Colorado’s Legislative Term Limits

By
John A. Straayer, Professor, Colorado State University
Jennie Drage Bowser, National Conference of State Legislatures

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INTRODUCTION

What follows here is the report on a three year study of the impacts of legislative term limits on Colorado’s legislature, the General Assembly. The study was conducted as one portion of a national study of the impacts of state legislative term limits, coordinated by the National Conference of State Legislatures, the Council of State Governments and the Legislative Leaders Foundation. Participants in the study included staff members from these three organizations and members of university faculties in several states. The study included two major elements; a mail survey of the members of all 50 state legislatures, and nine in-depth case studies. Six of the case studies were done in states with legislative term limits (Arizona, Arkansas, California, Colorado, Maine, and Ohio) and three control states which lack term limits (Illinois, Indiana and Kansas). Jennie Drage Bowser of NCSL served as the project Director and also assisted on the Colorado case study. The project was supported, in part, by a grant from the Smith-Richardson Foundation.

Method and Data

The findings in this report are based upon information gathered by the examination of available printed materials, personal interviews, scores of impromptu conversations and years of direct
observation of the legislature. Existing public materials included voting records made available by
the Secretary of State, reports, memoranda and directories prepared by legislative staff,
legislative directories and biographical sketches published by the Colorado Press Association,
legislative session materials such as calendars, journals and status sheets, interest group score
cards, reporting by Colorado newspapers, and more. In excess of 70 scheduled interviews or
lengthy discussions were conducted with members, former members, lobbyists, members of the
legislative staff, persons in the executive branch and members of the press. These were
supplemented by scores of impromptu conversations. The interviews and conversations were
continuous over the three years of the study. Additionally, one mail questionnaire was sent to
over 100 persons who had been in positions to observe the legislature for at least ten years.
These were mostly staffers and lobbyists.

The narrative in each section of the report is followed by a sub-section labeled “notes ‘n
quotes”. In many cases, they are direct quotes; in others they are the best reproduction we could
make of interviewee responses, or statements made in impromptu conversations. Many
comments touched upon multiple topics and thus appear in notes ‘n quotes in more than one
section of the report.

None of the interviews or conversations were recorded electronically. Rather, notes were
taken as much and as fast as possible and fleshed out from notes and memory as soon as possible
following the interviews and conversations. Interview respondents were personally guaranteed
anonymity. Similarly, to preserve trust and personal relations, the personal sources of the “quotes
‘n notes” derived from impromptu conversations are not revealed.

Colorado’s Legislature
On the continuum of highly professionalized to purely citizen state legislatures, Colorado fits somewhere near the middle. It is neither California or New York on the “professionalized” side, nor Vermont or Wyoming on the other end. The Colorado General Assembly is composed of one hundred members, 65 Representatives and 35 Senators. Representatives have two year terms, and Senators serve four. Legislative sessions run for a constitutionally limited 120 days beginning in early January and running until the first week of May. Members are limited to the introduction of five bills per session, but rules provide for enough exceptions that the average introduction numbers run from 600 to 700 bills. In a typical session, about half of them pass. A constitutional provision known as the GAVEL amendment requires that every bill which is introduced be sent to a committee and that the committee act on the bill in some fashion. Committees are free to kill bills, but they may not simply ignore them.

The legislature is served by two major staffing units, each with roughly 50 professional employees. These units, the Legislative Council and the Office of Legislative Legal Services, are non-partisan in theory and in fact, and are highly regarded for their political neutrality and competence. In addition, the Joint Budget Committee, a powerful six member budget-writing committee, has it’s own staff of fifteen analysts. Leaders are served by a small number office secretaries and receptionists, each chamber has a “front desk” staff to handle the affairs of the chambers and each house has a pool of session-only “assignable” secretaries and clerks. Apart from temporary part-time hourly aides and volunteer interns, individual members are without personal staff. Members receive an annual salary of $30,000, plus per diem and travel expenses.

Politically, the Republican party has held the majority of both House and Senate seats for most of the past four decades. The Democrats held the House for two years in the 1970's, and they
controlled the Senate by a one vote margin for the 2001 and 2002 sessions. On the other hand, from 1974 to 1998 Colorado was served by Democratic Governors Richard Lamm and Roy Romer, but since 1998, Republican Bill Owens has been Governor. The Republican capture of the governorship in 1998 for the first time in 24 years coincided with the initial impact of term limits and this, plus the severe budgetary problems the state began to encounter in 2000, complicates the effort to isolate the impact of term limits on the legislative institution.

**Adoption of Term Limits**

Colorado adopted term limits in 1990 and, along with Oklahoma and California, was one of the first three states to do so. But even then, term limits were not brand new to America. The Articles of Confederation limited representatives to three years out of a period of six. By 1777 seven out of ten new states limited the terms of their executives. Pennsylvania limited legislative terms in the lower house and Delaware, New York and Virginia required rotation of senators. Six states limited the terms of an assortment of local officers. The matter of term limits was debated in the constitutional convention, although not adopted. So the notion of limiting terms in public office is not new; it did not begin with Colorado in 1990.

A study by Colorado’s legislative staff of the tenure of members for the twenty years preceding the adoption of the limits showed the average House service to have been 4.5 years, and 6.0 in the Senate. The adoption of the limits, thus, could hardly be public dissatisfaction with excessively lengthy legislative careers. More likely, the sentiment for term limits was rooted the national political mood and political events of the period. In the late 1980's the national debt was running wild and Ross Perot built a presidential candidacy on relentless criticism of the perceived problem. Congressmen were “kiting” checks on the House bank. The Congressional incumbent
re-election success rate was running to ninety-eight percent and Newt Gingrich and others charged that Congressional staffing and office budgeting rigged elections to doom the prospects for challengers. A bit earlier, Ronald Reagan has instructed the nation that the government was not a “solution”, but a “problem”. The tax-cut industry was in place, from the Proposition 13 backers in California to the Union of Taxpayers and Douglas Bruce in Colorado. Candidates for all sorts of offices told the voters that their institutions were broken but “if you just elect me, I will fix them.” Election propaganda promised more and better services, and tax cuts.

Notions of privatizing government were in vogue. Negative campaigning was coming into its own, as were political attack-style independent expenditure groups. The infamous Willie Horton ad appeared. Talk radio, with anti-government rhetoric as it’s diet was gaining in popularity. Paul Jacobs and his Term Limit USA organization was up and running. In Colorado political activist Dennis Pohil and State Senator Terry Considine were pushing term limits.

The name of the political game was to beat up on government. What was public was suspect; what was private was sacrosanct. Government and the people were pried apart; it became the people vs. their government. So, why not take things into our own hands, why not put collars on the politicians, why not “give government back to the people”, why not replace “politicians” with “citizens”? Term limits seemed like a great idea.

With the stage set by sour anti-government sentiment, and the mechanism of direct democracy in place, Colorado became one of the first states to adopt term limits. The measure was placed on the ballot by way of citizen initiative. It carried easily, with 71 percent of the vote state-wide, and majorities in every county. The limits are constitutional. Members are limited to eight consecutive years of service in their chamber, although they may then move to the other house
and serve for eight more. Members may also lay out for four years, and return. The eight year limits applies to elective executive branch positions too, thus limiting the governor, attorney general, treasurer and secretary of state to two four year terms. In 1994 the voters extended term limits to local governments as well.

What’s The Point?

A number of arguments have been advanced in favor of term limits. Some argue, along with Gingrich, that the system is rigged against free elections because incumbents have such an overwhelming advantage in name recognition, media exposure, money, staff, office support, and special interest backing. Some contend that by dumping long-term incumbents, representation will become more balanced and diverse, as the increase in open seats will lead to election of more women and minorities. Still others see an advantage in breaking the ties which veteran incumbents have with lobbyists and special interests.

Not everyone agrees that the limits are such a good idea. Critics worry that term limits will lead to institutions populated continuously by inexperienced rookies who are susceptible to the influence of lobbyists and staff members. They worry that a musical chairs pattern in leadership will set in and, along with the loss of the veteran legislator, this will weaken the institution and possibly lead to bad public policy.

The objective of this study is to examine some of these propositions. We do so by asking what impact, if any, have term limits had on the composition of the membership, the leadership, committees, budgeting and staffing systems, and on the patterns of influence as among the legislature, lobby corps, staff and governor.

COMPOSITION
A paradox of sorts seems to emerge from an examination of the pre and post term limits composition of the Colorado General Assembly. On most objective counts, little has changed; yet there seems to be a difference. How can this be?

The rate of member turnover jumped a bit right after term limits first hit, but it has now settled back to the old pattern. The gender and ethnic composition is mostly unchanged. By age, education, occupation and local government experience, the members are about the same. The legislature has long been controlled by the Republican party, and it still is. What has changed, though, is the experience mix of the membership. What for years and years had been a relatively small cadre of long-term veterans who often held critical leadership and committee posts, has been purged. The “old guys and gals” are gone and with them has gone experience and wisdom. The body tilts more to the right, is less orderly and civil but more partisan, and members appear to be less willing and able to get a long-term grip on the problems and needs of the state—or so say those who live under or near the gold dome.

Membership Turnover

If the assumption of term limits proponents that the “reform” would push out long-serving entrenched incumbents and make room for newcomers, one might expect the rate of membership turnover to go up. But in Colorado that did not happen. It didn’t happen, in part, because there had been a pattern of relatively high turnover in the General Assembly long before the advent of term limits. As Table 1 below shows, in the decade bridging the first impact of the limits in 1998, turnover in the House ranged from 28 percent to 37 percent, and most recently was 32 percent, right about at the decade-long average. Similarly, in the Senate there was a sizeable range, from 23 percent to 37 percent but, again, the most recent election turnover number was right in line
with the long-term figure. Colorado’s General Assembly has, thus, consistently experienced a healthy influx of new members. But as will become apparent in the pages which follow, this fairly steady turnover rate does not mean that the “experiential capacity”, or knowledge base, of the institution was unaffected by term limits.

### Table 1: Turnover Rates in House and Senate

<table>
<thead>
<tr>
<th>Election Year</th>
<th>Percent House</th>
<th>Percent Senate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1993-1994</td>
<td>28</td>
<td>23</td>
</tr>
<tr>
<td>1995-1996</td>
<td>34</td>
<td>26</td>
</tr>
<tr>
<td>1997-1998</td>
<td>31</td>
<td>20</td>
</tr>
<tr>
<td>1999-2000</td>
<td>35</td>
<td>34</td>
</tr>
<tr>
<td>2001-2002</td>
<td>37</td>
<td>37</td>
</tr>
<tr>
<td>2003-2004</td>
<td>32</td>
<td>29</td>
</tr>
</tbody>
</table>

Source: Legislative Directories, various years.

**Gender**

The proportion of the female membership in Colorado’s General Assembly has not changed in any significant way since the advent of term limits. For years, Colorado has, along with such states as Washington, Nevada and Arizona, been in the top two or three in terms of women legislators. Data in Table 2 below shows that while the female numbers have shifted some from time to time, the overall pattern is unchanged, with women consistently comprising close to a third of the membership over the past decade.
Table 2: Demographic Composition of the Colorado Legislature

<table>
<thead>
<tr>
<th>Year</th>
<th>% Democratic</th>
<th>% Non-White</th>
<th>% Women</th>
<th>Average Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>1993-1994</td>
<td>47.0</td>
<td>10.0</td>
<td>34.0</td>
<td>50.6</td>
</tr>
<tr>
<td>1995-1996</td>
<td>40.0</td>
<td>10.0</td>
<td>31.0</td>
<td>50.3</td>
</tr>
<tr>
<td>1997-1998</td>
<td>40.0</td>
<td>9.0</td>
<td>35.0</td>
<td>51.9</td>
</tr>
<tr>
<td>1999-2000</td>
<td>35.0</td>
<td>12.0</td>
<td>34.0</td>
<td>52.6</td>
</tr>
<tr>
<td>2001-2002</td>
<td>45.0</td>
<td>12.0</td>
<td>34.0</td>
<td>51.3</td>
</tr>
<tr>
<td>2003-2004</td>
<td>45.0</td>
<td>13.0</td>
<td>34.0</td>
<td>52.4</td>
</tr>
</tbody>
</table>

Source: Calculated by author

Term limits appear to have had little impact on the status of women within the chambers, as again, both before and after the limits they’ve occupied a host of significant positions. Back in 1989 and 1990, the five Republican female Senators served as chairs of three of the nine committees of reference, and vice-chairs on two. On the House side, too, there were nine committees of reference, and four women were vice-chairs and two committee chairs. During the two immediate pre-limits years, five of the nine Senate committees of reference were chaired by women; indeed every one of the five majority party Republican women chaired a committee. Over in the House, Norma Anderson was serving as the chambers first ever majority party leader, the floor leader, and her minority leader counterpart was also a woman, Carol Snyder. And five of the (then) 10 committees of reference had female chairs.

By the 2003 and 2004 post-limits years, the pattern had changed some, but there was no overall diminishment of female leadership. Norma Anderson served as the only Republican woman in the Senate, but she was the majority party (floor) leader for the 2003 session. An ideological division in the caucus resulted in a different leader for 2004. But in the House, Lola Spradley was serving as the first female House Speaker, six of the (then) 10 committees of reference were chaired by women, and the Democratic minority leader was female as well. A
glance at the membership of the Joint Budget Committee, the single most powerful committee in the General Assembly, displays a continuing pattern of female presence in positions of influence. Prior to term limits, several women served on the committee, including Wilma Webb, Gloria Tanner, Betty Neale and Elsie Lace as chair. After term limits, Peggy Reeves served as committee chair.

There has been one noticeable change very recently, and that is in the partisan distribution of women members. In 1997-98, the two immediate pre-term limits sessions, 35 of the 100 members were women, and 20 of these (57%) were Republicans. By the 2003-04 sessions, there were 34 women, but just 11 (32%) were Republicans. In 1997-98 there were five Republican and five Democratic Senators; in 2003-04 eight of the 17 Democratic Senators were women, but just one of the 18 Republicans, was female. In the House, over that same period, the Republican female contingent dropped from 15 to 10, while the Democratic numbers went in exactly the reverse direction, from 10 to 15. Indeed, the 2003-04 House Democratic caucus of 28 members was 51 percent female. Increasingly the Democratic party is the party of women legislators.

In sum, there is little to suggest that any clear change attributable to term limits where the role of women lawmakers is concerned. The most notable shift since the on-set of term limits is in the partisan distribution of female legislators, but given the absence of an overall numerical change, and with women still occupying significant leadership and committee positions it is hard see a term limit impact on the gender composition of the legislature.

**Ethnicity**

The picture is much the same with respect to ethnicity. As Table 2 (above) shows, the proportion of non-white legislators has changed a little from the pre-limits days, but not enough
to be confident about any cause and effect connection. The 1992, 1994 and 1996 elections each produced five Hispanic House members. The two immediate post-limits election numbers were up slightly, with seven in 1998, eight in 2000, but just five in 2002. In the Senate the Hispanic numbers actually dropped. The decline was minuscule, but so was the starting point. Following the 1992 election there were three Hispanic Senators, and then two after both the 1994 and 1996 contests. There were just two Hispanics in the Senate following the 1998 and 2002 elections, and just one after the intervening 2000 election.

It is a little different with African-American representation. In the three immediate pre-limits elections, the numbers were one, two, and one again respectively in the House, and two, two, and three after the three post-limits elections. In the Senate, the 2002 election produced two African-American Senators, but the five elections before that yielded just one each time.

Ethnic diversity in Colorado’s General Assembly was minimal before term limits, and it is minimal today. So in this respect, term limits appear to be irrelevant.

**Age and Occupation**

The extent of post term limits change in member age and occupation is much like the scope of change in gender and ethnicity, namely, precious little. The average age of members entering the 1993 session was 50.6. It rose to 51.9 in 1997, just before the on-set of term limits, dropped to 51.3 in 2001, and edged back up to 52.4 for 2003. The slight upward creep occurred in the Senate while the number in the House was essentially flat. Still, there is precious little in the numbers to suggest that term limits have had any meaningful impact on the age composition of the General Assembly.

It is the same with respect to occupation, education and prior government experience. Table
Table 3: Legislative Demographics
1992 and 2002

<table>
<thead>
<tr>
<th></th>
<th>1992</th>
<th>2002</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number Newly Elected</td>
<td>21</td>
<td>19</td>
</tr>
<tr>
<td>Average Age</td>
<td>51</td>
<td>51</td>
</tr>
<tr>
<td>Percent B.A. Degree</td>
<td>76</td>
<td>79</td>
</tr>
<tr>
<td>Elective Local Government Expe</td>
<td>38</td>
<td>32</td>
</tr>
<tr>
<td>Lawers</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>Teachers</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>Small Business</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>Other Professional</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>Farm/Ranch</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Retired</td>
<td>0</td>
<td>2</td>
</tr>
</tbody>
</table>


The picture is repeated when one looks at those term limited and their replacements in 1998 (Table 4 below), when the limits first impacted the legislature. It is hard to detect any meaningful shift in occupations. The House lost two attorneys but gained a new one, it lost four small business members then added another four, lost two journalists but picked up a doctor and a
retired state trooper, lost two and then gained one retired military person, and so forth. Virtually
the same can be said of the Senate; two lawyers, a couple of businessmen and an assortment of
professional folks out, and replaced by one lawyer, several in small business and some
professional types. There is no evidence of a meaningful pattern of change

TABLE 4

Limited Members and Replacements

House of Representatives

<table>
<thead>
<tr>
<th>Limited in 1998</th>
<th>Replacement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Female (D) 49 former journalist</td>
<td>Male (R) 61 retired military</td>
</tr>
<tr>
<td>Female (R) 52 political activist</td>
<td>Male (R) 38 technician</td>
</tr>
<tr>
<td>Female (R) 66 small business</td>
<td>Male (R) 32 campaign politics</td>
</tr>
<tr>
<td>Male (R) 48 attorney</td>
<td>Male (R) 50 small business; teacher</td>
</tr>
<tr>
<td>Male (D) 61 retired military</td>
<td>Male (R) 48 business manager</td>
</tr>
<tr>
<td>Male (R) 67 farmer</td>
<td>Male (D) 56 retired state trooper</td>
</tr>
<tr>
<td>Female (R) 64 political activist</td>
<td>Male (R) 60 retired teacher</td>
</tr>
<tr>
<td>Female (R) 57 former teacher</td>
<td>Female (D) 53 business admin, retired</td>
</tr>
<tr>
<td>Male (R) 62 corporate admin.</td>
<td>Male (R) 58 retired M.D.</td>
</tr>
<tr>
<td>Female (D) 66 journalism, politics</td>
<td>Female (D) 62 housewife (mom of former member)</td>
</tr>
<tr>
<td>Male (R) 67 retired military</td>
<td>Male (R) 66 business; Co. comiss.</td>
</tr>
<tr>
<td>Male (R) 69 real estate</td>
<td>Male (R) 44 auto sales</td>
</tr>
<tr>
<td>Female (D) 55 politics</td>
<td>Male (D) 51 misc. business, politics</td>
</tr>
<tr>
<td>Male (D) 45 attorney</td>
<td>Male (D) 49 engineer</td>
</tr>
<tr>
<td>Male (R) 49 sales</td>
<td>Male (R) 62 auto dealer; Co. comiss.</td>
</tr>
<tr>
<td>Male (R) 54 corporate admin</td>
<td>Female (R) 62 politics, school board</td>
</tr>
<tr>
<td>Female (D) 52 paralegal</td>
<td>Male (R) 36 attorney</td>
</tr>
<tr>
<td>Female (R) 57 civil political activist</td>
<td>Male (R) 41 business supervisor</td>
</tr>
</tbody>
</table>

Senate

<table>
<thead>
<tr>
<th>Limited in 1998</th>
<th>Replacement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male (R) 56 farm, ranch, politics</td>
<td>Female (R) 49 family, politics, X-HR</td>
</tr>
<tr>
<td>Male (R) 65 college admin, retired</td>
<td>Male (R) 51 chemist; co-assessor</td>
</tr>
</tbody>
</table>
Female (♀) 64 family, politics  Male (♂) 43 engineer; X-HR
Female (D) 55 media  Female (D) 59 retired secretary; X-HR
Male (♂) 65 attorney  Male (♂) 49 attorney, teacher
Male (♂) 58 engineer  Male (♂) 57 retired military; X-HR
Male (D) 53 business  Male (♂) 31 family farm
Male (♂) 54 real estate  Female (♀) 66 small business; X-HR
Male (♂) 50 attorney  Female (♀) 64 politics; X-HR

Experience

Given term limits proponents’ objective of transforming legislatures from repositories of careerist politicians to “citizen legislatures”, one would expect tenure, and thus experience levels, to decline and, indeed, they did. For the 1993 session, which was well before the first impact of the limits, House members began the session averaging 4.20 years of legislative experience. In 1997, just prior to the first term limit impact, the number was 4.18 years on average. By the start of the 2003 session, three election cycles after term limits first began to push members out, the average experience of House members had declined to 2.48 years, a drop of 40 percent (Table 5 below).

<table>
<thead>
<tr>
<th>Year</th>
<th>House</th>
<th>Senate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1993</td>
<td>4.20</td>
<td>8.03</td>
</tr>
<tr>
<td>1997</td>
<td>4.18</td>
<td>8.46</td>
</tr>
<tr>
<td>2003</td>
<td>2.48</td>
<td>6.86</td>
</tr>
</tbody>
</table>

Source: Colorado Legislative Directories, Colorado Press Association.

There was a noticeable decline in legislative experience among Senators too, but it was not
nearly as dramatic. Usually a substantial number of Senators are former House members, and thus the legislative experience base in the Senate is greater than in the House. Senators averaged 8.03 years of combined House-Senate time going into the 1993 session, and 8.46 years when the 1997 session began. By 2003 that number was 6.86 years, a 1993-2003 decline of just 14.6 percent. The Senate-to-House experience ratio remained roughly two to one.

While the average decline in legislators’ experience is substantial, and has had noticeable and mostly negative consequences, of perhaps greater significance is the constitutionally caused disappearance of long-term veteran lawmakers. In 1993, as Table 6 shows, twenty-three, or a full one third, of the House members began the session with six or more years of legislative time under their belt. The number was 18 for the 1997 session, but for the post-limits sessions of 1999, 2000 and 2003, it was 10, nine and eight members, respectively.

<table>
<thead>
<tr>
<th></th>
<th>House (6 yrs of more)</th>
<th>Senate (10 yrs of more combined House/Senate experience)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1993-1994</td>
<td>23</td>
<td>15</td>
</tr>
<tr>
<td>1997-1998</td>
<td>18</td>
<td>18</td>
</tr>
<tr>
<td>1999-2000</td>
<td>10</td>
<td>15</td>
</tr>
<tr>
<td>2001-2002</td>
<td>9</td>
<td>7</td>
</tr>
<tr>
<td>2003-2004</td>
<td>8</td>
<td>9</td>
</tr>
</tbody>
</table>

Source: Calculated by author.
As was the case with the House, there was a drop in the number of long-term legislative veterans in the Senate too, but it was not as severe. Starting the 1993 session, 15 of the 35 Senators had been in the legislature, that is the House or the Senate or both, for ten years or more. In 1997, the number was up to 18, but for 2001 it was just seven and for 2003 it was nine. So once again, we see the impact of the limits, this time in the disappearance of many of the more experienced lawmakers, especially in the House.

The overall decline in legislator experience is reflected, as it must be, in accelerated turnover in leadership, on standing committees and on the legislature’s most critical and powerful Joint Budget Committee (JBC). Going all the way back to statehood, there is a pattern of substantial rotation in leadership. But over the 18 years prior to the 1998 impact of the limits, the House had been headed by just two Speakers. The Senate, too, had been served by Presidents with relatively lengthy tenure—one for six years, one for 10 years and another for seven. Since 1998 it has been two-years-and-out for every Speaker and Senate President.

Chairmanship turnover on Colorado’s standing committees has long hovered in the fifty percent range following each election. Since 1998, though, it has jumped even higher, especially in the Senate where changes in party control occurred following both the 2000 and 2002 elections.

