their path to leadership positions early in their legislative career (**Knowledgeable Observer Survey**).

Other adaptations the Arkansas General Assembly will have to make under term limits will be how to elect party leaders in the Senate before the new legislators take office in January--- essentially raising the question of whether lame duck senators could participate in the selection of party leaders even though they would not be back for the next session. An even more knotty question the 2007 Assembly will have to address is whether the next Pro Temp of the Senate will be selected by the entire vote of the Senate or by the Democratic Party caucus. This question has come up because the very next Senator in seniority line would be a Republican and no Republican has ever been selected as Pro Temp of the Senate in this century. Again, since term limits has been in more or less responsible for giving Republicans additional chances for legislative office in Arkansas, the connection with change and adaptation in the Arkansas General Assembly is a clear one.

Our last piece of evidence regarding leadership change under term limits comes from our 2004 September/October interviews with 23 respondents, reporting. Those legislators overwhelmingly believed that legislative leaders had lost influence in the Arkansas General Assembly.

While this interviewed group represented only about a sixth of the 135 legislators the strong view that leaders had lost influence under term limits should not be taken lightly, especially since political perception and belief even if they are not reality become reality.



LOBBYISTS

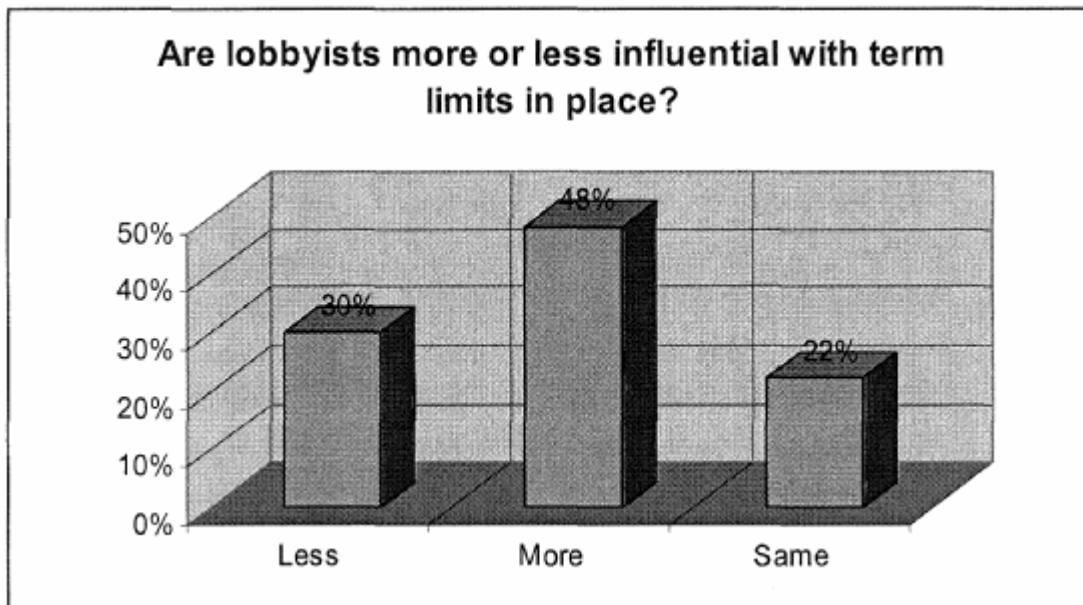
Interest groups have always been strong in the Arkansas General Assembly because of the part-time and accessible nature of legislators to them. With staff resources limited and bill introduction high and increasing during term limited assemblies, Arkansas's citizen legislators have often looked to lobbyists for information and guidance. The senior dominated pre-termed legislatures had especially cozy relations with lobbyists who could depend upon their intimacy with experienced legislators developed over 10, 15, and even 20 years of legislative service. Interestingly but not surprisingly established interests were always the strongest in this citizens' legislature. Business, banking, the utilities, oil and gas, teachers, the executive branch, the timber industry, the highway commission, and the governor's office could be counted as among the most powerful on a session by session basis (English and Carroll). In addition the Assembly was susceptible to in-house representation from legislators who actually worked, were recruited, and articulated the interests that they were occupationally tied to, the Poultry Federation and Oil and Gas Marketers as examples of note. Lobbyists in the pre-termed legislators had also developed lobbying tactics that worked with legislators. They testified at public hearings and made campaign contributions, typical group tactics,

but the most successful stratagems for influencing legislators according to data gleaned from both legislators and lobbyists were personal, one-on-one lobbying and using influential third parties to contact legislators. Direct action tactics such as publicizing voting records, orchestrating protests, or calling press conferences were looked upon with a dim view by legislators (English and Carroll).

