



## Missouri Legislative Academy

# Term Limits & Tenure in the Missouri General Assembly 2005

**David C. Valentine**

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### *Introduction*

The legislative environment has changed dramatically since the early 20<sup>th</sup> century when members of the General Assembly met in biennial sessions, concerned themselves with the newly developed juvenile court system for metropolitan areas, civil and criminal procedures, and the funding of the state's "eleemosynary institutions" (charity institutions such as the Fulton State Hospital). These were issues that the typical legislator, whether a businessman, lawyer, or farmer, had encountered in his private life and in prior public service.

The policy landscape is much more complicated today with many new departments, both state and federal, supporting a myriad of programs, many with federal funding and federal rules and regulations. Legislators must struggle with the complexities of an \$19 billion budget, a substantial proportion of which is federal funds with strings, stipulations, and restrictions. They must resolve issues pertaining to child support enforcement and air quality, just to take two examples from arenas with extensive federal involvement. All new members bring valuable knowledge to the legislative process but, unlike the early 20<sup>th</sup> century, few arrive today with the substantive knowledge necessary for optimum decision making. The larger the number of new members, the more difficult it is for the chambers of the General Assembly to independently evaluate budgetary and other legislative proposals.

The following report examines tenure and turnover in the Missouri General Assembly following the critical 2002 general election and the 2004 election. The 2002 election was the first since the decennial redistricting and the first in which a large number of members were involuntarily retired due to the requirements of the constitutional amendment limiting terms of office for members of the General Assembly. The election turned out to be important for another reason -- Republicans gained a majority in the House for the first time since 1954 and Republicans gained control of both chambers for the first time since 1947.

The 2004 election forced the retirement of a number of senior senators, several of whom had served from the 1960s and the 1970s. This initial analysis looks at the immediate impact of term limits on tenure in the General Assembly, not on the full range of potential effects. The report examines how term limits have affected tenure, reviews the immediate impact of term limits in 2003 and 2005 on both chambers, and assesses some of the implications of term limits on the relative balance of power between the House and Senate.

### *Background*

In November 1992, Missouri voters approved a constitutional amendment setting term limits for members of the Missouri House and Senate who were elected after that date (see Article III, Section 8 of the Constitution of Missouri).<sup>1</sup> Members elected on or before November 2002 to a partial term may be elected three more times in the House (6 years plus the partial term) or one more time in the Senate (4 years plus the partial term). After November 2002, those elected to complete a term of less than one year in the House or a term of less than two years in the Senate are eligible to serve the full eight years plus the partial term.

Missouri was one of 19 states to adopt term limits between 1990 and 1996. Missouri's amendment term-limited a total of nine members by 2000, including the President Pro Tem of the Senate.<sup>2</sup> Term limits significantly affected both chambers in 2002 and, because of staggered terms, removed the remainder of long-serving senators in 2004. With these forced retirements, no member of the Senate in 2005 has had more than six years experience.<sup>3</sup>

### *Term Limits and Average Tenure*

Figure 1 presents the average tenure of members of the House and Senate for each decade since 1911. That tenure increased

steadily throughout the 20<sup>th</sup> century from a low of less than two years at the beginning of the century to a high of over 9 years for the Senate at the end of the century. The average tenure in the House in January 2005 was 2.3 years, a decrease of about 3 years from the average of 2001, while the average tenure of the Senate was 1.9 years in 2005, a decrease of almost 7 years from that of 2001. The average tenure of members has not been this low for either chamber since the beginning of the 20<sup>th</sup> Century.

Tables 1 and 2 show the dramatic decline in experience in the House and Senate 2001-2005. Table 1 presents average tenure in the House, by party, for the years 2001-2005. The year 2001 represents the last year before term limits took full effect, although there were some forced retirements and others retired that year in advance of term limits.