On the six member JBC, turnover has increased. Following the three pre-term limits elections new membership on the committee averaged just one of the six. But following the first post-limits election in 1998, four of the six were new to the committee, and three of the six were new after both the 2000 and 2003 elections.

Colorado has experienced rather high turnover rates election after election, both before and
after term limits, generally in the range of thirty percent. Thus there has long been a significant number of inexperienced rookies. So long as they were in the company of some legislative veterans, it didn’t seem to matter much. The newcomers had available sources of both behavioral and policy cues. The old-timers served as coaches on the culture and behavioral norms of the institution, and could relate policy history information and help the new ones figure out the interest group and lobbyist landscape.

But it is different now. The shrinkage of aggregate legislative experience and the absence of the veterans and experiential depth in leadership and on committees, has made Colorado’s relatively high turnover rate more consequential. As the multiple “notes and quotes” at the end of this section will point out over and over, those in positions to watch and know the legislature well believe that the consequences are visible and mostly negative. Leaders seem to be weaker, party discipline is down but partisanship is up, civility and procedural order have suffered, the clout of the lobby, governor and staff members has increased and members are both less inclined and less able to address the state’s major problems in long-term fashion.

Party and Partisanship

For only two sessions over the past 35 years have the Democrats held majorities in the Colorado House and Senate. In 1975 and 1976, the House had a Democratic majority, and the Democrats managed a one vote majority in the Senate in 2001 and 2002. Clearly, term limits had nothing to do with the earlier House Democratic success, and it is questionable whether the recent Democratic Senate majority had much to do with term limits. Republicans enjoyed a 20-15 margin in the 1999-2000 Senate, then went to 17-18 minority party status for 2001-2002. But only one of the Democrat’s three seat gain came in the district of a term limited Republican.
Another came in the defeat of one of the most extreme right-leaning Republicans, and the third in a seat abandoned in the midst of the campaign by the Republican incumbent. The Republicans then reversed their loss to regain a 18-17 advantage for 2003-2004 but here again it is hard to pin the results on term limits. Republicans did capture the seat of a term-limited Democrat, but the districts were also rearranged due to redistricting. Table 2, above, shows the recent partisan pattern.

As the following "notes and quotes" from interviewees suggest, term limits may have had something to do with the internal composition of the Republican party and, thus, the legislature itself. In the 1970's, a cadre of very fiscally conservative youthful Republicans was elected to the House. They proceeded to help dump the incumbent Speaker, and elect one more conservative. In the late 1980's another wave of extreme conservatives blew into the House, this time with a social agenda to accompany their tight-fisted preferences. And then more recently, over the last three election cycles or so, the fiscal conservative/social agenda group has grown in number in the House and also made gains in the Senate. Many observers attribute this most recent right-leaning shift to term limits, arguing that term-limited moderate Republicans have been replaced by their much more conservative brethren. District by district examination of recent membership changes supports this thesis, but the term limit impact is more in the form of a boost to, rather than the cause of, a right-ward drift.

Political Ambition and Careerism

A major objective, perhaps the major objective, of advocates of term limits was the curtailment of political ambition and it’s resultant careerism. With all sorts of advantages over challengers including more publicity, more money, staff assistance, political action committee and lobbyist ties
and so forth, incumbents most often proved to be invincible and elections in and of themselves have failed to “level the electoral playing field”. Thus legal limits are offered as the answer.

Examination of the political career patterns of members of the Colorado General Assembly suggest that term limits, rather than doing what the reformers wanted, may have produced a boomerang effect. A tracking of the immediate post-legislature activity of 191 members who left the legislature from 1990 through 2002 shows that the proportion of lawmakers who seek continued elective public office is going up, not down.

The data are shown in Tables 7, 8 and 9. Following the elections of 1990, 1992, 1994 and 1996, 97 members left the legislature. These were the four immediate pre-term limit election years, so all departures were voluntary. The tables show that 29 percent of them sought yet another elective office, while 43 percent retired from politics. The others did something else political; they became lobbyists, secured an administrative job, worked for an advocacy group, or simply lost reelection.

Contrary to the predictions of term limit fans, those legislators who departed after the first impact of term limits were more likely than their predecessors to want to move on in elective politics. Thirty-eight members were forcibly removed by the limit ahead of the first three post-term limits elections of 1998, 2000 and 2002. Over one half, 53 percent, immediately sought another elective office and just 25 percent retired from politics. As with the first group, the remainder did something else related to government and politics. And then the third group, those who left after the on-set of term limits but who did so voluntarily, proved to be even more in hot pursuit of an elective political life. There were 36 of them; 64 percent left to seek another office
and just 14 percent retired from politics.

Table 7: Pre-Term limit Legislative Departures

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>HR</td>
<td>SEN</td>
<td>HR</td>
<td>SEN</td>
<td>HR</td>
</tr>
<tr>
<td>Total</td>
<td>14</td>
<td>6</td>
<td>23</td>
<td>7</td>
<td>14</td>
</tr>
<tr>
<td>Sought other election office</td>
<td>4</td>
<td>3</td>
<td>6</td>
<td>1</td>
<td>13</td>
</tr>
<tr>
<td>Lost Re-election</td>
<td>5</td>
<td>1</td>
<td>4</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td>Ex. Branch Appointment</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Became Lobbyist</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Other Political Involvement</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Retired from Politics</td>
<td>5</td>
<td>2</td>
<td>10</td>
<td>3</td>
<td>4</td>
</tr>
</tbody>
</table>

Sources: Legislative Directories, Abstracts of Votes cast, Interviews, Personal Knowledge.
Note: Categories reflect only the initial post-legislature move.

Table 8: Term Limited Departures

<table>
<thead>
<tr>
<th></th>
<th>1998</th>
<th>2000</th>
<th>2002</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>HR</td>
<td>SEN</td>
<td>HR</td>
<td>SEN</td>
</tr>
<tr>
<td>Total</td>
<td>17</td>
<td>9</td>
<td>10</td>
<td>11</td>
</tr>
<tr>
<td>Sought other Elective office</td>
<td>11</td>
<td>5</td>
<td>7</td>
<td>3</td>
</tr>
<tr>
<td>Executive Branch Appointment</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Became Lobbyist</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Other Political Involvement</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Retired from Politics</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>5</td>
</tr>
</tbody>
</table>

Sources: Legislative Directories, Abstracts of Votes cast, Interviews, Personal Knowledge.
Note: Categories reflect only the initial post-legislature move.

Table 9: Non-Term Limited Departures

<table>
<thead>
<tr>
<th></th>
<th>1998</th>
<th>2000</th>
<th>2002</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>HR</td>
<td>SEN</td>
<td>HR</td>
<td>SEN</td>
</tr>
<tr>
<td>Total</td>
<td>6</td>
<td>2</td>
<td>12</td>
<td>2</td>
</tr>
<tr>
<td>Sought other Elective office</td>
<td>6</td>
<td>2</td>
<td>8</td>
<td>0</td>
</tr>
<tr>
<td>Lost Re-election</td>
<td>0</td>
<td>0</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Executive Branch Appointment</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

20
Term limits advocates could put a happy face on this picture by arguing that while the pool of election winner wannabees is growing rather than shrinking, the limits are forcing the expanding pool of politicos into games of musical chairs. With musical chairs, at least the ability of politicians to gain a long-term iron grip on a single lever of power, is curtailed. The politically ambitious may still make a life and a living out of elective politics, but positions and power are rotated rather than monopolized.

**Summary**

The story with respect to the impact of term limits on the composition of Colorado’s General Assembly is, for the most part, the absence of a story. The type of member in terms of age, occupation, education, gender and ethnicity is the same as before. Members were politically ambitious before term limits and that hasn’t changed; in fact, it may have increased. The one significant and measurable difference is in the absence of any long-term legislative veterans, members who in the past helped preserve and pass on the institutions collective memory, culture and traditions, and who would defend the legislature in the context of the separation of powers. Their absence appears to have made a difference, mostly negative in the eyes of many, in both the individual and collective behavior of the institution.

**Notes ‘n Quotes**

What follow in this and the other sections of this report are selected “notes or quotes” of
comments made by those we’ve interviewed, or with whom we’ve had impromptu conversations. As with the “notes or quotes” in the other sections of this report, they are from people knowledgeable about the legislature–members, former members, executive branch personnel, lobbyists, members of the media. None of the interviews or discussions were electrically recorded; rather, notes were taken either during conversations or shortly thereafter. The term “notes or quotes” is employed to connote the point that what the reader sees here are close, but not word-by-word precise, renditions of what respondents said.

Type of Legislator:
There are more right wing ideologues; people who hate government.

We’re getting more strident single-issue candidates. Partly this is the result of our caucus nominating system.

This place is getting more and more conservative and we’re getting poorer quality candidates. But that has been happening for some time now.

Term limits have increased partisanship as veterans see good in compromise, but the ideological newcomers do not.

With term limits the center is eroding. We’ve got more and more ideologues on both ends of the spectrum.

Respect for the institution, process, each other, is down. It is not as collegial as before. It takes some time to develop appreciation and respect for the institution and processes. The new ones come in to push an agenda right away, not wait to fit in, learn the process, make connections, they just push.

The quality of the legislators themselves has gone down. When the cowboys were in charge their word was good as gold. This is less the case now.

New members are less civil, more partisan. There are more “true believers vs. enemies”.

We’re getting more members with no life experience. For some, it’s the most money they’ve ever made and they like not ever paying for their own meals and buying golf balls out of campaign funds.
Legislators tend to focus on the next election. Gone are the statesmen of previous years who cared about the state as a whole and its future.

Term limits have allowed lots of opportunity for single issue candidates to get elected. Also, party discipline has declined a great deal because of term limits.

Legislators have more narrow agendas and do not want to learn the broad subject. “Don’t confuse me with the facts, my opinion is already set”. They seem to hunger for power and want a static society. They claim to want to be like “our founding fathers” but they don’t know the history that caused the founding of this country. They do not understand the relationship of issues and consequences of related actions or the long term impacts.

Are there more single issue types? No, I don’t think so.

Less salt of the earth types, more individually oriented selfishness.

There was more camaraderie in my first couple of years than now. As a lame duck you’re “old business”. Folks don’t work as hard to get to know the others. There also seems to be a sense of bruskness in lobbyist’s attitude toward me now, some impatience.

Impact of Inexperience

There is no institutional memory now. Some of the members now just do what they want, then say “it’s tradition” when it isn’t and they have no way to know. An example–making third reading amendments and explaining your vote.

The legislative brain-trust is gone now, and that is huge.

You used your first term to learn who is who, what is what. Not now. Now you have to make a mark quickly, be noticed early. This creates an attitudinal change. You can’t now educate yourself first before jumping into legislation, so members lack foundational knowledge. Citizens are not better served. Citizens don’t take time to educate themselves before they vote on things like term limits.

Term limits force members to rely on lobbyists to keep abreast of current issues. The legislature is less able to stand alone as representatives are in a time crunch. Members are unable to build any sort of memory, which handicaps them on big issues like the long budget bill. Freshmen members are forced to learn first and the result is mistakes. They lack the experience to back up their decisions.

The new ones have no policy history, just quick, uninformed, knee-jerk reactions.

Lots of talented people are gone. They were informed, on the budget for example. Now we have
more inexperienced people, on the Joint Budget Committee for example.

Fewer “policy champions”, that is, legislators who essentially adopt a policy problem and work it through time. It takes a long time to move policy, you can’t do it in a year or two. Can’t fix problems quickly, must work them for years, a little progress at a time, educating and coalition building in the legislature. This is harder now, as members are there for shorter duration. For example, transportation, education, mental health, corrections.

The new crop coming in–they know everything. It takes some time for them to find out that they don’t. As one of my friends said, “I don’t lobby the freshmen until they get over their Presidential ambitions.”

Much of the institutional memory is gone, there is more reinventing the wheel, there are fewer colleagues to say, “we’ve done this all before”.

There is a lack of role models and institutional knowledge. Even the veterans, such as they are, rely on issue advocates for their information.

The complexities and consequences of both budgets and substantive policy are such that it takes time to understand them. For the new ones, there are no longer experienced members to help them, to mentor them, on the budget, on policy, on behavioral matters.

Prior to term limits, members knew the longer run consequences of their decisions and that is less the case now. Problems often take some time to fester and grow, and the new members lack the tenure, the experience, to see or anticipate that.

Veterans like Ron Strahle (past Speaker, Floor Leader, Committee Chair) and Jerry Kopel (long term Democrat, careful student of process, history, statutes) knew the rules and they loved them. They’d help members on both sides of the isle with the procedures. We don’t have people like that anymore.

They just don’t know the policy history. That idiot (xxx) put in a bill because a couple of people he knows have problems. Good grief; we ran that bill fifteen years ago and everything works well. But no, he’s got to do it all over again.

Longevity produces moderation, and longevity is gone and so is moderation. It’s more ideology, less policy understanding. It takes time to learn the state’s business, so for short time legislators it’s easy to be sure of yourself.

It’s a revelation to freshmen to see how much their hands are tied by all the dedicated funding streams.

Political Ambition
The new members are more anxious, in a hurry, and looking to their next political move.

Members quickly look to the next office and that impacts votes. They pander to their constituency in an effort to move from the House to the Senate. For example, they sign on to bills expecting the behavior to play well in a newly targeted jurisdiction. And with less time to spend together, members are more partisan.

Term limits drive legislative agendas. Careful consideration of issues has regressed. The norm seems to be, “I’ll carry what gets me elected”.

Legislators come in wanting to make their “mark” sooner. They don’t spend a year watching and learning and listening. They come in wanting to be a committee chair right away. As a body there seems to be less respect for tradition, more questioning of legislative policies. Fewer “Dutch uncles” to go to. Legislators mention this too. Even when turnover occurs because of term limits, the leadership sometimes causes turnover through it appointments.

**Partisanship**

We used to do things as a group, irrespective of party–with people like Claire Traylor, Dottie Wham. We don’t do it so much any more.

Things have changed due to term limits, and much more. The old lions are gone, there is a lack of statesmanship, more ideology, more local power over the members by local political hacks in the county parties, there is more campaign shrillness and this follows what is happening nationally and it carries over into governing.

There are more extremes on the left and the right, but not because of term limits. It has been coming for some time.

**The Good and The Bad**

I like term limits. It brings in young blood, enthusiasm.

Term limits are both good and bad. They keep the legislature from having too many old people who do nothing but politics. They allow younger, fresher minds in, and additional enthusiasm. The down side is that more power goes to the permanent staff who have the most information on history and the process.

The benefits of term limits are more good young members in leadership. It is good to have turnover. Eight years may be a little short and it places power and responsibility in the hands of the staff and lobbyists who don’t have term limits. The down side is a lack of institutional and historical knowledge. State government, especially with TABOR, is complicated and after six years, I couldn’t fully understand it myself. The constituents suffer as new representatives have to
start all over again.

The pros of term limits include getting rid of bad members and making room for shining new stars, more new ideas, more energy, quicker moves into chairmanships and leadership. But the downside is more dependence on staff and the lobby and loss of historical memory. It gets rid of some good legislators and leaders get into positions without much experience.

The good results of term limits? We got rid of some burnt out ones, cynical types who otherwise wouldn’t leave.

The good results? They get rid of some bad legislators. Some say that the voters can and should make the choice and get rid of the bad ones, but the reality is that they don’t do it. The incumbents win, over and over.

The downside is, of course, the reduction in institutional history and the loss of some very good members. But overall, with the pros and cons, it’s probably a wash.

Excellent freshman class in 2002, broader range, better crop of candidates, brought freshness into the capitol.

One benefit is that the old-timers who have lost the fire in the belly leave. Some were just taking up space. Perhaps a 12 year limit would be good.

ELECTIONS AND REPRESENTATION

This section explores elections and representation. The major question is whether term limits have altered electoral competition and election results so as to change either the composition, or the behavior, of the people’s representatives. Are elections more competitive, as term limits advocates hoped? Have they diversified the membership? Are the members any more or less attentive to their public? What follows is our attempt to address these questions.

Term limits have the potential to trigger any number of changes in a legislature. Some measure of turnover is mandated by law. Seats are guaranteed to open up whether incumbents like it or not. It would be reasonable to suppose, therefore, that more people would be inspired to
run for office, competition would increase, the political parties would invigorate candidate recruitment efforts and the composition of the legislature might change. But as it has turned out, not much has happened apart from some alleged increase in fund-raising aggressiveness and, perhaps, a legislative shift in a more conservative direction.

**Turnover and Competition**

We noted in the previous section that overall legislator turnover rose right after the limits took affect, but have since settled back to historical levels. (See Table 1 above.) Similarly, as Table 10 shows, there was a temporary upward spike in the number of open seats, but that too seems to be settling back to older pre-limit levels. The numbers for 2002, for example, are not at all out of line with the pattern in the three elections preceding the initial impact of term limits. So it is questionable if through time the limits will have generated more open seats.

<table>
<thead>
<tr>
<th>Election Years</th>
<th>House</th>
<th>Senate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1994</td>
<td>8</td>
<td>7</td>
</tr>
<tr>
<td>1996</td>
<td>15</td>
<td>4</td>
</tr>
<tr>
<td>1998</td>
<td>24</td>
<td>11 (9 TL)</td>
</tr>
<tr>
<td>2000</td>
<td>21</td>
<td>12 (11 TL)</td>
</tr>
<tr>
<td>2002</td>
<td>15</td>
<td>7</td>
</tr>
</tbody>
</table>

Source: Abstract of votes cast: Secretary of State, various years

Electoral competition as measured by the frequency of primaries, both overall and in open seats, shows some modest change, but only on the House side. (See Table 11). For 2002 the numbers are actually at rock bottom in the Senate. For the House, the numbers for the three post-limits elections are up a bit over those in the three elections preceding the limits. But one
would still be hard pressed to find any highly consequential change attributable to term limits.

<table>
<thead>
<tr>
<th>Election Year</th>
<th>House</th>
<th>Senate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>Open</td>
</tr>
<tr>
<td>1994</td>
<td>13</td>
<td>8</td>
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<tr>
<td>1996</td>
<td>8</td>
<td>4</td>
</tr>
<tr>
<td>1998</td>
<td>16</td>
<td>13</td>
</tr>
<tr>
<td>2000</td>
<td>15</td>
<td>9</td>
</tr>
<tr>
<td>2002</td>
<td>15</td>
<td>9</td>
</tr>
</tbody>
</table>

Source: Abstract of votes cast: Secretary of State, various years

If the term limits were to precipitate increased electoral competition one might well expect to see fewer uncontested seats, but that hasn’t occurred either. The pre and post limit numbers for the Senate are largely unchanged, as Table 12 shows. And on the House side, there have been more uncontested seats since term limits than before.

<table>
<thead>
<tr>
<th>Election Year</th>
<th>House</th>
<th>Senate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1996</td>
<td>18</td>
<td>6/19</td>
</tr>
<tr>
<td>1998</td>
<td>17</td>
<td>3/17</td>
</tr>
<tr>
<td>2000</td>
<td>21</td>
<td>2/19</td>
</tr>
<tr>
<td>2002</td>
<td>20</td>
<td>5/17</td>
</tr>
</tbody>
</table>

Calculated by author.

Were competition to increase we might also expect to see a rise in incumbent general election losses. But we haven’t. The highest number reported in Table 13 below came in 1994, the year of the national Republican surge. Seven of the eight loses were by Democrats that year. But in 1996, and on through the three post-term limits election years, incumbent losses have been few indeed.
Table 13: Incumbent General Election Losses

<table>
<thead>
<tr>
<th></th>
<th>Pre-Term Limits</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td></td>
<td>HR</td>
<td>SEN</td>
<td>HR</td>
<td>SEN</td>
<td>HR</td>
<td>SEN</td>
</tr>
<tr>
<td>Democrats</td>
<td>6</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Republicans</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Sub-Total</td>
<td>7</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>8</td>
<td>2</td>
<td>0</td>
<td>4</td>
<td>3</td>
<td>0</td>
</tr>
</tbody>
</table>

* 1994 = Year of Republican national sweep

There has been some speculation that term limits would actually suppress the emergence of challenges to incumbents on the theory that potential rivals would simply wait until incumbent were termed out, and then seek the open seat. We looked at this over six election cycles and turned up nothing.

Table 14: Primary Challenges to Incumbents

<table>
<thead>
<tr>
<th>Election Year</th>
<th>House</th>
<th>Senate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1992</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>1994</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>1996</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>1998</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>2000</td>
<td>4</td>
<td>0</td>
</tr>
</tbody>
</table>

  
Calculated by author.

Table 14 provides the numbers. The 1992, 1994 and 1996 election cycles saw an average of three challenges to House incumbents and just over two on average in the Senate. Then in the
three cycles after the limits took effect, there have been none at all in the Senate, but a slight rise in the House. The numbers are very small and by chamber they run in opposite directions. We can conclude nothing about term limits from the data.

Data compiled by former Colorado Legislative Council Director, Charlie Brown, spanning twenty-two years, demonstrate a similar pattern. (Table 15.) Brown examined the rates of incumbent re-election before and after the limits were adopted in 1990. His numbers show virtually no change. From 1980 through 1990, 92 percent of those seeking re-election won. From 1992 through 2002, the figure was actually up a bit, at 94 percent.

<table>
<thead>
<tr>
<th>Table 15: Incumbent Re-election Rates, Pre/Post Term Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Period</strong></td>
</tr>
<tr>
<td>------------</td>
</tr>
<tr>
<td>1980-1990</td>
</tr>
<tr>
<td>1992-2002</td>
</tr>
</tbody>
</table>

Source: Calculated by Charlie Brown, Past Director, Colorado Legislative Council

In yet another way to seek to unearth any link between term limits and electoral competition, we looked at House districts where there were incumbents in 2000 and 1996, albeit different ones. These years were chosen because they both spanned the initial 1998 impact of the limits, and the districts had the same boundaries. That is, they were unaffected by any redistricting. The questions were, will we see more challenges after term limits, and will the margins of victory be narrower?

There were 18 such House districts. In 1996, 10 members were unopposed; in 2000 five were without a major party challenger. In six of the districts the incumbent was unopposed in 1996, but opposed in 2000. In only one district was there opposition in 1996, but none in 2000. The
margin of victory was greater in 2000 than in 1996 in four districts and less in nine others. Thus, the post-limits election of 2000 contrasts with the election of 1996 in having fewer unopposed incumbents and more contests with narrowed victory margins than with wider ones. Sketchy as this evidence might be, it does run counter to other data, and points toward slightly increased competition.

<table>
<thead>
<tr>
<th>District Situation</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Different Incumbent 1996 vs. 2000</td>
<td>18</td>
</tr>
<tr>
<td>Unopposed in 1996</td>
<td>10</td>
</tr>
<tr>
<td>Unopposed in 2000</td>
<td>5</td>
</tr>
<tr>
<td>Unopposed 1996, Opposed 2000</td>
<td>6</td>
</tr>
<tr>
<td>Opposed 1996, Unopposed 2000</td>
<td>1</td>
</tr>
<tr>
<td>Margin Less in 2000 than 1996</td>
<td>9</td>
</tr>
<tr>
<td>Margin Greater in 2000 than 1996</td>
<td>4</td>
</tr>
</tbody>
</table>

Source: Calculated from Abstract of Votes Cast, Secretary of State, State of Colorado, various years.

