TESTING THE LIMIT:
TERM LIMITS AND THEIR UNINTENDED CONSEQUENCES

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The undersigned, appointed by the dean of the Graduate School, have examined the dissertation entitled

TESTING THE LIMIT: LEGISLATIVE TERM LIMITS AND THEIR UNINTENDED CONSEQUENCES

presented by Jordan Butcher,

a candidate for the degree of doctor of philosophy,

and hereby certify that, in their opinion, it is worthy of acceptance.

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Dedication

Thank you to my parents, Mike & Deana.

Thank you also to Cole and Wilson.

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Abstract

Term limits have been in place for over 20 years; we know that term limits matter, but not to what extent.Term limits vary widely across the states that have them, impacting the structure of legislative institutions and relations with other branches of government. This study is the first comparative study assessing differences across term-limited states using both individual and aggregate data. I present original datasets, as well as 101 interviews with state legislators to assess the long-term effects of term limits. This study reveals that while term limits have brought changes the institution has largely adapted to these changes.

Chapter1

Introduction: Term Limits & Their Many Theories

Legislative term limits have been consistently pursued since they first became popular in the 1990s. Each year a handful of states see new proposals for term limits. For example, in September 2019, the New York State Assembly saw a proposal for a four-year term limit (Rochester First 2019). This particular proposal offers the most stringent term limit to date. At the same time, the Unite for Term Limits organization began to collect signatures for a new proposal in Utah (The Salt Lake Tribune 2019). In March 2018, there was an attempt to pass term limits in the Alabama legislature (Associated Press 2018). Meanwhile in April of 2018, Missouri proposed a constitutional amendment to alter the structure of its preexisting term limits (Associated Press 2018). Even at the federal level politicians continue to advocate for congressional term limits. From President Trump to former Governor Rick Scott, term limits have seen a resurgence in popularity among politicians and citizens (White 2018).

Looking back in time, the arguments in favor of term limits were similar to current arguments. Term limits were first introduced to the public as a fix for politicians that had become too far removed from constituents. Professionalization had strengthened legislative capacity and their was greater incentive for legislators to serve longer. Term limits began to be pushed as a solution to the careerism caused by professionalization (Mooney 2007). Term limits were successful among the public because they promised to remove career politicians (Moncrief, Powell and Storey 2007). Current advocates for term limits say they are, "frustrated with politicians

and entrenched power brokers," (The Washington Post 2019). Others speak about the "abuse of power" from politicians (Rochester First 2019). Regardless of the state in question or the time of the proposal, term limits remain popular with the public and will continue to be debated for another 20 years.

As soon as term limits passed scholars were already noting their importance. Those who evaluated term limits concluded, "it is no overstatement to say that the term-limits movement. . . is emerging as one of the most important political developments in this nation in a very long time," (Crane and Pilon 1994, 1). As well as, "term limitation is undoubtedly the twentieth century's most popular institutional reform as evidenced by both election results and opinion polls"(Petracca 1994, 57). At the time, national polling showed between 75-80 percent support for term limits (Jacob 1994). Yet since the initial passage there has been little focus on how term limits have altered legislatures from a long-term perspective.

Alan Rosenthal summarized that with term limits, "the negative effects are barely perceptible to the naked eye...(and) the odds are that public support for term limits will not erode much" (2007, 222). Given that there continues to be far-reaching support for term limits, with new proposals on a regular basis, it is important to understand what has occurred in the states that have term limits. Rather than focusing on the positive or negative effects of term limits, this study evaluates the predicted institutional changes of term limits and the unintended consequences that came with their implementation.

Evaluating the long-term institutional changes of term limits reveals the stringency that they bring forth. Institutions are *sticky*, meaning they experience very little change throughout time. The authority of an institution remains with the office, not with the individual people who serve in that office. As such, that authority remains even though people come and go. From the rules to the staff, institutions are designed to withstand internal changes as people enter and exit. Term limits,

by altering the rules of service, changed the institutional structure of the state legislature. While term limits remain a popularly debated issue, the long-term consequences of these changes remain unexplored.

This project takes an in-depth look at legislative term limits and the changes they brought to state legislatures. Focusing on the long-term effects of term limits gives insight into legislative institutions and their invariable structure. Most states with term limits have had 20 years to reconcile this great institutional change. Now that states have had time to adjust to term limits their consequences can be assessed. This chapter introduces the public push for term limits while outlining the promises made by term limit advocates, as well as noting the early conclusions of term limit effects.

The Push & The Promise of Term Limits

Term limits were meant to remedy the growing fears that citizens had about selfish, disconnected politicians. Fears grew from the publicity around rampant corruption prevalent in states like Arizona and California. Various schemes and deals, including the AZscam, resulted in FBI raids and numerous prosecutions (Berman 2007*a*; Cain, Kousser and Kurtz 2007). Hearing this the consensus among the public was that legislators were bad and because of the strong incumbency advantage could not be voted out. Public opinion polls found that when thinking about politicians voters felt, "frustration... dissatisfaction... lack of confidence..." (Karp 1995, 374). Term limits were the solution. A solution so popular that more than 20 states passed initiatives in a span of four years.

Paul Jacob (1994, 22), former Director of U.S. Term Limits, proclaimed that "the American people want term limits for members of Congress, as well as for virtually every person serving in elective office." Part of Jacob's job was to push term limits and advocate for them across the states, a job which he did well. Jacob

stated (1994, 29), "people support term limits to accomplish two primary goals: (1) rejuvenate the election process and (2) restore a citizen legislature." The U.S. Term Limits organization was a key actor in the push for term limits.

Citizens feared their elected officials had become too disconnected from the *average* citizen experience (Jacob 1994). The lack of public support for Congress and state legislatures, made it easier for term limits to be successful as a reform (Mann 1994, 1992). Advocates of term limits presented the reform as a way to save state governments from corruption, as well as an avenue to refresh policy. The frustration with elected officials was channeled into overwhelming public support for term limits.

The most obvious intent of term limits was to remove legislators from office. This removal and increasing turnover would bring additional changes to the legislature. For many, "term limits provide[d] the means of reforming the system, thereby altering the character of representation" (Karp 1995, 374). As Thomas Mann (1994, 84) said, "the crux of term limits is a rejection of professionalism in politics—or legislative careerism." The push of term limits revolved around legislative careers, as did the support. In sum, careers were considered the "linchpin" for term limits (Mann 1994, 88). Term limits would have the ability to generate turnover, increase diversity, and help the minority party.

Proponents of term limits argued that the turnover would push out difficult to beat incumbents and would increase electoral competition (Cain 1996; Gerber and Lupia 1996; Grofman and Sutherland 1996; Mann 1992). By removing incumbents credible challengers would come forward and run for office (Coyne and Fund 1992). As a result, elections would be more balanced between challengers and incumbents (Mann 1994). Ultimately, by implementing term limits stronger challengers would compete for office and their would be greater electoral competition.

Advocates promised that the make-up of the legislature would change and there

would be new types of members serving. By removing the incumbent white, male legislators there would be seats available for women and minorities. Under term limits, the legislature would be more diverse (Cain and Kousser 2004; Will 1992). Legislators were also going to be younger, advocates argued, these new members would seek out more modern policies (Cain and Kousser 2004). These newer, younger members would be more accountable to their constituents because they have not had a chance to become careerist politicians (Mann 1994).

Term limits would also help state government as a whole, the increased turnover would discourage the corruption that citizens feared. By pushing out senior members the iron triangle could be dismantled because the relationship between legislators, interest groups, and the bureaucracy would be less stable (Kristol 1993; Polsby 1993). It was also hypothesized that institutional changes brought by term limits would make legislatures, like Congress, more efficient and members would become more productive (Mann 1994).

There were unspoken partisan motivations for term limits as well. Mann (1992, 23) wrote, "we are in the midst of a national campaign to limit legislative terms not because the public is in an open revolt against a rigged electoral system but because the intense ideological and partisan battles of our time have been moved to a new venue." At the time, term limits were supported by the Republican party because Democrats had a strong majority in both Congress and state legislatures (Hall 2014; Carey, Niemi and Powell 1998). In fact, the majority of term limit supporters were Republicans (Polsby 1993). Term limits were supported at the Republican conventions in 1998 and 1992 (Fett and Ponder 1993). In 1994, Republican congressional candidates implemented informal term limits on themselves through the *Contract with America* (Powell 2008, 33).

In theory, term limits would help the underrepresented party (Gilmour and Rothstein 1996; Karp 1995; Mann 1994). Term limits would remove long seated

politicians of one party and allow the minority party to step in and gain a majority. In the case of Maine, term limits were supported by Republican legislators because of the long-standing Democratic control (Moen, Palmer and Powell 2005). Term limits would effectively diminish the long-standing partisan majority and level the playing field, resulting in a less partisan legislature.

"Term limits are an expression of the public's distrust of power," (Farmer and Green 2007, 13). Term limits promised to bring many positive changes to the legislature, there would be more diversity, competitive elections, and parties would become more equal. Many began to question the promises that proponents had made. After term limits began in Michigan, former Governor John Engler was concerned that the effects of term limits were "oversold" (Penning 2003, 44). Becky Cain (1994, 45) argued that term limits were nothing more than a "smokescreen" attempting to hide larger problems with government. Moreover, advocates largely ignored the potential changes that would occur at the institutional level (Powell and Jones 2007). While some early studies concluded that there were few evident changes, it was not clear what good term limits had brought, if any (Straayer 2003). Not only were these promises left unfulfilled, there were many unintended consequences of term limits. Advocates, focused on turnover, failed to account for the dynamic and demanding job that is serving in the legislature.

Since these promises were made, there have been studies of term limits looking at their effects right before implementation and immediately after. The research on term limits came in two distinct waves (see Mooney 2009). First, there was the anticipatory phase where scholars explored the validity of the promises that advocates had made before term limits were actually implemented. Second, there was the transitional phase, which focused on examining how legislatures dealt with term limits as members were quickly being removed from office. These works began to uncover the false promises made by term limit advocates and explored many new

theories.

Anticipatory Phase

The sudden popularity of term limits lead to a surge in research. Before term limits were implemented, scholars began to anticipate how term limits would function as they went into effect. This anticipatory phase predicted how term limits would alter the legislature from the rate of turnover to how interest groups would be able to usurp legislative power. Research during this phase was predictive in nature. These early studies observed legislatures without term limits in hopes of predicting what would change in the states if term limits went into effect. The results from the research during this time are inconsistent and are lacking empirically. These anticipatory theories, however, set the foundation for term limit research moving forward by setting an agenda that is still worth pursuing today.

During this phase there were two ways that term limits would alter state legislatures: first, individual careers would change, second, the institutional structure would change (Cohen and Spitzer 1996; Benjamin and Malbin 1992). The most obvious outcome of term limits was that members' careers would be altered. With less tenure security, members would be less focused on constituents and therefore less responsive (Cohen and Spitzer 1996; Glazer and Wattenberg 1996). Additionally, many found the promises of increased electoral competition were not guaranteed (Gerber and Lupia 1996; Grofman and Sutherland 1996; Coyne and Fund 1992). In regards to the institutional structure, one argument was that institutional factors, such as professionalization, would mitigate the effects of term limits (Cain 1996; Capell 1996). There would also be less time for legislation, opening the doors up to the executive branch and interest groups (Cain 1996; Capell 1996; Cohen and Spitzer 1996).

Overall, there was a great deal of skepticism for how term limits would actu-

ally play out. There was a need for more time and data in order to understand how term limits would alter the legislature (Greene 1995). Greene (1995, 719) concluded his study of term limits by saying, "until we can collect this type of data, responsible social scientists should probably admit that we really don't know what term limits would do to the U.S. Congress or the country." He continued, "because we have so little experience with term limits, they may have unanticipated consequences far more severe than altering the percentages of parties and minorities."

Studies in anticipation of term limits had five important predictions for how term limits would play out in reference to careers, legislative organization, and executive relations. These five predictions were:

1. Term limits would decrease career ambitions among legislators (Bowser et al. 2003; Farmer, Jr. and Green 2003; Moncrief et al. 1996; Penning 1996).

2. Those in leadership would have less authority under term limits (Rosenthal 1992).

3. Committees would not know how to perform their job (Peery and Little 2003).

4. Governors would gain power lost by the legislature (Malbin and Benjamin 1992).

5. Legislatures would have decreased capacity to monitor agencies (Carey, Niemi and Powell 2000; Capell 1996; Malbin and Benjamin 1992).

Two key takeaways from the anticipatory period are: (1) the influence of term limits depends on the legislature, and (2) influence will depend on the severity of the limit (Cain 1996; Rosenthal 1981). Overall, while the results are inconsistent, there was a fear that legislatures would be weakened, at the benefit of other government actors. Specifically, the executive branch and state bureaucrats would pick up greater legislative power (Cain 1996; Capell 1996; Cohen and Spitzer 1996). These

noted theories are what scholars began to look for as term limits went into effect in the states.

Transitional Phase

The transitional phase evaluated the initial changes that occurred once a state began to implement term limits. This phase covers the transition of the legislature from no restrictions to sudden, severe restrictions. Scholars picked up right where anticipatory studies left off. There were several studies from this period that refuted the predictions made during the anticipatory period (Mooney 2009). In other ways, the increased scholarship began to uncover new theories about how term limits would affect legislators and how the long-term effects would play out.

The transitional phase can be thought of as an adjustment period for the legislature. The greatest problem during this phase was the continued lack of data. As a result, most research focused on either one state across one or two sessions, or one year across a few states. Scholarship focused not on what changes would occur, but instead examined the effects of changes predicted in the anticipatory phase.

Scholars began to explore how this increased turnover would alter legislative behavior and influence the entire legislature. Term limits, by removing legislators, remove the expertise necessary for policymaking (Bowser and Moncrief 2007; Cain and Wright 2007; Sarbaugh-Thompson et al. 2004). As a result, members spend less time on policy creation and deliberation (Kousser and Straayer 2007). Supporters believed that lawmakers would be different because term limits would not attract ambitious candidates (Farmer, Rausch and Green 2003). A study of the Colorado legislature did not find support for this claim (Straayer 2003, 74).

Term limits did not appear to uphold their promise of diversifying legislatures. In fact, the few instances of increased diversity were likely a result of nationwide change (Cain and Wright 2007; Cain and Kousser 2004; Sarbaugh-Thompson et al.

2004; Penning 2003; Clucas 2003). In some instances, the number of women and minorities serving actually decreased because female and minority incumbents were being forced from office (Berman 2007*a*; Moen, Palmer and Powell 2005). In reference to career and behavioral changes, there was one overarching theory—term-limited legislators were becoming more, not less, ambitious. Lawmakers began to focus on long term career goals, in anticipation of seeking higher office (Berman 2007*b*; Powell, Niemi and Smith 2007).

The initial impact of term limits was small; yet the institution was already being weakened (Carey, Niemi and Powell 2000). Term limits changed how leaders were selected, and inexperienced members were quickly accelerated to high-ranking positions (Little and Farmer 2007; Penning 2003). Legislators spent less time developing legislation, giving greater legislative power to bureaucrats and the executive branch (Kousser and Straayer 2007). The scholarship from this era continued to explore careers, legislative organization, and executive relations to find:

1. Term limits increase political ambition (Moncrief, Powell and Storey 2007; Mooney 2007; Powell 2003).

2. Leaders have less control over members and legislation (Berman 2007*a*; Farmer and Green 2007; Mooney, Wood and Wright 2007).

3. Committee members do not have legislative expertise (Cain and Wright 2007; Kousser and Straayer 2007).

4. Governors have gained power relative to the legislature (Baker and Hedge 2013; Bowser and Moncrief 2007; Farmer and Green 2007).

5. Legislative oversight has decreased (Nicholson-Crotty and Miller 2011).

Some reached the conclusion that the effects would vary by limit type (Little and Farmer 2007; Farmer, Rausch and Green 2003). In fact, "the impact of term

limits is not a one-size-fits all phenomenon" (Smith 2007, 187). It was theorized that strict limits would likely have the greatest impact on the legislature (Penning 2003). Additionally, the distinction between the lifetime and consecutive bans on service would likely be important distinctions (Farmer, Rausch and Green 2003). One study of term limits, two years after implementation, stated that "the ultimate effects of term limits will depend on how participants in the legislative process adapt to the new environment" (Farmer, Rausch and Green 2003, 1). The differences that exist between the different types of term limits remain unexplored.

The last, and perhaps most important, conclusion from the transitional period was that some states appeared to be adapting. For example, in Ohio it appeared that "all the actors in and around the legislature adjust their actions to the environmental constraints" (Farmer and Little 2007, 44). Even with the developments made from the transitional period there was a lack of clarity over the long-term effects. Farmer and Green (2007) concluded that term limits were still in the early stages, more time and more data would be needed before any determinations could be made.

Reaching Equilibrium

Most term-limited states have now reached equilibrium, meaning the institution is no longer adjusting to the changes brought on by term limits but has arrived at a new status quo. Most, but not all, term-limited states have reached a point of equilibrium, but research is largely limited to the anticipatory and transitional phases. During the time it took to reach equilibrium research on term limits slowed. As a result, much of the current understanding of term limits and their effects are based on older studies and changes that may not have lasted.

Studies of term-limited legislatures have been inconclusive. To this point, few studies have emphasized the comparative nature of the states and the variation in

term limit types. Multiple legislative cohorts have cycled through the term-limited states and the initial effects have settled. Unfortunately, work focused on term limits has receded when it should be increasing. Now is the prime time to assess earlier theories of term limits to better understand what long term effects, if any, exist.

During the anticipatory phase scholars identified areas for potential change in legislative behavioral and the institution. During the transitional phase the focus was on the effects of behavioral and institutional changes. The anticipatory and transitional phases predicted term limits alter three different areas. First, legislator's careers would change and they would begin to view their jobs differently. Second, there would be institutional shifts resulting in changes to legislative organization, particularly to leadership and committees. Finally, the shift to the legislature would result in a changing relationship between the executive and legislative branches. Table 1.1 outlines the specific theories for each phase of term limits. Each of these theories will be discussed in full by chapter.

Table 1.1: The Many Theories of Term Limits

Chapters	**Anticipatory Theory**	**Transitional Theory**	**Equilibrium**
Careerism	↓ Careerism	↑ Careerism	?
Leadership	↓ Role of Leaders	↓ Legislative Control	?
Committees	↓ Knowledge of Committees	↓ Legislative Expertise	?
Governors	↑ Increase Governor Power	↑ Increase Governor Power Legislature = Governor	?
Agencies	↓ Legislative Capacity	↓ Oversight	?

Chapter 2 presents an overview of the term-limited states and their differences. This chapter outlines the different types of term limits, as well as how the states got their term limits. In the second half of the chapter is an in-depth discussion of the data used in this study. This chapter is a key reference point for both understanding term limits and an in-depth data explanation.

In chapter 3, I explore legislative careers and test theories of political ambition by assessing the career paths of term-limited legislators. In line with Schlesinger (1966), there are three pathways a legislator can choose: discrete, static, or progressive. Term limits, however, create new pathways within each type of ambition. Overall, while members of term-limited legislatures are more progressively ambitious than legislators from states without term limits, the different pathways that a member chooses to follow are based on legislative incentives and term limit stringency. Much of the research on term limits has been dedicated to understanding how careers have changed, I illustrate that term limit proponents oversold the promise of a citizen legislature.

Following that, I assess two key institutional roles: leadership and committees. Chapter 4 examines the role of leaders in state legislatures to see what has changed under term limits. Scholars predicted that the increased turnover and lack of experience would diminish the role of leaders in term-limited states. This particular theory has some merit, but only in part. Only in certain cases has the role of the leader diminished. In most states with term limits, the speaker and majority leader have taken on a great deal of power, because they tend to have the most experience.

In chapter 5 I focus on the role of committees in the legislative process. Early scholars expressed concerns that committees, due to time and lack of experience, would no longer be able to deliberate and process legislation efficiently. I examine the length of time it takes legislation to pass to better understand the deliberation process. Now that states have reached a point of equilibrium, committees have found a new system and way to deal with legislation.

Turning from legislative organization, chapters 6 and 7 look at the executive branch. In chapter 6 I look at the use of the governor's item veto over budgets, and subsequent legislative overrides. I present a formal model based on the two types of

budget processes that occur in the states, governor controlled budgets and shared control. Following the model, there is an evaluation of the number of executive budget vetoes and legislative overrides in the states.

In chapter 7 I look at the changing relationship between legislatures and agencies. Specifically, the decreased monitoring of state agencies and the increased reliance on agencies for information. I rely on interviews from state legislators and how they view their own relationship with state agencies. Under equilibrium, legislators appear to rely heavily on bureaucrats without trusting them fully.

The point of equilibrium is when states have found their *new normal*. The legislators who served before term limits were implemented are now gone current members come in knowing their time is limited. As a result, the legislature must adapt. The extent to which careers, legislative organization, and separation of powers are influenced will be dependent on the preexisting legislative structure and the stringency of the term limit. Term limits will not overrule preexisting institutional structures in all cases. Each legislature is a separate entity with its own rules, norms, and history. Some legislatures will be better equipped to withstand some of the effects of term limits, others will not. Moreover, some term limits will not be strict enough to bring much change to the legislature.

In testing the various effects of term limits the unintended consequences are brought to light. This analysis gives insight into the lasting effects of term limits versus the initial implementation effects that have long been the center of scholarship. This examination emphasizes the variation among the states and how the characteristics of the legislature can alter the effects of term limits. This work is meant to provide a more in-depth look at how term limits look once they have stabilized. Understanding what occurs in term-limited legislatures can help to better inform governments, legislators, and citizens alike. This research attempts to present a balanced, unbiased view of term limits by simply testing preexisting theo-

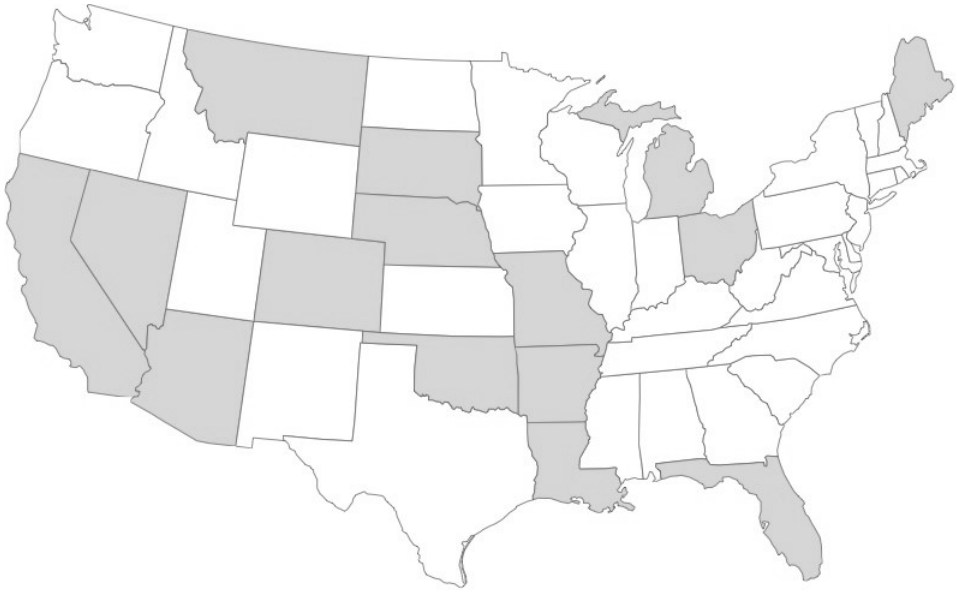
ries of term limits to see if they hold up in the long-term.

Chapter2

The Term-Limited States

Term limits rose to popularity in the early 1990s, at the time, there were 41 states considering term limit legislation (Mooney 2009). Ultimately, only 20 of those states adopted term limits. Since their passage, some states have removed term limits, while others have made changes to their limits. Today, there are 15 states that still have term limits in place for their legislature, see Figure 2.1. States that have term limits are all different, aside from the type of term limit, each legislature institutes different rules and standards. The institutional differences among the legislatures can affect how much influence term limits have on members. In this chapter I provide a brief overview of each term-limited legislature and the data that are used in this study.

Figure 2.1: The 15 Term-Limited States



In addition to the 15 states that currently have term limits, there were six other

states that had enacted similar legislation. Massachusetts, Oregon, Washington, and Wyoming all passed term limits in the early 1990s. In these four states the State Supreme Court tossed out term limits on technical grounds. In the other two states, Idaho and Utah, term limits were repealed by the legislature.

In the states that kept term limits, they are not only guidelines for service, but have constitutional standing. Within a state's constitution, term limits are labeled as either an electoral *qualification* or a *restriction* from running. For example, Florida legislators who serve eight consecutive years are disqualified from seeking reelection.[1] In Nevada, term limitations are described as a part of the qualifications for office, i.e. a member is only qualified to run for office if they have not yet termed out.[2]

Early studies were focused on the initial effects of term limits and tended to be singular case studies. Table 2.1 provides examples of some of these case studies. In this table there are 16 different studies about eight individual states.While these case studies increase knowledge about term limits in some of the states, nearly half of the states have received far less attention. These studies provide the building blocks for understanding the potential changes brought by term limits within each individual legislature. These early studies reveal some of the initial changes that occurred within the legislature. The question that remains is, are the changes observed in the case studies attributed to term limits or are they natural shifts that other legislatures underwent?

Term limits have long been treated as binary, they do or do not exist. This study brings to light the differences that exist among the types of term limits and why those differences matter. In all other regards, states are treated as being on a spectrum, as different from each other. This comparative analysis, focused on the differences, sheds light on the different misunderstandings of term limit implica-

[1]Constitution of the State of Florida, Article 6, 4

[2]Nevada Constitution, Article 4, 3-4

Table 2.1: Examples of Single-State Case Studies on Term Limits

State	Prior Research
Arizona	Berman (2007*a*)
Arkansas	English and Weberg (2007)
California	Cain, Kousser and Kurtz (2007); Masket and Lewis (2007)
	Cain and Kousser (2004); Clucas (2003); Capell (1996)
Colorado	Straayer (2007, 2003)
Maine	Powell and Jones (2007); Moen, Palmer and Powell (2005)
	Moen and Palmer (2003)
Michigan	Sarbaugh-Thompson and Thompson (2017)
	Sarbaugh-Thompson et al. (2004); Penning (2003)
Ohio	Farmer and Little (2007)
Oklahoma	Farmer (2007*b*)

tions. This study emphasizes how each type of limit shapes the legislature differently and, as a result, how the implications are felt to different extents.

The four types of term limits can be seen in Figure 2.2. There are two distinctions that can be made—(1) a limit is either unified or divided, (2) a limit has a lifetime or consecutive ban. The difference between unified and divided limits is how the years are counted. Under a unified limit, members are given a set number of years and they can choose to divide these years between chamber or spend them all in one. Under divided limits, members are given a set number of years for each chamber. Members can serve only the set number of years for that chamber, they cannot be counted for the other chamber. Second, limits have either a lifetime or a consecutive ban. The bans place restrictions on the continuation of service. Members, under a lifetime ban, can never return to office once they have termed out. A consecutive ban indicates that members can serve the set number of consecutive years, then they must leave, but they may later seek reelection.

These seemingly simple differences that exist among types of term limits carry great consequences. While the key difference between unified and divided limits is in how the years are counted, the implications extend far beyond that. Members behave differently when they can decide where they can spend their time and

Figure 2.2: Different Types of Term Limits

	Lifetime	Consecutive
Unified Year Limit	CA (12), OK (12), AR (16)	NE (8)
Divided Between Houses	MI (6/8), MO (8/8), NV(12/12)	AZ, CO, FL, ME, MT, OH, SD (8/8) LA (12/12)

Note: Years are (House/Senate) in divided states

for how long. Moreover, when they are faced with set restrictions in each legislative chamber they can plan how to best use their time, knowing there is more time available in the next chamber.

The difference between the consecutive and lifetime bans is more evident. Members serving under lifetime bans cannot return to the legislature forcing them to learn and legislate at an accelerated pace. Those who serve under consecutive bans have more time and are thus able to gain more legislative experience. The ability to return gives the member more flexibility and control over their career. The differences in the types of limits may seem inconsequential but they carry implications for how well the legislature will adapt.

With different legislative structures and term limit types the effects of term limits will vary among the states. Not all legislatures with term limits will feel changes to the same extent. Not all types of term limits are as effective at limiting careerism and legislative experience. Lax limits, like the divided/consecutive limit, are less likely to see changes to committee capacity. Whereas, stricter limits are more likely to experience changes to the legislative process.

The institutional structure before term limits—the reliance on leaders and committees—

is an indication of how much influence term limits have on the legislature (Little and Farmer 2007). Specifically, those legislatures that relied a great deal on having experienced members would be most affected by the removal of those members. States with lax limits would experience different changes than those with greater restrictions (Sarbaugh-Thompson and Thompson 2017; Little and Farmer 2007). Even when two states have the same type of term limit they will not be influenced in the same way because of their different institutional structures, such as professionalization and career opportunities.

Term limit influence will vary by level of legislative professionalization. Recall from the introduction, term limits were passed as a way for citizens to retract professionalization reforms. Legislative professionalization is a measurement of time spent in session, member salary, and staff support (Squire 1992*b*). A more professional legislature has greater staff support, pays their members better, and is in session longer. The changes brought by professionalization strengthened the legislature but also lead many members to serve longer. Citizens pushed for term limits because they were unhappy with their professionalized legislatures and long-serving incumbents (Farmer and Green 2007; Mooney 2007; Moen, Palmer and Powell 2005). Given that professionalization was the target, the consequences of term limits vary by level of professionalization. Although, term limits do not directly influence the individual components of professionalization, there is an evident connection to experience (Mooney 2007).

Given the way that a professional legislature functions, the changes brought by term limits are going to be more evident in states with a professional legislature (Farmer and Green 2007). The changes that occur in less professional states will be different than other states, because of the direct connection between less professional citizen legislatures and term limits (Farmer and Green 2007; Mooney 2007). Term limits were intended to be a counterbalance to professionalization, but some

of the states that have term limits had not become professionalized—term limits were undoing something that had not come into existence (Smith 2007). Given the added variation in institutional structures, term limits need to be assessed in combination with a state's level of professionalization (Farmer and Green 2007; Kurtz, Cain and Niemi 2007).

Another measure of institutional ability is a state's career opportunity structure. Career opportunity structure has an influence on how legislators act and works as an incentive to continue serving in office (Squire 1992*a*). Each legislature has a different career opportunity score indicating if service in that legislature is a dead end, career, or a springboard position (Squire 1988). The specific measurement of career opportunities is based on the advancement potential of legislators who serve in the lower chamber of the state legislature (Squire and Moncrief 2010).[3] Term limits were framed around legislative careerism and the distrust of incumbents (Mann 1994). Given the importance of careers to the term limit debate, it is necessary to understand how the legislature's career trajectories interact with term limits.

In this chapter, I provide an overview of the 15 term-limited states, emphasizing the 12 that are that are used in this study. I incorporate five states without term limits as a control. In addition to term limit type, there are notes about legislative professionalization (Squire 1992*b*), and career opportunity structures (Squire 1988). These are the two most notable measurements of state legislative institutions and help further current understandings of term limit influence. The following overview is meant to illustrate the differences between the term-limited states and show that each state will have different experiences with term limits based on term limit type and the pre-existing legislative structure.

[3]The advancement opportunity score is "the product of the ratio of higher seats to lower house seats and the percentage of higher seats held by former lower house members" (Squire and Moncrief 2010, 110).

Unified/Lifetime Limits

There are three states that impose unified/lifetime term limits. California, Oklahoma, and Arkansas all set a singular limit on legislative service. Legislators are not permitted to return once they have termed out of office. Each of these three states has a different institutional structure, which can enhance or hinder the role of term limits. Unified/lifetime limits are considered to be more strict, allowing for less time in total service than divided limits. Additionally, the lifetime restriction harms the ability of members to serve because they are not allowed to return.

Oklahoma

Oklahoma was also one of the first three states to pass term limits in 1990.[4] Former State Senator Gene Stipe has been pointed to as the cause for term limits in Oklahoma. Gene Stipe began serving in the Oklahoma state house in 1948, he then moved to the senate in 1956 [5]. Stipe held his seat until 2003, making him the longest serving state representative in the United States at the time. In 2003, Stipe faced federal charges for illegally funneling money into a congressional campaign, Stipe chose to resign his seat, he was again indicted in 2007.[6] The end of Stipe's career was plagued with scandal, and while he may have been one reason Oklahoman's desired term limits he never faced them.

Oklahoma instituted a unified 12 year limit with a lifetime ban. A member in Oklahoma can serve in either chamber for up to 12 years. Having a single limit gives members the ability to choose how they divide their time between chambers. A legislator is not permitted to serve in the chamber beyond 12 years, and after terming out legislators are not allowed to return. Members who serve in the Oklahoma legislature have limited advancement prospects and a lower level of professionalization. With fewer opportunities for advancement it is more likely that

[4] Constitution of the State of Oklahoma, V-17A

[5] *Former Oklahoma state senator Gene Stipe dies at 85*, NewsOK 2012

[6] *Former state senator Gene Stipe pleads 'guilty' in federal court*, Associated Press 2003.

members will stay in the state legislature longer.

California

California has the same type of term limit as Oklahoma, and was one of the first states to pass term limits. California originally had a strict limit allowing for only six years in the House, eight in the Senate, and a lifetime ban (Carey, Niemi and Powell 2000). Term limit support in California was largely a result of the power of the Speaker of the House, Willie Brown, and an FBI corruption sting (Cain, Kousser and Kurtz 2007; Clucas 2003). The original proposition narrowly passed and began removing members in 1996 (Cain, Kousser and Kurtz 2007). After the passage of Proposition 28 in 2012, California changed their term limit to a unified 12 year limit and retained the lifetime ban.[7] Due to the recent changes in California's term limit law this state is not included in this study because not enough time has passed to understand the long-term effects of the current limit.

Arkansas

Arkansas has also seen changes to its type of term limit, making it a poor fit for this study. Arkansas, first passed term limits in 1992, but changed them in 2014. Arkansas originally had a strict limit of 6 years in the House and 8 in the Senate with a lifetime ban (Carey, Niemi and Powell 2000). Arkansas now has a unified limit of 16 years, but the lifetime ban remains. Term limits nearly appeared on the ballot again in 2018. It is unclear if observed changes would be a result of the prior term limit, or the new term limit, as a result Arkansas is not included in this study.

Divided/Lifetime Limits

There are three states with divided/lifetime limits. Each state with this type of limit has different year restrictions in place. For example, Michigan has one of the shortest limits allowing members only 14 years. Nevada, however, has one of the

[7] Constitution of California, Article 4, 2

longest limits allowing for a total of 24 years. While Michigan and Nevada have the same type of term limit restrictions, the varying lengths have different effects on the legislature.

Michigan

Michigan passed their divided/consecutive term limit in 1992.[8] Michigan's strict lower chamber limit of six years went into effect in 1998. A member can serve only three terms (two years each) in the lower chamber, giving legislators only four years in office before they are labeled a *lame duck* (Sarbaugh-Thompson and Thompson 2017; Sarbaugh-Thompson et al. 2004). Michigan's upper chamber, restricted to eight years, began terming people from office in 2002. This brings the total length of service in Michigan to 14 years.

Michigan legislators have more career opportunities beyond the state legislature, but they also have greater incentive to serve. Michigan is one of the more professional state legislatures, members are well paid and have staff support (Sarbaugh-Thompson and Thompson 2017; Squire 2017). Benefits such as these make it more lucrative for members to stay in the legislature where their position is more secure. For those that are more ambitious, Michigan does provide more career opportunities beyond the legislature.

Missouri

Missouri passed term limits in 1992 and they went into effect in 2002.[9] In Missouri, no one—elected or appointed—can serve more than eight years in each chamber, 16 total. In Missouri, because of the lifetime ban, once a legislator has served eight years in either chamber they can never return to office. Members who serve in Missouri have the benefit of personal staff to help with the workload, which makes it more enticing for members to serve in the legislature. Due to the limited career opportunities beyond the legislature, members are more likely to serve until they

[8]Constitution of the State of Michigan of 1963, Article 4, 54

[9]Missouri Constitution, Article 3, 8

fulfill their term limit.

The push for term limits in Missouri began in 1990. Constituents were concerned that the state government was overrun by incumbents and special interests (Richardson, Valentine and Daily Stokes 2005). One supporter stated, "people don't like elites, and they look at [legislators] like they are elite" (Richardson, Valentine and Daily Stokes 2005, 178).[10] In Missouri, term limits came down to a battle of the numbers. Supporters raised nearly three-hundred thousand dollars, those in the opposition raised just over ten thousand (Richardson, Valentine and Daily Stokes 2005, 178). In the 1992 election voters passed term limits with 75 percent approval (Richardson, Valentine and Daily Stokes 2005).

Nevada

Nevada is the most recent state to implement term limits, with the first cohort terming out in 2010. Nevada's relationship with term limits began in 1994 when there were two types of term limit proposals on the ballot (Stewart 2006). Before the limits could be implemented there was a series of different court cases that restricted the ballot in 1996 (Stewart 2006). After much debate Nevada implemented a 12 year limit. Not enough time has passed to evaluate the effects of term limits in Nevada. As a result, Nevada is not included in this study.

Unified/Consecutive Limits

Nebraska

Nebraska, being unicameral, has its own version of a unified term limit. After much contention, Nebraska passed term limits in 2000, and termed members out in 2006.[11] Members of the Nebraska unicameral are allowed to serve up to eight years. After sitting out for one election cycle (four years), members are allowed to return. There are few opportunities to serve beyond the legislature so it is more common

[10]Original Source: Greg Upchurch. Quoted in Will Sentell, *Kansas City Star*, August 25,1992.
[11]Nebraska Constitution, Article 3, 8.

for members to fulfill their allotted terms.

In Nebraska, the call for term limits was directed to two men who were serving in Nebraska at the time (Interview Notes). One of those men is Ernie Chambers, who is the longest serving legislator in Nebraska's history. There are some who cite the push for term limits as being racially motivated, as Senator Chambers was the only black legislator for a long period of time (Interview Notes). Chambers began serving in 1971, his first term expired in 2009 after term limits were implemented. However, the consecutive term limit allowed Chambers to return in 2013 and remains a strong figure in the legislature to this day.

Divided/Consecutive Limits

The most common type of term limit is the divided/consecutive limit. There are eight states that have this limit, seven states restrict members to eight years in each chamber. Louisiana, however, allows for 12 years in each chamber. While this is the most common type of limit, each state is structured differently and passed term limits for different reasons.

Arizona

In 1991, Arizona legislators nearly imposed term limits on themselves but the proposal ultimately failed. The rising support for term limits among the public came after the infamous AzScam where seven legislators were indicted for bribery by an undercover FBI agent posing as a lobbyist (Berman 2007*a*). After the failed attempt to push term limits in 1991, the Arizona Coalition for Limited Terms (ACLT) pushed for term limits in 1992, which subsequently passed with 74 percent of the vote (Berman 2007*a*).

Arizona's term limits went into effect in 2000, members can serve four consecutive terms in each chamber, or a total of eight years in each chamber.[12] Members

[12] Arizona Constitution, Article 4, Part 2, 21.

may return after sitting out one full term (two years). Arizona is one of the smaller state legislatures with only 90 members. This smaller size makes it easier to advance to higher office because their are fewer qualified candidates. Arizona is also more professional, which makes it more enticing for members to stay in office for as long as they can.

Colorado

Colorado was one of the first states to pass term limits, passing in 1990 and implementing in 1998.[13] The Colorado Term Limits Commission (CTLC) explicitly said it was their mission to make Colorado a citizen legislature (Straayer 2007). The initiative in Colorado passed with 71 percent approval and included limits for the "governor, lieutenant governor, secretary of state, attorney general and treasurer" (Straayer 2003, 61). The move was so popular that in 1994 term limits were extended to all locally elected officials as well (Straayer 2007).

In Colorado, legislators can serve no more than eight consecutive years in each chamber. Additionally, if a legislator has, for any reason, served only half a term that is counted as a full term. Colorado is a more professional state so members desire to serve longer. Colorado also presents more career opportunities beyond the state legislature, so ambitious members move from the legislature to other higher offices.

Florida

Florida passed term limits in 1992 and they went into effect in 2000.[14] Term limits passed with 77 percent approval after numerous attempts to avoid placing the term limit proposal on the ballot (Prier and Wagner 2009; Schraufnagel and Halperin 2006). Florida citizens were upset with their unresponsive legislators (Prier and Wagner 2009). Florida voters liked the idea that term limits would reinvigorate the electoral process, they were particularly keen on the idea that there would be

[13]Constitution of the State of Colorado, Article 5, 3
[14]Constitution of the State of Florida, Article 6, 4

more electoral competition (Schraufnagel and Halperin 2006).

In Florida, members cannot run for reelection if they have served for eight consecutive years. This is the rule for each chamber, allowing for a total of 16 years of service. Florida, like Colorado, is more professionalized and provides personal staff. Members of the Florida legislature also have greater opportunities to serve beyond the legislature and are unlikely to return to the legislature once they have termed out.

Maine

The push for term limits in Maine evolved from changes that began to occur in the 1950s (Moen, Palmer and Powell 2005). Citizens embraced term limits because they were unhappy with the way the state had changed, many voters thought the legislature was disconnected with the public (Moen, Palmer and Powell 2005). In fact, *The Ellsworth American*, a local paper, wrote, "There is a crisis in Maine government... [with] the sitting legislature... [being] an example of how far removed politicians are getting from grass roots concerns of their constituents" (Moen, Palmer and Powell 2005, 35).[15] The push in 1993 was a result of three events: first, a budget crisis in 1991; second, a scandal in 1993 with House Speaker John Martin; third, the increasing cost of the legislature (Moen, Palmer and Powell 2005; Moen and Palmer 2003).

In 1992 the citizens of Maine pushed an initiative for term limits, which the legislature was supposed to debate in 1993. However, the legislature passed term limits on the leadership as a way of avoiding the original petition (Moen, Palmer and Powell 2005). While there were additional proposals in 1979, 1983, 1989, and 1991, the "Term Limitation Act" finally passed in 1993 by nearly 68 percent (Moen, Palmer and Powell 2005, 42). Maine is the one state that retroactively implemented term limits, which sped up the process of forced removal (Moen and Palmer 2003). Term

[15]Original source: Brown 1991, "A Crisis in Government." *The Ellsworth American.* 17 October.

limits went into effect in 1996, state senators and representatives can serve no more than four consecutive terms, eight years in each chamber [16]

Montana

Montana adopted term limits in 1992 and implemented them in 2000.[17] In Montana, members are not permitted to serve eight or more years in a 16 year period as a state representative or senator. In other words, a member can serve eight years in one chamber, upon being termed out they cannot return for another eight years. This practice applies for both chambers. This restriction may seem odd, but it does allow for continued service. For example, a member can serve eight years in the lower chamber and then move to serve eight in the upper. By the time service in the upper chamber is complete, the member can then return to the lower chamber. Montana is not considered to be a professional legislature, but members do have increased opportunities to advance beyond the state legislature.[18] With a lack of incentive to stay in the state legislature, ambitious politicians are more likely to leave before their term is up and advance to higher office.