While lobbyists have frequently come from the ranks of elective office, particularly the legislative branch of government, the trend since the invocation of term limits appears to have motivated more legislators to seek lobbyist jobs when available. In 1999 of the top ten most influential lobbyists according to lobbyists, longtime legislators, and reporters at the Capitol, two of the lobbyists were former legislators including a former Speaker of the House, while several others had had high profile jobs in state government or were the son or daughter of a former senior legislator. One prominent lobbyist in fact was both married to a former legislator who is a lobbyist and is the daughter of a former Speaker of the House. Relationships have deep roots in the Arkansas General Assembly. A similar informal poll conducted in 2004 found that of the ten most influential lobbyists, five were former state legislators including two former Speakers of the House. Moreover, the interests they represented were hardly insignificant ones---Energy, the Poultry Federation, the Arkansas Health Association, the Arkansas Heart Hospital, etc. Clearly if this evidence is not conclusive it is very suggestive that termed legislators, especially those with a great deal of experience in the legislature, are looking for and being tapped for prestigious lobbyist positions.

Term limits has changed interest group lobbying in other ways too. Our earlier interviews found Arkansas lobbyists disenchanted by term limits because of the steep learning curve it took to educate new legislators about their issues. Term limits for lobbyist meant they would have to work a lot harder to get their issues across to newly minted legislators. No longer would lobbyist have just a few new senators and perhaps 20 new house members at the most to try to develop relationships with, but in the topsy-turvy world of term limits turnover could be a third in the senate and half in the house. In consequence lobbyists now target legislators they believe will be legislative leaders early in their legislative life---even as candidates---so they begin the contact and cultivation process for

their issues early in the legislator's career to compensate for the lack of and impermanency of legislator relationships. Other tactics utilized to bridge the "identify" gap" are now in vogue that would have been just part of the process during the pre-term meetings of the Arkansas General Assembly. Lobbyists have to carry their Southwestern Bell and Arkansas Electric Cooperative Guides with their pictures of the legislators with them during the first couple of weeks of a new Assembly session. And meetings to break bread with new legislators have become more important. One meeting "in the country" takes place at the "farm" of a prominent legislator where lobbyists and legislators can kick back after a tough day at the Capitol. According to some of our interviews, an evening at the "farm" is not to be missed by lobbyists who retain an open invitation to attend.



Looking at our most recent interview data, we find from the legislators' perspective anyway a perception that lobbyists are generally more powerful in the term limited Arkansas General Assembly. Again, noting that this table is based on only 23 interviews, it is an interesting finding that runs against what many lobbyists have told us: that their influence is diminished. Indeed, why would some of the most powerful lobbyists support a November 2' 2004 constitutional amendment to extend term limits to 12 years in each chamber if they thought their influence was greater with

term limits? We believe that the answer here is just that: perception of the process. Term limits has made it more difficult for lobbyists to develop close relationship with legislators, but many legislators, considering their own inexperience, probably find it more difficult to deal with lobbyists at the same time. Our view is that new legislators are not familiar enough with the rules of the game regarding lobbyists and do not fully understand the nature and perhaps value of that process. On the job training is tough in any profession and that is probably exacerbated in a legislative setting with 600 registered lobbyists ready to descend literally at the gates---actually doors----of the senate and house to button hole a legislator or ask the doorkeeper to pass a note to a legislator to bring him or her out in the corridor for a meeting.. It appears that with term limits the lobbying process has become more work for lobbyists and less comfortable for legislators.