Finally, we calculated the frequency of contests in which the winner received less than 55 percent of the vote and where both major parties fielded a candidate. They are shown in Table 18. These numbers, like those from the 1996-2000 comparison, above, provide a slight hint that post-limits elections are a bit more competitive.
Table 18: Colorado House and Senate Competition

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Seats up</td>
<td>65</td>
<td>18</td>
<td>65</td>
<td>19</td>
<td>65</td>
</tr>
<tr>
<td>Both D and R</td>
<td>52</td>
<td>13</td>
<td>48</td>
<td>13</td>
<td>48</td>
</tr>
<tr>
<td>Winner gets &lt;55%</td>
<td>11</td>
<td>4</td>
<td>12</td>
<td>5</td>
<td>14</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>HR</th>
<th>SEN</th>
<th>HR</th>
<th>SEN</th>
<th>HR</th>
<th>SEN</th>
<th>HR</th>
<th>SEN</th>
<th>HR</th>
<th>SEN</th>
</tr>
</thead>
<tbody>
<tr>
<td>65</td>
<td>18</td>
<td>65</td>
<td>19</td>
<td>65</td>
<td>17</td>
<td>65</td>
<td>19</td>
<td>65</td>
<td>17</td>
</tr>
<tr>
<td>52</td>
<td>13</td>
<td>48</td>
<td>13</td>
<td>48</td>
<td>14</td>
<td>44</td>
<td>16</td>
<td>45</td>
<td>12</td>
</tr>
<tr>
<td>11</td>
<td>4</td>
<td>12</td>
<td>5</td>
<td>14</td>
<td>9</td>
<td>15</td>
<td>8</td>
<td>19</td>
<td>4</td>
</tr>
</tbody>
</table>

Source: Abstract of votes cast, Secretary of State, various years.

In 1994 there were 11 of these close elections in the House and four in the Senate, and it was nearly the same in 1996 with 12 such House seats and with five in the Senate. For the three post term limits elections of 1998, 2000 and 2002, the numbers for the House rose to 14, 15 and 19 respectively, and nine, eight and then four in the Senate. These numbers hardly make an air tight case that term limits have stimulated heightened electoral competition. They are mere correlations and weak ones at that. But at the least they keep alive the increased competition hypothesis.

**Competition and Women**

An offshoot of the speculation that term limits would cause an increase in open seats, competition, and thus more opportunities for women, is the notion that we’d been seeing more female candidates. Our data provide no support for such a thesis. (See Table 18 below.)
Table 18: Women in Contested Primaries

<table>
<thead>
<tr>
<th>Election Year</th>
<th>House</th>
<th>Senate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>Winners</td>
</tr>
<tr>
<td>1992</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>1994</td>
<td>8</td>
<td>3(2;1w/3)</td>
</tr>
<tr>
<td>1996</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>1998</td>
<td>14</td>
<td>7(*2;1w/3)</td>
</tr>
<tr>
<td>2000</td>
<td>12</td>
<td>6(*5)</td>
</tr>
<tr>
<td>2002</td>
<td>7</td>
<td>4(*1)</td>
</tr>
</tbody>
</table>

*female vs. female race(s)

Table 19: Women in General Elections

<table>
<thead>
<tr>
<th>Election Year</th>
<th>House</th>
<th>Senate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>Winners</td>
</tr>
<tr>
<td>1992</td>
<td>38</td>
<td>26(*6)</td>
</tr>
<tr>
<td>1994</td>
<td>39</td>
<td>21(*4)</td>
</tr>
<tr>
<td>1996</td>
<td>32</td>
<td>25(*3)</td>
</tr>
<tr>
<td>1998</td>
<td>36</td>
<td>22(*7)</td>
</tr>
<tr>
<td>2000</td>
<td>36</td>
<td>23(*3)</td>
</tr>
<tr>
<td>2002</td>
<td>34</td>
<td>24(*2)</td>
</tr>
</tbody>
</table>

*female vs. female race(s)

The numbers in Table 18 shows a 1998 and 2000 post-limits increase in female candidacies, but they then fall back in 2002. And if the data in Table 19 says anything, it is that term limits and the number of women candidates bear no relationship to each other at all.

Partisan Control

Then there is the matter of term limits impact on partisan control. We provided data in the
preceding section showing that the historical Republican domination has been unchanged, save for
two years (2000, 2001) in the Senate. We can also look at this question in terms of switches in
partisan control in individual districts. Data for the three pre-limits and the three post-limits
elections are presented in Table 20 below.

<table>
<thead>
<tr>
<th>Year</th>
<th>House</th>
<th></th>
<th>Senate</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Unterm</td>
<td>Term</td>
<td>Unterm</td>
<td>Term</td>
</tr>
<tr>
<td></td>
<td>D to R</td>
<td>R to D</td>
<td>D to R</td>
<td>R to D</td>
</tr>
<tr>
<td>1992</td>
<td>3</td>
<td>2</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>1994</td>
<td>8</td>
<td>1</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>1996</td>
<td>2</td>
<td>2</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>1998</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>2000</td>
<td>3</td>
<td>3</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>2002</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>2</td>
</tr>
</tbody>
</table>

This table counts the number of seats that changed parties from election to election.

All we see in Table 20 are very small numbers which tell us only that not much is happening.

In 1994, a surprisingly robust Republican year all across the country, Republicans picked up eight
Democratic House seats. But after that, switches in party control are rare and the pattern is no
different after term limits, and this is the case for both chambers.

While there’s been no major change in partisan control of Colorado’s legislature, persons
interviewed routinely cited changes within the majority Republican party, namely, the shift to the “social agenda” right which was mentioned above. While party control of individual districts might not show change, Republican moderates and pragmatists have been replaced by those more ideologically driven, or so the respondents claim. Some respondents contend that while the parties themselves are doing nothing different in candidate recruitment, “the churches are”.

Helping Constituents

If term limits were to increase electoral competition one might speculate that members would seek to bolster their chances for re-election by being attentive to constituent needs and requests. Besides, if term limits succeeded in producing “citizen lawmakers”, supposedly different in motivation from the “careerists” they replaced, one might expect heightened legislator attentiveness to the concerns of the ordinary citizen—the “citizen legislator’s” “friends and neighbors”.

We have very little by way of good data with which to test these ideas. Legislative Council, one of the General Assembly’s two major research/support units provides help with legislator’s constituent service needs, and keep track of the number of requests. These numbers are presented in Table 21 below and show a steady rise in the frequency is requests since the assistance program was formally initiated in 1996, although there was a slight decline in 2004. This may suggest that members are becoming more and more responsive to constituents. But the data may also be read to suggest that rookie lawmakers are increasingly in need of help themselves, and thus turn to staff. The rise in numbers may also indicate nothing more than a growing awareness of the availability of this relatively new form of staff assistance.
### Table 21: Member Requests for Constituent Service Staff Help

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Number of Requests</th>
</tr>
</thead>
<tbody>
<tr>
<td>1996-1997</td>
<td>310</td>
</tr>
<tr>
<td>1997-1998</td>
<td>328</td>
</tr>
<tr>
<td>1998-1999</td>
<td>305</td>
</tr>
<tr>
<td>1999-2000</td>
<td>412</td>
</tr>
<tr>
<td>2000-2001</td>
<td>456</td>
</tr>
<tr>
<td>2001-2002</td>
<td>637</td>
</tr>
<tr>
<td>2002-2003</td>
<td>646</td>
</tr>
</tbody>
</table>

Source: Colorado Legislative Council

Several questions in the survey of knowledgeable legislature observers probed the question of legislator-constituent relations. The questions asked if newer legislators spent more time talking to constituents and seeking to help them solve problems, sending mailings to constituents and attempting to secure money for district projects. According to our respondents, virtually nothing has changed as compared to a decade ago. Respondents did see some change in terms of elections, with 82 percent of them agreeing that today’s lawmakers are more aggressive in seeking campaign funds.

**Summary**

Again, the story seems to be the absence of a story. Little has changed in the number of open seats, primary challenges, uncontested races, incumbent losses or women candidates. There is a slight hint at more competition, but it is slight indeed. Partisan control is largely unaffected but, again, there is some suggestion that the Republican party is sliding in a rightward direction. Members may be a little more active in helping with constituent questions and problems, but the
slim data pointing in that direction may simply reflect the expanded availability of staff assistance and a growing awareness that it is there for the asking.

**Notes ‘n Quotes**

There’s been no increased efforts at candidate recruitment. The Republican party quit recruiting years ago, except for the churches. Now we’re starting again.

The Democrats are doing nothing different now. We did work hard at taking over the Senate, getting candidates, targeting districts, but that was not specifically linked to term limits, although term limits did help by opening opportunities.

We’re thinking ahead, who is available to run, who’s next. There is more recruiting now.

The “wing-nuts”, the far right, for the past five to seven years have done a good job of organizing and using the August primary to make sure their candidate wins the primary. They are taking advantage of the term limit openings.

The religious right has taken advantage of term limits and the open seats. They are networked both within the state and beyond. Much mailing comes out of Virginia and the front range, and into west slope primaries. They will not wait for an open seat, but run someone against an incumbent in the incumbent’s last term. That way the religious right candidate has visibility and organization before the seat is actually open, and thus an advantage. The religious right literature, district to district, is cookie cutter stuff, just the names changed. Some comes from Texas as well.

On the up-side of term limits, challengers otherwise have a tough time getting elected. The incumbents are known, the challengers are not and the voters get little information to go with the name. Incumbents get the press, the invitations, the exposure, challengers get much less.

We may see more candidates now given term limits on local offices too. These people may look at the legislature.

There could actually be fewer primary or general election challenges to incumbents. Candidates may simply say, “I’ll just wait a little longer and their term will run out. I’ll run then”.

There won’t be any more candidates, just poorer quality ones, and we’ve been seeing that for some time now. Look at what’s happening with the press and all. Who wants a job in this legislature?

There are two Republican parties now, the moderates and the far right. You can’t alienate the far right without risking trouble in the nomination process if you seek further office.
Are there more ideologues, more on the fringe, or more moderation? Perhaps the creation of more and more safe districts does this, as decisions are made in the low participation primaries. Mike Bird, years ago, advocated high competition in all districts. It forces candidates to the middle more.

The limits on campaign contributions are costing us more, not less. Now the candidates think that with a limit, we’ve got to contribute right up to that limit. The max has become the minimum.

With the campaign finance limits on PAC’s, there’s been more pressure on lobbyists to give personally, and I’m writing checks all the time.

Used to be the speaker, majority leader and minority leader each had a PAC that you’d be expected to contribute to. This year, they got at least four or five leaders from the House with their own committees soliciting.

Elections are more impacted by campaign financing reform than term limits. Now we get more “brochure bills”, bills which candidates promised to introduce during their campaigns.

No one has a stick on term limited members. They vote as they please and are no longer concerned about their district.

LEADERSHIP

While term-limit stimulated changes in the composition of the membership and in elections and representation appear to be few and far between, the limits have had very clear and consequential impacts on legislative leadership. Numerical data, testimony of those in the legislature and other close observers, as well as direct observation, paint a clear picture. Leaders are now weaker, tenure in leadership positions is much shorter than before, competition for leadership slots is constant, and legislative processes and behavior have been impacted in what most observers contend is a negative way.

Leadership Before Term Limits

Formal authority combined with both potential and actual longevity in office to make Colorado’s legislative leadership strong before the initial term limits impact of 1998. House
Speakers assigned majority party members to committees and designated committee chairs and vice chairs. Speakers could also cause changes in the committee structure and, within rulespecified limits, determine committee sizes. They controlled bill referral and, with the easily available compliance of other leaders, they could grant waivers to such rules as bill limitations and bill introduction deadlines. The Majority party leader controlled the floor and thus the agenda often, but not always, in close consultation with the Speaker. Minority party leaders were able to affect minority member committee assignments, had some influence in the caucus and could speak to the media on behalf of the minority. But otherwise, most leadership power rested with the majority party leadership.

On the Senate side, majority party leadership power was a bit more defuse, as by the rules the Majority Leader made majority member committee assignments, including designation of chairs and vice-chairs. This normally involved consultation with the Senate President and others in majority party leadership. The allocation of this authority to the Majority Leader originated in pre-1975 days when the constitution made the Lt. Governor the formal President of the Senate, a person whose party affiliation might not be that of the Senate majority party.

With respect to other matters, the powers of the Senate President were much like those of the House Speaker. The President has full control of bill referral, and makes procedural rulings. As in the House, the Majority Leader runs the floor, but the President is usually in the communication loop on matters of scheduling and floor strategy. Like their House counterparts, Senate minority party leaders have influence on minority member committee assignments and on caucus policy and strategy, but are otherwise without formal authority.

These very substantial powers of leaders, majority party leaders in particular, had, in the
immediate pre-term limits era, been augmented by potential and actual longevity in office. Before term limits members had to assume that whoever was Speaker, Senate President or majority party floor leader during one session might well hold that slot for years to come.

Colorado operated with no informal leadership rotation system. The potential continuance of leaders in office thus created incentives for members to comply with leader preferences, at least most of the time.

The two immediate pre-limits Speakers had long tenure—Chuck Berry for eight years and Carl “Bev” Bledsoe for 10 years prior to Berry. House majority party floor leaders, though, tended to rotate more frequently, as did the minority leaders. On the Senate side, just three persons served as Senate President from 1975, when the Lt. Governor was removed from that position, to 1998 when the limits first hit. Fred Anderson served for seven years, Ted Strickland for 10, and Tom Norton for six years. And majority party leader Jeff Wells ran the floor for 12 years.

If one goes all the way back to Colorado’s statehood, a different pattern is evident. Indeed, of the 51 members who have served as House Speaker, 43 served in that position for just two years each. And, of course, before 1975 the Lt. Governor was the Senate President. But for most of the two pre-limits decades, House Speakers and Senate Presidents have had lengthy tenure and that, combined with substantial formal authority, made them power centers within the General Assembly.

The Royal Flush

When term limits first impacted the legislature in 1998, they flushed out legislative leaders in royal fashion. In the House, Speaker Chuck Berry, Speaker Pro-Tem Tony Grampsas, Majority Leader Norma Anderson, Assistant Majority Leader Jeanne Faatz and Minority Leader Carol
Snyder were ejected. On the Senate side, President Tom Norton, President Pro-Tem Tillman Bishop, Majority Leader Jeff Wells and Majority Caucus Chairman Bill Schroeder were pushed out. All told, these departures alone cost the General Assembly 136 years of legislative experience, although it was mitigated just a bit by Norma Anderson’s move to the Senate. Their replacements brought in less than half of the 136 years. (See Table 22 below.)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>HR Speaker</td>
<td>14</td>
<td>6</td>
</tr>
<tr>
<td>Speaker Pro-tem</td>
<td>14</td>
<td>6</td>
</tr>
<tr>
<td>Maj. Flr. Ldr.</td>
<td>12</td>
<td>4</td>
</tr>
<tr>
<td>Asst. Maj. Ldr.</td>
<td>20</td>
<td>2</td>
</tr>
<tr>
<td>Min. Flr. Ldr.</td>
<td>8</td>
<td>6</td>
</tr>
<tr>
<td>Senate Pres.</td>
<td>12</td>
<td>20</td>
</tr>
<tr>
<td>Pres. Pro-tem</td>
<td>28</td>
<td>4</td>
</tr>
<tr>
<td>Maj. Flr. Ldr.</td>
<td>16</td>
<td>8</td>
</tr>
<tr>
<td>Maj. Caucus Chr.</td>
<td>12</td>
<td>4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>136</strong></td>
<td><strong>60</strong></td>
</tr>
</tbody>
</table>

Calculated by author.

If that wasn’t enough of an exodus, the legislature’s single most powerful and consequential committee, the six member Joint Budget Committee (JBC) was similarly gutted. The JBC had historically worked closely with leaders and was viewed by many as part of the leadership apparatus. With the 1998 term limit purge, four of the six members had to leave, taking with
them 57 years of legislative tenure, and 28 years of budget committee experience.

Musical Chairs

What has replaced the pre-term limit pattern of relative continuity in leadership has been continuous rotation—musical chairs. Following every post-limits election, a new person has taken over as House Speaker, House Majority Leader and Minority leader. It was the same with the Senate President and Senate Majority Leader and, with one exception, the Senate Minority Leader as well. The first post-limits Senate President had served just six years in that chamber, but 14 years prior to that in the House. So the Senate did not suffer any immediate experience deficit. (See Table 23.)

<table>
<thead>
<tr>
<th>Year</th>
<th>House</th>
<th>Senate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1997</td>
<td>8.9</td>
<td>12.13</td>
</tr>
<tr>
<td>1999</td>
<td>4.0</td>
<td>9.13</td>
</tr>
<tr>
<td>2001</td>
<td>3.75</td>
<td>5.75</td>
</tr>
<tr>
<td>2003</td>
<td>3.8</td>
<td>7.78</td>
</tr>
</tbody>
</table>

Calculated by author.

Thus far, the pattern has been ascension from Majority Leader to Speaker or President except for 2000-2001 when party control changed in the Senate. The developing pattern is just that, a pattern, as there are no formal rules or even strongly rooted norms which dictate a rigid
leadership ladder. But what is guaranteed are leaders with no more than six years of experience in the House and the same in the Senate, except when Senatorial leaders bring prior experience over from the House.

Table 24 below displays the turnover of the full leadership contingent from 1993-94 through 2002-03. At first glance, there seems to have been little change in the House, and a lot in the Senate. But these figures are misleading. First, they include all leaders, not just Speakers and Senate Presidents and regular turnover in the secondary leadership slots has long been common. It is the Speakership and Presidency which matter most. Additionally, the seemingly high post-limits turnover in the Senate reflects two changes in party control.

<table>
<thead>
<tr>
<th>Year</th>
<th>House</th>
<th>Senate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1993-1994</td>
<td>6 of 9</td>
<td>2 of 8</td>
</tr>
<tr>
<td>1995-1996</td>
<td>5 of 9</td>
<td>3 of 8</td>
</tr>
<tr>
<td>1997-1998</td>
<td>6 of 10</td>
<td>1 of 8</td>
</tr>
<tr>
<td>1999-2010</td>
<td>8 of 9</td>
<td>4 of 8</td>
</tr>
<tr>
<td>2001-2002</td>
<td>5 of 9</td>
<td>7 of 8</td>
</tr>
<tr>
<td>2003-2004</td>
<td>5 of 9</td>
<td>7 of 9</td>
</tr>
</tbody>
</table>

This table counts the number of members in leadership who were not in leadership the previous year. And, it compares that number to the number of leaders. Leadership includes the entire formal list of majority and minority leadership.

A better indication of the new musical chairs pattern is reflected in Table 25. A substantial measure of continuity, and with it political clout, has been replaced by constant turnover.
### Table 25: Speaker and Senate President Tenure

<table>
<thead>
<tr>
<th></th>
<th>Speaker/Years</th>
<th>President/Years</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Pre-Limits</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bledsoe</td>
<td>10</td>
<td>Anderson 7</td>
</tr>
<tr>
<td>Berry</td>
<td>8</td>
<td>Strickland 10</td>
</tr>
<tr>
<td>Norton</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td><strong>Post-Limits</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>George</td>
<td>2</td>
<td>Powers 2</td>
</tr>
<tr>
<td>Dean</td>
<td>2</td>
<td>Matsunaka 2</td>
</tr>
<tr>
<td>Spradley</td>
<td>2</td>
<td>Andrews 2</td>
</tr>
</tbody>
</table>

A look at a few leadership positions and moves in 2003 and 2004 further illustrate the modern leadership instability. In 2003, Representative Jennifer Veiga served as House Minority Leader. For 2004 she moved to fill a Senate vacancy left by Doug Linkhart who ran for Denver City Council. Veiga was replaced by Andrew Romanoff who then became Minority Leader in just his fourth legislative year.

In the 2003 Senate, John Andrews became President after functioning as Minority Leader the previous two years. After 2004 he was term limited. His 2003 Majority Leader was Norma Anderson who was elected to the Senate in 1998 after 12 years in the House. But she served for just one year, yielding to Mark Hillman for 2004; a factional/ideological divide in the Republican caucus, in which President Andrews was on Hillman’s side, produced the shared Majority Leader arrangement. Joan Firz-Gerald, who was elected to the Senate in 2000, served as Senate Minority Leader, as her Democratic colleagues who served as President and Majority Leader the previous two years were both term limited. So again, the leadership ground is characterized by
continuous shifting.

Leadership Selection

The formal procedures for selecting leaders hasn’t changed at all with the introduction of term limits, but the political dynamics have. As in the past, both parties in both chambers meet in caucus sessions immediately following each November election to select their leaders. Members are nominated and votes are taken. In some states, second tier leaders are appointed by Speakers and Senate Presidents, but not in Colorado. Each leadership position is filled by caucus vote.

The majority party selects a nominee for Speaker on the House side, and Senate majority members do likewise for the Senate Presidency. The minority party may do so too if it so chooses, but often it does not since their nominee is a sure loser. The Speaker and president nominees are then formally elected by the full chambers at the start of the first January session following the November elections. Again, this procedure has not changed.

But the post-term limits political dynamics are new and, as the preceding discussion suggested, they are characterized by their virtually continuous nature. Since leaders are no longer in power election after election, members have rapidly recurring opportunities to join the contest for the opening positions. With the two-year-and-out rotation pattern which is emerging, the chase for the Speakership and Senate Presidency begins as soon as new leaders are picked. And as those in second level positions are almost always contenders, members anticipate that those second tier slots might be available as well. So, with many leadership positions actually or potentially open every two years, the game seems to have neither a start nor a finish; it just keeps going.

In the House there is a developing pattern of movement from Majority Leader to Speaker and if that settles in as a semi-formal norm, the competition will focus on the Majority Leader and
other second level positions. No pattern whatsoever has yet to appear in the Senate as a result, perhaps, of both the changes in party control and the factional nature of the Republican caucus.

Observers in and close to the capitol note that the leadership chase has become more frenetic, that members now must make decisions early as to their desired leadership or committee chairmanship aspirations, and that even some freshmen talk about their desires to be Speaker. With the past pattern of predictability and continuity in leadership broken, the legislative environment is less settled.

Consequences

So what? What differences do the changes in legislative leadership make? On this matter there is wide-spread consensus among members, former members, lobbyists, staffers and others who watch the General Assembly.

Leadership is clearly weaker, and that has little to do with the formal authority, which is unchanged, nor with leader personalities and qualities, which do shift., Mostly, it tracks to the immediate lame duck status of leaders. With the emergent pattern, they are lame ducks the instant they’re selected. Further, those in second level leadership positions, and many other members as well, have their own leadership objectives and campaigns both inside and beyond the legislature, and their game isn’t always advanced by compliance with the wishes of incumbent leaders. With some leadership fluidity and multiple aspirants always present, members sometimes can’t be sure who’ll win in the next round and thus they’re not sure whose cues to follow—who to help, who to challenge. With their tenure and clout limited, incumbent leaders can’t enforce behavioral norms so as to insist upon civility, common courtesies, procedural order or party discipline.
Term limits may have weakened the clout of rural interests in Colorado, although it is difficult to assess the long-term effects. In the past, their relative sparse numbers were sometimes compensated for by the capture of important leadership positions and committee chairmanships. The ten year Speakership of retired rancher Carl “Bev” Bledsoe is a case in point. Also, rural legislators could count on domination of the Agriculture committees which handle such critical issues as water and land use, and any other matters a rural Speaker or Senate President might want to send their way. But whether rural Colorado interests could continue to hold such critical slots with or without term limits is an open question.

Most observers claim that the legislature has suffered on all these accounts—civility, courtesy, order, discipline. In our mail questionnaire to persons knowledgeable about the legislature, 78 percent saw post-term limit members as less collegial and courteous both in committee and on the floor, 62 percent said members were less likely to follow floor leaders, and 77 percent see today’s members as planning paths to leadership earlier and 72 percent say they are less likely than previously to follow any established leadership ladder.

The appraisals of those in and around the capitol are reported in the following “notes ‘n quotes” section, but these few comments capture the flavor: “They just blow off the Speaker”. “You can’t exert leadership over something you know nothing about”. And, “There is simply a reduced depository of respect and more challenges of leadership”.

Notes ‘n Quotes.

Before Term Limits
In the past leaders like Speaker Bledsoe would not tolerate the incivility; they behaved themselves before.

With long-term Speakers like Bledsoe, you not only knew he was the Speaker, you knew he’d
likely continue to be Speaker, so you followed his lead. It isn’t that way now.

There used to be some mentoring. Freshmen were not looking to be the Speaker next year. Leaders could exert some discipline, there was a felt need to get along, learn the process, work the process.

With Bledsoe, McInnis and Paulson, the Speaker and Majority Leader did not work together; often they didn’t even communicate. With Berry and Anderson, it was even more so.

