

Approved 2-18-92
Date

MINUTES OF THE HOUSE COMMITTEE ON ELECTIONS

The meeting was called to order by Representative Sherman Jones at
Chairperson

9:10 a.m./~~xxx~~ on February 11, 1992 in room 521-S of the Capitol.

All members were present except:

Representative Stephens was excused.

Committee staff present:

Arden Ensley, Revisor
Pat Mah, Research
Nedra Spingler, Committee Secretary Pro Tem

Conferees appearing before the committee:

Representative Joan Adam
Mike Woolf, Common Cause/Kansas
Max Eulert, American Civil Liberties Union, Washburn University
Representative Bill Roy, Jr.

Others attending: See attached list.

HB 2150 - An act relating to governmental ethics and prohibiting lobbying by certain persons.

A hearing was held on the bill. Representative Joan Adam, sponsor, explained the purpose of the bill was to provide that any legislator must wait one year after leaving the Legislature before they can become a lobbyist. She believed this would relieve any appearance in the public eye of inappropriateness in using legislative knowledge and information, which was obtained at the expense of taxpayers, as a lobbyist. Her statement is attached (Attachment 1). There was discussion regarding the definition of "lobbyist" and if a person had to receive pay for lobbying to come under the bill's provisions. The point was made that provisions were too broad. Representative Adam said she would give the Chairman language to clarify what constituted lobbying in the bill's provisions.

Mike Woolf, Common Cause/Kansas, spoke in support of the bill but suggested that language in line 22 concerning "engage in lobbying" be narrowed down to avoid a constitutional question. His statement is attached (Attachment 2).

Max Eulert, American Civil Liberties Union, Washburn University, spoke in opposition to portions of HB 2150, stating that ACLU does not oppose the intent of the bill but questions the constitutional rights regarding line 22 and "engage in lobbying". He suggested that "for pay" be added to the phrase. His statement is attached (Attachment 3).

No other conferees spoke in support or opposition to the bill, and the hearing was closed.

HCR 5018 - A proposition relating to members of the Senate and House.

A hearing was held on the resolution. Representative Bill Roy, Jr., sponsor, said it amends the state constitution to place a limit on the number of terms for legislators and the leaders of each House. His statement is attached (Attachment 4). In discussion, Representative Roy said the leaders' terms should be limited since legislators' terms would be limited, and his intent was that provisions of the resolution be applied perspectivevely. He also noted that, by limiting terms, legislators would be encouraged to use their office for constituents rather than self-interests or those of lobbyists.

There were no other conferees either in support or opposition to HCR 5018, and the hearing was closed.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ELECTIONS,
room 521-S, Statehouse, at 9:10 a.m./~~p.m.~~ on February 11, 1992

The Chairman outlined plans for future meetings, stating that SB 457 regarding a Kansas presidential primary election will be heard on February 13, and staff will review bills in committee sponsored by Representative Wells, with a view of possible merging, and hearings will be held and action taken on these bills during the week of February 17.

Representative McKechnie moved that the minutes of the meetings of January 28, 29, and 30, and February 3, 4, and 5, 1992, be approved, seconded by Representative Macy. The motion carried.

The meeting was adjourned at 10:00 a.m.

JOAN ADAM
REPRESENTATIVE, FORTY-EIGHTH DISTRICT
305 NORTH TERRACE
ATCHISON, KANSAS 66002-2526



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
CHAIRMAN: LEGISLATIVE JUDICIAL AND
CONGRESSIONAL APPORTIONMENT
MEMBER: APPROPRIATIONS
TAXATION
COMMERCIAL & FINANCIAL INSTITUTIONS

February 11, 1992

Mr. Chairman and members of the House Elections Committee:

Thank you for allowing me to speak before you today.

HB 2150 proposes a 1 year limitation on the ability of a legislator to leave their public office and begin to lobby their former colleagues. Such ability can give a lobbyist numerous advantages as a result of their past legislative service. In effect, the legislator obtains on-the-job training for their job as a lobbyist all at state expense.

Passing HB 2150 will break the connection between service to the public and service to private - and perhaps adverse-interests. Furthermore it will assure the public that Kansas legislators require high ethical standards even when it impacts on themselves. Congress imposes such a limitation and I believe a similar limitation is appropriate for Kansas.

2-11-92
HOUSE ELECTIONS
ATTACHMENT 1

The revolving door :

HC 9, 10, 11

The quick switch from state legislator to lobbyist adds to the public perception that insiders wield too much influence around the legislature. A recent news story discussed the problem: There are 22 former lawmakers now lobbying at the Kansas Legislature, 10 in Missouri. It is a practice that needs to be regulated.

This is called the revolving door. People serve in government, making contacts and building friendships. Then they either get defeated for re-election or choose to leave office. With their experience and ready access to officials in government, these former officeholders are valuable to special-interest groups.

The danger to the public interest is obvious. These former officials can gain undue advantage in influencing legislation

and other governmental affairs. Decisions should be made on the merits of the issues, not the long-held friendships of the participants in the process. Even if there is no inside dealing, the appearance of it can erode public confidence in the system.

Former members of Congress are prohibited from lobbying there for one year after they leave office. In Kansas, a special committee on ethics in government has recommended a one-year moratorium. No action appears likely in Missouri.

