

Approved February 26, 1991
Date

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Representative Kathleen Sebelius at
Chairperson

1:30 ~~8:00~~ p.m. on Wednesday, February 6, 1991 in room 313-S of the Capitol.

All members were present except:

Representative Arthur Douville - Excused
Representative Dale Sprague - Excused

Committee staff present:

Mary Torrence - Office of the Revisor
Lynne Holt - Kansas Legislative Research Dept.
Connie Craig - Secretary to the Committee

Conferees appearing before the committee:

PROPOSERS - HCR 5003, 5004 and 5005

The Honorable Joan Finney, Governor, State of Kansas
The Honorable Robert T. Stephan, Attorney General, State of Kansas
Larry Fischer, Kansans For Fair Taxation, Inc., Topeka
Mike Harder, Professor of Political Science, University of Kansas
Michael Wolf, Executive Director, Common Cause
Monty Smith, South-East Kansas Citizens Coalition
Karen France, Director, Governmental Affairs, Kansas Assoc. of Realtors
James C. Bates, Arkansas City, Kansas
Joe Scammey, Chairman, Concerned Montgomery County Citizens
Betty Rathke, Moon Abstract Company, Emporia, Kansas
Jim Kenney, Newton, Kansas
Prue Schmidt, Emporia, Kansas
Dorothy Bosse, Emporia, Kansas
Roger Grund, Executive Director, Home Owners Trust, Wichita, Kansas
Bill Brooks, Arkansas City, Kansas
Glenn Burns, Arkansas City, Kansas
Russ Scales, small business owner, Arkansas City, Kansas
Fred W. Phelps, Attorney, Topeka, KS
Betty Cook, Retired, Wichita, Kansas
Arthur Gould, Goddard, Kansas
Dan Cain, Topeka, Kansas
Ed Engles, Topeka, Kansas
Louis Klemp, Chairman, Concerned Taxpayers of Leavenworth County
Francine Neubauer Hines, former Exec. Director, Kansas Water Resources Board
K.B. Thomas
Phil Urban

Chair Sebelius called the meeting to order:

HCR 5003, 5004 and 5005

Governor Joan Finney, State of Kansas, asked the committee for support of the three resolutions so that the people of Kansas will have the opportunity for direct participation in government, Attachment #1.

Attorney General Robert Stephan, urged the committee to support the resolutions, but added that relevant and responsible limitations on the number of items to be submitted through initiative and referendum is important, Attachment #2.

Attachment #3 is written testimony from Ivan Wyatt, Kansas Farmers Union, in support of the three resolutions.

Larry Fischer, member of Kansans For Fair Taxation, spoke in support of the resolutions, Attachment #4.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS,
313-S
room ~~XXX~~, Statehouse, at 1:30 ~~XXX~~/p.m. on Wednesday, February 6, 1991.

Mike Harder, gave testimony supporting the resolutions, Attachment #5, but added that the legislature should be provided with the latitude to change the wording (though not the spirit) of an initiative proposal and that no right guaranteed by the Bill of Rights be abrogated by an initiative proposal.

Michael Woolf spoke in support of the three resolutions adding that accompanying legislation requiring campaign expenditures disclosure, restricting or prohibiting payment for signature gathering, requiring public information on the issue, and a fiscal note if applicable be added, Attachment #6.

Monty Smith asked the committee to support the initiative and referendum resolutions and submitted a proposal for the multidimensional renewal of citizenship in the State of Kansas, Attachment #7.

Karen France with the Kansas Association of Realtors gave testimony in support of HCR 5003, 5004 and 5005, Attachment #8.

James Bates from Arkansas City, Kansas, urged support for the initiative and referendum proposals by stating that constituents want to become involved in our government, Attachment #9.

Joe Scammey gave testimony as to why direct initiative and popular referendum should be allowed, Attachment #10.

Because of what she called a "Tax Mess", Betty Rathke urged the committee to pass the initiative and referendum measures, Attachment #11.

Jim Kenney read his written testimony, Attachment #12, in support of the initiative and referendum proposals.

Pru Schmidt testified that initiative and referendum measures were needed so that the people of the state can make changes or voice opinions through the ballot box, Attachment #13.

Dorothy Bosse testified in favor of the three proposals, Attachment #14.

Attachment #15 is the written testimony from Roger Grund, who came before the committee and urged their support of HCR 5003, 5004 and 5005.

Bill Brooks gave testimony in favor of the initiative and referendum proposals, Attachment #16.

Glenn Burns asked the Committee read written testimony, Attachment #17, to the Committee asking support of HCR 5003, 5004 and 5005.

Russ Scales gave argument in support of the initiative and referendum proposals, Attachment #18.

Fred Phelps, Sr. asked support from the Committee for the initiative and referendum proposals, Attachment #19.

Arthur Gould urged the Committee to support HCR 5003, 5004 and 5005 as set out in his written testimony, Attachment #20.

Betty Cook came before the Committee and asked that the initiative and referendum proposals be passed out favorably. No written testimony was available.

Dan Cain read his written testimony in favor of the initiative and referendum proposals, Attachment #21.

Ed Engle gave testimony in support of the initiative and referendum proposals, Attachment #22.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS,
313-S
room ~~526-S~~, Statehouse, at 1:30 ~~xxx~~ p.m. on Wednesday, February 6, 1921.

Louis Klemp handed out an newspaper article, along with his testimony in Attachment #23, to the members of the Committee asking their support of the initiative and referendum proposals.

Francine Neubauer Hines asked that the initiative and referendum proposals be passed by the Committee as set out in her written testimony, Attachment #24.

K.B. Thomas urged the Committee to support HCR 5003, 5004 and 5005, Attachment #25.

Phil Urban urged the Committee to support the initiative and referendum proposals. No written testimony was available.

COMMITTEE DISCUSSION:

In response to questions from a Committee member, Michael Woolf, Common Cause, stated that signature gatherers that are paid per signature could be a problem, but in Kansas that can be mandated to an hourly wage. He also added that wealthy special interest groups, corporations, unions and PACs do have a huge financial advantage when it comes to initiative and referendum; but will they have more of a financial advantage than they do now, considering that last year lobbyist expenditures exceeded \$700,000 to influence Legislators. He also pointed out that not included in that figure were expenses such as the lobbyist support staff, the cost to retain the lobbyist and items such as mass mailings.

One Committee member stated that in her opinion the big winner in initiative and referendum is going to be the media as a result of ads that will be bought to promote an initiative or referenda. Concern was expressed that with only a 5% voter signature requirement to initiate a measure on the ballot, it could result in measures which would be prejudiced to geographical areas or organizations.

Two conferees were asked to prioritize initiative and referendum. Michael Woolf and Louis Klemp both agreed that referendum was very important, but initiative would have to be first choice.

One Committee member stated that it surprised him to learn that some of the conferees would support barring an issue for 5 to 10 years if it failed to pass, even by a minimal number of votes. Concern was expressed that a good measure might fail due to a strong lobbying effort of a more affluent special interest group possibly through ads and television commercials, and that the measure should not be barred from being brought up by the people of Kansas. Several conferees agreed that they did not see initiative and referendum as being inconsistent with "home rule", and that it would allow the people to vote on budget and policy issues.

Chair Sebelius announced that the Committee will hear from opponents the next day, February 7th. The meeting then adjourned.

GUEST LIST

FEDERAL & STATE AFFAIRS COMMITTEE

DATE 2/6/91

(PLEASE PRINT)

NAME	ADDRESS	WHO YOU REPRESENT
Tim R. Cruz	GARDEN CITY KS	LEADERSHIP G.C.
LEANNE IRSIK	GARDEN CITY, KS	LEADERSHIP G.C.
MAXINE ATKINSON	GARDEN CITY, KS	LEADERSHIP G.C.
DANIEL BAFFIA	"	"
Kathleen Clements	"	"
Arthur Gould	Goldend, KS	BLUE COLLAR WORKERS
Grant & Betty Cook	Wichita KS	RETIRED
Xavier Kyle	Topeka	OCTF (AARP) SHL
Aug. Nixon	"	AARP
A. A. Kemp	WV, KS	Concerned Taxpayers & Leav. Co.
Nolan R. Schubert	Garden City, KS	
Shondra Magnuson	Garden City, KS	Leadership G.C.
Charles Blau		
Jan Kindekrecht	Garden City KS	Leadership G.C.
King Calhan	Garden City KS	Leadership G.C.
Douglas Harsh	Garden City, KS	Leadership G.C.
Michael Wolff	Topeka	Common Cause
Cedric Maege	Topeka	SHL
Bruce Reichmuth	Garden City	Leadership Garden City
Sang Nguyen	Garden City	Leadership G.C.
Mike Richard	Garden City, KS	" "
BOB HALLORAN	GARDEN CITY, KS.	" "
G. T. Soper	TOPEKA, KS	CRG
Donald W. Cook	2104 E 21 Topeka, KS	KFFT
Peggy Wolwar	6023 SW Auburn Rd	"
Lay Ellis	Topeka	INCA

GUEST LIST

FEDERAL & STATE AFFAIRS COMMITTEE

DATE 2/6/91

(PLEASE PRINT)