Current leaders don’t have the sense of purpose former and non-term limited ones had. They were committed, knew a lot about the process, were intelligent. They would go through extraordinary parliamentary procedures to keep the caucus together and trip up the other party. That doesn’t happen any more.

Some leaders are weaker, but they were weaker before term limits.

Post-Limits Leadership Selection
For the new ones, it’s getting on track quickly, in their sophomore term or earlier. I’ve had two freshmen already asking how to become Speaker.

With just eight years, things move fast, you’ve got to plan early, move to the Senate maybe, or into leadership.

The biggest change is that new members have to decide right away as to their goals–go for leadership slots or committee chairs, begin to watch what’s open, where competition and possible supporters are and this impacts their behavior including voting behavior. It’s immediate and constant competition. Leadership is short term and thus somewhat weaker. Next session there’ll be training for leaders too, perhaps using past leaders, education in what to expect, what might happen, how to react and not make mistakes.

The scramble for leadership positions is more frenetic now.

You get into leadership quickly. After just two years they were talking to me about leadership positions.

There is early jockeying for leadership positions. As soon as Dean was elected Speaker, rumors started about who was running next. Everyone is posturing to be a leader, not waiting to learn the process, the trade, first–just posturing on positions.

Half the body is running for leadership. You can’t get someone to vote against a bill because the sponsor might be the next leader.

Just days after I was elected, I heard members of my own party asking, ‘who’s going to take over
in two years. And the campaign began.’

Everyone who’s running for leadership now has his or her own PAC.

There is constant jockeying for positions, who is the frontrunner, and so forth. There are multiple aspirants for the leadership slots. There is more floor leader-Speaker coordination now. In the past they were more independent. You need each other now more in dealing with the caucus.

Ascension to leadership positions is developing into a lock-step pattern, from Assistant Floor Leader to Floor Leader to Speaker. Note Russell George, Doug Dean, now Lola Spradley and, maybe, Keith King.

**Weaker Leadership**

Leadership is generally weaker, they have less knowledge about the place.

Leadership is weaker, weaker, weaker. They are lame ducks. At the same time, leaders are less constrained to behave according to accepted practices and norms. For example, putting people on committees as short term ad hoc replacements. The majority leader, with the authority to run the floor, may be more powerful than the Speaker now. The Speaker is almost just a figurehead at the end of his tenure.

There is more turnover now. A weak Speaker will be hurt in caucus. You need to be strong with term limits.

Leadership is weaker, it is absent in the caucus and on the floor, with the budget for example. When I chaired the committee of the whole, I got straightened out in no uncertain terms by the floor leader, and that was good. That doesn’t happen now. I was silent in caucus for fear of saying something stupid. It is not that way now, it is more chaotic and there is less evidence of meaningful leadership. The scramble for leadership positions has weakened sitting leaders.

On the downside is weaker leadership, they have no stick, a two year cycle, a lack of continuity and discipline.

There is a lack of cohesion in leadership, it is weaker, rolls over more now, members chart their own course. Term limits limit members maturity. It is discomforting to see the veterans go, those who knew the issues and their history and consequences.

The leaders are weaker now. They just blow off the Speaker.

Leaders are weaker now. Sometimes it’s good to have the threat of stronger leadership present.

It’s hard to tell if leadership is weaker. There’s no more Bev Bledsoe, and GAVEL has dissolved
the binding caucus.

There is simply a reduced depository of respect and more challenges of leadership.

With the now constant turnover in leadership there is very little loyalty either in the caucuses or the parties.

Leadership has less control over members, legislators because of term limits are much more independent and focuses on their own issues.

Term limits have seriously limited the power of leadership and the legislature’s overall skill in dealing with issues. Severe spending and revenue limitations have removed its flexibility.

More Consequences

Term limits have been a disaster. We will continue to have Speakers and Senate President with four to six years of experience—if we’re lucky. Majority and minority party leaders are in the same boat and just when they’ve learned how to do the job, term limits shove them out the door.

Term limits causes constant change in process and leadership. It is not good to change leaders every two years.

Now the leaders are always in training, with more rapid turnover. We still have leadership meetings to go over bills and so forth. The caucus gets its cues from the Senate President, the Protem and Floor Leader. There are leadership meetings, and the leaders tell the committee chairs what bills they want out.

Has a “bully crowd” replaced the leaders? I don’t see that, not in the Republican House caucus. The caucus, the floor, the party, is chaotic, with votes all over the place.

Has the former leadership-JBC nexus weakened because of term limits, as it appears? Perhaps, yes. Before there was more stability born of more time together. Folks were more cohesive, more comfortable with each other. The hard years were when there was extensive turnover.

The leadership-JBC connection used to be tight, but that’s not so now. Young and Gayle Berry were threatened with removal from the JBC and, probably, with a push from the governor. This had never happened before. Speaker Chuck Berry and Tony Grampsas were tight, together, there was no leader/JBC split. The JBC/leader bond was strong in the past.

The new leaders don’t always know what to do. They either don’t know, or don’t live by tradition.

Is there visionary leadership to get the state back on track fiscally? No, now the movements are
narrow, self-serving–Amendment #23, TABOR, GOCO, others.

We need leaders who will lead, be strong, get the job done. Matsunaka chaired the Education committee and was on the Public Policy and Planning Committee, besides being Senate President. It was just too much, spread too thin, it was hard for folks to see him.

Leadership rotates now, the Speaker and floor leader are separate, they respect each others turf.

The members are less willing to follow leaders. In the past there was incentive to do so as they’d be here for a longer time. Half the world now is running for leadership positions. This impacts their votes as they don’t want to alienate potential supporters in the leadership contests. Members of their own caucus are at each other in leadership contests. Leaders are lame ducks, why follow them? Instead, follow the probable successors. There are fewer party-line votes. Some new members are frustrated with instability in leadership.

There’s a breakdown in party discipline. Majority leaders used to tell members in caucus how to vote, and they generally voted that way. Now they fight, cuss, depose each other. Leaders have less influence because they won’t be there next year–can’t withhold chairmanships and so forth. The majority leader told the freshmen, ‘trying to work with you guys is like coaching little league football–everyone wants to be quarterback’.

The Speaker had to tell the Republican caucus today, had to admonish the majority, for not quieting down for the introduction of some kids who had won a national choir competition.

You can’t exert leadership over something you know nothing about.

COMMITTEES

The impacts which term limits have had on legislative committees track mainly to the diminishment in the experience levels of members and committee chairs and the disappearance of the long-term legislative veterans. The structure of the committee system has been altered some since term limits, but the casual connection to the limits is tenuous at best. The process of appointment to committees is unchanged, and so is the rate of chairman turnover. The rate at which committees kill bills is about the same, as is the rate at which committee-passed bills are successful on the floors.
What has changed as a result of term limits is member behavior. Compared to their pre-limits counterparts, members appear to be less knowledgeable about statewide issues and current law. They are more partisan, less collegial and less inclined to compromise. While the overall rate at which bills are killed is roughly the same as before, the death rate for minority party bills has gone up. Many observers contend that committee processes are less orderly and sometimes downright nasty.

The Pre-Term Limits Committee System

For years preceding the 1998 impact of term limits, Colorado’s House and Senate operated with a nearly parallel committee structure. There were nine committees of reference (standing committees) in each chamber, a standing appropriations committee, administrative House and Senate “services” committees, a joint Legislative Council composed of the leadership of both chambers, an all-important and powerful six-member Joint Budget Committee plus, of course, annual topic-specific interim committees and bill specific conference committees. Additionally, a Joint Audit Committee oversaw the Office of State Auditor and received it’s reports, and a joint Legal Services committee provided oversight for the Office of Legislative Legal Services which drafts the bills and amendments, revises statutes and advises the General Assembly on legal matters.

Majority party committee appointments were made by the Speaker for the House and the Majority party Leader in the Senate, albeit in consultation with others in the majority party leadership. In both houses the Minority Leader appointed minority party members, although in the Senate the minority party member of the Joint Budget Committee was elected by the party caucus. After elections members were asked to specify their committee assignments preferences
and efforts were usually made to accommodate their desires. Committee chairs and vice-chairs were designated by the House Speaker and Senate Majority Leader.

Considerations besides just member preference played a role in assignments. To some extent experience and expertise in a policy area made a difference. So too did the backing, or lack thereof, which a member had given to the incumbent leaders who did the appointing. And for each party, there was always the need to balance the intellectual strength of appointees from the other party. Finally, the majority party always made sure to pack one or two committees with members whose political security, temperament and ideological predispositions were such as to ensure predictable voting behavior. There always were, in other words, killer committees.

Colorado’s legislative committees are authorized to do almost anything they’d like with the bills sent their way but they must do something. Bills can not simply be ignored. Committees may vote to kill bills by postponing them indefinitely (PI), or they may refer them to another committee or to the floor (Committee of the Whole) as introduced or with recommended amendments. An initiated constitutional provision enacted in 1988 known as GAVEL (Give a Vote to Every Legislator) requires that all bills be sent to a committee, that the committee put the bills on the table for action and, if passed, the bills be calendared in the full chamber. Committees can and do sometimes give bills short shrift, and many are PI’d., But committees can’t just do nothing with a bill.

Committee chairs possess considerable clout but they do not operate without some restraint. GAVEL requires that chairs schedule all bills for action, and do so within the confines of a series of deadlines. But the timing of hearings and actions and allowable motions are in the hands of the committee chairs. They can limit testimony and they may pull bills off the table for action later.
Colorado limits members to the introduction of five bills per session, albeit with some significant exceptions. Over the past decade roughly 600 to 700 bills have been introduced each session and fifty to sixty percent pass both chambers and go on to the Governor. Very few die on the floor, and thus most bills which die do so in committee. Year after year the death rate is higher for bills sponsored by minority party members.

Committees After Term Limits

The structure of Colorado’s committee system has changed just a little in both houses since the initial term limit impact of 1998, but it’s a bit of a reach to tie the changes to term limits. For the two sessions immediately after 1998, absolutely nothing changed. But in 2000 the Democrats gained majority control of the Senate for the first time in 40 years, and they placed their stamp on the chamber by re-structuring the committee system. They eliminated the Finance and Local Government committees, combined State Affairs with Transportation and created a new Public Policy and Planning committee to which the new Democratic Senate President sent a string of major bills. In 2002 the Republicans re-captured the majority and put the old structure back into place.

On the House side, the new 2001-2002 Speaker added a new Information and Technology committee and split Judiciary into Civil Justice and Judiciary, and Criminal Justice. The motivation seemed to track to his need for more chairmanships to reward those who supported his quest for the Speakership and not to term limits. For 2003 and 2004, the two judiciary committees were recombined while Information and Technology remained in place.

Committee structure changes which have occurred since the term limit impact are, thus, minor. To the extent that they result from term limits, the nexus is at best indirect. Term limits did open
some Senate seats and may have contributed to the Democratic victory which, in turn, led to the committee structure rearrangement. In the House the limits triggered some rotation in the Speakership, thus creating the opportunity for the candidacy of the Speaker who pushed for the changes. But the 2004 structure in the House is much like it was throughout the past decades, and in the Senate it is back to exactly where it was.

The formal committee and chairman appointment processes are unchanged since term limits. The Speaker and Majority Leader still appoint majority party members and designate committee chairs and vice chairs, and minority leaders do what they did before as well. As before, appointment criteria include a mix of member preference, experience and knowledge, political standing with the appointing leader and strategic party concerns with committee balance and control. What has changed is the experience levels of members and chairs, and the continuity of leadership-chairmanship connections and relationships and understandings. Interview respondents have noted a propensity of newly appointed and inexperienced chairs to “make mistakes”, and “get rolled” by minority party committee members. And with both those doing the appointing and their committee chairs rotating with greater frequency, there is less by way of unspoken chair-leader understandings as to political philosophy and preferred action on bills.

One new and clearly post-term limit wrinkle in the appointing process has been the use of day or week at a time substitutions on committees. Both parties have done it when they’ve been in control. The Senate Democrats made short term fill-in appointments to the Joint Budget Committee and House Republicans have done it with some frequency. In February, 2004, for example, Republican State Affairs Committee member Rob Fairbank was gone for several weeks and colleague Bob Briggs was appointed to sit in during Fairbank’s absence. On one strategic
vote, Briggs’ presence produced a 5-5 tie vote, killing a bill which would have required employers to pay double damages for unpaid wages.

One long-time lobbyist critiqued the practice this way: “Now you have ‘day-at-a-time’ committee member replacements. The public has a right to know who is on a committee and this replacement process doesn’t help. Also, the whole philosophy of a committee can change with the day-at-a-time changes, and the replacements are not familiar with the subject mater”.

The character of committee members and chairs has changed in the same way that the overall membership has changed, namely, by being less experienced. After a couple of post-limits elections the number of freshmen is about where it was before the limits. But what is missing is the handful of long-term veterans, some of whom served in the past as committee chairs. Tables 26 and 27 below shed some light on this phenomenon. The committee chair experience numbers in the Senate for 1999-2000 and 2001-2002 are the product of two changes in party control and thus don’t fit a pattern. But otherwise, the data show a considerable drop in aggregate chair experience, both as members and as committee chairs. At the same time, chair turnover has always been quite high, and it remains so. It’s just that members sitting as chairs are newer to legislative life than were their pre-limits predecessors. One legislative veteran and committee chair described the role experienced committee chairs played in the past in this manner: “In the past, strong, experienced and informed committee chairs would often brief their members on bills and their background, comment on the quality and so forth. Often they’d just say, ‘we don’t need this’, or ‘we can and should fix the bill’. No more.”
Table 26: Committee Chair Experience

<table>
<thead>
<tr>
<th>Session</th>
<th>Aggregate Years in Legislature</th>
<th>As Chair</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>House</td>
<td>Senate</td>
</tr>
<tr>
<td>1993-1994</td>
<td>74</td>
<td>88</td>
</tr>
<tr>
<td>1999-2000</td>
<td>46</td>
<td>100</td>
</tr>
<tr>
<td>2001-2002</td>
<td>41</td>
<td>65</td>
</tr>
<tr>
<td>2003-2004</td>
<td>48</td>
<td>73</td>
</tr>
</tbody>
</table>

*party change

The post-term limits behavior of committee members and chairs has changed some, at least in the eyes of many observers. Our mail survey of “knowledgeable” observers produced these results: Seventy-eight percent of the respondents saw committee members as less collegial and courteous. Seventy-six percent claimed members were less knowledgeable about state-wide issues, seventy percent say the members were less knowledgeable than predecessors about issues before their committee, and eighty-two percent viewed them as less inclined to amend and substitute bills in committee. Roughly half of the respondents saw the members as less inclined to compromise.

Table 27: Committee Chair Turnover

<table>
<thead>
<tr>
<th>Period</th>
<th>House</th>
<th>Senate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1985-1987</td>
<td>8 of 10</td>
<td>6 of 10</td>
</tr>
<tr>
<td>1993-1995</td>
<td>5 of 10</td>
<td>3 of 10</td>
</tr>
<tr>
<td>1997-1999</td>
<td>9 of 10</td>
<td>7 of 10</td>
</tr>
<tr>
<td>1999-2001</td>
<td>10 of 12</td>
<td>8 of 8*</td>
</tr>
<tr>
<td>2001-2003</td>
<td>4 of 11</td>
<td>10 of 10*</td>
</tr>
</tbody>
</table>
Interview respondents, from lobbyists and staffers to current and former members, also paint a picture of altered behavior. More time is needed, they say, to explain bills, the background of issues, and generally educating members. Often members are unfamiliar with existing law, occasionally moving amendments which are already in statute. Said one committee chair, “I constantly have to retrain my members. At first they just don’t know what they’re doing”.

The perceived decline in courtesy and civility reported in the mail survey was expressed in interviews as well. One observer commented, “The civility is gone, chairs are gaveling down colleagues, there is disrespect for the system.” Another agreed, “The committees are messy now, not following procedures on motions and so forth. There are some really bad chairmen”

Partisanship seems to have increased, as courtesy and collegiality have declined. Over eighty-four percent of the mail survey respondents saw the legislature as a whole as more partisan, and data on the kill rate of minority party bills seems to reflect heightened partisanship in committees as well. Table 28 below provides some pre and post-limits data for the House. While the overall PI rate (postpone indefinitely) changed very little, the spread between majority vs. minority party bills increased. For minority party Democrats, the bill death rate rose by fifty percent, from 30.0 percent to 45.6 percent. At the same time, the fate of majority party Republican bills improved.

<table>
<thead>
<tr>
<th>Table 28: Bill PI Rate in House Committee of Reference</th>
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<tbody>
<tr>
<td>Democrats</td>
</tr>
<tr>
<td>-----------</td>
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<td></td>
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</tbody>
</table>
Table 28: Bill PI Rate in House Committee of Reference

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<th></th>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Party Members</td>
<td>24</td>
<td>28</td>
<td>41</td>
<td>37</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bills Introduced</td>
<td>87</td>
<td>125</td>
<td>244</td>
<td>257</td>
<td>331</td>
<td>382</td>
</tr>
<tr>
<td>No. Postponed Indefinitely</td>
<td>26</td>
<td>57</td>
<td>53</td>
<td>42</td>
<td>79</td>
<td>99</td>
</tr>
<tr>
<td>% PI</td>
<td>30.0</td>
<td>45.6</td>
<td>21.7</td>
<td>16.3</td>
<td>23.9</td>
<td>25.9</td>
</tr>
</tbody>
</table>

Source: Calculated from 1997 and 2003 Status Sheets, Colorado General Assembly

One often heard prediction is that in the post-term limit era with less experienced and less knowledgeable legislators populating committees, bills would be screened less well, and thus more of them would meet their doom on the chamber floors. Support for this theory is mixed. Over and over interviewees claimed that committees were doing their work less well, and that they were passing inferior products on to the floors. Said one committee chairman, “The committees are not screening the bills well. They are not doing their best work.” A veteran lobbyist commented, “Committees used to be a filter that ensured that good work products came to the floor. Not any more.”

But data extracted from session-end status sheets as well as numbers produced by the Office of Legislative Legal Services calls into question the alleged decline in the quality of committee work, at least insofar as it is reflected in passage rates both in committee and on the chamber floors. Table 29 provides numbers in selected years on bill introductions and committee and floor actions for both chambers. We know that almost half the bills die each session, but the table
shows that very few bills met their death on the floor of either chamber. And these numbers have not changed in any significant manner since the post-1998 impact of term limits. When bills die, it almost always happens in a House or Senate committee, not on the floor, and that was true over the three years before term limits and three years afterward.

<table>
<thead>
<tr>
<th>Table 29: Bills Killed on Chamber Floors</th>
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<tbody>
<tr>
<td></td>
</tr>
<tr>
<td><strong>1990</strong></td>
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<td>---</td>
</tr>
<tr>
<td>Total Introduced</td>
</tr>
<tr>
<td>Introduced in House</td>
</tr>
<tr>
<td>Introduced in Senate</td>
</tr>
<tr>
<td>Killed House/Origin Fl</td>
</tr>
<tr>
<td>Killed Second Ch.Fl.</td>
</tr>
<tr>
<td>HR Kill HR Bills on Fl</td>
</tr>
<tr>
<td>HR Kill Sen.Bills on Fl</td>
</tr>
<tr>
<td>Sen Kill Sen.Bls on Fl</td>
</tr>
<tr>
<td>Sen Kill HR Bls on Fl</td>
</tr>
</tbody>
</table>

There are two possible explanations which would merge this apparently conflicting evidence. The first is that bad bills are fixed on the floor through amendment. Unfortunately, no data are kept on the frequency of floor amendments. Successful amendments are reported in chamber journals, but have not been tabulated. The second explanation is that less experienced members don’t know enough to recognize bad bills and kill them when they come to the floor. But this is, at best, conjecture.
The numbers reported by the Office of Legislative Legal Services shows a virtually unchanged pre to post limits bill passage rate. The number of bills has increased some, but the passage rate has not. The rate was 56 percent in 1996 and 57 percent in both 1997 and 1998. Then after term limits first hit, the rate was 59 percent in both 1999 and 2000 and 57 percent in 2002. While numbers such as these can not attest to the quality of legislation, there is nothing in them to cause one to be suspicious that there’s been any dramatic change.

Two special types of legislative committees are interim committees and conference committees. One seems to have changed some, quite possibly because of term limits, but the other hasn’t. Since term limits there have been fewer interim committees, and a perception exists that they’re not doing as good a job as they could and should. In the past, interim committees would study a broad subject, such as transportation or youth violence, and produce proposed legislation for the upcoming session to deal with the issue. More recently, interim committees have not produced high quality bills, and that may well track to the absence of legislative veterans who possessed the experience and policy knowledge to guide committee work. Conference committees, on the other hand, are unchanged. Their size, the method of appointment, responsibilities and procedures remain the same as before term limits.

So, What’s New

The organization of Colorado’s legislative committee system and the method of appointing members to committees is much like it was before term limits. Committee chairs have no more and no less authority and the rules with respect to committee procedures and action options on bills is unchanged. Member behavior and the operation of committees, though, seem to be different. Members are less experienced, less knowledgeable on the issues and the bills, committees are
procedurally less orderly and members less collegial but more partisan. It is not clear if the quality of legislation has been affected.

Notes’n Quotes

Appointment

Now you have day-at-a-time committee member replacements. The public has a right to know who is on a committee and this replacement process doesn’t help. Also, the whole philosophy of a committee can change with the day-at-a-time changes, and the replacements are not familiar with the subject matter.

Inexperience

When I was in committee at the beginning of the session, you could tell while this representative was speaking and voting he was new to the legislature. He was nervous and watching what everyone else did. When it came time for his vote he would pass and watch how the others voted, then vote accordingly.

I saw more “passing” on committee votes by the new members, more than the others. There was less of it later. They were looking for cues.

Some freshmen have ended up asking to have their own bills killed in committee. They hadn’t realized the amount of opposition they would meet, or they just hadn’t done their homework.

In the past strong, experienced and informed committee chairs would often brief their members on bills and their background, comment on the quality and so forth. Often they’d just say we don’t need this, or we can and should fix the bill. No more. Now members seem willing to vote for each others bills because of friendship or fear that if they don’t their own bills will be lost and their votes now are guided less by the quality of the legislation. Friendship often seems to trump the matter of good policy.

I constantly have to retrain the members. At first they just don’t know what they’re doing. We don’t screen bills properly and as a result too many get out of committee.

More time is spent in committees on dealing with the general background of issues, of educating members.

Floor debate is more important now. People who’ve been around a few years weigh in. It was unnecessary when the committees could handle the issues.

Behavior
The civility is gone, chairs are gaveling down their colleagues, there is disrespect for the system.

Behavior on committees indicates a dedication to the district and the issues, not the party. There is less party discipline on committees. Members often don’t understand much of the legislation, including what is in their own committees. Bills are not examined very well, not closely at all.

There is less civility, even within one’s own party. You have a committee chair lashing out at a fellow party member on her committee, and doing so in the committee. In the past, the “woodshed” routine was done in private, often in the Speaker’s office.

**Committee Process**

The committees are messy now, not following procedures on motions and so forth. There are some really bad chairmen. There is a higher rate of bill passage.

There is no respect for the committee chair, they make motions on top of motions. You even have freshmen chairing committees.

Some of the chairs don’t know how to limit testimony, manage the flow of the committee.

Committees were chaotic the first session; they are better now.

The committees are not as chaotic. Some of the former “bomb throwers” are now statesmen-like.

**Bill Screening**

The committees are not screening the bills well. They are not doing their best work. Members lack experience and also knowledge of existing law. They don’t know why a law may need to be changed. And they are deferent to the executive department heads, they are not skeptical of what they are told by the administration.

The committees have been impacted, but mostly this past two years but there was this change in party control. None of the chairs had been chairs before. Often bills were passed out just to give a member a record, and something to run on, often for a non-legislative position. As some are term limited they seek other positions, such as the Denver City Council.

There’s been no noticeable qualitative change in policy product. They are killing bills and that’s a good sign. Initially the new chairs often did not have control, made mistakes and had to be watched and corrected by leadership, but they learned. The leaders met with committee chairs each Monday, the chairs were sometimes told to get tough, to get members in line. Members could be removed from committees for not voting right.