Figure 1

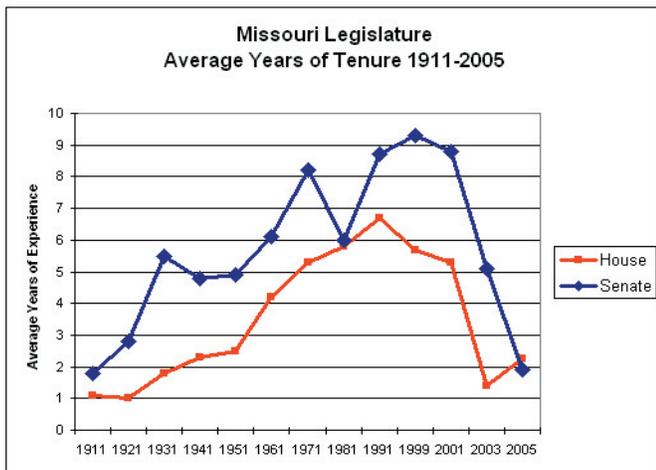


Table 1

Missouri Senate Average Years of Tenure, 2001-2005

	2001	2003	2004	2005
Average Republican Tenure	4	3.1	4.5	2.3
Average Democratic Tenure	12.4	7.9	8.1	1.9
Average Tenure in Missouri Senate	8.8	5.1	5.7	1.9

Table 2

Missouri House Average Years of Tenure, 2001-2005

	2001	2003	2004	2005
Average Republican Tenure	5.5	1.1	2.1	2.2
Average Democratic Tenure	5.8	1.8	2.7	2.5
Average Tenure in Missouri House	5.7	1.4	2.4	2.3

These data do not prove that term limits have rendered the House and Senate less effective in 2003 and 2005 than they were in previous years but they are suggestive. Certainly, they suggest the need for significantly improved training in parliamentary process and the need for policy education concerning the broad policy areas where the state is very active (e.g., Medicaid, education funding, economic development, environmental protection, etc.).

**Impact of Term Limits in 2003 and Following**

In 2002, 75 members of the House and 12 members of the Senate were not eligible for re-election due to term limits. Normal turnover, including retirement and electoral defeat, pushed the number of members not returning to 91 in the House, although the number in the Senate remained the same (12).

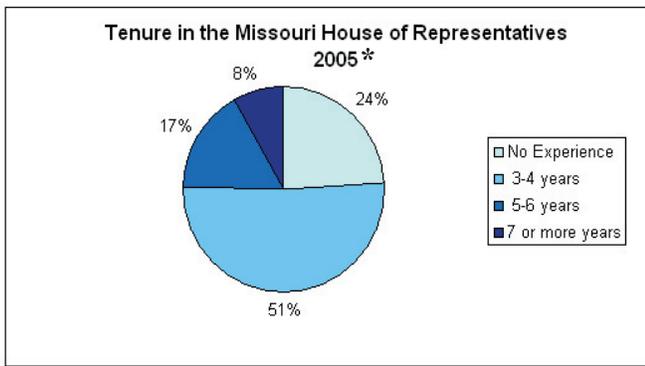
The effects of term limits on legislative tenure are shown in Figures 2-5. Ninety-one new members or 56% of the entire House assumed office in January 2003 and only 8% of those elected in 2002 had as much as 6 years experience in the immediately preceding general assemblies (Figures 2 and 3). The sheer number of new members, and the large numerical imbalance between the new and the experienced, presented significant challenges to the leaders of both parties, especially in the 92<sup>nd</sup> General Assembly (2003-2004). Fortunately, it is not likely that there will be an equally large turnover in the future, not even in 2010, when the 2003 freshmen will be term-limited. Even before term limits were adopted, most members served less than 8 years in part due to normal electoral choices but also due to the personal choices of the legislators. These factors will be in play throughout the decade, and will significantly reduce the proportion of the “Class of 03” that remains in office in 2009 and subject to term limits. In fact, turnover in 2005 in the House was 24%, which is near normal for the pre-term limited House.

Figure 2



\*Does not include additional service of 4 members who served before term limits took effect. As of January 5, 2005.

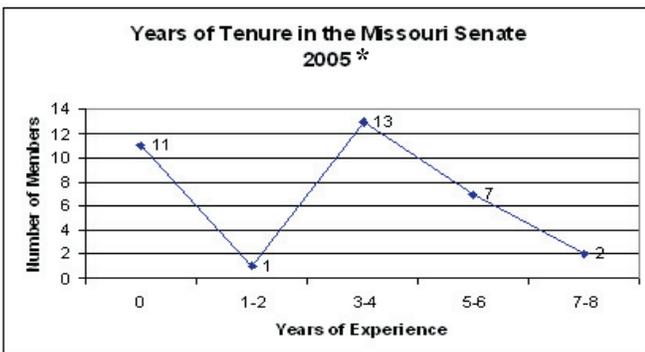
Figure 3



\*As of January 5, 2005.

