

Approved: 2-21-95
Date

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Senator Lana Oleen at 11:05 a.m. on February 9, 1995 in Room 254-E of the Capitol.

All members were present.

Committee staff present: Mary Galligan, Legislative Research Department
Mary Ann Torrence, Revisor of Statutes
Kim Perkins, Committee Secretary

Conferees appearing before the committee: Sen. Walker
Chuck Hale, United We Stand

Others attending: See attached list

Sen. Oleen announced that the committee would begin hearing SCR 1605, a proposition relating to term limits of members of the Kansas Senate and the Kansas House of Representatives. Sen. Oleen called on Sen. Walker, a primary sponsor of the bill, to testify as a proponent (Attachment 1). Sen. Parkinson addressed the single 8-year term and asked Sen. Walker if he would support a more traditional term limit bill. Sen. Walker stated that he probably would consider such a bill, but that a 12-year term will not actually change the system. Sen. Walker stated that a single 8-year term could minimize the political bickering, and because of staggering the terms, the body would be keenly in tune with the electorate.

Sen. Jones asked if the bill prohibited a legislator from serving a Senate term and a House of Representatives term consecutively. Sen. Walker stated that because of a drafting error the bill did not do that, but his intention was to have the bill include that requirement that there was a prohibition.

Sen. Papay stated that many have argued that a single 8-year term would make legislators unaccountable to their constituents. Sen. Papay stated that she believed that each Senator was here to reflect the views of their constituency. Sen. Walker responded that perhaps the legislature should make it easier to recall someone and Sen. Papay responded that the current method of recall was very difficult.

Sen. Gooch stated that he believed that this bill was simply a "feel good" bill and that term limits were already a part of the system because the people are allowed to vote a legislator out of office if that legislator is not doing his/her job. Sen. Oleen asked if the issue would be put on the ballot for people to decide by a constitutional amendment, and Sen. Walker responded affirmatively.

Sen. Jones asked if the call for term limits was more at a national level than at a state level. Sen. Walker answered that while he was campaigning for state-wide office, the issue was brought up in conversation quite often. Sen. Hensley asked Sen. Walker if he were willing to accept an amendment to create two 4-year terms and Sen. Walker responded that this amendment would defeat the purpose of the staggered system and an 8-year term served the process better.

Sen. Oleen introduced Chuck Hale from United We Stand to speak as a proponent to SCR 1605 (Attachment 2). Sen. Ramirez referred to a recent survey in Mr. Hale's testimony which stated that in a recent survey, 73% of those polled said that 10 years was the most any one person should serve in the federal or state legislature. Sen. Ramirez stated that he served 10 years in the House of Representatives and ran for the Senate against an incumbent and wanted to know Chuck Hale's response to that fact. Chuck Hale answered that the climate was different when Sen. Ramirez was elected. Sen. Oleen asked if Mr. Hale knew the date of the poll he referenced and he responded that he did not but that it was within the past year.

Sen. Papay asked Chuck Hale if he were satisfied with the current national delegation. Sen. Papay pointed out that Kansas was very under-represented in numbers in Congress because of state population; therefore our national delegation would not be able to move into positions of leadership against larger, more populous states. Sen. Oleen clarified that Kansas only has 4 representatives whereas California, for example has a

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS, Room 254-E
Statehouse, at 11:05 a.m. on February 9, 1995.

significantly higher amount. Chuck Hale suggested that perhaps that Congressmen and Congresswomen would be selected on merit, not on sheer numbers.

Sen. Vidricksen stated that any time you poll a group without providing them with information regarding the impact of a term limit bill, you will get a 70% approval rate. However, when polling the same group after explaining some of the ramifications of the bill, the group will generally change its mind. Sen. Vidricksen stated that he believed that it is important to protect the right of the people to vote for whom they want to represent them and that right should not be hampered by imposed term limits.

Sen. Oleen pointed out that Mary Galligan had passed out some information which showed what states currently have term limits.

Sen. Oleen called for further questions, and seeing none, the meeting adjourned at 11:55 a.m.

The next meeting is scheduled for February 10, 1995.

DOUG WALKER
SENATOR, 12TH DISTRICT
ANDERSON, BOURBON, FRANKLIN,
LINN, MIAMI COUNTIES



TOPEKA

SENATE CHAMBER

OFFICE OF DEMOCRATIC WHIP

COMMITTEE ASSIGNMENTS
RANKING MINORITY MEMBER:
EDUCATION
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MEMBER: ENERGY AND NATURAL RESOURCES
FEDERAL AND STATE AFFAIRS
HEALTH CARE DECISIONS FOR THE '90S

TESTIMONY IN SUPPORT OF SCR 1605
Federal & State Affairs Committee

SCR 1605 is a constitutional amendment to change the terms of Senators from the current four years to a single eight-year term, with no reelection. This amendment also staggers the terms in such a manner that one fourth of the Senate is elected every two years with an even geographic distribution. Two of the attached sheets explain the geographical distribution in each election and how the staggering of the terms is implemented.

