

Approved 3-23-92
Date

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS

The meeting was called to order by SENATOR DON SALLEE at
Chairperson

1:30 ~~am~~/p.m. on March 16, 1992 in room 529-S of the Capitol.

All members were present ~~xxxxxx~~ or excused:

Committee staff present:

Pat Mah, Legislative Research Department
Ardan Ensley, Office of the Revisor of Statutes
Clarene Wilms, Committee Secretary

Conferees appearing before the committee:

Gary Reser, Legislative Liaison for Governor Joan Finney
Billy E. Neuman, Staff Attorney, Dept. of Administration
Michael L. Pandzik
Larry Fischer, Kansans for Fair Taxation
Dana Hummer
Karen France, Kansas Association of Realtors
Others attending: See attached list.

The meeting was called to order by Chairman Sallee shortly after 1:30 p.m.

SCR-1637 - A proposition to amend article 2 of the constitution of the state of Kansas by adding a new section thereto, authorizing initiation and enactment of laws by the registered voters of the state.

Gary Reser, Legislative Liaison for Governor Joan Finney, appeared before the committee and presented written testimony. (Attachment 1) Mr. Reser told committee members that the Governor feels the voters of Kansas desire and deserve the opportunity to participate more fully in the democratic process by being allowed to initiate by petition and enact laws relating to taxation and expenditures.

Billy E. Neuman, Staff Attorney, Department of Administration, appeared and presented testimony in favor of SCR-1637. (Attachment 2) It was further noted by Mr. Neuman that SCR-1637 would allow Kansas citizens an opportunity to enact legislation relating to taxation and expenditures by the State and taxing subdivisions of the State. It would allow citizens to participate in the democratic process but would provide the legislature an opportunity to amend or repeal that initiative prior to its effective date.

Michael L. Pandzik appeared in support of SCR-1637 and presented written testimony. (Attachment 3) Mr. Pandzik told committee members the Legislature can refuse the people of Kansas the opportunity to put the proposed Constitutional Amendment on the ballot. It was pointed out that such action would deny the citizens of Kansas the opportunity to grant this right to themselves.

Larry Fischer, Kansans for Fair Taxation, appeared and presented written testimony on SCR-1637. (Attachment 4) Mr. Fischer noted the founders of this country realized that quality of government through representation would be no better than the quality of people who held office. It was also noted that Colorado and Oklahoma have made sweeping changes using initiative.

Dana Hummer presented testimony telling committee members that a number of issues continue to be discussed year after year and he felt the idea of putting these issues to the people and letting them decide would allow the legislators to put time in on other issues.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS

room 529-S, Statehouse, at 1:30 ~~xxx~~/p.m. on March 16, 1992

Karen France, Kansas Association of Realtors, appeared and presented testimony in favor of SCR-1637 stating that perhaps the right of initiative was an idea whose time has come in Kansas. (Attachment 5) Ms. France noted that in talking with people across the state, they were shocked to learn they did not have the right to propose their own amendment to the constitution.

Hearings were concluded for the proponents of SCR-1637. Hearings for the opponents will be held March 17, 1992.

Senator Bond moved to approve the minutes of March 2 and 3, 1992. Senator Lee seconded the motion and the motion carried.

The meeting adjourned at 2:15 p.m.

GUEST LIST

SENATE ELECTIONS COMMITTEE

DATE March 16, 1992

(PLEASE PRINT)

NAME AND ADDRESS

ORGANIZATION

MICHAEL L. PANDZIK

(NONE)

10541 FLINT STREET

OVERLAND PARK, KS 66214

1141 M. B. Rd

900 SW 31st St #341 Topeka 66611

Observer

Jim de la Torre TOPEKA

SOS

Ed Meege

Kans. for Equal Tax Prop TAX CAP

Jack B.

KFFI

Patricia La Mear

KFFI

Tommy C. Topeka

K.F.F.T.