NAME	ADDRESS	WHO YOU REPRESENT
MARY E GILBERT	712 NE WINFIELD (16)	
FRANCINE HINES	5623 SW. HAWICK (14)	
Betty Couch	1718 Chapman (04)	
Howard & James	7600 W 23rd, O.P. #566204	
MALONE Audrey	3434 Westover	
Clarence J. MALONE	3434 WESTOVER, TOPEKA 66604	
Neal Whitaker	Topeka	KBWA
Michelle Fieston	Topeka	John Peterson & Associates
Peggy Jarnum	Wichita	PCAL
Lynne Bradberry	Topeka	" "
Kelly Koutala	KCKS	N.O.W.
Jennifer Dodd	Lawrence	Rep. Charlton
Dana Kennevis	827 SW Tyler # 21	-
Bea Crow	1928 SW Carlson 66615	Fair Taxation
W.H. McElrath	4770 W 17th Terr	Topeka Kans 66604
Marty Smith	2821 Briggs	Parsons KS 67357
Dorothy Johnson	525 W 5	Newton KS 67114
Blanche Froelich	407 S. Kansas	Newton KS 67114
Samuel J. Froelich	407 S. Kansas	Newton, Kans. L.O.T.T.
Glen E Spielman	923 E. 1st	Newton KS 67114
Garner R. Kinney		Newton, KS
Robert R. Joneski	2713 Bellevue	Topeka
Terry L. Crowder	2517 S.E. Jefferson St.	Topeka 66605
Greta Reeves	8235 SW. 10th	Topeka 66615 Self & KFFT.
Whitney Damon	Topeka	Pete McGill & Associate
Ann Harrison	1924 Leish Rd	Topeka KS 66615
Helen R Harrison	1924 Leish Rd	" " " "

GUEST LIST

FEDERAL & STATE AFFAIRS COMMITTEE

DATE 2-6-91

(PLEASE PRINT)

NAME	ADDRESS	WHO YOU REPRESENT
George Morris	TOPEKA 5707 SW QUAL CREEK CIR	KFFT
W. Weir	R# MERIDEN	KFFT
Barney Heenev	100 SE 9th TOPEKA	
Claudia Menger	421 N Line	KFFT
Louis Lafay	223 N. Harris, ^{Topeka, KS}	KFFS
Barbara Richards	3220 W. 32nd "	Self.
Ante M. Mery	3540 N. Meriden Rd	KFFT
Irwin L. Katz	3540 N. Meriden Rd	K.F.F.T.
Alan Metz	6766 Aylesbury	K-F.F.T.
Jack & Nancy	P.O. Box 8483 ^{Topeka} 66608	myself
Theresa L. Sue	7137 Woodcroft ^{Topeka} KS (19)	Myself
Lucella Mays	2060 S. Tanager ^{Topeka (12)}	myself
Gene Bengtson	12815 W 118th ST OP. 66210	Self
Tom E.M. Birch	945 Emory Lawrence KS 66094	observer
Cindy Gilpin	Topeka	Budget Division
Bill Trusk	5118 Clark Dr Roeland Park	So. Co Taxpayers
Warren Laker	Manhattan	Ks Farm Bureau
John Reinhardt	Topeka	SAS
Will Belden	Topeka	LWVK
Jan Sandoval	topeka	LWVK
Emig. M. Myhrish	McPherson	Ks. Farmers Union
Ralph W. Smith	Lyons, Ks.	Kansas Farmers Union
Ray Fowler	Emporia Ks	Kansas Farm Union
Walt Chappell	Chanute, Ks.	SEK Citizen Coalition
Joe Myer	Topeka, Ks.	Self.
Virginia Engroff	Topeka, Ks	Self

GUEST LIST

FEDERAL & STATE AFFAIRS COMMITTEE

DATE 2-6-91

(PLEASE PRINT)

NAME	ADDRESS	WHO YOU REPRESENT
Maurice E. Hookard	7512 SW Blue Inn P. Top 66614	Self
Lavel Heitschmidt	Box 219 Holyrod Ks 67450	Self
Bobby Heitschmidt	Box 219 Holyrod Ks 67450	Self
J.D. Harper	Rt#1 Box 165A Cherryvale Ks 67335	Self
Kristy Koscielny	Topeka, KS	Governor's Office
CHUCK DIGBY	8010 CONSER ST #4467 OVERLAND PARK	UNITED LEAGUE OF JO. CO. TAXPAYERS
Peter Schmidt	1719 State Emporia Kansas	Self
Dorothy Basse	908 Graham Emporia, Kansas	Self
Bobby Paikka	1229 West Emporia, KS	Kansas Taxpayers Coalition
John J. Thomas Jr	1410 Heritage Drive Emporia, KS	Self
James Peltier	1229 West 1st Emporia KS	Self
Junior McBeard	Topeka	Volunteer
Robert O. Anderson	Ottawa	Mid Cont. Del. Assn
Alice Wilson	433 E 72 KCMO	KCK Junior League
Mel McAnany	222 Arapahoe, Lake Quivira, KS	KCK Jr. League
JOE SCAMMEY	ELK CITY KS	CMCC & KTC
Mary E. Turkington	Topeka	Ks. Motor Carriers Assn-
Margaret Anne Burke	Topeka	Self
Jeanne Cassidy	Topeka	Self
Marie Garrity	Topeka	Self
Lucian Garrity	Topeka	Self
Jenny Bapel	320 Topeka Blvd	Self
Joseph DuMello	Lamona	UPI
Tom Whitaker	Topeka	Ks Motor Carriers Assn
Diane Louwer	Topeka	Ks Co op Council

STATE OF KANSAS



OFFICE OF THE GOVERNOR

JOAN FINNEY, *Governor*
State Capitol, 2nd Floor
Topeka, KS 66612-1590

913-296-3232
1-800-432-2487
TDD# 1-800-992-0152
FAX# (913) 296-7973

February 6, 1991

Initiative & Referendum

Madam Chairman:

Today, I come before this committee, with an appeal on behalf of the Kansas people.

For almost a century and a half, the citizens of Kansas have been denied direct participation in state government. They have the legal authority, through the petition process, to express their desires on local issues which affect their lives. But are barred from the opportunity to directly participate in state government issues.

HOUSE FEDERAL AND STATE AFFAIRS
February 6, 1991
ATTACHMENT #1 - PAGE 1

The real strength of government on any level is in its people and their communities. It is in the cafes on main street, in our schools, on our campuses. It is on the farms, in the churches, and on the factory floors.

The people are our greatest resource. They are the potential for success unlimited for opportunities for Kansas that knows no bounds.

I am asking your support for 3 resolutions that will give the Kansas people the opportunity to petition to place state laws and constitutional amendments on their ballots thru their own initiative. Any action taken by them could not be overridden by the Legislature - nor vetoed by the Governor.

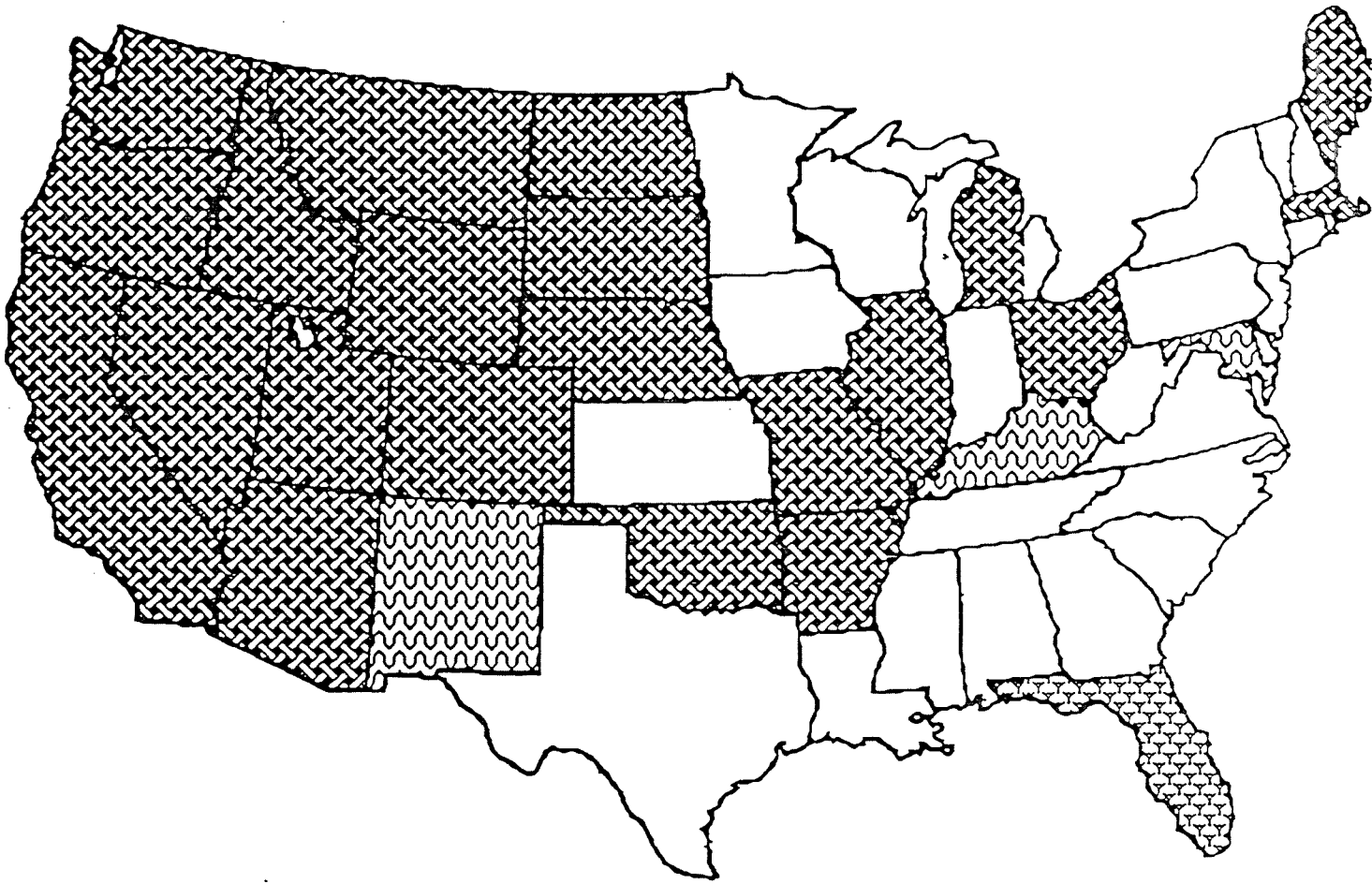
You and I will both be relinquishing power and giving it to the people -- but is it not from them that we both derived our strength?