Committees used to be a filter that ensured that good work products came to the floor. Not any
Committee bills don’t have the prestige on the floor. They get amended.

LEGISLATIVE STAFFING

Term limits captured the attention of the General Assembly’s staffing units in a big way, and have stimulated some reexamination by the staff of its roles and organizational structure. But to date, there have been no major changes. The overall organizational configuration is unchanged. There has been some growth in the size of the legislature’s fairly small partisan staff, but not in the primary non-partisan staffing units. Three of the four primary units saw their Directors retire with the positions then filled internally by veteran professional staff members. As was the case for several decades before term limits, the main staff support for the General Assembly lies with the full-time non-partisan professional staff.

The Staffing System

The General Assembly is served by three major staffing units plus the Office of State Auditor. Legislative Council, composed of a little over 50 professional employees, provides staffing for committees, does revenue projections and analysis of the fiscal impacts of proposed legislation, and does both short-term spot research and produces some long-term research reports. The office is headed by a Director who is hired by a joint legislative committee composed of leadership, plus some other members, and is also and somewhat confusingly called, “Legislative Council”. This committee oversees this staff unit’s operations. Staff employees are in theory and fact non-partisan and are college educated career professionals.

Each standing committee, the “committees of reference”, have a single staffer whose
responsibility is to help the committee chairman run the affairs of the committee. This includes handling all the scheduling and paperwork associated with amendments, votes, materials involved in testimony, and writing committee reports, along with doing whatever research the chairman may need. Individual committee members, indeed the entire legislative membership, is without any full-time staff help.

Additionally, Legislative Council contains units responsible for revenue forecasting, fiscal note production, some limited constituent service help for members, analysis of initiated or referred ballot measures and operating both a small legislative library and capitol tour service. Legislative Council has been in operation since 1953 and has consistently been viewed as highly competent, and professional, and non-partisan.

A sister unit to Legislative Council is the Office of Legislative Legal Services. This office is similar in size to Legislative Council, with roughly 50 employees, about half of whom are lawyers. The office is headed by a Director who, in turn, is hired by a 10 member joint legislative committee called the Legal Services Committee. This committee oversees the operation of the unit.

The prime responsibilities of the Office of Legislative Legal Services are to draft bills and amendments, review bills for technical or substantive problems, and revise the statutes to incorporate new law. Legal Services assists the legislature by coordinating litigation involving the body and maintaining legislative records. The office is charged with administrative rule review to ensure rule consistency with statutory and/or constitutional provisions. Finally, any proposed ballot initiative must be reviewed by the Office of Legislative Legal Services, and the Director or his representative sits on a Ballot Title Board which prepares the measures for petition and the ballot. This staffing unit, like Legislative Council, has a long-standing reputation for high quality
work and political neutrality. It teams with its sister unit to form the continuous and stabilizing professional staffing backbone of the state’s policy body.

A third critical unit is the Joint Budget Committee staff. It is headed by a Director who is selected by leadership’s Legislative Council committee, and is composed of fifteen analysts and a small secretarial staff. These staffers work for the six-member JBC only, and not for any other legislators. As with the other units, the staff members are highly regarded full-time, non-partisan, college educated professionals.

The State Auditor is also hired by a legislative committee, an eight member Joint Audit Committee, and she oversees the audit work of a staff of roughly 50 employees. This unit does both fiscal and performance auditing of state agencies and programs and issues its findings in reports to the Audit Committee. Audit reports often then trigger new legislation. Audit office employees, like the others, are non-partisan professionals.

Then there is an assortment of partisan staffers. Some are full-time, doing on-going administrative work for the two chambers, or for one of the two parties in the House and the Senate. But most are part-timers. The most critical groups includes the Chief Clerk of the House, the Secretary of the Senate and their associated clerks and assistants who staff the chambers front desks and handle the massive flow of bills, amendments and so forth. There is a cadre of Sargent at Arms and also a mostly session-only pool of “assignable” clerical staffers who do secretarial work. And there are the receptionists and secretaries and, now, administrative assistants, in the leadership offices. Most of these people are there by way so some political connection and are generally engaged in what is primarily administrative duty.

Then there is a much smaller cadre of partisan staffer members engaged in primarily and purely
partisan political work. Each party in each house has a small “communications” or “media” office staff which cranks out political message for its members—newsletters, news releases, ghost-written opinion pieces, speeches and more. Each party in each chamber also has attached to its leader and its caucus a few “administrative” or “staff” assistants who work on party policy and strategy. It is here, with this later group, where what many perceive to be the most noticeable change has occurred since term limits.

Staffing Changes Since Term Limits

There have been no major changes in Colorado’s legislative staffing operations which are directly attributable to term limits, but there have been a half-dozen or so minor adjustments which may be connected to the limits. As noted, the structure of the system is unchanged. Legislative Council, Legal Services, the JBC staff and the Office of State Auditor remain essentially as they have been for years, and so too does the assorted mix of both administrative and politically-engaged partisan staff arrangements.

The most notable personnel changes in the non-partisan staff units have been the retirements of the Directors of Legislative Council, Legal Services and the JBC staff. All three were long-term veterans and all three were eligible for retirement. None left expressing a desire to escape the newly term-limit impacted legislature. Term limits didn’t drive them out, but the evolving legislative environment, which was impacted by the limits, may have suggested to them that the timing was right. Only they know for sure.

Each of the three departing Directors was experienced and highly respected. And their leaving couldn’t have had a destabilizing impact. It didn’t, though, as the impact was undoubtedly tempered by the selection of similarly experienced and respected insiders to replace them.
There has been no measurable exodus of staff members which one might attribute to a changed legislative environment caused by term limits, nor is there any hard evidence that morale has been affected. But some “soft” evidence does appear in random comments to the effect that staff members sometimes see and experience a type unpleasant “rookie” legislative behavior which was less prevalent when the institution was more heavily influenced by the norms and cues provided by experienced veterans.

Legislative Council reacted to term limits by engaging in some reexamination of its role. One such effort was engagement in a “visioning” exercise wherein alternative scenarios of the evolving and future legislative environment (from more to much more partisan) were imagined, and along with them different suggested implications for the staff and different possible staff responses were laid out. Additionally, the unit engaged in an all-day retreat to reflect upon the implications of term limits, the states expansive use of direct democracy and other matters, and discuss what might be done by way of staff development, public relations and legislative relations to react to them.

Legislative Council sought self-consciously to respond to term limits be viewing them as an opportunity to be pro-active in providing members with information, in educating them, in helping them do their job. This included being somewhat more visible, on call when needed, available for testimony, and more. With the coming of term limits, Legislative Council developed a limited program to help members respond to constituent questions and concerns. In coordination with the Office of Legislative Legal Services, it also expanded a pre-existing “buddy program” wherein staffers were teamed with new members so as to give the new ones a personalized link to the staff and make available a continuous source of education and information. Legal Services developed a new “Staff Directory” complete with photos and biographical sketches of staff members, and the
issue areas with which each one dealt. The purpose was to provide legislators with a “personnel map”, a way for them to easily identify staff members when looking for assistance. Additionally, all the staffing units have been involved in much expanded new-member orientation programs. These will be discussed in the later section on “adaptations”.

As noted before, only a small number of partisan staffers worked directly on political rather than administrative matters. But that small number has now expanded a bit since term limits and some observers wonder, and worry, if that is a trend which will continue. Before the limits majority House Republicans employed secretaries to the Speaker, Majority Leader and Assistant Majority Leader, and two persons in their communications office. Since term limits, they have eliminated the secretary to the assistant Majority Leader, but added a secretary to their caucus chair and, most notably, have employed a former Representative as Administrative Assistant to the Speaker.

The House minority Democrats made similar changes, moving from four to five partisan staffers. Before term limits they utilized secretaries to the Minority Leader and Assistant Minority Leader, and two communications office persons. Since the limits, they’ve eliminated the Assistant Minority Leader’s secretary, provided one instead to the caucus chair and hired a Minority Administrative Assistant.

There’s been greater partisan staff expansion in the Senate. Before the limits, the majority party had secretaries for the President and Majority Leader and two media relations personnel. The Democratic minority employed a secretary for the Minority Leader, a Minority Administrative Assistant and one media relations person. As of 2004, both parties employ seven partisan staffers. The Senate President now has a secretary, Administrative Assistant and Legislative Assistant, there
is a secretary to majority party leadership, a majority chief legislative secretary and still two media people. The Democratic minority has a Chief of Staff, a Policy Director, a Legislative Assistant, two secretaries and a Media Director and Assistant Media Director.

The consequences of these relatively modest partisan staff expansions are not yet altogether clear. But in the opinion of some observers it hints of a possible urge to arm the party caucuses and leaders with political and policy strategists to a greater extent than was the case in the past. The worry is that if this is an omen of what is to occur in the coming years, inter-party relations may become more partisan, and the historic politically neutral posture of the major staffing units may be come increasingly difficult to maintain.

Critics of term limits have long worried that the combination of diminished of legislative experience and weakened leadership would create information and policy vacuums which would be filled by the staff and lobbyists. In Colorado it appears that the influence of staffers has indeed grown, albeit not to the extent feared by critics. In the survey of knowledgeable observers, there was some agreement with the statement that the non-partisan staffers were more influential (47%) and that the partisan staff members were too (55%) but it clearly was not an overwhelming view.

The non-partisan staffers in the Legislative Council and Legal Services units have made conscious efforts to stay out of the “political thicket”. Their role and influence has grown noticeably in the issuance of procedural advice, in responding to questions about process and rules, in helping members figure out how to do what they want to do. Indirectly, such procedural help can benefit the majority party since it controls both floor and committee processes. But the non-partisan personnel have worked hard to continue in their historically neutral role.

The picture is a little different with respect to the Joint Budget Committee staff. As with
Legislative Council and Legal Services, the JBC staff has done nothing to purposefully inject itself into the committee’s political decisions, but with the drop in committee member experience, the constitutionally produced budgeting complexity, and the recession and resultant desperate quest for fiscal options, has rendered the committee more and more dependent upon staff knowledge and suggestions. One lobbyist who has worked with the legislature for decades, put it this way:

The JBC staff is incredibly influential. Members adopt staff positions on every issue, for every department. The JBC lets the staff call the shots, then the six on the Committee sign off, that is the budget. There is less continuity on the JBC.

A member of the JBC itself confirmed this view, commenting, “The JBC members are losing their power to the staff with respect to ideas and options.”

The foundation of the staffing system for the General Assembly has been in this series of non-partisan agencies. They have been non-partisan in name and in fact for decades, and have long enjoyed reputations for high quality work. Colorado’s legislature is, quite literally, dependent for its very functioning on these units. One question which arises with the coming of term limits and the exodus of long-term leaders and other legislative veterans is whether these staffing units will continue to have the support of the leadership and membership, and the needed insulation from partisan winds. Or will new members, unschooled and un-mentored in the non-partisan history and tradition of the staff seek to thrust these units into the political thicket or marginalize them by vast expansion of the partisan staff. So far, three election cycles since term limits first hit, continuing support for these staffing units and the non-partisan tradition appear to be in place.

We can summarize staff changes which have occurred since the advent of term limits this way. The structure is largely unaltered. The two major non-partisan units have struggled with
considerable success to maintain their posture of political neutrality, but do have an enlarged role in providing advice on process and rules. And they continue to ponder what organizational or role adjustments may be needed in the future.

The JBC staff has always been very influential, and is even more so now, but not by purposefully seeking an expanded policy role. Most partisan staff appointees, many of who perform administrative tasks during the session only, do pretty much what they did before. An exception on the partisan staff side is in the thus far modest numerical increase in staffers who provide direct political help to the leaders; this “trend” is watched by some to see if it continues and thus impacts inter-party relations and the role of the non-partisan staff.

Notes’n Quotes

Greater Staffing Need

We need more continuity in staff now. There are lots of non-legislative duties, such as appointments. You need experienced staff to keep it straight, on time, smooth. And it’s important to have a good press office.

One major difference I notice is that more guidance from staff is needed by, and requested from, members on procedures, politics and so forth. While this will always be the case with first-year legislators, term limits resulted in a much higher number of new members and the difference is more noticeable this year. Not only have more questions seemed to come in to the Office of Legal Services as far as the “right” and “wrong” way to handle a situation, but I’ve also fielded quite a few questions on the floor from new members.

The effects of term limits would be mitigated if committee staff were able to brief members on issues and background. They really have and can only afford interns and non-professional part-time staff. There’s no one to prepare members for the issues before the committees.

We see more interaction among the staff members and the different staff units. We wanted to be sure to steer members in the right direction for the help they needed.
The staff is good, it is fair, works hard to be both good and fair, objective. It would be good for members to have individual staff.

The staff felt a lot of pressure to be objective and correct, now more than ever. On providing detail on TABOR, for example, they were careful to try not to influence the members.

There are more meetings with leadership, and the leadership groups now include more than just Senate President and Speaker, it includes the party leaders and they meet with staff leadership more often. They need more guidance, more help.

**Process Assistance and Neutrality**

The staff goal is to keep focus on the traditional responsibilities--fiscal notes forecasting, committee staffing, research.

The staff is more involved in procedural matters, but making a clear effort to avoid giving policy advice. They’ll walk you thorough the choices, but then try to stay neutral, they are cautious.

The staff is very good so far. They try to be neutral. Legal Services may have indirect policy impact given the reliance on them for help with process and rules and with answers to “how can I do this” questions.

In the 1999 session the staff provided more procedural advice than ever before. There were more situations where floor actions stopped for huddles among staffers and the leadership

Initially there was less trust of the staff, less leadership protection of the staff, less appreciation of staff and what the staff does, less time for members to recognize staff work, fewer old-timers to protect staff.

Support for the non-partisan staff and the protective attitude is still in place. The leaders need to condition the new members to the non-partisan norms.

**Staff Influence**

The staff is more influential, especially in regards to process. The staff does seek to stay non-partisan and stay out of policy substance, but it still comes in. For example, I have lunch with my
committee staffer and the staffer may say, “did you think of this, or that?” This not an effort to intrude in policy decisions, but it still has some influence, marginally.

Staff will gain in power. Their involvement and advice may well be on procedure and not policy, but when they help leadership control the floor through procedure, they’re helping the majority get its way on policy.

Joint Budget Committee Staff

The JBC members are losing their power to the staff with respect to ideas and options.

Is the JBC more powerful? I don’t see it, but the staff is; it has always been powerful.

The JBC staff is incredibly influential. Members adopt staff positions on every issue, for every department. The JBC lets the staff call the shots; then the six on the committee sign off, that is the budget. There is less continuity on the JBC.

Partisan Staff

There is more partisan staff, a bigger role for partisan staff on both sides of the isle. This probably has a divisive effect, prevents consensus.

The staff has been reluctant to give too much advice. They want to stay non-partisan. The House Republicans beefed up the staff. They meet with the committee chairs each Monday to go over process, problems, give advice. This wasn’t needed before when the senior members did the mentoring.

In the House and Senate they’ve added partisan “chiefs of staff”. This is new and different, but there’s been no shift in partisanship, no threat to the non-partisan staff.

PROCESS, NORMS AND BEHAVIOR

The Formal Process

Virtually nothing has changed since term limits with respect to the formal legislative process.

The constitution still limits annual sessions to 120 calendar days, members are limited to the introduction of five bills, albeit with a variety of exceptions, a fairly tight deadline schedule still governs the process, all bills must be headed by a tight title with bill contents restricted to a single subject and all contents “germane”, and the GAVEL amendment requires that all bills be sent to
committee and have some form of action both in committee and also on the floor should the bill make it out of committee. The process in committee is largely unchanged. Hearings are open to the public, and features testimony by any and all interested parties. As before, the process is structured by three “readings” with most debate and floor amending activity occurring in the Committee of the Whole on second reading.

The “workload”, or volume of bills introduced and processed, has grown some over the past few years but this is only marginally linked to term limits, if it is at all, and the bill passage rate has been largely unaffected. The situation is only slightly different with respect to resolutions where there has been some increase.

Table 30 below displays the volume and passage rate of bills for the five sessions immediately before the initial term limit impact (1998), and the six sessions thereafter. There are fluctuations in the numbers, but there are clear non-term limit explanations for this. The main budget bill and a series of associated supplemental appropriations bills are introduced in even years in the House and odd years in the Senate. These are most always must-pass measures, and thus both the bill volume and passage rates alternate annually between the chambers. This was true both before and after the limits.

<table>
<thead>
<tr>
<th>Year</th>
<th>Intro</th>
<th>Passed</th>
<th>Intro</th>
<th>Passed</th>
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<tbody>
<tr>
<td>2004</td>
<td>465</td>
<td>286(61.5%)</td>
<td>261</td>
<td>150(57.5%)</td>
<td>726</td>
<td>436(60.1%)</td>
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<tr>
<td>2003</td>
<td>382</td>
<td>221(57.9%)</td>
<td>354</td>
<td>239(67.5%)</td>
<td>736</td>
<td>460(62.5%)</td>
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<tr>
<td>2002</td>
<td>478</td>
<td>302(63.2%)</td>
<td>236</td>
<td>105(44.5%)</td>
<td>714</td>
<td>407(57.0%)</td>
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<tr>
<td>2001</td>
<td>409</td>
<td>230(56.2%)</td>
<td>243</td>
<td>147(60.5%)</td>
<td>652</td>
<td>377(57.8%)</td>
</tr>
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</table>
Table 30: Bill Volume and Passage Rates

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Bills</th>
<th>Passed Bills</th>
<th>Passage Rate</th>
<th>Total Bills</th>
<th>Passed Bills</th>
<th>Passage Rate</th>
<th>Total Bills</th>
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<tr>
<td>2000</td>
<td>493</td>
<td>297 (60.2%)</td>
<td>232</td>
<td>130 (56.0%)</td>
<td>725</td>
<td>427 (58.9%)</td>
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<tr>
<td>1999</td>
<td>385</td>
<td>223 (60.4%)</td>
<td>239</td>
<td>146 (61.1%)</td>
<td>624</td>
<td>369 (59.1%)</td>
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<tr>
<td>1998</td>
<td>419</td>
<td>248 (59.2%)</td>
<td>201</td>
<td>105 (52.2%)</td>
<td>620</td>
<td>353 (56.9%)</td>
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<tr>
<td>1997</td>
<td>360</td>
<td>190 (52.8%)</td>
<td>238</td>
<td>148 (62.2%)</td>
<td>598</td>
<td>338 (56.5%)</td>
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<tr>
<td>1996</td>
<td>378</td>
<td>216 (57.1%)</td>
<td>237</td>
<td>128 (54.0%)</td>
<td>615</td>
<td>344 (55.9%)</td>
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<tr>
<td>1995</td>
<td>364</td>
<td>177 (48.6%)</td>
<td>233</td>
<td>120 (51.5%)</td>
<td>597</td>
<td>297 (49.7%)</td>
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<tr>
<td>1994</td>
<td>369</td>
<td>214 (58.0%)</td>
<td>225</td>
<td>144 (64.0%)</td>
<td>594</td>
<td>358 (60.3%)</td>
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</table>

Source: Computed from data provided by Office of Legislative Legal Services, Colorado General Assembly.

The table also shows a jump in the number of bills for the 2002, 2003 and 2004 sessions. These were the years following the recession when the steep drop in state revenues necessitated passage of an extraordinarily large number of supplemental appropriation bills, many of them negative, as well as a host of bills transferring monies from trust funds into the general fund and altering the law so as to authorize the transfers. The post-term limit session of 2000 shows a significant bill introduction increase, but the two years bracketing 2000 do not.

There has been some comment by a post-limits House Speaker, and others, of the desirability of providing members in the new term limit era with more opportunities to introduce bills beyond the five bill limit, including introductions after the deadlines stipulated in the rules. Some members of the lobby corps allege that this has occurred more often since term limits and they complain that the practice reduces the predictability of the process. If this has motivated leadership decisions on bill limit and deadline waivers, then some small portion of the volume increase might be linked to
term limits. But the budget-related necessities remains the more compelling explanation for the modest volume growth.

A look at the House and Senate Resolution volume in Table 31 reveals some increase which might well be term limit related. The pattern of volume growth is uneven, in the Senate especially, but the numbers do go up and appear to be staying up. The pattern may substantiate cryptic comments by many observers that some members are going “resolution-crazy”, trying to “recognize” or “remember” or “resolve” every trivial matter in sight. Indeed, increasing portions of legislative days have been occupied by the processing of resolutions.

### Table 31: House and Senate Resolution Volume

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<td>Concurrent</td>
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<td>13</td>
<td>2</td>
<td>4</td>
<td>4</td>
<td>11</td>
<td>11</td>
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<td>Joint</td>
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<td>57</td>
<td>56</td>
<td>82</td>
<td>74</td>
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<td>0</td>
<td>1</td>
<td>0</td>
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<td>14</td>
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<td>16</td>
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<tr>
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<td>13</td>
<td>21</td>
<td>19</td>
<td>20</td>
<td>11</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>111</td>
<td>141</td>
<td>152</td>
<td>219</td>
<td>145</td>
<td>193</td>
<td>201</td>
<td>232</td>
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</table>

### Process and Behavior

While post-term limits changes in the formal aspects of the legislative process have been at the
most very modest, there are noticeable alterations in behavior. We commented earlier on changes in committees–members less knowledgeable about issues before the committee, less attuned to state-wide problems, lowered collegiality and civility, more frequent use of the “super-motion” to set bills up for sudden, surprise and sure death votes. In addition, work on the chamber floors has changed. The process, some say, is less predictable. Special Orders calendars often displace the order of business published in the daily calendars. This has happened in the past, but some say the practice has become more frequent.

One majority party member complained about “complete disregard for the process–rolling over the entire General Orders calendar to bring up a condemnation bill on Special Orders, giving members no time to prepare amendments.” Comments from lobbyists and staff members reinforce this perception of diminishment in procedural predictability, as well as declines in comity, courtesy, even humor. Said one person with two decades of experience in the capitol,

The caucuses, the floor, the party, it’s chaotic, votes all over the place. They don’t kill any more bills on the floor, maybe send more back to Committee. There is less civility, to be sure, more blind siding colleagues with no warning of coming amendments, no courtesy alerts, no matter which party. There is also a danger of politicizing the staff.

Another, a former member, noted, “the new ones are in a hurry, don’t always know what they’re doing. There’s less civility, even within one’s own party.” In similar fashion a long-term member observed, “The new members come in to push an agenda right away. They don’t wait to fit in, to learn the process to make connections. They just push.”

As with many aspects of the legislature, the changes in process link to the loss of experienced veterans and a weakened leadership. One experienced leader observed that “cliques within the party fill in the leadership vacuum, use bully techniques to push other members with the threat of
non-support, primaries, or getting your bills killed by the bullies.”

Most observers, including members themselves, note some increased partisanship. Whether this is tied to term limits alone, is difficult to determine as partisanship appears to have been on the increase nationally, in the Congress and other institutions whose memberships are not subject to term limits. Still, a sampling of statistics show some growth in the spread of minority vs. majority bill success. The minority has always lost more bills along the way, but it’s disadvantage, as measured by the bill death rate, has grown. An effort in the Senate to get majority party members to commit up-front to upholding vetoes by their fellow Republican governor—vetoes generally, without specific reference to any particular measure—points in the same partisan direction.

As we’ve noted before, term limits triggered the exodus of the long-term veterans, many of whom serve as leaders and committee chairs, or as well informed “policy champions” and policy and process mentors for new members. This exodus has robbed the process of some measure of policy specialization and expertise. The opportunity for a member to master a policy area, water or mental health as examples, and nurse policy development and assemble a supportive coalition over a decade or more, no longer exists. Information on policy history is still available through the non-partisan staff, but staffers can not do what veteran legislators did, and that is to build political coalitions around policy initiatives. Many legislative observers fear that this loss of expertise may produce policy mistakes.