Michael

CC/KS

Wendy S. Hemm

KAREN FRANCE TOPEKA

KAR

STATE OF KANSAS



OFFICE OF THE GOVERNOR

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TESTIMONY ON SCR 1637
BY
GARY RESER, LEGISLATIVE LIAISON
BEFORE THE
SENATE ELECTIONS COMMITTEE
MARCH 16, 1992

Senator Sallee, Senator Reilly, members of the committee, thank you very much for the opportunity to be here today and express the Governor's strong support for SCR 1637.

The Governor feels deeply that the voters of Kansas desire and deserve the opportunity to participate even more fully in the democratic process by being allowed to initiate laws through the mechanisms outlined in SCR 1637.

This Senate Concurrent Resolution provides voters with a vehicle to initiate by petition and enact laws relating to taxation and expenditures.

Several other safeguards are built into the proposal, including limiting the petition to one subject, reviewing of petitions and proposed laws by the attorney general, requiring specified percentages of signatures, designating a signature collection period, and allowing legislative oversight.

The Governor envisions SCR 1637 as an important initial step in making the initiative process accessible to Kansas citizens and urges your favorable action on the resolution.

Thank you.

1425

Governor's Statutory Initiative Proposal

Definitions:

The initiative process enables voters to propose or initiate a law or a constitutional amendment by filing a petition signed by a specified number of voters. This procedure may completely bypass the legislature and may not be subject to executive veto.

Allows registered voters to propose by petition and enact, laws relating to taxation and expenditures by the state and taxing subdivisions of the state

- cannot make or appeal any appropriation
- cannot contain more than one subject
- petition and proposed law form and legality will be decided by AG
- appeal process available
- petition requires Not less than 5% of total number of registered voters
- 60% of signatures shall be equally apportioned among congressional districts
- 365 day limit on signature collecting
- Secretary of State shall review signatures
- proposed law voted upon at next general election
- no more than 2 proposed laws at any single election
- requires majority vote
- if defeated, cannot again be submitted within 4 years unless signed by 25% of registered voters
- legislature retains power to amend or repeal
- legislature needs 2/3 vote to amend or repeal at first legislative session
- simple majority in subsequent sessions
- not subject to governor veto

Gary Reser
Governor's Legislative Liaison

4620L

Billy E. Newman
Staff Attorney
Department of Administration

**REMARKS TO SENATE ELECTIONS COMMITTEE
CONCERNING SCR 1637 MARCH 16, 1992**

Mr. Chairman, Ladies and Gentlemen:

I'd like to thank this committee for the opportunity to appear today and address SCR 1637, the initiative concurrent resolution recommended by Governor Finney.

The concept of citizen involvement in the government process is not a new one. The Declaration of Independence says that in order to secure our inalienable rights, "Governments are initiated among men, deriving their just powers from the consent of the Governed." In 1787, Thomas Jefferson took the position that "the will of the majority should always prevail". In 1820, he still stood by the philosophy of direct or participatory democracy when he stated "I know of no safe repository of the ultimate power of society but the people, and if we think them not enlightened enough, the remedy is not to take the power from them, but to inform them by education." [Thomas Jefferson, letter to James Madison, 20 December, 1787, reprinted in Richard Hofstadter, Edition, Great Issues in American History, (New York: Vintage Books, 1958), p. 115].

Although Thomas Jefferson and others had full faith in the judgment of the American people, the concept of pure democracy was not practical in those days due to extensive communication and transportation problems. In this hi-tech age of advanced telecommunication systems, computers, and video satellite transmissions, those concerns are no longer valid. We have the means and capabilities to bring participatory democracy to the State of Kansas. Senate Concurrent Resolution No. 1637 is a step in that direction.

Voters in twenty-three states that provide for initiative and referendum have been voting intelligently on complex issues for nearly a century. Woodrow Wilson, an early opponent of initiative and referendum, changed his mind in 1911 after having seen participatory democracy in use for seven years. "For 15 years, I taught my classes that the initiative and referendum wouldn't work. I can prove it now--but the trouble is they do!" (J.W. Arrowsmith, "The Direct Legislation Movement in New Jersey", Direct Legislation Record, May 1894, p. 2.)