COMMITTEES

Committees are important in any legislative setting because of their ability to pass, kill, amend, and otherwise deal with the “stuff” of the legislative process. As Woodrow Wilson suggested in respect to congressional committee, committees at the state legislative level show the legislature at work not on display. In Arkansas legislative committees may be even more important in the winnowing process given that the Arkansas General Assembly is invariably at the top of any legislative list in percentage of bills passed. In consequence, the effects of term limits on the committee system in the Arkansas General Assembly are important to note. The most dramatic developments in particular starting have been the incredible institutionalization of a much more complex and specialized committee system in the Arkansas General as a means of coping with term limits. This has been particularly true in the House. Table chronicles that growth through three different decades and suggests several interesting views of the committee system in the Arkansas General Assembly. First, is the stability of the standing committee system? In all three periods looked at the number of standing legislative committees has stayed the same in both the Arkansas House and Senate. Each member will be on one A or B committees that meet alternate mornings before the session so that members can make meeting. Senate standing committees are comprised of

seven members per committee while House standing committees are made up of 20 members. A whole number of each committee, 4 in the Senate and 11 in the House is required to pass a bill out of committee.

TABLE ____ COMMITTEE GROWTH IN THE ARKANSAS LEGISLATURE

YEAR	STANDING	SELECT	JOINT	SUB	
1983 (74 th)	20	6	8	0	
1991 (78 th)	20	6	11	0	
2005 (85 th)	20	6	13	30 (all in the House)	

As Table ____ further suggests, the growth in Joint Committees has not been that great in either chamber. The real change in the joint committee structure in the Arkansas General Assembly since term limits, however, has been the large increase in legislators in both the House and the Senate on Joint Budget, the most powerful and prestigious committee in the Arkansas General Assembly. In the 1983 Arkansas General Assembly the joint budget committee consisted of 15 House members and 10 Senate members, all senior legislators. That committee was jointly chaired by Max Howell in the Senate and in the House by John Miller, acknowledged as the most knowledgeable member in the House on budget matters over the years by legislators and staff alike. In the 1991 session of the Arkansas General Assembly Howell was still a member of joint budget and chaired three other committees in the Senate while joint budget in the House in the House was still chaired by John Miller and consisted of 12 senior members of the House. In the 2005 session of the Arkansas General Assembly 28 members of the Senate are on joint budget and the committee is astonishingly chaired by a Republican. The House shows a similar pattern with 24 House members holding seats on joint budget not including two alternates from each of the state's four congressional

districts. These numbers make it clear that with long term institutional memory on budget matters departed from the Assembly, more and more legislators have to be included in the specialized and complex budgetary processes of the state legislature. One other interesting committee development in both the House and Senate that parallels the personnel growth on the joint budget committee is the much larger number of Senate and House members that sit on the Legislative Council, that leadership committee that in effect supervises the legislature in and out of session including the Assembly's staffing. At one time a small joint leadership committee of House and Senate members made up the Legislative Council. Under term limits that body is now officially noted as a select committee in both chambers and consists of 20 members in the House with 40 more as second and third alternates. In the Senate the Legislative Council consists of 16 members with 13 members as first alternates and one as a second alternate. Again these changes indicate that power is much more dispersed and shared in the Arkansas General Assembly under term limits.