Reference, once again, to the responses of knowledgeable legislative observers to our mail questionnaire provides a good consolidation and summary of changes in the process, and process-related behavior. In the proportions cited below, they found members today, as contrasted to those a decade ago, to be:
Less knowledgeable about state-wide issues----83%
Less knowledgeable about issues before their committee----76%
Less knowledgeable about legislative operations----84%
Less concerned with clarity in legislation----61%
Less apt to follow floor leaders----62%
Less collegial and courteous to other members----78%
Less collegial and courteous in committee----70%
Less likely to support and defend the legislative institution----70%
A more partisan legislature----84%

Summary: The Term Limit Impact on Process

There is little evidence that the formal aspects of the process, or the workload of the institution, have been changed much because of term limits. But the behavioral aspects are different. Floor activity is viewed as less predictable, leaders aren’t followed as much, collegiality, courtesy and comity are down while both inter and intra-party conflict is up. Members know less about the rules, the institution and the issues with which they must deal, and they are less inclined to defend the legislature. These changes track, in substantial measure, to the loss of leadership power and the forced disappearance of the legislative veteran.

Notes ‘n Quotes

Process

The process has less predictability, more turnover in leadership and committee chairmanships and memberships, more time is spent educating members, there are more questions about the rules, more misunderstandings, more efforts to exploit loopholes in the rules.

The caucuses, the floor, the party, it’s chaotic, votes all over the place. They don’t kill any more bills on the floor, maybe send more back to committee. There is less civility, to be sure, more blind siding colleagues with no warning of coming amendments, no courtesy alerts, no matter which party. There is also the danger of politicizing the staff.

Members need more staff guidance on procedures and policies. More questions about “right” and “wrong” ways to handle situations. More questions from members on the floor. Some members catch on quickly, some don’t—on second reading processes, amendment process as examples.
There has been more creative interpretation of the rules. For example, voting to adhere to the Senate’s position on a bill rather than waiting until the House finishes and returns the bill with amendments. This amounts to a statement of “take it or leave it”.

Members are not aware of the rules, the norms, they are not mentored. They’ll ask, “but where is it in the rules?” So the Chief Clerk and the staff are on the spot to explain, and to alert the leaders of the questions which may be coming. New members are cautioned to follow tradition and precedent, but tradition and precedent are often ignored.

There are more “late bills”. The feeling is that members are here for a shorter time and should be given a chance to push their measures. But with late bills, the public doesn’t know what is coming up. And only certain members can get late bills. It’s favoritism; you have to be with the Speakers philosophy.

Right after term limits, there was less debate, which means less enlightenment on the issues for the members. With this and the newer nature of the committees, there is a greater potential for policy mistakes.

There is no institutional memory. Some of them just do what they want, then say “it’s tradition” when it isn’t, and they have no way to know. One example is using third reading amendments and explaining your vote.

Floor activity is not chaotic, but there is bad parliamentary procedure. They don’t know the rules, but procedural mistakes are caught on the floor.

**Behavior**

There is less respect for the process. Protocol is slipping and so is respect for one another.

Respect for the institution, the process and for each other is down. It is not as collegial as before. The behavior and voting patterns of those soon to be term limited out changes as there is less concern with constituent reaction. It takes some time to develop appreciation and respect for the institution and processes. The new ones come to push an agenda right away. They don’t wait to fit in, to learn the processes, to make connections, they just push.

There is more “yes or no” behavior, less compromise.

Behavior has changed, and not for the better. There is much more reneging on commitments by both newer members and veterans. Why? Maybe they haven’t gotten the norms from the old hands, maybe they figured there’ll be no consequences since both members and colleagues will soon be gone and the new ones won’t know who the flakes are. Both members and lobbyists note this, and they don’t like it. And there is less knowledge of the institution and commitment to it.
Lobbyists tend to be less and less respectful of legislative leaders and their power as those leaders get closer to term limitation--going behind their backs, snide comments.

The term “commitment” no longer has any meaning at all.

Legislators are more inclined to solve local problems with statewide solutions. They are more inclined to use local control as a prop. They are more beholden to special interests. There is far less humor. The impact of email and internet lobbying is enormous. Lobbyists are much more brazen. Also, keeping commitments on votes has diminished.

Partisanship

There is more independence, less party unity, less respect for the system.

Members become more centrist with time and experience. The new blood is more apt to be on the fringes, at least initially, so the shift of the institution is away from the center. That makes it less efficient and more partisan.

It’s commonplace now to humiliate one another. They don’t go out and have a beer and mix after legislative disagreements. And there is criticism that “so and so is too friendly” with the other side of the isle.

Behavior is less civil, more partisan, more “true believers” vs. “enemies”.

Term limits have increased partisanship as the veterans saw good in compromise. The ideological newcomers don’t.

Term limits have weakened leadership, so now since you can’t rely on position to keep members in line, they rely on party affiliation, on partisanship.

Partisanship is higher now. Members tend to be polar at election time, then come together. Now there is less time to come together. There are more open seats, more chance for change in party control, in the Senate especially.

There are two Republican parties now, the moderates and the far right. You can’t alienate the far right without risking trouble in the nomination process if you seek further office.

We used to do things as a group, irrespective of party–with people like Claire Traylor, Dottie Wham. Not so much anymore.

There is less time now to “get over things”, such as being on the wrong side of a leadership fight. Time equals closer personal relations, equals working together better in and across parties.
Cliques within the party fill the leadership vacuum, use bully techniques to push other members with the threat of non-support, primaries or getting your bills killed by the bullies.

There is more partisanship in the Senate, not the House, but term limits didn’t cause it.

The formal power of leaders is down, but there is probably more pressure from groups within the parties to toe the party line.

The sharp edges are muted with time, the rigid ideological predispositions are softened. With term limits, of course, there is less time.

Partisanship is out of control and negative in terms of “the best interests of the citizens”. Also, the money in campaigns is excessive and wasteful and has led to extremely negative campaigns.

THE LOBBY CORPS

Term limits clearly have impacted Colorado’s lobby crops and the manner in which lobbyists relate to legislators and affect the institution. The size of the lobby crowd hasn’t changed; as before, there are between 500 and 600 registered lobbyists, about a quarter of whom constitute the cadre of state-house regulars. But the composition of the group seems to have changed some, as has the influence and behavior of lobbyists.

There are varying opinions on the term limit impact on the composition of the lobby corps. Some observers contend that the quality of lobbyists has declined, that there are more “sleazy” lobbyists, that the lobby core composition is more volatile and thus it is more difficult for members to keep track of who’s who, who to trust.

Following on these perceptions, many in the capitol, members, lobbyists and staff members alike, lament what they view as a decline in ethical behavior. One majority party leader argued that there are more ethical problems since the advent of term limits. A number noted that lobbyists can now “prey on the new ones with sob stories” because the rookie legislators lack sufficient policy
history and context with which to evaluate lobbyist’s pleas. Several of the more veteran members
noted a decreased propensity by lobbyists to tell both sides of the issues they were lobbying. An
official in the executive branch put it this way:

There is less candor, less respect for legislators, more revisionist
history, [lobbyists are] less likely to tell both sides of an issue, some
outright lying. The lobby role in educating members is greater given
the enlarged information and history void. Some lobbyists con their
own clients by telling them they can kill bills when they are already
know are doomed.

A number of those interviewed sensed a decline in lobbyist respect for members and
some noted that members often viewed lobbyists with suspicion. Members are urged in their initial
orientation to be cautious in making commitments, to “keep their power dry”, and the reticence of
some to commit to positions on bills has frustrated lobbyists. For their part, some lobbyists have,
according to interview respondents, begun to show disrespect for members on the assumption that
the members will be gone after a while anyway.

Members are term limited, lobbyists are not, and thus there is an unavoidable imbalance
between the two groups with respect to knowledge about issues, policies, policy history and the
constellation of interests on the various sides of issues. With this imbalance, and with the influx of
new lobbyists, it is understandable that there would be temptations to skirt the ethical edge in
dealing with new and inexperienced legislators, and to engage in some revisionist history.

It is important, though, not to overstate the downside of the term limit impact on the behavior
of the lobby corps. After all, most of today’s lobbyists were there before term limits and what
they’re doing now is much like what they did before. The expressions of concern about ethics
cited above led the Senate President and Speaker to establish a panel of veteran lobbyists in 2003
to reexamine lobbying rules, guidelines and ethics, and make recommendations. Their communication calling for the study read, in part, “We believe that the institutional interests of the General Assembly would be well served if legislators could maintain or improve their working relationships with legislators.” They went on, “...it appears that with term limits and with an increasing number of new members and new lobbyists, a fresh look at the issues would be beneficial.” The lobbyist task force did as requested, but produced nothing to suggest a major crisis in ethics. And in spite of lament about ethical lapses, the lobby corps still is, for the most part, viewed as important and beneficial by the membership.

Where there is broad agreement among those who live and work in the capitol is on the power of the lobby. Most everyone argues that, to some degree, the lobby corps has more influence now than in the pre-term limits era. Some observers believe that the increase has been slight; others see it as enormous. Either way, with the loss of veteran members, including experienced leaders, and given the reticence of the non-partisan staff to enter the substantive policy fray, it could hardly be otherwise. Members may well approach the lobby with caution at first, but in the end they need lobbyists’s help in understanding issues and sensing public preferences. The experience and information imbalance produces an unavoidable tilt in influence in the direction of veteran lobbyists.

A few interview respondent comments help to capture this. A staff member noted, “More power has gone to lobbyists; they transcend term limits.” A Senate leader asserted, “Lobbyists gain power, are the only ones with institutional memory.” Another respondent commented, “Some of our policies are terribly complicated, take water policy for example. You can’t learn this stuff quickly. The stakes are high. New members spend the first two years just finding their way
around. The lobby, staff, agency people, have more influence.”

Responses to our “knowledgeable” mail questionnaire confirms these observations. Seventy-two percent said the influence of lobbyists has increased as compared to a decade ago; only one person disagreed. And 51 percent felt that members now are more likely to sponsor interest group legislation.

There is broad consensus that the dynamics of the lobby enterprise is now different, and the differences can be traced to term limits. The power of many veteran lobbyists rested in the past upon their close personal ties to veteran members, often those in leadership of the chairs of committees. So long as that relationship persisted, the lobbyist’s job was relatively easy. The lobbyist could affect bill referral, scheduling and some votes with just a handful of contacts and communications. But not now. With the departure of the old vets, so too came the exodus of the lobbyist clout which rested upon the personal tie.

So for all lobbyists, and the veterans especially, the job has become more difficult. As members come and go more regularly, new acquaintances must be made continuously. With inexperienced members, the educational job is more time consuming and complicated. For newer lobbyists, term limits have been a boon; the proverbial “playing field” has been leveled. New lobbyists always had to work hard to build their legislator relations, but now with term limits they all do. Indeed, it is not uncommon to hear veteran lobbyists lament the changed conditions and talk of retirement.

The comment of one respondent captures the change: “Lobbyists who relied on their connections to a few in leadership will be hurt by the limits. Some of the others won’t. Those who work the whole legislature won’t”. Another made a similar observation and illustrated the old pattern: “It’s just more fragmented now. It’s harder. Before he (a Senator) left, I’d just go to him
and if he was okay with our position, he’d get it out of committee, or kill it. Now we’ve got to go to all of them and then you’re not sure they’ll do what they tell you they’ll do.”

The summary view of the term limit impact on lobbyists looks something like this. Lobby influence is up some, due to the reduction in experience and information bases of members. In some measure more questionable behavior has crept in, taking the form of suspicion and disrespect, but one must be careful not to overstate this. And the internal dynamics of the lobby enterprise has been altered as when long-standing lobbyist-veteran member ties are severed, the “playing field” among lobbyists has been leveled somewhat.

Notes ’n Quotes

Lobby Power

The lobby corps is more influential. There has been some leveling of influence among lobbyists. The lobby has the experience, the knowledge.

More power has gone to the lobbyists; they transcend term limits.

Power comes from history, learned lessons and lobbyists have this. For example, Norma Anderson, a veteran member, often says, “let me tell you what happened, let me give you a little history lesson.” With term limits, that won’t happen; we’ve shortchanged the public.

Lobbyists gain power, are the only ones with institutional memory. Legislators must be careful with lobbyists and take only what is educational.

Term limits force members to rely on lobbyists to keep abreast of current issues. The legislature is less able to stand alone as representatives are in a time crunch.

Eight years may be a little too short and it places power and responsibility in the hands of staff and lobbyists who don’t have term limits.

The lobby is slightly stronger. New members don’t know enough to give the stiff arm to lobbyists. Also, the lobby is the source of money.

The lobby is more powerful, at least that is what they say. In spite of the five bill limit, there are too many bills, late bills, bills over the limit, so members can’t be on top of them. This empowers
the lobby which is on top of them. Also, there are more shady, nasty, rude, pushy lobbyists. They are the source of money for elections. There is too much money, too much power, it is not good.

I’m as effective now as I was when I was in the legislature. I know how the process works better than the legislators. The lobby generally is more influential now since there is more legislator turnover, but lobbyists have to work harder, it’s a tougher educational process.

They (lobbyists) can prey on the new ones with sob stories. It takes a while to fully understand what they are, what they are up to. The stated obvious is not always the reality. It takes time to get the feel of the place, who’s who, what’s what, so as not to get rolled.

Some of our policies are terribly complicated, take water policy for example. You can’t learn this stuff quickly. The stakes are high. New members spend the first two years just finding their way around. The lobby, staff and agency people have more influence.

**Lobby Dynamics**

The playing field is more level with the ties to veteran members and veteran leaders broken. There is more fudging of the truth, not telling both sides, who is on the other side of an issue, and so forth. And members see the lobby as the bank for their campaigns—give me money, and lots of it.

Lobbyists who relied on their connection to a few in leadership will be hurt by the limits. Some of the others won’t. Those who work the whole legislature won’t.

It’s easier for me now, for the new lobbyists, I think. We’re on the same level as the old veterans now with the new members. We may not know all the rules and strategies and the policy background like they do, but with freshmen we’re on the same level with respect to relationships.

The lobby corps is not as good as it used to be. They spend more time getting to know the new members and less time imparting policy history. There is little new in the legislature; same bills, same problems, year after year, decade after decade. Further, lobbyists are less inclined to provide both sides of issues, they just give their side and say, “see so and so, they’ll tell you their side.”

It’s just more fragmented now. It’s harder. Before he (a Senator) left, I’d just go to him and if he was okay with our position, he’d get it out of committee, or kill it. Now we’ve got to go to all of them and then you’re not sure they’ll do what they tell you they’ll do.

Lobbyists have to work harder at building relationships. They spend most of their time doing that.

The job of lobbying is harder now. You don’t develop the long-term relationships and friendships. You have to be insightful enough to pick the right ones early to form relationships with.

The lobby has to work harder, constantly making new contacts, new relationships. They have
noticeably less respect for members. In the old days you disrespect a member and you’re dead; not so now.

The time to start lobbying them is now, before they get elected. During the campaign is the time to get to know them.

A lot of lobbyists get frustrated. We (leaders) told the new ones in orientation to hold their commitments, to keep their powder dry. And they did. The lobbyists didn’t know what to tell their clients.

It’s gotten harder to get commitments because with members constantly running for leadership positions the others think they have to hedge their bets so as to stay in favor of the ones who might win. So they won’t commit, or they change their mind.

I think more of us will focus on the Senate. There you’ll increasingly have the people with experience, mostly coming from the House. It’ll be easier. We’ll know them and they’ll know what they’re doing. The House is more chaotic.

Special interest groups have increased substantially and businesses have seen it more necessary to have representation at the legislature—only for defensive purposes.

The limits on campaign contributions are costing us more, not less. Now the candidates think that with a limit we’ve (the lobbyists) got to contribute right up to that limit. The max has become the minimum.

Lobby Ethics

Lobbyists tend to be less and less respectful of legislative leaders and their power as those leaders get closer to term limitation—going behind their backs, snide comments.

Lobby power is not necessarily up, perhaps it is down. There is some increase in ethics problems with the lobby. It would be good to publish for the members and the lobby the behavioral expectations.

There are more sleazy lobbyists. They can get by easier lying to legislators since the members turn over, and don’t remember.

There is less candor, less respect for legislators, more revisionist history, less likely to tell both sides of an issue, some outright lying. The lobby role in educating members is greater given the enlarged information and history void. Some lobbyists con their own clients by telling them they can kill bills which they already know are doomed.
BUDGETING AND POLICY

The Budget Process

The formal budgeting structure and process in Colorado is unchanged with term limits, but the patterns of influence surrounding the process is different. The change is in the increase of the budget committee’s influence on the committee itself, the decrease in the ability of the full legislature to alter the budget as it comes from the budget committee, and some growth in gubernatorial influence.

Colorado has long been a “strong legislature state” with respect to budgeting. The budgeting power is centered in a six member Joint Budget Committee (JBC), composed of the chairs of the House and Senate Appropriations committees, plus an additional majority and minority committee member from each chamber. These six JBC members virtually “live together”. The committee meets on and off all year, and full time for much of the late fall and through to the May end of the legislative session. They meet in a separate building across the street from the capitol, have their own hearing room and, most critically, an expert budgeting staff of fifteen analysts.

Membership on the JBC is prized. The committee has historically been closely linked to legislative leadership and enjoyed its support, and is widely viewed as the legislature’s power center. Former Governor Roy Romer once quipped that when he left the governorship he’d like to be in a position of real power as the Director of the JBC staff. And past JBC chairs have said that they, figuratively of course, receive the governor’s proposed budget each year and just toss it into the round file. In fact, the governor’s proposals are taken into consideration, but the committee does, in fact, write it’s own budget; it is not a matter of reviewing and modifying the governor’s document.
Throughout each fall and on into the spring legislative session, the JBC meets daily with its staffers to hear their analyses and recommendations, and to hold hearings with state agencies. The work of the staffers, each of whom focuses upon one or more state agencies, carries a lot of weight with the committee. The committee does pay attention to the governors desires and the testimony of the agencies, and it receives revenue estimates and other budget information from the staff of the Legislative Council. But it is all put together by the six members and their fifteen analysts.

In March of the legislative session, the JBC’s budget is introduced as one huge bill, the “long bill”. In even years the House gets it first, and in odd years it is the Senate. The Appropriations committee receives the bill and ships it immediately to the party caucuses. The members of the two caucuses spend anywhere from a day to a week reviewing the budget, with the JBC members from each caucus, backed up by their staffers, explaining and defending the numbers. In recent years, with the constitutional TABOR revenue-limiting measure holding a tight lid on available funds and preventing the legislature from raising taxes without a state-wide vote, there is precious little room for the caucuses to alter the JBC numbers. After the caucuses meet, the bill goes to the floor, where the same limited range of budgetary flexibility prevails. Where the two chambers do end up with different numbers, the differences are small, and are negotiated out by a conference committee composed of, you guessed it, the JBC. Each year there are, besides the “long bill”, a series of supplemental appropriations bills which make mid-year adjustments, and these too are handled by the JBC and its staff.

The formal aspects of this budgeting process, featuring the Joint Budget Committee and its staff as the power center, have not changed. But the power relationships among the committee
members, the committee staff, the full legislature and the governor have changed some since the advent of term limits. Some of this change may be attributable to term limits, but not all.

Complicating analysis of the term limit impact are the 1992 state adoption of the “taxpayers bill of rights” (TABOR) and the 1998 election of Bill Owens, the first Republican governor in 24 years who has enjoyed, save for two years, a fully Republican legislature, and whose style is characterized by deep fiscal conservatism and powerful urge to control.

Budgeting Changes

As is the case throughout the legislature, the level of JBC member experience has declined and with it, the ability of the six members to master the budgetary complexities. Table 32 below, tells the story.

Table 32: Joint Budget Committee Members' Aggregate Years of Legislative and JBC Experience

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<td>Legislative</td>
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<td>28</td>
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<td>JBC</td>
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For 1997 and 1998, the two sessions just before the limits took effect, the aggregate number of JBC member legislative experience was 57; it plummeted to 27 years by the 2003 and 2004 sessions. More striking is the drop in experience on the JBC itself—from 28 years in 1997 and 1998, to just eight for 2003 and 2004. With experience comes knowledge, and increasingly the budgetary knowledge reservoir lies with the staff which has remained steady, and not with the members. Said one JBC member, “The JBC members are losing power to the staff with respect to
ideas and options.” Said another, “I’m in my fourth year now, and I am just beginning to understand the budget process.” A former member of leadership put it this way: “Term limits had a big impact. The JBC staff had a big role, and its bigger now. You need lots of experience to understand the budget. For example, Jim Rizzuto was on the JBC for 12 years and he knew where every nickle was, knew which departments were fat and which ones were lean.” Another former leader—“Budget control is slipping to the JBC, then to the JBC staff. That’s where the budget knowledge is and knowledge is key.”

Compounding the problem of diminished experience have been the devastating twin factors of TABOR and the turn of the century recession. TABOR restricts the state’s permissible revenue growth to the prior year figure plus adjustments for inflation and population growth, and it denies the legislature the authority to raise taxes. Just as revenues, and thus spending, can grow with inflation and population, so too can they decline if a soft economy depresses them. And when that occurs, the base for the following year, the starting point, falls with revenues. So when the recession of 2000-2001 hit, revenues fell, the state could not raise taxes, and massive budget cuts became the order of the day.

In efforts to minimize the impact of revenue declines, the JBC searched for ways to shift money into the general fund from a variety of trust funds. That not only provided money to soften the impact of the shortfall, but helped keep the revenue base, the new starting point, from falling as far as it would have absent the transfers. These sets of conditions, and the tough choices and budgetary strategies associated with them, rendered the budget process complicated beyond the understanding of most everyone except the JBC staff and some in the governors budget office. While the JBC members appear to be losing some budget making power to their staffers, the
committee’s position vis-a-vis the full legislature grew stronger. With staff help, JBC members came, generally, to the point of mastering the budget, but most legislators did not. The result was that what knowledge and informational advantage the JBC members normally had over their 94 legislative colleagues, was increased. With the legislature constitutionally prohibited from raising taxes, and with revenues limited, no member could successfully push to add funds to a budget line without subtracting it someplace else. And not having mastered the complex budget, members rarely knew where to look. So with the exception of the most modest of alterations, the budget was what the six JBC members said it was, and what they said reflected the options provided by their staff.

The marginalization of the general legislative membership with respect to the budget is reflected in comments made by several close observers. Said one executive branch member, “On the budget, most of the other 94 members who are not on the JBC haven’t a clue”. Another—“There’s so much power in so few hands on the JBC, and other legislators have no idea what they’re doing.” A long-term staff member noted, “The budget is a shock to the freshmen.” And a JBC member commented on budget committee efforts to invite more member input into the budget process: “Members are invited to the JBC hearings. They show up, find it boring and then just collect their per diem and leave.” This same member added, “The new members want money for their pet projects, and then want the JBC to find the money.”

Another shift in influence involved the governor. Most legislative observers, staffers, members and lobbyists alike, contend that since term limits, the legislature has lost budgetary influence to the governor. In the knowledgeable mail survey 73 percent of the respondents agreed with the proposition that the legislature has lost influence to the governor. But term limits alone may not
explain it. It is true that the reduction in legislator experience generally, and on the JBC in particular, could well produce some legislative informational disadvantage vis-a-vis the governor and his staff. But there was no loss of experience or expertise on the JBC staff. A companion, and perhaps more compelling, explanation has to do with the change in party control of the governor’s office, and the political style of the governor and his chief budget officer.

In 1998, just as term limits first hit, Bill Owens was elected as the first Republican governor in 24 years. For all but two of his eight years, he enjoyed Republican majorities in both legislative chambers. From the start, Owens’ propensity was to control the budget process, an urge shared by his chief budget officer who had formerly been the chief budgeteer for the legislature. Together, their style was to play close to the vest with information, carefully screen executive branch communications with the legislature including, most critically, the JBC and its staff, insist upon their preferred budgetary priorities, and employ the veto more aggressively than it has been used in the past. One would hear repeatedly under the gold dome that the governor would insist on having his way with appropriations, but back away and leave it to the legislature to struggle with the revenue shortfall and take the heat.