Ohio

Ohio was one of the first states to make moves toward professionalization in the 1970s. As a result, Ohio quickly became one of the most professional legislatures. In direct contrast of professionalization there was a move in 1992 toward term limits (Farmer and Little 2007). Foreseeing the implementation of term limits, as soon as the proposal went on the ballot legislators pushed Speaker Riffe to put forth a better option for term limits. Speaker Riffe would not propose an alternative. Meanwhile, legislators were concerned that term limits would increase the power of executives and bureaucrats. With no alternative, Ohio passed term limits with nearly 70 percent of the vote and implemented them in 2000 (Farmer and Little

[16]Me. Rev. Stat. Ann., Tit. 21-A, 553.
[17]Constitution of the State of Montana, Article 4, 8.
[18]See Squire 2017.

2007, 44).[19]

In Ohio legislators cannot serve more than eight consecutive years in either chamber. After terming out, members are allowed to return after one election. Ohio is highly professionalized and offers better career advancement opportunities. Other opportunities can drive members to seek higher office, but the internal incentives create the desire for members to stay in the state legislature.

South Dakota

South Dakota adopted term limits in 1992 and implemented them in 2000.[20] Term limits passed with 63 percent approval, which is lower than some other states (*South Dakota's term limit laws under question* 2010). In 2008, a term limit repeal went on the ballot and 76 percent of voters opposed it (*South Dakota's term limit laws under question* 2010). Institutionally, South Dakota is different from other divided/consecutive states. South Dakota is not professionalized, nor does it provide career opportunities outside of the legislature.[21] If theories of institutional structures are correct, South Dakota with term limits should not operate all that different from South Dakota before term limits.

Louisiana

Louisiana is the only state, currently, with self-imposed term limits. While most states have term limits as a result of citizen initiatives, the Louisiana legislature preemptively placed term limits on themselves in 1995, effective in 2007.[22] In 2007, the first year term limits went into effect, the Louisiana legislature had its highest rate of turnover since the 1970s, then caused by the elimination of multi-member districts [23].

Louisiana has the longest divided/consecutive limit, which is likely a result of

[19]Ohio Constitution, Article 2, 2
[20]Constitution of South Dakota, Article 3, 6.
[21]See Squire 2017.
[22]Louisiana Constitution, Article 3, 4.
[23]*Good idea gone awry? How term limits impact sessions of Louisiana Legislature* (2016)

the limits being self-imposed. No person serving two and half out of three consecutive terms can be reelected to either chamber. In other words, members are limited to three terms in each chamber, or 12 years. Louisiana provides few opportunities to serve beyond the legislature. This, in combination with the potential for 24 years of service, members are likely to stay in the legislature until they choose to retire.

States Without Term Limits

As a point of comparison, there are five control states without term limits included in this study: New Jersey, North Dakota, Oregon, Texas, and Wyoming. These five states are comparable to the term-limited states—they are of similar size, level of professionalization, and have similar career opportunity structures. Not only are they comparable, but these states cover a range of institutional structures, much like the term-limited states. Additionally, these states account for similar types of leadership, session frequency, and legislative structure.

The first comparable state without term limits is New Jersey, which has a legislature that is similar in size to Ohio. Members in New Jersey have increased career opportunities to serve outside of the legislature, like Florida. The legislature also has an average level of professionalization, comparable to states like Nebraska and Oklahoma.

There are two non-term-limited legislatures that meet biennially, like Montana. North Dakota, which is similar in size to states like Louisiana, Michigan, and Montana. Like South Dakota, there are few outside opportunities for those that serve in North Dakota, the state is also less professional. Texas meets biennially and has a large legislature comparable in size to Maine and Missouri. Again, similar to Missouri, Texas is a dead end state with a moderate level of professionalization.

Wyoming and Oregon are the last two control states. These two states are different and important because they once had term limits but they were quickly re-

pealed. These states are important to assess because they nearly underwent the same institutional changes as the states that still have term limits. Oregon is similar in size, professionalization, and career opportunities to Arizona and Colorado. Wyoming, however, is less professional and offers limited career opportunities making it more comparable to Maine and South Dakota.

Table 2.2 contains an overview of the 15 term-limited and 5 non-term-limited states that are used in this study. The table illustrates the differences among the term-limited states while showing the institutional similarities to the states without term limits. The table displays the size of the legislature (lower/upper) and the term length for each chamber (lower/upper). There are two institutional measures included to help compare the legislatures. First, the professionalization ranking from Squire (2017), as well as the carer opportunity categorization from Squire and Moncrief (2010). Finally, for the term-limited states the enactment and impact date are listed as well as the limit length (lower/upper) and term limit type. The similarities and differences will become more noticeable as the point of emphasis changes with each chapter.

In this study I focus on the comparison of these 12 term-limited states with 5 non-term-limited control states. All of the data used in this study are exclusive to these 17 states. I utilize both quantitative and qualitative data are used to help capture the different dynamics that exist in the states. By comparing the 17 states, this study reveals two important aspects relevant to the term limit debate. First, term-limited states are inherently different from each other. Second, by comparing states with and without term limits the potential differences caused by term limits can be parsed from naturally occurring change.

Table 2.2: An Overview of the 17 States Used in this Study

State	Legislature Size*	Term Length*	Professionalization Rank[a]	Career Opportunity[b]	Enacted Date	Impact Date	Limit Length*	Limit Type
Arizona (AZ)	60/30	2/2	14	Spring	1992	2000	8/8	D/C
Colorado (CO)	65/35	2/4	12	Spring	1990	1998	8/8	D/C
Florida (FL)	120/40	2/4	15	Spring	1992	2000	8/8	D/C
Louisiana (LA)	105/39	4/4	29	Dead	1995	2007	12/12	D/C
Maine (ME)	151/35	2/2	41	Dead	1993	1996	8/8	D/C
Michigan (MI)	110/38	2/4	5	Spring	1992	1998/2002	6/8	D/L
Missouri (MO)	163/34	2/4	16	Dead	1992	2002	8/8	D/L
Montana (MT)	100/50	2/4	45	Spring	1992	2000	8/8	D/C
Nebraska (NE)[c]	49	4	21	Dead	2000	2006	8	U/C
Ohio (OH)	99/33	2/4	6	Spring	1992	2000	8/8	D/C
Oklahoma (OK)	101/48	2/4	22	Dead	1990	2004	12	U/L
South Dakota (SD)	70/35	2/2	48	Dead	1992	2000	8/8	D/C
New Jersey (NJ)	80/40	2/4	20	Spring				
North Dakota (ND)	94/47	2/4	47	Dead				
Oregon (OR)	60/30	2/4	23	Spring				
Texas (TX)	150/31	2/4	19	Dead				
Wyoming (WY)	60/30	2/4	49	Dead				

* Numbers are Lower/Upper.

[a] Professionalization ranking are from 1 (most professional), to 50 (least professional), see Squire (2017).

[b]Career Opportunity structures, for term-limited states, are either dead (few advancement opportunities) or spring (ample advancement opportunities), see Squire and Moncrief (2010).

[c] The limit types are: D/C, Divided Consecutive; D/L, Divided Lifetime; U/C, Unified Consecutive; U/L Unified Lifetime.

[d] Nebraska is a unicameral legislature and only has a Senate.

Data

For this study, I present several new datasets meant to capture the long-term effects of term limits. Unlike early studies of term limits, these data are not limited to a single cohort of legislators or a single legislative session. Instead, these data track changes throughout time and do not end until the 2016 and 2018 elections. These data represent different perspectives of the state government for each of the 17 states in this study. There are three original datasets collected from state and legislative records. The datasets include legislative careers, legislative leadership, and legislative bills.[24] While the data are original they are supplemented by existing information including Squire's Legislative Professionalization Index (Squire 2017), and Career Opportunity Structures (Squire and Moncrief 2010). These quantitative data are supplemented with interviews from four term-limited legislatures. The interviews contain both open and close-ended questions allowing for quantitative and qualitative assessments. This mixed-methods appraoch helps to create a more complete understanding of term-limited legislatures and how they function.

Datasets

There are four original datasets in this study. The first dataset, *TLS-Careers*, contains all members who have served in the state legislature from the early 1990s through the 2016 election. Each observation contains an individual legislator for each time that they served, in total there are over 7,000 individual observations. These data track the career movements of legislators from the 17 states. These data were collected from state legislative records, election records, secretary of state offices, legislative archives, newspapers, obituaries, and more.

The second original dataset, *TLS-Leaders*, contains observations of leaders from the same 17 states. Only the top three elected leaders in each chamber are recorded:

[24]The Legislative Bills raw data are from LegiScan but have been restructured.

speaker/president, majority (floor) leader, and minority (floor) leader. These top three positions are the most consistent among the states. Not all states have three elected top leader positions, rather, some only have one top position. In total, there are nearly 1,000 individual leaders from 1985-2018. Table 2.3 contains the breakdown of the number of different leaders by chamber.

Table 2.3: The Number of Top Leaders in the Leadership Data, by Chamber

Lower	Speaker	Majority	Minority
	176	137	122
Upper	President	Majority	Minority
	221	140	146

The third dataset,*Legislative Bills*, contains information on legislation to understand the role of committees. The raw data are publicly available from LegiScan.[25] LegiScan presents the data by state for each year, making comparisons across time and the states difficult. These data were compiled and reorganized in order to make comparisons among the states. These data track bills through the legislature to see how long it takes a bill to get through the legislative process, if it gets through at all. Due to the complex nature of the bill data, this is the dataset that is most likely to have lost observations. The original form of these data are self-reported and are rather inconsistent across the states. This dataset is in its simplest form for ease of use and interpretation.

The *Legislative Bill* data ranges from 2010-2018 and tracks each piece of legislation. In total, this dataset contains over 270,000 individual bills from the 17 states. These data give information on when bills where introduced and from what chamber. There is also information on how many times the bill was read, when it was read, whether or not it passed the legislature, and whether or not the governor signed it. There are also indicators for executive vetoes and legislative overrides.

The fourth original dataset used in this study is, *Budget Bargains*. This dataset

[25]The raw data can be found here https://legiscan.com/datasets

contains information on the budget proposed by the governor and the subsequent bargaining process that occurs. Specifically, this dataset contains the dollar amount of proposed budgets, vetoes, and final passed budgets.[26] There is additional information on legislative proposals and counter-offers in states where that information is available. These data are collected from original state budget documents from state legislative websites, Secretaries of State, and Executive Budget Offices.

Legislative Interviews

In addition to the datasets, this study utilizes face to face interviews with legislators who serve in term-limited states. Borrowing from Sarbaugh-Thompson et al. (2004), these interviews reveal information about legislative function, rules and norms, and the day to day life of a legislator serving under term limits. The interviews were conducted in 2019 in Missouri, Nebraska, Oklahoma, and Ohio. The four states used in this study cover the four different types of term limits. The types of term limits implemented in these states are vastly different, but allow for a comparison of how different types of term limits alter legislatures differently.

The questions used are a variant of the questions originally created by Sarbaugh-Thompson et al. (2004) for their study of the Michigan legislature. There are both open and close-ended questions. A version of the interview questions from Ohio's lower chamber can be found in Appendix B.[27] In total, there are 101 interviews from the four states. Table 2.4 contains a breakdown of some of the characteristics of the members that were interviewed in each state.

All interviews occurred in person and took roughly 30 minutes each. All interviews were recorded by hand to allow for a more open dialogue with the respondent. Because of the hand-written notes some quotations used, even when they are

[26] See the appendix for a breakdown of information available by state.

[27] Nebraska has a slightly different format because they do not have party leaders and there is only one chamber.

Table 2.4: Characteristics of the Interview Respondents by State

	Missouri	**Nebraska**	**Ohio**	**Oklahoma**	**Total**
Lower Chamber	28	-	21	16	65
Upper Chamber*	11	15	3	7	36
Democrat	11	7	12	10	40
Republican	28	8	12	13	61
Male	28	9	15	14	66
Female	11	6	9	9	35
White	37	14	18	21	90
Black	2	1	6	1	10
1st Term	13	11	11	20	55
2nd Term	11	4	7	2	24
3rd Term	6	-	3	1	10
4th Term	9	-	3	0	12

*Includes Nebraska

in quotes, may be paraphrased. All respondents were guaranteed anonymity for their participation in this study; therefore, any identifying characteristics may be changed to preserve the anonymity of the particular legislator.

Summary

States with term limits are frequently treated as one in the same, this miss-characterization of term limits implies that all states are influenced in the same manner (Lazarus 2006; Carey, Niemi and Powell 2000). This is not the case, each term limit type is unique and has a different level of influence on its legislature (Sarbaugh-Thompson 2010; Moncrief and Thompson 2001). More recently, scholars have illustrated the importance of differences among limits, noting that the strength and the type of limit matter and that the variation among states is important (Sarbaugh-Thompson 2010; Cain and Wright 2007). States with stricter limits see more changes; states with longer, more lax, limits are less likely to see any major changes.

In this study I use new data to assess term limits across the states in a way that has not been done to this point. Rather than relying on any one type of data, there

are different sources to capture different components of the legislature. This study uses four unique datasets and interviews with legislators who serve under each of the four types of term limits. The data used in this study allow for a unique comparative perspective at both the individual and aggregate levels.

There is no greater variation than the institutional constraint of term limits. Present in 15 states, with four different types of limits, there is a great deal to be examined. Term limits, and the constraints they place on the legislature, are understudied. The presence of term limits are not simply an institutional constraint limiting a legislator to an X number of years. Term limits have serious institutional outcomes and reshape the very structure of state government. There is a great deal that can be said about term limits, but conclusions about the long-term effects and the unintended consequences remain unclear.

Chapter3

Legislative Careerism and Growing Ambition

Term limits promised to limit legislative careers by forcibly removing long-serving incumbents. In a handful of states they were pushed to target specific members. For example, in Maine term limits were targeted at House Speaker John Martin. Martin served more than 30 years in the House and was House Speaker for 19 of them (Moen and Palmer 2003). In 1993 Martin's top legislative aide was caught up in an election scandal to which he pleaded guilty (Moen and Palmer 2003, 49). Even with the election tampering scandal surrounding Martin, he still managed to be reelected. This sequence of events helped with the passage of term limits and John Martin was ultimately removed by term limits, but he was then reelected just one election cycle later (Moen and Palmer 2003). Importantly, there is a John Martin in every state with term limits, a long serving incumbent who inadvertently helped garner public support for term limits. Yet, just like Martin, many of these members were able to return even when adhering to their state's term limit laws.

Legislators are known for their drive to seek reelection. By the 1990s, the reputation of these long-serving, careerist legislators had become so negative that citizens across states pushed for legislative term limits (Mooney 2007; Carey, Niemi and Powell 2000; Cain 1996). Term limits were designed to cut off legislative service with the intention of forcing legislators out of office. Unfortunately, existing theories of term limits and careerism are not expansive enough to account for the different types of term limits. In this chapter I take an in-depth look at term limits and legislative careerism. First, existing theories of political ambition are assessed in the same way that early scholars evaluated ambition, using a binary indicator. Second,

I develop an expanded analysis incorporating term limit variations. Following that, I present an evaluation of the different types of political ambition—discrete, static, and progressive. Finally, I use legislator interviews to better understand how term limits shape political careers.

Term limits, meant to inhibit political ambition and increase electoral competition, were supposed to bring an end to careerist legislators (Moncrief, Powell and Storey 2007). It is true that since the implementation of term limits many legislators have had their career forcefully ended. Yet, there is a consensus that term limits have induced greater political ambition across the states (Sarbaugh-Thompson and Thompson 2017; Sarbaugh-Thompson et al. 2010; Carey, Niemi and Powell 2000). It is important to assess the changes in legislative structure and subsequent changes in political ambition.

Understanding political careerism is essential to understanding a legislature and how it functions. By understanding a members career motivations, it is easier to understand why they pursue leadership positions or how they behave on committees (Cain and Wright 2007; Farmer and Green 2007; Carey, Niemi and Powell 2000). Additionally, careerism can impact their ability and willingness to work with the executive branch and the governor (Kousser and Straayer 2007), as well as, the institution's capacity to oversee state bureaucratic agencies (Sarbaugh-Thompson et al. 2010; Woods and Baranowski 2006). In short, member career goals matter for how a legislature functions (Sarbaugh-Thompson and Thompson 2017).

Recent scholarship has highlighted the importance of term limits and the variation in them that exists across the states (Nicholson-Crotty and Miller 2011; Sarbaugh-Thompson 2010). Given this emphasis on the variation of term limit types, it is critical to understand how ambition can vary with each type of limit. My extended theory of political ambition takes into account the differences among term-limited states, by accounting for different term limit laws and their potential to alter mem-

bers' careers.

This chapter assesses the extent to which term limits have changed the career path of state legislators. Like previous scholars, I seek to answer whether term-limited legislators display greater political ambition. A multi-step process is presented to help better understand the nature of careers in the states. First, there is a test of preexisting theories as proposed by early scholars. Second, an updated theory of how ambition is altered by the nature of term limits is presented. Third, there is an empirical assessment of career movement in term-limited states. The following analyses uncover new information about how institutions shape legislative careers and how term limits have changed the career options that are presented to members.

Ambition Theory & Term Limits

Political ambition is typically understood as a means for a legislator to achieve his or her goals (Schlesinger 1966). There is, however, a distinction that receives less attention. That is, "ambitions, develop with a specific situation, that it is a response to the possibilities which lie before the politician" (Schlesinger 1966, 8). Yes, ambition is a means to an end, but ambition is a product of a member's situation within a given institution. Given this distinction, term limits can alter a member's political ambition by structuring the opportunities that are presented.

Schlesinger (1966) outlined three types of political ambition—progressive, static, and discrete. Legislator's who desire a higher office exhibit progressive ambition. In particular, legislators want to serve in a legislature that will "maximize their preferences" (Hibbing 1999, 154). Legislators desire to serve in more professional legislatures, which have higher pay and more staff (Hibbing 1999). This understanding is altered by the presence of term limits—professional legislatures may offer greater incentives, but term limits put an abrupt end to a legislator's political

career. Proponents of term limits argued that term limits would bring an end to careerist legislators and bring about citizen legislatures, which would focus more on constituents than on legislators (Cain and Levin 1999; Caress 1996).

As members were beginning to be removed from office, scholars began to predict the types of legislators who would be termed from office. During the anticipatory phase scholars applied the proposed constraints of term limits to existing legislatures. Moncrief et al. (1992) followed a cohort of freshman, unconstrained by term limits, to see how long they would serve. They found that legislators did not serve for long, thus term limits would not alter the careers of many people. Other studies found that members of the lower chamber appeared eager to advance to open seats in the upper chamber (Francis and Kenny 1997; Caress 1996). These early works illustrated that term limits were unlikely to produce their intended effect, because most legislators do not stay for long and are willing to advance to other offices.

Around the same time other scholars came to different conclusions. Carey, Niemi and Powell (2000) argued that individuals who term out were more politically ambitious than those who retire, because they chose to stay as long as possible. Another theory was that ambitious legislators would use the structure to their benefit—members would learn to legislate in the lower chamber and move to the upper chamber to actually pursue their preferred policies (Cain and Levin 1999).

During the transitional phase, scholars continued to support the theory that term-limited legislators were more politically ambitious (Sarbaugh-Thompson and Thompson 2017; Sarbaugh-Thompson et al. 2010). Lazarus (2006), found that term limits do shape legislative careers, but in different ways; some discourage careerism while others do not. Term limits might hinder careers, but a determined legislator would not be stopped by them (Lazarus 2006). These works also found that term limits influenced the behavior of all lawmakers to some extent (Sarbaugh-Thompson and Thompson 2017; Lazarus 2006).

The choices that members make are also based on opportunity and legislative structure (Black 1972; Schlesinger 1966). Members with greater career opportunities are more likely to advance, those with fewer opportunities are less likely to seek higher office (Squire 1988; Schlesinger 1966). Members in a more professional legislature have greater incentive to serve because of the potential benefits (Squire 1992*b*). In addition, those who serve in a professional legislature are more likely to see their service as a career, making them more likely to continue seeking elected office (Powell 2003).

It seems clear that institutional characteristics are important for understanding legislative careers. Political ambition is partly dependent on legislative professionalization and career opportunity structures (Moncrief et al. 1992). It was theorized that legislators who served in a more professional legislature would be less likely to be termed out of office because they would leave earlier to seek higher office (Moncrief et al. 1992). But increased political ambition is actually more nuanced than many of these studies suggest. They tend not to take a comparative approach; therefore any differences between types of term limits remain largely unobserved. A comparative approach strengthens our understanding of political ambition and the differences that are present among the term-limited states.

Studies of term limits and legislative careers have revealed many inconsistencies. Before term limits went into effect, the anticipated changes were thought to be limited. After term limits were passed, the theory then became—that members in term-limited states are more ambitious. Enough time has now passed that these inconsistencies can be evaluated with sufficient data. Using career movement and legislative service as a way to assess displayed ambition, this analysis can further advance our understandings of legislative careers. A more complete picture of careerism can help to explain membership behavior extending from leadership and committee work to executive branch interactions.

Testing Ambition

Since term limits have taken effect, scholars have touted that they lead to higher levels of ambition. If term limits lead to more politically ambitious legislators, then legislators should be more politically ambitious than their counterparts in states without term limits. My *TLS-Careers* dataset is used to test these theories of term limits to see if term-limited legislators are, in fact, more ambitious.

Previous theories have argued that term-limited legislators are more ambitious than their counterparts in states without term limits. These theories are rarely supported by data that compares states with and without term limits. Ambition is typically assessed in two ways. First, scholarship has focused on progressive ambition, or the act of advancement to presumably higher office (Sarbaugh-Thompson and Thompson 2017; Sarbaugh-Thompson et al. 2010; Cain and Levin 1999). Second, others have considered ambition as an active choice to not leave office, this sometimes referred to as static ambition (Carey, Niemi and Powell 2000; Schlesinger 1966).

Here, ambition and retirement are assessed using new data, while keeping the same variables and indicators as the early studies. Because of to the binary nature of the dependent variables—to retire or to advance—a logit analysis is used for this initial assessment. Following the standard set by anticipatory and transitional studies a binary indicator is used to represent whether a state has term limits. There are additional controls for two institutional factors—professionalization and career opportunity structures (Squire 2017; Squire and Moncrief 2010). The two legislative chambers are assessed independently because of the different advancement prospects for members from the lower chamber versus the upper chamber.

The test of ambition theories can be found in Table 3.1. There are examinations of both ambition and retirement. For each assessment there are individual models

for the lower and upper chambers. In this analysis, a negative coefficient indicates that ambition/retirement is decreasing in term-limited states. Whereas a positive coefficient would indicate increasing ambition or higher retirement rates. *Professionalization* and *career opportunity* are added to control for institutional variation.

This simple analysis shows the relationship between term limits and political ambition by looking at progressive ambition and retirement. These findings reveal inconsistencies with ambition and retirement. First, term limits do not significantly increase progressive ambition in either chamber. In fact, term limits decrease progressive ambition from the upper chamber ($p<.05$). Members are also significantly less likely to retire in both chambers. However, it is unclear in which states members are leaving. From this analysis, there is a lack of support for the argument that members in term-limited legislatures are more ambitious.

Table 3.1: Testing Prior Theories of Term Limits and Ambition

	Ambition		*Retirement*	
	Lower	Upper	Lower	Upper
Term Limit	-0.036	-0.985***	-0.620***	-0.889***
	(0.172)	(0.341)	(0.089)	(0.248)
Professionalization	-1.699*	4.183**	-3.480***	-3.254*
	(0.933)	(1.856)	(1.218)	(1.977)
Career Opportunity	3.662***	0.376	-0.299	1.178
	(0.683)	(2.223)	(0.427)	(1.113)
Constant	-2.413***	-3.815***	0.473**	0.281
	(0.307)	(0.674)	(0.241)	(0.354)
N	5,368	1,949	5,368	1,949

Robust standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

These results shed light on the predicted relationship between term limits and ambition and reveals that, empirically, term limits do not lead to more ambitious legislators. Term-limited members do retire less often, which implies that members do have different types of careers than their non-term-limited counterparts. These

mixed findings are likely the result of treating term limits as binary resulting in one overarching theory. A binary indicator does not capture the variation that exists among term limit types.

The variability in term limit type shapes careers in a different way. As more recent scholars have shown, there is a great deal of variation among term-limited states and outcomes are not generalizable across all states (Nicholson-Crotty and Miller 2011; Sarbaugh-Thompson 2010; Rosenthal 2007). Based on the inconsistency of these findings, the next section introduces an updated theory of political ambition rooted in ambition theory and centered on the different opportunities presented in the states.

Extended Theory of Ambition

Given the lack of support for the existing theories of ambition in term-limited legislatures, in this section I present a new theory that takes into account the variation of state legislatures. The states are too different for there to be one overarching theory about legislative careers. Instead, theories need to incorporate the variation that exists across institutions. Now that term-limits have reached a point of equilibrium, changes to the states have settled. Consequently, it is easier to observe and understand career movement. It is shaped by two variables—term limit type and legislative structure. This section outlines a more detailed theory of how term limits alter careers and why it is different across the states.

The structure of the legislature and the presence of term limits shape the career of a state legislator. When there is only a finite amount of time to serve, the decision to move to a different office is shaped, in part, by that rule. One of the most important changes brought by term limits is that the institution itself now plays a greater role in the career calculus of members. In other words, a certain type of term limit can encourage members to prematurely seek higher office, while mem-

bers operating under different limits stay until they are termed out of office.

Career decisions are based, in part, on the opportunities available to members (Black 1972; Schlesinger 1966). In other words, their current situation determines their career pathway. Prior to term limits, political ambition was understood by looking at two institutional factors: professionalization and career opportunity structures (Mooney 2007; Moncrief et al. 1996; Rosenthal 1996; Jewell and Whicker 1994; Squire 1992*b*,*c*; Black 1972; Schlesinger 1966). Professionalization was linked to increasing careerism, while career opportunities allowed for member advancement beyond the state legislature. Only recently have scholars begun to include term limits in their theories of legislative careers (Berman 2007*b*,*a*; Cain, Kousser and Kurtz 2007; Farmer 2007*a*; Masket and Lewis 2007). There are three institutional variables that work to shape ambition: professionalization, career opportunities, and term limits.

Ambition can take many forms, given the different types of term limits and their restrictions, ambition should take on different forms among term-limited states. The careers of term-limited legislators are shaped on two distinct levels. While members in non-term-limited states only have to get through one level to advance, those in term-limited states have two levels. In other words, there is an extra restriction facing members of term-limited states that members in other states do not face. The first level is the type of term limit, this shapes the different opportunities available to members. The second level is the legislative structure, including professionalization and career advancement opportunities: these are the same institutional factors all legislators face.

The first level that shapes careers is the type of term limit. The type of term limit creates the different pathways that a legislator may pursue. Some term limits do not allow for certain career pathways. The pathways are based on the strictness of the limit and the ability of members to later return to the legislature. For exam-

ple, term limits with a lifetime ban do not allow members to return to the legislature once they have termed out of office. Therefore, members in states with a lifetime ban do not have the opportunity to return once they have termed out—their pathway is blocked.

The second level shapes the career decisions that members make by further restricting choices. Whether a member displays progressive, static, or discrete ambition is largely dependent on institutional variables such as professionalization and career opportunity. Their options, however, are restricted by the type of term limit implemented in the legislature. The career choices that members make are dependent on the incentive to serve, or legislative professionalization (Squire 1992*b*), as well as, the ability to serve in a different position, or career opportunities (Squire 1988). While each state presents a limited number of advancement opportunities, some states offer greater prospects for progressive career movement than do others.

Each type of term limit presents opportunities for the different forms of ambition: progressive, static, and discrete (Schlesinger 1966). Table 3.2 presents the original three-part typology from Schlesinger (1966), with an additional breakdown of different variations of each type of ambition. The original three types of ambition will manifest in different ways based on the term limits a member is facing, as well as professionalization and career opportunity structures.

Looking first at progressive ambition, there are two different ways that members can display this form of ambition. First, there will be some members who advance to a different office before they are termed out of office. The second form of progressive ambition is termed advancement. With this type of ambition, members are still advancing to higher office but they wait until they have completed their allotted terms. Thus, they term out and then advance.

The second type of ambition, static ambition, manifests in three different ways. When a member has static ambition they are making a career out of their legisla-

tive service. In order to make a career out of legislative service in term-limited states members have to move either between chambers or leave and return. The first type of static ambition is retrogressive ambition, this is the act of moving from the upper to the lower chamber. This form of ambition occurs when state senators desire to continue serving but have no option except to move to the lower chamber. Second, there is regressive ambition, this is when members leave for an election cycle but then return to their previous seat once they are allowed (under the term limit provision) to return. Last, there is recurrent ambition. Recurrent ambition is the act of moving back and forth between chambers to a point where legislative careerism is functionally uninterrupted.

Within each type of term limit, the differences among the states can help direct career movement. States with more career opportunities make it easier for members to seek higher office. As a result, states with more career opportunities have more progressively ambitious members. States with limited opportunities are more likely to have members who display discrete or static ambition. Professionalization, as an incentive, can encourage members to stay in the state legislature longer. Thus, highly professionalized states encourage static ambition, but states with low professionalization can discourage service and encourage discrete ambition.

Table 3.2: Defining the Different Types of Ambition in Term-Limited States

Progressive	
(Desire to Advance)	1. Early Advancement
	Leaving before being termed out
	2. Termed Advancement
	Advancing after being termed out
Static	
(Making a Career Out of Service)	1. Retrogressive
	Moving from the upper to the lower chamber
	2. Regressive
	Leaving and returning to the same chamber
	3. Recurrent
	Moving back and forth between chambers
Discrete	
(Serve and Then Leave)	1. Retire
	Voluntarily leaving the legislature
	2. Term Out
	Forcefully removed by term limits

Figure 3.1 illustrates this two-part theory. Each cell is different and based on the type of term limit;this is the first level. The individual cells, or types of term limits, present only a limited number of career options. Within each cell, or type of term limit, members have the ability to choose their career pathway based on opportunities presented by their particular legislature. Each option is shaped by term limit type, but the options that members will pursue will be based on the institutional structure of the legislature. For example, in unified/lifetime states members' most plausible options are to retire or prematurely advance. Members will choose differently based on the incentives of the legislature.

Unified/lifetime states have fewer career options available because the lifetime ban restricts the ability of members to return to the legislature. Members in unified states are less likely to move between chambers, because of the uncertainty that comes with seeking a different office. Dependent on other institutional factors, there are three types of ambition that members in this situation will pursue. There are two different pathways that members in unified/lifetime states are likely to take.

Figure 3.1: Expected Types of Career Movement Based on Term Limit Type

	Lifetime	Consecutive
Unified Year Limit	Early Advance, Retire	Termed Advance, Regressive, Term Out
Divided Between Houses	Termed Advance, Retrogressive, Regressive, Term Out	Early Advance, Retrogressive, Regressive, Recurrent, Retire

First, those that display progressive ambition are more likely to advance beyond their current seat by seeking higher office before they term out. Second, those who exhibit discrete ambition will retire from the legislature. Unified limits allow members to serve for a longer period of time in one chamber, those who want to leave public life will choose to retire early rather than waiting to b termed out of office. Members are far less likely to exhibit static ambition under this type of limit. Instead, members will not move from their seat but will stay until they are forcefully removed.

The second type of limit is the unified/consecutive limit. Nebraska is the only state with a unified/consecutive limit. In Nebraska, there are three pathways that members may choose to take. First, progressive ambition, while unlikely, will not occur until members term out. For a member to term out they only serve two four-year terms, if a member seeks higher office they likely need this political experience. Progressive ambition is the least likely pathway because of the limited opportunity to advance within the state legislature.

The second pathway is for members who exhibit static ambition. Members in Nebraska who desire to serve will exhibit regressive ambition. This type of ambition means that members will leave their legislative seat and then later return to it after sitting out a term. Members who are not ready to leave political office, but do not

want to advance to higher office will simply return to their previous seat, as allowed by the consecutive limit. The third pathway is for members who exhibit discrete ambition to be termed out and leave public life. Members only have the opportunity to serve two consecutive terms, members with discrete ambition may have an agenda, they serve their terms and pursue their agenda only to leave public life.

The third type of term limit is the divided/lifetime limit. These are strict limits that do not allow members to return to office once they have been termed out. As a result, their career pathways are limited. These pathways assume that members want to maximize their time in office, because of the lifetime ban they cannot return so they will stay in each position for as long as possible. There are four types of ambition for these members: termed advancement, static-retrogressive, static-regressive, and term out.

Members who display progressive ambition will wait until they are termed out of office before pursuing a higher position. Again, this is because ambitious members want to maximize their time in the legislature. Members who display static ambition and want to maintain their legislative service will move retrogressively from the upper chamber to the lower chamber to stay in office. Members of the upper chamber who want to stay in office but have termed out have no choice but to move to the lower chamber. There is also the possibility, in the case of an election loss or other removal, that a member may leave the legislature and then return—an example of regressive ambition. Finally, members with discrete ambition will leave once they have termed out of office; this will typically be restricted to one chamber. Members with discrete ambition are unlikely to seek another term in the legislature.

The final type of term limit, divided/consecutive, is the most common type of limit. It is also the laxest type of term limit. As a result, there are five different pathways that a member might take. First, members who are progressively ambi-

tious are more likely to advance early, or before they term out. This lax limit allows for all three types of static ambition: retrogressive, regressive, and recurrent. Members who are in the upper chamber, but have static ambition are more likely to exhibit retrogressive ambition by moving to the lower chamber. Other members have the ability, under a consecutive ban, to move between chambers. This is called recurrent movement and occurs when members "bounce" between the two state legislative chambers. Finally, those with discrete ambition are more likely to retire than be termed out of office. The lax limits make it easier to serve in the legislature long-term, while those who do not have that desire will retire and leave.

A legislator's career decisions are shaped by the legislature they serve in and the term limits they are constrained by. Career decisions must pass two levels:institutional structure and term limit type. Legislators, in all states, have careers shaped by institutional factors like professionalization and career opportunities. In term-limited states, members face an extra constraint. In most states, term limits restrict career outcomes. Divided/consecutive states, however, have far more career opportunities because of how lax the limits are. In short, term limits complicate our understanding of careers in state legislatures, this two-level theory helps to explain some of those differences.

Analysis

Legislators have the option to pursue different career paths. There are three distinct types of ambition each with its own variations. This analysis uses the individual-level *TLS-Career* data to evaluate the careers of members who have served in the 17 states used in this study. Each observation is an individual, for each time they served in the legislature. This examination tests the diverse nature of term limits using a multinomial logit. In life members must make choices about what pathways they will pursue by considering all of the available options. This analysis accounts

for the different options members have from which to choose. While it does not reveal the thought process that members go through, the displays of ambition via career-movement, indicate different types of ambition.

There are different dependent variables used in each of the following analyses. Each analysis uses the same independent variable of term limit type, which is an indicator for one of the four types of term limits. Additionally, to capture institutional characteristics each analysis includes controls for professionalization and career opportunity structure. Professionalization is a measurement of a legislature's time in session, member salary, and staff support (Squire 2017, 1992*b*). Career opportunity is a measure of the advancement prospects in the state legislature and an indicator of the opportunities to move beyond the current chamber (Squire and Moncrief 2010).

To help account for some of the individual level variation and some of the additional reasons members might leave, there are three legislator controls included. These additional controls include an indicator for Republican members because they have been found to be less ambitious at the congressional level (Ang and Overby 2008). Term limits were meant to increase diversity in state legislature so there are also controls for member race and gender (Sarbaugh-Thompson and Thompson 2017; Straayer 2007; Carey, Niemi and Powell 2000).

Ambition Pathways

There are three distinct types of ambition—discrete, static, and progressive. These three types of ambition are not only a result of member behavior and the legislatures they serve in, but also because of the term limit constraints they must adhere to. This analysis evaluates the likelihood of legislators pursuing each of the three types of ambition for each term limit type.

There are three dependent variables used in this analysis, each is an indica-

tor for a type of ambition. For example, for discrete ambition any legislator who has retired or termed out of office is coded as (1), all others are not (0). For static movement there is an indicator if a member attempts to stay in the legislature (1) or leave through either retirement or advancement (0). The final dependent variable is an indicator for progressive ambition, advancing (1) versus not advancing (0). Given the binary nature of the dependent variables, there is a logit regression for each variable for each legislative chamber. Table 3.3 displays the aggregate analysis of the likelihood of state legislators pursuing the different types of ambition.[1]

This analysis supports the theory that each type of term limit is different and therefore shape ambition differently. In *divided/consecutive states* members are significantly more likely to experience all types of ambition with one exception; members who serve in the upper chamber are not significantly different from members who serve in states without term limits. Put another way, lower chamber members are more likely to end their political career, whereas upper chamber members are not statistically different from non-term-limited legislators in this regard.

The *divided/life* states shape careers differently than the other type of divided limit. The clear differences in the two types of limits indicate that there is something unique in how lifetime bans shape careers. Specifically, there is a lack of evidence supporting the existence of static ambition where *divided/life* states are no different from those without limits. Moreover, progressive movement in these states is insignificant in the lower chamber, but significant in the upper chamber ($p < .05$). In sum, members from *divided/life* states are more likely to exhibit discrete ambition than those who serve in states without term limits, but are not all that different from states without term limits when it comes to static and progressive ambition.

The results for *unified/consecutive* limits are sparse because Nebraska is a uni-

[1]With a small N for some of the indicators there are some indicator variables that are dropped from this analysis because they are perfect predictors.

Table 3.3: Logit Analysis for Each Type of Political Ambition

	Discrete		**Static**		**Progressive**	
	Lower	*Upper*	*Lower*	*Upper*	*Lower*	*Upper*
Divided/Consecutive	0.485***	0.228	1.100***	2.474***	2.107***	1.364**
	(0.152)	(0.162)	(0.282)	(0.577)	(0.308)	(0.581)
Divided/Life	1.250***	1.585***	-0.380	0.386	2.071***	-0.426
	(0.201)	(0.235)	(0.383)	(0.764)	(0.386)	(0.913)
Unified/Consecutive		1.225***		-1.880***		
		(0.275)		(0.580)		
Unified/Life	1.174***	0.248	-1.999***		2.034***	0.046
	(0.185)	(0.205)	(0.289)		(0.384)	(0.685)
Professionalization	-1.291	-4.191***	-0.251	3.038	-1.943	6.076**
	(1.318)	(1.052)	(2.686)	(1.931)	(1.664)	(2.765)
Career Opportunity	0.265	2.143***	-1.725	-4.083**	3.727***	-3.540*
	(0.887)	(0.770)	(1.197)	(1.622)	(1.176)	(2.126)
Republican	-0.200***	-0.247**	0.065	-0.324	0.220**	0.199
	(0.076)	(0.122)	(0.148)	(0.206)	(0.101)	(0.283)
White	0.386***	0.147	-0.428	-0.044	-0.311**	
	(0.129)	(0.154)	(0.280)	(0.403)	(0.153)	
Male	0.065	0.167	0.650***	0.423	0.001	-0.043
	(0.068)	(0.126)	(0.178)	(0.345)	(0.128)	(0.410)
Constant	-0.830***	-0.430	-3.516***	-3.616***	-4.394***	-5.043***
	(0.251)	(0.313)	(0.625)	(0.901)	(0.461)	(0.835)
N	5,182	1,584	5,182	1,558	5,182	2,070

Robust standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Note: *Unified/life is dropped for static ambition in the upper chamber because it is a perfect predictor. For progressive ambition unified/consecutive and White are dropped because they are perfect predictors.*

cameral legislature.[2] There are two different findings looking at discrete and static ambition. Members of the Nebraska legislature are significantly more likely to exhibit discrete ambition than are members from states without term limits ($p < .05$). Furthering this finding, Nebraska senators are also significantly less likely to experience static ambition than states without term limits. The unicameral legislature does limit the static ambition options, members can only leave and return, as two out of three forms of static ambition involve a second chamber. Overall, the *unified/consecutive* term limit is unique in that members are more likely to exit the legislature and permanently retire from political life.

The final type of limit is the *unified/consecutive* limit. This type of limit is significantly different from states without term limits in three different ways. First, members of the lower chamber are significantly more likely to choose a discrete pathway ($p < .05$). Second, members of the lower chamber are significantly less likely to exhibit static ambition, a result of the lifetime ban. Last, members of the lower chamber are more likely to display progressive ambition. All of the significant differences are present in the lower chamber; this finding indicates that *unified/life* limits have a stronger restrictive influence on the lower chamber because the upper chamber does not differ from states without limits.

The control variables present some interesting findings. Specifically, the two institutional controls (professionalization and career opportunity) do not always work in in conjunction. In only two instances do the two variables have similar effects. For discrete ambition in the upper chamber, *professionalization* decreases the likelihood, while *career opportunity* increases discrete ambition ($p < .05$). There is a similar, but smaller, effect in the upper chamber for progressive ambition. The other controls indicate that *Republican* legislators are less likely to exhibit discrete ambition in both chambers, but are more likely to choose progressive pathways if serving

[2]Progressive ambition is dropped from this analysis because of the limited number of observations.

