### Revolving Door" Prohibitions Against Legislators Lobbying State Government After They Leave Office

Thirty-four states have a "cooling-off period" before a former legislator can come back to work at the legislature as a lobbyist. Also knows as revolving door laws, statutes range from Maryland, where the ban is until the conclusion of the next regular session, to seven states—Alabama, Colorado, Iowa, Kentucky, Louisiana, New York and Oklahoma—that ban former legislators for two years. Fifteen states have no restrictions. In Minnesota, the ban only applies to House members, not those in the Senate, and exists in chamber rule. Ohio formerly had a one year ban, but the law was overturned by a federal district court in 2010. Wisconsin's law exempts legislators and certain legislative staff. This table is intended to provide general information and does not necessarily address all aspects of this topic. Because the facts of each situation may vary, this information may need to be supplemented by consulting legal advisors.

**Updated December 2012 --**

<table>
<thead>
<tr>
<th>State</th>
<th>Policy</th>
<th>Statutory Reference</th>
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<tbody>
<tr>
<td>Alabama</td>
<td>No public official shall serve for a fee as a lobbyist or otherwise represent clients, including his or her employer before the board, agency, commission, department, or legislative body, of which he or she is a former member for a period of <strong>two years</strong> after he or she leaves such membership.</td>
<td>§ 36-25-13</td>
</tr>
<tr>
<td>Alaska</td>
<td>Legislators may not lobby for compensation for <strong>one year</strong> after leaving office. Former members are not prohibited from acting as a volunteer lobbyist or a representational lobbyist as defined under regulations of the commission. State constitution prohibits for one year a legislator from being elected, nominated or appointed to any office or position of profit that has been created or the salary increased during his or her term of office.</td>
<td>§ 24-45-121(c); AK constitution, Article II, Section 5</td>
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<tr>
<td>Arizona</td>
<td>For <strong>one year</strong>, a former public officer, including legislator, shall not represent another person for compensation before the legislature concerning any matter with which the legislator was directly concerned and personally participated. For two years after he or she leaves office, no public officer, including legislator, may disclose or use for personal profit information designated as confidential.</td>
<td>§ 38-504(a)(b)</td>
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<tr>
<td>Arkansas</td>
<td>None. Prohibited activities §21-8-304.</td>
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<tr>
<td>California</td>
<td>No legislator, for a period of <strong>one year</strong> after leaving office, shall, for compensation, act as agent or attorney for, or otherwise represent, any other person by making any formal or informal appearance, or by making any oral or written communication, before the Legislature, any committee or subcommittee thereof, any present legislator or any officer or employee thereof, if the appearance or communication is made for the purpose of influencing legislative action. In addition, a one year revolving door ban applies to other elected officials and some public employees who would appear before state agencies for compensation for the purpose of influencing action.</td>
<td>§ 87406 (b) (a.k.a.) Milton Parks Restrictions Act of 1990.</td>
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<td>Colorado</td>
<td>For a period of <strong>two years</strong> following vacation of office, no statewide elected officeholder or member of the general assembly shall personally represent another person or entity for compensation before any other statewide elected officeholder or member of the general assembly.</td>
<td>Colorado State Const. Article XXIX</td>
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<td>Connecticut</td>
<td>No legislator shall engage in the profession of lobbyist for <strong>one year</strong> after expiration of term for which he or she was elected.</td>
<td>§ 2-16a</td>
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<td>Delaware</td>
<td>None. Revolving door ban does not apply to legislators. Prohibitions relating to conflicts of interest § 5805. Code of conduct § 5806.</td>
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<tr>
<td>Florida</td>
<td>Members of the legislature and statewide elected officers are prohibited from personally representing another person or entity for compensation before the government body or agency of which the individual was a member for <strong>two years</strong> following vacation of office.</td>
<td>§ 112.313(9); FLA Constitution Sec. 8(e), Art. II</td>
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<td>Georgia</td>
<td>Postemployment restrictions on public officers. (a) Except as provided in subsection (b) of this Code section, on and after January 8, 2007,</td>
<td>§ 21-5-75</td>
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<td>§ 71-5-3</td>
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persons identified in subparagraphs (A) through (D) of paragraph (22) of Code Section 21-5-3 and the executive director of each state board, commission, or authority shall be prohibited from registering as a lobbyist or engaging in lobbying under this article for a period of one year after terminating such employment or leaving such office.