Staggered terms would create a mix of new and experienced legislators ensuring continuity of the process while providing a constant influx of new members and new ideas.

Without the constant specter of reelection, behavioral changes could occur. A Legislator would be freer to judge legislation on its merit without fear of offending a particular special interest which contributed to his campaign and which would contribute to his reelection.

Some have suggested that a single eight-year term would make Senators totally unaccountable to their constituents. I believe that we all come here for the best of reasons: We want to improve the lives of the people we represent. Conflicts arise because we have different views on how to go about achieving our goals and all too often politics taint our decision-making.

A single eight-year term could minimize the political bickering and with 1/4 of the Senate up for reelection every two years, the body would

*Sen Fed & State
2-9-95
Attachment 1*

be keenly in tune with the feelings of the electorate.

Senators elected since 1980	80
Senators since 1980 serving 8 years	45
Percent serving at least 8 years	56.25%

This bill also limits the terms of House of Representative members to two four-year terms and staggers them so 1/2 the body is elected every two years.

The only other term limit legislation that I am aware of is a House Bill that limits terms to 12 years. The chart below indicates that since 1980 only 14 legislators - House and Senate combined have served longer than 12 years. The reality is that changing the term lengths of 3.6% of the legislature will not address the problems that the term limits concept is supposed to solve.

Analysis of the number of Kansas Legislators serving an excess of 12 years in office since 1980.

Targeted Population	Total number of official elected or in office since 1980	Total number of officials elected or in office from 1980 for 12 or more years	Percentage (%) of elected officials affected
Senate Only	80	7	8.7%
House Only	306	7	2.3%
Legislature Total	386	14	3.6%

Polls indicate overwhelming public support for the term limit concept, in part, I believe, because the people feel that politicians have been polluted by the system. They send us up here to change the system and instead, over time, we become changed by the system. People believe that the special interests have more clout when it comes to legislation than do their own interests. The public perception of politicians and the special interests is one of greed and self-interest, and they have been led to believe that the only way to prevent individuals from being corrupted by the system is to limit the amount of time those elected officials are in office.

I feel that this bill addresses the concerns in a way which will change the system and hopefully change the way we do business here. I ask for your support of this bill and will stand for questions.

TERM LIMITS

SENATE

-Senators elected to a single 8 year term.

-one fourth of the senate elected every two years as follows:

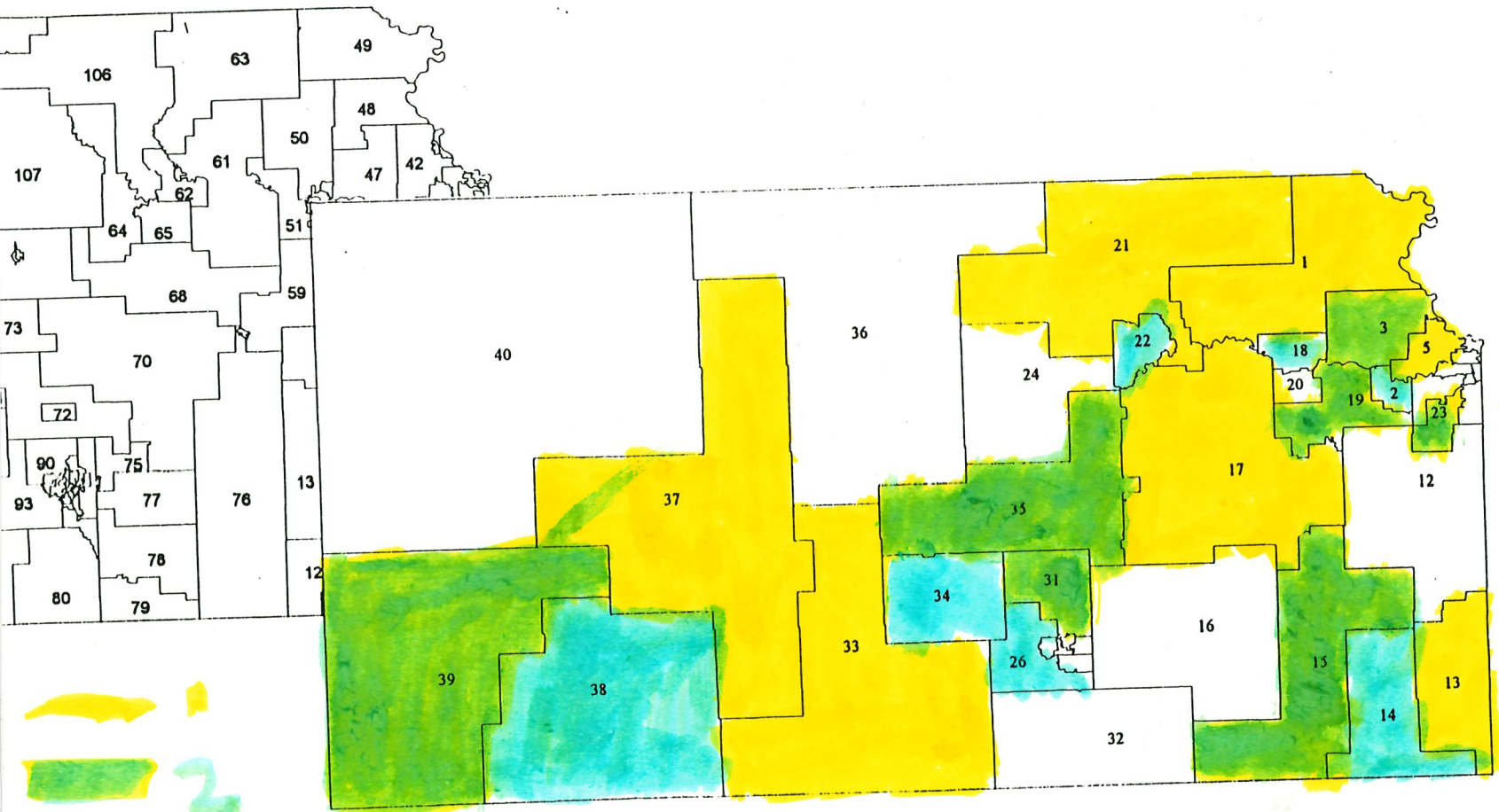
	(1)	(2)	(3)	(4)	
1996	1998	2000	2002	2004	2006
Entire Senate		Senate District			
elected	1	2	3	4	1
	5	6	7	8	5
	9	10	11	12	9
	13	14	15	16	13
	17	18	19	20	17
	21	22	23	24	21
	25	26	27	28	25
	29	30	31	32	29
	33	34	35	36	33
	37	38	39	40	37

If the voters approve this measure in 1996, those Senators elected from column 1 would serve until 1998, (2 yrs) when they would run for their single 8 year term.

Senators from senate districts in column 2 , elected in 1996 would serve a 4 year term until 2000 at which time they could run for their single 8 year term.

Senators elected from senate districts in column 3 would serve a six year term until 2002 , at which time they could run for a single 8 year term.

Senators elected in 1996 would begin serving their single 8 year term and could not be reelected.



January, 1995

5-1

State Legislative Committee
United We Stand America of Kansas

609 SE 33rd Street • Topeka, Kansas 66605 • 913-267-4417

FEBRUARY 9, 1995

TESTIMONY OF:

CHUCK HALE, PRESIDENT, STATE LEGISLATIVE COMMITTEE
OF

UNITED WE STAND AMERICA OF KANSAS, INC.

IN SUPPORT OF SENATE CONCURRENT RESOLUTION 1605, AN
AMENDMENT TO THE STATE CONSTITUTION TO LIMIT THE TERMS OF
STATE SENATORS AND REPRESENTATIVES

Sen. Fed & State
2-9-95
Attachment 2

Senators, all the votes are in concerning the "will of the people", as it relates to term limits for Kansas legislators. In a recent survey, 73% of the polled Kansas voters said that ten years is the most time anyone should serve in their federal and/or state legislature.

In 1992 American voters in 16 states passed term limit initiatives with an average of 66% of the vote. Nearly 22 million people - more than voted for Ross Perot in all 50 states - voted in favor of term limits. In those states term limits received a greater percentage of the popular vote than any of the presidential candidates! In 1994 six more states passed term limits. All of Kansas' border states now have term limits for their legislators.

Despite such popular support by the voters, Kansas legislators rejected two term limit bills in 1994. One each in the House and the Senate. I listened, in astonishment, to the debate in committee and on the floor of the House of Representatives. One of the arguments was that it would be hypocritical to impose term limits on our Congressional Representatives and not on our State Representatives. I agree. Today I am here in support of adopting term limits for State Legislators. When this measure is passed it is my sincere hope that someone from this body will be courageous enough to step forward with a reasonable term limit bill for our Federal Legislators.