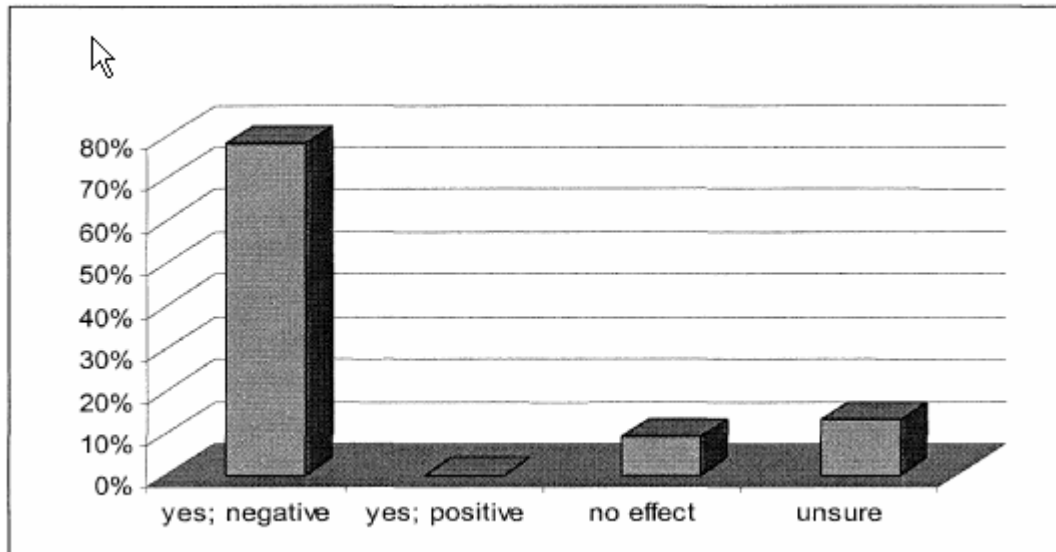
Table____ also notes the growth of subcommittees in the House as a way in which that chamber has reacted to term limits. Given the rigorous six years of longevity either consecutive or otherwise that a member has in their House career, the three subcommittees per standing committee that have developed in the House are a way in which legislators can get additional experience and specialization very early in their legislative career. More specifically, while the vice chair of a standing committee usually winds up chairing one of the subcommittees, the result of this innovation has been to give many term limited legislators the opportunity for additional committee responsibility and experience. In the 83rd Arkansas House, for example, 20 legislators either were chairs or vice chairs and 20 other different legislators chaired subcommittees. Of the 100 members of the House, 40 were either committee chairs or vice chairs. As the old joke goes even if you didn't know a particular legislator walking down the corridor of one of the Capitol's floors, you would strike a note of familiarity and would not be too far off at all by greeting him or her with "How are you today, Mr. or Madam Chairman."

One other aspect of the committee process that should be addressed is whether committees are functioning more effectively under term limits. Again while data are limited here to interviews and the knowledgeable survey results, a couple of generalizations may be hazarded. First, several legislators thought that it was now much easier to get a bill out of committee because committee chairs were less skilled and expert in killing bills, both good and bad, one would assume. Second, an equality of power has been substituted for the committee chair's power and the larger number of bills being introduced and adopted in the Assembly is likely to be a result at least in part of the uniformity of status and power in committees after term limits. While term limit supporters point to these results as encouraging fresh ideas, those who believe term limits produces enhanced opportunity for passing bad bills, point to the knowledgeable observer survey results, which say that compared to ten years ago committee chairs are much less knowledgeable about the issues before the committee, less courteous, less likely to seek public comment, less likely to amend bills in committee, less willing to compromise and less likely to be polite to their committee peers. These limited data certainly support the idea that the committee process has been undermined by term limits, but it is also fair to say that the knowledgeable observer respondents' assessment is undoubtedly value biased because of their past linkage to the legislative process before term limits, a process they were very familiar with.

The last piece of evidence we have on the manner in which the committee system has adapted and reacted to term limits comes from our 2004 fall legislative interviews. As Table_____ shows these an extraordinary majority of these respondents took a very dim view of the effect of term limits on the committee process in the Arkansas General Assembly. As some of our open-ended interviews revealed a number of legislators and staffers (2001-2002 interviews) felt that legislators just had too much to learn in too short of time about the committee process and that a number of committee chairs needed the experience of being on a committee for awhile before they became adept at running one. Again while our data are limited it appears that institutional coping

mechanisms may only go so far in being able to bring term limited legislators up to an effective speed in the legislative process.

TABLE ___ HAS TERM LIMITS INFLUENCED THE WAY COMMITTEES WORK: IF SO, POSITIVELY OR NEGATIVELY?



BALANCE OF POWER: EXECUTIVE/LEGISLATIVE RELATIONS

Relationships with the executive are harder to analyze even though the Arkansas Governor is an office not without power in respect to the legislative branch of government. The Arkansas Governor has in fact many advantages the Assembly does not have. In Arkansas the Governor has both the general and the item veto although both can be overridden by a simple majority of the Assembly. The executive has broad appointment powers including the power to appoint members to the politically powerful and constitutionally independent Highway and Fish and Game Commissions. In addition the Governor appoints members to a myriad of commissions and boards that regulate the state's businesses and officiate over its educational institutions. And the Governor is the only elected official under the constitution that can call the legislature into special session, which give him extraordinary power in terms of timing and setting the agenda for the legislature. Perhaps even more significantly, the Governor is at the center of the state's political system at all times simply because the job is "full time" with a staff of over 50 in support.