(b) The lobbying prohibition contained in subsection (a) of this Code section shall not apply to persons who terminate such employment or leave such office but who remain employed in state government.

Definitions.
(22) “Public officer” means:
(A) Every constitutional officer; (B) Every elected state official; (C) The executive head of every state department or agency, whether elected or appointed; (D) Each member of the General Assembly; (E) The executive director of each state board, commission, or authority and the members thereof; (F) Every elected county official and every elected member of a local board of education; and (G) Every elected municipal official.

Hawaii
No former legislator for one year shall represent a person or business for a fee or other consideration on matters in which the former legislator or employee participated in or on matters involving official action by the legislature. No former legislator shall disclose confidential information or use the information for personal gain or for anyone’s benefit.

§ 84-18

Idaho
None. Non-compensated Public Official exception - allowed an interest in any contract made or entered into by the board to which he or she is a member. §59-704A.

Illinois
None. Restricted Activities §5 ILCS 420/2-101. There are revolving door provisions that apply to conflicts of interest in government contracts, and to a limited situation in conjunction with an early retirement program. Code of conduct §420/3-102.

Indiana
A legislator may not be registered as a lobbyist or employed as a legislative liaison for one year after the date the individual ceases to be a member of the general assembly.

Former legislators who are lobbyists may not be on the floor of either chamber during session.

§ 2-7-5-7

§ 2-7-5-3

Iowa
Ban of two years from acting as a lobbyist for legislators, statewide elected officials, and certain agency employees. Former legislators shall not within a period of two years receive compensation for any services rendered on behalf of any person, firm etc in relation to any case or proceeding with which the person was directly participated.

§ 68B.5

§ 68B.7

Kansas
A one-year prohibition on being involved in any contract funded while the legislator was in office; one-year prohibition on representing any person in a court proceeding on certain legislative actions; one year restriction of civil state appointment in an office that was created in previous term prior to departure.

§ 46-233(b)(c)

§ 46-234

Kentucky
There is a restriction for two years on a former legislator becoming a legislative agent.

§ 6.757

Louisiana
No former elected official, including a legislator, no former member of a board or commission, nor agency head for two years shall assist another person for compensation in connection with a transaction, or render service on a contractual basis for or be employed/ appointed to any position involving the agency by which he or she was formerly employed or in which he/she formerly held office.

§ 42:1121

Maine
None

Maryland
Until the conclusion of the next regular session that begins after the member leaves office, a former legislator may not assist or represent any party for compensation in a matter that is the subject of legislative action.

§ 15-504

Massachusetts
(e) a former state employee or elected official, including a former member of the general court, who acts as legislative or executive agent for anyone other than the commonwealth or a state agency before the governmental body, as determined by the state ethics commission with which he has been associated, within one year after he leaves that body shall be punished by a fine of not more than $10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or both.

A public officer, may not, after leaving public service, participate in particular matters in which he or she participated as a public employee. In addition, public officials are prohibited from appearing personally for one year period in connection with any particular matter which was under his or her official responsibility for two years prior to the public official or employee leaving public office.

§ 268A, sec 5.