The Kansas people are stable. Their judgment is extraordinarily sound. I have said many times that their personal insight and perception demonstrates far more intelligence and good judgment than those of us who they select to serve them.


You will note on the map before you that Kansas remains an island of non-response to its residents. I ask you to demonstrate to the rest of the nation that we no longer remain a land of public denial to our citizenry but that Kansas recognizes the value for direct participation in government by its people and the members of the Kansas Legislature are willing to respond to that need.


The strength of a true republic is in its people. In their behalf, I submit a call for public initiative and referendum. I ask you to act on these measures favorably by recommending them for passage by your peers.

Initiative and Referendum



 Initiative and Referendum

 Initiative

 Referendum



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612-1597

ROBERT T. STEPHAN
ATTORNEY GENERAL

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751
TELECOPIER: 296-6296

Testimony of Attorney General
Robert T. Stephan
to the Committee on
Federal and State Affairs
February 6, 1991

Madam Chairperson and Members of the Committee:

It is important for people to feel that they have an active and intimate role in the governmental process. Without question, the voting franchise is the most important step in citizen participation. Through the election of the choice of the electorate in the Executive, Legislative and Judicial branches of government, the individual participates in choosing those who will carry out our representative form of government. To allow direct access does not intrude upon our representative form of government but enriches it. When those elected to office misunderstand the desires of the people then the people should have a right through a democratic process to participate in a meaningful and constructive way to bring their will to bear in the workings of government. The government is not put in place to serve the elected but those who voted them into office.

It is important to impose relevant and responsible limitations on the number of items to be submitted through initiative and referendum. The experience of other states should help in making that number determination. The ultimate goal should be responsible participation on issues that have meaningful and substantial backing by the electorate.

I am pleased to support House Concurrent Resolution 5003, 5004 and 5005.

HOUSE FEDERAL AND STATE AFFAIRS
February 6, 1991
ATTACHMENT #2 - Pg. 1

STATEMENT

OF

IVAN W. WYATT, PRESIDENT

KANSAS FARMERS UNION

ON

HCR-5003, HCR-5004, HCR-5005

BEFORE

THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS

FEBRUARY 6, 1991

MADAM CHAIRPERSON, MEMBERS OF THE COMMITTEE:

I AM IVAN WYATT, PRESIDENT OF THE KANSAS FARMERS UNION.

LOOKING BACK OVER MY FILES ON LEGISLATIVE ISSUES RELATING TO INITIATIVES AND REFERENDUMS, I FIND THE KANSAS FARMERS UNION SUPPORTED SIMILAR LEGISLATION IN 1977 AND AGAIN IN 1988, AND OUR KANSAS FARMERS UNION POLICY STATEMENT HAS SUPPORTED THIS POLICY THROUGHOUT THE YEARS.

PETITION REQUIREMENTS VARY FROM STATE TO STATE. THE INFORMATION I HAVE SEEN RUNS FROM 2% OF THE VOTES CAST IN THE LAST GENERAL ELECTION FOR GOVERNOR IN MASSACHUSETTS TO 15% OF THE VOTES CAST IN THE LAST GENERAL ELECTION IN WYOMING. THE STATE OF NORTH DAKOTA REQUIRES ONLY 7000 SIGNATURES.

SEVERAL STATES REQUIRE THAT THOSE SIGNATURES MUST ALSO COME FROM A PERCENTAGE OF THE COUNTIES RANGING FROM 2/3 TO 3/4 OF THE COUNTIES.

I THINK THAT THE PERCENTAGE OF VOTES CAST FOR GOVERNOR
HOUSE FEDERAL AND STATE AFFAIRS

February 6, 1991

ATTACHMENT #3 Pg. 1

IN HCR-5004, AND HCR-5003 ARE WITHIN A REASONABLE AVERAGE OF OTHER STATES.

WE WOULD SUGGEST ONE ADDITION TO THESE PROPOSALS. BECAUSE OF THE WIDE DIVERSITY OF THE STATE THERE SHOULD ALSO BE A QUALIFICATION THAT THERE HAS TO BE A PERCENTAGE OR NUMBER OF THE COUNTIES THAT HAVE TO HAVE A QUALIFYING PERCENTAGE OF THEIR VOTERS OF THE LAST ELECTION FOR GOVERNOR TO SIGN THE PETITION. FOR EXAMPLE: 75% OR MORE OF THE COUNTIES.

THE LIMITS OF THE PROPOSALS TO BE CONSIDERED AT ANY ONE ELECTION IS IMPORTANT TO PREVENT THE CONFUSION OF VOTERS HAVING TOO MANY ISSUES TO CONSIDER.

SOME MAY BE CONCERNED THAT THE USE OF INITIATIVES AND REFERENDUMS WILL BE ABUSED. WITH THE EXCEPTION OF CALIFORNIA, WHICH I DON'T BELIEVE HAS A LIMIT OF THE NUMBER OF ISSUES ON THE BALLOT, I DON'T BELIEVE THAT HAS BEEN A PROBLEM OF SIGNIFICANCE.

EXCEPT FOR THAT ONE SUGGESTED CHANGE, WE THE KANSAS FARMERS UNION, SUPPORT THESE THREE RESOLUTIONS.

KANSANS FOR FAIR TAXATION, INC.
(Member--Kansas Taxpayer's Coalition)
PO BOX 3028
TOPEKA, KANSAS 66604
Speaker--Larry Fischer, DVM

February 6, 1991

Honorable Chairman and Members of the House Committee on Federal and
State Affairs

Members of Kansans for Fair Taxation, Inc. are in favor of Initiative
and Referendum.

PHILOSOPHY

It has become increasingly obvious that Political Action
Committees and Lobbyists for special interests have become too
influential and their interaction with the legislature is often out
of public view. This is well documented in the literature including
the following:

"Legislatures are frequently charged with being
unresponsive, and worse, corrupt."¹

"Legislatures are excessively responsive to special
interests."²

Although some raise the red flag that popularism has its
drawbacks, the fact remains that "the initiative and popular
referendum are becoming an increasingly important part of the
legislative process, not only in the 26 states with either or both of
these reforms, but also in all 50 states because of the powerful
agenda-setting impact of a single initiative or referendum. One need
only look at the impact of California's ... Proposition 13 to see that
a single state's vote could have an impact on the legislative agenda
in virtually every state and at the national level. Proposition 13
not only has made tax reduction the key agenda item, but also
propelled the process of direct legislation to center stage in
initiative and non-initiative states."³

Rightly or wrongly, initiative and referendum in modern society
comes closer to the concept of "government by consent" first spoken
of in the Declaration of Independence. These actions will also let
the majority solve problems that the legislature, for various
reasons, cannot.

It is interesting to note that only 5 states west of the
Mississippi River do not have initiative and Kansas is one of them.

We support the concepts in HCR 5003, 5004 and 5005. We will be
watching with interest how these bills are perceived by the current
legislative process.

1. David B. Magleby, "Legislatures and the Initiative: The Politics
of Direct Democracy", State Government, Vol. 59.1p
2. Ibid
3. Ibid

Statement to the House Federal and State Affairs Committee
by Mike Harder
February 6, 1991

I am here today at the request of Arthur Griggs, Secretary of Administration. When he called me to come testify in support of the initiative he assumed that because Thomas Jefferson exhibited a strong faith in the good judgment of rank and file citizens, that I would be pro-initiative. He forgot that one of the Spy prints I had hanging on the wall in my office when I was Secretary was a caricature of Lord Derby with the caption, "It was his mission to stem the tides of democracy."

It was coincidental that at the time of Arthur's call I was immersing myself in the literature related to the initiative and referendum in order to prepare a lecture for my class in The Government of Kansas. What I was seeking, in particular, was evidence of what consequences have flowed from the initiative in states like California and Oregon. I have learned that not all so-called reforms have achieved what their advocates expected, and a few have generated more problems than solutions.

Then I was reminded that in 1978, at the height of the controversy over Proposition 13, we made that topic the central focus of the Institute for Kansas Legislators. One of our speakers at that institute was Senator John Powell, Assistant Majority Leader in Oregon, who strongly defended the initiative and referendum based on Oregon's experience. I then decided that perhaps I could supplement Lynne Holt's excellent background statement by sharing a few of his observations with you.

HOUSE FEDERAL AND STATE AFFAIRS

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ATTACHMENT #5 - Pg. 1

In no order of importance, Senator Powell contended that

- (1) the representative process is strengthened, not weakened, by the initiative, that
- (2) the people can understand complex issues, that
- (3) large sums of money spent in media campaigns can backfire on the proponents, that
- (4) the initiative makes people feel closer to government, that they are partners with their representatives, that
- (5) good programs challenged by initiatives almost always gained a vote of confidence, that
- (6) the initiative really belongs to no political philosophy (ideology has little influence), that
- (7) the initiative is a good antidote to elitism and that
- (8) people will change their minds when it becomes evident that an adopted proposal hasn't measured up to expectations.

Senator Powell illustrated most of his contentions by citing specific experiences.

When I began my reading I was ambivalent about the direct initiative because historically teachers of government and commentators have echoed James Madison's argument in the Federalist Papers that our political system is a republic, meaning representative democracy, that in our system the representatives make public policy and the voters control their representatives by means of periodic elections. And my ambivalence also stemmed from my concern that by initiative the voters might abridge one or more

fundamental rights contained in the Bill of Rights. That is not an idle fear because a poll conducted years ago revealed that the Fifth Amendment, the protection against compulsory self-incrimination, would be eliminated if that majority could revise the Bill of Rights.