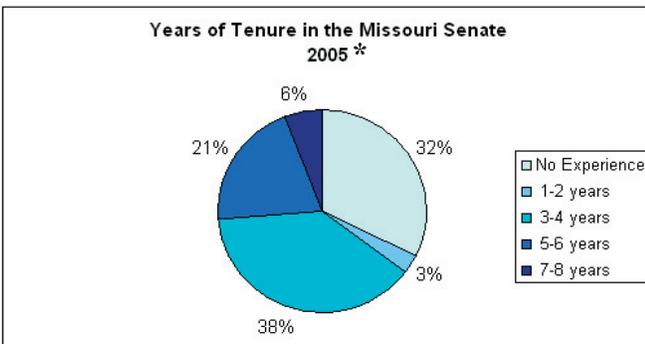
The Senate fared better in 2002, in part because its staggered terms means that the impact of term limits is spread over two elections (Figures 4 and 5). Term limits applied to the one-half of the Senate elected in 1994 and the balance after their election or re-election in 1996. Those elected in 1994 and 1998 were term limited in 2002 while those elected in 1996 and 2000 were term limited in 2004. Twelve new members (35%) were elected to the Senate in 2002 but, in sharp contrast to the House, this inexperience was balanced by the presence of the seven members (20%) who had more than eight years' experience. The situation was considerably different by January 2005 when only two members had served more than six years because seven senators serving in the 92<sup>nd</sup> General Assembly (2003-2004) were re-elected in 1996 and 2000 and these members, with a combined tenure of 130 years, were term-limited in 2004.

Figure 4



\*As of January 5, 2005.

Figure 5

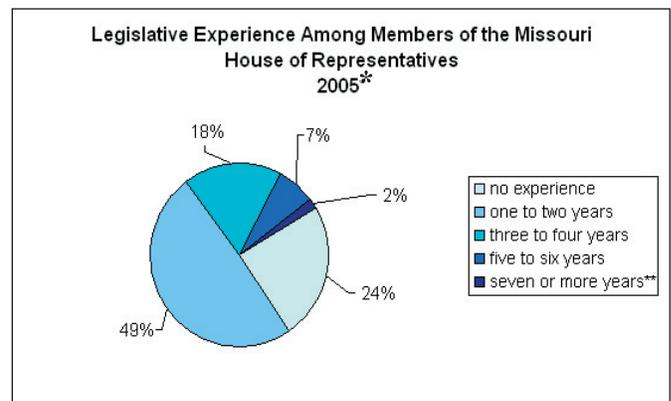


\*As of January 5, 2005.

**Term Limits and Legislative Power**

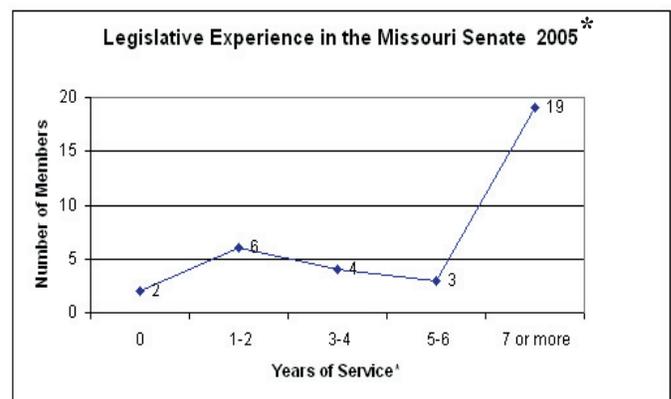
Figures 2-5 examine the impact of term limits but do not consider the mitigating effects of legislative experience either before term limits took effect or experience gained in the other chamber of the General Assembly. In 2003 only 3% of the members of the House (6) had served prior to 1995, when term limits began to apply, but one, Representative Robert T. Johnson, had prior service in both the House and Senate<sup>4</sup> (Figure 6). In 2005, only four members had lengthy prior service. In contrast, most members of the Senate were first elected to the House and only three of the 12 new members elected to the Senate in 2002 and two of the 11 elected in 2004 did not have prior legislative experience (Figures 7 and 8). Over 50% of the members of the Senate had more than seven years legislative (combined House and Senate) experience when session began in January 2003 and again in January 2005. While not fully aware of the traditions and processes of the Senate, the newly elected Senate members with prior House experience were far more knowledgeable about state government, lawmaking, and the legislative process than were the new members of the House.