Michigan
A member of the Michigan senate or house of representatives who resigns from office shall not make expenditures for or receive compensation or reimbursement for actual expenses for

§ 4.416 (a)
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<tr>
<th>State</th>
<th>Restrictions</th>
<th>Source</th>
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<tbody>
<tr>
<td>Minnesota</td>
<td>Former state legislators must not register as lobbyists within <strong>one year</strong> from the date they leave office.</td>
<td>House Rule 9.35</td>
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<tr>
<td>Mississippi</td>
<td>No public servant, including a legislator, may be interested, directly or indirectly, in any contract with the state, or any level of government, authorized by law passed or order made by any board of which he or she may have been a member within <strong>one year</strong> after the expiration of such term. No public servant may perform any service for any compensation for any person or business after termination of his or her employment in relation to any case, decision, proceeding or application with respect to which he or she was directly concerned or in which he or she personally participated during the period of his or her service or employment.</td>
<td>Constitution, Article 4, Section 109 § 25-4-105 (2) (3) (e)</td>
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<td>Missouri</td>
<td>None. Revolving door ban does not apply to legislators.</td>
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<td>Montana</td>
<td>Public officers may not within <strong>one year</strong> of voluntary termination of current job obtain employment in which they will take direct advantage, unavailable to others, of matters with which they were directly involved during term of office or employment.</td>
<td>§ 2-2-105 (3)</td>
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<td>Nebraska</td>
<td>None</td>
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<td>Nevada</td>
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<td>New Hampshire</td>
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<td>New Jersey</td>
<td>Legislators cannot, within <strong>one year</strong> of termination of office, register as a governmental affairs agent. A governmental affairs agent is defined as someone who receives more than $100 compensation, including reimbursement of expenses, over a three month period to influence legislation or regulations.</td>
<td>§ 52:13C-21.4</td>
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<td>New Mexico</td>
<td>No waiting period for legislators because § 10-16-2 excludes legislators from the definition of “public officer” and “employee.” Under § 10-16-8, there is in some cases a one-year ban and in others-a lifetime ban. Again, neither of these bans apply to legislators because of § 10-16-2</td>
<td>§ 10-16-2, § 10-16-8</td>
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<tr>
<td>New York</td>
<td>No legislator within <strong>two years</strong> after termination of service, may receive compensation for any services on behalf of anyone to promote or oppose the passage of bills or resolutions by the legislature.</td>
<td>§ 73(8)(a)(iii)</td>
</tr>
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<td>North Carolina</td>
<td>No legislator or former legislator may register as a lobbyist while in office or before the later of the close of the session in which the legislator served or <strong>six months</strong> after leaving office.</td>
<td>G.S. 120C-304</td>
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<td>North Dakota</td>
<td>None</td>
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<td>Ohio</td>
<td>Ohio formerly had a one year ban for legislators. The law was overturned by a federal district court in 2010.</td>
<td>§ 102.03(A)(4)</td>
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<tr>
<td>Oklahoma</td>
<td>For <strong>two years</strong> after legislators' terms expire, they cannot be interested in contracts with the state, its counties or subdivisions if the law calling for the contract or funding it was passed during their term.</td>
<td>Constitution Section V-23, § 244.045(6)</td>
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<tr>
<td>Oregon</td>
<td>A person who has been a member of the Legislative Assembly may not use or attempt to use the person's position as a former member of the Legislative Assembly to obtain financial gain as a lobbyist as defined in ORS 171.725 during the period beginning on the date the person ceases to be a member of the Legislative Assembly and ending on the date of adjournment sine die of the next regular session of the Legislative Assembly.</td>
<td>§ 1103(g)</td>
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<td>Pennsylvania</td>
<td>No former public official, including legislators, shall represent a person for compensation on any matter before the governmental body with which he has been associated for <strong>one year</strong> after he leaves that body.</td>
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<td>Rhode Island</td>
<td><strong>One-year ban</strong> on lobbying and accepting employment to a state agency.</td>
<td>§ 36-14-5</td>