But offsetting these concerns is my belief that the ability of citizens to control their representatives has been weakened by the frequency of non-contested elections and by the advantage of incumbency. Also offsetting is the historic right of citizens to amend their constitutions, to exercise popular sovereignty.

The intellectual challenge I gave myself was to determine how we might retain the values of representative government and also strengthen the citizen's control of their representatives. I believe that objective can be accomplished in the following way.

Authorize a vote on the initiative and referendum but provide the legislature the latitude to change the wording (though not the spirit) of an initiative proposal before it is referred to the citizens at an election. I would also include in a proposed amendment that no right guaranteed by the Bill of Rights could be abrogated by an initiative proposal. If citizens wish to change the Bill of Rights that should only occur through the amending process presently provided in our Constitution.

Perhaps I should conclude by saying that my friend, Arthur Griggs, is not responsible for the content of this statement. No blame should attach to him.



COMMON CAUSE / KANSAS

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

February 6, 1991

Statement in Support of HCR 5003, 5004, 5005
Presented to the House Committee on Federal and State Affairs
by Michael Woolf, Executive Director

Madam Chair, members of the Committee, Common Cause/Kansas welcomes the opportunity to appear before you today in support of the concept of initiative and referendum.

Before I begin my testimony I should explain that Common Cause is a non-profit, non-partisan citizens lobby that works for a more honest, open, accountable and accessible form of government. We have over 2100 members in the state of Kansas and we also advocate campaign finance, ethics and lobbying reform.

On January 19th our Board of Directors agreed to support the concept of initiative and referendum if there were sufficient safeguards against abuse. Since accompanying bills have not yet been introduced to guard against possible abuses, Common Cause can only give these proposals conceptual support.

It is the belief of Common Cause that the initiative provides voters with a tool to make public policy when the legislature is unresponsive to public opinion, either because the legislature has a self-interest in opposing certain measures (such as bills to reduce the advantages of incumbents in elections), or because the legislature or a legislative committee is more responsive to special interests than to the public interest.

Common Cause also believes that the voters should have the right to bring issues before the public for a vote if they can demonstrate that the issue is of interest to a substantial number of voters. In addition the legislature may be more responsive to public opinion when voters have an option to take matters into their own hands if they become dissatisfied with the state legislature.

Common Cause/Kansas does, however, recognize the chance for abuse of such a system. Therefore we ask the Committee to write accompanying legislation which will:

- 1) Require full and timely disclosure of campaign expenditures, and place appropriate limits where possible;
- 2) Restrict or prohibit paying people to gather petition signatures; and
- 3) Require public information on the issue(s) including a fiscal note if costs will be incurred.

In closing, Common Cause/Kansas supports the concept of initiative and referendum and we ask the Committee to draft strict rules and regulations to prevent abuse.

HOUSE FEDERAL AND STATE AFFAIRS
February 6, 1991
ATTACHMENT #6 - Pg. 1

To: Governor Joan Finney and The Kansas State Legislature.

From: The South-East Kansas Citizens Coalition.

Subject: Project Citizenship - A proposal for the multidimensional renewal of citizenship in the State of Kansas.

Need: There are ever increasing signs that citizenship is a burden rather than a privilege for Kansans. Low voter participation, citizen apathy, and government by a politics of special interest are a few of the indicators demanding attention. Ways must be found to reeducate and reinvest people with the experience of ruling their own destiny.

An Agenda: Citizen empowerment needs to be accompanied by decentralizing political and economic authority. A legislative mandate for Initiative and Referendum authority might stimulate citizen participation. But citizen empowerment will be guaranteed in the long run only by transforming the spirit of citizenship. Our challenge is to nurture an inclusive climate of citizenship, one that is marked by individual fulfillment and an awareness of the interconnectedness of people.

Proposal: a multidimensional program to revitalize participatory citizenship.

1. Government Forums. Governor Finney, Administration officials, and Legislative leaders would engage in public forums to discuss issues of citizenship. What are the characteristics of good citizenship in a complex and interdependent society? These Forums, to be aired over television and radio, would model the participatory nature of citizenship. Citizens can rediscover fulfillment in relationships with others in a society organized through communication and public dialogue.

2. Town Meetings. State officials would organize twelve regional Town Meetings to discuss specific issues on the State legislative agenda. These Meetings, having both educative and legislative value, could afford opportunities for free and open dialogue. Effective citizen input can be invited and listened to in a participatory, noncombative environment.

3. Local Agenda. State and local officials would encourage and facilitate local discussion of the broad array of public issues ranging from being a good neighbor to institutional budget preparation. Local communication is a way to link the politics of interest with a politics of community. Systems have been developed in other parts of the country by which input can be transmitted to decision makers at all levels of government.



Executive Offices:
3644 S. W. Burlingame Road
Topeka, Kansas 66611
Telephone 913/267-3610

TO: THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE
FROM: KAREN FRANCE, DIRECTOR, GOVERNMENTAL AFFAIRS
DATE: FEBRUARY 6, 1991
SUBJECT: INITIATIVE AND REFERENDUM, HCR 5003, HCR 5004, HCR 5005

Thank you Madam Chairman and members of this committee. I appreciate the opportunity to testify before you today. On behalf of the Kansas Association of REALTORS®, I appear today to support HCR's 5003, 5004, 5005.

Of the hundreds of people we have talked to across the state about the property tax problem, one common thing we heard from the people was that they were shocked to find out the people did not have the right to propose their own amendment to the constitution.

They found it hard to understand that the people had to first, convince the legislature that created this property tax amendment to admit they had made a mistake. Then they had to wait for the legislators to agree to some sort of alternative to the amendment by 2/3 vote in each house. Then they had to wait until either a primary or general election or perhaps a special election if the legislators would grant it. One gentleman's comments sum up the overall reaction: "They are afraid we might have a better idea, or maybe they are just afraid of us!"

The concept of the right of initiative is not a new one. But perhaps it is an idea whose time has come in Kansas. The people are asking for more and

HOUSE FEDERAL AND STATE AFFAIRS

February 6, 1991

ATTACHMENT #8 - Pg. 1

more control over their government. While this property tax issue might have brought it to a head for some people, it is a feeling which has been brewing for a long time.

Some of you may not agree with the specific form of initiative and referendum presented by the Governor in these proposals. We would be happy to work with you to get them into a more palatable form that develops a reasonable system for initiative and referendum in the state.

Some may tell you that this is a dangerous thing, that you, as legislators, will lose control of the lawmaking function of this state. If it is dangerous to let the people bring proposals to the ballot which the citizens feel have not been handled by their elected officials; if it is dangerous to let the people vote on issues brought to the ballot directly by the people; then perhaps the real danger here is forgetting what democracy is all about. We may be in danger of forgetting this is a government of, by and for the people.

We are willing to trust the government to the people. We hope that you are also willing to trust them.

February 6, 1991

Honorable Chairman and Members of Federal and State Affairs

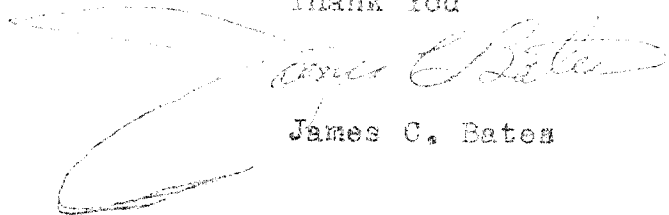
My name is James C. Bates, I live in Arkansas City Kansas. I am a Officer of the Arkansas City Taxpayers Assn. of Cowley County and a member and officer of the Kansas Taxpayers Coalition. I am here before you as a Proponent of Initiative and Referendum as proposed by our Honorable Governor Finney.

Even tho invisible to the naked eye the air, sea, and lands of the world is stained with the blood of our Neighbors, Brothers, Sisters, Fathers, Mothers, Sons, and Daughters in order to afford Peace, Freedom, and Rights to the people of the world and Kansas.

As I stand before you today asking for your support to afford the citizens of Kansas their constitutional right of Initiative and Referendum we have soldiers standing armed facing injury or death to protect the rights and freedoms of the world.

In every campaign speech I hear a cry for the constituent to become involved in our government. If this is a bonified request of our elected officials then they must prove it by supporting our Governor's Proposal for a constitutional amendment of Initiative and Referendum. A vote no on this amendment is contrary to the campaign pledges and desires to afford the people of Kansas true representation.

Thank You



James C. Bates

February 6, 1991

To: Honorable Chair Person and Members of Federal
and State Affairs Committee.

I appreciate being able to appear before you today as chairman of the Concerned Montgomery County Citizens and regard it a privilege to be able to speak as a proponent for Direct Initiative and Popular Referendum.

My name is Joe Scamney. I am a farmer/stockman from Montgomery County.

Just as it is a privilege for me to be here, it is also a privilege for eligible citizens to vote on those issues that affect their destiny. Since the signing of the Declaration of Independence, the United States has stood for equal rights with each eligible citizen having not only the privilege, but the right to vote. Direct Initiative and Popular Referendum gives Kansas citizens that right and would give them a voice in a "Grass Root" government of the people, by the people and for the people.

I, and all Concerned Montgomery County Citizens members, ask for your support for Direct Initiative and Popular Referendum.

Chairman C.M.C.C.