Today, Kansas remains an island in the sea of more progressive states which have adopted state level initiative and referendum systems. The initiative concept is also not new in Kansas. The right to petition for passage of city ordinances and to adopt those proposed ordinances through popular vote has been available in Kansas for over 30 years.

In like manner, the right to petition for review of municipal decisions covering everything from taxes to dams, to purchasing of fire equipment has been available in Kansas for many years. The ground we cover today is not new.

Legislators have always been the scapegoat and punching bag for those who are politically disenchanted or ignored or have suffered economic or social misfortune. Senate Concurrent Resolution No. 1637 provides a vehicle to improve that situation. It is not an attempt to undermine the legislative or representative form of government, but to redeem it in the eyes of the electors. It will serve to solidify the integrity of the representative form of government. If the citizens of this state seem sometimes unfit to legislate, it may be because they have for so long been passive observers of government. The remedy is not to continue to exclude them from governing, but to provide practical and active forms of civic education that will make them more fit than they were. The initiative process provided in Senate Concurrent Resolution No. 1637 is an ideal instrument of civic education political system rehabilitation.

Of course, in this age of taxpayer discontent, lobbyists will tell us that voters will selfishly "vote their pocketbooks" and thus make a shambles of the present taxation and expenditure system. They may say it and it sounds logical but history tells us it is not true. Between 1978 and 1984, voters throughout the nation cast ballots on 19 state initiatives proposing tax cuts, but passed only 3 of them. This during a period of time which has been cited as the height of a nationwide tax revolt. (Schmidt, Citizen Lawmakers, Temple University Press, 1989, p. 39).

Tomorrow, you will hear from people who oppose this resolution. Some of them are paid to stop this form of citizen involved democracy. They may tell you that once a citizen is elected to a legislative position, he or she somehow develops a greater intelligence than those who elected them. You may be told that voters are slave to well financed demagoguery, flashy ad campaigns and last year I think the term used was "the 30-second bite". Ad campaigns on both sides of the issue will be important as a result of the passage of Senate Concurrent Resolution No. 1637, but so will news media coverage, public television and radio coverage.

Of the 189 state-level initiative campaigns during the years 1976 through 1987, for which spending data is available (about three quarters of all campaigns during this period), campaign spending can be judged the decisive factor in only about 23 or one-eighth of the total. (Schmidt, Citizen Lawmakers, Temple University Press, 1989, p. 35.) As in any election, money, or the lack of it, is certainly a factor, but other factors like the strength of mutual public support for the measure and objective media coverage is usually more decisive than enhanced financial resources or any single flashy ad campaign.

Last year, we heard that initiative and referendum may cause considerable litigation. Lobbyists told us that the process does not work. The fact that a couple of states have experienced undo litigation may reflect the quality of that state's effort in drafting an appropriate measure rather than any inherent deficiency in the concept of participatory democracy. Statewide initiative and referendum has been around since the turn of the century. Over one-half of our United States presently enjoys some type of initiative and referendum. The measure before us today is drafted with the benefit of those other states' mistakes and successes. To say that Oklahoma or some other state has had litigation problems is not relevant to the measure we have today. Senate Concurrent Resolution No. 1637 does not mirror any one state but rather takes the best part of several sources.