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<td>South Carolina</td>
<td>For <strong>one year</strong> after leaving office, a public official, including a legislator, may not represent clients before the governmental entity served, and accept employment from a person who is regulated by the governmental entity, if it involves a matter in which he or she directly and substantially participated during service or employment.</td>
<td>§ 8-13-755</td>
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<td>South Dakota</td>
<td>No elected officer may act or register as a lobbyist, other than a public employee lobbyist, during a period of <strong>one year</strong> after the officer's termination of service in the state government. A violation of this section is a Class 1 misdemeanor.</td>
<td>§ 2-12-8.2</td>
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<tr>
<td>State</td>
<td>Prohibition</td>
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<td>Tennessee</td>
<td>No member of the general assembly, elected official in the executive branch, member of the governor's cabinet, or cabinet level staff within the governor's office shall be a lobbyist during the twelve-month period immediately following departure from such office or employment.</td>
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<td>Texas</td>
<td>None. Standards of Conduct listed § 572.051</td>
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<td>Utah</td>
<td>A former state official serving on or after May 12, 2009, may not become a lobbyist or engage in lobbying that would require registration as a lobbyist under Title 36, Chapter 11, Lobbyist Disclosure and Regulation Act, for one calendar year, beginning on the day the state official leaves office and ending on the one-year anniversary of that day. Former officials are allowed to lobby for themselves or businesses with which they are associated, as long as their primary job function is not lobbying or government relations.</td>
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<td>Vermont</td>
<td>None</td>
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<td>Virginia</td>
<td>For one year after his termination a legislator are prohibited from representing any person or group for compensation in any manner before the General Assembly and or any agency of the legislature. In addition to the prohibitions contained in § 2.2-3103, no state officer or employee or constitutional officer shall, during the one year after the termination of his public employment or service, represent a client or act in a representative capacity on behalf of any person or group, for compensation, on any matter before the agency of which he was an officer or employee. For the purposes of this section, “state officer or employee” shall mean (i) the Governor, Lieutenant Governor, Attorney General, and officers appointed by the Governor, whether confirmation by the General Assembly or by either house thereof is required or not, who are regularly employed on a full-time salaried basis; those officers and employees of executive branch agencies who report directly to the agency head; and those at the level immediately below those who report directly to the agency head and are at a payband 6 or higher and (ii) the officers and professional employees of the legislative branch designated by the joint rules committee of the General Assembly. For the purposes of this section, the General Assembly and the legislative branch agencies shall be deemed one agency. The provisions of this section shall not apply to any attorney for the Commonwealth.</td>
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<tr>
<td>Washington</td>
<td>State officials, including legislators, are banned for one year on accepting employment or receiving compensation if during the two years preceding termination of state employment was engaged in the negotiation of a contract, had a direct or indirect beneficial interest in a contract, or participated in any transaction involving the state. Voluntary assistance to person, nonprofit, poor or infirm is permissible.</td>
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<tr>
<td>West Virginia</td>
<td>Legislators, will and professional employees of the legislature under direct supervision of a legislator, and certain other public officials and employees may not, during or up to one year after the termination of their public employment or service, be allowed to register as lobbyist. Other provisions limit certain public officials from appearing in a representative capacity before state entities in which they served or that employed them for a certain period of time. Legislators and staff are for the most part exempted from this provision.</td>
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<tr>
<td>Wisconsin</td>
<td>No former state public official (legislators and certain legislative staff exempt) for one year after he or she leaves office may for compensation act on behalf of any party other than the state.</td>
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<tr>
<td>Wyoming</td>
<td>None</td>
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Out as a lawmaker, in as a lobbyist: Revolving door spins at Statehouse