Figure 6



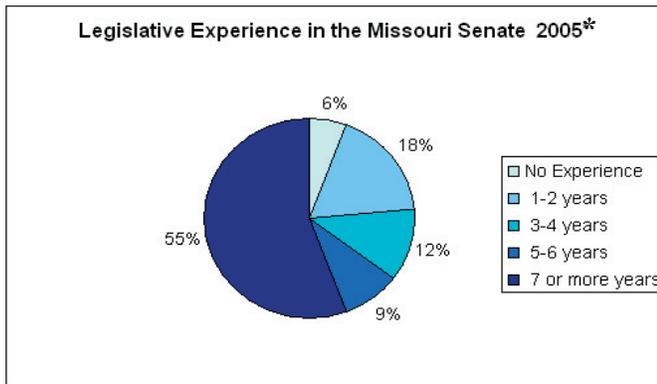
\*Includes experience in the Missouri House and Senate. As of November 2004.

Figure 7



\* Includes experience in the Missouri House and Senate. As of November 2004.

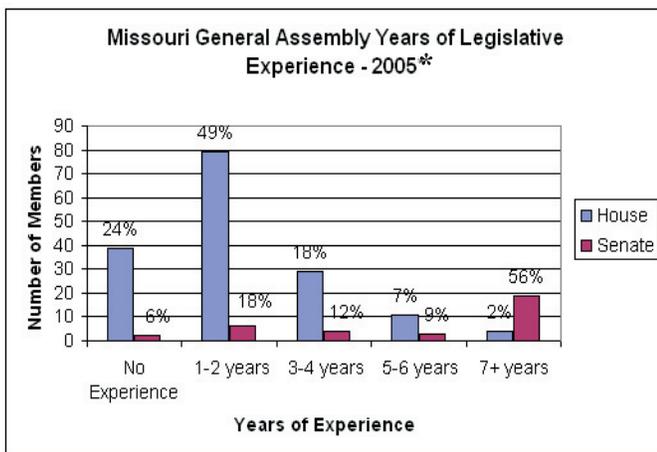
Figure 8



\*As of November 2004.

The impact of term limits on the House as compared to the Senate can be seen in Figure 9. While 24% of the House had no experience in 2005, 53% of the members of the Senate had at least seven years legislative experience. This experience differential persists even after term limits removed the veteran members of the Senate in 2004, but will be mitigated by the smaller “classes” of new House members to be elected in 2006 and 2008.

Figure 9



\*As of November 2004.

The Speaker of the House is frequently described as “the second most powerful person in the state” and term limits do not necessarily alter that analysis but will make it vastly more difficult for the Speaker to exercise the power of the office. Not only will the Speaker have less experience, the Speaker will have to rely on committee chairs that lack the institutional knowledge that their predecessors possessed. Term limits will reduce the knowledge and experience in the Senate as well, but at least with respect to its relationship with the weakened House, the Senate’s position is significantly stronger.

**(Footnotes)**

1. Until 2002, the critical part of the amendment read “No one shall be elected or appointed to serve more than eight years total in any one house of the General Assembly nor more than sixteen years total....”. The drafters of the amendment were not aware that Missouri Constitution does not authorize the appointment of members of the General Assembly. This error was corrected in 2002.
2. Senator Bill McKenna of Jefferson County.
3. This analysis applies to members as of the first day of session, January 5, 2005, but by late January 2005, the two most senior Senators, Steelman and Stoll, had resigned, leaving the Senate with no member who has served more than four years in the chamber.
4. These six members, Representatives Abel, Robert T. Johnson, Marsh, Townley, Todd Smith and Villa, had broken tenure, serving during the period before term limits took effect and then elected anew at a later date.

**Author Biography**

David Valentine

Dr. Valentine is the project coordinator for the Legislative Academy, a cooperative effort of all four campuses to provide service to and support for legislators. In addition, he teaches and directs the internship program of the Truman School of Public Affairs at the University of Missouri. He previously served as the director of the Division of Research, Missouri Senate. His research interests include environmental policy, election laws and legislative process.

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