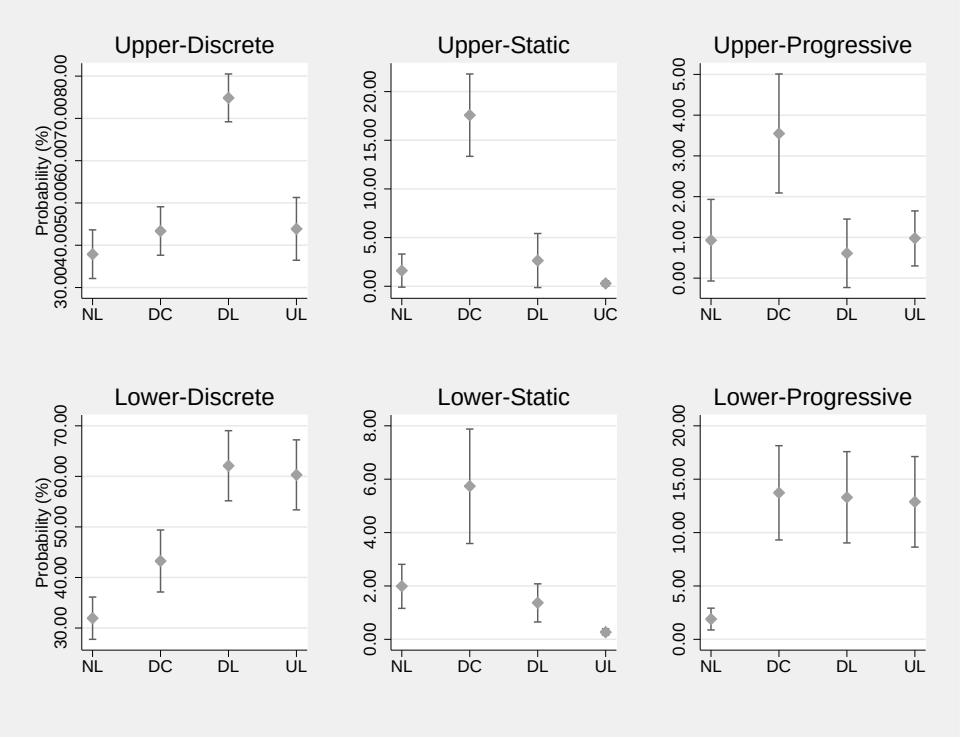
in the lower chamber. In short, Republican legislators appear to be more ambitious. *White* legislators are more likely to seek out discrete pathways in the lower chamber and are less likely to seek out progressive pathways. *Male* is only significant for static ambition in the lower chamber, indicating men in the lower chamber are more likely to seek out these additional pathways to continue service.

Figure 3.2 illustrates the percent chance of members choosing certain ambition pathways based on the analysis above. This figure contains a graph for each type of ambition for each legislative chamber. Figure 3.2 compares each type of term limit to the states without term limits by presenting the mean and 95 percent confidence intervals. For each model, institutional controls and member-specific controls are held at their means in order to see the substantive effects of each type of term limit. This figure helps to show under what circumstances the term-limited states shape retirement similarly, as well as showing when the states are different.

There is a great deal of variation in the choice to pursue different pathways, this variation is based on both term limit type and the chamber that members serve in. In the upper chamber, those who serve under *divided/life* limits are significantly more likely to exhibit discrete ambition. In contrast, *divided/consecutive* and *unified/life* limits are not statistically distinguishable from the rates of discrete ambition in states without limits. When it comes to static ambition, *divided/consecutive* members are more likely to exhibit static ambition, but *divided/life* and *unified/consecutive* are not statistically distinguishable from states without limits. Last, progressive ambition in the upper chamber is significantly more likely to occur in *divided/consecutive* states, while the other states are not noticeably different from the states without term limits.

The lower chamber presents slightly different results. Discrete ambition is more common in the lower chamber among all types of term limits. Each type of term limit has significantly higher percentages of discrete ambition. The difference be-

Figure 3.2: Predicted Percentage of Pursuing Each of the Three Types of Ambition



Note: NL (No Limit), DC (Divided/Consecutive), DL (Divided/Life), UC (Unified/Consecutive), UL (Unified/Life)

tween the two types of lifetime limits is not statistically different indicating something unique about how lifetime bans shape careers of members in the lower chamber. Static ambition is more likely to occur in those states with *divided/consecutive* limits, but is also present in states with *no limits* and *divided/life* limits. Finally, progressive ambition is significantly more likely to occur in all of the term-limited states. Members from the lower chamber seek higher office at a higher rate in states with term limits than those without. The differences between the types of term limits, however, are not distinguishable.

The analysis thus far has focused on the three types of ambition that are present in the states and not the variations of those three types of ambition. In order to parse the different types of ambitions and institutions that shape them, each ambition pathway is estimated independently to account for the categories in three

dependent variables—progressive, static, and discrete. The two forms of discrete ambition—retirement and terming out—will be compared to each other. Likewise, the three types of static ambition and two types of progressive ambition will be compared to each other. In doing so, it is easier to see what type of progressive ambition a member chooses, or what form of static ambition a member displays. For each type of ambition, there is a model for each individual chamber, because the different chambers are likely to present different avenues of ambition. The following analyses lend insight on the career ambitions of legislators by evaluating the decisions that they make.

Discrete Ambition

Discrete ambition, is observed when members leave office in lieu of staying or seeking another elected office. For the purpose of this analysis discrete ambition is displayed by members in two ways: first, when a member elects to retire; second, when a member terms out and chooses not to return to the legislature. This first type, retirement, is an active choice made by the legislator to leave, while terming out of office is not a choice, but a forced decision. In the case of terming out of office, the choice is in the decision whether or not to not return to office.

To assess the choice between the two types of discrete ambition, retirement and terming out, I use a multinomial logit comparing these options to progressive ambition.[3] Those who are not wanting to seek higher office are more likely to leave the legislature and return to private life. This analysis, by comparing retirement and terming out captures the when not the why. Members who choose to retire leave the legislature before their allotted term is up, those who term out stay in the chamber and complete their allotted terms.

Table 3.4 contains the results of discrete ambition compared to progressive am-

[3]Progressive ambition was selected as the comparison category because it is the antithesis of discrete ambition.

bition. Recall from the aggregate analysis, discrete ambition was more likely to occur in all term-limited lower chambers and in *divided/life* and *unified/consecutive* upper chambers. This analysis reveals that when comparing the observed discrete movement and observed progressive movement, discrete ambition is less likely to occur in term-limited states. In other words, when there is a statistically significant difference in ambition pursuits members from term-limited states are more likely to choose progressive pathways.

Table 3.4: Multinomial Logit of Discrete Ambition for Each Chamber, Compared to Progressive Ambition

	Lower		**Upper**	
	Retire	*Term Out*	*Retire*	*Term Out*
Divided/Consecutive	-1.902***	0.269	-2.893***	-0.958***
	(0.364)	(0.567)	(0.773)	(0.222)
Divided/Life	-1.993***	0.641	-1.402	0.896
	(0.637)	(0.600)	(1.416)	(0.634)
Unified/Consecutive			-3.195**	-0.813
			(1.371)	(0.533)
Professionalization	-1.574	3.826**	-7.300*	-3.565
	(1.887)	(1.774)	(3.799)	(3.156)
Career Opportunity	-2.218	-3.883***	2.957	1.275
	(1.797)	(1.504)	(2.933)	(1.913)
Republican	-0.128	-0.252***	-0.212	-0.280
	(0.129)	(0.090)	(0.319)	(0.308)
Male	-0.067	0.052	-0.006	0.095
	(0.128)	(0.145)	(0.435)	(0.419)
Constant	3.455***	0.700	5.583***	3.625***
	(0.623)	(0.664)	(1.139)	(0.426)
N	3,536	3,536	1,124	1,124

Robust standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1
Note: *Unified/life* limits and *White* are excluded from "Term Out" in this analysis because they are perfect predictors.

Beginning with *divided/consecutive* states, members are significantly less likely to retire in both chambers and are less likely to term out of the upper chamber.

In *divided/life* states members are significantly less likely to retire from the lower chamber, but all other ambition pathways are statistically insignificant. Last, in the *unified/consecutive* state members are significantly less likely to retire ($p < .05$). The control variables offer little added explanation. Again, *professionalization and career opportunities* work together, but only in encouraging members to term out from the lower chamber. *Republican* members, however, are less likely to term out of the lower chamber. Overall, the observed career patterns imply that members are less likely to choose discrete pathways over progressive pathways. In other words, members are more likely to display progressive ambition and choose to advance politically.

Static Ambition

The second type of ambition is static ambition, static ambition implies that a member is attempting to make a career out of legislative service. There are three types of static ambition that are unique to states with term limits: retrogressive, regressive, and recurrent. Retrogressive is when members move from the upper to lower chamber. Regressive is when a member leaves and returns to the same seat. Recurrent ambition is when a member alternates between legislative chambers. To evaluate which types of term limits produce certain types of static ambition, I present another multinomial regression. In this case, static ambition is compared to progressive ambition. For some members static ambition, continuing in the legislature, may be viewed as an easier option than seeking higher office.

The results of the multinomial logit regression for static ambition can be seen in Table 3.5. The presence of different types of static ambition appear to vary by both type of term limit and legislative chamber. Beginning with the *divided/consecutive* limit, members from the lower chamber are significantly more likely to choose *retrogressive and recurrent* pathways, meaning members move back and forth between

chambers without stopping, but are less likely to choose *regressive* where they leave and return. In the upper chamber, legislators are more likely to exhibit *regressive and recurrent* movement. Members from the upper chamber are more likely to leave and return than those in the lower chamber, probably because of the prestige that comes with the office. In sum, members of *divided/consecutive* states are more likely to exhibit static behavior than progressive behavior.

Those legislators who serve in *divided/life* states have greater career variation based on chamber. For example, leaving and coming back, *regressive*, is significantly less likely to occur in the lower chamber but significantly more likely in the upper chamber ($p < .05$). Additionally, *recurrent* ambition is more likely to occur in *divided/life* states. In these states the lower chambers are not all that different from states without term limits, the differences are more noticeable in the upper chamber.

Last, in *unified/life* states there is a slightly different pattern. *Regressive* ambition is significantly less likely to occur in the lower chamber, like the other states. In the upper chamber *retrogressive* is significantly less likely to occur and all other types of ambition in the upper chamber are insignificant. In sum, members of *unified/life* states are significantly less likely to leave the lower chamber and then return. This finding is a result of the unified limit, because of the restrictions and shorter time, once members leave they do not return because they cannot. Additionally, members from the upper chamber are significantly less likely to move to the lower chamber, again the unified limit shapes this. Members in the upper chamber are more likely to stay there, there is no additional time set aside to serve in the lower chamber so that is not pursued as an option.

Turning briefly to the control variables, they appear to have a greater role in shaping static ambition than they do discrete ambition. For example, *professionalization* decreases *retrogressive* (lower) and *recurrent* (lower and upper) ambition,

Table 3.5: Multinomial Logit of Static Ambition for Each Chamber, as Compared to Progressive Ambition

	Lower			**Upper**		
	Retrogressive	*Regressive*	*Recurrent*	*Retrogressive*	*Regressive*	*Recurrent*
Divided/Consecutive	14.642***	-1.298***	14.975***	1.039	1.448	15.590***
	(0.824)	(0.375)	(0.566)	(0.945)	(1.322)	(0.770)
Divided/Life	1.731	-2.717***	-0.613	1.806	1.073	1.548
	(1.517)	(0.421)	(1.075)	(1.257)	(1.259)	(1.472)
Unified/Life	0.931	-4.481***	-0.977	-16.955***	-17.891***	-2.981**
	(1.563)	(0.471)	(1.278)	(1.435)	(1.334)	(1.371)
Professionalization	-13.186**	2.910***	2.345	-5.708	-3.201	-4.620
	(5.766)	(0.988)	(3.635)	(4.634)	(4.044)	(4.050)
Career Opportunity	0.111	-7.493***	-2.453	3.135	-3.212	2.684
	(2.681)	(1.249)	(2.521)	(3.356)	(4.582)	(2.862)
Republican	-0.458	0.099	-0.760*	-0.218	0.148	-0.042
	(0.892)	(0.175)	(0.412)	(0.431)	(0.443)	(0.625)
White	13.134***	-0.263	-0.032	-14.736***	-15.272***	-14.216***
	(0.792)	(0.292)	(0.543)	(0.619)	(1.058)	(1.165)
Male	14.524***	0.600**	0.338	0.144	0.462	1.261
	(0.595)	(0.269)	(0.412)	(0.746)	(0.613)	(1.330)
Constant	-43.732***	1.380**	-17.162***	14.955***	14.743***	-2.215
	(1.873)	(0.623)	(1.164)	(1.449)	(1.869)	(1.404)
Observations	755	755	755	165	165	165

Robust standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

whereas *career opportunities* significantly decrease *regressive* movement in both chambers, and increase *recurrent* in the lower chamber. The three legislator specific indicators remain consistent with other models.

Overall, static ambition varies by chamber and limit type. The most consistent finding is that *retrogressive* ambition is significantly less likely to occur in all types of term-limited states. Members would rather advance than take a lower position. Other types of ambition, like *regressive* and *recurrent* are more likely to be observed in the upper chamber of divided states. The nature of a divided term limit gives members increased opportunities to serve in both chambers. Members who have the desire to continue serving will do so, whether that means leaving and returning or rotating between chambers.

Progressive Ambition

The third type of ambition that members can display is progressive ambition. Progressive ambition, the act of seeking higher office, is the most commonly studied type of ambition. Given the nature of term limits, there are two types of ambition in that are possible for members to pursue. First, members can prematurely seek higher office by leaving before they have completed their allotted term. Second, members can term out of office and then seek higher office, dubbed *termed advancement*.

A multinomial logit is again used to compare the decision to seek higher office with discrete ambition. Discrete ambition is chosen because it is the antithesis of progressive ambition. Members who display progressive ambition are actively making the choice to not leave elected service. The results are presented in Table 3.6 display more consistency that what is seen with the other ambition pathways.

In *divided/consecutive* states members are more likely to seek higher office in the lower chamber both prematurely and after terming out. In the upper cham-

ber, however, members are more likely to seek higher office prematurely. Those who serve under *divided/life* limits have a different experience with progressive ambition. Both *early* and *termed* ambition are significantly more likely to occur in the lower chamber ($p < .05$). In the upper chamber, members are significantly more likely to advance prematurely and significantly less likely to wait until they have completed their term ($p < .05$).

In *unified/life* states members in both chambers are significantly more likely to advance prematurely ($p < .05$). Unlike the other types of limits termed advancement is insignificant. Although in the upper chamber members are significantly less likely to wait until they fulfill their term before advancing. In sum, those members who desire to seek higher office are more likely to do so early on.

In the case of progressive ambition the institutional controls do not appear to be working together. *Professionalization* contributes to a significant increase in early advancement from the upper chamber ($p < .05$). On one hand, *career opportunities* increase the likelihood of early advancement from the lower chamber as members pursue those advancement opportunities. On the other hand, *career opportunities* decrease the rate of termed advancement in the upper chamber. For the individual-specific controls, *Republican* members are more likely to term before advancing in the lower chamber and *white* legislators in the lower chamber are less likely to prematurely advance.

Collectively, this analysis of progressive ambition reveals a great deal of consistency among the states. See Table 3.7 for an overview of the statistically significant findings from the examination of term limits and career ambition. First, in the lower chamber for each limit type members are more likely to advance prematurely. Second, in both divided states members are more likely to display termed advancement. Third, legislators in the upper chamber are more likely to advance before completing their term. Last, under a lifetime ban members are less likely to

Table 3.6: Multinomial Logit of Progressive Ambition for Each Chamber, Compared to Discrete Ambition

	Lower		**Upper**	
	Early	*Termed*	*Early*	*Termed*
Divided/Consecutive	1.313***	16.189***	16.108***	0.175
	(0.294)	(0.528)	(0.566)	(0.791)
Divided/Life	0.903*	15.981***	14.428***	-16.023***
	(0.463)	(0.645)	(0.810)	(0.985)
Unified/Life	1.441***	0.527	15.092***	-16.347***
	(0.434)	(1.230)	(0.540)	(1.100)
Professionalization	-2.058	-0.388	5.945**	5.798
	(2.209)	(2.427)	(2.827)	(3.645)
Career Opportunity	3.895***	2.277	-2.280	-6.918***
	(1.406)	(2.033)	(1.863)	(2.601)
Republican	0.186	0.473***	0.136	0.781
	(0.137)	(0.130)	(0.447)	(0.527)
White	-0.509**	-0.173		
	(0.245)	(0.287)		
Male	0.072	-0.290	-0.162	0.171
	(0.164)	(0.187)	(0.491)	(0.685)
Constant	-3.216***	-18.940***	-19.594***	-4.455***
	(0.488)	(0.758)	(0.652)	(1.370)
N	2,893	2,893	1,124	1,124

Robust standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

White is excluded from the **Upper Chamber** because 50 observations were completely determined.

term before advancing. In sum, members among the states are more likely to display progressive ambition over discrete ambition.

Ambition in Practice

The preceding section reveals a great deal about the ambitious pathways that legislators tend to pursue in different term-limited states. These analyses, however, reveal little about the actual mindset of legislators. Are legislators who face term

Table 3.7: Summary of the Statistically Significant Career Ambition Findings by Term Limit Type

	Lifetime	Consecutive
Unified Year Limit	*-Retrogressive* **-Regressive** *-Recurrent* **+Early** *-Termed*	*-Retire*
Divided Between Houses	-Retire -Regressive **+Early** +Termed *-Termed*	**-Retire** *-Term Out* +Retrogressive -Regressive **+Recurrent** **+Early** +Termed

Note: +/- sign indicates direction of significance. Bold indicates statistical significance in both chambers, italics only in the upper chamber, all else is lower chamber only.

limits thinking about the next office? Do they feel pressured by term limits to get work done? In this section I use my interviews with state legislators to better understand how they view their careers and the intentions of their colleagues. These interviews reveal distinct differences across the states in how lawmakers view their careers, indeed, the different types of term limits cause members to view their careers differently.

One way to capture the careerist nature of serving under term limits is to ask members if they feel pressured by term limits. I asked lawmakers, "Do you feel pressured for time because of term limits?" The responses were recorded as a simple dichotomy, yes (1), or no (0). The responses to this question indicate the career ambitions of a member and whether they will continue to seek office in order to achieve their goals. Table 3.8 contains the number of members who feel pressured by state.

Table 3.8: Members Who Feel Pressured for Time Because of Term Limits

State	**Yes** (%)	**No** (%)	**Total**
Missouri (Divided/Consecutive)	22 (58)	16 (42)	38
Nebraska (Unified/Consecutive)	8 (53)	7 (47)	15
Ohio (Divided/Consecutive)	14 (58)	10 (42)	24
Oklahoma (Unified/Life)	7 (32)	15 (68)	22
Total	52 %	48%	99

The descriptive statistics from Table 3.8 illustrate the stark differences across the states. In Missouri, the majority of respondents said that they feel pressured for time because of term limits. In contrast, there is a nearly equal split from the respondents in Nebraska, half feel pressured for time and the other half do not. In Ohio, while many members do feel pressured, many others do not. In Oklahoma,

however, the majority of respondents do not feel pressured for time because of term limits. The different states all have slight variations in whether or not they feel pressured for time, this is likely due to a combination of the type of legislature and the type of term limits members serve under.

Legislators from Missouri were the most likely to make statements about career ambition, they were also the most likely to admit feeling pressured for time because of term limits. One member remarked, "the second you get to the house you think about running for the senate." Another member explained, "you can plan (for) when a seat is open." A representative stated, "people get sworn in and are already looking down the road and they can be difficult to work with." This member then continued, "people are in constant campaign mode and looking toward the future move...(term limits) restricts their actions so that they are looking for a future job."

With only one chamber, the Nebraska legislative experience is differs from the other states. Many Nebraska legislators did not speak about the careerist aspect, but instead when asked if they would return after terming out of office, they often responded that they would not. In regards to ambition one senator explained, that with term limits "you get more people focused primarily on the next step rather than someone that can spend the time to focus on making changes."

In Ohio it is far easier for members to have lengthy legislative careers. With the lax consecutive limit members are able to bounce back and forth between legislative chambers in order to continue serving in the legislature. This strategy is well known among members who serve in the Ohio legislature. One first-term member remarked, "(term limits are) loose enough for people to still be career politicians and come back in full force, which was not really the intent." A different member said that they wish they had known the pressure that they would feel because of term limits. Meanwhile a state senator, who previously served in the house, said

that they do not feel pressured because, "the fact is I could run for another office and do the same job."

In Oklahoma, members adhere to a unified limit designating a set number of years to be distributed among both chambers. The format of their type of term limit appears to cause members to think about their careers differently. Rather than speaking about advancement to a higher office many members speak about their 12 years as a lump sum in the office that they currently hold. One member said that they do feel pressured for time, "because I know the things that I hope to accomplish and putting a time limit on it, even with the grand assumption that I will come back and be reelected, is concerning... you have to get everything, your hopes and dreams, done in 12 years. That's it."

Summary

In this chapter I examined state legislative career ambitions by type of term limit to better understand how term limits shape legislative careers. Term limits were popular with the voters largely because of their promise to the curb careerism of legislators such as Speaker John Martin in Maine. However, early examinations of term limits and their suspected influence on legislative careers revealed a lack of consensus among early scholars. It was unclear as to what extent, if any, term limits would influence legislative careers. As term limits began to go into effect, scholars argued that legislators were now more politically ambitious. There is a lack of consistency in the results of the tests of these earlier theories centered on retirement and ambition. There are two problems with the way that scholars tend to evaluate term limits: first, treating term limits as a binary indicator conflates the variation; second, there are different types of ambition among the states.

Extending the work of previous scholars, this chapter presents a dynamic theory accounting for the variation across types of term limits. In addition, the constraints

imposed by term limits allow for different forms of ambition. There is added variation between the different legislative chambers that members serve in. The present variation among states with and without term limits cannot be met with a single, generalizable theory. Instead, theories of careers in state legislatures need to account for the variation found in the states.

My dynamic theory was tested using the *TLS-Career* data by looking at the different ambition pathways. The analyses reveal states with term limits experience different career aspirations than states without term limits. Additionally, each type of term limit differs from states without term limits. In support of this theory, the findings reveal that more restrictive limits shape careers to a greater extent. For example, unified term limits offer fewer ambition pathways, whereas, divided limits offer far more opportunities to members. In particular, the divided/consecutive limit allows the greatest freedom to members and presents more potential career pathways than any other limit.

Looking at the responses from state legislators, it is clear that the pressure for time varies by state and term limit type. In Missouri, lawmakers feel greater pressure than their counterparts do in Oklahoma. In Missouri members have less time to serve in a single chamber with only eight years; in Oklahoma a member can spend all twelve years in a single chamber. In Nebraska, there is an even split among respondents who feel pressure and those who do not. This is in part the result of the fact that Nebraska senators can return to the Unicameral once they term out, as well as the true *citizen* nature of the Nebraska legislature. The same is true for Ohio, members who do not feel pressured know that they have the option to continue serving in legislature.

Thus, c in term-limited state legislatures have turned out to be more complex than initially anticipated because of the variation in types of limits. Therefore, theories examining term limits and their outcomes must be expansive. Term-limited

state legislatures differ from states without term limits, and from each other. Assessing the different ambition pathways that members choose to follow reveals the complexity of the changes brought by term limits.

Chapter4

Leadership Experience and Influence

At the time of my interviews, the current speaker of the Ohio House of Representatives was Larry Householder. To most, Speaker Householder would not seem different from most other state speakers. In Ohio, Speaker Householder was considered to be an experienced politician who knows how control his chamber. Speaker Householder previously served two terms as speaker beginning in 2001 and was termed out of office in 2004. He returned to the legislature in 2017 and re-assumed the speakership in 2019. By curbing legislative careerism, term limits were predicted to harm legislative leadership, making it more difficult for leaders to gain experience and assume authority over rank-and-file members. Speaker Householder's story tells a different tale; when members are permitted to return (as seen in the previous chapter) leaders can actually have a great deal of legislative experience.

Legislative leaders are some of the most powerful actors in state government, because they can compete and bargain with the governor in ways that rank-and-file members cannot (Rosenthal 1990). Strong leaders are able to push their party's agenda while guiding their fellow members (Jewell and Whicker 1994; Rosenthal 1990). With the passage of term limits, scholars speculated that the role of leaders would diminish, making it more difficult for leaders to push an agenda or direct members. Term limits, by altering the institution, changed leadership structures—apprenticeships, tenure, and experience—and subsequently the power of leaders. In this chapter I test these ideas to assess whether the role of leaders is diminishing by term limits or if leadership has become more centralized.

While the work assessing state legislative leadership is limited, scholars do agree

that the role of leaders is rooted in the structure of the legislature (Clucas 2007, 2001; Squire and Hamm 2005). Leaders rely on the institution as a source of power. Changes to the institution, such as increasing professionalization, can add or subtract leadership power (Clucas 2007). The imposition of term limits on state legislatures has received less attention than other institutional factors. Yet term limits also have the ability to alter the legislature influencing both members and legislative function.

The passage of term limits, and their potential consequences to leadership, resulted in three overarching theories (Kousser and Straayer 2007; Little and Farmer 2007; Kousser 2005; Carey, Niemi and Powell 2000; Squire 1992*a*). First, apprenticeships would be deemphasized. Second, leaders would inevitably serve a shorter tenure. Third, the overall legislative experience of members would substantially decrease. Collectively, these three changes have the potential to create larger problems within the legislature. Problems include decreased leadership authority and agenda control, increased reliance on outside actors, and increased difficulties passing legislation. This chapter tests these theories in order to better understand how leadership in the states has been affected.

This story is foundational to understanding the role of leaders and how they differ in term-limited states. Learning about leadership experience and tenure can help inform future studies about leadership influence, power, and agenda setting. As such, it is necessary to first understand how leadership experience differs in term-limited states. These analyses reveal inconsistencies with earlier theories. Term limits do have the ability to make some changes to leadership norms, but this is not an overarching conclusion. Moreover, each type of term limit experiences different changes—some term limits are comparable to states without limits, while others are in a league of their own. This analysis demonstrates how term limits in the states are different, producing different consequences.

Legislative Leadership

Studies of legislative leadership center around either the personal characteristics of leaders or how leadership is shaped by the institution and its rules. There are three different ways an institution can make changes to the leadership structure. First, there can be changes to apprenticeships and how they are emphasized or deemphasized. Second, the institution can shape how long leaders stay in their positions, based on incentives and informal term limits. Finally, institutional factors can shape the overall level of experience that a member has before becoming a leader. Institutional factors have long included professionalization and career opportunity structures, but this study accounts for how term limits also shape legislative organization.

In state legislatures the institutional structure shapes the pathways to becoming a leader matching trends of legislative professionalization (Squire 1992*a*, 176). Leadership is built into the institution but also reinforces the institution by supporting existing rules and norms (Herrick and Moore 1993). This relationship continues to be reinforced by members who rely on leaders for guidance on policy issues and legislative rules. Leaders have the ability to assert authority over many aspects of the legislative process, this authority makes leadership positions enticing for members (Rohde 2010; Maestas 2003; Herrick and Moore 1993).

What is known about leadership within the legislature? Members have been found to rise to leadership positions out of a sense of ambition (Maestas 2003; Moncrief 1999). Beyond this, there has been a lack of attention on leadership organization within the legislature (Moncrief 1999; Freeman 1995; Jewell and Whicker 1994; Squire 1992*a*). The lack of research on leadership is likely due to the variation among the states. Leadership positions are all different and leaders come to their position in different ways. For example, some states have a clear hierarchy

and place greater emphasis on seniority while others do not (Squire 1992*a*). These differences are based on the needs of both the legislature and its members (Squire 1992*a*). The variation in rules and positions have made it difficult to make generalizable statements about leadership.

There are several components that shape the various ways that legislators pursue becoming one of the top leaders in the legislature. First, the pathway to becoming a leader varies based on institutional rules. States have different rules in place for how members can be elected or appointed to leadership positions.[1] Second, the size of the chamber can influence the accessibility to leadership positions. If a chamber has more members it can be difficult to attain a particular position, where there are fewer members it is easier to secure a position. Third, the level of professionalization is important because it can help assess the appeal of the office. Legislative professionalization, accounting for the benefits of service, can help to draw in long-term careerist legislators.

Term limits, by their very definition, would cut tenure and limit experience, and diminish the role of leaders. Given the increased turnover brought by term limits, early research focused on the increased rate of turnover and the negative implications for both leaders and the legislature (Capell 1996). Turnover would not only increase but new leaders would have less experience (Little and Farmer 2007). Early on, scholars argued that term limits would alter leadership structures in three important ways. First, term limits would deemphasize the apprenticeship structure in state legislatures (Little and Farmer 2007; Carey, Niemi and Powell 2000; Simon 1987). Second, leaders would serve shorter tenures in their position (Kousser and Straayer 2007; Little and Farmer 2007; Kousser 2005). Finally, term limits would decrease the overall experience of leaders (Little and Farmer 2007; Kousser 2005). In short, term limits were to speed up the process to becoming a leader and, in

[1]The different methods and rules for selection can be found in the appendix.

turn, dismantle the power of leadership within the legislature.

Data

My goal is to test the existing theories of term limits and leadership to better understand how term limits have actually altered legislative leadership through apprenticeships, tenure, and experience. There will be different levels of experience based on the type of term limit; lax limits tend to allow for lengthy careers resulting in leaders with more experience. Additionally, these analyses illustrate how term-limited states do or not differ from states without term limits.

The following analyses use the *TLS-Leaders* dataset. These data represent the top leaders in both chambers of the state legislature. For the lower chamber this includes the speaker, majority leader, and minority leader. For the upper chamber this includes either the president or president pro tempore, majority leader, and minority leader.[2] In total, there are nearly 1,000 individual observations of leaders from 1985-2018.[3]

It is important to control for other institutional factors that are thought to influence leadership. First is professionalization which has been found to strengthen the role of leaders (Clucas 2007). To account for professionalization, Squire's index for legislative professionalization is used (Squire 1992*b*). Additionally, the career opportunities presented by the legislature are controlled for. A state with more career opportunities encourages progressive ambition; as a result, members do not stay in the chamber for as long (Squire 1988). The different career opportunities presented by the legislature can contribute to the leadership role that members take on.

The following three sections assess the hypothesized changes that term limits have brought to legislative leadership. The first section looks at apprenticeships,

[2]In states where the senate president is the Lieutenant Governor, the president pro tempore is used.

[3]Although most of the analyses are restricted to 2002, when term limits actually went into effect.

presenting a qualitative comparison of two states followed by an empirical analysis. The second section evaluates tenure of legislative leaders in states with term limits and those in states without term limits. The third section examines the overall level of experience that term-limited leaders have. Testing these preexisting theories reveals how term limits have actually influenced leadership.

Apprenticeships

Leadership apprenticeships have become a norm in both Congress and state legislatures. In fact, as legislatures began to modernize apprenticeships became even more important (Squire 1992*a*; Simon 1987). Members began to serve longer apprenticeships, serving as lower-level leaders before rising to more prominent positions (Squire 1992*a*; Chaffey and Jewell 1972). Under term limits, however, members are only allowed in office for usually a short period of time. This results in increased competition for leadership positions in a system where most competitors lack legislative experience (Little and Farmer 2007). Early studies found that members who desire a leadership position were able to move into a position quickly, without knowing much about their role (Carey, Niemi and Powell 2000). With increased competition and limited time in office, it is difficult for members to serve apprenticeships and have time to climb the leadership hierarchy.

Before term limits, apprenticeships were viewed as an institutional norm and a stepping stone to becoming a leader. Members serve apprenticeships in lower positions before they can rise to the highest-ranking position in the chamber so they are better equipped for their future as speaker/president. Simon (1987) found that seniority was an important criterion and most legislative leaders had prior leadership experience, either as a committee leader or assistant leader. Moreover, it was uncommon that a rank and file member would immediately be placed in a leadership position (Squire 1992*a*; Simon 1987). Freeman (1995, 370) found that by the

1990s nearly 100 percent of speakers had prior experience as a committee chair. Apprenticeships made it a lengthy process to get to a leadership position; once there, leaders would serve for a short period of time (Squire 1992*a*, 193).

The transitional period of term limits revealed uncertainties about whether apprenticeships were still important to the leadership process. One early study argued that term limits killed apprenticeships (Peery and Little 2003). On the contrary, Bowser and her colleagues (2003) found that lines to the speakership were not formalized before or after the implementation of term limits. Additionally, Rosenthal (2007) observed that apprenticeships had been declining in states without term limits and that this would likely be amplified in states with term limits.

Apprenticeships are currently understood within the context of time, or how much time a legislator has. In states without term limits, members are more likely to serve apprenticeships because they have the anticipated time to do so. In term-limited legislatures, time is finite. In a term-limited state, leaders are not able wait until their third or fourth session to assume a leadership position. This is amplified for positions such as the majority and minority leader where the majority leader and speaker both are likely in their last term, so there is nowhere for them to advance within the institution. If a member needs to serve an apprenticeship prior to becoming majority leader, and then speaker, they often must be elected as committee chair or party whip during their first term. Term limits speed up the legislative process for all members, but especially those who desire leadership positions.

I assess changes to apprenticeships in two different ways. First, a brief comparison of leadership pathways between a state with term limits and a state without them. Second, there is an empirical analysis comparing apprenticeships across different types of term limits. In term-limited states, members have less time to serve, which decreases the importance of apprenticeships because members simply do not have the time to serve.

The comparison between Wyoming and South Dakota illustrates the difference between states with term limits and those without. Wyoming and South Dakota have a similar legislative membership sizes and structures, they also have similar career opportunities and legislative professionalization levels. The similarities between the states should allow for similar career patterns, except South Dakota has term limits while Wyoming does not. Comparing the pathways to the speakership in these states illustrates the importance of apprenticeships, or in the case of South Dakota, the lack of them. In Wyoming, there should be a clear hierarchy, members should serve in a lower leadership position before moving to the speakership. Wyoming, however, is a state that places an informal two-year term limit on the speakership. In South Dakota, the pathways to leadership are unorganized. Term limits force shorter legislative tenures, so members are unlikely to have the time to serve in a lower leadership position before becoming speaker. In other words, speakers have not previously served in a high-ranking leadership position.

Table 4.1 illustrates the different pathways to the speakership in these two states from 1990-2016.[4] Leaders are listed by their last name and their prior experience is included in parentheses. If members serve apprenticeships, there should be a clear pathway from the top party leader to the speakership. A member should be listed multiple times if they are serving apprenticeships.

In Wyoming there is a clear pattern to obtaining the speakership, members first serve as the majority leader. This apprenticeship is a clear, established pattern. The only exception is Speaker Harshman in 2016. Examining South Dakota, there is no recognizable pathway to becoming a speaker. In fact, there are two instances where a speaker moves down the hierarchical ladder to later serve as majority leader. Overall, there is no discernible pattern and members do not appear to

[4]Term limits were enacted in South Dakota in 1992, and implemented in 2000. In order to capture the changes between the anticipatory phase moving into the point of equilibrium that exists now, I begin in 1990.

Table 4.1: Comparing Pathways to Top Leadership Positions

	Wyoming			**South Dakota**		
Year	Majority Leader	Speaker	Minority Leader	Majority Leader	Speaker	Minority Leader
1990	Chamberlain (14)	Cross (18)	Harrison (8)	Lammers (10)	Hood (8)	Duxbury (3)
1992	Marton (14)	Chamberlain (16)	Rykman (8)	Gabriel (10)	Cutler (8)	
1994	Hinchey (6)	Marton (16)			Krautschun (10)	Schaunaman (6)
1996	Bebout (10)	Hinchey (8)			Hagg (8)	Haley (4)
1998	Tempest (12)	Bebout (12)		Cutler (10)	Hunt (8)	
2000	Parady (6)	Tempest (12)	Boswell (8)	Peterson (2)	Eccasrius (4)	Olson (0)
2002	Luthi (8)	Parady (8)			Michels (4)	
2004	Cohee (6)	Luthi (10)	Reese (8)	Rhoden (4)		Hargens (4)
2006	Simpson (8)	Cohee (8)	Martin (4)		Deadrick (6)	
2008	Buchanan (6)	Simpson (10)	Meyer (2)	Faehn (4)	Rave (6)	Hunoff (0)
2010	Lubnau (6)	Buchanan (8)	Goggles (6)	Lust (4)	Raush (6)	
2012	Brown (8)	Lubnay (8)	Throne (6)		Gosch (5)	
2014	Berger (12)	Brown (10)		Gosch (7)	Wink (6)	Hawley (4)
2016	Miller (16)	Harshman (14)	Connolly (8)	Qualm (4)	Michelson (4)	

serve apprenticeships. Instead, members tend to become speaker with little leadership experience and during their last session before being termed out.

This brief comparison between Wyoming and South Dakota illustrates the differences between two states that, on the surface, should have similar leadership patterns. In Wyoming, there is a clear organizational structure where members serve apprenticeships before rising to the speakership. In South Dakota, however, there is no clear pattern and members do not appear to serve an apprenticeship as a majority party leader. While South Dakota is representative of the most common type of term limit, there are likely differences across types of term limits. Thus, this comparison is extended to take an aggregate look at apprenticeships among term-limited states.

Table 4.2 compares the number of top leaders in the states who previously served a top-level apprenticeship compared to those who did not. Overall, among the states there were more top leaders who did not serve an apprenticeship. In states with and without term limits the number of leaders who have served an apprenticeship varies. There are two term-limited states, Michigan and South Dakota, that did not have any top leaders serve as a party leader. Colorado and Maine had the highest number of members who served apprenticeships. This brief overview indicates that there is considerable variance among the states and there is discernable difference between states with and without term limits.

The frequency at which members serve apprenticeships is tested using a logit model accounting for state random effects. The dependent variable for this analysis is whether a leader previously served in another top position (1), or they became a leader without previously serving (0). The independent variables are indicators for each of the four types of term limits. In addition to institutional controls, there is a variable included controlling for overall legislative experience. There is also an indicator for whether or not the leader belonged to the Republican Party. The results

Table 4.2: The Number of Top Leaders who Served an Apprenticeship and those Who Did Not, 2000-2016

State	**Apprenticeship**	**No Apprenticeship**
Arizona	5	9
Colorado	11	6
Florida	1	7
Louisiana	n.a.	n.a.
Maine	10	6
Michigan	0	9
Missouri	6	8
Montana	5	12
Nebraska	n.a.	n.a.
Ohio	3	8
Oklahoma	3	10
South Dakota	0	14
New Jersey	n.a.	n.a.
North Dakota	1	17
Oregon	6	3
Texas	n.a.	n.a.
Wyoming	17	1
Total	70	108

Nebraska, Louisiana, and Texas do not have party leaders. New Jersey has missing party leader data.

evaluating the use of apprenticeships can be found in Table 4.3.

In the lower chamber, while the coefficients are negative, they are not statistically different from states without limits. In other words, there is no real difference in the use of apprenticeships between states with limits and states without limits. In the upper chamber, the coefficients are positive, but also insignificant. The one exception is the *divided/life* limit where apprenticeships are slightly more common ($p<.1$). This finding is likely a result of members who were able to serve a position in the lower chamber. The controls do present interesting results for the upper chamber. More professional states have fewer leaders who served apprenticeships, but states with more career opportunities have more leaders who have served an apprenticeship.

Table 4.3: Logit Analysis of Apprenticeships with State Random Effects

	Lower Chamber	**Upper Chamber**
Divided/Consecutive	-0.876	0.417
	(0.552)	(0.647)
Divided/Life	-0.938	1.760*
	(1.039)	(1.009)
Unified/Life	-1.513	-0.505
	(1.100)	(1.340)
Professionalization	-0.562	-6.126**
	(3.074)	(3.062)
Career Opportunity	0.311	5.323**
	(2.705)	(2.511)
Legislative Experience	0.014	0.137*
	(0.054)	(0.083)
Republican Party	0.202	0.818**
	(0.404)	(0.404)
Constant	-0.680	-2.897***
	(1.086)	(1.075)
N	154	144
Number of States	12	12

Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Recall, the changes brought by term limits were thought to decrease the experience of legislative leaders and consequently deemphasize apprenticeships. While the brief state comparison illustrates the differences between two similar states the aggregate analysis does not support that theory. The use of apprenticeships in states with term limits is not statistically different from states without term limits.

The fear that term limits would halt the practice of apprenticeships is not unfounded, but there is little evidence that this is the case. Apprenticeships appear to be becoming less common in all legislatures, with or without term limits. This finding illustrates the importance of looking at states comparatively. Simply looking only at term limited states, it would be easy to assume term limits have killed the practice of apprenticeships, when, in reality, apprenticeships are no longer a com-

mon practice among top legislative leaders across the states.

Tenure

The second anticipated change produced by term limits is a decline in leadership tenure, or how long a member serves in their position. Historically, leaders served for only one or two terms, but with legislative modernization, members began to serve longer and leadership turnover decreased (Squire 1992*a*; Chaffey and Jewell 1972). Overall, the increased incentives of legislative service drove members to serve for longer and stay in leadership positions for longer periods of time. Similar to Congress, tenure equals power and without tenure, members are not able to develop the expertise necessary to make policy (Powell, Niemi and Smith 2007; Coyne and Fund 1992; Rosenthal 1992). More specifically, members with less tenure place less of an emphasis on legislation (Sarbaugh-Thompson and Thompson 2017). Additionally, if a speaker is put into office in the session before terming out, as a lame duck the speaker loses leverage to control members.

Given the goal of term limits—to expel legislators—leaders should have shorter tenure in term-limited states (Little and Farmer 2007; Kousser 2005; Reed and Schansberg 1996; Squire 1992*a*). Increasing turnover rates brought forth speculation over how leaders would be affected. With term limits, leaders are no longer able to build up tenure because of the high rate of institutional turnover (Little and Farmer 2007; Kousser 2005; Bowser et al. 2003; Squire 1992*a*). Speakers would not be as powerful as they once were and with shorter tenure their authority would wane (Kousser and Straayer 2007; Little and Farmer 2007; Kousser 2005). Leadership tenure is important to the function of the legislature. To what extent this occurs is largely dependent on the legislature. States with divided limits are likely to have less qualified leaders as they are rushed through the process. States with unified term limits give members more time to serve in a single chamber allowing a

popular leader to stay in office for a lengthy period of time.

The *TLS-Leaders* data is used to evaluate the differences in length of tenure between states with term limits and states without term limits. The variable of interest is the length of time served in a given leadership position. Specifically, the *tenure* variable is a measure of the terms served in the top leadership positions. As Schlesinger (1966) noted, political time is different than regular time and is based on electoral terms. Table 4.4 presents the summary statistics of tenure length by state. The table presents the minimum and maximum number of terms that leaders have served, as well as the average number of terms that members serve. While there is a great deal of variation, most state leaders serve an average of just under one term.