The Governor and his chief budget officers, the Department of Finance and Administration Director in particular, comprise the primary budgetary force in state government as the Assembly has become increasingly reactive in this most important of all executive\legislative relations, especially as senior leadership has moved out of the legislature. The Governor also dominates the media stage of the state political system from his state-of-the-state address to his many opportunities for press conferences, television, and radio talk show appearances. One regular radio program called “Ask the Governor” provided Governor Huckabee with a very effective bully pulpit to chide legislators during the 2004 regular and special sessions over their opposition to his consolidation plan. And as has been evidenced by our interviews and observations, experienced cabinet heads seem to have a greater advantage with term limits over legislators seeking information about their agency’s budget. During one budget hearing we observed that only the veteran legislators--virtually all of them term limited and leaving the legislature-- were asking all of the tough questions. Another established lobbyist told us that one agency director after some enthusiastic questioning by a term-limited legislator during a budget hearing said: “I don’t worry much about those guys. He’ll be gone next year and I’ll still be here.” This may in fact be the largest impact of term limits on executive\legislative relations: it appears to have institutionalized an inequality of power in the legislature’s ability to oversee the executive branch bureaucracy. Finally while Amendment 73 also term limited the constitutional officers of the state; it nonetheless provided them with a maximum of two four-year terms. Since the vast majority of Arkansas Governors have been elected to two terms, an Arkansas Governor will normally have an advantage over legislators in budgetary conflicts simply because the Governor is likely to have experienced more budget cycles with full time cabinet and budgetary staff assisting him in budget allocations. In sum, the formal and informal powers of the executive, his dominance with the media, his experience and staff, seem significantly weighted in favor of the executive in how terms limits has affected power relationships between the two branches.

Nevertheless, the Arkansas General Assembly, even under Democratic Governors, has not been the most malleable of institutions, especially when significant interests were at stake. While

former Governors Dale Bumpers and Bill Clinton were able to obtain tax increases for educational reform it was not easy, and Governor David Pryor (D-1974-1978), the acknowledged most popular politician of the last 50 years in Arkansas, saw his Pryor plan of enhancing local government taxing powers slammed back in his fact by a recalcitrant legislature dominated almost entirely by his own party (Ledbetter et al.). Much more recently the Assembly made sure that Republican Governor Mike Huckabee would not be able to use capital development project funds at his discretion--a customary power that other governors had exercised--and the legislature fought a popular Governor Huckabee tooth and nail over school consolidation forcing him to abandon his own plan, letting a bill become law without his signature that would only consolidate school districts of less than 350 students. If term limits has made the legislature weaker in relation to the Governor, this pattern has not sorted itself out yet.