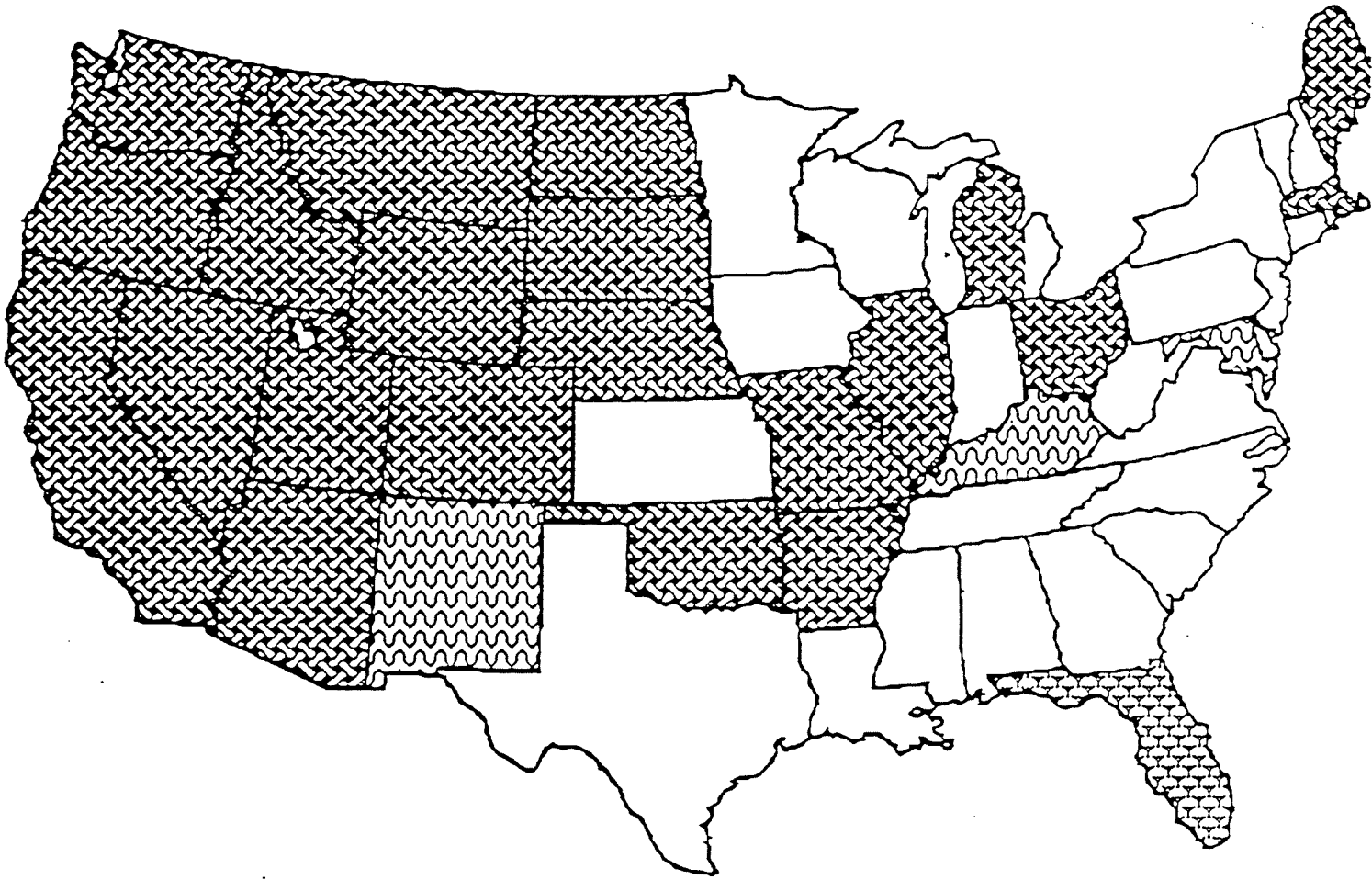
Finally, you may be told that initiative and referendum has led to big business paid signature collectors who are paid a commission based upon the numbers of signatures collected. In reality, an excellent survey by your legislative research staff last year indicated that the professional signature collector industry appears to be indigenous to California. That situation has not proven to be an issue in states of lesser population, such as Kansas.