Table 4.4: Tenure All Leaders by Term for Each State, 2002-2016

State	**Minimum**	**Maximum**	**Average**
Arizona	1	11	1.5
Colorado	0	2	.7
Florida	.5	1	.55
Louisiana	1	1	1
Maine	.5	3	1.1
Michigan	1	2	1.3
Missouri	.5	2	.94
Montana	.5	2	.83
Nebraska	.5	1.5	.83
Ohio	.66	0	.84
Oklahoma	.5	1.5	.93
South Dakota	.5	3	1.6
New Jersey	0	2	1.5
North Dakota	.5	3	1
Oregon	.5	3	1.1
Texas	0	.5	.28
Wyoming	.5	2	.81

The independent variables are the term limit indicators, in total there are four indicators. In addition to the institutional control variables, *professionalization* and *career opportunity*, several additional controls are included. First, an indicator if

the leader is a "lame duck". Members who are lame ducks are in their final legislative term and they should have more tenure than those members who are not about to leave legislative life. There are also indicators for each leadership role because different institutional norms can restrict the terms of certain leaders. For example, in Wyoming the speaker and majority leader can only serve for two years, but the minority leader can serve indefinitely. There is an additional control for members of the Republican Party.

Leadership tenure is assessed using a negative binomial regression model (NBRM) to test the length of tenure.[5] Table 4.5 contains the results of the NBRM for leadership tenure among types of term limits. At first glance, it does not appear that leadership tenure is significantly different in states with term limits from states without term limits. With the exception of *unified/life* limits, where in the lower chamber leaders serve in their position for significantly less time. The most consistent finding is that lame ducks, or the most senior members, have the longest tenure in their position.

Overall, term limits do not appear to bring any significant changes to leadership tenure. To better understand the differences between the different types of limits predicted counts of leadership tenure are estimated. Figure 4.1 illustrates the predicted number of terms that a top leader will serve. The predictions are based on the top chamber leader who is in their last term (institutional factors are held at the mean). The figure on the left contains the predictions for the lower chamber, on the right are the predictions for the upper chamber.

For both chambers it is unlikely for a member to serve two terms in any given leadership position. Many top leaders, in fact, serve only one term or less. There are several noticeable trends across both chambers. First, top leaders who do not serve under a term limit have the longest average tenure. Second, *divided/consecutive*

[5]The negative binomial regression model does a better job at predicting tenure than the Poisson regression model due to over dispersion (Long 1997).

Table 4.5: Negative Binomial Regression Model for Leadership Tenure

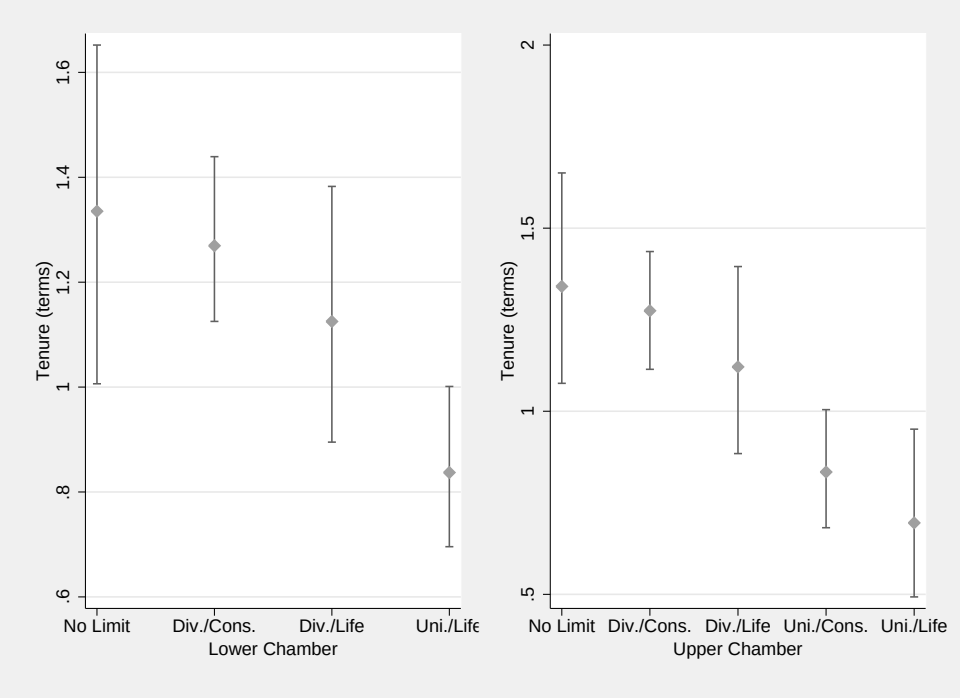
	Lower Chamber	**Upper Chamber**
Divided/Consecutive	-0.055	0.407
	(0.115)	(0.303)
Divided/Life	-0.153	0.297
	(0.170)	(0.436)
Unified/Life	-0.435***	0.014
	(0.155)	(0.299)
Professionalization	0.799	-1.020
	(0.760)	(1.340)
Career Opportunity	-0.713	-1.228
	(0.512)	(0.939)
Lame Duck	0.212***	0.285***
	(0.066)	(0.074)
Top Leader	-0.187	-0.195
	(0.146)	(0.137)
Majority Leader	-0.227	-0.026
	(0.163)	(0.109)
Republican Party	-0.055	0.126*
	(0.089)	(0.076)
Constant	0.354***	-0.103
	(0.110)	(0.282)
Observations	203	227

Robust standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

states closely follow *no limit* states. Third, both unified limits have leaders with significantly less tenure. In the lower chamber, there is no distinction between states with divided limits and states without limits. In the upper chamber, top leaders do not serve in their position for as long in the more restrictive unified states.

When looking specifically at the predicted tenure of speakers and presidents, however, there is a significant decrease for members from unified states. Top leaders who serve under unified term limits tend to serve in that position for one term or less. The top leaders who serve under divided limits are comparable to those who do not face term limits. Overall, there is not support for the theory that term lim-

Figure 4.1: Predicted Leadership Tenure for Both Legislative Chambers



its reduce the rate of tenure for leaders. With the exception of top leaders in unified states.

This section tested theories of leadership tenure and the suspected changes brought on by term limits. Scholars long assumed that leaders in term-limited states would be disadvantaged and serve in their position for a shorter period of time. This does not appear to be the case. Now that term limits have reached a point of equilibrium, there is not evidence of any significant difference between the tenure of leaders from states with term limits and those without.

Experience

The third, and final, component affecting leadership is the overall level of experience that leaders possess. One of the most important qualifications to becoming a leader is the level of experience that a member has (Freeman 1995; Simon 1987). In addition to lengthier leadership tenure, members began to serve in the legislature

for longer periods of time before rising to a leadership position (Freeman 1995). Members need the time and experience of serving in the legislature before rising to become a leader (Freeman 1995). Prior to term limits, leaders had already spent seven or more years in the chamber before rising to the rank of speaker (Squire 1992*a*). Term limits, however, can cut an individual's service off in as little as six years. Scholars predicted that leaders would have an overall decrease in legislative experience, which limits leadership effectiveness (Little and Farmer 2007; Bowser et al. 2003). In this section, the changes in overall legislative experience are evaluated using a negative binomial regression model to assess how different types of term limits have affected the level of legislative experience that leaders possess.

The extent to which leaders influenced the legislature prior to term limits matters—the more the institution relied on its leaders, the greater the influence of term limits (Little and Farmer 2007; Kousser 2005). Term limit leaders would have less authority because they are near the end of their allotted term (Little and Farmer 2007; Kousser 2005). For example, the speaker in Colorado was found to be more hands off and have less authority than speakers before term limits (Kousser 2005). When a leader is serving as speaker at the end of their term it makes them a *lame duck*, who carries less weight and authority with their decisions.

Given the nature of term limits, it is expected that leaders should have less experience. The extent to just how much prior experience a member has is dependent on the type of term limit. This analysis is focused on two points—first, leaders in term-limited states have less experience; second, the level of experience varies among types of term limits. A negative binomial regression model is estimated to examine the years of legislative service that members serve.

The leadership trait of interest is overall legislative experience. In order to capture the variations of experience, the dependent variable is different for each cham-

ber.[6] For the lower chamber, the variable is the number of years a member served in the chamber prior to being elected a leader. For the upper chamber, the dependent variable includes how many years a member served in the chamber prior to becoming a leader *and* how many years they served in the lower chamber. Both measures capture how much legislative experience a particular member has before assuming office.

Table 4.6 contains the average number of years of experience that leaders have when they enter office. The table contains the average experience by chamber to account for those senators who also had experience in the lower chamber. Looking at the table, in the lower chamber there is a slight uptick in the average number of years for some of the states without term limits. This trend becomes more evident when looking at the upper chamber. In the upper chamber there are some states with term limits that average three years of experience, but the states without term limits are averaging near 10 years with the high nearing 20 years.

This analysis includes the four term limit indicators. Additionally, there are controls for *professionalization* and *career opportunities*. There is also an indicator, *top leader*, for those members who attained the highest leadership position of either Senate President or House Speaker. Leaders in term-limited states should have lower levels of experience than those who do not serve under term limits, but the top leaders should have more experience than party leaders.

Table 4.7 contains the results of the negative binomial regression model of legislative experience.[7] In the both chambers, serving under term limits decreases the amount of experience that leaders have; this is consistent for all types of term lim-

[6]Summary statistics for the dependent variable are in the Appendix.

[7]The simple negative binomial model is largely consistent with the more complex negative binomial model with random effects. The more complex model can be found in the appendix. The only variations are the increased significance of the *unified/life* limit and the increased significance of *professionalization* in the upper chamber. The slight deviation suggests that in states with a unified lifetime ban there is some unobserved variable influencing careers. The simple model is largely consistent with the random effects model, I focus on this simpler model for ease of interpretation.

Table 4.6: Average Years of Experience for Leaders in Each State, 2002-2016

State	Lower	Upper
Arizona	4.2	3.8
Colorado	4.7	4.9
Florida	-	5.3
Louisiana	8	4
Maine	4.8	4.4
Michigan	3.7	2.9
Missouri	4.1	4.1
Montana	4.9	4.6
Nebraska	-	4.5
Ohio	5	4.7
Oklahoma	7.8	7.3
South Dakota	4.1	3
New Jersey	7.6	18.5
North Dakota	16.1	11.1
Oregon	4.7	7
Texas	19	12.5
Wyoming	8.32	8.32

its. In the lower chamber, states that present more career opportunities have leaders with less experience. Members from the lower chamber are quick to advance when they have the opportunity to do so, therefore they have fewer years of experience. The most experienced legislators are those in the top leadership positions. This particular point is endogenous, members with the greatest experience rise to the top positions but top positions give members more experience.

To better understand how the levels of experience vary among types of term limits, there are estimates for the predicted level of experience for each type of term limit. Figure 4.2 illustrates the predicted count of experience and the 95 percent confidence intervals for each type of term limit. On the y-axis are the years of experience that leaders are predicted to have, on the x-axis are the different types of term limits. The figure on the left is the expected count for the lower chamber and, on the right, is the expected count for the upper chamber. The expected count for experience is similar across both models. For both chambers, leaders are less expe-

Table 4.7: Negative Binomial Regression Model of Legislative Experience With Random Effects

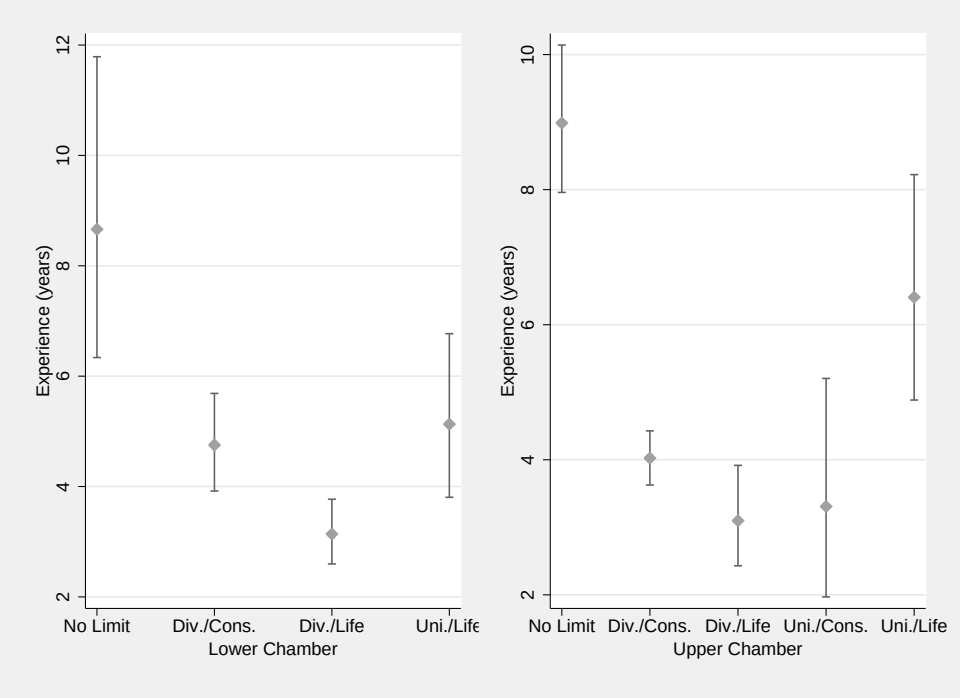
	Lower Chamber	**Upper Chamber**
Divided/Consecutive	-0.586***	-0.803***
	(0.185)	(0.107)
Divided/Life	-1.004***	-1.071***
	(0.204)	(0.171)
Unified/Consecutive		-1.034***
		(0.067)
Unified/Life	-0.521**	-0.353***
	(0.216)	(0.061)
Professionalization	0.773	0.803**
	(0.587)	(0.406)
Career Opportunity	-2.064**	-0.168
	(0.839)	(0.425)
Top Leader	0.159***	0.281***
	(0.058)	(0.062)
Constant	2.589***	2.075***
	(0.232)	(0.119)
N	253	277

Robust standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

rienced in term-limited states. States with term limits have significantly less experience than states without term limits. The only exception is the *unified/life* limit, however, it would be statistically distinguishable from states without limits at the 90 percent confidence interval.

There is no clear distinction across the types of term limits in the level of experience leaders have. The confidence intervals of term limits overlap, but states with unified limits tend to allow for more experience. There is only one type of term limit that does have significantly lower levels of experience than other term-limited states, the *divided/life* limit. In the lower chamber, *divided/life* limits have significantly lower levels of experience. *Divided/life* limits are considered the strictest type of limit and this is demonstrated by these leaders' experience levels.

Figure 4.2: Predicted Level of Experience for Both Legislative Chambers



When taking experience into account, term limits do appear to alter legislative organization and leadership structures. Term limits do, for the most part, significantly decrease the level of legislative experience that members have. While this finding was expected, the variation has been unknown to this point. The members with the most experience are those who rise to the highest office, indicating underlying changes to term-limited legislatures, including an institutional dependency on more senior members. From the previous assessment of apprenticeships, however, it is clear that few members in term-limited states serve apprenticeships. The decreased likelihood of a member serving an apprenticeship adds to the problem of decreasing experience. Not only do members have less legislative experience, they also have less leadership experience.

Leaders in the States

The preceding analyses revealed inconsistencies in both theory and practice. Scholars anticipated that legislatures would come to deemphasize apprenticeships, leaders would serve in their position for less time, and leaders would have less legislative experience. The results of these examinations vary widely and are largely dependent on the type of term limit. While term-limited states do appear to have deemphasized apprenticeships, so have the states without limits. The worry over decreasing tenure in any given leadership role does not appear to have come to fruition: members in term-limited states serve for the same length of time as those in states without limits. Experience, however, does experience noticeable decline in the term-limited states. The decreased level of experience has the potential to affect leaders and how they function in the legislature.

Many of the observed changes in the previous section result in arguably unobservable outcomes. It is easy to count the number of years that a member serves, it is far more difficult to understand what those years mean. Leadership tenure, or lack thereof, can have many implications for leaders and the members that follow them. When a member serves in a top position during their last term they do not exercise the same level of authority as members in states without term limits do. Those term-limited leaders do not have the same ability to follow through or persuade rogue members, because they will be gone by the end of the session. This section attempts to capture some of those unobservable effects by examining who legislators actually view as influential and how much they think their leaders matter.

In order to gauge the influence of legislative leaders, members were asked during my interviews, "Thinking about the legislature, who are the most influential members?" When members asked for a definition of influence, they were told it

was however they wished to define it and whoever *they* believed was influential. Members who asked were told they could list either specific members or positions, whichever they were more comfortable doing. The responses vary by state and member, but there are discernable themes for each state.

Table 4.8: The Most Influential Members in Term-Limited States

	Majority Party	**Multiple Leaders**	**Other**	**Total**
Missouri	15	7	14	36
Nebraska	1	2	11	14
Ohio	10	6	6	22
Oklahoma	8	10	5	23
Total (%)	34 (36)	25 (26)	36 (38)	95

Table 4.8 contains the aggregate responses of who members believe is the most influential person in their legislature. This brief table includes the three most common responses. First, are the *majority party leaders*, this includes the speaker and president or president pro tem. This response is rooted in the office, rather than the individuals who hold that office. Second, some respondents named multiple individuals who they viewed as influential including: speaker, majority leader, minority leader, assistant majority and minority leader, and committee chairs. The final category is *other*, this category does not include either party or chamber leaders. For example, a handful of Oklahoma legislators pointed to the freshman class as being the most influential while in Nebraska members pointed to Senator Ernie Chambers as having the most influence.

There are clear themes in each state when it comes to influence. In Missouri, influence appears to be vested in the *majority party* and *others*. Legislators either view power as being vested in the speaker and majority party or in other individuals who do not serve as a party leader. In Nebraska, there is a clear trend toward individuals being the most influential. Only one respondent stated that the majority party (in the formally nonpartisan body) held the most influence, whereas

eleven members named other individuals. In Ohio nearly half of the respondents cited the *majority party* as being the top leader. The split responses suggest a differentiation based on party, those of the majority party find the majority party to be the most influential. In Oklahoma, influence is again somewhat removed from the majority party, instead respondents were more willing to name multiple leaders from both parties. Additionally, there are a handful of individuals who think others outside of leadership are the most influential.

Each state has a slightly different leadership structure, which can be difficult to capture in the above analyses. In the remainder of this section, a sub-sample of four states and their leaders are evaluated in-depth. Using interviews from the states, this section evaluates the role and importance of leaders in term-limited states. Influence in Nebraska appears to be very decentralized, whereas influence is highly centralized with the speaker and majority party in Missouri. Within the Ohio legislature the majority party is highly centralized under the majority party leadership, those in the minority party seek out other influential leaders. In Oklahoma, however, power seems to remain with multiple party leaders, not just the speaker or president pro tempore. This section captures the feelings of actual legislators and how they view their leaders.

Missouri

In the Missouri legislature responses suggest a highly centralized power structure with slight variations between chambers. Specifically, members in the lower chamber consistently view the speaker as highly influential. In the upper chamber the leadership holds a great deal of power, but senators tend to feel more equal with their leaders. Overall, there tends to be agreement that top leaders and party leaders hold the most influence. As one member put it succinctly, "speakers and presidents are most influential."

In the lower chamber many members found the speaker to be the most influential. A second-year representative said simply, "well, of course, it's the speaker." One member said the speaker is influential because he says what goes and what does not. A more senior legislator explained that the legislature has a "top heavy structure with the speaker of the house in terms of power." One representative stated, the speaker is the most powerful, "by virtue of the power we give them," adding, "I didn't realize how much power the speaker has."

A freshman representative remarked, "we do not have as much say as I thought we did;" they continued by saying that everything has to go through leadership. The same representative said that the party leaders are the most influential it is, "not even a question." Another freshman representative went so far as to say, "the system is flawed" because of the immense amount of power the speaker has. A more senior representative argued that the speaker was important because they have the ability to decide what goes to the floor and what does not. A different member responded to the question of influence saying, "the speaker of the house, absolutely," because of the control they have over the legislature.

A state senator, who had previously served in the House, stated that the president, floor leader, and committee chairs have a lot of control, but "all senators will get a say." They went on to say the house is different, not everyone will get a say. The same senator said that power in the house is vertical, whereas in the Senate all members get a say regardless of the floor leader. A representative, in reference to the Senate, said "(the) Senate is designed to force the majority to listen to the minority." One example of this design is that the Missouri Senate allows for a filibuster.

One senator said the most influential members are the ones you trust the most, that you should value character over position. Others agreed that influence is entirely relationship based. A representative stated that the most influential members

are the ones "who don't forget why they're here." In the same vein, a different representative said that influence is based on character. A different perspective, offered by a senior legislator, "anybody who really works at it" can be influential.

Outside of leadership, several members find the Budget Committee and Appropriations Committee chairmen to be very powerful. Others said the more experienced members are the most influential, as are members with greater expertise. Established friendships and relationships also influence members. Another representative argued the most influential members are the ones who are able to work across the aisle behind the scenes. A different representative noted those with influence are "not always those in leadership positions. Depending on the issue, different members are the most effective and influential."

There are a select number of outlier members who do not think any one person was particularly influential. For example, one representative said, "As all members are elected by voters, they share the same and are equal. Positions give you more latitude to do many things, the only one with greater power is God." Another said the most influential members are the ones who have been productive in life, not career politicians or those successful in private enterprise. A senator said the most influential are those that know how to do the job, "20 percent of people understand the game," the rest of the legislature does not.

Nebraska

Legislators in Nebraska have a different experience with leadership and who they view to be important. First, Nebraska is unique because they do not have majority and minority party leaders. The lack of party leaders dissipates the central structure that is seen in many other legislatures. Instead of an extended leadership structure, Nebraska has only a speaker. Given that Nebraska has one chamber and one elected leader, it would be easy to assume the speaker holds a great deal of

power. In Nebraska, however, legislators do not view the speaker as one of the more important figures.

When asked about influence, few members cited the Speaker as having a great deal of influence. Only one respondent listed the speaker as having the most influence. A different member cited leadership as having the least knowledge. Instead, members listed other individual members, or even multiple members (rarely including the speaker) as being the most influential.

It is clear that Nebraska state senators do not view the speaker as a powerful actor. Rather, they tend to value those members with more experience. One senator stated they felt people with the most institutional knowledge were the most influential. In particular, Senator Ernie Chambers has earned the respect of many of his colleagues. When asked, "Who is the most influential member?" many senators pointed out Ernie Chambers saying, "Ernie Chambers is the one I'd day is truly influential," and "outside of the legislature (in the media) Senator Chambers is the most influential."

Other members stated that they felt all of the senators were pretty equal. If anything, the most influential member changes with time and subject. Two senators remarked that the most influential members are the ones who have earned trust on both sides of the aisle. Another stated, the influential members are the ones who get stuff done. Outside of member characteristics, a couple of senators noted they felt appropriations and revenue chairmen were the most influential.

In Nebraska, it appears that the power of the speaker pales in comparison to those members who have more experience or are better at communicating across the aisle. The question is, is this a Nebraska phenomenon linking to their nonpartisan unicameral legislature? Or do term limits actually limit the role of the speaker? There is the added dynamic of not having any formal party leadership. It is, at this point, difficult to parse out the different pieces of the Nebraska legis-

lature and the changes that they bring, however, these results are likely due to a combination of all of the institutional factors.

Ohio

Ohio has a unique situation with its current leadership. The Speaker of the House during my interviews was Larry Householder.[8] Householder is unique because he took advantage of the lax term limits present in Ohio. Householder first began serving in 1996. He was the speaker from 2001 until he was termed out in 2004. Only in a divided/consecutive state, like Ohio, can a previously termed out speaker return to office and resume the role of Speaker of the House. Householder has more experience as both a representative and a speaker than what is would be expected in term-limited states. Given that Householder has more experience the expectation is that he would carry more influence than a lesser experienced speaker.

The Ohio House leadership is predisposed to have great influence because of the formal rules that favor their authority. One representative said the top leaders are the most influential—people in leadership positions are voted there by the body, this increases influence through positional authority. Another noted, "structurally, its the leadership." One freshman member asserted, "the speaker is in charge." Others pointed to specific roles, noting that the speaker and president are the most influential because they are the policy gatekeepers or that the leadership teams are great guides through the legislative process. Within the Senate, one member said that the president is the most influential at moving legislation, but all members of the Senate are potentially equally influential.

In a legislature like Ohio, where members are permitted to return, senior members are able to exert a great deal of authority. The knowledge and expertise that senior members have gained throughout their time helps them to influence and

[8]For a complete biography on Speaker Householder, http://www.ohiohouse.gov/larry-householder/biography

shepherd the new members. One of the more senior representatives serving said that leadership and seniority make someone influential, regardless of party. They continued saying, leadership is the most influential, "(there is a) Republican revolving door with the Senate, more senior members and more influence." A different representative said, "it varies... we have a wide breadth of expertise and members with different backgrounds... people are influential in terms of experience." One senior legislator, with prior experience in both legislative chambers, said the most influential members are the ones who have been around the longest. The same member also gave a warning, "not to rely upon leadership, listen to what they have to say but do not depend on it."

For some members of the Ohio legislature the most influential members depend on the topic at hand. Several members pointed to those who are *in the know* as having the most experience. The members who pay attention and have their hands in policy are able to influence other members. When it comes to specific policies, it is the members who have studied and looked at the legislation who are able to exert influence. Other members stated it is those who connect well with others, a high "emotional IQ," that are able to influence others. A more senior representative said that influential members are simply the ones who discuss openly and freely based on relationships, expertise, and backgrounds.

Oklahoma

In the Oklahoma legislature there is a far more extensive leadership structure. In the House there are 37 individuals with a leadership position, 26 in the majority party and 11 in the minority party.[9] The speaker has 25 leaders under him. In the Senate, there are 17 leadership positions, 12 in the majority, and the remaining five in the minority. This gives the president pro tempore control over 11 other leaders.

[9] As of the 2019 session, according to the Oklahoma State Legislature Website.

The extensive leadership structure presents a different dynamic than what is seen in Nebraska.

A unique characterization came to light in Oklahoma. In responding about influence, members typically stated that [blank] was the most powerful. Members were, across the legislature, equating influence with power unprompted, this is not something that was as evident in the other states. One legislator commented that those in power have the most influence, especially with the super majority that exists in Oklahoma. A different legislator said, the "ones with the most power are not the most inspiring or helpful, but they are the most influential."

It was common for Oklahoma legislators to point to leadership as the most influential. One legislator stated that power is vested in leadership but trickles down to committee chairs, this speaks to the extensive leadership structure in Oklahoma. One respondent even commented on how centralized the leadership is in the legislature. Another member stated that leaders can give and take access, making them more influential. A different legislator said, "outside of leadership I don't think anyone has really been able to stand out as influential."

The Speaker in particular was noted as being influential to some. Some of the comments about the Speaker include, "Speaker, of course," "Speaker. Absolutely," and "speakers have a tremendous amount of power in both the House and Senate." There were some other positions that were noted as being influential by some legislators. In particular, the Appropriations Committee chair, the floor team, and the majority whip. One member said, "people are influential because of their position," citing party leaders as being more influential.

One person responded that what makes a member influential is that they are respected by their peers. Members cited different important traits that they look for, these were centered on personal relationships and hard work. For example, one member responded, "people are influential because they are hard-working and com-

mitted, when they speak others listen." Several members also valued outspoken members and senior legislators.

The different conversations that I had with legislators reveal that institutional rules and culture have a greater influence on leadership than term limits. The variation in the importance of leadership does not appear to be directly connected to term limits, but rather a product of the long-standing institutional culture. For example, in Nebraska it is not the Speaker that is most influential but individual members. This difference is not a product of term limits, but is a result of the non-partisan legislature. Similarly, an institution that vests greater authority in leadership will have stronger leaders. This is a dichotomy that exists regardless of term limits.

Summary

Leaders are important to state legislatures because, having the backing of a majority of the members, they are better equipped to deal with external actors. Leaders guide and direct rank-and-file members and are typically the most experienced members. There are three long standing theories of legislative leadership and how it is structured. First, leaders would rise to their position over time, serving apprenticeships while proving loyalty to their party. Second, leaders would serve in their position for an extended period of time gaining complete control over members. Last, leaders would be the most experienced members of the legislature. The passage of term limits changed many of these theories, this chapter sheds light on the changes that were brought by term limits and what term limits failed to change.

In regards to apprenticeships, there is little difference between states with term limits and states without limits. While it was expected that fewer leaders would serve apprenticeships, this was not the case. In fact, in divided/life states, leaders were more likely to serve an apprenticeship. These findings, however, can be ex-

tended to more leadership positions and there may be more support for the idea of apprenticeships. Overall, the apprenticeship analysis revealed that the top party and chamber leaders in states with term limits are not any less likely to serve apprenticeships.

Existing theories predict that under term limits, leaders would serve in their position for a shortened length of time. The increased turnover caused by term limits meant leaders could not serve in their position for an extended period of time. This theory, however, does not hold up to empirical testing. Surprisingly, there is no statistically significant difference in the length of leadership tenure between states with term limits and states without limits. The only exception is in states with unified term limits, this finding is amplified when examining the predicted tenure of the top legislative leader. Overall, there is not support for the theory that term limits reduce the tenure of legislative leaders.

The third way that term limits can influence legislative leaders is in overall legislative experience. Early scholars predicted that term limits would put members with limited legislative experience into top leadership positions. As predicted, leaders in term-limited states do have less experience than leaders in states without term limits. This finding holds up in both legislative chambers. Term limits do result in leaders who have less experience, the implications of which extend far beyond the legislature.

Collectively, these findings present inconsistencies in how leaders from term-limited states are viewed. Those who serve under term limits are no more likely to partake in the practice of apprenticeships than those who do not face term limits. Moreover, tenure does not vary significantly among the states. Those who face term limits do not have exceedingly different tenure experiences. Yet members from term-limited states do have significantly less experience. In fact, legislative leaders in term-limited states have less than half the experience of those who do not

face term limits. It is possible that term limits only changed the level of experience members are able to attain. These findings indicate that members are less likely to serve an apprenticeship out of a desire to assume leadership roles early in their career. While, leaders stay in those positions for the same amount of time as members in states without limits, the early rise to the position contributes to the declining experience.

The final section of this chapter looked at interview responses from state legislators. Legislators were asked who they think is influential in the legislature. Answers to this question varied among the states revealing how the role of leaders varies by legislature. In Nebraska, members do not tend to identify the speaker as an influential member. Rather, Nebraska senators tend value experience and expertise over titles. In Oklahoma, power appears to include, but is not limited to, the speaker. Party leadership carries more power than the speaker alone. In Missouri, many members acknowledged the hierarchical structure that places the House speaker in charge. On the Senate side, the president pro tempore retains a great deal of power but members feel more equal. In Ohio, leadership remains powerful but this is rooted in the leaders' experience.

With the passage of term limits, scholars feared that leadership would lose too much power and their role would ultimately diminish. Now that term limits are at the equilibrium stage, it does not appear that the role of leaders has actually diminished. Apprenticeships have become increasingly uncommon among states with and without term limits. Members serve in those positions for the same length of time as members in states without term limits. The only clear difference is the number of years of experience. When looking at how legislator's view their leaders, some trends become evident. The role of leaders has not diminished, if anything, leaders have become more powerful as less experienced individuals get elected. The exception to this is Nebraska. There, lawmakers do not appear to invest much power

in their speaker, but this could be a product of being non-partisan and unicameral, and not because of term limits.

Given these examinations of leadership, leaders are just as influential as ever in states with term limits. If anything, newer, inexperienced members are more reliant on leadership. Take the case of Ohio; Speaker Householder is one of the most influential members in the legislature because of his prior service. More experienced members have the ability to exert greater authority over new inexperienced members. The speaker and president (pro tempore), as well as their top party leaders, hold a great deal of authority. In the cases of Oklahoma and Missouri, nothing happens in the legislature without the approval of the speaker or majority floor leader. It appears that term-limited states have leaders that have just as much control, or possibly more, than states without term limits.

Chapter5

Committees and the Policy-Making Process

Committees are essential in modern American legislatures. In Missouri, one legislator commented on committee system and its great power by saying that committees were frequently created just in order to kill or pass a particular bill. The legislator continued by discussing the relationship that exists between the committee and the leadership and how they work in tandem. The previous legislative year there were 612 bills referred on the last day of committee. These bills were referred so late in the legislative calendar that they were forced to die in committee. The Missouri constitution requires all bills to be referred to a committee, so referring bills on the last effectively kills them. In Missouri, committees remain a powerful legislating force despite restrictive term limits. This strategic use of committees stands counter to the fears that committees would no longer know how to do the job or know how to make policy.

When it comes to policymaking in the states, legislative committees are frequently considered to be a central actor. In other words, committees are the legislative power house. It has been well established that committees are important and necessary to the state legislative process (Francis 1989; Francis and Riddlesperger 1982). Specifically, committees are known for their expertise on policymaking (Hamm, Hedlund and Post 2011; Hamm, Hedlund and Martorano 2006; Basehart 1980). Expertise, however, is dependent on both institutional and membership stability (Makse 2017; Hamm and Moncrief 1982; Basehart 1980). The introduction of term limits potentially hinders membership stability and alters the ways that committees function. This chapter evaluates the changes term limits made to com-

mittees and assesses whether committees can keep up with their legislative duties or if they hold more power than they once did.

Under term limits, the collective limited experience of members hampers the capacity of the committee to well considered produce legislation. Like Congress, states use committees to manage the work load and to make policies (Cain and Wright 2007). Committees perform three important functions (Cain and Wright 2007). First, committees generate information and form expertise in a particular area (Cain and Wright 2007). Second, committees deliberate on legislation in an effort to get the best possible policy outcome (Cain and Wright 2007). Finally, committees are gatekeepers, meant to keep poor legislation from reaching the floor.

Under term limits scholars feared that committees would struggle with deliberation and gatekeeping, while the legislature would pass record amounts of legislation. Have these fears come to fruition, or have committees learned to adjust to term limits with time? The comparison of term-limited states to states without limits is telling of the legislative process and how it has, or has not, changed with the implementation of term limits.

The Importance of Committees

While there has been limited work done on the intricacies and function of committees in state legislatures, it is clear that legislative committees are a necessary component of state government. With time, and growth in American government, there has been an increased reliance on the committee system (Francis and Riddlesperger 1982). Committees are the legislative decision makers in most states, which makes it important to understand the long term effects that term limits have had on them (Francis 1989).

The legislative committees that exist in the states differ from congressional committees. State legislative committees typically do not follow the same seniority rules

that are seen in Congress, instead members are typically placed on committees by leadership (Squire and Moncrief 2020, Jewell and Whicker 1994). Each state has their own unique committee system and while there are many similarities, states all have unique rules.

There are many differences in rules across the states that influence party composition on committees. For example, in some states the majority party is not required to consult with the minority party when making committee assignments. In other states, the majority party accept minority party recommendations. States do not follow a universalistic rule, nor is there a single party rule implemented across the states. In some states both parties have equal representation, in others they do not. The rules regarding committee make-up are different for each legislative institution. There is greater variation in committees at the state level than at the federal level.

Legislative committees are important to the legislature because of their three key duties. Committee members are meant to be information experts; they should know more about bills and policies that come before their committee than are other legislators. Committees are also the central place for policy deliberation and they work on legislation to achieve the best possible outcome. One of the most important roles of the committee is the committee as a gatekeeper. Committees are supposed to keep poor legislation from making it out of committee. The work that committees complete within these three capacities makes them of vital importance to the policy-making process that occurs within the legislature.

Committees are not only important for the institution, but they are important for individual members. Legislators spend at least half of their legislative time doing committee work (Francis and Riddlesperger 1982). Individual members have their personal policy preferences and through the committee system they are able to pursue their agendas (Francis 1989). Other members rely on committees for

their level of expertise, which strengthens policymaking and benefits the legislature by being a source of information (Hamm, Hedlund and Post 2011; Basehart 1980). Members pursue particular committee assignments based on their personal experience and occupational expertise (Makse 2017; Hamm, Hedlund and Post 2011). Committees are used by leadership for rewarding members and enhancing their reelection prospects.

Committee expertise, however, is unlikely to exist without membership stabilization (Basehart 1980). With legislative modernization and increased professionalization, committee memberships began to stabilize in most state legislatures (Jewell and Whicker 1994; Squire 1992*c*). Membership stability influences the work that is done in the legislature. Makse (2017), for example, found that membership stability and reorganization influence the number of bills that are passed. When members have greater expertise they are better equipped for committee work with a lower start-up cost.

The movement to modernize legislatures did more than increase the pay and number of staffers, it also helped to establish and organize committee systems in state legislatures (Rosenthal 1990). Legislatures became stronger organizations, but in order to compete with the governor there needed to be a place for legislators to become policy experts—this lead to the creation of stronger committees. Careerist legislators, a result of increased professionalization, were serving on committees for long periods of time gaining knowledge and issue expertise.

Given the emphasis on expertise, arguably the greatest threat to committee capacity is membership turnover. Committee capacity can be inhibited by high rates of turnover because members are not in office long enough to gain experience (Francis 1989; Basehart 1980; Rosenthal 1974). There have been concerns that with the high rate of turnover in the states, experience and expertise is limited (Francis 1989, 84). The rate of turnover will, of course, vary among legislatures based on the

incentives to stay in office that are offered. The problem is, turnover is the goal of term limits. Consequently, term limits threaten committee capacity.

Committee Changes Under Term Limits

By increasing membership turnover, term limits alter how legislative committees function. Under term limits, initial research found that the three roles a committee is meant to fulfill (as suggested by Cain and Wright 2007) are strained. Committees are "less independent, respected, and active," and were no longer viewed as autonomous actors (Kousser 2005, 101). Instead of being self-sufficient, committees were forced to rely heavily on outside actors for information. This section tests whether committees continue to struggle with expertise, deliberation, and gatekeeping.

In anticipation of term limits, scholars speculated that the loss of institutional memory would negatively influence committees. Schrag (1996) observed that in California committees were no longer producing objective reports, instead they were merely citing lobbyists' interests. The importance of committee assignments was enhanced because members knew they would only be in office for a short time and they would exploit their committee work to make a name for themselves (Carey, Niemi and Powell 2000). New members came to the legislature not knowing the rules or processes, or how things work (Carey, Niemi and Powell 2000). The concern was that the increased number of new members would alter how committees function.

Given the importance of committees to the institutional structure of the legislature, there are two ways to evaluate their effectiveness. Committee work can be evaluated at the macro level by evaluating policy output from the legislature as a whole. Additionally, committees can be assessed at the micro level by looking at the process and output from each individual committee. These two evaluations give

insight into how committees perform in the legislative process, while better explaining the process that occurs within a single committee.

Evaluating the role of committees at the macro level gives insight into how committees work together to create legislation through deliberation and gatekeeping. A micro analysis of the Ways and Means Committee and the Education Committee gives insight into how committees each play their own part in pushing through good legislation or cutting bad legislation. The variation in the number of committees, as well as the policy area of each committee makes it difficult to do a comparative analysis of each committee in each state. Looking at a subset of the Ways and Means and Education committees provides some consistency for the purposes of evaluation.

In the following three sections, the three key committee roles are evaluated. First, there is an assessment of legislator expertise based on how long members serve in a particular chamber of the legislature. Second, there is a multi-part assessment of policy deliberation, including an examination of how long bills take to get through the legislative process and to reach the governors desk. Last, there is an overview of gatekeeping. This final evaluation centers on the number of bills that are introduced, the number of bills passed in the legislature, and how many bills are ultimately signed by the governor. Collectively, these three analyses provide insight into how much, if at all, term limits have changed the process and power of committees. Have committees failed to do their job, or have they learned to adapt to term limits?

Information Expertise

In order to perform their committee duties, members must become information experts for their committees. Members tend to serve on committees that are related to their career or training, but this is not always the case. Legislators need

to come to know the ins and outs of the subjects under their committees' jurisdictions. Term limits were argued to have negatively impacted the level of information that committee members enjoyed (Cain and Wright 2007). Without knowledge and experience, committee members struggle with the other roles that are expected of them—knowing the issues and mastering procedure (Cain and Wright 2007; Kousser and Straayer 2007; Powell, Niemi and Smith 2007). Current understandings of committee systems stem from an emphasis on legislative experience and policy expertise. Under term limits we might expect that legislators do not serve long enough to gain the experience necessary to make good policy. Given the nature of term limits, it is expected that term-limited legislators will have less experience than those who do not face term limits.

This analysis is centered on the variation in legislative careers for members from term-limited states. Membership tenure gives insight about the level of experience members are able to gain within the legislature. Expertise is not easily measured; therefore, legislative experience is used as a proxy variable for it. While it is not a precise measure of policy expertise, legislative experience does relate to overall legislative expertise.

Each type of term limit will allow for different levels of experience, this is also where we would expect that there would be a pronounced difference across chambers. As members advance, they gain greater legislative experience, which should result in state senators having higher levels of experience on average than their lower house colleagues. These higher levels of experience are similar to the levels of experience members are able to gain in states without term limits. Therefore, term-limited legislators that have more experience are comparable to those who do not serve under term limits. Term-limited legislators with lower levels have significantly less experience than members in states without term limits.

The type of term limit that a member faces will determine the extent to which

they are able to gain legislative experience. Members who serve in states with a lifetime ban are inherently less likely to gain experience than members from consecutive states who are allowed to regularly return to the legislature. There are potential differences between legislative chambers. Members of a state's upper chamber typically have more experience because many of them first served in the lower chamber (Cain and Wright 2007; Carey, Niemi and Powell 2000). The added expertise of members in the upper chamber may make it easier for state senators to fulfill their committee duties. Chamber differences will be more prevalent in states with divided limits than states with unified limits. In states with unified limits members are more likely to stay in one chamber, whereas they are forced to move under divided limits. As a result, the upper chamber under unified limits will have less experience relative to chambers operating under different sorts of limits.

In divided/lifetime states members have less experience in both chambers because there is no ability to return, which would add expertise. Nebraska's unified consecutive limit results in less experience because members can only serve in the one chamber and that is limited to a mere eight years. It is unclear how the unified/lifetime limit will affect experience. Under this limit, members can serve a lengthy period of time in one chamber, gaining significant experience; however, members are banned from returning to office.

In this analysis legislative experience is measured using career data from *TLS-Careers* dataset. The dependent variable is the number of terms served for each member of the legislature. States and chambers have different term lengths; thus the number of terms served is a more accurate depiction of experience than years would be. An indicator variable is used for each of the four types of term limits. Institutional features are controlled for using professionalization and career opportunity structures (Squire 2017; Squire and Moncrief 2010).

Table 5.1 contains the results of the negative binomial regression model with

standard errors clustered by state. These findings support the theory that members are less experienced than those who are not restricted by term limits. First, looking at the lower chamber, members in *divided* states have significantly less legislative experience ($p<.01$). *Unified* limits, however, are not significantly different from states without term limits. In the upper chamber, only the *divided/life* term limit sees a significant decline in the level of experience ($p<.01$). *Divided/consecutive* and *unified/life* limits have the expected negative coefficients, but the level of experience is not statistically different from states without term limits. This finding is a result of the increased ability to gain experience in these two types of states.