Among the most extraordinary moves made by the new governor, was to veto what are called “head notes” in the main annual budget bill. The head notes are actually the opening pages of the bill which contain budgetary definitions. Governors had for years vetoed budget bill footnotes on the grounds that they often amounted to excessively specific legislative instructions on how to spend, to “administer”, funds. But such extensive head note vetoes were new, and from the legislative perspective they amounted to an elimination of line item controls. These vetoes were very controversial and the legislature eventually did sue the governor over his actions but only
belatedly as they awaited the end of the 2002 election and the Republican re-capture of the Senate majority.

Coupled with the new Owens approach has been the impact of limited legislative careers on the members. What do they do when their legislative time is up? With both the first impact of term limits and Owens’ election occurring at the same time in 1998, many term limited legislators found jobs in the new Republican administration. And for many others not yet limited, such executive branch placements were clearly future options—options, that is, if you were in favor with the governor. Thus, in the eyes of many observers, including members of both parties, there was an early post-term limits tendency for members to be party loyalists and supporters of their governor first, and defenders of the legislative institution second. As time went on, this appeared to change some as, in 2003 and 2004 the legislature did sue the governor over some of his vetoes as they sought to regain legislative budgetary power.

This perspective is illustrated with the observations of several persons in the capitol and close to the budgeting process. Said one:

There has been a huge shift in power. The JBC as the centerpiece of legislative dominance has been weakened significantly. The members and leaders no longer defer to it. The governor seeks to tell it what to do, and with some success. Grampsas, Lacy, Rizzuto and others wouldn’t be pushed around. Leadership backed the JBC and members had respect and deference. No more.

Another observation:

The relations between the legislature and the governor are changing. Term limits and the Owens/McCallin style go together, create an executive power grab. The JBC can’t get all the information it wants from Nancy; she’s a control freak. You cross Owens at your peril—any member of the legislature who crosses him can kiss any future job in the state goodbye. He’s vetoed head notes, which let agencies ignore line items and the Republicans in the
the legislature won’t challenge him in court to uphold the legislature’s budgetary pejoratives.

As noted above, the legislature did eventually sue the governor over his head note vetoes, as well as over his unilateral dispersement of anti-recession federal funds. The legislature won that later case and the other is still pending. Overall, there is evidence that the legislature may be hardening in defense of its constitutional pejoratives after some early post-term limits weakening.

One interesting by-product of the Owens administration efforts to tightly control the flow of information from the agencies to the legislature has been the emergence of a “black market” in information. Several persons close to the budget process, on both the executive and legislative side cite innovative methods which employees devised, at their occupational peril, to slip information past the administration gates and filters.

The summary story of post-term limits budgeting, thus, goes like this. With the shrinkage in experience, JBC members are influenced more by their staff. The previous tight JBC-leadership nexus is not as tight as before. The full membership is even less able to influence budgetary outcomes than before, but term limits are not the sole cause. The legislature seems to have lost some power to the governor, but is fighting back but, again, this is not because of term limits alone.

Public Policy—Any Change?

Judging from the comments made by a substantial number of close legislative participants and observers, term limits have brought on changes in policies, or at least in the type of policy members would like to see enacted. But hard evidence to substantiate such claims and, further, to link them to term limits proves to be elusive.
In the opinion of observers, the post-limits legislature has seen more trivial bills and more bills focusing on social issues. Some contend that there is nothing new, just a rehash of old ideas and the same stuff differently labeled. One long-term member noted that bills which formerly addressed taxes, schools and roads now deal with revenues, education and transportation. Some observers allege that fewer members take the long-term view, fewer are deeply concerned with the state’s future a decade and more out, and many carry bills designed simply to get themselves reelected. One interview respondent felt that it was good to have some old and seemingly settled issues revisited, and several claimed not to see much change at all. But the preponderance of opinion was that the quality of bills and enactments was worse, not better.

A number of observers, including both lobbyists and members, lamented what they saw as the probability that term limits would deprive the legislature of “policy champions”. Policy champions, to them, were long-term members who, early in their legislative career, set out to specialize in a policy area and work, year in and year out to study it, master it, develop good policy and seek to build a supportive coalition. Sometimes this meant running bills year after year, and slowly educating other members, building support, perfecting the legislation. This, they believed, would often produce high quality policy. But with term limits, members simply lack the time to become such policy champs and this, many felt, works to the detriment of the public good.

But what is better, or what is worse, is matter of subjective judgment. We took a stab at trying simply to identify any existing differences in policy orientation resulting from term limits but came up with nothing. Using data in the voting score cards produced by the Senior Lobby, the Environmental Lobby and the Colorado Union of Taxpayers, we posed the question: did the voting patterns of those term limited as of 1998 differ from those who replaced them? Clearly it was not
possible to compare the voting patterns of the two sets of members on the same bills in the same session. So we simply tabulated the scores for several sessions for each of the four party caucuses to see where those ousted in 1998 fit with their caucus peers, and then did the same for the 1999 newcomers using scores from the 1999 session. The results are shown below in Tables 33 and 34.

| Table 33: Term-Limited Representatives and Replacements’ Interest Group Scores |
|---------------------------------------------|---------------|-----------------|-----------------|
|                                               | Senior Lobby  | Environmental Lobby | Colorado Union of Taxpayers |
| Limited Republicans                          | 37.8(13)      | 29.2(13)          | 79.2(13)         |
| Full Repub. Party                            | 40.6(41)      | 26.9(41)          | 77.0(41)         |
| 1999 Replacement Repubs.                    | 43.8(13)      | 16.5(13)          | 84.8(13)         |
| 1999 Full Republican Party                  | 50.1(40)      | 17.2(40)          | 80.0(40)         |
| Limited Democrats                            | 81.8(5)       | 59.8(5)           | 46.1(5)          |
| Full Democratic Party                        | 88.6(24)      | 81.2(24)          | 31.0(24)         |
| 1999 Replacement Dems.                      | 93.6(5)       | 93.4(5)           | 16.8(5)          |
| 1999 Full Democratic Party                  | 92.5(25)      | 91.6(25)          | 20.0(25)         |

Note: The scores of term-limited incumbents and their party colleagues are from 1995 and 1997 score cards when there were 41 Republicans and 24 Democrats. In 1999, when scores of replacements and their party colleagues are shown, there were 40 Republicans and 25 Democrats.
Table 34: Term-Limited Senators and Replacements’ Interest Group Scores

<table>
<thead>
<tr>
<th></th>
<th>Senior Lobby</th>
<th>Environmental Lobby</th>
<th>Colorado Union of Taxpayers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Limited Republicans</td>
<td>64.0(7)</td>
<td>20.1(7)</td>
<td>69.0(7)</td>
</tr>
<tr>
<td>Full Republican Party</td>
<td>57.4(20)</td>
<td>20.1(20)</td>
<td>67.0(20)</td>
</tr>
<tr>
<td>1998 Replacement Repubs</td>
<td>74.1(8)</td>
<td>19.9(8)</td>
<td>82.4(8)</td>
</tr>
<tr>
<td>Full Republican Party</td>
<td>74.3(20)</td>
<td>16.9(20)</td>
<td>81.0(20)</td>
</tr>
<tr>
<td>Limited Democrats</td>
<td>95.0(2)</td>
<td>25.0(2)</td>
<td>50.0(2)</td>
</tr>
<tr>
<td>Full Democratic Party</td>
<td>91.0(15)</td>
<td>80.1(15)</td>
<td>25.0(15)</td>
</tr>
<tr>
<td>1998 Replacement Dems</td>
<td>100.0(1)</td>
<td>56.0(1)</td>
<td>21.4(1)</td>
</tr>
<tr>
<td>Full Democratic Party</td>
<td>99.4(15)</td>
<td>83.7(15)</td>
<td>21.0(15)</td>
</tr>
</tbody>
</table>

The data in these tables, as sparse as it is, reveals little change. In both chambers the scores of term limited majority party Republicans differed only marginally from those of their full party caucus, and the same was then true of their replacements in the 1999 session. There were slight shifts in the numbers, but nothing to suggest that term limits might have brought in replacements with significantly different party preferences.

The numbers for the Democrats are a little different, suggesting that the two limited Senate Democrats were significantly more conservative than their party colleagues on the CUT and
Environmental scores, and term limits brought replacements whose preferences are more in line with fellow Democrats. But again, we are dealing here with just two Senators. In the House, too, the term limited Democrats were less friendly to environmentalists and more conservative fiscally, but the divergence from party colleagues was less than was the case in the Senate.

This limited data give us little reason to believe that term limits, initially at least, put into place a legislature prepared to produce policy results very much at variance with previous bodies. The interest group scores between the two parties were significant before term limits, and afterwards. But within the majority party, neither ousted members nor replacements were out of line with their full caucuses and while there was some shift in a moderating direction with Democratic replacements, it was only significant in the Senate but involving just two members. There’s just not much here.

We heard from interview respondents repeatedly that as members get to know each other over the long haul, they tend to moderate their initially sharp partisan differences, and they also moderate policy-wise as they come to see the complexities in the issues. We made one limited effort to test this notion, again employing data from interest group score cards. For the 2001 and 2002 session, we tabulated House member scores on the cards of the National Federation of Independent Businesses, and the Environmental Lobby. We tabulated the averages for those in their first term, second term, third term and final term—the freshmen, sophomores, juniors and seniors—as well as the two party caucus totals. The results are displayed below in Table 35.
Table 35: House Members NFIB and Environmental Coalition Support Scores, 2001 and 2002

<table>
<thead>
<tr>
<th>Term</th>
<th>Democrats (27)</th>
<th>Republicans (38)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>NFIB</td>
<td>ENVIRON.</td>
</tr>
<tr>
<td>1st - Freshmen</td>
<td>40.9(13)</td>
<td>75.4(13)</td>
</tr>
<tr>
<td>2nd - Sophomores</td>
<td>37.2(6)</td>
<td>81.3(6)</td>
</tr>
<tr>
<td>3rd - Juniors</td>
<td>52.2(5)</td>
<td>76.1(5)</td>
</tr>
<tr>
<td>4th - Seniors</td>
<td>41.3(3)</td>
<td>76.5(3)</td>
</tr>
<tr>
<td>Caucus Average</td>
<td>42.2(27)</td>
<td>80.5(27)</td>
</tr>
</tbody>
</table>

Sources: National Federation of Independent Businesses and Colorado Environmental Coalition Legislative Score Cards, 2001 and 2002.

Since the numbers in some of the cells are so small, they must be viewed with skepticism. But even so, they do precious little to support a hypothesis that time produces moderation or, for that matter, that it makes any difference at all. To validate the hypothesis, we would have to see the Democratic scores go up from freshman to senior years on the NIB card and down on the Environment card, with the Republican numbers running in the opposite direction. Clearly, there is not enough in this small dab of data to support a “moderation” hypothesis.

Our summary of term limits and policy can be short and simple. A significant number of the people who populate the capitol and watch the legislature year in and year out believe that policy is different—it is sometimes more trivial, lacking in long-term vision and often the same old stuff in new packages. Further, the mature and effective policy champion is now missing. There have been significant policy changes in Colorado in the recent past, associated largely with TABOR and the economic recession. But we haven’t yet been able to produce good measures and hard data to
confirm policy change which can be tracked clearly to term limits.

Notes ’n Quotes

Budgets and Inexperience

The new classes have never been through a severe fiscal downturn, and how to handle it. Would they have enacted the 1999, 2000 and 2001 tax cuts if they had?

Precious few have had any experience with revenue shortfalls, in the House especially. They don’t remember the past economic and revenue downturns and don’t know how to handle them. They don’t know what to expect. They don’t care as much about the institution. For many, it’s party first, legislature second.

Term limits is really having a negative impact on the legislative process, particularly in difficult budget times like we are currently facing. No one knows how to deal with these issues.

There is difference between the veterans (e.g., Dave Owen) and the new ones, even on things like basic terminology. The new ones need more explanation.

The budget is looked at in terms of the short run, not the long run. First, there are immediate problems–revenues, and the need to balance the budget annually. Second, there is this “I won’t be here in ten years” syndrome. So, default to the short run.

The new ones want money for their pet projects, and then want the JBC to find the money.

Members are invited to the JBC hearings. They show up, find it boring and then just collect their per diem and leave.

The budget is a shock to the freshmen.

The 94 members who are not on the JBC are clueless on the budget. Even JBC members can’t answer TABOR questions on the floor, they need help from their staff. And sometimes even the staff can’t answer questions on the spot. They have to ask for time and come back with the answers.

I’m in my fourth year now, and I am just now beginning to understand the budget process.

The budget is the biggest example of the downside of term limits. Virtually all members haven’t a clue as to the contents of the budget. It is complicated and they are uneducated, inexperienced. This goes to the JBC members to some extent as well. The JBC staff influence is enormous. The JBC is in need of reform, with more members. We need a two-year budget, not just an annual budget. We badly need more member education on the budget. For example, the Homestead
exemption estimated loss in state revenue was $40 million; it is now actually $80 million.

The budget process is terribly complex and few members understand it. The JBC staff is more influential with respect to the JBC members and the committee is more influential with the legislature and then the legislature has lost power to the governor. You need experience to be effective on the JBC. This need for experience is affecting appointments—leadership needs to be sure that appointments are staggered and timed so that there is always someone with experience continuing on the committee.

The JBC members are inexperienced. We should enlarge the committee, to five from each house maybe. Staff power is up; it develops the debating points for the JBC members when they deal with the caucuses and on the floor.

**JBC and Staff Influence**

The JBC is losing power to the staff with respect to ideas and options.

GAVEL (Give A Vote to Every Legislator), which banned the binding caucus, increased JBC and JBC staff power by depriving the majority party caucuses from doing much to alter the long budget bill after it came out of the JBC. Also, TABOR did too, as it leaves very little room for change by the caucuses.

The JBC staff will probably be even more powerful. The six people bond together and they’re tight with their staff.

There’s so much power in so few hands on the JBC, and other legislators have no idea what they’re doing.

Term limits had a big impact. The JBC staff had a big role, its bigger now. You need lots of experience to fully understand the budget. For example, Jim Rizzuto was on the JBC for 12 years and he knew where every nickle was, knew which departments were fat and which ones were lean.

Budget control is slipping to the JBC, then to the JBC staff. That’s where the budget knowledge is and knowledge is key.

The JBC lets the staff call the shots; then when the six on the committee sign off, that is the budget.

JBC power is up. The committee “bonds”, almost becomes a third party, is loyal to the committee and its staff. Members always deferred to the JBC, but do so more now.

The six JBC members are the most powerful six in the legislature.
JBC, Leaders and Governor

The governor criticized the legislature for its budget after the 2002 session and vetoed the head notes and more. He submitted a six percent increase budget in the fall, then went AWOL, while the JBC spent the session struggling to balance the budget. The only communication coming from his office to the JBC was in terms of which actions he didn’t like, but he had no ideas for cuts.

It was difficult for the JBC members and staff to get information from the administration. Sometimes employees in the administration would leave envelopes with data on the desks of staffers. McCallin would come over and talk with the chairman and deliver the governor’s demands. People on the executive side were told not to testify before committees or give information to the JBC without the governor’s office approval.

The JBC has a hard time getting information from the administration, from Nancy McCallin, the governor’s chief budget staffer. The executive holds information tightly.

There were problems getting budget information from Nancy and the governor when the Democrats controlled the Senate, but not after than.

Nancy McCallin (Governors Budget Director) is a one woman show. She just pronounces what is or is not acceptable to the governor. Some JBC members are new, not fully up on the complexities of the budget. The chair just does what Nancy says is ok with her and the governor.

More of the governor’s people are in contact with the bill drafters, they are more involved. It was not that way with the Romer (former governor) people.

The governor did generate more flexibility for the executive branch by his veto of long bill footnotes, and that makes it look like he is trying to erode legislative power.

The JBC doesn’t seem to be any more or any less guided by the governor’s budget proposals.

The head note vetoes wouldn’t have happened before. There would have been conversations between the governor and the JBC. Now the governor lacks respect for the JBC, for the legislature as an institution.

The legislature failed to sue the governor right after he vetoed the budget bill head notes, the long bill head notes. There is a power grab going on.

The executive is gaining power vis-a-vis the legislature. It has a staff which hasn’t internalized the notion that the legislature is the king where budgets are concerned. There is more turnover on the JBC, and it takes a full year to figure out the budget and the process. Thus, staff influences is up too.
On the 2002 budget, the Speaker worked with the governor’s office to stall the long bill until late, so the legislature would be out of session before the governor’s ten day (to veto) limit had expired. Then he had longer. The Speaker would say that there was not enough time for the House of Republican caucus to meet. He kept the bill one and a half weeks in the House.

The leadership nexus with JBC members used to be tight; not so now. Young and Gayle Berry were threatened with removal from the JBC by leadership and, probably, with a push from the governor. That’s never happened before. Speaker Chuck Berry and Tony Grampsas (past JBC member and chair) were tight, together, there was no JBC-leadership split. The JBC-leader bond was strong in the past.

The last year or two, for the first time ever, the leadership in the House did not support the JBC, but sided with the governor instead. Speaker Dean did the governor’s bidding; now he is the Commissioner of Insurance. Others stood up to the governor or differed on policies like being pro-choice. They were told, sorry no job, or find one some other way.

On the budget, the leadership undercut his own budget chairman. That kind of public humiliation never happened before. The new ones are not ready to lead.

There is less legislative-executive cooperation. The House leadership opposed JBC bills, the governor vetoed them. Many Republicans did not care about the governor’s budget package.

**Policy**

There’s been a loss of expertise, in such areas as water, transportation, capital development.

We’ve always had goofy bills. Now we have more of them.

There’s more crazy stuff, mostly from the far right.

Term limits is negatively impacting the legislature. TABOR is negatively impacting the legislature because no taxes can be increased by the legislators, therefore they spend more time tinkering with social issues or other non-essential issues. A number of lesser qualified people are running for office. The campaigns are costlier and nastier than ever. Some campaigning has been flat out lies.

There’s more trivial stuff, rehash old ideas.

I haven’t seen a bunch of new ideas. Policy is probably not as good since it is processed, examined, by less experienced eyes.

Statewide and institutional knowledge of members has decreased a great deal in the 14 years I’ve been observing this legislature. Term limits have played a major part in this. I’ve also seen more and more attempts to introduce legislation that has shortsighted or limited focus. I think the
quality of work our legislature turns out has suffered tremendously. Legislative staff are often the only repository of long term objective knowledge in the body. It is very disheartening to watch.

Term limits drive legislative agendas. Careful consideration of issues has regressed. The norm seems to be, “I’ll carry what gets me elected.”

Legislators tend to focus on the next election. Gone are the statesmen of previous years.

There’s not much by way of major policy initiatives. What is gone is the ability of leadership to get it done.

The General Assembly can’t make substantive decisions. In good times, you can’t spend the money because of TABOR and the six percent limit. In bad times, you can’t spend the money because you haven’t got it. The impact on policy? No innovation.

The policy champs are no more. There is not enough tenure to master issues, build a coalition. We probably get poor policy as a result.

You need to be both a policy champion, to push policy and solve problems that may take time, and you don’t want to get stuck forever on one issue. It took five years to go from a Highway Department to the Department of Transportation. Members lack that patience now. There is a penchant to regulate everything and everybody, not just to react to problems, but to think everything needs to be fixed.

There is a lack of long-term vision, in capital development spending for example.

Twenty years ago the issues were taxes, schools and roads. Now the issues are revenues, education and transportation.

BALANCE OF POWER

We’ve noted earlier some shift in influence toward the lobby corps, and to the staff with respect to process advice. There is also broad agreement among capitol observers that the governor has enjoyed some increase in power at the expense of the legislature, and that some portion of this shift is attributable to term limits. The shift was most noticeable in the first few years after the term limit impact was first felt, but now more recently the legislature appears to be fighting back seeking, with some success, to recapture its prominence in policy making.
Analysis of the term limit impact is complicated by a change in party control of the governorship which occurred simultaneously with the first impact of the limits, and by the personal style of the new governor. Bill Owens was elected in 1998 as the first Republican governor in 24 years, and re-elected again in 2002. For all but two of his years, thus far, he has enjoyed Republican majorities in both the House and Senate. His governing style has been to aggressively assert gubernatorial power and, in substantial measure, his fellow Republicans have been inclined to be loyal party followers. These factors do not necessarily track to legislative term limits. But the shrunken experience reservoir of the membership, and the need for members to be contemplating and calculating political life beyond their legislative days, seem also to have worked to the benefit of the governor, and these factors are trackable to term limits.

What Term Limits Did

Term limit gave the governor an experience and information advantage. Just like the legislators, the governor is term limited to eight years in office. But it is the leadership with which the governor interacts most often, and the leaders, at least so far, have been in a two year rotation pattern and are lame ducks from the outset. Thus, their experience in those positions, and their tenure, is much more limited than is than is the governors. This difference, combined with the reduced experience of the membership generally, and the propensity of many members to be looking for political life beyond the legislature, prompted one long-time legislative veteran to make this observation:

The governor has the advantage. He has eight years; the legislative leadership usually have just two. Members are less understanding of the importance of separation of powers, less inclined to defend the legislature vs. the governor. For example, members were asked to commit to defend the governor’s vetoes in general, not in relation to any specific bill. In the past legislative leaders
were solid, but now we’ve seen the House Speaker and floor leader join with the governor and be at odds with the Republican JBC members.

The governor may have an advantage given the differences in legislative vs. executive staffing as well. The governor has both a policy staff and a budget staff, and both are avowedly partisan; they are there to help his political agenda. The legislature, too, as a large staff and it is very good. But with the exception of a relatively small number of partisan caucus, media and leadership staff, it is non-partisan, and not there to push a policy agenda. The governor is advised by dozens of staffers on policy issues; the individual legislator has no comparable political brain trust. A member of the executive branch made this observation:

The executive branch has gained power, it has ten [policy] and twelve [budget] staff. They read the bills, know what is in them, know more than Legislative Council staffers and much more than the members, even the bills sponsors. So, the executive has gained an informational advantage. The legislative agenda is now more executive-driven.

The legislative-executive experience and information differential has, in the judgment of some observers, been impacted by the movement of many former legislators into the executive branch. With a Republican governor replacing a Democrat, a host of executive branch positions came open just at the time when the first group of term limited members were looking for something else to do and many of them found work in the Owens’ administration. The pattern has continued; former legislators have or currently head the Departments of Natural Resource, Agriculture, Health Care Policy and Financing and Personnel. Another is Commissioner of Insurance. Many have landed second or third level positions within the administration. A former legislative leader saw it this way: “What will happen to executive-legislative relations? Well, take a look. Most of the term limited legislature has become the executive branch.”
The effects of this movement of former legislators into high level executive branch positions is two-fold. First, the chances of a post-legislative job on the executive side provides an incentive to support the governor. If they don’t, they’ll have to look elsewhere. Second, it arms the executive with persons who are legislative process savvy; indeed, they know the process and policies better than the members, initially at least. One observer commented on the experience advantage this way, “The power of the agencies is up. They [former legislators] know the data, they can manipulate the data, on fiscal notes, for example.” Another, referring in part to the need to support the governor, said this: “You cross Owens at your peril–any member of the legislature who crosses him can kill any future job in the state good-by.” Still another contended that the governor is “...thin-skinned, and if you do something he doesn’t like, just once, you’re on his hit list.”

Several capitol veterans connected the evaporation of House leadership support for the JBC in 2001 and 2002 to the felt need to be on the governor’s team in legislative-executive budgetary conflict. Clearly, there are incentives for legislators to be executive branch friendly.

Over and over, knowledgeable legislative observers commented on the effect of experience on the propensity to internalize legislative norms and become defenders of the institution. In the past, it fell to the long-term veterans who often served in leadership positions to defend the institution and pass on to new members the importance of doing so. The comment of one staffer captures what many others noted: “The new members are slower to recognize institutional relations. For example, defending the legislature against the executive. They’re too happy to support the governor of their own party and as a result the legislature is weakened.”