SPRINGFIELD — It didn't take long for the revolving door at the Capitol to start spinning at the end of the lame-duck session.

A day after he served his final day in office, former state Sen. John Millner, a Carol Stream Republican, registered to become a lobbyist.

Millner, who had been a member of the General Assembly for 10 years, has picked up two clients thus far — the cable TV industry and an ambulance service.

Millner is just the latest lawmaker to turn into a lobbyist virtually overnight. Records on file with the Illinois Secretary of State show more than two dozen former legislators are trying to use their influence in the hallways and offices of the Capitol.

Illinois is among 15 states that have no revolving door provisions for lawmakers, who can be negotiating legislation on behalf of their constituents on one day and then use that expertise to work for a deep-pocketed industry trade group the next.

Most states have imposed cooling off periods ranging from six months to two years.

In March, Democrats who control the General Assembly blocked legislation that would have imposed a year-long lobbying ban for lawmakers.

State Sen. Darin LaHood, R-Dunlap, had sought to impose the ban to ensure members of the General Assembly aren't cashing in on their positions by taking lucrative lobbying gigs with Lake Land College trustees to look at tenure issues bit.ly/YRk06J

SIREN REPORT bit.ly/14LDMBs

Speak up
organizations or companies.

LaHood said lawmakers should do as much as they can to help repair Illinois’ ethically challenged political environment.

“This seems like a very common sense baby-step to take,” LaHood said Thursday.

LaHood plans to introduce the legislation again this spring, but it remains unclear whether the idea will gain any traction in this year’s legislative session.

While Millner is the latest lawmaker to cross over into lobbying, he is not the first.

State Rep. Kent Gaffney, a Lake Barrington Republican, filed to become a lobbyist on Jan. 7 after giving up his seat in the House. He’ll work for a lobbying firm that has clients including Verizon, Apple, PNC Bank and Illinois State University.

Other former lawmakers who were registered as lobbyists in 2012 include former Senate Minority Leader Frank Watson, R-Greenville; former state Rep. Julie Curry, D-Decatur; former state Sen. Denny Jacobs, D-East Moline; and former state Rep. Dan Reitz, D-Steeleville.

Contact Erickson at kurt.erickson@lee.net or 217-782-4043.

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Do you think the 45 mph speed limit on Illinois Route 16 in the area of Lerna Road is effective?

- Yes.
- No.
- It should be lowered.
- It should be raised.
- It is fine; some people will always drive too fast.

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On October 26, 2011, the Illinois legislature passed a bill that authorized construction of a multi-billion-dollar smart grid and reshaped how utility companies seek approval for raising electricity rates. Consumer groups opposed the measure, saying it was a handout to utilities.

But the final blow for opponents came three months later when former state Rep. Kevin McCarthy, who had pushed the bill through the legislature only to resign after winning its passage, registered his own lobbying firm and signed his first clients. Prominent among them: Commonwealth Edison, one of the state’s largest utilities.

“It’s hard to believe that there wasn’t a quid pro quo for this,” said Scott Musser, an Illinois lobbyist for AARP, which opposed the bill.

McCarthy declined to comment. And despite the potential conflict of interest, his move seems to have been in full compliance with state ethics laws. In Illinois and...
14 other states, there aren't any laws preventing legislators from resigning one day and registering as lobbyists the next, according to data compiled by the National Conference of State Legislatures.

Most other states impose “cooling off” periods of one or two years during which legislators or government officials are restricted from lobbying or taking certain private-sector jobs. But a review by the State Integrity Investigation found that in several of those states, including Florida, Indiana and Utah, to name a few, the rules are riddled with loopholes, narrowly written or loosely enforced.

And so in many states, it is simply common practice for lawmakers and other officials to cash in on their expertise and connections by lobbying or consulting for the private sector immediately after leaving office. Ethics experts say this “revolving door” erodes public trust in government and corrupts policy-making.

In the most egregious cases, legislators or regulators have written laws or set policy that helps a business or industry with whom they have been negotiating for a job once they leave office. Some states do not ban this practice.

“It smells bad, I guess is about the nicest way I can say it,” said Peggy Kerns, director of the Center for Ethics in Government at the National Conference of State Legislatures.

Need for balance

Even advocates of stricter revolving-door laws caution that a balance must be struck. A complete ban on post-employment lobbying or overly restrictive laws preventing other private-sector work could discourage qualified people from serving in public office and unfairly penalize them for their work. The issue can be particularly complicated at the state level, where many legislatures meet for just a few months a year and pay lawmakers modest salaries. Those calling for stronger laws generally support one- or two-year cooling off periods.

But in the absence of such temporary bans, ethics experts say the revolving door between government and the private sector helps elevate the interests of wealthy private clients above those of the public.

“Legislators build up relationships with one another,” said Jason Kander, Missouri's new secretary of state, who pushed unsuccessfully for ethics reforms as a state legislator. “It’s one thing when that working relationship is beneficial to your constituents — that’s how the process is supposed to work. But when that relationship becomes beneficial to paid interests, that’s when you cross the ethical line.”