The late George Gallop, Sr., after more than 50 years in the public opinion business, said in 1984, "The judgment of the American people is extraordinarily sound. The public is always ahead of its leaders." [J.W. Arrowsmith, "The Direct Legislation Movement in New Jersey", Direct Legislation Record, May 1894, p. 2.] Senate Concurrent Resolution No. 1637 will help take the State of Kansas out of the 19th century. It will bring Kansas citizens an opportunity to enact legislation relating to taxation and expenditures by the State and taxing subdivisions of the State. It will allow citizens to participate in the democratic process. Yet, by providing the legislature an opportunity to amend or repeal that initiative prior to its effective date, Senate Concurrent Resolution No. 1637 presents a "win win" situation.


The citizens of this state will have a vehicle through which they may propose and initiate taxation and spending legislation. That legislation will completely bypass the legislature and not be subject to executive veto. Prior to its effective date, however, the legislature will have an opportunity "clean up" any inherent difficulties with that measure. The legislature is not giving up the power to amend or repeal the measure prior to its effective date. The only limitation to that legislative power is the two-thirds vote requirement and the wrath of his constituents.


Like Thomas Jefferson, Governor Finney has full confidence in the intelligence of the citizens of this State. She asks that you give this measure your most serious consideration. In its broadest terms, it gives the people of this State the larger role in their government as well as the potential for stronger interest and a belief and confidence in the legislative process.

Initiative and Referendum



 Initiative and Referendum

 Initiative

 Referendum

Initiative Provisions by State

Initiative, the process by which citizens can propose a law or constitutional amendment by petition and then decide the proposal in an election, has become an increasingly important part of the politics of the United States.

NCIR Foundation, a non-profit research and educational organization which serves as a clearinghouse for information on the initiative process, has compiled this state-by-state summary of initiative provisions with the assistance of state officials.

State	Initiative	Referendum	Ballot	Signature	Petition	Election	Pre-Circulation	Constitutional Amendments				Statutes				Miscellaneous								
								Pre-Circulation	Petition Circulation Period	Post Circulation	Miscellaneous	Pre-Circulation	Petition Circulation Period	Post Circulation	Miscellaneous	Pre-Circulation	Petition Circulation Period	Post Circulation	Miscellaneous					
AL	Y		Y			Y		None	10% LTV	21,317	10% as from 3(18) ED	1 yr	1 yr	1 yr	1 yr	1958	2	7	8	15	3	183	Y	
AK	Y		Y			Y		None	10% LTV	72,437	5% as in 15 Co	24 mo	24 mo	24 mo	24 mo	1910	109	5	8	122	3	Y	Y	
AR	Y		Y			Y		None	8% TV-AGE	83,148						1906	54	4	5	62	1	Y	Y	
AZ	Y		Y			Y		None	5% LTV	393,850						1911	143	21	22	186	3	Y	Y	
CA	Y		Y			Y		None	5% LTV	48,737						1910	104	18	10	132	3	Y	Y	
CO	Y		Y			Y		None	5% RV	Variable*	5% as in 5 of the 8 Words	1800 4 yrs	1 yr	1 yr	1 yr	1977	0	0	2	7	3	283	Y	
CT	Y		Y			Y		None	10% LTV	32,648						1972	0	0	2	0	2	2	2,3	Some 1
DC	Y		Y			Y		None																
DE	Y		Y			Y		None																
FL	Y		Y			Y		None																
GA	Y		Y			Y		None																
IA	Y		Y			Y		None																
ID	Y		Y			Y		None																
IL	Y		Y			Y		None																
IN	Y		Y			Y		None																
KS	Y		Y			Y		None																
KY	Y		Y			Y		None																
LA	Y		Y			Y		None																
MA	Y		Y			Y		None																
MD	Y		Y			Y		None																
ME	Y		Y			Y		None																
MI	Y		Y			Y		None																
MN	Y		Y			Y		None																
MO	Y		Y			Y		None																
MS	Y		Y			Y		None																
MT	Y		Y			Y		None																
NC	Y		Y			Y		None																
ND	Y		Y			Y		None																
NH	Y		Y			Y		None																
NJ	Y		Y			Y		None																
NM	Y		Y			Y		None																
NV	Y		Y			Y		None																
NY	Y		Y			Y		None																
OH	Y		Y			Y		None																
OK	Y		Y			Y		None																
OR	Y		Y			Y		None																
PA	Y		Y			Y		None																
RI	Y		Y			Y		None																
SC	Y		Y			Y		None																
SD	Y		Y			Y		None																
TN	Y		Y			Y		None																
TX	Y		Y			Y		None																
UT	Y		Y			Y		None																
VA	Y		Y			Y		None																
VT	Y		Y			Y		None																
WA	Y		Y			Y		None																
WI	Y		Y			Y		None																
WY	Y		Y			Y		None																