Joe Scamney

Moon Abstract Company

421 Commercial • Emporia, Kansas 66801

Office 342-1917

Courthouse 342-8470

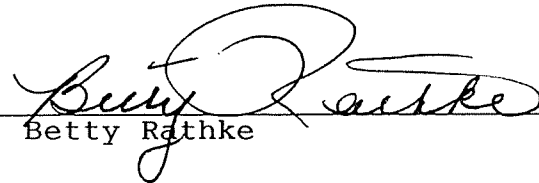
February 6, 1991

I would like to go on record, stating that I am totally for Direct Initiative, which circumvents the Legislative process and Popular Referendum, whereby Voters can accept or reject specific Laws enacted by the Legislature.

We started as a Nation "OF THE PEOPLE, BY THE PEOPLE AND FOR THE PEOPLE." Because of Lobbyists and People who can spend their time at the Legislature, the Legislature seems to have heard just a chosen few and not THE WHOLE STATE OF KANSAS.

The Tax Mess has finally awakened the people of Kansas as the last election proved and it is time once again to have GOVERNMENT RULED BY THE PEOPLE AND THAT MEANS ALL THE PEOPLE OF THE STATE OF KANSAS, and Direct Initiative and Popular Referendum, will do just that.

I urge you to listen to the Majority of the People of Kansas and pass both measures, with valid signature requirements of 5% of Eligible Voters for Statutory Law and 8% for Constitutional Amendments.


Betty Rathke

HOUSE FEDERAL AND STATE AFFAIRS
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ATTACHMENT #11 - Pg. 1

In The last couple of weeks we have had the State of the Union address and the State of the State address.

In the State of the Union address President Bush referred to the freedom of speech of the people. Over and over through out the address " FREEDOM FREEDOM FREEDOM was mentioned. As we also know these are just words with absolutly no meaning for the people.

Even in our cities all you have to do is read the papers and you see the freedom of speech is being taken away from the people. I can really speak from my city of Newton that the word of the people dosen't exist, only the special interest people

Now we have the State of the State adress by our govenor Finney, again she talks about the freedom of the people. What she plans to do for the people. The sixty four dollar question ? Can we take her at her word?

I feel we sure can. During her campaign, the primary, then during the run for govenorshe went to the people. All through her campaign it was the people. She went to the people talked to the people, and listened to the people. Can we believe Govenor Finney ? I feel if we cannot believe Govenor Finney we cannot believe anybody. She has put the people first all the time.

We have to pass this referendum so the people can pass laws that will benifit the people.

Look at the legislature last year, it did absolutly nothing for the people. Tax relief was not even brought up until the session was half over

We were promised by our local representatives and senators that tax relief would be the first thing on the agenda. No tax relief, all they did was spend money and work for special interest groups.

The papers had it right when they wrote that our legislature was a " DO NOTHING LEGISLATURE " last year.

Even at this time this legislature has not even mentioned tax relief. We can't wait until the last week to do something. Then it will be worse than we have it now.

It was also mentioned that the lobbyists spent one third more money last year. That means special interest groups and they got their way. " NO TAX RELIEF "

The people have to have this referendum passed, so we can be heard, and take it away from special interest.

Committee Members

This morning on the radio I heard a song with a message, that message applies to the situation at hand. The song was trying to explain the involvement in Desert Storm to a young child. Her question was, "Daddy, do you want peace or war?" The father's thoughts in grappling for an answer for his daughter were, "If you don't know the history the answer is simple. I want peace, but I also realize the man must be stopped."

My point is this-- If I didn't know the history the answer to having or not having DIRECT INITIATIVE would be simple, we would not need it.

BUT.....

I do know the history and we do need it. Lobbyists, special interest, big money groups have influenced the legislature and bought their way into laws which favored their needs above the common good.

I favor direct initiative of this reason. Having the avenue to make changes or voice opinions thru the ballot box is our right.

We have given the legislature a second chance to come to grips with very important issues; property taxes, and now direct initiative.

It is my hope that that this time you will do what is right for the people.

Prue Schmidt
1717 State Street
Emporia, Kansas 66801

GENE'S MOBILE HOME SERVICE, PARTS & TRANSPORTING

908 GRAHAM STREET EMPORIA, KANSAS 66801
(316) 343-7487

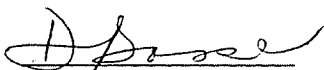
02/05/91

When in the course of political events, where duly elected state legislatures do not comply with the needs and desires of the majority of the populace, it is necessary to implement such Measures as required to correct such abuse of public trust.

In lieu of past practices by the Kansas State Government, we the people proclaim by our votes, that we intend to safe-guard our rights to government of the people, by the people, for the people and **not** for a chosen few. We are prepared, organized and stand ready to defend our rights as citizens of this Great State of Kansas.

We have made our choices clear in the change of leadership in the recent gubernatorial election. For there is no place in a democratic form of government for the mis-use of public trust placed in our elected officials. Therefore we stand firm in our resolve for such measures as **Direct Initiative** and **popular referendum**, to direct our lives, our commerce and our futures here in Kansas. We Will exercise our voices by the votes of the citizenry of the state. It is our duty and our privilege.

Thank You,


Dorothy Bosse



Home Owners Trust

949 Parklane
Wichita, Kansas 67218
(316)685-7861

February 6, 1991

Madam Chairman Sebelius & Members of this Legislative Committee.
My name is ROGER M. GRUND, SR. and I am Executive Director of Home Owners Trust.

I appreciate the opportunity to express support for Initiative and Referendum. Also, as Sedgwick County Director of the Kansas Taxpayer's Coalition, I speak for many Kansas voters who are not able to be here today.

First of all, I would endorse the Preliminary Position Paper on Initiative and Referendum presented by the Kansans for Fair Taxation, Inc....with a few clarifications.

1. The Valid Signature Requirement percentage should be a percentage of the number of people who voted for Governor in the preceding gubernatorial election...not a percentage of the total registered voters.
2. There should be a limit on the number of issues that can be included on any given ballot, somewhere in the range of three to five.
3. Once an issue has been defeated, the same or similar issue should not be permitted again for at least five years. Maybe ten years would be even more desirable given the cost of opposing an issue.

An excellent editorial on this subject was written by George Neavoll, Editor of the Editorial Pages for the Wichita Eagle. I have enclosed a copy of the editorial and encourage you to read it prior to forming an opinion of support, or opposition, to Initiative and Referendum.

Knowing that there are many others wishing to express themselves on this subject, I will end my testimony with the observation that inaction on the part of the State Legislature and/or former Governors, on issues such as the Death Penalty, Parental Notification, Third Trimester Abortions and other issues that I believe had the majority of the voters on the opposite side of the legislative stance, has mandated that the electorate have direct access to the ballot. Thank you for your kind attention.

KANSANS FOR FAIR TAXATION, INC.
PO BOX 3820
TOPEKA, KANSAS 66604

PRELIMINARY POSITION PAPER
ON
INITIATIVE AND REFERENDUM

JANUARY 20, 1991

Kansans For Fair Taxation, Inc. is in favor of Initiative and Referendum. Since there are various types we feel we need to point out what type our members desire.

INITIATIVE-----

Initiative is the process by which citizens by petitions place questions on the referendum ballot. We will only be satisfied with what is commonly called Direct Initiative which circumvents the entire legislative process placing the referendum directly on the ballot. Upon adoption, they have the full force and effect of constitutional, statute or administrative law.

1. Signatures shall consist of the name and Kansas Driver's License number of any voting age Kansas citizen.
2. Valid signature requirement shall be 8% for Constitutional Amendments and 5% for Statutory Law.
3. There shall be no requirement for distribution of signatures.
4. Invalid signatures can be removed from the petition individually.
5. No maximum time limit.
6. Must be submitted to the Secretary of State at least 90 days prior to election.
7. Initiative at all levels of government for any type law.

REFERENDUM-----

Referendum is the process of referring to the electorate for approval a proposed new state constitution or amendment or of a law passed by the legislature. We desire a type called Popular Referendum whereby voters are empowered to accept or to reject specific laws enacted by the legislature. Within a specified time after adjournment of a legislative session, petitioners wishing to have a referendum on an act must submit a required number of signatures (aforementioned under initiative). In such case the law will not go into effect until it has been referred to the voter and approved by them.

Approved by Board of Directors

(This was given to Representative Kathleen Sebelius, Monday, Jan 21st. Mr. Don Cook will be calling you to see if you will be available for testimony in future hearings. If you desire more information, please call him at 913-235-1462.)

Initiative, referendum high on list

The public issue most associated with Gov.-elect Joan Finney is the initiative and referendum. Rep. Marvin Barkis, D-Louisburg, expected to become speaker of the new Democratic-controlled House, acknowledged that the other day. He said the initiative, being one of the new governor's priorities, was one of the issues with which legislators would have to deal.

He's right, and they should deal with it early on. Kansans have waited too long already for this basic good-government reform, and may have the greatest chance in modern times to see it enacted into law.

The initiative works like this: If voters are dissatisfied with the unresponsiveness of legislators, for whatever reason, on a particular issue, they can bring that issue to the ballot themselves. With a sufficient number of signatures on an initiative petition, statutes or constitutional amendments may be submitted directly to voters without the Legislature being involved.

Gov.-elect Finney suggests signatures equal to 5 percent of those who voted in the last statewide election, which sounds reasonable. (Having gone door to door seeking such signatures elsewhere, I can tell you that securing the needed number is darned hard.)