Term limits must be viewed for what they are - a principled movement, expressing the will of the people of this great state, to re-introduce the idea of public service for the public good.

There are many arguments against term limits, but the one used most often holds that they violate the First and Fourteenth Amendments is, quite frankly, a real stretch of the imagination. Using this logic, term limit laws, which have restricted the terms of more than half the nations governors for decades, would long ago have been found to be un-constitutional.

People who argue that term limits are unconstitutional are not only reading a lot into the Powell v. McCormack decision of 1969, but they are rejecting over 200 years of practice. For example, almost all states require that United States Representatives be elected by district within the state, even though the Constitution of The United States of America lists only state residency as a qualification.

The Supreme Court will soon be addressing this question, and should it decide that term limits is unconstitutional, it will then be required to reject many of its own cases, and United States Representatives will have to be elected in statewide elections rather than by "districts".

Time and again, in arguing over the institutional provisions of representative government, the framers of the Constitution returned to the fundamental question of what kind of person made the ideal legislator in a republic. Disagree as they might over the amount of control necessary to prevent tyranny, they did agree that in a republic based upon the sovereignty of the people, the most appropriate legislator would be a citizen first. The ideal "citizen legislator" was both well read in classical republican theory and experienced in the "real world" of their constituency. Service in the legislative branch was not a career but a tour of duty, not a life in and of itself, but part of a life devoted to both public concerns and private activities.

In the ideal of the citizen legislator the framers saw a person who could balance the demands of knowledge, legislative experience and efficiency with those of democracy, accountability and the need to check the accumulation of power. The tension between those demands is one that has lasted, and the impulse to reform Congressional terms and tenure reflects, in part, a desire to bring the ideal of the citizen legislator to life in the context of the 20th century. The questions faced by the framers, as they struggled to implement their ideals, have been raised again as modern day Americans contemplate the need for change in the legislative branch.

An overwhelmingly important reason for limiting terms in both the federal and state legislatures has to do with the "culture of ruling." It's roots began inside the Washington, D.C. "beltway" and now it exists in every state capitol. It means that no matter how noble one's intentions, it is impossible to not be influenced by the sociological environment in which legislators invariable find themselves. Virtually everyone, with whom they associate, are in the position of regulating other people's lives and/or spending other people's money! It has an insidious and corrupting influence even upon the best of people. I'm not speaking of corruption in the conventional sense. I'm speaking of the compromise of personal integrity and principles in order to just "get along". The less time an individual is exposed to this, the less chance there is for that insidious process to occur and the less chance there is that common sense will be replaced by the "beltway mentality".

Additionally term limits at both federal and state levels are needed for the following reasons:

- 1) Turnover in membership and leadership will better insure a constant flow of new ideas, perspective and energy.

2) The ability of challengers to an incumbent will be enhanced and thereby allow them to mount a credible race.

It is no secret that incumbents have a very distinct financial advantage over any challenger. With an average of 8.5 times more money available to them is there any wonder that in 1992 93% were re-elected.

3) Opportunities for traditionally under represented groups will be expanded by making the ballot more accessible.

4) The "seniority system" demands that legislators hold office for many years, even decades, before they are able to truly affect the policy process. Term limits will change that equation by scrapping the seniority system. Ability, energy and merit will replace "seniority" as the criteria for policy making leadership.

5) They will take the "politics" out of re-districting, and return the process to its original intent - insuring fair and equal representation for all citizens.

6) Probably the very most important reason is that it is truly the will of the Kansas people.

Debates, at the Constitutional Convention of 1787, about the congressional term, were prolonged and impassioned. Over 200 years of debate is enough. Term limits' time has come for both federal and state legislators.

I leave you with this thought. " It is probable that Senators, once chosen for a state will, as the system now stands, continue in office for life. The office will be honorable if not lucrative. The persons who occupy it will probably wish to continue in it, and therefore use all their influence and that of their friends to continue in office. Their friends will be numerous and powerful, for they will have it in their power to confer great favors; besides, it will before long be considered disgraceful not to be re-elected. It will therefore be considered as a matter of delicacy to the character of the senator not to return him again. Everybody acquainted with public affairs knows how difficult it is to remove from office a person who had long been in it..." ("Brutus", April 10, 1788)

Thank you for your attention and your vote in support of term limits for Kansas.

Chuck Hale, President
Kansas State Legislative Committee
United We Stand America of Kansas, Inc.