NCIR Foundation

National Center for Initiative Review Foundation
 5670 South Syracuse Circle, Suite 328
 Englewood, Colorado 80111
 303-779-1949

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Written Public Testimony Given by

MICHAEL L. PANDZIK

in support of

GOVERNOR FINNEY'S STATUTORY INITIATIVE PROPOSAL

Given in Public Hearing to the Senate Elections Committee

March 16, 1992

Room 529 South - State Capitol Building

Topeka, Kansas

Senate Elections Committee Members:

Sen. Donald Sallee, Chairman (Rep./1st Dist.) - Troy
Sen. Edward F. Reilly, Vice Chairman (Rep./3rd Dist.) - Leavenworth
Sen. Richard L. Bond (Rep./8th Dist.) - Overland Park
Sen. William R. Brady (Dem./14th Dist.) - Parsons
Sen. Fred A. Kerr (Rep./33rd Dist.) - Pratt
Sen. Janis K. Lee (Dem./36th Dist.) - Kensington
Sen. Phil Martin (Dem./13th Dist.) - Pittsburgh
Sen. Richard R. Rock (Dem./32nd Dist.) - Arkansas City
Sen. Eric Yost (Rep./30th Dist.) - Wichita

Senate Elections
March 16, 1992
Attachment 3

PUBLIC TESTIMONY IN SUPPORT OF SENATE CONCURRENT
RESOLUTION NUMBER 1637

Chairman Sallee, Vice-Chairman Reilly, members of the Committee. My name is Michael Pandzik. I am a Kansas resident, my wife and I having moved to Lawrence in 1970 to attend graduate school at Kansas University. While raised and educated in Nebraska, we quickly fell in love with Kansas, and now make our home in Overland Park. A registered Republican, I am president of a national cable television organization headquartered in Lenexa. In addition to my other civic and fraternal activities, I serve as a Commander in the United States Naval Reserve.

I am here today at my request, as a result of an invitation kindly extended to me by Governor Finney's office. My testimony is respectfully submitted on behalf of the Kansas electorate. The electorate -- we, the people of Kansas -- are today denied the right to peaceably initiate a petition to our own state government, with the demand that specific issues be placed on the ballot for public referendum.

The Wheat State is "land-locked" in more ways than one. Unless you leave our borders in the arms of an angel, or ride a ballistic missile aimed at eternity, you cannot exit Kansas without entering an adjoining state whose citizens who already enjoy the right of Initiative and Referendum now denied to us. Of the 50 states, Kansas is in the minority of those whose citizens are denied this basic, fundamental Right.

I am told that many of you -- perhaps a majority -- favor giving Kansans the right of Initiative and Referendum. If that is true, I commend you for your leadership and sense of duty. But if there are several on the Elections Committee who've not yet made up their minds -- or have already decided once again to deny Kansans the right of Initiative and Referendum -- let me offer a few words of warning.

You -- the members of this Committee, of the Senate and of the House -- cannot give us the right of Initiative and Referendum. If both the Kansas House and Senate pass a bill establishing the right of Initiative and Referendum, and the Governor signs it, the net result would not be the right itself, but rather the opportunity to put the proposed Constitutional Amendment on the ballot for the next general election.