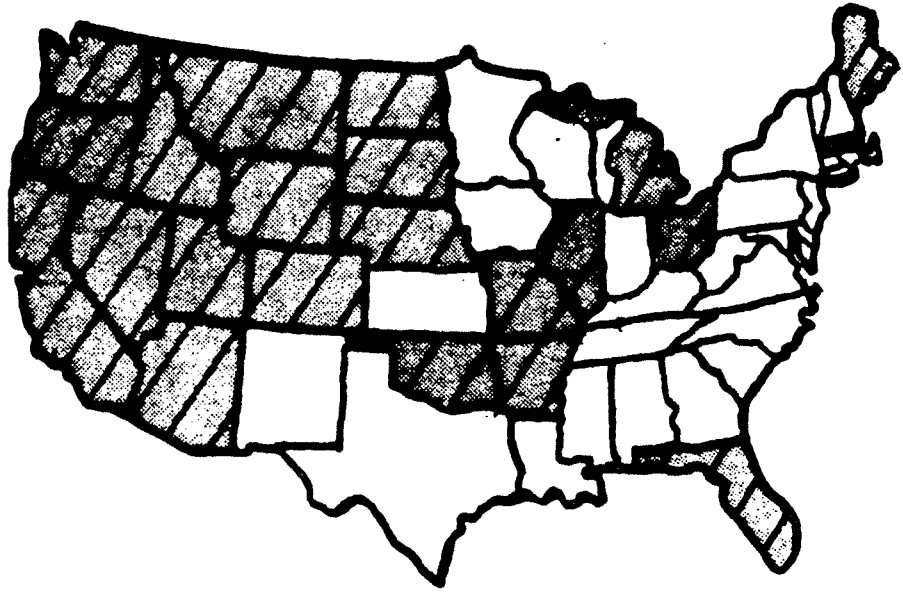
Kansas would be 24th

The referendum, the other half of the "initiative and referendum," works this way: If voters are displeased with a measure enacted by the Legislature, they may go through the same process as with the initiative and put the measure to a public vote. Again, signatures equal to a certain percentage of registered voters are needed (and again, the required number is hard to get).

As the map indicates, 23 states and the District of Columbia have the initiative and referendum (Alaska, which adopted both in 1957, isn't shown here). Kansas is an island on the initiative map, with voters in all four surrounding states having had the initiative and referendum since the early 1900s.

Invariably, opponents of allowing the people a direct say in their own governance point to California as a case study in what a mistake the initiative would be. This fall, voters there were faced with 14 initiative questions, some so complicated that legal scholars would have had a hard time understanding them.

One monster initiative, popularly called "Big Green," would have wreaked economic and social chaos in the name of environmental protection. Another, equally deceptive, would have given the timber industry free rein in



Initiative and referendum states: Kansas an island in sea of reform



GEORGE NEAVOLL

EDITOR OF THE EDITORIAL PAGE

the name of "sensible" environmental protection.

(California voters, in their good wisdom, rejected both initiatives — not an uncommon fate for ill-thought-out and badly drawn measures.)

California isn't norm

The California experience isn't the norm, however. Other states have far fewer initiative measures on their ballots, campaigns for and against those measures are much less expensive, and the measures themselves, as Kenneth Jost wrote in a recent issue of Editorial Research Reports, are "likely to be less grandiose."

If states considering the initiative and referendum would look at any state other than sprawling, politically unorthodox California, they would see the system has been an overwhelming success.

"The initiative and referendum are worthwhile because legislators can be ponderously resistant to innovation and needed change," says Thomas E. Cronin, professor of American institutions and leadership at Colorado College.

"On rare occasions when it is needed, these populist tools of democracy can,

as Woodrow Wilson said in 1911, 'take power from the bosses and place it in the hands of the people.'"

The people of Kansas need that power every bit as much as the people of adjacent Colorado, Nebraska, Missouri or Oklahoma, or of any of the other initiative-and-referendum states.

Populist measures

One reason for early legislative approval of the initiative and referendum is that Gov.-elect Finney's belief in letting the people decide particularly vexing questions depends on such a system being in place.

Capital punishment is one such question. The governor-elect says that though she opposes the death penalty personally, this is an issue on which the public's will should be done.

That will can't be determined, however, unless the initiative system has been established. Then the proposal can be brought to a vote of the people, and the people indeed can decide whether they want legalized killing by the state. (I predict such a measure would fail, despite all the supposed sentiment in its favor. Whether it failed or not, proponents would have their first chance ever to enact it over the heads of the Legislature and governor.)

The initiative and referendum were born in the populist and progressive era of the first two decades of this century. Kansas somehow withstood the popular sentiment for the system then, but it's not too late to make amends.

Legislators should begin the process of making Kansas an initiative and referendum state with the start of the new session next month. Their constituents will thank them forever for it.

February 6, 1991

Honorable Chairman and Members of Federal and State Affairs

My name is Bill Brooks, I live in Arkansas City, Kansas. I am a member of the Arkansas City Taxpayers Assn. of Cowley County Inc.

I am here before you as a proponent of Initiative and Referendum as proposed by our Governor.

We the people of Kansas have longed for the opportunity to have a active part of our government. With your help we can put Kansas back into the real world of a democracy.

Thank You

Bill Brooks

Honorable Chairman & members of
Federal & State Affairs

I am Glenn D. Burns of Arkansas City, and a recent candidate for the state legislature, also, a very concerned resident citizen about the loss of voices of the people in matters affecting every facet of their lives on the local, state & federal level. We definitely believe that especially on our local level of government that elected officials become controlled by a few powerful people, institutions, or lobbyists. These officials do not really listen to the people but to the special interest groups, so, the vast majority of the people have and are becoming apathetic. More & more say it does not matter what we say or believe & want so what is the use any more of trying. They don't vote or even register to vote because they say the powers that be control everything & my voice doesn't matter. They are & will not become involved in the political process of our country. Especially the young people who listen & see what takes place for the special interest groups controlling at all levels of government.

Spending & Tax increases are rampant with no sign of solutions to these problems.

Initiative & Referendum will give the people a chance to vote on issues they feel will improve their situation. You, ladies & gentlemen have an opportunity to further

the true democratic process & restore some faith in the people of our elected state officials. I urge your support of Initiative & Referendum process.

Thank you,
Glenn D. Burns
906 No. Summit
Arkansas City, Kansas

The Honorable Chairman of The State and Federal Affairs

February 6, 1991

Russ Scales
1023 Highland
Arkansas City, Ks.

Gentlemen:

My name is Russ Scales and I am a small business owner from Arkansas City, Kansas. I am a proponent of Initiative and Referendum.

I would like to give you a very brief report on some facts effecting most small businesses in the state of Kansas. The Reappraisal and Classification Act of 1986 effected all of our bottom line figures of my profit and loss statments. My total property taxes for 1990 totaled 2.96% of my gross receipts. We ended the year with a 3.08% loss and unless something is done, I feel that the number of small businesses in the state of Kansas will decrease substantially.

Sincerely,



FRED W. PHELPS

3701 W. 12TH - P. O. BOX 1886 - TOPEKA, KS. 66601

February 6, 1991

913 273-0338

BEFORE THE FEDERAL AND STATE AFFAIRS COMMITTEE
KANSAS HOUSE OF REPRESENTATIVES

Testimony of Fred Phelps

(In Support of Initiative and Referendum)

Madam Chairman and Members of the Committee:

I appreciate the opportunity to appear before this distinguished committee in support of initiative and referendum on the Calif. model. On Jan. 23, 1990 I issued a press release calling for such a measure, with a copy of the Calif. law attached. Four months later, May 19, Joan Finney borrowed my press release and re-released it as her own at the Kansas Associated Press Managing Editors meeting at the Wichita Marriott. I was there. (Documents supporting these statements are attached.) She liked my idea.

The Wichita Eagle editorialized in favor of initiative and referendum today (attached), and that troubles me a bit because I usually find myself, on principle, opposed to whatever *The Eagle* is for, and vice versa. Also, I urge the committee not to be apprehensive of a gubernatorial veto of appropriations bills until this bill is passed, for two reasons: The keeping of campaign promises doesn't appear to be high on the governor's agenda, and, she's already violated her veto threat by approving \$3.4 million more to waste on outside lawyers in Stephan's water case.

Nevertheless, I still support initiative and referendum, for the reasons stated in my press release of Jan. 23, 1990 (attached). If 40,000 Kansans sign their names to the proposition a law ought to be passed or a law ought to be repealed, that proposition deserves consideration by the electorate. And if a majority of the electorate want a thing done, and it's constitutional, it ought to be done. That, by definition, is democracy.

Governor candidates bare fangs



Finney Carlin Phelps

Hayden, Carlin bear brunt of rhetoric at two forums

By Forrest S. Gossett
Eagle Topeka bureau

Democrats Carlin, Joan Finney and Fred Phelps sparred for 90 minutes Saturday before reporters and editors at the Kansas Associated Press Managing Editors meeting at the Wichita Marriott.

With the exception of Phelps, who wants to abolish property taxes altogether, none of the candidates offered firm solutions for solving perceived problems with property taxes.

What they did agree on was that the state needs to expand its tax base and thereby reduce its reliance on property taxes to pay for local government and for education.

Finney, meanwhile, used the Democratic debate to unveil a plan for voter ballot initiatives.

"People in 21 states, including all four states bordering Kansas, have the privilege of petitioning to enact laws and changes to their state constitutions," she said. "Why not Kansans?"

Democracy Initiative and referendum would involve all Kansans

WICHITA EAGLE Wednesday, February 6, 1991

Kansas is closer than it has been in years, perhaps ever, to having the initiative and referendum. The House Federal and State Affairs Committee begins hearings this morning on this basic good government reform. It deserves a sympathetic ear from legislators, then their vote to put it on a statewide ballot at the earliest possible date.

The need for urgency isn't just that the initiative is democracy in action, and would be a giant step toward enhancing the role of Kansans in their own government. Much of the premise of Gov. Joan Finney's administration revolves around letting the people have the chance to decide those issues a reluctant Legislature either cannot or will not decide in their behalf.

The death penalty is a prime example. The governor personally opposes capital punishment, but believes the people should have the final say. Legislators previously have refused to enact such a law, and it's not likely they will change their minds.