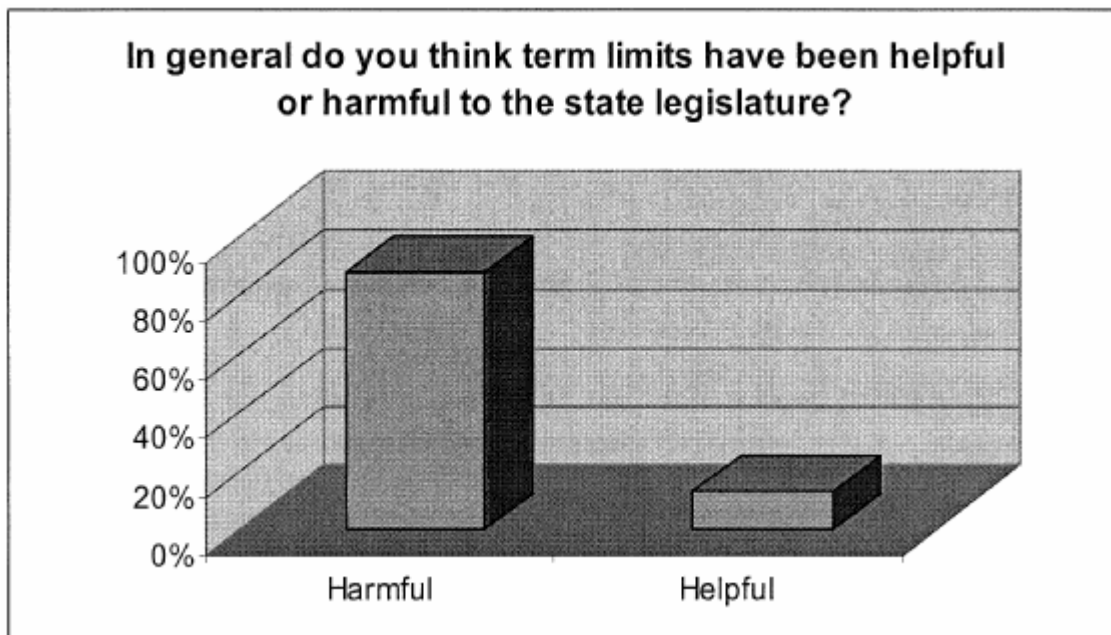
DISCUSSION

The Arkansas General Assembly is a far different institution since term limits. It is a legislature made up of new faces and increased local government experience. It is a legislature with significant Republican representation, a change in the political landscape that has gone hand in hand with incremental Republican realignment largely in the Northwest portion of the state and the growing suburbs in other regions. Term limits has also produced a new opportunity structure in Arkansas. Members of the General Assembly are introducing more bills and more legislators appear to be looking for opportunities to continue their public service careers after their Assembly service. While evidence is still slim, lobbyists appear disconcerted by the changes wrought by term limits. Old cultivated relationships are no longer present as these writers observed at a 2004 meeting between legislative leaders and several powerful lobbyists who expressed strong dissatisfaction with the present system. Another lobbyist respondent railed at all the work it took to educate new legislators about its issues. Still lobbyists are adapting also to the new group dynamics created by term limits. Our interviews found that lobbyists now try to identify potential legislative leaders very quickly cultivating these relationships as soon as possible. Lobbyists also realize that they are going to

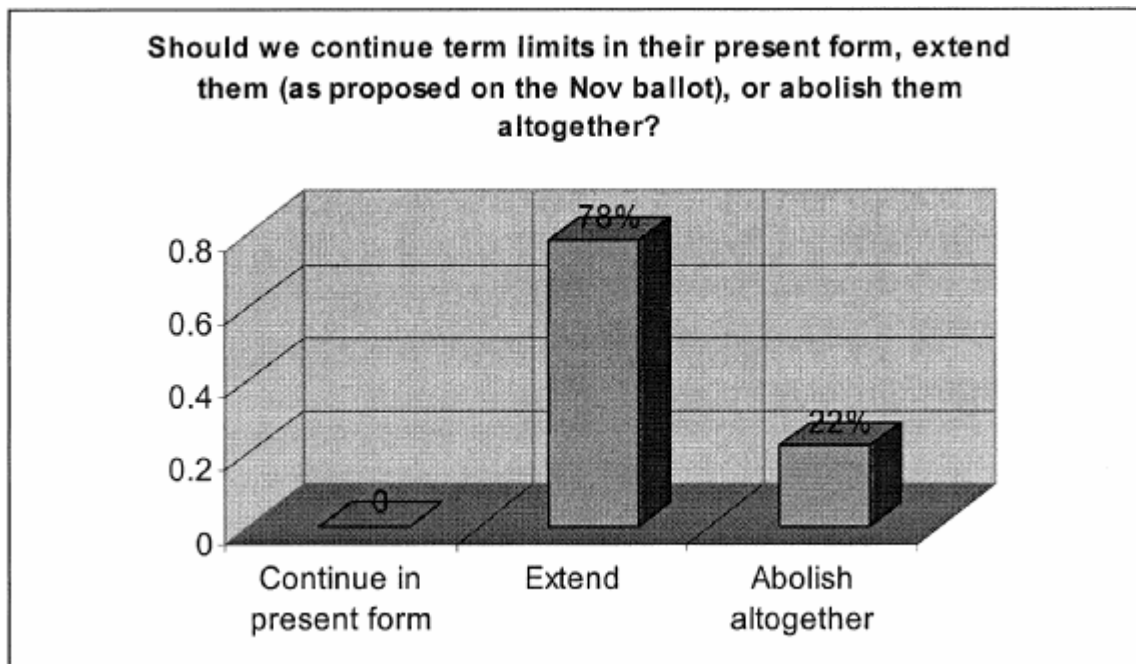
have to work harder and longer to continue to meet established levels of influence prior to term limits.