The institutional variables are significant, but driven by the chamber in question. *Professionalization* is a significant variable only in the lower chamber ($p<.01$), whereas *career opportunity* is significant only in the upper chamber ($p<.01$). These inverse findings indicate that institutional effects are felt to different degrees based on the legislative chamber. In the lower chamber, professionalization entices members to serve longer. In the upper chamber, greater career opportunities decrease the level of experience members have because they can choose to advance to another office.

These findings illustrate that term limits decrease levels of legislative experience. This result, however, does not extend to all states with term limits. The lower chamber is more likely to have a decline in legislative experience as this is the first step for almost every new member. Upper chambers are more likely to exhibit the traits of states without term limits because the lawmakers that serve in the upper chamber have far more legislative experience. As legislators advance to the upper chamber the chamber is strengthened by that experience and resembles states without limits.

One of the predominant arguments against term limits is that it decreases the level of experience of legislators, which inhibits their capacity as policy makers

Table 5.1: Legislative Experience in Term-Limited States (Terms Served)

	Lower Chamber	Upper Chamber
Divided/Consecutive	-0.406***	-0.103
	(0.072)	(0.069)
Divided/Life	-0.279***	-0.320***
	(0.071)	(0.065)
Unified/Life	0.027	-0.044
	(0.080)	(0.067)
Professionalization	0.745***	0.231
	(0.257)	(0.406)
Career Opportunity	-0.426	-1.187***
	(0.359)	(0.256)
Constant	1.432***	1.253***
	(0.102)	(0.070)
Observations	4,690	1,431

Robust standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1
(Unified/Consecutive limits are omitted due to collinearity)

(Cain and Wright 2007; Bowser et al. 2003; Cain 1996). This brief analysis lends insight into this debate. In some states, term limits do decrease the level of legislative experience. But what has been overlooked is that some members advance to the upper chamber. Term-limited states do decrease legislative experience, but not for all types of term limits. While it may seem obvious that term limits would cut experience, this is not always the case in the upper chamber. Those who serve in the upper chamber have comparable levels of experience to members in the upper chambers of other states.

Legislative experience is a good indicator for how much policy making expertise legislators are able to gain during their time in office. If a member does not serve for long, they cannot gain expertise. As one Nebraska senator explained, committee chairs are challenged for lack of institutional knowledge, but those with more experience are the ones who have more influence. The variation in legislative experience

helps to explain the variation in policy deliberation and committee gatekeeping. In states with less experience, there should be less time spent on deliberation and less effective gatekeeping.

Policy Deliberation

Committees are supposed to use their expertise to deliberate legislation. Yet preliminary studies have found that with term limits there is less deliberation over legislation as bills are quickly passed through the committee process with fewer amendments (Cain and Wright 2007; Kousser and Straayer 2007). Term limits reduce the capacity for complex legislation because of a lack of focus on long term legislative goals (Baker and Hedge 2013; Kousser 2005). This hinders the ability of the committee to deliberate, but it does not exist to the same extent in all states (See Kousser 2005).

Committees that are less adept at deliberation are more likely to send legislation, in its original form, to the floor. Committees that send a great deal of legislation to the floor are not performing well (Rosenthal 1974, 28). Quickly moving a bill to the floor implies that the committee has not deliberated the piece of legislation, or applied their policy expertise to create better legislation. This has led to the conclusion that with term limits committees will let more bills through at a quicker rate.

The theory holds that—states with term limits are more likely to send bills directly to the floor because they do not have the time or capacity to deliberate legislation. With a finite amount of time in office, members prefer to pursue their own policy agenda rather than to deliberate others' legislation. Examining the speed at which bills are rushed through the process gives insight on the deliberative process within the legislature. The changes to policy deliberation under term limits can be estimated using a Cox proportional hazard model. This model estimates the length

a time a bill was in the legislature, from "introduction" to final floor votes that send it to the Governor. Once the bill leaves the legislature its time in the institution is over, regardless of what the governor does with the legislation (except for veto override votes). The estimates from the Cox model are the expected hazard ratios (Box-Steffensmeier and Jones 2004). When looking at policy deliberation, the "hazard" indicates the length of deliberation, a negative coefficient means the length of time is decreasing and a positive coefficient means the hazard, or time, is increasing.

To understand policy deliberation within the legislature there are two separate analyses. The first analysis is focused on the entire legislative chamber, under the assumption that policy is assigned to committees and that committees are the actors who perform the bulk of legislative work. The second analysis focuses on two important committees across the states, Education and Ways & Means. This sample of two legislative committees allows for greater insight on the different types of committees and to what extent they deliberate on policy.

Table 5.2 contains the Cox estimates of policy deliberation for upper and lower chambers. The hazard ratios indicate the length of deliberation based on each type of term limit. As the table illustrates, the risk of hazard is higher in some term-limited states and lower in others. In *divided/consecutive* states there is a stark contrast between chambers. In the lower chamber, the rate of deliberation decreases by 24 percent. In the upper chamber, however, the hazard rate is increased by nearly 50 percent. The findings are more consistent in *divided/life* and *unified/life* states. In a *Divided/Life* state both chambers lower the hazard rate, nearly 75 percent in the lower chamber and 40 percent in the upper chamber. In a *unified/life* state, however, the rate of deliberation is increased by 30 percent in the lower chamber and over 100 percent in the upper chamber. These results are similar to *unified/consecutive* term limits which increase the hazard by nearly 50 percent.

Table 5.2: Cox Estimates of Policy Deliberation for the Lower and Upper Chambers

	Lower Chamber Estimates	Upper Chamber Estimates
Divided/Consecutive	0.765	1.492
	(0.0344)	(0.0747)
Divided/Life	0.259	0.576
	(0.0100)	(0.0222)
Unified/Consecutive		1.479
		(0.0930)
Unified/Life	1.301	2.894
	(0.0524)	(0.160)
Republican Legislature	0.206	0.421
	(0.00729)	(0.0155)
Divided Government	0.455	0.305
	(0.0204)	(0.0159)
Professionalization	0.000208	0.00152
	(6.63e-05)	(0.000537)
Career Opportunity	176.1	51.98
	(52.91)	(17.14)
N	17,135	14,781

Robust standard errors in parentheses
Coefficients are expressed as hazard ratios

Overall, the findings in Table 5.2 reveal that term limits do not inherently remove deliberation from the policy making process. In fact, in states with stricter limits the rate of deliberation is actually longer. What is most striking is the difference in deliberation in *divided/consecutive states*. The division between the two chambers speaks to the level of experience that members are able to gain with the ability to return to the legislature. In the lower chamber, where there are more newer members legislation is pushed through quickly and the rate of deliberation is reduced. Meanwhile, in the upper chamber where there are more experienced members, the rate of deliberation over legislation increases by 50 percent. The stark contrast that exists within a single type of term limit speaks to the importance of

legislative experience in the policy-making process and to focusing on the differences in term limits.

The second way to assess policy deliberation is by looking at how long an individual committee deliberates legislation. The committees used in this assessment are the Education Committee and the Ways & Means Committee. Education Committees tend to be more prevalent among the states, whereas specific Ways & Means committees are less common. These two committees were chosen because of their importance, popularity, and their differences. These two types of committees tend to lean different directions politically, Education more left and Ways & Means more right. Moreover, Ways & Means is traditionally a more prestigious committee but Education Committee work is important because of the direct ties to constituents in every state. These committees both review a great deal of legislation, as well as endure a great deal of strife.

The length of time that a committee has a bill indicates the level of deliberation. While this measure does not reveal how much time a committee actually spent on an individual bill, it does indicate how long the bill was with the committee. If a bill is with a committee for zero to one days, then it is unlikely the committee spent much time deliberating a bill. Additionally, when a bill is with a committee for 10 days, or even 20 days it is more likely that the committee is performing its due diligence by analyzing the bill and speaking to relevant experts. The Cox hazard models for this assessment is centered on the length of time a bill was in committee, from the day it was "referred" to the committee to the day it was "reported" from the committee. Of course, not all bills are reported from committee, the bills that die in committee are censored in the data.

Table 5.3 contains the Cox estimates of policy deliberation in Education and Way & Means Committees, by chamber.[1] The most interesting finding is the clear

[1]This particular analysis is limited to a subset of the states. There are six states used for the Ways & Means committee analysis and there are fourteen for the education committee. A table of

Table 5.3: Cox Estimates of Policy Deliberation Within Education and Ways & Means

	Education Committee		Ways & Means Committee	
	Lower Chamber Estimates	Upper Chamber Estimates	Lower Chamber Estimates	Upper Chamber Estimates
Divided/Consecutive	0.167	0.294	4.390	
	(0.0254)	(0.0616)	(0.530)	
Divided/Life	0.352	0.148	3.966	2.202
	(0.0714)	(0.0316)	(0.534)	(0.225)
Unified/Life	0.269	0.460		
	(0.0396)	(0.0945)		
N	1,455	1,551	979	400

Robust standard errors in parentheses
Coefficients are expressed as hazard ratios

difference in deliberation between the two types of committees. For Education Committees term limits reduce the rate of deliberation. In contrast, In Ways & Means Committees the rate of deliberation is increased upwards of 100 percent. This particular finding indicates that on the committees typically thought as more prestigious, and with more senior members, the time of deliberation is increased. Additionally, there are some differences that exist between the legislative chambers. For Education Committees in *divided/consecutive* and *unified/life* term-limited states the rate of deliberation is increased. Again, this speaks to the value of having more experienced members. *Divided/life* states have the opposite effect in both committees, the lower chamber has a higher hazard rate than the upper, this is likely a result of variation among the control states.

This assessment of policy deliberation reveals that, much like the preceding chapters, the long-term effects depend on the type of term limit. In some instances, like *divided/life* term limits, the rate of deliberation has decreased. In Missouri, a divided/life state, one legislator said that they keep repeating the same arguments because people have not been around long enough to remember. Meanwhile, another Missouri representative shed some light on the shortened deliberation saying, "I rarely see long-term decision making focus."

The reduced rate of deliberation is not absolute, there are many instances where term-limited legislatures are actually increasing the rate of deliberation. Even with sentiments like this, from a Nebraska senator who said it was surprising "how little time there is to do the discernment you actually want to do," that there is a lack of time to do and create legislation. In comparison to non-term-limited states Nebraskans increase the rate of deliberation by nearly 50 percent.

While there is support for diminished deliberation in some term-limited states, and on Education Committees, there is no systematic decrease in policy deliber-

the states and committees can be found in the appendix.

ation. There was a fear that term-limits would usher in a new era and legislators would not take the time to deliberate good policy. That theory, as an overarching statement, is not supported by this analysis. Legislators may be facing a loss of knowledge but they use their available resources as this Missouri senator said: "committees are important for anecdotal information... the important technical information comes from lobbyists and experts because they give reports on both sides and do their own research." Moreover, legislators take the time to deliberate policies when they serve on the committees that traditionally hold a great deal of power. The next section extends this knowledge, of policy deliberation, to understand the effects of term limits on gatekeeping.

Gatekeeping

Changes brought on by term limits affect policy expertise and deliberation; as a result, committees are less able to maintain their gatekeeping responsibility. Committees are usually intended to be gatekeepers that stop poor legislation from advancing. In tandem with the lack of deliberation, theory on term limits argues that committees no longer serve as gatekeepers because they do not have the necessary expertise. As a result of bills passing through committees quickly, many fear committee policy recommendations would not be taken as seriously on the floor in term-limited states (Berman 2007*b*; Cain and Wright 2007; Powell 2007).

There are two signs that can be taken to indicate a less capable committee. First, weaker committees report a higher number of bills (Rosenthal 1974, 24). A higher number of bills indicates that members are not selective about legislation. Second, a less capable committee is pushing out bills that either fail on the floor or are vetoed by the governor. Additionally, a lack of gatekeeping leads to more floor amendments on legislation.

If term limits limit expertise and deliberation then there should be noticeable

changes in gatekeeping. For example, committees may report more bills favorably, whereas in states without term limits fewer bills are reported favorably. An additional sign of relaxed gatekeeping is if bills have to undergo more changes on the floor. When the majority of legislation has to be amended the committee is not producing precise policy. Instead, this process is allowing members to pursue legislation for the purpose of credit claiming.

There are three components to this gatekeeping analysis. First, there is an assessment of how term-limited states gatekeep relative to states without term limits. This assessment looks at the number of bills that are introduced in the legislature and the number of bills that are ultimately signed by the governor. In order to separate out partisan effects there are controls for *divided government* and for a *Republican legislature*. The second assessment looks at the role of committees in gatekeeping by evaluating the number of bills that they kill. Finally, there is a brief assessment of bills with added amendments to the legislation. When there are more pieces of legislation with added floor amendments it can be argued that the committee did not perform its gatekeeping ability.

Gatekeeping, of course, can occur elsewhere in legislative process, not just within a committee. The first assessment gives an overview of the legislature's broad gatekeeping authority. Table 5.4 contains the results of a negative binomial regression comparing states with term limits to states without term limits. This analysis looks first at the number of bills introduced in order to understand how states differ in the frequency of bills as a starting point. Additionally, there are two key gatekeeping functions included: the bills passed by the legislature and the bills signed by the governor. Each of these dependent variables is a count of the number of bills. The data in this analysis have been aggregated to the state level by session year for each chamber. Each observation is the number of bills in a chamber in a state for each session.

Table 5.4 reveals several unique traits of term-limited legislatures. First, in comparison to states without term limits, term-limited lower chamber introduce significantly fewer bills. In the upper chamber, however, this true only of *divided/life* states. The coefficients for the upper chamber, while statistically insignificant, are all negative. Overall, term-limited legislatures tend to introduce fewer pieces of legislation than non-term-limited states. This initial piece is important to our understanding of gatekeeping and the frequency of bills that make it to the governors desk.

When it comes to the legislature actually passing legislation there is far more variation. In a *divided/consecutive* legislature, when all else is held constant, the legislature will pass more than two more bills than a state without limits. In a *divided/life* legislature the number of bills passed will decrease by more than one. The biggest change is in a *unified/consecutive* legislature where the legislature will pass nearly three fewer bills each session. While this may seem like a trivial number of bills, each of these coefficients is statistically significant at the 95 percent confidence interval. From this analysis, it appears that states with stricter term limits tend to pass significantly fewer bills per session than the lax *divided/consecutive* limit. As earlier chapters have illustrated, lawmakers in divided/consecutive states are more ambitious. The increased number of bills passed by the legislature may indicate the increased attention to bill sponsorship and credit claiming.

What is perhaps more interesting are the control variables accounting for the variation among legislatures. For example, Republican legislatures pass more bills, as do divided governments. A more professional legislature passes roughly 22 more bills each session than a less professional legislature, while a state with more career opportunities passes 18 fewer bills. A professional legislature has more resources and greater incentives for lawmakers. The increased number of bills is likely a direct result of the increased staff resources and time in session.

Table 5.4: Negative Binomial Regression Models of Legislative Gatekeeping, as compared to states without term limits

	Bills Introduced Lower Chamber	Bills Introduced Upper Chamber	Passed Bills by the Legislature	Bills Signed by the Governor
Divided/Consecutive	-0.842*	-0.538	2.656***	2.169
	(0.437)	(0.398)	(0.385)	(3.523)
Divided/Life	-1.546***	-1.748***	-1.225**	-5.566**
	(0.506)	(0.465)	(0.518)	(2.718)
Unified/Consecutive		-1.028	-2.710***	-30.896***
		(0.631)	(0.971)	(3.444)
Unified/Life	-0.894*	-0.462	-0.929	-28.207***
	(0.527)	(0.486)	(0.673)	(1.879)
Republican Legislature	0.047	-0.214	0.707**	-2.128
	(0.329)	(0.331)	(0.316)	(2.140)
Divided Government	0.618**	0.533*	1.856***	6.254**
	(0.290)	(0.314)	(0.362)	(3.035)
Professionalization	11.830***	11.391***	22.006***	42.752**
	(4.152)	(3.685)	(2.664)	(19.515)
Career Opportunity	-4.617**	-4.376**	-18.084***	-26.738
	(1.985)	(1.809)	(2.171)	(18.482)
Constant	6.571***	6.214***	3.378***	2.194
	(0.231)	(0.255)	(0.098)	(0.417)
N (State/Year)	99	104	203	203

Robust standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

One possible sign of gatekeeping error is when a unified government (both legislative houses and the governor under the control of one party) has a governor who does not sign legislation. This sample size spans nearly a decade of policy and multiple governors in order to mitigate any potential governor effects. In *divided/life* states the governor signs roughly five fewer bills. In *unified/consecutive* and *unified/life* the governor signs 30 and 28 fewer bills, respectively. The high number of bills being denied by the governor, out of the already limited number of bills, indicates that the legislature may not be doing its job gatekeeping. Instead, the task of keeping out poor legislation is being relegated to the governor. In order to get a better understanding for this the following analysis will focus on two specific committees and their gatekeeping ability.

This theory is not time dependent, a logit analysis is sufficient to reveal the likelihood of added amendment as a test of committee gatekeeping. For this analysis, each unit is an individual bill in either the Education or Ways & Means Committee. Table 5.5 contains the results of a logit analysis for bills that die in committee. Due to the constraints of the self-reported data there are gaps but this analysis does provide insight into the gatekeeping function of two key committees.

Looking at Table 5.5, there are some evident differences between states with term limits and those without, but not many. First, for *divided/consecutive* limits the only significant difference exists in Education Committees in the lower chamber where it is less likely for bills to die. For *divided/life* states the only distinction is in the Ways & Means Committee in the upper chamber, where it is less likely for bills to die. Last, in *unified/life* states and Education Committees bills are significantly less likely to die. Education bills carry a great deal of notoriety for the members that sponsor them and the publicly effect a greater number of constituents. The innate pressure behind an education bill could explain why they are less likely to die in committee.

Table 5.5: Logit Analysis of Bills that Die in Committee

	Education Lower Chamber	Education Upper Chamber	Ways & Means Lower Chamber	Ways & Means Upper Chamber
Divided/Consecutive	-1.356*	-0.837	-0.108	-
	(0.750)	(0.712)	(0.430)	
Divided/Life	0.183	-0.693	0.105	-1.727***
	(0.880)	(0.857)	(0.674)	(0.000)
Unified/Life	-2.063***	-1.029**	-	-
	(0.489)	(0.507)		
Unified/Consecutive		0.921		-
		(0.775)		
Republican Legislature	-1.098	-1.229*	-0.993	0.184***
	(0.719)	(0.711)	(0.948)	(0.000)
Divided Government	0.367	0.328	0.868***	-
	(0.614)	(0.634)	(0.242)	
Professionalization	1.571	2.124	-7.934	-
	(9.839)	(8.216)	(8.229)	
Career Opportunity	-0.725	2.441	-7.341**	-
	(3.396)	(3.352)	(3.697)	
Constant	2.673*	1.208	5.850***	1.703***
	(1.462)	(1.435)	(0.844)	(0.000)
Observations	14,020	10,785	7,572	2,054

Robust standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

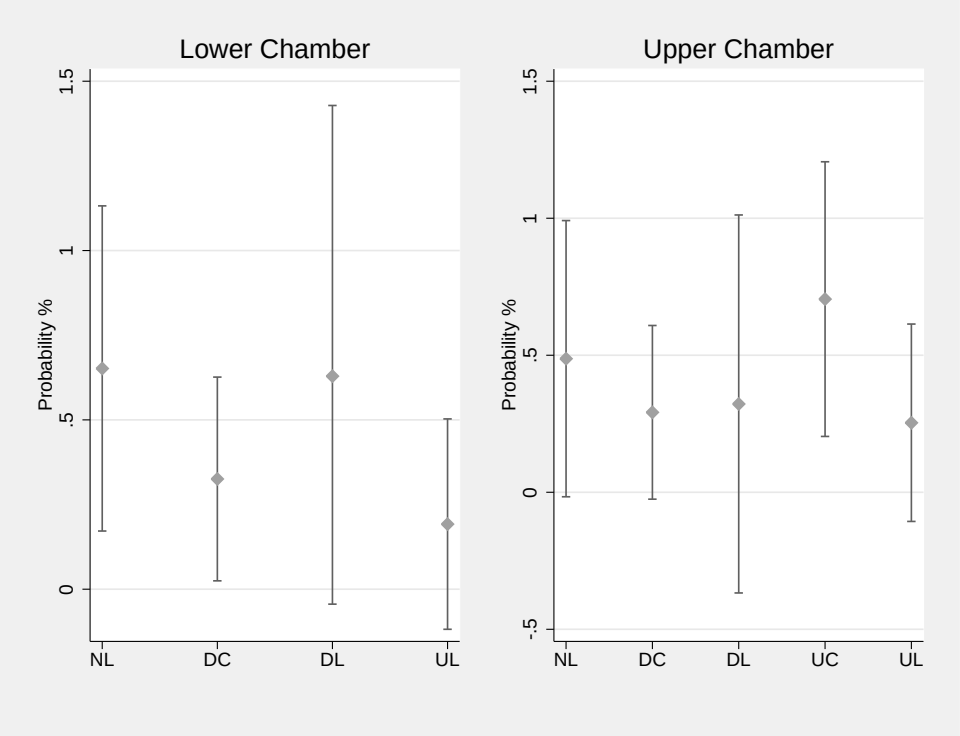
The assessment of bills that die in committee reveals that when there is a difference between states with and without term limits, term-limited legislatures are less likely to gatekeep. This finding corresponds with interviews from legislators. A senior legislator from Missouri warned, people are passing legislation on and not saying anything because they will not be around for the outcome. The same legislator stated, you cannot depend on committee chairs because they too have their own agendas.

Figure 5.1 illustrates the predicted probability of a bill dying in the Education Committee for each type of term limit. This figure displays the percent chance of a bill dying in committee for each term limit type when all other values are held at their mean. In the lower chamber, the probability of a bill dying is not statistically different among the four categories. In the upper chamber there is greater variation but the probability of a bill dying is still not statistically different among each of the categorizations.

When committees are not doing a good job gatekeeping legislation, then it is more likely that the chamber will later add amendments. Table 5.6 contains the results of a logit analysis for legislation that has amendments added by the chamber. In both chambers of a *divided/consecutive* state it is more likely that amendments will be added. However, both types of unified term limits are significantly less likely to have added amendments.

This brief overview of added amendments is interesting because it helps to tell a larger story about the policy process in the states. In *divided/consecutive* legislatures more bills are passed by the legislature, but when it comes to individual committees there is more variation in gatekeeping yet there are more amendments added to legislation. This result fits the credit claiming narrative, each lawmaker wants a piece of the legislation. In *divided/life* states there is little variation across committee gatekeeping and amendments, as compared to states without term lim-

Figure 5.1: Bills That Die in Education Committees, by Chamber



Note: NL (No Limit), DC (Divided/Consecutive), DL (Divided/Life), UC (Unified/Consecutive), UL (Unified/Life)

its, but there are fewer pieces of legislation. The curious component is how different the states with unified limits are from their non-term-limited counterparts. These unified states have far fewer pieces of legislation, fewer bills die in committee, and there are fewer legislative amendments to legislation. In sum, unified states have fewer legislative proposals and they spend less time deliberating.

The question then becomes, what makes a unified legislature so different? The legislative interviews from the unified states, Nebraska and Oklahoma, give further insight. A legislator from Oklahoma said that, they will pass bills through committee "because of who the author is, not because of what the bill is." Another Nebraska senator remarked, "It's a little too easy to get things done in a unicameral, with only one house." A different Nebraska senator noted, "when we got partisan here, we began killing more bills in committee." This last quote indicates that

Table 5.6: Added Amendments to Legislation by Chamber

	Lower Chamber	Upper Chamber
Divided/Consecutive	1.011**	0.776**
	(0.410)	(0.389)
Divided/Life	0.316	0.164
	(0.425)	(1.077)
Unified/Life	-1.018**	-3.906***
	(0.405)	(0.449)
Unified/Life		-2.166***
		(0.555)
Republican Legislature	-1.017***	-0.815**
	(0.352)	(0.317)
Divided Government	0.068	0.037
	(0.283)	(0.244)
Professionalization	-8.834**	-7.095*
	(3.777)	(3.847)
Career Opportunity	-0.346	-0.644
	(1.637)	(1.483)
Constant	0.295	0.188
	(1.011)	(1.011)
Observations	161,354	109,028

Robust standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

when members of Nebraska kill bills, the decision is driven by partisanship and not by policy.

This gatekeeping analysis reveals that in many ways term-limited states are not that different from states without term limits. The unified term limits, however, are unique and carry most of the variation that has been seen in previous studies. These unified legislatures are more stringent and offer limited time. Legislators attest that because they are short on time, they simply pass the legislation they are presented. One member even says that some "unintended consequences (of term limits) are that members in their last term are running dicey legislation because there are no consequences [to them politically]."

Unified/consecutive and unified/life limits have severely cut experience. The lack of experience has resulted in struggles with legislative gatekeeping in ways that states with divided limits experience only minimally. Divided/consecutive limits experience minimal changes to gatekeeping, as compared to the other states. Most notably, in divided/consecutive states the rate of bills signed by the governor is not significantly different from states without term limits, but the other three types of term limits are significantly different.

Summary

There are many existing theories about term limits and their influence on legislative committees. For example, committees defer to the executive branch more frequently (Cain and Wright 2007; Powell, Niemi and Smith 2007). Committees are not able to be as independent because they are not capable of developing the necessary expertise to assert themselves. Kousser (2005, 117) argued that under term limits committees are "less independent, respected, and active." With term limits, members no longer have the skills necessary to make policy, which has made the legislature a weaker branch of government (Sarbaugh-Thompson et al. 2010; Bowser and Moncrief 2007; Powell 2007; Cain 1996).

This chapter tests theories about legislative committees in term-limited states in three different ways. First, assessing the differences in legislative experience between states that have term limits and those that do not. Legislative experience does decrease in some, but not all, states. Different types of limits lose expert legislators. More lax term limits, however, have levels of experience comparable to states without term limits. The variation among states is present in the other two analyses.

Second, there is an evaluation of policy deliberation by examining the number of bills sent directly to the floor and by assessing how long committees hold onto bills.

Contrary to what many scholars anticipated; term limits do not result in sweeping changes in deliberation. Members did not simply begin rushing legislation through the chamber. In fact, in unified/consecutive and unified/life states deliberation is actually lengthier than in non-term-limited states. However, divided/life states do tend to have less deliberation time overall. The changes in policy deliberation are likely a combination of several effects. In the upper chamber, where there is lengthier deliberation, members have more experience and know the value of deliberation. In unified states, members take longer to deliberate legislation because under these strict limits they have to play "catch up" on policy. These findings should offer encouragement to early scholars who feared that policy deliberation would cease to exist in term-limited legislatures.

Finally, there is an examination of the committee's gatekeeping role. Specifically, this section examines the passage rate of bills and whether or not bills have subsequently changed on the legislative floor. Gatekeeping is the most noticeable difference between states with and without term limits. Unified term limit states struggle with gatekeeping; fewer bills die in committee and the governor becomes the ultimate gate keeper.

One fear brought by term limits was that each legislator would propose more legislation in order to build up his or her legacy. As a result, committees would be overwhelmed and would ease up on their responsibilities to engage in deliberation and gatekeeping. This study finds no evidence to support this claim; term-limited legislatures do not propose more legislation. In fact, there are no instances of a term-limited legislature introducing significantly more legislation, but there are multiple instances of significantly fewer pieces of legislation each session. The only noticeable instances of rushed legislation are a lack of added amendments in unified term limit states. As previously noted, these states were less adept at gatekeeping so there should be more amendments added, this does not appear to be the case.

As was seen in Missouri, committees have learned to be policymakers despite the constraints of term limit. The power of the committees may vary but committees are still deliberating policy and, to a certain extent, exercising their gatekeeping responsibility. Contrary to the theories of term limits, it appears that legislatures that have strict limits struggle with policy expertise but because of their desire to deliberate they take significantly longer to do so. This finding, counter to what was expected, indicates that the strength and the responsibility of serving in the state legislature encourages members to perform their job and adapt to their lack of expertise by using outside resources.

Chapter6

Legislatures, Governors, and Budget Success

State governors are strong actors with the power of a state-wide vote behind them and powers beyond those enjoyed by the president. Given the vast formal and informal powers of state governors, such as budget making authority and a line-item veto, it should be no surprise the legislature would compete for some of that authority. In Nebraska, Governor Dave Heineman vetoed over $50 million in funds from the 2014 budget. In Governor Heineman's veto message to the legislature he explicitly limited legislative authority. For example, in a request to increase staffing salaries the governor said, "The legislature is encouraged to utilize existing appropriation authority to address staffing needs."[1] This example illustrates the authority that a governor often has over the budget, as well as the control over legislative action.

The power struggle between the legislative and executive branches has undergone many shifts. At times the governor has been viewed as more powerful, at others, the legislature has been viewed as a competent equal (Moncrief and Squire 2013; Rosenthal 1996, 1990). The implementation of term limits has thrown this ever-shifting relationship off balance yet again. In particular, scholars argue the legislature has been affected in its capability to exert control over the state budget. This chapter takes an in-depth look at the formal budgetary and veto powers of the governor to understand how term limits in all of their forms have impacted the legislature's budget authority.

The contention for power between the legislature and the governor lead to the

[1]The exact veto message is publicly available with Nebraska's *State Budget Division*.

institutionalization of both branches as they continued to compete (Bowman, Woods and Stark 2010). State governments reformed and grew stronger in an effort to meet the needs of the state. As demands on states increased, state legislatures and executives had to take on more work (Bowman, Woods and Stark 2010; Beyle and Ferguson 2008). Reforms were meant to better serve the needs of the state (Bowman, Woods and Stark 2010; Fisher and Nice 2005). The growth in state government has increased the reliance on the governor, inherently increasing executive power (Moncrief and Squire 2013).

Each branch pushes the other to do more and to become stronger. Effective governors often coincide with professional legislatures, stronger economies, and greater executive resources (Dilger, Krause and Moffett 1995). In any assessment of budget authority, both branches must be accounted for because of their shared powers (Dilger, Krause and Moffett 1995; Rosenthal 1990). Each branch possesses certain qualities that help to make it a stronger competitor. That is, until term limits came along altering the competitive dynamic.

This chapter explores gubernatorial authority and the competition with the legislature under term limits. First, the budgetary powers of the governor are outlined, followed by a discussion of executive veto powers. Second, there is a brief evaluation of the literature on legislative budgeting capacity and the ability to override executive vetoes. Third, there is a theoretical presentation of the budget bargaining process and how it has changed, using a formal model of budget bargaining. Last, there is an examination of executive budget proposals and appropriations in all of the states from 2008-2018. This final examination takes an empirical approach to better understand how the legislature and governor interact with each other when making policy under term limits.

Gubernatorial Authority

State governors have become powerful actors as the head of the state executive branch. They have considerable administrative capacity, as well as legislative authority because of their veto powers (Andersen 2015; Moncrief and Squire 2013; Beyle 1992). In the mid-1900s there were extensive changes made to the executive branch with the goal of strengthening the governor because they needed to be able to handle the work assigned to them and not play second fiddle to the legislature (Bowman, Woods and Stark 2010; Beyle and Ferguson 2008). As a result of these changes, the governor's office became more structured, ensuring better organization and administrative control (Beyle and Ferguson 2008). There are two views about the cause of reformation for state executives. Many think reforms were necessary in order for governors to be able to handle the workload of a growing state. Others argue, the executive office reformed out of a fear that state legislatures were growing too strong (Moncrief and Squire 2013; Bowman, Woods and Stark 2010; Beyle and Ferguson 2008).

In any event, it is clear both the workload of the state and the power of the legislature contributed to the growth in power and capacity of state governors. The restructuring and strengthening of the executive office resulted in stronger formal powers, which lead to an increase in informal power (Bowman, Woods and Stark 2010). The formal powers that a governor possesses vary widely across the states because "institutionalization of the executive branch is a function of the size and workload of government" (Bowman, Woods and Stark 2010, 7). One of the most notable changes was the increase in the number of gubernatorial staff (Beyle and Ferguson 2008; Fisher and Nice 2005). The larger, wealthier states place greater demands on their governors and they are better equipped to handle problems; they have more resources with which to conduct oversight, meet the needs of

constituents, and reach more people (Fisher and Nice 2005). Additionally, informal powers, such as individual character traits, help a governor to push his or her agenda (Larimer 2015; Ferguson 2003). The rivalry that existed between the legislative and executive branches stemmed the desire for increased executive control, helping the governor to become stronger (Bowman, Woods and Stark 2010; Beyle 1983).

Budgetary power is one of the most important legislative tools available to the governor (Lewis, Schneider and Jacoby 2015; Goodman 2007). Budget rules can create a great deal of conflict in the states and influence the ability of both the legislature and the executive to pursue their goals (McGrath, Rogowski and Ryan 2015; Beyle and Ferguson 2008; Barrilleaux and Berkman 2003). Yet governors have a greater information advantage over the legislature in the budgetary process (Kousser 2005). Most governors also have an item veto, and veto override rules tend to favor the governor (McGrath, Rogowski and Ryan 2015; Lewis, Schneider and Jacoby 2015; Moncrief and Squire 2013). The tools favoring the governor make him a powerful player in the legislative process, one who is frequently given the final say.

However, it remains unclear what powers help a governor to be more successful in the legislative arena. Formal powers can only do so much for an executive and there is a lack of evidence that these powers allow the governor to lead (Ferguson 2003). Each state is different, there are 50 different individuals in different situations facing different types of legislatures (Ferguson 2003). Ferguson (2003) finds that "strong institutional powers of a chief executive's office may be a necessary, but not a sufficient, condition of legislative success" (162). The change in power dynamics may not rest in formal executive powers, rather changes to the legislature may have increased the legislative power of the governor. Term limits allow a governor to become a legislative leader, whereas actual legislative leaders are lim-

ited in their ability counter the power of the governor (Miller, Nicholson-Crotty and Nicholson 2011; Malbin and Benjamin 1992). It is clear that there is a contentious history between the executive and legislative branches. Yet there is little known about how term limits have changed this dynamic.

Executive Budgets and Vetoes

State budgets have become highly contested issues as both the governor and legislature have a vested interest in securing funds for their agendas and constituents. State constitutions usually give the governor the authority to control state budgets and to issue vetoes (Moncrief and Squire 2013; Squire and Hamm 2005; Abney and Lauth 1998; Endersby and Towle 1997). The governor typically vetoes legislation that he or she dislikes or disagrees with (McGrath, Rogowski and Ryan 2015). The issuance of a veto can cause a backlash from other governmental actors, but judges are the only actors who have the ability to limit gubernatorial authority and overturn decisions (Johnson 2015). The legislature can counter some of this authority using their veto override power. Yet, governors are typically held responsible for the state economy, making budget control even more important for their electoral prospects (Dometrius and Wright 2010). However, the rules placed around the budget alter the ability of each branch to pursue their goals (Barrilleaux and Berkman 2003).

Assessments of budget influence have lacked consistency across time. Abney and Lauth (1998) found that governors were losing budget influence. Goodman (2007) later found that executive budgetary power was contingent on the capabilities of the legislature. Budgets also depend on electoral security; governors tend to spend broadly to benefit a state-wide constituency, but those who are more secure spend locally (Barrilleaux and Berkman 2003). Other research has revealed that governors and legislatures have balanced authority (Dometrius and Wright 2010). What is

consistent across studies is that professionalization, veto power, and tenure potential influence budgets (Bernick 2016; Dometrius and Wright 2010; Goodman 2007).

While presidential veto use has been explored extensively, there is far less research on gubernatorial vetoes. Yet the governor's veto is his greatest legislative power (Lewis, Schneider and Jacoby 2015; Moncrief and Squire 2013; Kousser and Phillips 2012; Barrilleaux and Berkman 2003; Jewell and Whicker 1994; Rosenthal 1990; Herzik and Wiggins 1989). The ability of the governor to veto varies dramatically among the states, from minimal to extensive power. Governors and legislatures have varying capabilities, making bargaining at the state level distinctly different what is observed at the federal level (Johnson 2015; Brown 2012). While vetoes are the most examined executive formal power, there are many obstacles to understanding why and when vetoes are used.

Ultimately a governor has three options on how to handle legislation: sign (or allow to become law without his or her signature), veto, or pocket veto (McGrath, Rogowski and Ryan 2015). These options allow governors to affect legislation to different degrees. The line-item veto is the most powerful form of a veto (Moncrief and Squire 2013; Rosenthal 1990). The item veto carries the most power and allows the governor greater budget authority because it allows for certain budget lines to be reduced or removed. Different vetoes have different uses. This is in contrast to a package veto of the sort presidents exercise, which eliminates an entire piece of legislation.

Legislative Limitations

The dominance of the executive branch began to decline with the growth and professionalization of the legislative branch (Abney and Lauth 1998). Governors had been the central state governmental actor because of their information advantage, but professionalization allowed the legislature to level the playing field (Abney and

Lauth 1998). Legislative reform was broad, it changed procedures and structures leading to increased capacity to better compete with the executive (Squire 2012; Rosenthal 1996). Legislative reforms began to give more institutional power to the legislature (Abney and Lauth 1998). Meanwhile, heightened partisanship placed a strain on the interbranch relations (Abney and Lauth 1998). There were new reforms passed that did not protect the power of the executive, but instead weakened them (Abney and Lauth 1998). With all of these changes the legislature moved out of the shadow of the executive office.

The dynamics between the two branches changed with the adoption and implementation of term limits. Without accounting for term limits, legislatures have a greater role in creating budgets (Beyle and Ferguson 2008). More responsible legislatures tend to better exert control over the budget (Abney and Lauth 1998), while legislatures with party unison are better at limiting state spending (Endersby and Towle 1997). With the passage of term limits, there were concerns about the disruption of the balance of power (Carey, Niemi and Powell 2000; Cain and Levin 1999; Hansen 1997). Term limits, by changing the power of the legislature, transferred power to the executive (Hansen 1997). During the transitional period this view remained the predominant theory—as early members were being termed-out governors were gaining power that the legislature was losing (Kousser and Straayer 2007; Kousser 2005).

In some ways, term limits leveled the playing the field with governors because they already were term-limited in some states (Bowser and Moncrief 2007). This theory rests on the notion that legislatures became more powerful than state executives. To others, term limits weakened the legislature to where it was no longer competitive with the executive (Bowser and Moncrief 2007; Cain 1996). The different motivations for change can be attributed to the variation in rules across the states.

Legislators and scholars worried that the legislature would be weakened by term limits. Rosenthal (1981) stated, "if (executive dominance) is what you want, term limits will get you there" (208). The fears later became that legislatures would no longer be able to check the executive (Kousser and Straayer 2007). Abney and Lauth (1998) noted, "tenure limits on legislators may undermine legislative expertise and shift influence in the appropriations process" (303). In a survey of anticipated effects, state legislators projected a significant increase in executive power with term limits (Carey, Niemi and Powell 2000, 68). Moreover, term limits on the executive would not limit gubernatorial authority to the same extent that legislative term limits would hinder state legislatures (Carey, Niemi and Powell 2000). As legislators were preparing for the implementation of term limits, they also feared a potential loss of power to the governor. Overall, it is thought that legislatures with term limits face disadvantages in the bargaining process (Kousser 2005).

With the implementation of term limits, many states underwent internal changes to their budget processes. In more professional states, term limits altered the budget process by centralizing power in the hands of a few select members or a committee (Kousser and Straayer 2007). Preliminary assessments during the transitional period found that most members in the legislature knew little about the budget or what it contained (Kousser and Straayer 2007). In less professional states, the budget process was the reverse, budget power was decentralized to members (Kousser and Straayer 2007). Term-limited states began to lose power over the budget to the executive (Kousser and Straayer 2007). These early assessments point to a decrease in legislative budget power in favor of the executive.

Veto Use

The line-item veto is one of the most powerful tools that a governor can have, the kind of tool a president only dreams about. A governor's line-item veto is far pow-

erful than a presidential veto. Governors are more likely to issue vetoes when facing a divided legislature (Klarner and Karch 2008; Wiggins 1980), when the legislature and executive branch are divided (Klarner and Karch 2008; Rosenthal 1990), or during their last term in office (Klarner and Karch 2008). Governors use their veto power as a way to publicly assert their agenda, but sometimes they rely solely on the threat of a veto to sway other actors rather than to employ the veto itself (Rosenthal 1990).

The power behind the veto is still somewhat elusive. There is not an evident relationship between the formal power of a governor and the use of vetoes (Wiggins 1980). Goodman (2007) found that, empirically, the item-veto is not significant to executive power. Kiewiet and McCubbins (1985) argue that the veto is conditional, it allows a governor to limit, but not advance, policy.

When a governor issues a veto the legislature can attempt to override it. However, in 1950, legislative overrides were nearly nonexistent (Prescott 1950). By the 1970s the use of overrides had grown to a mere 6 percent (Wiggins 1980). In fact, there was a 100 year span in New York where the legislature was unable to successfully override a single veto (Squire and Moncrief 2020, 174). The use of overrides can be viewed as a proxy for informal executive powers—changes in legislative voting, or increased support for a governor's position. The most recent assessment of veto overrides revealed that legislatures who face higher override thresholds are more likely to meet governor requests (McGrath, Rogowski and Ryan 2018).

One reason for the lack of emphasis on overrides is because it is difficult for states to meet override thresholds (Squire and Moncrief 2020; Rosenthal 1990). States tend to require a 2/3 or 3/5 vote to override a veto. Many states have tried to strengthen the power of the veto by increasing the override threshold (Squire and Moncrief 2020). For example, California and Michigan changed from 2/3 of present members to 2/3 of total members (McGrath, Rogowski and Ryan 2015, 36-

37). States with more stringent veto override qualifications can expect more vetoes because the capacity to overcome the veto is limited (Klarner and Karch 2008).

Previous studies of veto bargaining have revealed that states with a higher threshold for overrides tend to have more moderate bills in order to avoid a veto (McGrath, Rogowski and Ryan 2015). Additionally, when a state legislature and executive branch are politically aligned governors are less likely to have their vetoes overridden (Wiggins 1980). Yet the results of using a veto vary widely and are dependent on the situation at hand, making it difficult to make generalizations about their use and importance (Carter and Schap 1990).