If the initiative system were in place, however, proponents could try to obtain enough signatures to put the death penalty to a popular vote. If the petition drive were successful, this newspaper and other opponents would do their best to convince voters the death penalty is wrong. Supporters would be just as active on the death penalty's behalf. Whichever side succeeded, both

could feel they had had a fair hearing, in the Court of Public Opinion.

The same applies to an unpopular law the Legislature may have passed. If the referendum process were in place, disgruntled citizens could try to gather enough signatures to put the measure on the ballot. As in the initiative, then, the people would have the final say, as they should.

Much of the Legislature's attention will be focused on the number of signatures that would be required to submit either an initiative or a referendum question to a public vote. What's important here is that the barrier not be so high that the aim of the process is defeated.

Mrs. Finney suggests signatures equal to 5 percent of those who voted in the latest gubernatorial election, which sounds about right. Constitutional questions submitted by petition should have a higher requirement, perhaps 8 or even 10 percent. Considering that the signatures of 5 percent of those who voted in the 1990 gubernatorial election would be about 40,000 signatures, and 8 percent would be about 64,000 signatures, it would be no easy task to get a question on the ballot.

Giving people the chance to try, however, would involve Kansans in their government to a degree they never had been before. The initiative and referendum is a reform whose time, long last, has come.

PHELPS FOR GOVERNOR

Post Office Box 1886
Topeka, Kansas 66601
(913) 273-0338



January 23, 1990

PRESS RELEASE

KANSANS NEED THE POWER TO ENACT AND REPEAL LAWS BY VOTE

In a democracy the people's will should not be ultimately thwarted by the legislature, the governor, or the courts. By definition, democracy is government by the people. Sometimes we lose our way. Kansans today are totally frustrated by their bungling, unresponsive, irresponsible government. There is a mechanism to change all that, known as INITIATIVE AND REFERENDUM. We need it.

"Initiative" is the power of the people by direct vote to pass any law they please, without bothering with the legislature or the governor. "Referendum" is the power to repeal any law they don't like, without the help of the legislature or governor. A model of exactly how it works in some states (e.g., California) is attached.

Any citizen can get a proposed law on the ballot by collecting signatures equal in number to 5 percent of the votes for governor in 1986, or 21,814 (436,267 Kansans cast gubernatorial votes in 1986). If a majority of voters approve the measure it becomes law the day following the election. Any citizen could effect repeal of any law in the same way.

Most Kansans were outraged when legislators voted themselves fat pensions, but were powerless to do anything about it other than complain. Most Kansans are outraged by the property tax mess, but all they can do is squawk. Our people deserve better.

I call upon our legislators, in a bipartisan effort, to pass a statute such as the attached, giving Kansans power to enact and repeal laws of their own choosing when faced with a government determined to frustrate the popular will. As governor, I will campaign to give "initiative and referendum" power to the people.

I urge upon Gov. Hayden to join me in this call.

HOUSE FEDERAL AND STATE AFFAIRS
February 6, 1991
ATTACHMENT #19 - Pg. 3

§ 8. Initiative

Sec. 8. (a) The initiative is the power of the electors to propose statutes and amendments to the Constitution and to adopt or reject them.

(b) An initiative measure may be proposed by presenting to the Secretary of State a petition that sets forth the text of the proposed statute or amendment to the Constitution and is certified to have been signed by electors equal in number to 5 percent in the case of a statute, and 8 percent in the case of an amendment to the Constitution, of the votes for all candidates for Governor at the last gubernatorial election.

(c) The Secretary of State shall then submit the measure at the next general election held at least 131 days after it qualifies or at any special statewide election held prior to that general election. The Governor may call a special statewide election for the measure.

(d) An initiative measure embracing more than one subject may not be submitted to the electors or have any effect.

§ 9. Referendum

Sec. 9. (a) The referendum is the power of the electors to approve or reject statutes or parts of statutes except urgency statutes, statutes calling elections, and statutes providing for tax levies or appropriations for usual current expenses of the State.

(b) A referendum measure may be proposed by presenting to the Secretary of State, within 90 days after the enactment date of the statute, a petition certified to have been signed by electors equal in number to 5 percent of the votes for all candidates for Governor at the last gubernatorial election, asking that the statute or part of it be submitted to the electors.

(c) The Secretary of State shall then submit the measure at the next general election held at least 31 days after it qualifies or at a special statewide election held prior to that general election. The Governor may call a special statewide election for the measure.

§ 10. Initiative and referendum; majority vote; effective date; conflicting measures; amendments and repeals; submission of petition to attorney general; submission to electors

Sec. 10. (a) An initiative statute or referendum approved by a majority of votes thereon takes effect the day after the election unless the measure provides otherwise. If a referendum petition is filed against a part of a statute the remainder shall not be delayed from going into effect.

(b) If provisions of 2 or more measures approved at the same election conflict, those of the measure receiving the highest affirmative vote shall prevail.

(c) The Legislature may amend or repeal referendum statutes. It may amend or repeal an initiative statute by another statute that becomes effective only when approved by the electors unless the initiative statute permits amendment or repeal without their approval.

(d) Prior to circulation of an initiative or referendum petition for signatures, a copy shall be submitted to the Attorney General who shall prepare a title and summary of the measure as provided by law.

(e) The Legislature shall provide the manner in which petitions shall be circulated, presented, and certified, and measures submitted to the electors.

§ 11. Initiative and referendum powers of cities and counties

Sec. 11. Initiative and referendum powers may be exercised by the electors of each city or county under procedures that the Legislature shall provide. This section does not affect a city having a charter. (Formerly Art. 4, § 25, added Nov. 8, 1966. Renumbered Art. 2, § 11, June 8, 1976.)

Initiative and Referendum

I am Arthur Gould, thank you for this opportunity today. If you will pass a decent Initiative and Referendum resolution you will have the gratitude of the majority of Kansas voters, not unlike the mandate of the voters for Joan Finney last November. Property tax problems and the Initiative-Referendum helped her replace the ex-governor but the Initiative-Referendum is the tool necessary to correct problems the legislature is unwilling to undertake.

Max Schroeder, a mentor while I was in the service made a couple of statements which bears repeating here today. Number one - "People must maintain control of their governmental affairs to secure prosperity." This man was a retired university professor, having taught in Austria and Germany. For political reasons he had to seek voluntary exile in France and Spain during World War II. A very learned man, he predicted our economy would suffer in comparison to W. German economy by half by 25 years. It proved to be true.

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5-585

My oldest daughter spent the summer investigating first hand most European countries at great expense. Had you members the opportunity to do so also you could see how governments not controlled by the citizens left (led) their countries economy in peril.

The most noticeable or publicized example is that of Poland which is preparing to correct years of neglect. This country is led by Lech Walasa a true representative of the people, similar to our own Joan Finney.

I totally urge you to lead the way to a good Initiative-Referendum resolution being passed during this session of the Legislature.

Being a first time caller but long time listener I was unaware of printed testimony. I was even unaware I was to speak until today. I apologize for this and will do so properly in any future endeavors.

Arthur L. Gould

Testimony Dan O. Cain

Ch. Person Seibels and members of the committee
my name is Dan Cain a citizen residing in Topeka Kansas.
appearing on my own behalf.
The U.S. constitution has a preamble that begins
with these three words "We the People".

The Kansas Constitution has a preamble
that begins with the word whereas, the
people of the territory of Kansas, by their
representatives in convention assembled, at
Wyandotte in said territory, on the 29th
day of July, Eighteen Hundred and fifty nine,
did form to themselves a constitution and
state government, republican in form.

As a Kansas citizen I strongly support our
representative republican form of government.
It is a system that was devised when
this republic was formed and is yet
today unsurpassed by any other system.

However, any constitution that does not
reserve to we the people the right of
initiative, under and guided by reasonable
procedures, that constitution does not
provide the ultimate and utmost in
the basic principle of checks and balances.

the paramount principle in ^{2.} our ~~country~~

~~the~~ governmental structure

The question can be legitimately asked
Does our Kansas constitution embrace
and strengthen the time honored and
famous Lincoln principle so eloquently
said by President Lincoln on Nov-17, 1863
at Gettysburgh, Pa. that "Government
of the people, by the people, for the
people, shall not perish from the earth"
and would live as long as democracy
itself?

I would respectfully submit to this
legislature that the Kansas constitution,
though basically good, is deficient
and should include the right of
the people; within reasonable procedures
to initiate legislation, thus conforming
to the Lincoln principles of a government
of, by, and for the people.

As an observer and student of the
Kansas governmental process I am at
times somewhat appalled at the
strength and power of ~~the~~ ^{some} lobbies
roaming thru this institution.

Bill does serve a useful purpose³
if viewed and listened to in a proper
context. But what recourse and
remedy is available if a lobby
is unduly influential and ~~the~~
the public interest is disregarded
by legislation not at all compatible to the public
interest.
The right of initiative by
the public will be that
check and balances and safeguard.

Respectfully Submitted
D and J. Carni
1623 P. Lass
Topeka, KS 66604

WHY WE FEEL THAT KANSANS NEED THE POWER TO ENACT
AND REPEAL LAWS BY DIRECT VOTE RATHER THAN
THROUGH REPRESENTATIVE GOVERNMENT

In a democracy, the people's will should not be ultimately thwarted by the legislature, the governor, or the courts. Democracy is basically self government or government by the people.

I was irritated by the remarks of the chairman in today's Capital-Journal and her pessimistic attitude towards Governor Finney's excellent proposal of "Initiative and Referendum" for the people of Kansas who support it.

"Initiative" is the power of the people by direct vote, to short-circuit the representative form of government, and pass laws without involving the legislature or governor.

Many Kansans were outraged when the legislators voted themselves fat pensions but were basically powerless to do anything about it. They were equally outraged by the property tax mess that we find ourselves in.