From legislator to lobbyist

In 2003, Illinois Gov. Rod Blagojevich signed an ethics reform bill that placed limits on post-government employment for certain public officials. The law prevents officials from taking a job if they oversaw a contract with their potential employer while in government. The reform came after the administrator of the Illinois Gaming Board started working for Harrah's casino immediately after resigning from office in 2003. But the law does not prevent a legislator from sponsoring a bill that benefits a company and then resigning in order to work for the firm.

McCarthy's case was perhaps the most dramatic example of this, but he is not alone. Over the past year, several other lawmakers have stepped down to begin lobbying careers. In a March editorial, the Chicago Tribune wrote that legislators should “be embarrassed” by the common practice.

The Senate sponsor of the electrical utility bill, Mike Jacobs, is the son of a former legislator who now lobbies for ComEd, the utility, among other clients. ComEd also hired Rep. Marlow Colvin, who had actually proposed another piece of legislation that the utility opposed, after he resigned in March. Colvin told an Illinois newspaper he had been talking with ComEd about
the position for months before his retirement. Another representative stepped down in November and will head the Illinois Petroleum Council, an industry lobbying group.

“It’s akin to insider trading,” said David Morrison, deputy director of the Illinois Campaign for Political Reform, a good-government group. Morrison said companies that can afford to hire former legislators as lobbyists gain an advantage when promoting their interests in the capital.

The other states without laws restricting legislators’ post-government employment are Arkansas, Delaware, Idaho, Maine, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Ohio, Texas, Vermont and Wyoming. Some states have different rules for members of the legislative and executive branches. Missouri, for example, does impose restrictions on executive officials. Lawmakers in Michigan are prohibited from lobbying immediately if they resign before the end of a session, but are free to lobby once a new session begins.

Resigning early
As Illinois shows, some outgoing legislators resign early rather than serve their full terms. The move usually has little effect on governance as long as the session has ended (most legislatures meet for only part of the year). But in North Carolina, the timing can help circumnavigate the state’s six-month cooling off period.

Harold Brubaker, a Republican who had been speaker of the House when the party controlled the legislature in the 1990s, ended his long legislative career by resigning last July after the session ended. “You know when it’s time to go,” he said in a statement at the time. But the statement also mentioned that he planned to begin lobbying. By stepping down in July, Brubaker will be eligible to lobby his former colleagues as soon as the next legislative session begins, later this month.

Brubaker did not respond to requests for comment.

In September, a local Republican group held an event to honor Brubaker and several legislators attended, including Speaker Thom Tillis, who presented him with an award. A local paper reported that Brubaker’s acceptance speech included one request for his former colleagues. “Just remember one thing,” Brubaker said, “When I come visit you in the future, just say ‘Yes.’”

The move shows that North Carolina’s six-month cooling off period, which advocates won only after a hard battle in 2005, is “badly in need of change,” said Jane Pinsky, who heads the North Carolina Coalition for Lobbying and Government Reform. State Sen. Richard Stevens stepped down in September and announced he would join a Raleigh law firm, though he said he wasn’t sure whether he would lobby the legislature. Such moves “undermine confidence in state government,” Pinsky said.

As for Brubaker, by resigning early he was also able to straddle the line with his campaign funds. Lobbyists are barred from making campaign contributions in North Carolina, but there’s nothing saying a future lobbyist can’t. Brubaker still had about $37,000 left in his campaign account when he announced his intentions, according to campaign finance records, and about six weeks later he sent $6,800 to three former colleagues.

Narrow rules
Most states do have laws limiting what type of private work public officials can immediately turn to after leaving office, even beyond restrictions on lobbying. But in some states the laws are so narrow or are interpreted so loosely that good-government groups say they fail to prevent many conflicts of interest.

