

## **SAN JOSE MERCURY-NEWS**

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### **Many backers of strict term limits now regret it, saying they only made things worse**

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The strictest term limits in the nation, enacted 20 years ago to end the "stench of greed and vote-selling" in Sacramento, have instead made California's government so dysfunctional, many who once backed the reform say, that they now regret pushing for it.

"Of all the mistakes I've made in public life, the one I regret most is advocating for term limits for the Legislature," said Rep. Tom McClintock, R-Granite Bay, a leading conservative figure in California who was one of a small number of incumbent legislators who backed the term limits measure two decades ago. "It has harmed the institution badly."

Whether most Californians agree will be tested by a measure that qualified for the 2012 ballot last week. It would change term limits — currently six years in the Assembly and eight years in the Senate — to 12 years total in either chamber or both.

A Mercury News investigation published last month documented a rise in the proportion of bills sponsored by outside interests since term limits took effect. The series exposed a system in which novice lawmakers, eager to build a record of accomplishment and collect campaign money for their next election, increasingly lean on lobbyists and special interests not only for ideas for bills but also for help in shepherding those bills through the legislative process.

Some one-time supporters of California's term limits law say sponsored bills are just a symptom of deeper institutional harm that term limits have caused.

Robert Naylor, a Republican Assembly leader in the mid-1980s and former state GOP chairman, said shorter terms have made lawmakers increasingly unwilling to even consider proposals that are opposed by what he called the parties' "anchor tenants" — for Democrats, unions and trial lawyers; for Republicans, the Chamber of Commerce and anti-tax groups.

"They are worried about hit pieces in their next primary," said Naylor, now a lawyer and lobbyist for the prominent Sacramento firm Nielsen, Merksamer, Parrinello, Mueller & Naylor.

Naylor supported the 1990 initiative, Proposition 130, believing at the time that it was needed to rid the statehouse of entrenched incumbents who were basically "warming the seats," he said. On that front, he said, it succeeded. The turnover among legislators that term limits instigated has also produced a more ethnically and racially diverse Legislature, better reflecting the state's population, experts say.

But on the whole, the law has done much more harm than good, Naylor said. Among other problems, he said it has produced a short-term mentality, with members content to propose headline-grabbing bills with little substance, knowing they will be gone from office before the repercussions become clear.

Other experts say high turnover has shifted power from the Legislature to the governor, and weakened legislative committees, which used to play a critical role in weeding out bad bills and forging compromises on the budget.

"They've created a horrendous mess," Naylor said of term limits. "Unintended consequences galore."

Jim Brulte is another one-time term limits fan who's had a change of heart. A former Republican leader in both the Assembly and Senate, he said term limits fundamentally altered the dynamic between special interests and legislators, especially legislative leaders. And not for the better.

"When I was Republican leader in the Assembly, special interests needed me," Brulte said. "Today, the leadership in the Legislature needs the special interests."

Brulte recalled longtime Democratic legislative leader and unapologetic liberal John Burton standing up at one point to defend a proposal for a new prison. When a fellow Democratic lawmaker protested, Burton ripped into him, Brulte said, adding that it took someone of Burton's stature to take a stand so at odds with his own party.

Term limits have stripped away that kind of clout, Brulte said. "The legislative leaders now can't do it."

Burton, now chairman of the state Democratic Party, did not recall the incident, but he summed up his own thoughts about term limits by saying, "If the toilet overflows, are you going to call the apprentice or the journeyman?"

But others say it's unfair to blame term limits for what ails Sacramento. Scott Hart, a Republican political consultant and lead strategist on the 1990 ballot measure campaign, said the preterm-limits Legislature was hardly a model of governance.

"I think it accomplished a lot of what it was meant to, and that was to allow voters to bring in new blood so we don't have permanent legislators like Willie Brown who become institutions," Hart said, referring to the longtime Assembly speaker.

Any attempt to change term limits is sure to face an uphill battle, given the Legislature's dismal approval ratings in polls. Two years ago Proposition 93, which would have allowed members to serve 12 years total in the Assembly or Senate or some combination of both, lost by 7 percentage points.

The opposition, led by state insurance commissioner and recent GOP gubernatorial candidate Steve Poizner, pounced on the fact that the measure was pushed by, and would have extended the careers of, the Legislature's two controversial Democratic leaders at the time, Fabian Nunez and Don Perata.

A nearly identical measure backed by business and labor groups in Los Angeles qualified last week for the 2012 ballot. But unlike Proposition 93, it would not apply to incumbents.

Many critics of the existing law see that as a reasonable compromise. Thad Kousser, a political-science professor at UC San Diego and term limits expert, said that by removing the main criticism of the last term limits initiative — that it was a self-preservation act for incumbents — proponents have improved the measure's prospects considerably. It also helps, he said, that business, labor and good government groups are all supporting it at this point.

A 12-year term limit, Proposition 131, was also on the 1990 ballot but it failed badly as the more restrictive measure was approved, 52 to 48 percent.

Former Democratic state Attorney General John Van de Kamp was a leading supporter of Proposition 131. "We were very conscious of the sentiment that there had to be some kind of relief from the 'old boys' syndrome that affected Sacramento," he said in an interview.

"You do want new blood in Sacramento periodically, that's important," he said. "And no system is perfect. But compared with what we had before, this has not been an improvement."

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