A Theory of Budget Bargaining

The powers of the legislature and the governor vary by state. There are some states that grant the executive greater budget power, while others give the legislature greater authority. Traditionally, in addition to the budget, veto and override rules tend to favor the governor (McGrath, Rogowski and Ryan 2015). The branch with greater control is more likely to have the budget aligned with his preferences or personal agenda. There are three important variables to budget bargaining that can help to determine who has the greater budget authority: who proposes the budget, the extent of the item veto, and qualifications for a legislative override. Table 6.1 outlines the rules and differences for budget bargaining among the states.[2]

When assessing the role actors play in the budget, the first question is, who proposes the budget? Among the states, budget proposals can either come from the executive or be shared with the legislature. The distinction of who is allowed to propose the budget gives the initiator a first mover advantage, when the governor fully holds this power it gives him a greater advantage. While many states vest

[2]All of the rules discussed come from the 2018 version of the Book of the States, the most up to date version. Some rules and provisions have changed throughout time, but for discussion purposes it is important to understand rules as they stand today.

Table 6.1: Overview of the Budgetary Powers of Governors and Legislatures

State State	Budget Power	Item Veto Power	Override Requirements
Arizona	G	both	2/3*
Colorado	share	other	2/3 present or 3/5 elected
Florida	share	other	2/3 present or 3/5 elected
Louisiana	share	both	2/3 elected**
Maine	share	amount	2/3 present or 3/5 elected
Michigan	G	both	2/3 elected**
Missouri	G	amount	2/3 present or 3/5 elected
Montana	G	both	2/3 elected**
Nebraska	share	amount	3/5 majority
Ohio	G	both	2/3 present or 3/5 elected
Oklahoma	share	amount	2/3 elected**
South Dakota	G	amount	2/3 elected
New Jersey	G	amount	2/3 elected**
North Dakota	G	amount	2/3 present or 3/5 elected
Oregon	share	amount	2/3 present
Texas	share	amount	2/3 present or 3/5 elected
Wyoming	G	both	2/3 elected

Note: All information is from *Book of the States 2018*, G- Governor has full budget power, *2/3 of the total number of members who are allowed to serve, **2/3 of elected members for each house

budget making authority with the governor, some have added provisions. For example, one provision gives the governor proposal power and gives the legislature power to revise that proposal.

The second important determining factor is the extent of the governor's item veto. The item veto is permitted to cover two different areas, the amount of something in the budget or "other" (*Book of the States 2018* 2018). This "other" category does not permit amount changes but does allow the governor to change the language in appropriations bills. The specific allowance for the other category will vary by state. There are three different variations of the item veto, some states allow the governor to veto both the amount and other provisions, while other states allow only amount changes, or only other changes. Of the states used in this study,

two have provisions for the other form of an item veto only, eight allow for amount vetoes, and seven allow for both forms of the item veto (*Book of the States 2018* 2018).

Last, the provisions for override are important because it outlines the extent of the power of the legislature as the last mover. This is where there is the greatest amount of variation among the states. States have provisions for either 2/3, 3/5, or a majority of those that are elected, present, or the total number of seats allowed in the legislature. While there is a great deal of variation, the most common standard is 2/3 of members that are present or 3/5 elected.

Given the variation in power and ability among the states, it can be difficult to assess the best possible situation for each actor. Table 6.2 gives a simple breakdown of the best scenario for both the governor and the legislature for all three powers. For the governor, the ideal situation would be to have complete budget proposal power, not having to share with the legislature. Additionally, it would be best if they could veto both the amount of items on the budget and other provisions as a way to counter legislative budget changes. Finally, it would benefit the governor if the more stringent 2/3 of elected members override was in place. In order for the legislature to be able to compete with the governor it would be best if they had shared budget power. Second, it would benefit the legislature if the governor has limited item veto power only allowing either amount or other provisions, not both. Last, the easiest override requirements would be the majority of elected members, as opposed to a 3/5 or 2/3 majority.

A Formal Model of Budget Bargaining

To better understand budget bargaining and the variation that exists among the states, this section focuses on a formal model of budget bargaining to understand the relationship in an *ideal* scenario. There are three important assumptions about

Table 6.2: Important Factors for Bargaining for Each Actor

Gubernatorial Success
1. Full budget power
2. Ability to extend the item veto
3. 2/3 elected for override
Legislative Success
1. Shared budget power
2. Limited item veto
3. Majority elected to override

budget bargaining. First, legislators and governors are assumed to be rational actors in pursuit of their own agenda. Second, executive and legislative budget bargaining is not zero-sum (Dometrius and Wright 2010; Abney and Lauth 1998). In other words, what the legislature achieves in funding does not directly take away from what the governor achieves. Third, it is assumed that the ability to bargain varies by type of legislature, more than formal executive power.

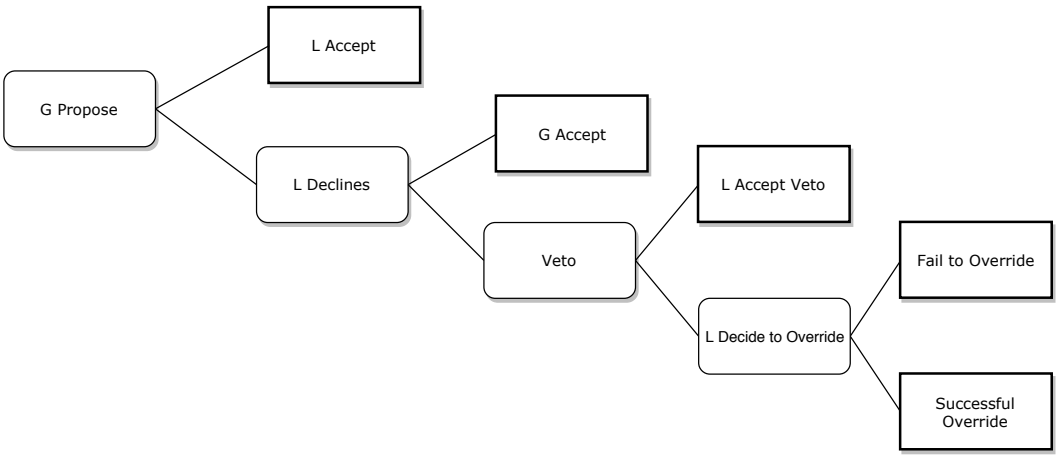
There are several important nuances worth noting that can help to explain the rationale of both actors. The governor can use the power of the veto as a bargaining tool, the threat of the veto can mean more than its actual usage (McGrath, Rogowski and Ryan 2015). When responding to a governor, a legislature then has two options—change the policy to please the governor, or get enough support for a veto override (McGrath, Rogowski and Ryan 2015). Given the structure of government and the vested interest of actors, sequential bargaining can occur when there are repeated offers (Cameron and McCarty 2004).

There are two different scenarios for budget bargaining that can occur. The situations are based on who holds the budgetary power. The following models are an oversimplification of the budget process that occurs in the states. The models are not meant to be all encompassing, rather they are to show the dynamics of the relationship that exists between state executives and legislatures. Each legislature will have different incentives to compete with the governor based on their own insti-

tutional structure. Specifically, legislatures with and without term limits will have different incentives.

Budget bargaining is largely dependent on the rules in place, and who has the ability to propose the budget. When the governor is granted the sole power to propose the budget, the legislature only has the option to respond and has limited ability to compete. The budgetary process under the sole power of the governor can be found in Figure 6.1.

Figure 6.1: Formal Model of Budget Bargaining When the Governor Proposes

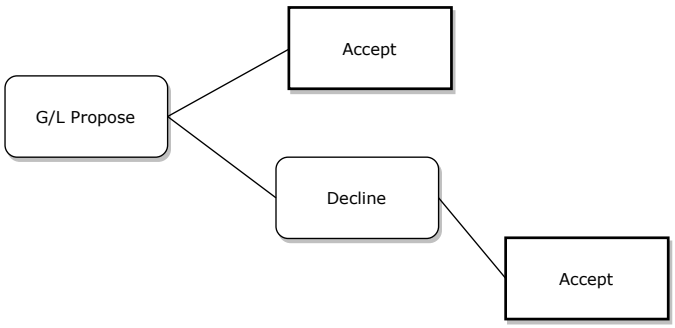


When the governor proposes the budget to the legislature, the legislature can either accept the governor's budget or decline and offer their own changes. From there, competing branches can extend the game. Governors who are willing to fight the legislature can then accept the legislature's changes or exercise their item veto over certain budget provisions. In response, the legislature can either accept the vetoed provisions ending the game, or they can decide to override which can either end in success or failure.

There is a second potential model for budget bargaining based on when the budget power is shared. With shared power it is assumed that most of the budget bargaining is done behind closed doors and not through formal channels, therefore the game is abbreviated. The model for shared budgetary power can be seen in

Figure 6.2. This is a shorter process where negotiations take place away from the public.

Figure 6.2: Formal Model of Budget Bargaining When Power is Shared



The models place the greatest emphasis on who has the initial power to propose the budget. Each legislature, however, has different incentives in the game. Due to data limitations, these formal models will not be directly tested empirically. Rather, the above models provide a theory for how the legislature interacts with the governor. This is an over simplification of the process and does not encompass all relevant variables. This provides a framework for understanding the budget process and what can occur from the proposal to the final appropriation.

With the addition of term limits, both of these models operate on an accelerated time frame. A legislature with term limits may be more likely to quickly accept a governor's vetoes because there is a limited window of time for attempted overrides. However, it is also possible that a term-limited legislature is more likely to concede to a governor before these bargaining models occur.

Bargaining in Practice

The budget process can be divided into three separate stages; budget proposals, vetoes, and final appropriations. In this section, these stages are assessed to better understand the dynamic process of budget bargaining. First, there is an assessment of executive budget proposals and how they compare to the final legislative appro-

priations. Second, there is an overview of the bargaining that can occur between the proposal and appropriations stages. Specifically, there can be bargaining between multiple budget proposals, executive comeback requests, and gubernatorial vetoes. These two different evaluations give insight on how much term limits have or have not altered the ability of the legislature to handle and bargain on the budget. This section has a particular focus on the dynamic between the formal budget rules and the presence of term limits.

Proposals and Appropriations

The budget process in each state begins with an initial proposal. The governor of each state prepares a document outlining his or her budget priorities, which are the areas he or she would like to emphasize. This emphasis amounts to extra funding. In many states, the governor will base his or her budgeting request on the request for the prior fiscal year. In other cases, the governor may base the request on the agency budget requests that were sent to the executive office. Each budget is detailed and outlines spending by agency/ department.

Budgets are typically organized by the funding source. Each state has a "general fund" this is the source of funding for most of the budget. States also have some form of a "discretionary" fund, this can be where a governor focuses his or her priorities. Aside from these two key sources states can have an array of other funding resources that they base their budget on. Other funds include capital funds, highway funds, and federal funds. Wyoming is one state that has many funding sources and the existence of these vary from year to year, some years some funding sources are not drawn upon at all.[3]

The budget proposal process is more complex in states that practice biennial budgeting. In these states there are two ways that budget proposals can go. First,

[3]This information comes directly from the Wyoming state budget and can be found here: https://ai.wyo.gov/divisions/budget/wyoming-state-budget

a governor can propose separate funds for each fiscal year in the biennium. Second, governors can propose one sum for both years. When governor's propose a single budget for both years during the off year there is typically a "supplemental budget." In this supplemental budget the governor will request extra funds for certain areas or agencies that need more money than was initially accounted for in the budget proposed 1-2 years prior.

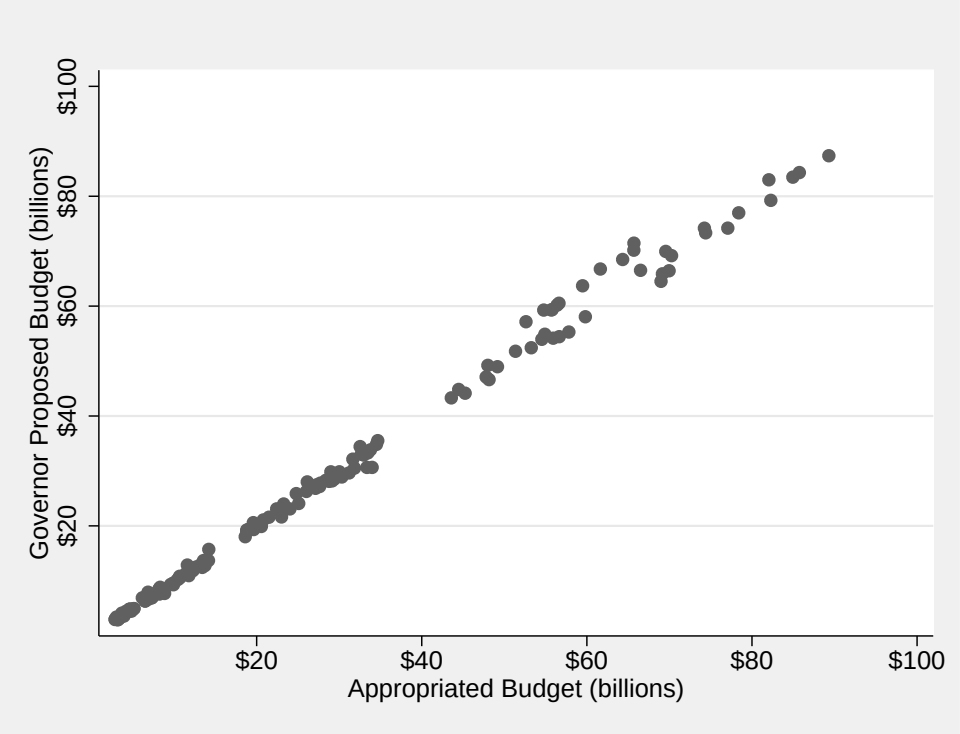
While the governor carries proposal power, the legislature carries the appropriations power. Budgets must be passed by the legislature before they are sent to the governor to be signed. The legislature has the ability to take the governor's proposed budget and make changes during the appropriations process. Legislatures can pass an appropriations bill or bills with cuts to the governor's proposal, but they can also pass a bill or bills with more spending. When the appropriations bill is approved and handed to the governor the legislature is taking the risk of having line item vetoes.

Given that the governor's budget proposal is often the starting point of budget negotiations. The final appropriated amount is an indicator of how successful the governor was with his or her proposal. Using budget data from the 17 states, this analysis gives insight into the budget and appropriations process among the states. These data include the dollar amount proposed and the dollar amount appropriated from each state from 2008-2018.

The states in this study are of different sizes and have vastly different economies. States with smaller budgets are smaller, less populous states. Smaller states have fewer government employees and smaller state agencies. As the size of the state increases, so does the budget. Maine, at the low end of the scale had a $2.9 billion budget in 2012. At the high end, Texas surpassed $100 billion in 2016. Although the states have different economies their budgets function in the same way—a governor will make a proposal and the legislature will pass the final appropriations bill.

The variation in state economies is captured in Figure 6.3, which compares the governor's proposed budget with the final appropriated budget in all 17 states from 2008-2018. This figure illustrates the positive correlation between the governor's proposal and final appropriations. There is limited room to alter and change the budget (Rosenthal 1990) and this graph shows how similar the initial proposal and final budget are. While there are many similarities, the slight deviations can give insight into the relationship that exists between the branches.

Figure 6.3: Comparison of Governor Proposals and Final Appropriations



There are multiple formal rules that influence budget success—budget making power, veto strength, and override capability. Given these variables, and the differences in the states, it is best to look at budget bargaining as being on a spectrum. Not all governors are going to have all three components working in their favor, or will the legislature. The different combination of powers and the variability on the spectrum can help to explain the proposal and appropriations process. Table 6.3 illustrates the spectrum of formal powers in the states that can influence the budget

process.[4] Given the formal budgetary powers of the governor, the states on the left should see more instances of gubernatorial budget success while the states on the right are more likely to see legislative success. This scale, however, is based on the formal executive powers and does not take into account the role of term limits.

Table 6.3: Budgeting Success Based on Formal Budgeting Powers

Gubernatorial Success	→				←	**Legislative Success**
Michigan	Arizona	Louisiana	Missouri	Oklahoma	Colorado	Maine
Montana	*Texas*	South Dakota	*New Jersey*	*Oregon*	Florida	Nebraska
Ohio		*North Dakota*		*Wyoming*		

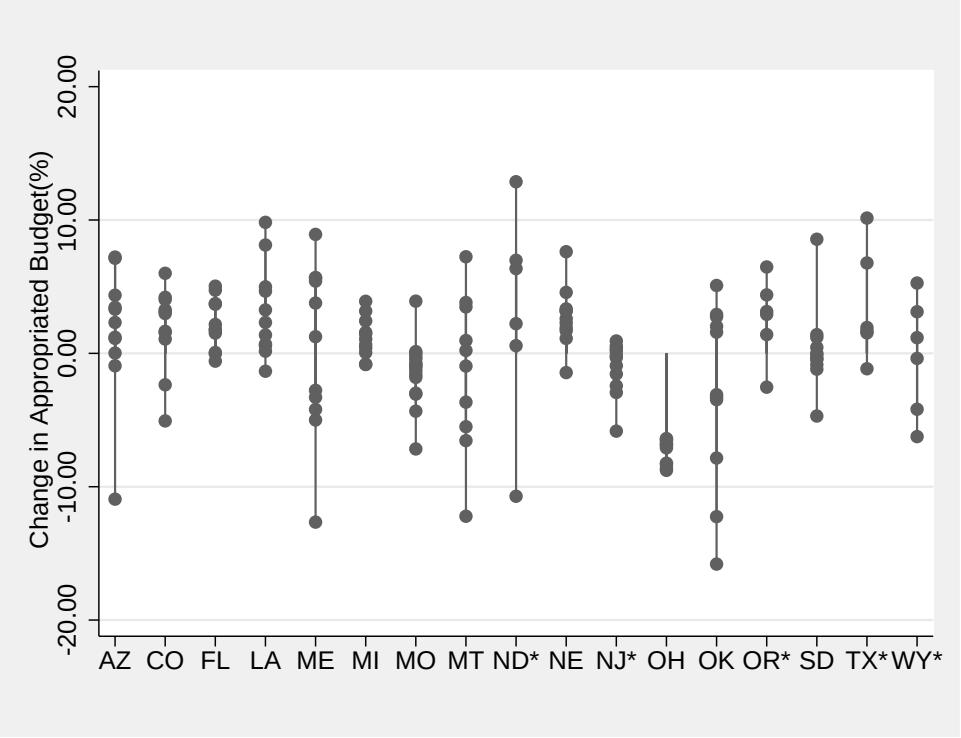
(States without term limits in italics.)

Figure 6.4 gives an aggregate overview of appropriations changes by state. This figure shows the percent change from the proposed to appropriated budget for each year from 2008-2018. This aggregate perspective illustrates the variation within each state. States without term limits vary by about 10 percent, except for North Dakota. States with term limits either vary by 5 percent, or between 15 percent and 20 percent. In other words, the outcomes in term-limited states are either more clustered or more spread out than the states without term limits which hover around 10 percent. The clustering is correlated with professionalization. For example, Michigan and Ohio, which are highly professionalized legislatures, have the smallest amount of variation, whereas the less professional states, with and without term limits, have the greatest variation.

Evaluating the difference in proposed versus appropriated budgets is not a clear measure of gubernatorial versus legislative success, but it does serve as proxy and it provides a consistent measurement between the states. Table 6.4 gives an overview of the difference between proposed and executive budgets. For ease of reading,

[4]The placements contained in Table 6.3 are based on an assessment of formal budget powers. This included whether the governor has full budget power, the extent of the governor's veto, and the qualifications for override. States that have some, but not all, of the qualities are placed in the middle, leaning toward the branch that is able to exert more control.

Figure 6.4: Aggregate Changes From Proposal to Appropriation, by State



the exact percentages have been removed but a table with the percentages can be found in the appendix. There is also a table displaying the percent changes for state governments where the governor and both legislative chambers belong to the same party.[5] The plus and minus signs indicate the direction of the change, double plus or minus signs indicate the percent difference was greater than 10 percent. An equals sign indicates that the percent difference was less than 1 percent in either direction, double equals indicate that the percent difference is less than .1 percent in either direction.

Some of the budget variation can be accounted for by looking at national economic trends. After the 2008 recession, only two states increased funding, while seven states decreased funding. Two of the states that decreased the appropriated amount did so by more than 10 percent. 2012 appears to be the turning point

[5]There are no clear partisan trend in the percent change in appropriated budgets. The states with government trifectas still see government successes, legislative successes, and mutual successes.

Table 6.4: Percent Change in Proposed versus Appropriated Budgets

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Arizona	+	- -	+	+	+	=	+	+	+	=	+
Colorado	+	-	+	-	+	+	+	+	+	+	+
Florida	=	=	+	+	+	= =	+	+	+	+	+
Louisiana	=	+	+	+	=	+	+	=	+	-	+
Maine	-	- -	-	-	+	-	+	+	+	+	+
Michigan	=	=	+	+	+	=	=	+	+	=	+
Missouri	=	-	= =	-	=	+	-	-	-	=	=
Montana	- -	=	-	=	=	+	-	+	-		
Nebraska	+	+	+	+	+	+	+	+	+	-	+
Ohio	-	-	-	-	-	-	-	-	-	-	-
Oklahoma	-	-	-	- -	+	+	+	+	-	+	- -
South Dakota	+	=	+	=	+	=	=	=	= =	-	-
New Jersey	=	=	-	=	=	-	=	-	=	=	-
North Dakota	+		+ +		+		+		- -		=
Oregon	-		+		+		+		+		+
Texas	+	-			+ +		+		+		+
Wyoming	+		+		=		-		+		-

+/- indicates the percentage is between one and ten percent in indicated direction, double + or - indicates that it is more than ten percent. = indicates a percentage difference of less than 1 in either direction, = = indicates a difference of less than .1 percent in either direction.

where funding was more likely to be met or increased. These trends help to separate national trends from individual state actions.

Based on the formal powers granted to the governor, it was hypothesized that the governor would be most successful in Michigan, Montana, and Ohio. The legislature was expected to be the most successful in Maine and Nebraska. For reference, passing the governor's budget with minimal changes is viewed as gubernatorial success, whereas passing a budget with cuts is legislative success, because the legislature was the last mover and able to exert dominance. A budget with added appropriations indicates success for both the legislature and the governor. In sum, there are three options: gubernatorial success, legislative success, and mutual success. A successful governor is one who gets appropriations closely aligned with his or her budget. A governor does not want cuts to his or her budget, but he also does not want too much spending over the proposed budget. The governor must maintain a balanced budget and if the legislature appropriates too much money that becomes the governor's problem the following fiscal year (depending on state budget rules).

Table 6.5 contains the number of gubernatorial, legislative, and mutual successes for each state. The findings in Table 6.5 are ordered based on the spectrum of formal budget powers. Gubernatorial success occurs when there are no noticeable cuts to the budget, whereas legislative success can include cuts to the executive budget when the legislature has different priorities. When there is an increase to the proposed budget it can be assumed that both branches are able to maintain their policy goals, therefore they are both considered successful.

There are three states where, based on the governor's formal powers, there would be consistent gubernatorial success. Michigan, Montana, and Ohio governors have formal powers that favor them in the budget making process. How does this play out with a term-limited legislature? In Michigan, the formal powers appear to re-

main strong with appropriations matching the governor's budget five out of eleven years, in the other six years there was an increase to the budget. In Montana the results are split, there were five years where an appropriations bill of equal or greater value was passed. In the other four years Montana made cuts to the proposed executive budget. Ohio is the outlier, not only for strong-executive states but for all the states. Ohio made cuts to the governor's proposed budget every year. However, Ohio does have a strong, highly professionalized legislature where many members serve longer than they are their counterparts in Michigan.

Table 6.5: Budget Successes in the States

State	Gubernatorial Success	Mutual Success	Legislative Success
Michigan	5	6	0
Montana*	3	2	4
Ohio	0	0	11
Arizona	2	8	1
*Texas**	0	5	1
Louisiana	3	7	1
South Dakota	6	3	2
*North Dakota**	1	4	1
Missouri	5	1	5
New Jersey	7	0	4
Oklahoma	0	5	6
*Oregon**	0	5	1
*Wyoming**	1	3	2
Colorado	0	9	2
Florida	3	8	0
Maine	0	6	5
Nebraska	0	10	1

Italics indicate states without term limits, * denotes biennial data or that there are years missing.

There are several states that are in the center of the budget scale, but fall closer to the governor. In Arizona, Texas, Louisiana, South Dakota, and North Dakota the governor is given a great deal of budget power. Among this group of five states the ratio of gubernatorial/legislative successes is largely consistent. In each state

the legislature successfully cuts the governor's proposed budget one time (twice in South Dakota). During the remainder of the years there is a mix of gubernatorial and mutual budget successes. In these states, where the governor has more formal power, there are fewer legislative successes. Arizona, Louisiana, and South Dakota all have term limits and they also have more gubernatorial success than their non-term-limited counterparts. While Texas and North Dakota are able to secure mutual successes, the term-limited states see a slight increase in gubernatorial success.

There are two states that fall in the middle of the scale. Missouri and New Jersey give budgeting power to the legislature and the governor. The governor has full budget power, but the legislature adopts and/or revises the budget. This distinction shifts some of the governor's budget power in favor of the legislature. The different rules for the budget proposal lead to different rates of success. Missouri and New Jersey have fewer mutual successes than the rest of the states (excluding Ohio). Rather, success is split between the governor and the legislature. In New Jersey the governor has more success, but in Missouri there is an even split between the branches with only one mutual success. Given the similarity in formal rules and outcomes, term limits appear to have a limited effect on the budget process in Missouri. The initial budget proposal still rests with the executive, this makes the budget process easier on the legislature where the members have to approve or revise the original proposal.

At the right end of the spectrum, moving toward legislative success, there are five more states. Oklahoma, Oregon, Wyoming, Colorado, and Florida all have formal rules that give the governor some power, but also lean toward legislative success. Each of these states has more mutual or legislative success, with only a few instances of gubernatorial budget success. Oklahoma is similar to Oregon and Wyoming, but Oklahoma was able to have more instances of legislative success. In Colorado and Florida, most of the time there was mutual success. Colorado had

two instances of legislative success and Florida had three instances of executive success. In states where legislative success is expected, but mutual success is what is observed, it appears that term limits may counter some of the formal budget power given to the legislature. This change is likely a result of having inexperienced members who are unfamiliar with the budget process. However, mutual budget success is still beneficial to the legislature.

Maine and Nebraska are the final two states, at the far right of the spectrum their formal powers help to ensure legislative success. In these two states there are no instances of success for the governor's budget. Mutual success is the most common outcome. Maine is able to ensure more legislative successes, but Nebraska is not. Nebraska has restrictive session lengths and term limits; those two variables hinder the ability for legislative success. Again, mutual success is still beneficial to both the legislature and the governor.

The formal budgetary powers given to governors are largely indicative of their ultimate success in procuring the budget. Looking at the varying powers of the states, much of the results are in line with what is expected based on the formal rules. In the term-limited states, however, there is a slight tendency to have more executive or mutual success than what occurs in the states that do not have term limits. While it is not clear what occurs between the proposal and the outcome, the states that have term limits have fewer successes than what would be expected given the formal rules.

Bargaining, Comebacks, and Vetoes

The method of looking at proposed and final appropriations is imperfect. It does not give insight into the actual bargaining action that is occurring. Records of the process of bargaining are sparse and much of this process must be inferred. In this section, three aspects of bargaining are examined, including two state case studies.

In Florida, each chamber of the legislature proposes a budget as does the governor. The differences between the three proposals provide insight into the bargaining. In Colorado, the budget process includes comeback requests, which are the formal negotiations between the two branches. Finally, the executive line item vetoes give insight into the control that the governor exerts. The process that occurs in these states extend the understanding of bargaining beyond what is inferred from appropriations.

In Florida, the budget power is shared between the legislature and the governor. In Florida both the upper and lower chamber present a budget in addition to the governor's budget. Table 6.6 shows the budget proposals and final appropriations in Florida from 2010 to 2018.[6] Comparing the different proposals and final appropriations provides insight into the relationship between the governor and the legislature. In 2011, the governor proposed the lowest budget at $65 billion, but the budget that was passed encompassed $69 billion in spending, which is how much the upper chamber proposed. Overall, the final appropriations numbers were more in line with a legislative proposal six times, similar across all proposals three times, but only similar to the governor's proposal once.

Table 6.6: Budget Proposals and Appropriations in Florida (millions)

Year	Governor	Lower	Upper	Appropriated
2010	$69,189	$67,212	$68,632	$70,258
2011	65,879	66,500	69,796	69,155
2012	66,435	69,199	71,235	69,962
2013	74,188	74,411	74,298	74,239
2014	74,195	75,288	74,875	77,072
2015	76,980	76,154	80,424	78,396
2016	79,252	79,980	80,969	82,284
2017	83,474	81,237	83,164	84,952
2018	87,374	87,197	87,297	89,312

The three times that all proposals were similar is telling of the bargaining pro-

[6]Missing data from the upper and lower chamber proposals in 2008 and 2009.

cess. As the formal model of shared power showed, bargaining would be abbreviated and it would be anticipated there would be increased discussion and planning before the proposals would come out. In 2013, all three proposals were $74 billion, which was what was appropriated. The similarities are telling of how the governor and legislature had similar priorities and worked together. Interestingly, the upper chamber proposals tend to mirror the governor's proposal. Moreover, the final appropriation is representative of either the governor or upper chamber more so than the lower chamber. This may be a result of the level of experience that members have, members who term out and advance to the upper chamber are able to utilize that prior experience in the budget process.

In the case of Florida, where there is shared budget power the legislative proposals tend to win out over the executive proposal. In this case, however, more money is being spent as opposed to initiating cut backs. With increased spending, each actor is successful in the eyes of their constituents. This examination illustrates that even though legislative proposals are closely aligned with final appropriations the legislature and governor propose similar budgets.

In Colorado the bargaining process includes "comebacks." Comeback requests are the recorded interactions between the legislature and the governor. The governor will make his initial request to the legislature. The legislature will take an action by agreeing to the financial request (in part or in whole), or they will deny the request. After the legislature takes action the governor returns with his comeback request, this is the last move. After this back and forth the difference in each request is added and recorded. Comeback requests illustrate the bargaining that occurs between the two branches and how much each actor is willing to concede.

In the previous section each state was evaluated for its appropriations success based on the formal budgeting rules. Based the formal powers, Colorado is more likely to have legislative success. Table 6.7 contains the comeback requests for 2010

and 2012. This snapshot of comeback requests reveals the process that occurs. Each comeback request is about one line of funding made for a specific agency. Table 6.7 follows the process from the governor's request, to legislative action, and then back to the governor. Additionally, the table shows the difference between the initial request and what the legislature agreed to. The higher the difference the less willing the legislature was to concede, when the difference is zero, the legislature agreed to the funding.

Table 6.7: 2010 and 2012 Budget Comeback Requests in Colorado

Year	Agency	Governor Request	Legislative Action	Governor Comeback	Difference
2010	Corrections	$0	$1,392,778	$1,600,488	$207,710
2010	Education	4,998,500	0	4,998,500	4,998,500
2010	Health Care Policy	1,669,818	102,639	1,669,818	1,567,179
2010	Health Care Policy	2,730,574	1,955,586	2,187,455	231,869
2010	Public Health and Environment	4,098,764	4,192,893	4,371,893	179,000
2012	Office of the Governor	5,750,000	0	5,750,000	5,750,000
2012	Office of the Governor	250,000	0	250,000	250,000
2012	Personnel and Administration	676,694	267,552	675,552	408,000
2012	Public Health and Environment	2,999,904	3,169,298	3,169,298	0

The process of comebacks in Colorado allows the governor to prioritize certain budget items and go back to the legislature. The table illustrates several instances where the governor changed his request with the comeback, in 2010 the governor decreased his request for Health Care Policy. However, the comeback request increased for Public Health and Environment. Despite the governor's willingness to make slight adjustments in his comeback requests he was largely unsuccessful. Looking at the *legislative action* column, there were three instances when the leg-

islature did not give any money to the governor's request. There were three other times where the legislature chose to only partially meet the governor's request.

The greatest indicator of legislative success is when the legislature is able to push its own agenda. There are two instances in Table 6.7 where the legislature emphasizes something different than the governor. First, in 2010 the legislature moved to appropriate over $1 million to Corrections. Then in 2012, the legislature pushed to give more money to Public Health and Environment. These two changes document the legislature's ability to successfully appropriate funds beyond the governor's initial proposal.

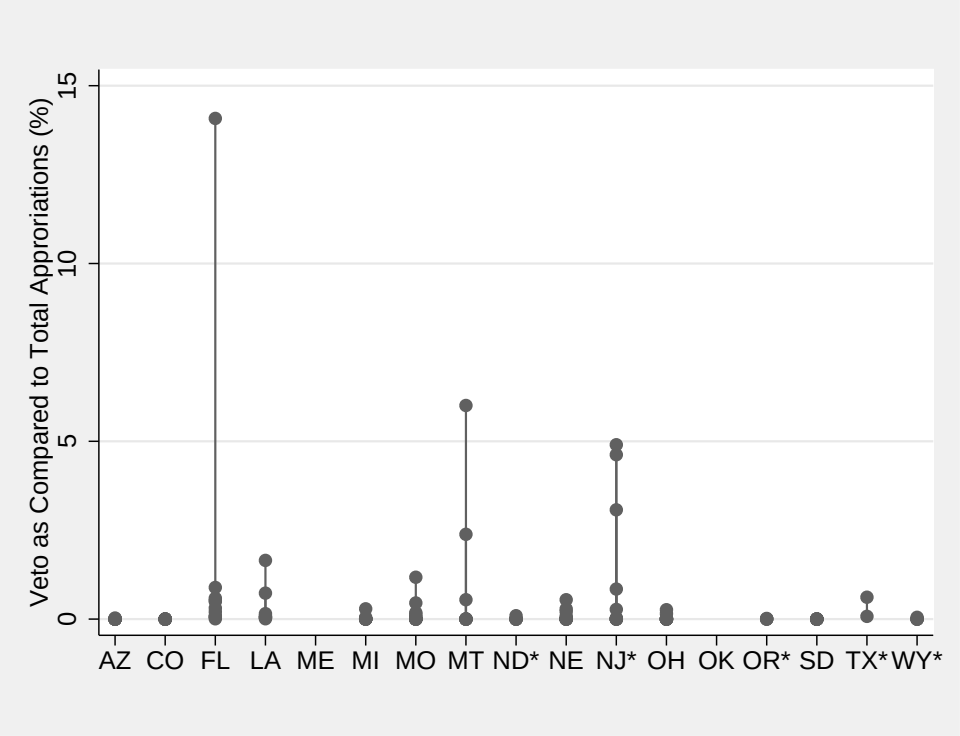
In Colorado, the comeback requests are indicative of strong legislative power, as well as mixed success for both actors. The legislature is able to stand firm on certain issues, especially in denying funds to the Office of the governor. The legislature, however, is sometimes willing to dedicate even more funds than what the Governor had requested. The varied success indicates the importance of policy and agency. In 2010 and 2012 the legislature was willing to work with the governor to varying degrees, but this was dependent on the specific department that was being funded.

The final and perhaps most significant activity in the budget process is the veto. The veto is the governor's final move in the bargaining game; whether or not it is used the veto is always a looming threat to the legislature. The use, and extent, of the veto gives further understanding of the budget process and the relationship between the legislative and executive branches. When a governor does not veto any appropriations, he or she agrees with the proposed bill and the appropriations are mostly in line with his agenda. However, vetoes indicate serious discord between the branches.

While most governors have greater veto power than the president, this power is not always used. Many governors have the ability to line-item veto individual

funds in the budget, but that does not mean that is what always occurs. Figure 6.5 illustrates the differences in veto use across the states from 2008-2018. The percent of the veto is relative to how much money was appropriated. As the figure depicts, there are several states which either do not use vetoes or where the percent change is minimal.[7] In most states the percent change is less than 1, but in one year in Florida there was a 14 percent change.

Figure 6.5: The Percent of Funds Vetoed in Relation to the Final Appropriations



Colorado and South Dakota did not have any vetoes in the 11 years are examined. In Colorado the lack of vetoes is likely attributable to the comeback requests that are used during the budgeting process. By having a lengthier formal budget process the governor is able to secure more of his or her requested funds and therefore vetoes are not necessary. South Dakota had many executive and mutual successes and the high success rate made the use of the veto unnecessary.

[7]Information on the exact percentages can be found in the appendix. There is no access to veto messages from Maine or Oklahoma.

Arizona, North Dakota, Oregon, and Wyoming all had minimal veto usage. All three of these states had more mutual successes in the budgeting process than executive or legislative success. They are all examples of how mutual budgeting success can alleviate the need for vetoes. When the appropriations bill is higher and both the governor and the legislature are able to achieve some of their policy goals there is little need for funds to be vetoed.

Michigan and Ohio had slightly higher veto rates than the other states, but remain below 1 percent. Michigan had a great deal of gubernatorial and mutual success without any instances of legislative success. Ohio, however, only had legislative successes. While there are many differences between these states, some of which can be attributed to formal powers. One of the noticeable differences is Michigan's stringent term limit versus Ohio's lax limit. Yet both states see similar veto usage, suggesting that veto use is not related to term limits, but is more aligned with budget outcomes.

Four states had vetoes that were between .5 and 1 percent at least once—Louisiana, Missouri, Nebraska, and Texas. These are four different states that have had different budget successes. Louisiana, Nebraska, and Texas are all more likely to have mutual appropriations success. Missouri, however, is less likely to have mutual success and is split between executive and legislative budget success. Louisiana and Missouri typically had vetoes of less than one percent, but in Louisiana in 2009 and Missouri in 2016 the amount that was vetoed spiked to over 1 percent. Nebraska and Texas, do not have high vetoes (dollar amount) in comparison to states like Arizona or Oregon, but they do have more frequent vetoes.

The states with the highest amount of funds vetoed were Florida, Montana, and New Jersey. Florida had one instance where the veto was the equivalent of 14 percent of the final appropriation, this instance is an outlier where the governor was attempting to take a stand and will be explained in more detail below. In Mon-

tana there were two instances of higher vetoes, in 2011 the veto was equivalent to 6 percent of the final appropriations and over 2 percent in 2015. In Florida, most of the budgets resulted in mutual success. New Jersey, however, had more gubernatorial budget success but also had more frequent higher vetoes. Of the seven years where vetoes were issued three of them were between 3 and 5 percent. The variation present in these three states emphasizes the role of institutional variation. New Jersey, which tends to have a stronger governor, has more budget success and issues more vetoes. Florida and Montana are split, which illustrates that the governor and legislature are more similar in their authority despite having term limits.

When issuing vetoes, the governor provides a veto statement. Much of the language in the veto statement is typically form language about the legal right to use the veto, or that the vetoed provisions are not in line with what is best for the state. However, there are some veto messages that stake a particular position. In some instances governor's use veto messages to attack the legislature, to point blame when issues fail. In others, governor's will use a veto message to push their own agenda by saying other priorities are more important. There are, of course, more mundane vetoes that delete duplicated language, correct typos, and insert correct terminology.

One extreme case of veto use was in Louisiana in 2009 when Governor Bobby Jindal issued hundreds of vetoes. In his veto message Jindal explained,

> "Prior to House concurrence with the Senate-passed House Bill no. 1, we informed leaders that we would veto everything in the bill contingent upon funding from the Insure Louisiana Incentive Program Fund, from the Budget Stabilization fund, and from delaying planned tax relief... We told leaders of our intentions because we wanted to be clear about our actions while we also worked with the legislature... This letter is to communicate that I have in fact vetoed those contingent items

and others."

Jindal did just that, he issued a total of 563 vetoes for "House Bill no. 1" amounting to $550, 632, 814.79.

In Florida the 2017 fiscal year budget included vetoes totaling over $11 billion. With the headline, "Fighting for Florida," Governor Rick Scott vetoed education funding because he said it was not enough money. Over $7 billion of the vetoed funds were for Aid to Local Governments for the "Florida Educational Finance Program," another $3 billion cut funding that was meant to reduce class sizes. Governor Scott wrote, "the amount of funding included in the Florida Education Finance Program should be higher in order to educate and prepare Florida's 2.8 million public kindergarten through grade 12 students." This veto is an example of the high-stakes of budgeting, Governor Scott's dissatisfaction resulted in a $10 billion cut to education.

The Colorado governor has authority over footnotes in the budget. The governor will use this power to delete footnotes that direct how certain funds are to be carried out, he instead states that he will instruct the relevant agency to comply. In 2008, Governor Bill Ritter wrote,

> "Although I have exercised this power to veto certain provisions... I have done so with respect to fewer items than any governor in recent history. I believe this is due in large part to the compromise over headnotes and footnotes that was reached between the legislative and executive branches."

In this veto message, Ritter explicitly states that the reason for fewer vetoes is because the legislature had been willing to work with the executive branch on the budget.

Each state has its own unique system for vetoes and many have certain traditions or standards. For example, in South Dakota it has become tradition to not

veto the appropriations bill. In Montana, cuts to appropriations were made in order to secure a general fund surplus. In 2019, the goal was to have a surplus of $300 million. In Wyoming the governor focused on word deletions and footnotes. In 2010, the governor of Louisiana vetoed a provision for oil spill clean-up saying it was not the job of the people to pay, instead BP should be paying. Vetoes can be for a variety of reasons and can carry many different implications. The veto messages help to explain some of the variation that was seen in Figure 6.5, as well as the importance of working together. Cooperation is what makes a successful budget, with limited vetoes, and term limits do not appear to have an influence on this.

How Legislators View the Governor

The interviews with term-limited legislators provide insight on the personal relationship between lawmakers and governors. There are several trends among the states. First, it appears that legislators and governors do not have close working relationships. Second, members have little reliance on the governor or the governor's office. Legislators only look to the executive staff to better understand the governors agenda. Finally, there is a stark partisan difference in support of the governor, those of the same party are far more likely to view the governor as a teammate instead of a competitor.

Legislators and governors do not appear to have close working relationships. State legislators were asked, when forming their opinion on legislation or when making decisions, "How much do you rely on the Governor's office for information?" Responses were scaled from 1-5, 1 being none and 5 being most. Many legislators from the four states turned their nose up at the mention of the governor's office. Across the board, few members admitted they relied on the governor's office. Table 6.8 contains the responses of legislators' feelings toward the governor's office.

The numbers in Table 6.8 show the extent to which legislators rely on the gov-

Table 6.8: How Much Legislators Rely on the Governor's Office

	None	**Little**	**Some**	**A lot**	**Most**	Total
Missouri	10	12	11	5	0	38
Nebraska	7	1	5	0	0	13
Ohio	5	6	11	1	0	23
Oklahoma	7	12	3	1	0	6
Total (%)	29 (30)	31 (32)	30 (31)	7 (7)	0	97

Note: Percentages are from the total number of respondents and are rounded to nearest whole number.

ernor's office for information. Most legislator's responses indicate that they rely on the governors only from *none* to *some*. Roughly a third of the respondents stated that they rely on the governor's office *some*. At the opposite end, not a single member from the four states reports relying on the governor the *most*. Moreover, less than 10 percent of respondents reported relying on the governor *a lot*. These results are consistent across all four states, suggesting that the time of term limits does not structure the relationship with the governor.