In Indiana, for example, a post-employment rule prohibits officials in the executive branch from taking certain jobs within a year of leaving office and bans for life work on matters they “substantially participated” in while in office. In a 2010 report, The Indianapolis Business Journal examined 27 cases since 2006 and found that the state Ethics Commission enforced the one-year cooling off period in only three of those cases. The commission allowed all the rest to begin their next job immediately, though it did limit the officials from working on certain contracts in 12 cases. Two budget directors, for example, were allowed to work for companies even though they...
voted on the issuance of bonds involving those companies while in office.

The *Journal* report was spurred by a revolving-door scandal that led to fines, resignations and even an indictment that is still not settled. In September 2010, Scott Storms left his job as a lawyer and administrative law judge for the Indiana Utility Regulatory Commission to work for Duke Energy, which had been negotiating with the commission over the construction of a cutting-edge coal-powered plant and the deployment of a smart-grid system.

A consumer group raised alarm over the move, and it soon emerged that Storms had conducted hearings involving Duke in the days after the company had offered him a job, in July of 2010. Duke put Storms on leave and Gov. Mitch Daniels fired David Lott Hardy, Storms’s boss at the utility commission, after it became clear that Hardy had known of the Duke dealings. After a complaint was brought, the same Ethics Commission that had allowed Storms to go to Duke ended up fining him $12,000 and barring him from future state employment, ruling that Storms had violated conflict of interest rules by working on matters involving Duke while negotiating with the company for a job. Storms denied wrongdoing. Hardy is now awaiting trial on charges of misconduct over the case.

However, the Ethics Commission did not find Storms to have violated the post-employment rule. While he did oversee issues involving Duke, Storms did not directly regulate the company or issue contracts.

“I’m not going to say the words ‘there’s nothing wrong with it,’” said David Thomas, the state’s inspector general, who investigates ethics issues in the executive branch. But, he added, “The post-employment rule wasn’t violated.”

The *Indianapolis Star* said in an August 2011 editorial that the scandal revealed a “pervasive pattern of intimacy between regulatory officers” and Duke, adding that the arrangements were, “unjustifiable by any measure of common sense.”

IG Thomas says his office has effectively enforced the law, pointing to 47 cases in which his office, which staffs the Ethics Commission, has issued 117 restrictions since the revolving-door law was enacted in 2005. He said that accusations that his office is too lenient indicate a misunderstanding of the law, which he says imposes a one-year waiting period only if an employee was directly regulating a company or involved in issuing contracts. In a report to the state legislature last year, Thomas recommended against making the revolving-door law more restrictive, pointing to a 2010 federal court ruling that struck down Ohio’s cooling off period as too broad.

Julia Vaughn, policy director for Common Cause Indiana, disagrees. She said the attitude that led to the Storms scandal has continued throughout the Daniels administration. “This does go all the way to the top,” she said. “It reveals a conspiracy to just get around these laws, that they were considered an inconvenience and that they stood in the way of people who wanted to use their public influence for private gain.”

Last summer, Purdue University’s board of trustees, most of whom Daniels had appointed, named him the next university president. The inspector general’s office said the move would not violate ethics laws. But Vaughn and others have said the case presents clear conflicts of interest and shows the weakness of the state’s laws and the Ethics Commission.

“It’s been a rubber stamp agency for a long time,” Vaughn said. “The law’s only as good as the enforcement of it.”

The Daniels administration declined to comment for this story, referring questions to the inspector general. But after a Democratic lawmaker filed an ethics complaint in response to Daniels’ appointment as Purdue president, a spokeswoman for the governor called it “partisan nonsense.”

Loopholes abound

Even where laws on post-government lobbying exist and are enforced, outgoing public officials have found ways to comply while violating the spirit, government watchdog groups argue. In many
cases, lawmakers are prevented from registering as lobbyists for a certain time frame but not from working in an office full of lobbyists and advising them.

“I think that’s a slippery area that needs to be closed,” said Kerns, of the Center for Ethics in Government. “I don’t think any public official should have any kind of a job from a lobbying firm.”