Institutional change is a significant effect of term limits in the Arkansas General Assembly. Today's freshman Senator or House member is likely to be an important committee chair the very next session. Legislative staff members are being asked more questions, although sometimes not the most insightful ones, and orientation sessions for Arkansas legislators have now become a permanent part of a new legislator's routine. Leadership change has taken place too. Legislative floor leader positions have become permanent in both chambers most likely with the goal of keeping a semblance of leadership control over the flow of a much more individualized and fragmented legislature.

Legislators themselves seem to be very dissatisfied with term limits. They endure them rather than like them because citizens as a whole in Arkansas strongly favor term limits. When asked off the record though, most of 2001 and 2002 respondents thought that although term limits had some upsides, overall they were not good for the legislature and the state. Our 2004 legislative respondents shared that view even more dramatically as Table___ indicates.

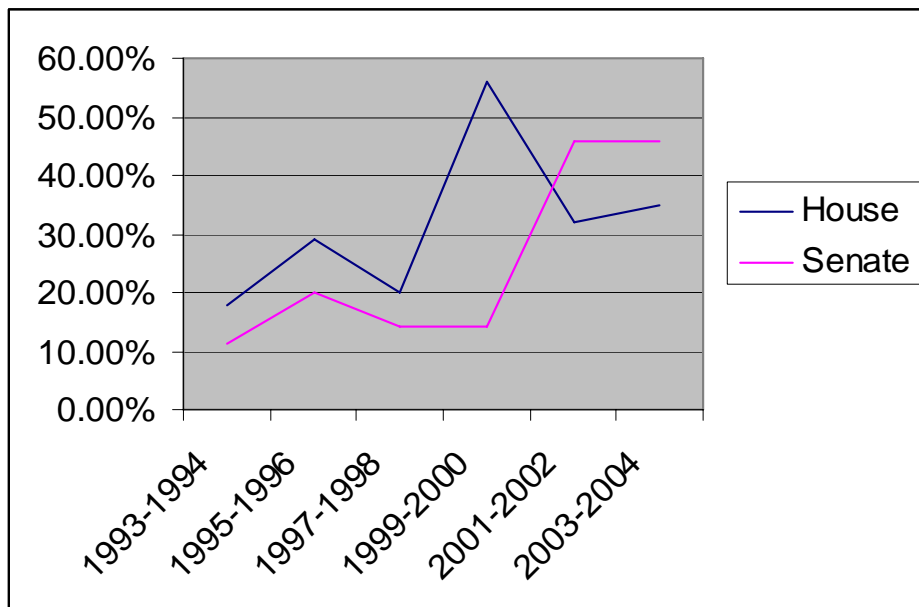


Legislative dissatisfaction with term limits was evidenced further during the 2003 regular session at which one of the three constitutional amendments the Assembly was entitled to submit to the electorate extended terms limits from respectively 6 and 8 years in the House and Senate to 12 years for both chambers. While the amendment did not extend term limits for constitutional offices such as the Governor, a flaw that obviously hurt its chances for passage, it did make possible a legislative career of 24 years. We did have the opportunity to ask our 2004 respondents whether they would continue, extend, or abolish term limits in their present form. The evidence in Table ___ requires little interpretation. Not one of the 23 respondents believed that term limits should be continued in its present form. The large majority of the legislators interviewed thought that extension was the best way to go as opposed to abolishing them and we have no way of knowing whether more of these legislators actually supported abolishment but thought that a ballot initiative to that effect would have little or no chance of passage. At any rate it made little difference at the polls. The campaign to extend term limits was not particularly well done



There is little doubt, as we have argued that the Arkansas General Assembly is a vastly different institution under term limits. Whether this difference is for the better or worse is still a matter of debate. We have found more down sides from the people whom we have talked to, but the state’s motto is: “Do the People Rule” and on two distinct occasions and they have mandated that legislative government live under term limits. If the debate among political and governmental elites about the worth of term limits is still not clear, that status does not exist among the electorate.