GOVERNMENT

City
Coun
State
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THE CAPITAL JOURNAL

Kansas Poll

1994

Term limits	% BY DISTRICT					% BY PARTY			% BY AGE				% BY GENDER	
	Statewide %	1st District	2nd District	3rd District	4th District	Democrat	Republican	Independent	18 to 29	30 to 44	45 to 64	Over 65	Female	Male

Should there be a 10-year limit for serving in the state Legislature?

Should have a limit	73	66	71	82	72	71	77	69	62	73	71	80	70	76
Shouldn't have a limit	18	15	23	13	21	20	18	17	24	18	21	12	17	19
Don't know	9	18	6	6	7	9	6	14	14	10	7	8	13	5

Margin of error: plus or minus 5 percent for statewide results only.

Source: Central Research Corp.

— The Capital-Journal

Term limits supported

By BILL BLANKENSHIP
The Capital-Journal

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Limiting the number of terms lawmakers can serve remains a more popular notion in the state than in the Statehouse.

Nearly three-fourths of the 500 voting-age Kansans surveyed in the latest Kansas Poll said 10 years is the most time anyone should serve in the Legislature.

Despite such support, state lawmakers turned aside two term-limit bills in the 1994 legislative session.

One would have put before Kansas voters a constitutional amendment barring state legislators from serving more than 12 years in each house. The other bill would have limited members of Congress from Kansas to 12 years each in the House and Senate.

Both bills were defeated Feb. 17 after four hours of rancorous debate in the Kansas House.

Several House members argued the electoral process provided sufficient turnover in the Legislature where one-fourth to one-third of House members change every election. Twenty-one of the state's 40 senators were replaced in 1992.

After defeating the bill on term limits for state lawmakers, the House voted down the

congressional term-limit bill, saying it would be hypocritical to do otherwise.

Voters have adopted ballot propositions seeking to impose congressional term limits in 16 states —

Arizona, Arkansas, California, Colorado, Florida, Michigan, Missouri, Montana, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Utah, Washington and Wyoming.

Voters in six other states — Alaska, Idaho, Maine, Massachusetts, Nebraska and Nevada — have similar initiatives on the Nov. 8 ballot. Colorado and Utah voters will vote Nov. 8 whether to further limit the terms of their congressional delegations.

However, the validity of such efforts awaits a U.S. Supreme Court decision not expected until spring.

The high court will review a decision by the Arkansas Supreme Court that struck down that state's voter-initiated congressional term limits as unconstitutional.

Nearly three-fourths of the 500 voting-age Kansans surveyed in the latest Kansas Poll said 10 years is the most time anyone should serve in the Legislature.

Should the high court agree with the Arkansas ruling, state-imposed congressional term limits would be invalidated and an amendment to the U.S. Constitution would be needed to write them back into law.

Meanwhile, the popularity of term limits for Kansas lawmakers was fairly uniform among Kansas Poll respondents.

Support tended to increase by age with 80 percent of the 65 and older respondents supporting term limits compared with 62 percent of the 18- to 29-year-olds.

Men supported term limits slightly more than women, who among their ranks also had a higher number of undecideds on the issue.

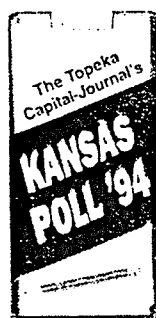
Republicans were more likely to be term-limit supporters despite the GOP having control of both houses of the Legislature.

Under a 10-year limit of service, none of the six members of the state's congressional delegation — four Republicans and two Democrats — would be eligible for re-election.

Support for legislative term limits was strongest in the 3rd Congressional District where Rep. Jan Meyers, R-Overland Park, spent 12 years in the Kansas House before being elected to Congress in 1984.

The notion of term limits was least popular

CONTINUED ON PAGE 2-C



Term limits supported

CONTINUED FROM PAGE 1-C

in the 1st District but still got two-thirds approval there.

The 1st, which covers the western two-thirds of the state, has sent Rep. Pat Roberts, R-Dodge City, to the U.S. House seven times, and he is seeking his eighth two-year term.

Those incumbents, as well as nine-term Rep. Dan Glickman, D-Wichita, are leading

their challengers, according to the latest Kansas Poll. Rep. Jim Slattery, D-Topeka, is running for governor after 12 years in the U.S. House and six years in the Kansas House.

Sen. Bob Dole, R-Russell, is completing his 34th year in Congress — eight years in the House and the rest in the Senate.

Sen. Nancy Kassebaum, R-Wichita, was elected to her third six-year term in 1990.