Florida has a two-year cooling off period during which ex-legislators cannot lobby their former colleagues. But this hasn’t stopped them from working for lobbying firms or from lobbying the executive branch. According to the Orlando Sentinel, at least eight former speakers of the Florida House went on to lobby after leaving the legislature. One of them, John Thrasher, pulled in $1.6 million as a lobbyist in 2008, according to the Sentinel, compared to a state lawmaker’s salary of just under $30,000 a year (Thrasher subsequently returned to government as a state senator).

The most recent example is Dean Cannon, who formed his own firm even before leaving office in November, though the firm is not yet registered to lobby. In order to comply with state law, Cannon has said he will focus on lobbying the executive branch and working as a consultant to local governments on political and legislative strategies. His colleague and predecessor as speaker, Larry Cretul, will handle the firm’s legislative lobbying.

The loophole that allows legislators to work for lobbying firms even applies while they are still in office. One of the side effects of having a part-time legislature, as Florida and nearly all states do, is that many lawmakers often have more lucrative work on the side. According to a report published in July by Integrity Florida, a nonprofit that pushes for ethics reform, 11 lawmakers in the state reported earning money from firms engaged in lobbying in the 2012 session.

Utah’s law, passed in 2009, contains perhaps the biggest loophole. While it bans lawmakers from lobbying for one year after leaving office, it exempts anyone lobbying for themselves or for a business they are associated with, as long as lobbying is not the business’ primary activity. In 2009, a governor’s commission recommended closing the loophole, but a 2010 effort to do just that failed to pass the state House.

Term limits

Some academics and watchdog groups argue that term limits, which several states have enacted over the past two decades, effectively force more legislators into lobbying jobs. Voters in Michigan approved term limits in 1992, restricting members of the state House to three two-year terms and senators and statewide officials to two four-year terms.

In October, the Detroit Free Press tracked the careers of 291 officials elected from 1992-2004 and found that 71 of them, or nearly one-quarter, ended up either registering as lobbyists or working as consultants or paid advocates. Two former chairs of a House energy committee went to work for utility companies. In the 2009-2010 session, Rep. Kathy Angerer sponsored a bill that would have imposed a two-year cooling off period. The bill failed, however, and Angerer joined AT&T as a
Florida’s Dean Cannon was limited by term limits, and some proponents of stronger revolving-door laws blame term limits for worsening the revolving door in Missouri and Nebraska as well.

Reforms

Legislators are often reluctant to limit their own options for earning a living. Rep. Jennifer Weiss, a North Carolina Democrat who did not run for re-election in 2012, learned this firsthand when she was part of a group that helped pass the state’s revolving-door law.

“I had wanted a year all along,” Weiss said, but the group met with too much resistance from legislators on both sides of the aisle, she added, and had to settle for a six-month cooling off period. “People wanted to be able to leave the legislature and lobby, to be blunt.”

Similar efforts have failed over the past few years in Idaho, Michigan, Missouri and Illinois, to name a few. Morrison of the Illinois Campaign for Political Reform said his group compromised by pushing for a six-month cooling off period rather than a year, but the initiative has made no progress.

Morrison said Illinois’ laws are effective at slowing the revolving door for executive branch officials. And Weiss stressed that a six-month period is better than nothing. While most states do impose some limits, ethics experts say that laws should not completely restrict lawmakers or other officials from moving to the private sector.

“They need something else to do,” said George Connor, a professor of political science at Missouri State University.

Still, Connor said, loose laws in Missouri allow a pervasive revolving-door culture. The state’s outgoing speaker of the House, Steven Tilley, resigned last summer and immediately began a new career in political consulting and lobbying, a step that Connor said has a corrosive effect on governance. “These kinds of relationships cause people to lose sight of the public interest,” he said.

One of Tilley’s last moves as speaker was to appoint a “blue-ribbon” committee tasked with generating ideas for updating the state’s highway system. Tilley, who did not respond to requests for comment, appointed Rod Jetton, a former speaker and now marketing director of a Missouri engineering firm, as co-chair. Also named to the committee was Thomas Dunne, the outgoing chairman and CEO of Fred Weber, Inc., a highway construction company and also one of the first clients that Tilley signed after leaving office.

“It’s the smell test,” Connor said. “That smells bad.”