One year, or even more, is not too long a gap between lawmaking and lobbying. It would protect the public. It would help prevent the impression that wheeling and dealing takes precedence over everything else in the political process.



COMMON CAUSE / KANSAS

701 Jackson, Room B-6 • Topeka, Kansas 66603 • (913) 235-3022

TESTIMONY IN SUPPORT OF HOUSE BILL 2150
TO THE HOUSE ELECTIONS COMMITTEE
BY MICHAEL WOLF, EXECUTIVE DIRECTOR
FEBRUARY 11, 1992

Thank you Mr. Chairman, members of the Committee, for allowing me to testify today in support of House Bill 2150 which would prohibit a legislator from being hired as a lobbyist for one year after leaving office.

Public office is a public trust; a trust that our representatives will work for the public good. That trust, however, is called into question when a legislator is originally hired by constituents to represent the public interest in that district, and the next day is hired by a lobbying group to represent a special interest.

Such action calls into question the votes cast by that public official while he or she was still in office, and also whether the former official will use preferred access or special information to gain advantage for his or her employer.

While Common Cause/Kansas supports the one year "cooling off" period proposed by HB 2150, we do have concern over the phrase "engage in lobbying" in line 22. "Lobbying" is very broadly defined in K.S.A. 46-225 and a prohibition could raise some serious constitutional questions. It would prohibit a former official from "Promoting or opposing in any manner action or non action by the legislature on any legislative mater...." "Lobbyist" on the other hand is very specifically defined and should not encounter the same constitutional questions.

*HOUSE ELECTIONS
ATTACHMENT 2
2-11-92*

Elections Committee

February 11, 1992

Re: HB 2150

Carla Dugger, the regular registered lobbyist for the ACLU cannot be here today. She has asked me to speak in her place.

My name is Max Eulert, I am the president of the Washburn Chapter of the American Civil Liberties Union and a third year law student.

We have in our system of government a hierarchy of rules. At the bottom of this are guidelines to rules and regulations. The rules and regulations are called the K.A.R.s. These occupy volumes and volumes and are used to implement laws passed by Congress. As legislators you know that your task of making laws to help society and your constituency is very important. However, do not forget that the laws you make here are just another tier in the hierarchy and are subject to an even higher law. The top of this pyramid is the Constitution of The United States of America. I would like to read to you now, an excerpt from that document.

AMENDMENT I

Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

I have italicized the relevant language for you.

Let me draw a hypothetical in your minds. Assume for a moment that you decide not to run for re-election next term or that you get beat by an opponent. Assume further that an important issue comes up that you have a strong opinion about or even your former constituents or friends and neighbors. These people come to you for help because they know what a wonderful job you did while you were in office and they know you have friends in the Statehouse and know who to talk to about their problem with the greatest effectiveness. Assume further that you passed HB 2150 as currently drafted. You would have to tell your friends and neighbors that you are restricted from talking to any legislators for one year after serving and that you can not help them with their problem because of a bill that you passed. A restriction on your right to free speech. Imagine their outrage. Imagine your anger.

I oppose and the ACLU opposes House Bill 2150. While we have no problems with the intent of this bill in limiting former legislators from being paid lobbyists for one year, we feel the language of line 22 that restricts former legislators from speaking with elected officials, even without pay, is unconstitutional. All citizens, including former legislators, are guaranteed a right to express their views to their representatives.

Therefore the ACLU respectfully requests that the language of House Bill 2150 be amended to restrict only lobbying FOR PAY. Deleting the words of line 22 "engage in lobbying or" would effectuate this goal. Please help us protect your constitutional right to free speech. Thank you for your time.

If you would like more information contact Carla Dugger, ACLU of Kansas and Western Missouri, 201 Wyandotte, KC, MO 65201 (816) 421-4449

*House Elections
ATTACHMENT 3
2-11-92*



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS

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 VICE CHAIRMAN: JOINT COMMITTEE ON
 LEGISLATIVE POST AUDIT
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 CIAL INSTITUTIONS
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TESTIMONY BEFORE
 THE HOUSE ELECTIONS COMMITTEE

February 11, 1992

HCR 5018 -- Limits on legislative terms

"The key to democracy is the importance of 'ruling and being ruled in turn'" -- Aristotle

"I dislike, and greatly dislike [in the new Constitution] the abandonment in every instance of the principle of rotation in office" -- Thomas Jefferson

"In free governments, the rulers are the servants, and the people their superiors. For the former to return among the latter does not degrade, but promote them." -- Benjamin Franklin

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to appear before you today in support of HCR 5018, a resolution to amend the Kansas Constitution to limit the number of terms a person may serve in the legislature.

One of the things that most intrigues me about the concept of legislative term limitations is the fact that around the Capitol there are few proposals that are so abhorred. Lobbyists hate it. Interest groups hate it. And most of all, legislators hate it.

The resolution before you today limits the term of service for anyone to 12 consecutive years. It is prospectively applied.

This is not a partisan issue. It is about giving more people the opportunity to serve, of developing rotation in office. Term limits have been a time-honored tradition, from our first president to Speakers of the Kansas House.

I am asking you to give voters the opportunity to determine whether we ought to allow regular rotation in the Kansas Legislature the way voters have seen fit to require in the Kansas Governor's office and the executive office in thirty other states.

House Elections
ATTACHMENT 4
 2-11-92