Did Term Limits Do It?
There have been additional changes in legislative-executive relations which are not so easily attributable to term limits but which seem, instead, to track to the political style of the current governor. We noted in the prior section on budgeting that the combination of the diminished legislative experience of JBC members and the style of the executive shifted, at least temporarily, some power to the executive side. The governor and his budget director have been tight with information, his office has sought to control the flow of information from the administration to the legislature generally and the JBC and it’s staff in particular, and he has firmly asserted his budgetary preferences—his demands—and broadly employed the line-item veto to enforce them. Most noticeable have been budget bill vetoes of “head notes”, the definitions sections, of the bill.

According to legislative participants and observers there are other indicators which suggest some change in legislative-executive relations. One noted that with the current governor, executive branch personnel are in more frequent direct contact with bill and amendment drafters in the Office of Legislative Legal Services than was the case with prior administrations. And 73 percent of our mail survey “knowledgeable” observers say that relative to the legislature, the influence of the governor has increased as compared to ten years ago. Additionally, 70 percent view legislators as less likely to support and defend their institution, a change which is quite likely a function of inexperience and thus indirectly linked to the limits.

A well-known and highly respected veteran of life in the capitol as a member and lobbyist asserted that the shift in power to the executive was “phenomenal”. And two members, one Senator and one Representative who are from different parties summed up the view of many this way. The first—

The executive is more powerful, the legislature is losing power. Many members
are looking to their next political or governmental position, and crossing the governor will be costly. So, they tend to be partisans first, defenders of the institution second. Also, many of the new ones do not come in with a developed sense of the separation of powers. In the past veteran members would school newcomers in the legislature’s norms, rules, customs and that included defending the institution. Those folks are mostly gone now.

And the second—
Lame duck members lose their sense of responsibility to the institution, and thus the legislature loses power to the executive. The Owens administration is tight with information, communication, and doesn’t allow departments to communicate directly with the legislature. The JBC staff has more difficulty getting information from departments and so the legislature loses influence to the executive. Some legislative leadership sided with the governor, not with its own JBC people. It’s often party vs. party, not legislature vs. governor. This tilts power toward the executive and the power and authority of the legislature is diminishing with time.

During 2003, the legislature showed some signs of fighting back. It has filed suit against the governor for his veto of the budget bill definitions and that case is pending. The governor unilaterally distributed millions of dollars in federal anti-recession funds, and for that the legislature sued, and won. The issue was which branch possessed the constitutional authority over the funds. Additionally, as the state scrambles to cope with the severe budget difficulties associated with TABOR and the recession, many legislators on both sides of the isle have taken positions which are at odds with the governor. The governor is now in his final term—a lame duck himself.

On matters of legislative oversight, little has changed save for the difficulty the legislature has had in securing information from the executive. The formal oversight processes have not changed. Distribution of budgetary “pork” has never been a major practice in Colorado and, in any case, the severe budgetary shortfall of the past several years has precluded anything vaguely resembling pork. Power relations between the chambers seem to have changed only slightly. For years, the Senate served as a moderating force, with the House typically being somewhat more boisterous
and more conservative. The differences in policy orientation are less obvious now, as the limits
booted from the Senate several of its more moderate and most influential members.

Notes ’n Quotes

The Power Shift

The governor’s power is up, the legislature’s down. Term limits exacerbates this, but is not the
only cause. Republicans go with the governor, cave in. They’re together, sort of like a fraternity
thing.

The new members are slower to recognize institutional relations. For example, defending the
legislature against the executive. They’re too happy to support the governor of their own party
and as a result the legislature is weakened.

Term limits and the initiative generally, have reduced the power of the legislature.

Executive power is up, can get away with more. Members and leaders understand less about the
executive-legislative balance and the tendency is to let the next Speaker deal with the defense of
the institution. With new members there is a tendency to put party above institution.

Logic would suggest too, that the new members, in the majority party especially, see an advantage
in being party loyalists first, and defenders of the legislative institution second. They are more
focused on getting something done quickly, and on securing for themselves a political or executive
branch future.

The power of the agencies is up. They know the data, they can manipulate the data, on fiscal
notes, for example.

The power shift to the governor has been phenomenal. The legislature is willingly handing over
power to the governor, and he’s in their party. Romer came to the JBC; Owens has too, but their
meetings are in the governor’s office.

Legislative-executive relations are more partisan. The Republicans look to the governor for
leadership.

The governor has the advantage. He has eight years; the legislative leaders usually have just two.
Members are less understanding of the importance of separation of powers, less inclined to defend
the legislature vs. the governor. For example, members were asked to commit to defend the
governor’s vetoes in general, not in relation to any specific bill. In the past legislative leaders were
solid, but now we’ve seen the House Speaker and the floor leader join with the governor and be at
odds with the Republican JBC members.
What will happen to executive-legislative relations? Well, take a look. Most of the term limited legislature has become the executive branch.

The governor has the advantage of the bully pulpit. There is not much difference with term limits, although the few old high profile legislators who could be somewhat of a PR rival to the governor are not there any more.

It’s easier to deal with the governor if you’ve had legislative experience. With term limits there is less experience.

The executive has gained power, has ten [policy] plus twelve [budget] staff. They read the bills, know what is in them, know more than Legislative Council staffers, and much more than the members, even the bill sponsors. So, the executive has gained an informational advantage. The legislative agenda is now more executive-driven.

The governor is more powerful. Members are more deferential to him. Some still have the attitude that the executive branch shouldn’t tell the legislature what to do, but also an attitude that they need someone to report up to.

**The Governor’s Style**

Term limits and the new administration are creating an executive power grab. It’s hard to get information. You cross this administration at your peril. Legislators interested in jobs in state government or a federal agency after the legislature can kiss them good-by if they challenge the administration. The position of the legislature’s Executive Committee and the JBC is that we don’t want to give power away to the governor.

Lame duck members lose their sense of responsibility to the institution, and thus the legislature loses power to the executive. The Owens administration is tight with information, communication, and doesn’t allow departments to communicate directly with the legislature. The JBC staff has more difficulty getting information from departments so the legislature loses influence vis-a-vis the executive. Some legislative leadership sided with the governor, not with it's own JBC people. It’s often party vs party, not legislature vs governor. This tilts power toward the executive and the power and authority of the legislature is diminishing with time.

The governor is term limited, he’s got further ambitions. For Colorado, he’s just disappeared. Owens is thin-skinned and if you do something he doesn’t like, just once, you’re on his hit list.

Between the governor and the legislature, animosity built up. The governor is tight with information, but some in the executive departments would slip over with information—emails “accidentally” sent to too many people, followed by “sorry, an accident, please ignore” message. Executive branch people would be fired if they gave information without clearance.
Owens vetoed appropriations in regular bills. His line item veto is supposed to go to the budget bill only, not to other bills. The courts will decide if he has the authority.

The executive is more powerful, the legislature is losing power. Many members are looking to their next political or governmental position, and crossing the governor will be costly. So, they tend to be partisans first, defenders of the legislature second. Also, many of the new ones do not come in with a developed sense of the separation of powers. In the past, veteran members would school newcomers in the legislature’s norms, rules, customs, and that included defending the institution. Those folks are mostly gone now.

Owens vetoed long bill section head notes, basically wiping out the line items, giving each department carte blanche to move money. The Republican caucus was reminded that it was dangerous to let this go, because some day we could have a Democratic governor again. But it seemed to make no difference. The members just didn’t have the long view.

Finally, the legislature moved to sue the governor over his use of the veto. There have been previous legislative-executive law suits over authority conflicts. This time, the Speaker-to-be talked with the governor before the November elections. The governor asked, and she agreed, not to move to sue until after the election. Now, when the legislature has acted, the governor has expressed agreement. The bottom line is that there are some legislators worried and willing to try to defend the institution’s authority, the Republican leadership was willing to time it so as to not jeopardize the election. Also, before the start of the 2003 session, the Democrats held the Senate and the Republicans were not about to give them any part of a stage to challenge the governor. Also, the JBC chair declined to schedule a JBC meeting for fear that one Republican might join the Democrats and produce the 4-2 vote that would be needed to call for a suit against Owens.

The relations between the legislature and the governor are changing. Term limits and the Owens/McCallin style together create an executive power grab. The JBC can’t get all the information it wants from Nancy; she’s a control freak. You cross Owens at your peril–any member of the legislature who crosses him can kill any future job in the state good-by. He’s vetoed head notes, which let agencies ignore line items and the Republicans in the legislature won’t challenge him in court to uphold the legislature’s budgetary prerogatives.

Two veteran Republicans who’ve chaired the JBC say it was easier dealing with Democratic governors. They didn’t have the pressure to go with their party.

The governor failed to develop a plan for the needed four percent budget cuts. Nancy said not to do it because the Democrats would use it against us in the next election, so he doesn’t do it. As with other matters, the JBC can’t get cooperation, even information from the governor’s budget office and the director of the OSPB.

The agencies are more influential. They have the information advantage now. The governor, and the leadership, right now, may be trying to roll the legislature by getting the budget out so late that
the legislature can’t react to the governor’s (Owens) vetoes.

The Senate President (Republican) said once he found it easier to work with Romer than with Owens. Owens wants everything his way. So does his staff; they are insistent, pushy.

No, we’ve not losing power to the governor.

It’s probably a wash between the executive and the legislature. The governor (Owens) my push the legislature more, but his people, too, are less experienced, have less knowledge.

ADAPTATION

Everyone under the gold dome knew things would be different with term limits, and a variety of actions were taken to seek to cope with the anticipated changes. Leaders asked for some new materials to help them with procedures and deadlines. Staffers produced a variety of requested materials, plus some which were not requested, and greatly enhanced the new member orientation program. A Senate Concurrent Resolution established an interim committee whose task was to study the probable impact of the limits, and recommend rules changes. These and other actions are detailed below, as are some changes not yet made, but suggested by a variety of legislative process participants.

What Had Been Done

Enriched Orientation—Back in 1986 the legislature’s new member orientation was conducted over a two day period. It began the last day of November with a Sunday evening dinner and then ran two full days thereafter. Topics covered included the Speakers role, legislative procedures, an overview of the staffing agencies, the fiscal process, the press and a few more matters. There was also a half-day program for spouses. In 1988 the orientation was extended by a half-day and provided more coverage of education policy and local government. From there on several more
half-days were added until in 1996 the program covered a total of four days, split into three time
periods; a half-day in November, two in December and a day and a half in January, shortly before
the start of the legislative session.

Then in 1998, as term limits first hit, the new member orientation program was expanded in
major fashion, in both time and topical coverage. It consumed eight days, divided into four phases.
A day and one-half in early November, right after the election, was followed by three full days in
mid-November, two full days in early December and one and one-half more in January, about a
week prior to the opening of the session. The topical coverage for 1998, and then for 2000, was
expanded and refined well beyond what was in place a decade or so earlier, providing much more
information on legislative organization and procedures, fiscal matters, substantive policy and more.

By 2002, three election cycles since the first impact of term limits, the orientation was still in the
four-phase format, albeit altered a bit, and looked like this. Immediately after the November
election there were two half-day sessions covering bill request procedures and deadlines, capitol
security and safety procedures, compensation and benefits and briefings on the chambers by the
House Chief Clerk and Senate Secretary.

Next came a set of three day sessions in mid-November. These introduced members to their
major staffing units, featured mock committee and floor sessions, examined the appropriations and
budget bill process and provided members with lap-top computers and instructions on how to use
them to access legislative information. Running concurrently was a three-day set of sessions for
spouses/companions, featuring information on some of the same subjects faced by the new
members, but mixed with entertainment and shopping time.

The orientation began again in early December with two days devoted to more education on
fiscal matters and sessions focusing on such policy areas as education, transportation, corrections, higher education and school finance, Medicaid, human services and capital construction. Some additional time was given to legislative procedural matters. Finally, a day and one-half in early January were given to a “review of member procedures and protocol” by the Chief Clerk and Senate Secretary, revenue forecasts and other budget-related matters, and ethics. Included in the orientation process was a training seminar for committee chairs and vice-chairs, and the development of a manual for committee chairs.

A wide variety of persons participated in the orientation sessions. Several dozen staffers, from Legislative Council, the Office of Legislative Legal Services and the Joint Budget Committee handled various topics. The Chief Clerk of the House and Secretary of the Senate, and some others in the chamber supportive cast took part, as did a few former members. The perception of both members and the staff is that the new, beefed up program is a major improvement over what had been in place earlier, and indispensable given the exodus of legislative veterans.

But there is also wide-spread consensus that it is still not enough. Over and over staffers and members alike would comment that there is just so much information to absorb in a short time that after a while it just goes over the new member’s heads. This suggests the need for “continuing education”, for more orientation meetings, even after the legislative session begins. And, indeed, this was tried but the results have been disappointing as members simply don’t choose to attend. But all in all, the enhanced orientation appears to have been an important and somewhat effective antidote to the diminishment of legislative experience brought about by term limits.

More Informational Materials–The Chief Clerk of the House assembled under one cover a variety of documents to help House members find their way in and around the process, and the staff
of the Joint Budget Committee did the same for the committee members. The Clerk’s materials provided information on house services, legislative policies and procedures, and the process itself along with organization charts, phone numbers and schedules. She also put together, at the request of the first post-limits Speaker, a time-table, listing such important dates as process deadlines and times by which an assortment of papers and reports from the Speaker or the House would be due.

The materials assembled by the JBC staff were extensive. They included applicable constitutional and statutory citations accompanied by explanations and history, an overview of the processes, rules and procedures, information on the staff itself, clues as to what to expect in hearings, examples of hearings with departments, the nature of mid-year supplemental appropriations measures and such budget process elements as “figure setting” and “comebacks” by departments, budget amendments, capital funds, the “long” budget bill and its accompanying narrative. Also included was more generic institutional information on committees, the process, floor work, law suits, the separation of powers, revenue limitations and more. It is a huge notebook.

The Office of Legislative Legal Services produced a staff directory to assist members in finding help when they need it, and do so in easy and convenient fashion. The directory contains, for each of the fifty or so staffers, their name, educational and occupational background, a photo and information on their area of expertise, policy focus and projects, and where they fit in the office’s “team structure”. The purpose, again, is to permit members to find, quickly, someone to help them, or to lead them to the staffer who can best do so.

In anticipation of the impact of term limits, the leaders who were to be in place during the first post-limits session requested from the staff a “Leadership Notebook”. The note book contained an
assortment of pertinent organizational and procedural materials, but also posed some of the questions and problems which the new leaders would likely face, and approaches with dealing with them.

**Rules Changes**—Term limits triggered several rules changes, some of them requiring statutory change, but not being of seemingly major consequence. In 1999, a bill was enacted providing per diem expense payments for newly elected leaders beginning upon their selection right after the November election. The change covered the Speaker, Senate President and the four party floor leaders. The bill also changed the rotation of the chairmanship of the Executive Committee (Speaker, Senate President, the four party floor leaders) of the Legislative Council to annual from semi-annual.

A 2001 change provided for the creation of a “Temporary Executive Committee” of the Legislative Council composed of the post-November election designates for Speaker, Senate President and the four party floor leaders. This group would serve in place of the pre-existing Executive Committee, except on matters emanating from the prior legislative session, or special sessions called before the next regular session in January.

In 2000, the legislature adopted a resolution (SJR 00-015) establishing an interim committee charged with a “. . .legislative study on reforms to the General Assembly in view of member term limits.” The resolution made reference to leader and committee chair turnover “. . .which could have a negative impact on the Colorado legislative process”, it spoke of the “erosion of the experience level and the concomitant loss of institutional memory” as perceived negative consequences of term limits, and of “. . .negative impacts on the effectiveness of the General Assembly” as a further potential negative. The sum total results of the committee’s work were to
exempt temporary hourly legislative aides from the state retirement system, modify lobbyist reporting requirements and change the way complaints against lobbyists were to be handled.

### Additional Staff-initiated Changes

The two major staffing units, Legislative Council and the Office of Legislative Legal Services set into place what they call a “buddy system”. This involves pairing up a senior member of the staff of one of the two units with each member of the legislature. The connection is established during the new member orientation, and is designed to continue on throughout the members tenure. The “buddies” can interact both during orientation, and later on the floor and elsewhere. The point is to provide the member with a name, a face, a staffer they know personally, who can answer questions or direct the member to a source who can. There is currently some thought of expanding the “buddy system” to the provision of staff contacts who can assist members with questions and issues related to bill fiscal notes.

The office of Legislative Council established a small constituent service unit designed to help members respond to questions or problems brought to them by citizens. This service was established before the initial impact of term limits, but is now also seen as a mechanism to help the new ones respond to their constituents. The number of requests made of staffers in this relatively new service unit rose steadily, until 2004, when it tapered off a bit. The reason for the drop-off is not clear, nor is it clear whether the prior rise in usage stems from the term limit triggered expansion of inexperienced members, or simply the growing awareness of the service.

### What More To Do?

What remains to be done to adjust to the new conditions created by term limits is, in some measure, in the eyes of the beholder. Listed below are some of the suggestions made by members,
lobbyists and staffers. Some were mentioned often, some were not.

>Briefing Books. Several persons suggested, albeit in varied language and form, the development of short documents which provide brief descriptions of policy areas linked to budget numbers. Policy in the general assembly is developed by bill, in the chambers, in the capitol building. The budget is built by the six-member JBC, across the street in another building, and is laid before the full membership well into the session in the form a huge and complicated document. It would help, some believe, to have had a prior opportunity to read a few pages which tied together some budget numbers with the programs they support.

>White Papers. Some have suggested the production of “white papers”, documents considerably longer and more detailed than “briefing books”, to describe policy in such major areas as education, transportation and corrections and track the history of policy development. Some have noted a danger to the non-partisan staff in such an exercise, since it is not easy to write in detail about public policy without stimulating someone, somewhere, to claim the inclusion of bias. Policy histories and analyses such as these might, thus, be contracted out to academic or other extra-legislative institutions and include, so as to temper charges of bias, appended sections in which differing interests may overtly express competing views.

>More Orientation Focus on Budget. The budget and the assortment of constitutional measures bearing upon the budget and the process, have become the elephant in the phone booth in Colorado’s legislature. Everything is connected to everything else now--revenue limitations, spending limitations, fiscal notes attached to bills, the committees of reference, the appropriations committees, the JBC--everything they do tracks back, in one way or another, to the budget. Several knowledgeable observers suggest more education on the budget for both new and continuing
More Focus on Major Policy Areas. This suggestion is much like those above. Major policy areas like education, higher education, transportation, corrections, health and human services—these are the bread and butter of the legislative agenda and, as with suggestion for the creation of “white papers”, some believe that more education in policy is needed.

More Use of Past Leaders and Members. Some observers have suggested greater involvement, both in orientation and during the session, of past members to coach the new ones on both process and policy. This sounds good, but would it work? Past members, like the current ones, are members of one party or the other and they’d bring with their biases. To involve past members as “teachers” or “mentors” during the session could be politically trickery.

Create a Legislator Alumni Group. This is a variation of the one above. The difference would be that the group would be formed outside the institution and could be politically balanced. It’s contribution could be to provide what many claim is now lacking, and that is a patient, mature, long-term perspective on the state’s problems and policy needs. Some portion of the lost decades of experience and knowledge could thus be recaptured and made available to interested members.

Rotate JBC Members. This is a suggestion, basically, to continue what appears to be a practice already, and that is to be sure that one or two fresh appointments are made to the JBC following each election. The purpose is to ensure that during each budget cycle at least a few of the members have prior experience with the budget.

Appropriations or Finance Committee Before JBC. This suggestion is designed to bring to the JBC, new appointees who have had at least a couple of years exposure to budgetary matters through service on the standing Finance committee, or on Appropriations whose membership and
responsibilities are tied closely to the work of the JBC.

>Vice-Chair to Chair. Several observers suggest that service as a committee Vice-Chair should be prerequisite to chairing a committee. Appointment of first or second term members as Vice-Chairs would create a pool from which chair could be selected. It would also provide leadership with the opportunity to see how well members do as Vice-Chair, and provide the Vice-Chairs with the chance to decide if a chairmanship is their cup of tea.

>Keep Quality Staff. Over and over those knowledgeable about Colorado’s legislature emphasized the increased importance of high quality, dedicated, non-partisan staffers given the impacts of term limits. Now, more than ever, it is important to retain the experienced senior staff, provide attractive salaries and working environments for them so as to retain them, and recruit top level talent.

>A Twelve Year Term Limit. A common observation is that term limits would retain some of their advantages, but shed some of the negatives, if they were extended to twelve years. This would add not just four years, but the four years when members are the most experienced and mature, and probably most likely to be supportive of the institution. A proposal to do so was introduced during the 2004 session, but included a provision to extend them to judges, and died quickly.

>Re-run some portion of the initial orientation program after members have completed one full session. Much of the content should take on greater meaning, and sink in better.

Notes ‘n Quotes

The need more education. Now they get more orientation, but the information load is so great they can’t absorb it all. For example, they need to know about TABOR, procedure, court cases, motions, more. It is impossible to grasp it all. Some of the best new members are former county commissioners who have political and party experience. They also know budgets and TABOR. This is in contrast to ex-school board members.
The orientation is good, but focuses mostly on process, not the budget or policy; that needs to be added. It would be good to have briefing books, linking funding to programs, short, perhaps, just a paragraph to compensate for the newcomers’ lack of background and the absence of veteran members who hold the institutional memory. Legislative Council did this for Health Care Policy and Financing. We should do the same for other policy areas.

We had an expanded orientation, with schooling on rules and what motions mean, what to not do, what are the consequences of motions, we monitored committee chairs early in 2001 and 2002 and alerted them to mistakes, met with committee chairs weekly. In 2003 we’ll have pre-session training for leaders—what to do, what to watch out for, how to react, how to avoid mistakes. You need this with a series of two-year Speakers and, perhaps, two-year floor leaders.

The new member orientation, in expanded form, is good. Staff on the JBC, and others, prepared a compilation of documents for new members—the relevant statutes, constitutional provisions, rules, on and on. But at some point, the sponge is full and they can’t absorb any more. The bottom line is, it takes experience.

The staff developed “leader” notebooks with rules, questions and answers on process, and so forth. The Chief Clerk developed a time-table for the Speaker, noting all deadlines throughout the session. The orientation was expanded to four days, including nuts and bolts (pay, staff, offices, travel expenses, phones, etc.). committees and process, mock committee and floor action, use of laptops for accessing information, policy which is done by the chiefs of staff, budgets and revenues. Still, this is not enough. There is so much information it goes over their heads. The House Republicans employs former legislator to help leadership and also watch operation of the committees and chairs, and give feedback on their performance, and what to do and not do, and so forth.

It helps if members serve on Finance, Appropriations, Audit or Capital Development before the JBC. Also, it may be good to have one relatively new member paired with an experienced one, from each party, each chamber. This way the experienced one can tutor the less experienced member as they go through the process of dealing with section after section of the lengthy and complicated budget.

We need to keep good staff from leaving, we need stronger training programs. The staff did this with a much expanded orientation. It is good for leaders to meet frequently with new members, early in the session especially, to go over issues, process, problems, to help the new ones figure out who to call, who to see in the agencies when questions arise. All of this a problems because now even the leaders are relatively new themselves.

We need a longer orientation, and partisan staff to work with committee chairs and leaders.

We need more focus on pushing complex issues. The senior members should mentor newer ones on this—the substance, the process.
In 1999 and 2000 they put freshmen in as committee Vice-Chairs, presumably to give them some early practice before taking a chair job themselves.

We did little to nothing to cope with term limits, not the Democrats nor the Republicans. The office of Legal Services wanted to assemble a handbook to guide new Senators on procedures and traditions, including attorney opinions. But Senators (____) and (____) didn’t like it. The Legal Services Committee declined the project. We do have a pretty elaborate orientation but it tends not to soak in. It took three to four years for it all to soak in—the place, process, issues, how to get things done.

No structural changes will compensate for the loss of institutional memory.

A twelve year limit would be better. The first term is pure learning and trying not to screw up. Also, providing funds and incentives for members to attend JBC budget hearings on the agencies for which the member’s committees have oversight responsibilities would help a lot, especially for committee chairs. That would educate the members as to the activities and so forth, of the agencies, and thus the programs and bills which constitute the agendas of their committees.

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