Several state legislator's offered more information when asked about the governor. Many said while they do not go to the governor's office for information or forming their opinions, they do look to the governor to understand the direction of the executive. Other legislators said they have little to no relationship with the governor's office, due in part to partisan differences.

In Missouri, legislators tend to view the governor as a player in the legislative game, but they do not work closely together. A senator said that although they rarely hear from the current governor, governors will come to talk to members, but just because a governor wants something done does not mean it happens. One representative reported that the governor and legislature tend to be on the same page, and they do not see it as a competition. A senator said they will listen to the governor on the specific issues the governor is involved in. Similarly, another member explained they do not generally rely on the governor's office unless they are pushing

something, then it can be a lot. Another member echoed they, "like to know the governor's opinion and think there needs to be a cooperative spirit between us."

In Nebraska, legislators were more negative toward the governor. Those that commented were more likely to say they had little contact with him. One senator said they will listen to the governor just to find out his position. Another reported they only look to the governors office, if they "need him." One member stated their relationship with the governors office "depends on the issues." A senator said simply, "I line up with him and his way of thinking." Another legislator explained, "I'm a D, he's an R and has never talked to me in six years."

Many lawmakers in Ohio responded to the question of gubernatorial reliance with indifference. A new governor, Mike DeWine, had just been elected and after roughly six months in office many legislators were unsure how the governor would perform and what his relationship with the legislature would be. Those who had served longer had different opinions. One senior legislator, who had served before term limits, said that in his experience term limits have worked to increase the power of the executive branch and that the executive can use departments to make it more difficult on legislators. The newer members, however, had no strong opinion on the governor.

Members from Oklahoma had very little to say about their governor. This was in part due to a new administration: the governor was just settling into office at the time of the interviews. Those who did respond, hinted at an absence of a working relationship. One member affirmed that they look to the governors office for direction, but not for information. One newer member state that they had not looked to the governors office at all. Another legislator explained, "(I) just don't interact with them much."

While legislators were largely consistent in their sentiments toward the governor, the partisan dynamic is worth exploring. In each of the interview states there was

a Republican governor serving. Partisanship is likely amplified under term limits given the time constraints members serve under. This relationship can be examined using the close ended responses to the previous question as a dependent variable. The key independent variable of interest is the party of each legislator. Additionally, there are controls for the number of years that each member has served, the chamber that the member serves in, and the member's gender.[8] The results of the ordered logit can be seen in Table 6.9.

Table 6.9: The Relationship Between Partisanship and Reliance on the Governor

	Reliance on Governor
Party	1.261***
	(0.483)
Years Served	0.027
	(0.099)
Chamber	-0.304
	(0.584)
Gender	1.002***
	(0.240)
τ_1	-0.132
	(0.531)
τ_2	1.308*
	(0.738)
τ_3	3.493***
	(0.814)
Observations	97

Robust standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

The results in Table 6.9 reveal that partisanship plays a role in whether or not a legislator looks to the governor for information. Specifically, Republican representatives were more likely to look toward the governor, who is also Republican (<.01). However, the length of time that a member has served does not alter how a member views the governor (<.01). Similar to *party*, *gender* is a significant indicator of

[8]At this time, all of the governors are Republican, this is not included as a control, the variable drops out because there is no variation.

reliance on the governor, males are more likely to rely on the governor (<.01). This is likely attributable to two factors; first, there are more Republican males than females serving in the legislature. Second, most governors are male and there may be a reliance or distrust placed on members of the opposite sex. Interestingly, the relationship between *chamber* and the governor is insignificant, one chamber does not look to the governor significantly more than the other.

Legislators from the four term-limited states that were interviewed appear to have negative feelings toward the governor unless the governor is a member of their party. In particular, most of the members who were interviewed do not appear to have a close working relationship with the governor's office. In fact, many members only look to the governor's office to gain a better understanding of the governor's agenda. When delving into this relationship, it appears that partisanship plays a significant role in how much legislators rely on the governor. In practice, it appears the relationship between the legislature and governor is fractured, but those of the same party as the governor are more willing to look to the governor's office.

Keep in mind that in each of these four states there is a strong Republican standing and roughly half of the interview respondents are from the Republican party. Even with a strong Republican presence, most of the respondents to not rely on their fellow Republican governor. In fact, based on individual discussions, it appears that legislators are too preoccupied with their own agendas and committee work to pay attention to the budget. Moreover, because these members pay little attention to the budget they pay even less attention to the governor. This is another example of how the time restraints of term limits supersede less beneficial tasks like budget negotiation. This also serves as a counter to preconceived notions of partisanship. While, partisanship may be beneficial during negotiations, the formal rules and standards set forth by the legislature are far more indicative of budget success than is party.

Summary

Governors and their role in policy has been the most widely researched executive topic to date (Bernick 2016). Governors exert their policymaking abilities in two ways: budget formation and veto use (Bernick 2016; Lewis, Schneider and Jacoby 2015). Collectively, these two powers allow the governor a great deal of latitude over state budgets. In particular, governors can exert a great deal of control over a state's budget using their veto power. The use of the item veto for the budget allows the governor to be a chief legislator. This chapter looks at the budget success of both the governor and legislature. Do term limits remove the legislature's ability to bargain over the budget? Does the governor's veto make them the most powerful player? This chapter addresses those questions and provides an in-depth analysis of budget proposals, appropriations bills, and executive vetoes.

The changes that term limits brought to the budget process are not as significant as what was once predicted. While governors do exercise a great deal of power, it appears that the legislature, in many ways, has adjusted to new standards of budgeting. There are no distinct differences between states with and without limits when looking at final appropriations or vetoes. Very rarely do budget changes surpass 10 percent in either direction. In many states vetoes equate to less than 1 percent of the total appropriated budget, if there are any vetoes at all.

When looking at budget success, there is variation among the states. This variation appears to follow a pattern based formal budgeting power, but those states that have term limits tend to favor the governor. In states with stronger budgeting rules that favor the governor, the governor has more instances of budget success. As the formal rules become evenly distributed between the branches there are more instances of mutual budget success. As the legislature's formal power becomes stronger, the governor is less likely to be successful. There are, of course, excep-

tions to this pattern. In the term-limited states governors are more likely to see success than they likely would in states without term limits. This finding indicates that while there is a slight difference for term-limited states the budgetary success is rooted in the formal rules.

Speaking about state government, Rosenthal (1990, 4) said, "conflict is inevitable and cooperation essential." There is a great deal of variation among the states and that is evident in the budget process as well. When it comes to the budget there are some legislatures that consistently fail to challenge the governor. However, this challenge is based on the formal rules that dictate the budget process. What is most surprising is the number of states that have mutual budget success. What Rosenthal said remains true, "cooperation (is) essential." In light of term limits, legislatures have been able to acclimate to their new level of budgetary expertise, by cooperating with the governor the legislature is able to accomplish more.

Legislatures with term limits have recognized the constraints that they face. In 2019 Oklahoma passed Senate Bill 1 creating a Legislative Office of Fiscal Transparency (LOFT), which is an oversight committee.[9] This entity is meant to be a budget resource for legislators. LOFT will gather budget data, conduct assessments of the budget, and perform investigations. Similarly, Colorado and Arizona have Joint Budget Committees that serve the legislature and makes policy recommendations. The growth of these agencies and committees had helped the legislature to be successful in pursuit of their budget preferences.

In the case of budget bargaining, term limits do not appear to have the great diminishing effect that was anticipated. Rather, the formal powers that outline the authority of the governor and his budget capacity are stronger indicators of budget success. Term limits are able to secure more gubernatorial successes, but there does not appear to be any noticeable difference to appropriations or vetoes between

[9]https://okpolicy.org/legislative-office-of-fiscal-transparency-loft/

states with and without term limits. This assessment illustrates that term-limited legislatures have adjusted to the changing power dynamics and continue to work with the governor to form the budget.

Chapter7

Relationships with State Agencies

In 2018, a number of states, including Oklahoma, experienced massive teacher walk-outs. Teachers left their classrooms to protest low pay and lack of resources. Fast forward one year, after the 2018 election more than ten teachers were elected to the legislature. One teacher elected to the legislature began to focus on legislation addressing teacher concerns then the State Superintendent of Public Instruction came in and stated that, "they had invested a great deal of time in developing the system and didn't want it changed."[1] As this example shows, legislative action and agency administration is closely intertwined in state government. In the term-limited state of Oklahoma one legislator's efforts to reform policy was stopped by an agency administrator. Yet it is unclear how legislators and state administrators have come to coexist under term limits.

The bureaucracy is an important part of state government, but it receives far less attention than state legislators and governors. As Richard Elling (1992,1) said, "modern government is bureaucratic government no less at the state than at any other level." This chapter focuses on the relationship between state legislatures and state agencies. Previous research has evaluated this relationship through the lens of legislative strength and ability to dictate agency action. A subset of studies look at legislative capacity to conduct oversight of state agencies. Little attention has been paid to institutional factors that may weaken the legislature in comparison to state agencies. Using interviews, in this chapter I examine the disparity between

[1]Waldron, John. I Was an Angry Teacher Fighting for Better Education Policy. Now, Im Shaping It. Education Week (April 11, 2019), available at https://www.edweek.org/ew/articles/2019/04/12/a-bull-in-a-china-shophow. html?intc=eml-contshr-shr-desk

diminished legislative capacity and the increased reliance on state agencies.

Studies of congressional oversight have revealed the importance of principal-agent models, delegation, and latent oversight (Ogul and Rockman 1990; McCubbins and Schwartz 1984; Weingast and Moran 1983). However, the relationships that exist at the federal level differ from those that exist at the state level. In the states, "bureaucracy more closely resembles a collection of heterogeneous agencies than a monolithic institution," (Brudney and Hebert 1987, 186). Agencies vary by type, structure, and funding (Brudney and Hebert 1987). With the implementation of legislative term limits, the relationship between the legislature and state agencies has been altered to a point that established works on congressional oversight cannot be directly translated to the states.

There is an unprecedented dynamic occurring in states with term limit; legislatures are becoming weaker while agencies are becoming stronger. The current understanding of this relationship is largely attributed to a lack of legislative oversight. However, legislatures have become increasingly dependent on agencies for information and policy guidance. Because term limits remove legislators from office, decreasing legislative experience, the assumption is that legislators have become dependent on agency administrators. This assumption, however, has merited little attention and has yet to be really explored.

The following assessment gives insight into the changing relationship between legislatures and agencies. It begins with a look at current understandings of legislative-agency relations and how they work together in states without term limits. Then there is a discussion about the changes thought to have been brought about by term limits. Following that, there is an evaluation of the decreasing levels of agency monitoring and increasing dependence on state agencies. This analysis reveals that while monitoring is not linked to legislative experience, reliance on state agencies is. This results in newly elected term-limited legislators who are reliant on state agen-

cies for information.

Legislative Oversight

State legislatures are charged with agency oversight. What is oversight? Ogul and Rockman (1990, 7) state, "the purpose of oversight is to ensure that those to whom authority is delegated remain responsive." Specifically, the legislature conducts oversight to ensure positive outcomes for their constituents, to have a say in policy implementation, and to monitor the role of the state executive.

Agency oversight is important for the separation of powers. Much of the research evaluating legislative oversight has been centered on legislatures that have the capacity to conduct oversight, namely more professional legislatures. There has been limited research evaluating the relationship between oversight and term limits. What has been done concludes that oversight will decrease under term limits. This chapter outlines legislative oversight as it is currently understood, before moving to a discussion on the role of term limits and their anticipated impacts.

Oversight is a tool to monitor agency activity and it allows the legislature to evaluate policy implementation, serving as a check on the executive branch. Oversight sometimes occurs when an agency has gone too far or caused a problem—i.e. fire alarm oversight (Baranowski 2001; McCubbins and Schwartz 1984). But as Baranowski argues, "effective oversight of state agencies requires the institutional capacity to oversee" (2001, 149). Such resources are not a given in all states. In order to have oversight a legislature needs the capacity to be able to monitor agencies and enforce any necessary sanctions (Woods and Baranowski 2006).

As previously discussed, professionalization worked to increase legislative capacity (Rosenthal 1996, 1990). Professional legislatures are better able to increase oversight and regulation (Boehmke and Shipan 2015). Increased resources give the legislature greater influence (Woods and Baranowski 2006). While there is a rela-

tionship between professionalization and agencies, it is not a high indicator of policy influence (Baranowski 2001). The capacity that comes with professionalization, however, is helpful for active monitoring of agencies (Baranowski 2001).

Some studies have observed a decline in oversight because of term limits (Sarbaugh-Thompson et al. 2010; Farmer 2007*a*; Kurtz, Cain and Niemi 2007; Moen, Palmer and Powell 2005; Berman 2004). Members have little incentive to conduct regular oversight of state agencies because they receive no credit for doing so (Powell 2007; Elling 1992). Instead, legislators are going to focus on issues that are more electorally beneficial, such as policy creation or bringing dollars back to the district.

In states without term limits there is little motivation to conduct oversight, unless it directly affects a member's constituency and, as a result, their election prospects. Yet professional legislatures have a greater capacity to conduct oversight because members have more resources at their disposal to monitor an agency. This conflict closely aligns with McCubbins and Schwartz (1984) take on different types of oversight. Legislators are more likely to wait for a fire alarm to be pulled because that is the moment when oversight becomes electorally beneficial. The question becomes, does this translate to states that do not have term limits? Do inexperienced legislators conduct routine oversight, or do they wait for fire alarms? To this point, the answer to these questions remains unclear because the long-term effects of term limits and state agencies are unexplored.

Term Limits and Oversight

Prior to term limits, some legislators viewed oversight as one of their job responsibilities (Sarbaugh-Thompson et al. 2010). Yet in other states oversight was neither a top priority, nor a common practice (Woods and Baranowski 2006). Regardless of the institution they served in, members with greater political ambition were less willing to conduct oversight because it was not electorally beneficial (Woods and

Baranowski 2006; Rosenthal 1981). Term limits have the ability to alter the relationship between the legislature and state agencies (Krause and Woods 2014). The worry was that term limits would result in a substantial cut to legislative capacity, leaving legislatures less able to compete with other governmental actors (Rosenthal 1990). When legislatures do not conduct oversight they become a weaker actor, allowing agencies to become stronger (Powell 2007).

Shortly after term limits had passed there were already noticeable changes to oversight. The implementation of term limits was thought to hurt legislative capacity, which carried implications for legislators and the legislature (Malbin and Benjamin 1992). An early study warned, "oversight is fatally weakened by term limits,"(Capell 1996, 86). In addition, implementation was left to bureaucrats. In Michigan, there was decreased interest in oversight in the legislature (Sarbaugh-Thompson et al. 2004). There were also fears that term limits would hinder the legislature's ability to monitor budget offices (Jewell and Whicker 1994). In an interview about term limit, one legislator responded, "term limits won't increase turnover by much, but they will hurt legislative capacity" (Carey, Niemi and Powell 2000, 93). It appeared, early on, that the greatest impact of term limits would be that legislators would be unable to compete with other governmental actors.

As states transitioned to term limits, it became clear that there was a lack of legislative oversight of the bureaucracy. In a study by Richard Powell (2007, 143), "observers stated that committee oversight of executive agencies is much less rigorous under term limits." A study evaluating legislative monitoring before and after the implementation of term limits found that the amount of time dedicated to oversight had decreased after implementation (Sarbaugh-Thompson et al. 2010). Under term limits, members lack experience and are less equipped to process information; as a result, they no longer hold the expertise necessary to constrain agencies (Krause and Woods 2014). Some states began to notice the decreased ability of the

legislature to monitor agencies. To combat the problem states began to create additional entities or committees dedicated to oversight. For example, Maine created an Office of Program Evaluation and Government Accountability (Powell 2007, 145).

At the time, there were several reasons cited for the lack of oversight. First, the legislature found it difficult to conduct oversight because there was a loss of expertise with the increased turnover brought by term limits (Sarbaugh-Thompson et al. 2010; Powell 2007). Second, the more politically ambitious legislators who served under term limits tended to find oversight to be a poor use of their time (Sarbaugh-Thompson et al. 2010; Ogul and Rockman 1990). Third, many new legislators did not know what it meant to monitor an agency, they did not understand the practice until they were in their final term in office (Sarbaugh-Thompson 2010). To summarize, the initial turnover brought about by term limits took away a great deal of expertise from the institution, resulting in new legislators who do not know what to do in regard to oversight and who are more focused on their personal political career.

The oversight that did occur has been linked to committee work. In other words, members on certain committees were more likely to conduct oversight. Serving on the Appropriations Committee has been tied to practicing agency oversight (Sarbaugh-Thompson et al. 2010). Similarly, some committee members were more willing to challenge agency practices that were created before they were elected to office (Clucas 2003). Specific committees, like the Budget Committee, have likely taken on a greater role because they have the greatest level of expertise.

Term limits cut off the long-term relationship that existed between legislators and agency administrators (Sarbaugh-Thompson et al. 2010). As a consequence of decreased oversight, agencies were better able to thwart legislative efforts to monitor their activities (Sarbaugh-Thompson et al. 2004). Additionally, the lack of oversight increased deference to the executive (Baker and Hedge 2013; Sarbaugh-

Thompson et al. 2010; Cain and Wright 2007; Little and Farmer 2007; Kousser and Straayer 2007).

During the transitional phase studies confirmed that legislators were not actively monitoring state agencies. Instead, it was a job relegated to a few specific committees. The lack of oversight lead to the creation of new entities to assist the legislature in monitoring. The lack of expertise, and lack of oversight, were theorized to lead to legislative dependence. The drastic changes brought by term limits were not only going to limit oversight, but these changes would lead to legislatures becoming dependent on agencies for information.

A Growing Dependency

A now long-standing theory has been that term limits, by inducing turnover, would result in a lack of oversight. This lack of oversight would free agencies from legislative monitoring and sanctions. There is another key change that has received less attention. The implementation of term limits increased the legislature's dependence on state agencies for information. With increased turnover and shorter time in office members do not have the time for information gathering. Instead of gaining institutional knowledge, legislators have come to rely heavily on state agencies and administrators for information and policy guidance.

Term limits diminish the expertise that is required for policy-making, and in doing to increase the power of bureaucrats (Bowser and Moncrief 2007; Kousser and Straayer 2007). Legislators now turn to the bureaucracy for information, while their predecessors were able to be their own experts. Newer legislators, in particular, are more willing to look to the bureaucracy as a primary information source (Cain and Wright 2007). Bureaucrats are more likely to work with these new legislators because they can exert greater influence them (Cohen and Spitzer 1996). These changes are not just at the individual level, but affect the institution (Cain

and Wright 2007).

The transitional phase of term limits saw a growing dependence on state agencies for information. Newer legislative members viewed agency administrators as experts to whom they frequently deferred (Powell 2007). There was increased reliance on staff and bureaucrats in term-limited states, because staff and bureaucrats served longer than the members (Carey, Niemi and Powell 2000). As a result, there is greater bureaucratic influence on legislation (Nicholson-Crotty and Miller 2011). Overall, term limits increased the perceived influence of bureaucracy among legislators (Nicholson-Crotty and Miller 2011).

There are consequences to the changing relationship between legislators and bureaucrats. Not only do legislators have less knowledge, bureaucrats have less incentive to be honest with them(Sarbaugh-Thompson et al. 2004). There is also the potential for the executive branch to go around the legislature; bureaucrats can avoid responding to the legislature altogether (Sarbaugh-Thompson et al. 2004). The inability of the legislature to monitor and enforce bureaucratic action shifts power to the executive branch because it is better positioned to monitor state agencies. As a result of increasing agency autonomy, the balance of power in the states is flowing in favor of state executives.

An Enduring Relationship

In this section I take an empirical approach to understanding the relationship between state legislatures and agencies as they exist today. Legislative interviews allow for an in-depth look at how current lawmakers interact with state agencies. The following analysis has two parts: agency oversight and agency dependence. First, legislators were asked how much time they spend monitoring agencies. Second, legislators revealed how much they rely on outside sources and, in particular, agencies for information. The interviews reveal that while legislators spend little

time monitoring state agencies most rely on state agencies for information.

There are three questions I use to gauge the amount of time spend monitoring and the extent to which legislators rely on agencies.. In order to capture agency monitoring legislators were asked, "How much time do you spend monitoring state agencies?" Responses were scaled: 1-none, 2-little, 3-some, 4-a lot, 5-most. To better understand legislators' reliance on agencies for information there are two questions. First, members were asked, "Do you rely on outside sources for information, like lobbyists and agencies?" The responses to this were, 1-yes and 0-no. Second, members were asked about how they form their decisions and where they get their information. The specific question about agencies is, "How much do you rely on state agency workers?" These answers were coded using the same five-point scale as above.[2]

Additionally, there is a qualitative approach to understanding the relationship that develops between term-limited legislators and state agencies. Open-ended questions provide insight on lawmakers' perceptions of agency monitoring and reliance on agency expertise. There is a consistent trend in the responses across the four states, legislators are skeptical of agencies, but see them as a useful resource. Many legislators noted that agency workers have their own agenda and their own goals to pursue, so this skepticism is healthy.

The remainder of this section looks at the differences on legislative agency monitoring and legislative dependence on agency expertise across the four states. To begin there is an independent descriptive assessment of monitoring and reliance. Following that, there is a quantitative examination of both monitoring and reliance in order to compare the two outcomes. While there are slight differences among the states there are trends that are likely a result of the imposed term limits. Namely, there is less oversight and agency monitoring simply because legislators feel in-

[2]In the cases where members answered in between numbers (i.e. 3.5) answers were rounded down because of their uncertainty that it was any higher than the half number.

creased pressure on time. Additionally, while legislators are skeptical of agency intentions, they are more likely to rely on those agencies for information and expertise, again because they are pressed for time.

Agency Monitoring

When term limits were implemented the greatest concern, in reference to state agencies, was that legislators would no longer conduct oversight. The theories as to why this change would happen centered around the diminished capacity to conduct oversight, related to policy expertise, and the diminished incentive to conduct oversight because of the shorter terms in office. To understand whether these fears came to fruition term-limited legislators were asked how much time they spend monitoring state agencies. Table 7.1 contains the breakdown of responses by state.[3] The responses show trends that are consistent across the four states that were interviewed. These responses are not taken to necessarily represent all term-limited states, but they do present a sample of all four types of term limits.

Table 7.1: How Much Time Legislators Spend on Agency Monitoring

	None	**Little**	**Some**	**A lot**	**Most**	Total
Missouri	3	15	10	2	2	32
Nebraska	1	7	5	1	0	14
Ohio	3	11	5	4	0	23
Oklahoma	3	13	5	1	0	22
Total (%)	10 (11)	46 (51)	25 (27)	8 (9)	2 (2)	91

Note: Percentages are rounded to nearest whole number.

In Table 7.1, there are few members who respond that they spend either *a lot* or *most* of their time monitoring state agencies. In fact, the two categories make up less than 10 percent of the total responses. Nearly 30 percent of members report spending *some* time monitoring agencies. Most members report spending *little* time

[3]Those who responded with "don't know" are excluded from the analysis.

monitoring state agencies, just over 50 percent do so. After that, there are 10 percent of members who report spending no time on monitoring. These trends are consistent among the states, in each most people report spending *little* time, followed by *some* time, and the third most common category is *none*. The lowest recorded responses in each state are in the *most* category, followed by *a lot*.

When legislators were asked about how much time they spend monitoring state agencies there were many different responses, most indicating a lack of oversight. The specific question asked was, "How much time do you spend monitoring state agencies?" While answers frequently indicated a lack of oversight, legislators gave a consistent set of reasons for this neglect. Some individuals said they simply did not have the time to monitor agencies. Recognizing the importance of monitoring, many members said they wished they were able to conduct more oversight. Another reason mentioned is that the duty of monitoring is viewed as a committee-specific task.

One Oklahoma legislator said simply, "we don't have time." A high-ranking party leader in Missouri said in response to agency monitoring activity that there is, "not enough, I wish we could do more but there's only so much time in the day." A member from Oklahoma expressed concerns about monitoring saying, "I need to do more (. . . I am) already seeing some problems." On a more positive note, a Missouri senator said, "That's something we should do a lot more of. . . not always a bad thing, also identifying the good things they are doing and what can be improved." A senior Missouri legislator said there is "not enough" agency monitoring, while another said they "wish it was more." A Nebraska state senator said, "needs to be more of that," another senator said they are not able to monitor as much as they would like. Legislators in Ohio complained that they have very little time to conduct oversight because they are "always campaigning."

Other responses pushed the burden of conducting oversight onto the appropri-

ations and budget committees, those not serving on these committees did not view oversight as one of their jobs. One Missouri legislator said that oversight is vested in the budget process, stating it is a flaw in how agency monitoring is designed. An Oklahoma legislator not serving on the budget committee, responded, "None, it's not my job." That same legislator continued, saying, "I don't have time to sit here and micromanage them—not a personal duty." A Missouri representative said, "[monitoring is] what we need more of. . . some state agencies aren't good at telling us the truth—biggest control is through the budget." Another member from Missouri reported that they spend a "tremendous" amount of time monitoring due to their role on the budget committee.

Overall, the statements offered by legislators, and the initial scaled responses, indicate that there is a lack of oversight occurring in these particular state legislatures. Yet it is not conclusive that this is unique to term-limited states. Recall, state legislators without term limits and even before term limits had little incentive to conduct oversight. The question then becomes, is the lack of oversight exacerbated in term-limited states or are these legislators behaving rationally and seeking out opportunities with greater electoral benefit? The answer to this question lies in how much experience members have, knowing that the intention of term limits is to cut experience. If agency monitoring is tied to legislative experience that would indicate a difference in term limited states—new members simply do not know how to monitor.

Agency Dependence

While scholarship has paid a great deal of attention to agency monitoring and the changes brought by term limits, there has been less attention to how much legislators have come to rely on agencies for information. Legislators are serving with less experience and with less policy expertise, this is by design. Term limits were meant

to bring in new, inexperienced members. The cost of this change has been overlooked. Not only do term-limited members not monitor agencies, legislators go to state agencies for information. With limited knowledge lawmakers go to the entity that has to actually implement policy, the state agency. State agencies gain informational power over the legislature because legislators have become dependent on that knowledge.

I use two different questions related to information, first, legislators were asked if they use outside sources for information. Second, they were asked how much they rely specifically on state agency workers for forming their opinions or making decisions. Again, these results are largely consistent among the four states. Table 7.2 contains the breakdown of responses to whether or not members go to outside sources to gain information. Members were asked if they go to outsides sources such as lobbyists and state agencies. Most members confirmed that they do go to outside sources for information. A total of 91 percent of members interviewed said they go outside the legislature to get information from lobbyists and state agencies.

Table 7.2: Do Legislators Rely on Outside Sources for Information?

	Yes	**No**	**Total**
Missouri	31	3	34
Nebraska	13	1	14
Ohio	18	3	21
Oklahoma	22	1	23
Total (%)	84 (91)	8 (9)	92

Note: Percentages are rounded to nearest whole number.

Looking at the number of members who were willing to go to outside sources for information and who have to rely on that information is an important first step to understanding agency dependency. Looking specifically at state agencies, Table 7.3 contains the responses from members on how much they rely on state agency workers. There is slightly more variation here, but the distribution is largely consistent

among the states. From the states, the majority of members rely on state agency workers for information and forming their opinion either *some* or *a lot*. While the majority of members do not say they rely on state agencies the *most*, they do rely on them a great deal. Less than 25 percent of members say they rely on agencies *none* to *little*. Overall, there is more reliance on agencies for information than there is not.

Table 7.3: How Much Legislators Rely on State Agency Workers

	None	**Little**	**Some**	**A lot**	**Most**	Total
Missouri	2	4	19	12	0	37
Nebraska	2	4	7	0	0	13
Ohio	0	8	7	8	0	23
Oklahoma	1	2	13	6	1	23
Total (%)	5 (5)	18 (19)	46 (49)	26 (28)	1 (1)	93

Note: Percentages are rounded to nearest whole number.

Interviews with state legislators revealed there is support for this suspected changing relationship between state agencies and legislatures. First, legislators said that they spend little to no time monitoring state agencies. In fact, there are few members who make it a priority and spend *a lot* or *most* of their time on monitoring. Legislators do, however, rely on outside sources for information, and they rely heavily on state agencies for information. More than 90 percent of respondents look to outside sources for information. Specifically, over 75 percent of respondents rely on state agency workers *some* to *a lot*.

State legislators were also asked about whether they gather information from state agencies, or if they rely on agencies for information. The responses from most states indicate that legislators tend to rely on state agencies for both general information and technical expertise. However, as one Missouri representative noted, working with agencies does vary by gubernatorial administration.

In Nebraska, state senators had little to say about their relationship with state

agencies. When they did speak about agencies and the information they supply, their comments tended to be positive and indicate a good working relationship between the two actors. A senator from Nebraska stated they go to agencies for information, especially when there are questions about policy mechanisms. They depend on agencies regarding what the agencies do and how they do it. Legislators stated various reasons for why they would go to agencies: to get current information, to see how bills influence agencies, and to get important facts for bill writing. One senator said, "you have to (listen to agencies) simply because they've been working on it for years." The positive feelings toward agency information may result from limited terms legislators are allowed to serve.

Several Missouri legislators said they look to state workers because they have knowledge and information, as well as specialized expertise. One senator agreed that, "bureaucrats have tremendous knowledge," they continued, "the knowledge of bureaucrats is much greater because every eight years legislators have to reeducate their workforce." Another member said bureaucrats are helpful, when they choose to give information. One representative spoke against agencies saying, "they don't like to share a lot, they stone wall," they continued, "because of term limits they wait us out."

A first-term representative from Ohio said that you have to get information everywhere. They said, "I try to be a sponge: go, first and foremost, to my experience, then to experts and people on the ground level." The same member went on to comment, "if you need numbers or stats you *have* to go to them." A different member pointed out that, "It's difficult to figure out the nuts and bolts," of policy and legislation. A representative serving in their second term candidly stated, "saying I'm not influenced would be deceiving but I do not reach out to them." For Ohio legislators it is clear that if they want detailed information on a particular policy, they have to go to the source, which is the relevant agency.

An Oklahoma representative stated they go to agencies sometimes for consultation, especially regarding the influence of policies. One legislator said they will go to secretaries of agencies for information. Another member said they "absolutely" go to agencies, "how else will you know?" Similar to other state legislators, Oklahomans go to agencies for information expertise because agency workers are the ones who retain institutional knowledge. Several members said they do not go to agencies, instead, agencies go to them. Similarly, another member said agencies come to initiate a conversation, but agency heads more so than other actors (i.e. lobbyists).

It is clear that term-limited legislators are more than willing to go to outside sources for information with an overwhelming 90 percent of legislators stating that they do, in fact, rely on outside sources. Additionally, over 75 percent of members rely on information provided by state agencies either *some* or *a lot*. This is likely a direct effect of having legislative term limits. Term limits have unintentionally given the informational power over to state agencies as members have become more reliant on agency workers for their policy expertise and knowledge of policy implementation.

States and Agencies

While it is evident that there is a lack of monitoring in the states, as well as an increased reliance on state agencies as an information source, it unclear if these are direct effects of term limits. The descriptive information above illustrates that there is more to the relationship between states and agencies than previously thought. This section takes an empirical approach to understanding the differences in agency monitoring and the reliance on agencies and how states with term limits have come to interact with agencies.

Early scholars who feared a lack of oversight in term-limited legislatures failed

to account for the pre-existing lack of oversight. Members who desire to be re-elected take actions to get reelected, oversight is not shown to be an electorally beneficial action in most cases. Therefore, the level of experience that a member has should not be indicative of their incentive to conduct oversight. In other words, the motivation to conduct oversight by monitoring state agencies is not present, with or without term limits.

With the focus on monitoring, there was little attention paid to how a lack of experience plays out in reality. Monitoring may not be rooted in the level of legislative experience, but how much a member relies on a state agency is. With increased turnover and shorter lengths of service, members need to seek information from some place. With few senior members, state agencies seem the likely option. State agencies help to develop policy and are the entities that implement the policy, for a new legislator they constitute a primary source of information. Agencies are not only not being monitored, but they are the ones who hold informational power.

Using the same interview questions as above, ordered logistic regression is used to understand the relationship between experience and either monitoring or reliance. Keep in mind, these two different outcomes are in opposite directions. Monitoring implies that a legislator has enough time and knowledge to conduct oversight. Reliance implies that members lack knowledge and thus turn to agencies to fill in that information gap. Research has long suggested that inexperience would lead legislators to monitor less, while increasing their reliance on agencies for information.

The key independent variable for this analysis is *experience*. The experience variable captures the number of years that each member has served. The minimum number is zero, these are the members who just began serving in the legislature. The most years served in this sample is 19. Recall, legislative careers in Ohio are similar to those in non-term-limited states because members can return and thus

are able to serve for longer periods of time. Theoretically, experience is the key differences between term-limited and non-limited states. The lack of experience is the hypothesized reason for the lack of oversight and for increased informational reliance. If experience is significant then it can be assumed that experience is a key factor for monitoring or reliance. If experience is insignificant then it indicates there is no difference based on experience in states without term limits.

Both dependent variables, *monitoring* and *reliance*, are measured on a three-point scale, "little," "some," or "a lot" of time spent on monitoring/level of reliance of agencies.[4] There are also institutional variables that capture the pre-existing foundation for state-agency relations, *professionalization* and *career opportunity*. For the model on reliance, there is an additional variable, *reliance on outside sources*, which indicates that a member is more willing to rely on outside sources, such as agencies. Table 7.4 contains the results of the ordered logit for both *Monitoring* and *Reliance*.

Based on this analysis, it appears that the level of monitoring does not vary by the level of experience. Additionally, *professionalization* and *career opportunity* do not have a statistically significant relationship with monitoring. In other words, the amount of time that a legislator spends on monitoring is not dependent on whether or not he or she has experience. Much like legislators without term limits, he or she simply has other more electorally beneficial things to pursue.

Turning to how much legislators rely on state agencies. If term limits are going to do anything, it is more likely that they will give greater informational power to the bureaucracy because there will be a constant influx of new members. On top of that, there will be fewer senior members to help guide all of the new members. As a result, legislators will rely on the bureaucracy because of their inexperience. Table 7.4 demonstrates just how significant that relationship is.

[4]The limited responses in the most and none categories present measurement problems. Therefore, "little" and "none" are in one category, as are "a lot" and "most".

Table 7.4: Ordered Logit Analyses of Legislative on Monitoring and Reliance

	Monitoring	Reliance
Experience	0.071	-0.048**
	(0.056)	(0.023)
Professionalization	-0.922	-22.227***
	(3.168)	(3.354)
Career Opportunity	0.430	13.689***
	(2.117)	(1.869)
Reliance on Outside Sources		1.508**
		(0.647)
τ_1	0.601	-3.618***
	(0.780)	(1.254)
τ_2	2.451***	-1.204
	(0.763)	(1.046)
N	82	88

Robust standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Legislators with more experience are significantly less likely to rely on state bureaucrats (p <.05). Moreover, professional legislatures are also less likely to rely on them. Those legislators who have fewer career opportunities are more likely to rely on outside sources. As expected, legislators who state that they are likely to go to outside sources for information are significantly more likely to rely on agency workers for that information (p <.05). Overall, it is clear that there is a stronger relationship between experience and how much members rely on state agencies, than how much time they spend monitoring.

The coefficients of an ordered logistic regression are not directly interpretable and only offer levels of significance. In order to better understand the relationship between experience and both monitoring and reliance there are predicted probabilities presented for the likelihood that a member will respond in a certain way based on years of experience. The probabilities are predicted for a legislature that is at the mean for both *professionalization* and *career opportunity*.

Figure 7.1: Predicted Probabilities of Agency Monitoring and Reliance based on Member Experience

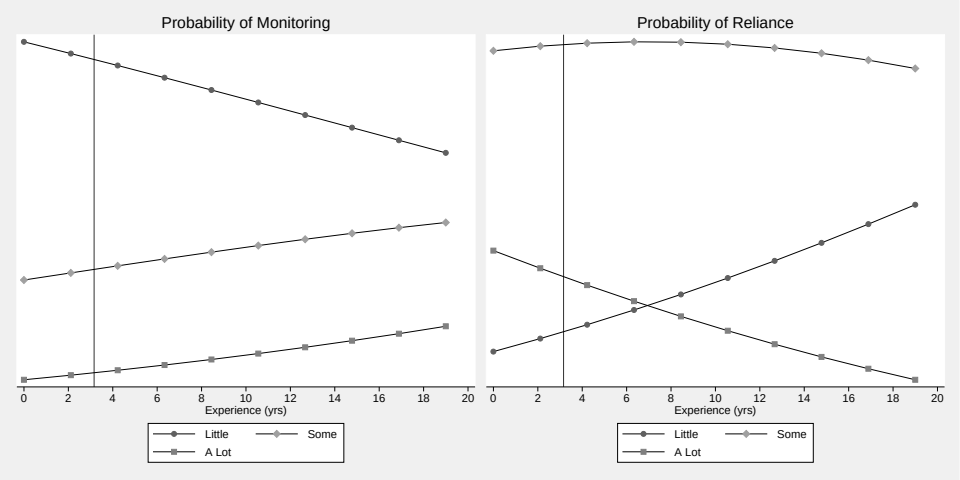


Figure 7.1 plots the predicted probabilities of *experience* to the responses to monitoring and reliance. This figure indicates the probability that a members response will be *little*, *some*, or *a lot*. These probabilities are based on the experience a member has, measured in years. The vertical line at about three years indicates the average number of years of experience for members in the sample.

Looking at *Probability of Monitoring*, the responses differ little with experience. While there is a slight uptick in the chance of answering *some* or *a lot*, there is no clear distinction with experience. Looking at the *Probability of Reliance*, the probability of responding with *little* increases with experience, whereas the probability of responding with *a lot* decreases with experience. The distinction comes with between six and eight years of experience. In other words, only once people are about to reach their term limit will they feel they no longer need to reply on agencies a lot, but only a little.

This analysis provides support for the idea that term limits have taken away the long-valued policy knowledge that legislators possess. Instead, the new, inexperience legislators have become reliant on state agencies for information. This has become the new norm in state legislatures. Legislators from the four states com-

mented on the growing problem that agencies have more information at their disposal. The comments below are just some of the unintended consequences from term limits removing experienced legislators and replacing them with inexperienced members who have no alternative but to seek out information from state agencies.

In Missouri, there was a great deal of uncertainty about the intentions of state agencies and their administrators; still, there was an underlying dependence on the information they possess. While one member said agency monitoring is dependent on both the agency and the committee, a different member said the biases of the agency have to be noted and weighed. A more senior legislator said agencies do not like to share information and what they provide "need[s] to be taken with a grain of salt." The member continued that lawmakers must, "know the right questions to ask." One representative who had previously worked for a state agency said bureaucrats were frequently blocked from sharing information, and this was in-part what made that member want to run for office. Speaking about bureaucrats, another lawmaker noted, "you have un-elected people going around running things... they're running around protecting their own agency."

Overall, Nebraska senators had far less to say about state agencies than the members from other states. Nebraska senators tended to adopt a hands-off, "fire alarm" only approach. One senator said they conduct little agency oversight, "unless they're becoming a problem, in order to create effectiveness." Another member relied entirely on staff to conduct oversight. A different member said its the related departments and committees that work together. On a different note, one senator argued agencies are in control because they are here [in Lincoln] even when the legislature is not.

In Ohio legislators were more willing to discuss the importance of state agencies and their expertise. Yet many lawmakers noted that you do not go to agencies first, you go to agencies last. A first-term member summed this dynamic nicely, "I do

(go to agencies), but I always take it with a grain of salt because they are trying to push things." Members agreed that they go to different sources for expertise and knowledge, not because of a personal relationship. A long-serving member said that "agencies are not an ever present force."

Members in Oklahoma appear to be the most distrusting of state agencies and their intentions. When asked about state agencies a legislator revealed, "they're not always transparent with us." Another legislator expressed similar concerns, "agencies sometimes need to be taken with a grain of salt." Yet, a different member said, "you can generally trust them because they don't want to, and can't, lose your trust." The typical way to deal with agencies in Oklahoma is to "trust but verify" the information that they are provide.

Summary

The story at the beginning of this chapter revealed the close relationship that exists between the Oklahoma State Department of Education and the Oklahoma state legislature. The assessment in this chapter sheds light on the enduring relationship between term-limited legislatures and state agencies, as well as giving context to the story from Oklahoma. Using interview data from four term-limited states to look at agency monitoring and the growing dependence on state agencies for information, this chapter provides evidence of the strengthened position of state agencies in term-limited states. One Ohio legislator remarked that they were once in favor of term limits, but not anymore, because "being in a term-limited position takes power into the hands of the bureaucracy." This, it turns out, is a shared sentiment among many term-limited state legislators.

With the passage and implementation of term limits, many scholars feared that there would be changes to the relationship between legislators and state agencies. Relying on research for the pre-term limit time period, and new interviews for the

current equilibrium period, there do appear to be noticeable changes to this relationship. Just like members from non-term-limited states, legislators do not view agency monitoring as one of their core duties and they spend little time on oversight. However, there has been an increased reliance in term-limited legislatures on both the general and technical expertise agencies possess. As others have postulated, legislators appear to be more willing to go to agencies for information and have, over time, become more reliant on that information.

Term limits, by inducing increased turnover, have inadvertently lead to stronger state agencies. The initial theory was that agencies would become stronger because there would be less oversight occurring. There is a lack of evidence in support of this claim, there does not appear to be a relationship between a member's level of experience and how much they monitor. Given this, it is expected that there is simply a lack of desire to monitor state agencies. Because of the limited electoral benefits of agency monitoring it is a rare occurrence in states, regardless of term limits.

Yet agencies have grown stronger. There is more to this long-term relationship than what was anticipated. In the states with term limits legislators lack policy experience, something that agency workers enjoy. As a result, the lasting relationship is not that there is less monitoring, but that there is a greater dependence on state agency knowledge and expertise. When agencies hold the knowledge and expertise they can be selective about when and how that is shared. As many legislators have observed, it can be tough to trust what agencies are saying yet they are necessary to gain information.

