

How Have Term Limits Affected the California Legislature?

Passed in 1990, Proposition 140 changed Sacramento by setting term limits for legislators, but exactly how has it affected the Legislature, and what can the institution do to respond? In *Adapting to Term Limits: Recent Experiences and New Directions*, Bruce E. Cain and Thad Kousser measure the effects of term limits and identify ways to adapt to them. Guided by the testimony of informed observers, the report offers quantitative analyses using bill contents and histories, voting behavior, budget figures, and other archival records to explore how term limits have shaped the way the Legislature deals with major issues. The authors find that term limits, which remain popular with voters, have eroded legislative capacities in unhelpful ways. They also offer recommendations for restoring some of those capacities while maintaining the legislative turnover mandated by Proposition 140.

The Effects of Term Limits on Legislators, Committees, and Bills

The authors find that term limits altered—but did not revolutionize—the type of legislator who comes to Sacramento. Specifically, Proposition 140 accelerated trends of increasing female and minority representation that were already under way in California. Rather than representing a new breed of “citizen legislator,” however, new members after term limits behave a great deal like their precursors. Many have local government experience and run for another office—for an Assembly or a Senate seat—when their terms expire. Careerism remains a constant in California politics.

The effects on Sacramento’s policymaking processes have been more profound. In both houses, committees now screen out fewer bills assigned to them and are more likely to see their work rewritten at later stages. The practice of “hijacking” Assembly bills—gutting their contents and amending them thoroughly in the Senate—has increased sharply. As a body, the Legislature is less likely to alter the Governor’s Budget, and its own budget process neither

encourages fiscal discipline nor links legislators’ requests to overall spending goals. In addition, legislative oversight of the executive branch has declined significantly. The authors’ interviews with members and their staff revealed a widespread sense in Sacramento that something needs to be done soon to provide more stability and expertise to the Legislature’s policymaking process. Yet there are continuities in the Legislature’s internal operations as well. For example, leaders remain central to the process, and term limits cannot be blamed for Sacramento’s intensifying partisan polarization.

Term limits have had a mixed effect on the Legislature’s policy products. The authors find no effect on the breadth and complexity of bills passed into law, although this continuity may be the result of the Senate’s increased propensity to amend Assembly bills. Using simple measures of legislative performance, they also find that recently instituted programs to train members and staff do not appear to improve a legislator’s “batting average”—that is, his or her chances of passing a bill or seeing it signed into law—although legislators who receive that training tend to write shorter bills that change more code sections.

The Effects on Legislative Leadership and Oversight

In addition to presenting quantitative results, the report points to more general patterns emerging from the authors’ interviews. These patterns suggest that legislators are learning more quickly than their precursors, but that frequent changes in the membership and leadership of legislative committees, especially in the Assembly, diminish their expertise in many important policy areas. Many committees lack the experience to weed out bad bills and to ensure that agencies are acting efficiently and in accordance with legislative intent. A case study of the Quackenbush insurance investigation suggests that its success depended on the skills

of specific legislators, not all of which will necessarily be preserved in a less experienced Legislature.

Another major problem area is legislative leadership. With only six years in the Assembly before a lifetime ban goes into effect, Speakers have less than two years to leave their mark, and lame duck leaders face serious obstacles. Special interest money still flows in roughly the same proportions to Senate and Assembly leaders and in ever-rising amounts; term limits have not eased the burden of fundraising in any way. However, the authors find no evidence that term limits have contributed to rising legislative partisanship. Rather, the longer members are in the Legislature, the more partisan they become.

Policy Recommendations

Few of the most fervent hopes of Proposition 140's backers—or the worst fears of its opponents—have materialized. Even so, term limits have dramatically changed California's Legislature. Many veteran legislators and staff members regret Proposition 140's effects, which include a decline in the Legislature's research capacity. (The Legislative Analyst's Office, for example, lost a large portion of its staff, with the sharpest drop coming immediately in the wake of Proposition 140.) Even the measure's major proponent, former Los Angeles County Supervisor Pete Schabarum, recently voiced his discontent with the results. Coping with term limits will mean compensating for the problems that have arisen while recognizing the value of increased turnover and legislative diversity.

With this thought in mind, the authors make several recommendations about training, the budget process, and modifying term limits. As relatively inexperienced legislators take on greater responsibilities, training for new members and legislative staff plays a more critical role than ever. In particular, increased training in legislative oversight could improve the Legislature's performance in this area.

The authors also conclude that the Legislature could ensure more stability and responsibility in the budget process by:

- Holding more joint Senate-Assembly subcommittee hearings to work out agreements in specific funding areas.
- Giving these subcommittees specific funding targets to work within.
- Reporting proposals from each house's subcommittees under closed rules so that they are not easily changed in the budget conference committee. This former practice of "locking" budget items on which both houses agreed should be reinstated to make subcommittee hearings more consequential.
- Strengthening the Legislative Analyst's Office, giving it a larger role, and staffing it at previous levels.
- Making chairs of the budget subcommittees members of the final budget conference committee to ensure that agreements made early on are adhered to more closely in the final stages.

Finally, the authors suggest amending but not ending term limits. Instead of allowing legislators six years in the Assembly and eight in the Senate, a new provision could limit members to 14 years of total legislative service. This alteration would do little to erode the gains brought by Proposition 140 and would allow legislators who stay in one house to learn more about particular policy areas and committees. Experience levels for Assembly chairs and consultants, which have dropped to very low levels, would rebound. Assembly committees could also perform their gatekeeping function more proficiently. Crucially, Assembly leaders who chose not to run for the Senate would have more time to obtain expertise and lead their caucuses effectively, and the Legislature as a whole could be strengthened in its budget negotiations and oversight action. This change, the authors maintain, would make the houses more equal in experience and the branches more equal in power even as it ensured the turnover required by Proposition 140.

This research brief summarizes a report by Bruce E. Cain and Thad Kousser, Adapting to Term Limits: Recent Experiences and New Directions (2004, 126 pp., \$12.00, ISBN 1-58213-101-5). The report may be ordered by phone at (800) 232-5343 [U.S. mainland] or (415) 291-4400 [Canada, Hawaii, overseas]. A copy of the full text is also available on the Internet (www.ppic.org). The Public Policy Institute of California is a private, nonprofit organization dedicated to independent, objective, nonpartisan research on economic, social, and political issues affecting California.