CHART 1: Arkansas Legislature Membership Turnover: 1993-2004



Adaptations: Notable quotes from our September/October 2004 legislative interviews

“The only two people essentially who can’t run for my job are a convicted felon and myself.”

“We have nearly fifty people in our assembly with less than two years of experience. If one half of the board of Wal-Mart had less than two years of experience, (the company) would probably be bankrupt.”

“I don’t think that (term limits) have been entirely bad, but the overall picture is that we have less time to do the people’s work and less time to gain experience than before.”

“On the one hand, you could easily say that people like me may not be here if it wasn’t for term limits, and there may be some truth to that, but I honestly believe that people will make the right choice when it’s given to them even if it’s the same person over and over.”

“There is a lot of time wasted becoming acquainted with the process instead of time seriously debating how what (the legislature) does will affect the people of the state.”

“Legislators are more concerned with passing laws for their records than with really serving the people.” “If we didn’t have term limits, people would spend more time on the issues.”

“Limiting the terms of (legislators) to just six years is akin to limiting the number of years someone can be a lawyer or doctor... its not reflecting the American dream and more important, it is creating a lot of problems as far as inefficiency in getting things done.”

“Term limits have been good for our party and I think for the people in general in bringing new people to make laws, but I think that it has hurt people in terms of the lack of experience of so many of the people in the legislature...so they’re good for the democratic election process, but not so good for the legislative process itself.”

“By making us change members so often we create a constant effect of less experience, and the executive branches become more powerful this way.”

“The only real negative of term limits is in the loss of legislators who were sincerely in it to serve their people and the ones who were very professional at what they did... otherwise it is a system that keeps government more accountable to voters.”

“I have the philosophy that you have to be prepared to do whatever the voter says that seems to me to be the true answer in a democracy... the voters may not always get it right in terms of what’s right for the Assembly, but the should have the choice in the end.”

“I don’t think that there is any way we can say that a couple of months every other year in session for three terms or less is enough time to gain the type of experience we need to serve our districts in the most effective manner...as a teacher, I know that it takes time to learn and to adapt to new situations and I think many legislators want that extra time to serve to the best of their abilities.”

“There are a lot of people (in the assembly) who I don’t believe would be in here if it weren’t for things like term limits. Yet many of them speak out against them all the time. I think they may not be perfect, but their done some good.”

“Lobbyists are always going to have their influences---no question about it, but I think they’re even more active in the last few years in particular.”

“(Term limits) are not a perfect thing, that goes without question, but I think if you look at broad picture, they have helped a lot of people to become involved in government that might not have thought they had the chance to otherwise, and I think they have brought new ideas as well as new people.”

“I think most people will tell you that we spend more time than ever learning our way around... and rehashing old ideas that never worked and trying new ones that didn’t have a chance in the first place.”

“We’re now almost all guilty of trying to do what will keep us here for the few terms we can have than what’s really best for those who need help.”

“Legislature is more experienced than ever... at being inexperienced!”

“With the current system going, one unprofessional legislature will turnover into another unprofessional legislature until we have years of inexperience and a lot less progress than we could have had. I think that’s when the people in general will begin to change their mind on term limits.”

“Most of us want to serve long enough to make a difference, but we don’t want to be here so long that it’s a career that’s not what we have in mind... but I think preventing people from serving longer than a few terms doesn’t allow us the chance to serve and make as much of a difference as we had hoped we would.”

“The limits don’t give us enough time to associate ourselves with issues and they don’t make you more accountable to your people, less accountable if anything.”

“The thing about them is that I think I am just now after a couple of terms becoming as familiar as I need to be about the legislature and how it works and I think a lot of members there feel that way.. If we had more time once we learned the tricks of the trade, then we could have a bigger impact.”

“I can’t imagine running a small business or large business the way the state house is run by not allowing your best people to stay and try and make it better because we are, in essence forcing our best people to go do something else when they can do the most good right here.”

“Term limits are an enemy to a legislator who simply doesn’t want to leave...and there are a lot of people in the assembly who may want to stay for decades if possible.”

“I wanted to serve long enough to make a difference. getting into government later in my life like I did was not with intention of starting a new career. but of trying to serve and giveback. some legislators may need more time to adapt and be effective and I would support that. but I don’t think that they should stay so long that they become entrenched and apathetic towards the real purposes of the government.”

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