Perhaps this changed relationship with state agencies is the new normal with legislatures, at least those with term limits. One legislator from Ohio, who had served before and after term limits in the state, said that there is an "increase in power to the executive branch, but its more difficult on them. Departments have to explain their role and get legislatures up to speed. Its not about ability or intelli-

gence, its about the way things are done." With time, legislatures have adjusted to exercising less say over agencies and they have grown to rely more on them. As this senior lawmaker said, "It's about the way things are done." The concern in this is that state agencies can now be selective in the information that they reveal. There were several legislators who expressed similar reservations, that when the legislature is out of session agencies are free to do as they wish.

While it appears that agencies have been strengthened with the implementation of term limits, it is not for the suspected reasons. The fear that legislatures would spend less time monitoring agencies was not unfounded, but in relation to states that do not have term limits there is likely little difference. As this study reveals, monitoring has no statistically significant relationship with years of legislative experience. The change that does give agencies greater power is the increased dependency on agencies for information. This is an unintended consequences of term limits. Because agencies now hold informational power they exert a good deal of authority over the legislature. In order to adapt to term limits legislators had to outsource for information. In doing so they gave up some of their policy making authority.

Chapter8

Conclusion: The Unintended Consequences

The public drive for term limits may have slowed, but their popularity has never died. Term limits remain well-liked among the public and new proposals in favor of them go before citizens and legislatures each year. Yet the scholarship dedicated to understanding term limits stalled after the first cohorts had been removed from office. This study brings a much-needed update to our understanding of term limits and their implications. This examination of the long-term effects of term limits, comparing states with and without term limits, clarifies some of lasting consequences of term limits. More than that, this study reveals the strength of the legislature and how it is able to respond to new constraints, such as term limits.

Many of the differences seen in the states are not due solely to term limits, but a combination of the legislature, its rules, and the people who serve there. The details of these legislatures can only be parsed to a certain extent. While this study includes many of the existing variations accounted for in original examinations, such as professionalization and career opportunities, it also has a comparative focus. Instead of relying on case studies focused on one or two states, it examines 17 different states, using twelve with term limits and five without them.

This examination builds upon studies that looked at the initial changes before and after term limits were first implemented by focusing on the changes that are evident today. Legislatures are typically stable institutions known to endure change and adapt to their surroundings. What changes occurred immediately before and after term limits may be less relevant now that they have been in place for over 20 years. It is unlikely that any of the 15 term-limited states will revert back to the

legislature that they once had. What needs to be understood is how term limits affect the legislature currently.

This study is unlike others in that it examines the states through a comparative lens. Rather than looking internally at the changes in a single state, where changes are bound to be evident, it compares the states with term limits to those without term limits. This comparison isolates the trends that may be a direct result of term limits with those that are nation-wide and have affected every legislature. When looking comparatively across the states, some effects found in the term-limited states are less unusual because of the presence of similar trends in non-term-limited states.

Legislatures, in many ways, have learned to adapt to term limits and their constraints. This adaptation, however, is not without consequence. This study focuses on the feared changes and the many promises of term limits. This examination has revealed that not only did many promises and fears not come to fruition, but there were many overlooked and unintended consequences.

Testing the Limit

Term limit scholarship was popular during the initial periods of passage and implementation. There were compelling theories in support of the promises of term limits, and just as many against the promises of term limits. The conclusions from these early studies is where the study of term limits stalled. With the continued push for term limits today, it is necessary for legislative scholars to understand the long-term effects of term limits.

Reevaluating the Promise of Term Limits

Term limits were sold to voters by promises that limits would fix a government full of corrupt, long-serving incumbent politicians. The proposals sent to the public

promised five essential things. Each of the promises made by term limit advocates, listed below, are all dependent on the first: increased turnover. Term limit proponents argued that by increasing turnover state legislatures would be reformed and return to constituent-centered citizen legislatures.

1. Term limits would increase legislative turnover
2. Term limits would forcefully remove incumbents
3. Term limits would change demographics, increasing representation
4. Term limits would dismantle the iron triangle between legislators, interest groups, and the bureaucracy
5. Term limits would equalize the majority and minority parties

Proponents, focused on the immediate outcome of turnover, failed to realize how far-reaching the effects of term limits might be. It quickly became evident that term limits would not only remove incumbents from office, but that removal would have ramifications for the rest of the legislature. Scholars feared that by removing experienced members from office term limits would change career trajectories, restructure legislative organization, and alter relationships with other governmental actors.

In anticipation of term limits early studies focused primarily on legislative careers and whether or not removing incumbents would really fulfill the promises listed above. These studies were largely speculative and lacking in data. This led to misleading and inconsistent conclusions. Some argued term limits would discourage legislative careers, while others said there would be no effect (See Penning 1996). Moreover, examinations were usually limited to one state or even one legislative session.

As term limits began to remove legislators from office there was a surge of research on the transitional period. These studies primarily focused on the legislators who had just left office and the new members who took their place. While there was a great deal of research focusing on different aspects of the legislature, many of the observed differences were likely only a result of the initial effects.

With all of the theories and examinations that were done during the anticipatory and transitional phases the long-term effects of term limits were still unknown. Scholars quickly realized they would not know the true effects of term limits for many years to come, because it would take time for the effects to take hold.

Testing at Equilibrium

Early work on term limits was, in many ways, inconclusive. Some found that the overall outcome of term limits was "substantive, yet mild" (Farmer, Rausch and Green 2003), or that there were no evident changes to the legislature (Straayer 2003). Others argued there were profound changes, but only to specific areas. In Maine, the most evident change was among leadership (Moen, Palmer and Powell 2005). Others claimed the greatest change was how the legislature had become subservient to the executive (Powell and Jones 2007; Rosenthal 1981). This study tests these theories to see what term limits have done to state legislatures over the past 20 years.

In order to study the effects of term limits at equilibrium this study makes use of a multitude of newly gathered data. In addition to 101 interviews with state legislators, this study presents four new datasets each containing information on 17 state legislatures. The first dataset encompasses the career pathways of over 8,000 legislators by tracking their career movement, such as when they entered and exited the legislature and why. The second dataset records each of the top three legislative leaders in each legislative chamber for all 17 states. This dataset not only includes how long each leader served in each position, but their total years of legislative experience. There is a dataset that tracks each legislative bill in the 17 states from 2010-2018. The original bill data were gathered from LegiScan, and have been restructured for the purpose of this study. This dataset contains information on more than 270,000 bills. Last, there is a collection of budget information, including pro-

posals and appropriations from 2008-2018 for each of the 17 states.

Term limits were intended to alter legislative careers. Advocates argued that they would curb careerism and diminish political ambition. The early studies found that, for a variety of reasons, careerism decreased under term limits. Yet during the transitional phase studies found that careerism was actually increasing. Scholars argued that just because members were not allowed to continue serving in their current seat did not mean they had less ambition. In fact, it became even easier for incumbents to be reelected because challengers learned to wait for open seats.

Putting these theories to the test, this study finds that ambition is more complex than previously thought. While term limits do not curb careerism, they do create new pathways. The stringency of the term limit leads members to discover new ambition pathways where they can direct their political ambition while adhering to their term limit. Specifically, more stringent limits shape careers to a greater extent. Lax divided/consecutive term limits allow members greater freedom to alter their career paths. Under term limits, it is far more common for legislators to move from the upper to the lower chamber and even bounce back and forth between chambers all in order to continue serving in office. Overall there is no support for the argument that term limits decrease political careerism. Careerism, however, is structured by the type of term limit.

As a result of removing long serving incumbents, legislative leadership was likely to undergo significant changes because of term limits. During the anticipatory phase it was theorized that the role of leaders would be weakened. Term limits would remove leaders who had been in place for a decade or more and as a result, new members would limit the importance of leaders. This theory continued into the transitional phase, as new leaders were rising through the ranks it was theorized that they would not be able to exert much control over the legislature. In sum, leadership would not be as important and the new leaders simply would not carry

	Anticipatory Theory	Transitional Theory	Test	Equilibrium Findings
Careerism	↓ Careerism	↑ Careerism	Ambition Pathways	Dependent on Term Limit Type
Leadership	↓ Role of Leaders	↓ Legislative Control	Apprenticeships Tenure Experience	= Apprenticeships = Tenure ↓ Experience
Committees	↓ Knowledge of Committees	↓ Legislative Expertise	Expertise Policy Deliberation Gatekeeping	↑ ↓ Experience
Governors	↓ Governor Power	↑ Governor Power or Legislature = Governor	Veto Bargaining Budget Success	Budgeting is unstable
Agencies	↓ Legislative Capacity	↓ Oversight	Assess agency monitoring, and reliance on agencies	= Agency Monitoring ↑ Reliance on Agencies

the same level of power.

These theories of leadership are tested on three different points: the use of apprenticeships, the length of tenure in the leadership position, and the overall legislative experience. When comparing states with and without term limits it is evident that term limits have not changed each of these points of leadership as much as anticipated. First, apprenticeships are important, but only in some states. In the majority of states apprenticeships are no longer a current practice. However, the reason for the lack of apprenticeships likely varies from state to state. Second, there is no significant difference in the length of leadership tenure between states with term limits and states without term limits. Leaders tend to serve in their position for the same length of time, regardless of whether there are term limits, or different kinds of term limits. The last component is overall legislative experience, which is significantly decreased by term limits. These three separate analyses reveal that in term-limited states legislators do not serve apprenticeships, have little legislative experience, but serve in their leadership position for the same length of time as leaders in other states.

The committee system is one of the most important functions of a legislature. Before term limits, long-serving members would be able to gain area-expertise by serving on the same committee term after term. In anticipation of term limits, scholars speculated that members would not know how to take full advantage of serving on a committee. Being new to the legislature members would not understand procedure or the policy area for which they were responsible. During the transitional period theories of inexperience deepened. There was speculation that members simply would not have the legislative expertise necessary to create effective policy. Instead, it was theorized that members would quickly pass policies leaving with little deliberation and that committees would not perform much gatekeeping.

This study focuses on three key committee functions in order to better understand the long-term effects that term limits have had on committees and their capacity to legislate. First, there is an assessment of expertise based on the level of legislative experience that each member has. This assessment reveals that rank-and-file legislators do have significantly less experience in the states that have strict limits. In states with the lax divided/consecutive limit, however, members have comparable legislative experience to their counterparts in non-term-limited states. Second, there is a test for how much time legislators spend on policy deliberation. This analysis reveals that legislators do take time to deliberate policies. In fact, in the states with the most stringent limits legislators take upwards of 50 percent longer to deliberate. Last, there is an evaluation of the committees' role as gatekeeper. This analysis reveals that gatekeeping is the area that committees struggle with the most. However, there are checks in place to help supplement the gatekeeping process. Legislators can, and do, add amendments on the floor to strengthen legislation. Most notably, the governor serves as a stop-gap to poor legislation. Overall, these analyses reveal that in term-limited states committees are adapting to their lack of expertise. Members take their role of policy deliberation seriously, even though they do not always have the necessary information to do so. Legislators have discovered ways around their lack of information by relying on outside expertise and by trusting the legislators who propose a particular bill.

One of the greatest concerns of term limits was how limits would alter the ability of the legislature to compete with the governor. The legislature's relationship with the executive branch is dynamic and varies within each state and across the states. The test of this relationship is narrowed to two key areas: budget bargaining with the governor and oversight of state agencies. These separate assessments give insight on the relationship with the governor and the extended state bureaucracy.

The governor and the legislature have long competed for power. With the implementation of term limits, it was clear that the relationship between the two branches would shift but there was uncertainty as to how it would shift. During the anticipatory period scholars predicted that term limits would increase gubernatorial power. However, moving into the transitional period this view point changed slightly. In some cases the governor would have increased power, in others states with term limits it would level the playing field between a governor with too little power and legislature with too much power.

The relationship between the governor and the legislature is tested by examining the budget process. Budgeting authority is important to both the governor and the legislature. Budget control is tested on three different parameters: veto use, bargaining, and budget success. When comparing states with and without term limits, there is no evident difference in how much money a governor vetoes from the final appropriations bill. There is also no clear distinction of budget success based on term limits. Rather, budget success is based on the formal budgeting powers that are granted to the executive and legislative branch. When it comes to overall budget bargaining term limits do not appear to have greatly diminished legislative power. Rather, the formal powers are given to the governor and the legislature are far more indicative of the final budget outcome.

Term limits, and the way that they shorten careers, were also likely to affect the relationship between state agencies the legislature. During the anticipatory phase the focus was on how the legislature would lose capacity to oversee the bureaucracy. This lost capacity would in turn affect how the legislature would interact with state agencies. During the transitional period this theory was refined exclusively to anticipate diminished legislative oversight. With limited time available members simply would not have the time or incentive to conduct legislative oversight.

Legislative capacity for information and oversight are tested by evaluating how

much time legislators spend on agency monitoring, as well as how much legislators rely on agencies for information. Legislators from four different states responded that they spend little time monitoring state agencies. When assessing the response rates across the different types of term limits there is no significant relationship between how much legislative experience a member has and how much time they spend monitoring agencies. These findings are in line with current understandings of agency oversight—oversight is rare in most states as members do not have the time or incentive to engage in monitoring.

In order to understand the changes to legislative capacity and the relationship with state agencies there is an evaluation of how much legislators rely on agencies for information. It turns out that members openly share that they rely heavily on outside sources for information, including states agencies. Indeed, many lawmakers from the four states reveal that they have to go to agencies for information because only agency workers understand the implications of proposed policies. This shifting informational dynamic has broadened the power and authority of state agencies. Not only did legislatures lose capacity, as predicted, but legislatures handed that capacity over to the state agencies by becoming dependent on them for information.

In sum, this study has tested the effects of term limits in three key areas: careers, legislative organization, and executive relations. By focusing on the differences between states with and without term limits, as well as the differences between term limit types this study brings a much-needed update to the current understanding of term limits. By using original data and legislative interviews the long-term effects of term limits are uncovered through a multi-method approach of quantitative and qualitative analyses.

The Unintended Consequences of Legislative Term Limits

The conclusions from each chapter in this study reveal five, overarching unintended consequences of term limits. They are the least appreciated impacts of term limits, not how long a leader serves or how much work a committee gets done. These unintended consequences are the reason for the change and the shifts that are seen in state legislatures today. The key outcome that this study has revealed through examining term limits is the adaptability of the legislature.

The first unintended consequence of term limits is that there is a steep learning curve for each member. Members are coming into a legislature where even the most experienced members only have three to five more years of experience. In other words, the inexperienced are leading the even more inexperienced. Legislators assume their seat with little knowledge and guidance, but they are expected to know how to do their job from day one.

The second unintended consequence of term limits is that there is now pressure for time. Each member has a clock running from the first day they walk into their office. This clock creates apprehension among the members, this apprehension influences their behavior and the legislation they choose to pursue. Additionally, the short time that they are in office restricts the legacy that members can leave. With term limits, members are limited in their ability to create legislation or policies that extend beyond their window of legislative service.

The third unintended consequence of term limits is that members engage in short-term thinking. Most members do not face consequences for their actions in office. The accountability factor that is present in non-term-limited states is not something that term-limited members generally experience. With a limited time in office, and with pressure to succeed, members do not take a long-term approach to policy-making. With limited terms and lifetime bans, many members will likely not

face electoral consequences for their behavior.

The fourth unintended consequence of term limits is that states have adapted to having term limits. The long-term effects of term limits are not as drastic as once theorized. Being a legislator, as much as any job, requires a certain level of attention and time. Legislation cannot stop being produced simply because there are term limits. The legislature must go on, even if members cycle through at a rapid pace. As such, the legislature and its members have learned to adapt to life after the institution of term limits. This adaptation is what leads to the fifth unintended consequence.

Perhaps the greatest unintended consequence of term limits is that the legislature has adapted *because* outside entities have encouraged this adaptation. Much of the authority and the power that once resided within the chambers of the legislature have been shifted to outside, unelected officials. Other actors, such as interest groups and agency workers, now make up for the knowledge and experience lost under term limits because the legislature must continue to function.

Term limits were meant to change the legislature and the way that it operates. Yet most term limit proponents focused on the internal changes, or how term limits would change the behavior of legislators. Term limits were designed to bring change to the legislature and they did, but only to a limited extent. Advocates failed to account for the strength and the durability of the legislature which was designed to withstand change. The internal changes brought by term limits have been adjusted by the *stickiness* of the legislature.

In short, those who serve in term-limited legislatures may have less experience than other legislators, but they have similar career-based motivations. Moreover, the legislators continue to do their job running for leadership roles, serving on committees, and proposing legislation. As a result, the legislature, as a whole, is no less able to perform its duties than any other state legislature. While there are some

discrete differences in how the legislature operates, there is little difference between states with and without term limits when it comes to the budget or agency monitoring.

The legislature has adapted and it is in this adaptation where the greatest effects of term limits lie, an area that needs more attention. The results here indicate that the legislature has adjusted to many of the early changes brought by term limits, but it was not without assistance. Just as members have become more reliant on agencies for information, they have grown more reliant on staff and lobbyists. These legislatures have adapted because of the supplemental expertise offered by agencies, lobbyists, and legislative staffers. The extent to which this occurs, and the variation among the states, remains unclear.

In discussing his fear of congressional term limits Nelson Polsby (1993, 105) wrote, "So in the end congressional term limits merely empower lobbyists, congressional staff, bureaucrats, presidents, journalists, and all upon whose experience and guidance an inexperienced Congress would have to depend". The fears that Polsby had about Congress depending on outside entities is amplified in states that have stringent term limits or limited resources. Yes, institutions are sticky. Institutions are sticky because they must continue to function and fulfill their responsibility to citizens. This does not mean that their practices are sticky or that they continue to function in the same way. Rather, the established structure allows the legislature to continue functioning while equipping the legislature with mechanisms to adapt to institutional changes.

The diminished capacity and inconsistent policymaking brought by term limits have been overcome by the institution's ability to adapt to changes. While term limits have altered legislative careerism and diminished levels of experience, the effects have not been as powerful as many predicted. In some cases, less stringent term limits provide more opportunities for members and there is little difference

between a lax term limit and state without term limits. Even in states with more stringent limits, such as Michigan, pre-existing rules and structures are more deterministic of highly valuable areas like budgeting. Term limits do make changes but, aside from individual legislative experience, the legislature is highly resistant to any long-term changes and has been able to counteract many of the initial changes of term limits.

Appendix A-Additional Tables

Table 1: Predicted Probabilities of Pursuing Different Types of Ambition, Compared to Retirement

	Termed Out	Retrogressive	Regressive	Recurrent	Early	Termed
Divided/Consecutive	2.572***	18.065***	17.277***	18.280***	0.720***	2.907***
	(0.630)	(0.965)	(0.650)	(1.112)	(0.253)	(0.589)
Divided/Life	1.819**	0.131	15.786***	-0.460	0.399	1.195
	(0.927)	(1.243)	(1.364)	(1.159)	(0.439)	(1.112)
Unified/Life	1.789*	0.011	-0.080	-0.414	1.297***	-14.812***
	(0.952)	(1.238)	(1.698)	(1.179)	(0.448)	(1.546)
Prof.*Career Opp.	-61.626*	-81.388	59.690	-177.307***	-5.133	-91.866**
	(34.051)	(85.791)	(81.053)	(65.952)	(30.026)	(45.698)
Professionalization	26.011**	30.287	-15.348	63.216***	2.080	34.791**
	(12.371)	(30.511)	(26.706)	(23.505)	(10.778)	(16.650)
Career Opportunity	10.949*	13.668	-21.210	34.306***	4.450	17.281**
	(5.773)	(16.086)	(15.562)	(11.412)	(6.216)	(8.253)
Constant	-6.928***	-26.785***	-16.016***	-34.603***	-4.603**	-10.947***
	(1.973)	(6.113)	(4.596)	(4.781)	(2.158)	(2.841)
N	4,663	4,663	4,663	4,663	4,663	4,663

Robust standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Table 2: Top Positions in State Legislatures Chambers and How They are Filled

State	**Speaker**	**Majority Leader**	**Minority Leader**	**President/ Pro Tempore***	**Majority Leader/ Floor Leader***	**Minority Leader/ Floor Leader***
Arizona	E	P	P	E	P	P
Colorado	E	P	P	E	P	P
Florida	E	A	P	E/P	A	P
Louisiana	E	-	-	E	-	-
Maine	E	P	P	E	P	P
Michigan	E	P	P	E*	P	P
Missouri	E	P*	P*	E*	P*	P*
Montana	E		P	E	P	P
Nebraska		-	-	E*	-	-
New Jersey	E	M	m	E	M	m
North Dakota	E	P	E	E*	P	P
Ohio	E	E*	E	E	E*	E
Oklahoma	E	A	P	E*	P	P
Oregon	E	P	P	E	P	P
South Dakota	E	P	P	E*	P	P
Texas	E	-	-	E*	-	-
Wyoming	E	P*	P*	E	P*	P*

States Without Term Limits in Italics, E- Elected by entire chamber; A- Appointed by speaker; P- Elected by party caucus; M- Majority party; m- Minority Party; Information from the Book of the States

Table 3: Additional Leadership Salaries in State Lower Chambers

State	**Speaker**	**Majority**	**Minority**
Arizona	possible additional per diem		
Colorado	$99/day	$99/day	$99/day
Florida	$11,484/year	$0	$0
Louisiana	$15,200/year	-	-
Maine	50% of base salary/year	25% base salary/year	12.5% base salary/year
Michigan	$27,000/year	$12,000/year (a)	$22,000/year
Missouri	$208.34/month	$125/month	$125/month
Montana	$5/day (b)	$0	$0
Nebraska			
Ohio	$33,835/year	$20,579/year	$25,581/year
Oklahoma	$17,932/year	$12,364/year	$12,364/year
South Dakota	$0	$0	$0
New Jersey	1/3 annual salary	$0	$0
North Dakota	$10/day	15/*day*+345/month	15/*day*+345/month
Oregon	$23,568/year	$0	$0
Texas	$0	-	-
Wyoming	$3/day	$0	$0

Note: (a) In Michigan there is no majority leader, this is the salary of the majority floor leader, (b) money is only given on days in session

Table 4: Additional Leadership Salaries in State Upper Chambers

State	**President**	**Majority**	**Minority**
Arizona	possible additional per diem		
Colorado	$99/day	$99/day	$99/day
Florida	$11,484/year	$0	$0
Louisiana	$15,200/year	-	-
Maine	50% of base salary/year	25% base salary/year	12.5% base salary/year
Michigan	$4,962/year (a)	$23,400/year	$19,800/year
Missouri	(b)	$0	$0
Montana	$5/day (c)	$0	$0
Nebraska	$0(a)	-	-
Ohio	$33,835/year	$20,579/year	$25,581/year
Oklahoma	$17,932/year(a)	$12,364/year	$12,364/year
South Dakota	$0	$0	$0
New Jersey	1/3 annual salary	$0	$0
North Dakota	(b)	15/*day*+345/month	15/*day*+345/month
Oregon	$23,568/year	$0	$0
Texas	(b)	-	-
Wyoming	$3/day	$0	$0

Note: (a) Denotes President Pro Tempore salary instead of President, (b) The Lt. Governor is the President, no additional salary is listed, (c) money is given during session only

Table 5: Descriptive Statistics for the Terms Served By Term Limit Type

Term Limit	N	Mean	SD	Min.	Max.
Divided/Consecutive	236	1.04	.88	0	11
Divided/Life	53	1.06	.46	.5	2
Unified/Consecutive	5	.7	.45	.5	1.5
Unified/Life	32	.89	.28	.5	1.5
No Limit	110	.86	.58	0	3

Table 6: Descriptive Statistics of Experience for Different Types of Term Limits

	Lower Chamber					**Upper Chamber**				
Term Limit	N	Mean	SD	Min.	Max.	N	Mean	SD	Min.	Max.
Divided/Consecutive	119	4.88	2.79	0	24	136	8.23	5.44	2	36
Divided/Life	29	4	2.07	0	12	28	9.79	4	4	18
Unified/Consecutive						6	6.33	3.2	2	10
Unified/Life	22	8	2.39	4	12	9	12	6.32	4	24
No Limit	60	9.32	7.08	0	34	56	16.02	7.1	2	36

Table 7: States Included in the Sub-Sample Committee Analyses

Committee (Chamber)	**Term-Limited States**	**Control States**
Ways & Means (Lower)	AZ, FL, LA, MO	OR, TX
Ways & Means (Upper)	MO	OR
Education (Lower)	AZ, CO, FL, LA, ME, MI, MO, OK, SD	ND, NJ, OR, TX, WY
Education (Upper)	AZ, CO, FL, LA, ME, MI, MO, OK, SD	NJ, OR, TX, WY

Table 8: Negative Binomial Regression Model of Legislative Experience With Random Effects

	Lower Chamber	**Upper Chamber**
Divided/Consecutive	-0.453***	-0.847***
	(0.166)	(0.107)
Divided/Life	-0.758***	-1.120***
	(0.293)	(0.188)
Unified/Consecutive		-1.039***
		(0.325)
Unified/Life	-0.268	-0.393*
	(0.329)	(0.215)
Professionalization	-0.200	0.797
	(1.066)	(0.650)
Career Opportunity	-1.557**	-0.169
	(0.791)	(0.501)
President		0.250***
		(0.060)
Speaker	0.137**	
	(0.063)	
Constant	3.512***	4.081***
	(0.397)	(0.774)
N	253	277
Number of States	15	17

Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Table 9: Percent Change in Proposed versus Appropriated Budgets

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Arizona	2.32	-10.93	7.13	1.21	4.36	.02	3.45	1.12	7.22	-.93	3.31
Colorado	3.13	-2.36	1.57	-5.07	3.26	6.00	4.04	1.07	1.65	2.99	4.20
Florida	-.58	-.02	1.52	4.74	5.04	.07	3.73	1.81	3.69	1.74	2.17
Louisiana	.17	8.13	4.66	1.38	.57	2.32	3.26	.69	4.99	-1.34	9.83
Maine	-3.30	-12.66	-4.20	-5.00	5.56	-2.77	8.92	5.42	5.69	3.77	1.25
Michigan	.64	-.81	2.43	1.47	3.17	.40	-.84	1.58	1.07	.05	3.90
Missouri	-.41	-2.98	.02	-3.06	.13	3.92	-4.34	-7.17	-.94	-.79	-.23
Montana	-12.21	-.95	-6.54	.22	.97	7.24	-3.66	3.82	-5.50		
Nebraska	7.62	3.34	4.57	2.28	3.18	2.60	3.19	1.92	1.70	-1.44	1.12
Ohio	-8.62	-8.23	-6.52	-6.89	-6.39	-6.72	-7.09	-8.30	-6.45	-6.84	-8.77
Oklahoma	-3.47	-3.28	-7.85	-12.24	2.75	2.92	2.03	1.59	-3.10	5.09	-15.80
South Dakota	1.40	.45	8.56	-.43	1.20	-.84	-.13	-.42	0	-4.70	-1.18
New Jersey	.54	-.31	-2.93	.34	.93	-1.55	.17	-5.83	-.17	-.93	-2.43
North Dakota	2.23		12.87		6.36		6.98		-10.72		.58
Oregon	-2.53		3.14		4.39		2.93		6.48		1.41
Texas	1.67	-1.15			10.15		6.78		1.94		1.54
Wyoming	5.28		1.18		-.38		-4.19		3.12		-6.24

Table 10: Percent Change in Proposed vs. Appropriated Budgets for Government Trifectas

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Arizona (Republican)			+	+	+	=	+	+	+	=	+
Colorado (Democrat)	+	-	+			+	+				
Florida (Republican)	=	=		+	+	= =	+	+	+	+	+
Louisiana (Republican)				+	=	+	+	=			
Maine (Democrat)						-	+				
Michigan (Republican)				+	+	=	=	+	+	=	+
Missouri (Republican)	=									=	=
Montana											
Ohio (Republican)				-	-	-	-	-	-	-	-
Oklahoma (Republican)				- -	+	+	+	+	-	+	- -
South Dakota (Republican)	+	=	+	=	+	=	=	=	= =	-	-
New Jersey (Democrat)	=	=									-
North Dakota (Republican)	+		+ +		+		+		- -		=
Oregon (Democrat)	-		+		+		+		+		+
Texas (Republican)	+	-									
Wyoming (Republican)	+		+		=		-		+		-

+/- indicates the percentage is between one and ten percent in indicated direction, double + or - indicates that it is more than ten percent. = indicates a percentage difference of less than 1 in either direction, = = indicates a difference of less than .1 percent in either direction.

Table 11: The Percent of Appropriated Budget Vetoed by the Governor

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Arizona	0							.03	0		
Colorado											
Florida	.06	.01	.53	.89	.20	.50	.09	.59	.31	14.08	.07
Louisiana	.05	1.65	.09	.15	.05	.73	.01	.06			
Michigan	-	.29	.05	0	.01	0	0			0	.01
Missouri	0	.07	.45	0	0	0	0	1.18		0	.14
Montana	-			6.01		.55		2.38		.01	
Nebraska	.29			0	.03	.08	.54				.21
Ohio			0	0			.01	0	.15	.26	0
South Dakota											
New Jersey	.03		.01		3.07	.27		4.90	4.62	.85	
North Dakota*										.10	
Oregon*	.02		0								0
Texas	.08	.62	.11	.23	.04		.06		.12		.01
Wyoming*								.05		-	

Appendix B- Interview Example

Example of Ohio Lower Chamber Interview Form

Interview Questions
OH-Lower Chamber
Jordan Butcher
University of Missouri
Date:

Name & Party-
District & Town-
Current Term-
Committees-
Leadership-

Introduction: Thank you for taking the time to talk to us today. As you know, we are interviewing legislators from a couple of states to better understand how term limits affect the legislature and members, such as yourself. We are asking the same questions to all members. Your participation is voluntary, if there is any question you do not want to respond to, feel free to say so. I can assure you that everything you say is confidential and will in no way identify you. Are you ready to begin?

1. Before we get into the details of your day-to-day job. I would like to ask you, what do you think of term limits on your legislative service?

2. When you ran for your current seat, what made you decide to run? Anything else?

3. Did someone or a group ask you to run? yes no
   Who?

4. Did any experienced legislator help you learn the job or coach you?
   (a) Yes
   (b) No
   (c) Who?

5. Did any experienced staffer help you learn the job or coach you?
   (a) Yes

(b) No

(c) Who?

6. Was there anyone else who helped acclimate to the job?

7. Who do you think are the most influential members? Can you give specific names?

   (a) P/Pro Temp

   (b) Majority Leader

   (c) Assistant Majority Leader

   (d) Minority Leader

   (e) Assistant Minority Leader

   (f) Other

8. Why do you consider those individuals to be more influential?

9. Do you have any especially good friends among members?

   (a) Yes

   (b) No

   (c) Who?

10. Do friendships influence your work? How?

11. Would you discuss a bill with any of your fellow members?

    (a) Yes

    (b) No

    (c) Who?

12. I would like to know more about how you gather information—Where do you get you look for information and guidance on a bill?

    (a) staff

    (b) leaders

    (c) committees

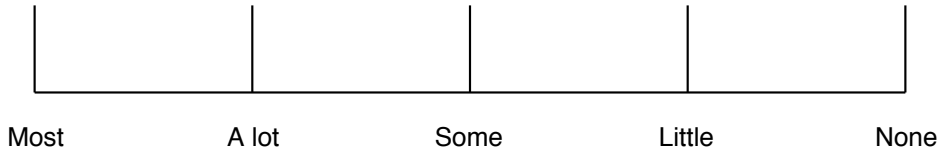
    (d) other...

13. Are there any sources outside of the legislature that you rely on for information and guidance?

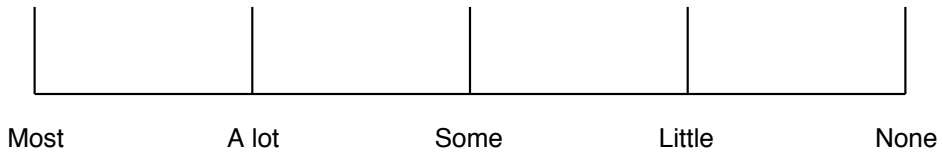
(a) Which lobbyist or groups would you rely on?

(b) Which agency would you rely on?

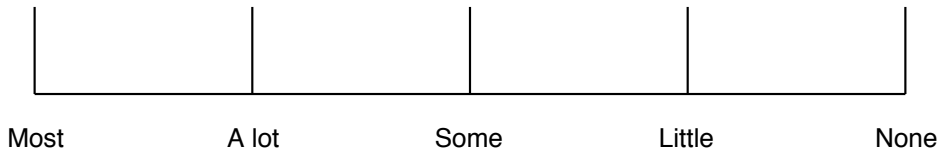
14. Thinking about the committees you serve on, how much control would you say the Chair has over the work of the committee?



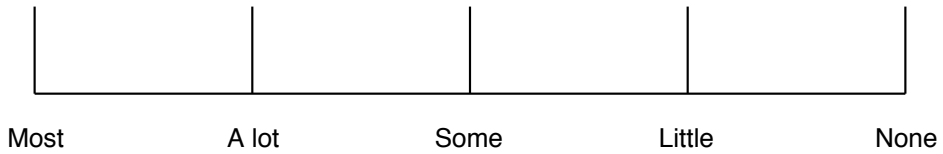
15. How much conflict would you say there is on the committee?



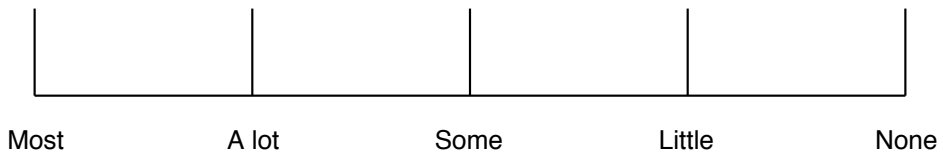
(a) How much would you say you relied on the majority leader?



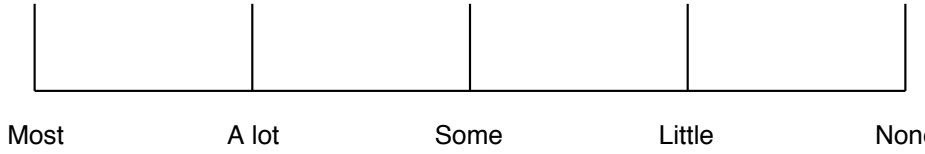
(b) How much would you say you relied on the party caucus?



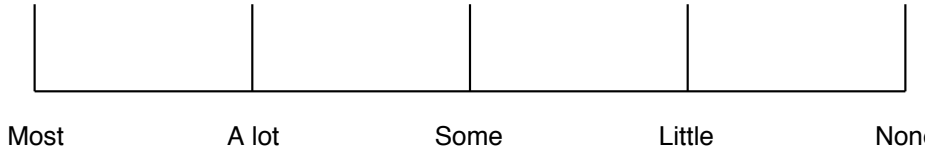
(c) How much would you say you relied on the majority party leader?



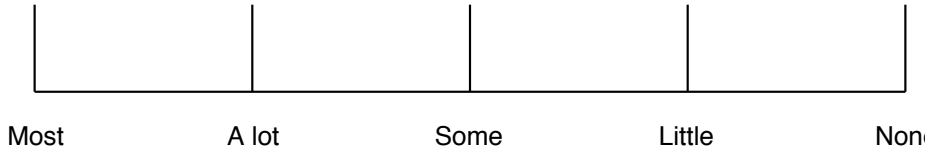
(d) How much would you say you relied on the committee chair?



(e) How much would you say you relied on other members?

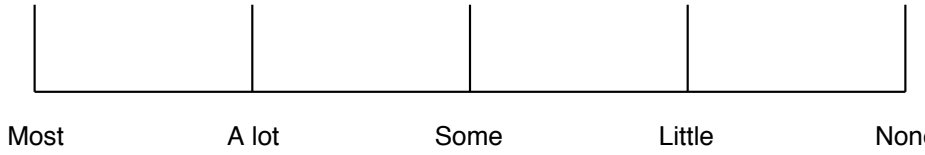


(f) How much would you say you relied on staff?

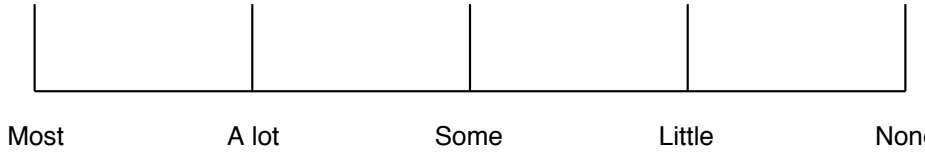


16. I would like to extend this line of questions beyond the legislature.

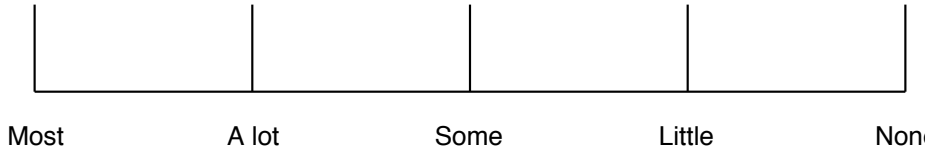
(a) First, how much do you rely on the Governor's Office for information?



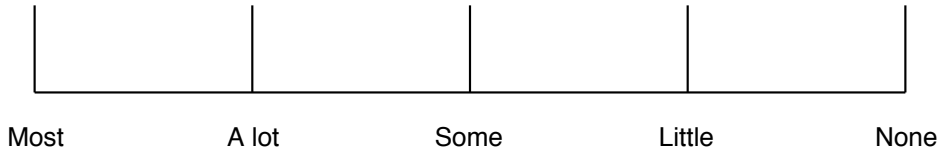
(b) Members from the state house?



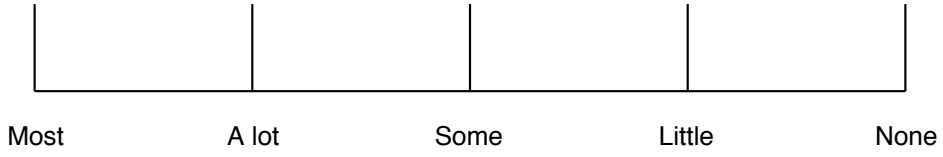
(c) State agency people?



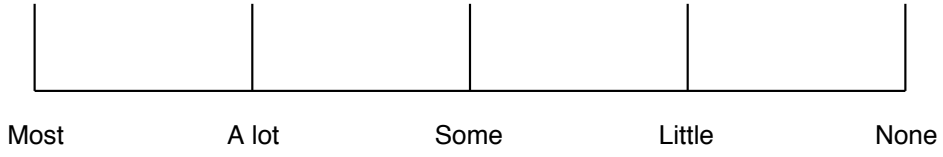
(d) Organized groups or lobbyists?



(e) local officials

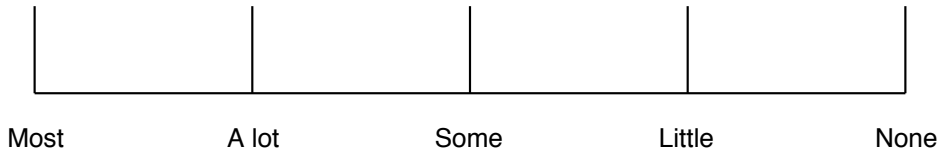


(f) members from your district

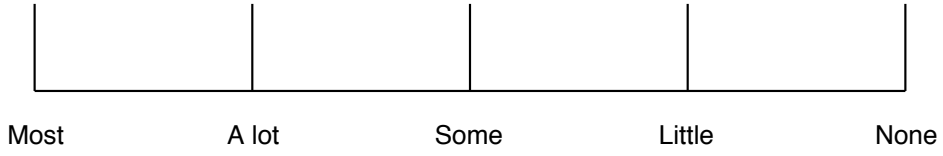


17. I would now like to talk about your job as a legislator and how much time you spend on different tasks. We will continue to use the same scale.

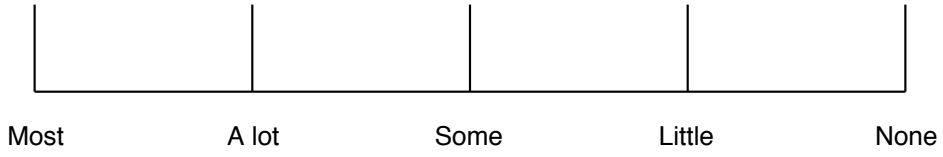
(a) How much time do you spend studying legislation?



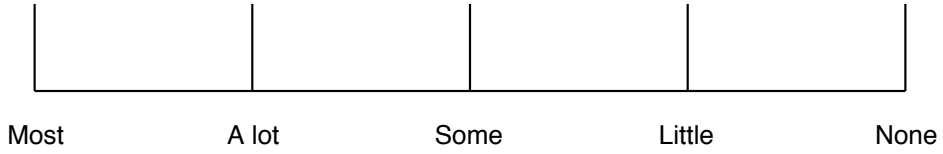
(b) What about developing new legislation?



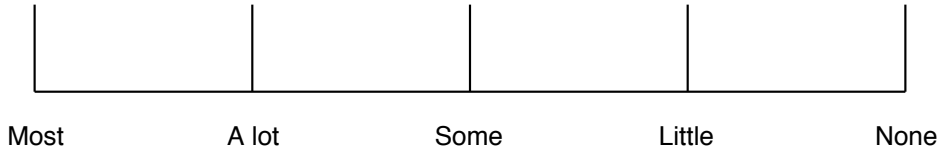
(c) How much time do you spend monitoring state agencies?



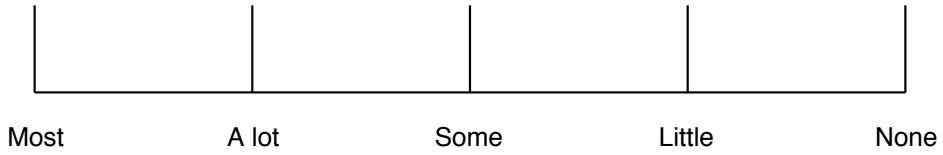
(d) Communicating with constituents?



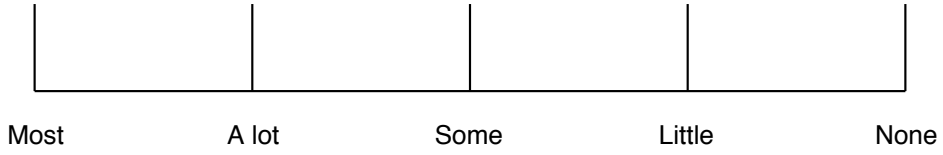
(e) Helping constituents with problems?



(f) Attending meetings and events back in your district?



(g) Fund-raising and campaigning?



18. Have you experienced any significant changes during your time as a legislator? What Changes? Why?

19. What do you think has been the biggest impact of term limits?

20. Do you feel pressured for time because of term limits?

21. Is there anything else I should know?

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