I feel that no matter how nice a bill we create here, it will never get to first base after the comments I have heard in the several hearings and after the comments in the paper this morning by Chairwoman Sebelius.

People who have been vested with power by their citizens always hate to give it up. They feel threatened to see their power diminished in any way. And this is really the bottom line of this debate! The issue here is power. People in power never want to relinquish any portion of it. Power always must be wrested away--whether it be from a dictator or a simple legislator.

All of this talk about self interest on the part of groups obtaining the signatures of voters to get something on the ballot is so much hogwash. It still has to be put to the vote of the people--the very ones who were intelligent enough to vote for you as their representative in the legislature.

I doubt whether anyone present here who opposes what I call "direct democracy", would contend that legislative processes consistently produce optimal results. In fact, if the people of Kansas were truly satisfied with their representative form of government, we would not be here talking about "Initiative" or "referendum" today.

I have heard some concern voiced that majorities might attempt to impose their will on the minorities. Legislators are motivated by the same self-interest that permeates the individual voters. Vote trading goes on among legislators

who are unconcerned about a particular issue. They may trade votes with others in return for support on matters of greater personal importance; this is called log rolling. Any minority attempting to enact self-interest legislation will have to form coalitions and make it palatable for the majority of voters the same way as representative government does it.

This mentality that the legislators always act in a manner that reflects their conception of public interest is pure myth. Last years action by our legislators proved conclusively to the voters of Kansas that self-interest pervades the ranks of our legislators as much as any segment of John Q Public.

These "grass roots" movements may reflect that the costs of political action, and a vote of the plebiscite, though high, are worth the expense. This is one way to express the genuine will of the people.

Courts may act as additional filters, allowing popular voting only when the issues are truly salient and within the bounds of fairness and constitutionality.

Let me express to the people here today. I would hope that you would not be misled by the self-serving interest of the legislators and/or the chamber of Commerce representatives who seek to water these bills down so as to make them ineffective or kill them completely.

I ask you people today to support the voice of the people through "Initiative and Referendum", the only voice that Kansans will have to balance the efforts of the lobbyists and other self-serving interests in this state.

Ed Engel, Topeka, Kansas

Feb. 5, 1991

To: Chairman of Init. + Ref. Com.

From: Louis Kemp (Chairman of the Concerned Taxpayers of Ar. Co.)

I have enclosed an article taken from our local paper. There are 12 numbered paragraphs that you can ignore. This is an article written by an individual with at least an 18th grade level of education and all his points that he mentions are what is wrong with the present system.

The main point is the boxed paragraph in the middle. The points to be brought out are to the Gov. or to Joan not Vinney and they are these: Our Gov. ran on several main issues and they were; First was Initiative and Referendum and the second was Property Tax Relief. The people voted her in on these issues and the legislators must remember this. Hopefully you will keep it sweet and simple and she won't have to shut it down. If she does it will save ~~us~~ us a lot of money.

Initiative and referendum approach

Guest view

Leavenworth

1 Initiative and referendum has been announced by Gov. Joan Finney as her No. 1 legislative priority. She has threatened to hold hostage all appropriation bills until an initiative and referendum proposal reaches her desk.

2 Voters and their representatives need to make clear to Finney that this is a bad idea, totally opposed to her "people-oriented" approach to government.

3 According to the *Congressional Quarterly*, 23 states now have some form of initiative. These states see dozens of issues on a single ballot. Voters are saturated by mass media messages clearly oversimplified and usually misleading.

4 The initiative process excludes the less well-educated and minority voters. Studies of voter-initiated ballot proposals in four states show that they average over 1,500 words in length and read at a 15th to 18th grade level.

5 What expense will the governor incur to even attempt to make these proposals understandable to the average citizen? Will she propose

that the state print voter handbooks for the average readers? At what cost?

There are several points that need to be brought home to our legislators and to Finney at this early stage of the legislative agenda. These include:

- 1) Surveys show that two-thirds of voters agree that the job of making laws should be left to elected representatives and not be cast as simplified yes or no votes.
- 2) Special interests dominate the initiative process.
- 3) The cost of sponsoring and opposing initiative proposals is astronomical.
- 4) Outrageous and unconstitutional issues are passed by initiative. For example, blacks have been barred from the polls, Catholics ordered to attend public schools, aliens prohibited from

owning or leasing land, and open housing and anti-busing measures outlawed by initiative proposals.

5) It is far too easy to get initiative proposals on the ballot. Finney herself proposes five percent of those voting in the last state wide election as a sufficient number of signatures. This would be equivalent to three percent of the qualified electors in Kansas.

6 The primary objection to the initiative and referendum proposal of Finney is that it is fundamentally opposed to the representative theory of democracy. Initiative is not a structured, institutionalized representative democracy where the will of the people is channeled through representatives who decide issues through rationalized give and take. Initiative allows no such meaningful debate nor compromise.

7 Kansas has thrived on a representative democracy for 130 years. No "crisis" could be urgent enough in 1991 to abandon our history for the anarchy of special interest politics.

Francine Neubaue Hines, former Ex. Director of the Ks. WATER RESOURCES BOARD until October 1981. Now, an adjunct faculty member at Washburn University, teaching Public Speaking and Effective Listening. A professional public speaker, I also serve as consultant in communication seminars.

Madam Chairman, members of the House Federal and State Affairs Committee Concerning Initiative and Referendum, HCR 5003, HCR 500 and HCR 5005.

Thank you for giving me the opportunity to appear today and express my endorsement of the three initiative and referendum proposals recommended by governor Finney.

43 years ago, as a new emigrant from Belgium, I selected to live and raise my family in the state of Kansas because I felt very strongly about the freedom and the pride in their government which all Kansans shared. I believed, then, and I still believe now more than ever that this freedom allows us to become willing and dedicated participants in a democratic government. The experience of a life under Nazi control for nearly five years, the horror of occupation of the Belgian soil, have taught me the true value of freedom, a privilege to be used when necessary but also one which has been earned for us by thousands of men and women who gave their best in order to protect it.

Throughout the years, I have watched Kansas and its people work diligently in order to improve its future and that of those who elected to remain true Kansans or -as in my case- to become a Kansan. I have also learned that our citizens are fully capable to participate in legislative decision.

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There is a wealth of talent and resources in Kansas and our general public must be granted the privilege and the power to play a role in government. The November elections sent us a message and it must not be ignored.

It is my hope and my belief that our legislative body will keep this in mind and recognized that participation will further the growth of the state of Kansas.

I respectfully request the Committee support House Concurrent Resolutions 5003, 5004 and 5005. In your hands rest the decision to confirm my belief and that of all Kansans that we have the right to be part of our government.

FREEDOM IS JUST ANOTHER WAY TO BE BETTER" said Albert Camus a FRENCH writer dedicated to freedom. WE, therefore, MUST BE BETTER.

Thank you, Madam Chairman and members of the Committee.

February 6, 1991

Opportunity, The chance to improve
your lot in life is what the
American Dream was and is all about
but when our state government threw
up roadblocks in the form of excessive
taxes on the small businessman that dream
is washed down the drain
throughout the state. ~~I have talked with~~ ^{I've talked with} ~~people~~ ^{people}
~~and~~ ^{and} ~~more and more~~ ^{more and more} their
is a feeling that the system is so
damned fouled up that neither the individual
good nor the collective good is being
served. Instead of government serving
to create a climate of opportunity
acting as the impartial referee
dispensing justice we now sense
that the government has become
the competition. Our government
is the other team - and it's winning.

Louisians are the most creative
talented, and energetic people on
earth but because of these unjust
property taxes on businesses, we are
now operating at less than half our
potential, perhaps less than a third of
our potential! Just think what we
could do if the government would

get out of the way.

The only way we're going to come out of this mess is to find a vehicle that will serve as a rising tide which will lift all the boats. This type of thing would inspire ~~a~~ feeling of determination and more important unity.

When tax ~~rates~~ go up 30% the law of diminishing returns take effect. People just give up about trying to get ahead ~~or consider going into~~ ~~the~~ STOP and THINK what would happen if George Brett never was redistributed among the Royals. He would probably bat about .233 and never hit a home run.

The dominant issue of our time is the war in the Middle East and cost of that war ~~and state~~ ~~term effects~~ on a unhealthy U.S. Economy. Tax relief is not so much an end in itself as a means of getting this economy moving again.

The 1980's has been a marvelous learning experience for the state of Kansas. We have ~~experienced~~

~~with~~ with monetary vandalism,
unfair redistribution of wealth, and
a systematic sabotage of the small
businessman.

One thing all Kansans have
rediscovered is the government cannot
distribute goods that are not
produced nor can it tax activities
that do not take place.

~~The predictable results of
such demeritizing taxation is the
rapid increases~~

In Kansas, we tax work, growth,
investment, employment, savings,
productivity, initiative and ability,
while subsidizing non-work, consumption,
welfare and debt. I think it's ~~high~~
time to allow our people to be inspired
by growth and initiative.

As a voting citizen and licensed real-estate agent in Kansas, I have given my time, effort, and support to elected officials that hold thier constituents needs and desires as a sacred trust. When citizens suffer at the hands of thier elected government, ^{Then will} I put my time, effort, and support into seeing that necessary changes occur. I am here to lend my voice to the majority of the people in favor of Direct Initiative and Popular Referendum. I stand for fair and equitable government by those who are to be governed. Nothing less than Direct Initiative and Popular Referendum will achieve the environment necessary for the just treatment of all the people of Kansas. Nothing less than Direct Initiative and Popular Referendum will ensure that citizens and businesses will continue to grow towards a future bright with prosperity for ALL the people of Kansas.

Thank you.

in KB Thomas