Only the Electorate can give itself this right, but you can **deny** it to us. By inaction, stone-walling, or a negative up-and-down vote, you can only act to deny the citizens of Kansas the opportunity to grant this right to ourselves. Vote against the People on this issue, and you do so at your own peril.

My work on behalf of small-town and rural cable systems and their subscribers takes me to Washington several times a year. A week ago today -- at this very moment -- I was headed towards Washington's National Airport. By the time we reached western Pennsylvania -- even in an airliner at 30,000 feet -- we could smell the funeral pyres of 435 political careers burning to ashes over the check-bouncing scandal now sweeping Capitol Hill. Who among us hasn't thought, since this sorry scandal unfolded:

- 1) I'm glad it wasn't me, and,
- 2) I'm glad I'm not (or, wish I wasn't) up for re-election in November!

Washington now watches a country flooded with political symbols. The check-bouncing scandal in the House is the most recent example, but we haven't forgotten the unpaid meal chits in the House restaurant, or the cocaine ring working out of the House post office. These scandals are all symbols of the disdain

being shown by elected representatives for the people they were elected to serve. Their disdain for the rules of law and common decency we have to live under, but they feel somehow they do not.

Let me speak more plainly.

We're fed up with politicians who treat us like subjects, instead of as citizens, as though we were too immature and inexperienced to decide what's in our own best interests.

We're fed up with politicians who feather their own nests while passing laws from which they exempt themselves, while they protect their own privileged institutions.

And we're fed up with politicians who would vote to deny us -- citizens, tax-payers, workers, veterans and voters -- the simple opportunity at the ballot box to decide whether we want the right of Initiative and Referendum for ourselves.

I'm asking you to stand aside, and let the people decide this important issue by giving us the opportunity to vote on a constitutional amendment embodying the right of Initiative and Referendum.

Elsewhere in the Capitol today is a hearing on a bill addressing the issue of abortion. There are good people on both sides of this issue. **Why on earth would you even consider denying the people of Kansas an opportunity to settle this issue by popular vote?** If for no other cynical reason than this -- that passage would allow you to escape the political heat from one side or the other on such fundamental issues as abortion -- you should be wholeheartedly in favor of putting the right of Initiative and Referendum into the hands of the people!

I'm disappointed Governor Finney's current proposition prohibits Initiatives relating to taxation or expenditures by the state, and that -- as written -- her amendment would leave the Legislature with the power to amend or repeal an Initiative. In the strongest language possible, I urge you to eliminate these restrictions before passage. But if her proposition is the best we can get, well, it's better than nothing, and I urge your support, your enthusiasm, and your favorable vote.

Thank you again, Mr. Chairman, for providing me with the opportunity to present my views.



Michael L. Pandzik

March 16, 1992

10541 Flint Street
Overland Park, Kansas 66214

(w) 913 / 599-5900

March 16, 1992

**Senate Elections Committee
Hearings on Initiative and Referendum**

My name is Larry Fischer, I live in Topeka, and I am here representing a non-profit corporation, Kansans For Fair Taxation. We are here to speak in favor of Initiative and Referendum.

KFFT was present last year during the House Initiative and Referendum hearings. Since that time everyone has had a year to continue investigation into the pros and cons of such proposals. Yet, in all likelihood this senate committee will hear the same type testimony that was heard last year. In short, it will boil down to whether or not legislators will give up a portion of their law making power to citizens.

Today, you may hear several approaches against Initiative and Referendum. Some speakers may go back and bring up historical reasons against such proposals. They will tell you our country is a "republic" or a "constitutional democracy." They will tell you our forefathers designed our government to be by representation, and that this representation was for a reason. To this we will agree.

Yet historically the story is much more complex. You must be aware that even the founders of this country realized democracy requires that virtue and honor be written on the hearts of the servants of the people. They also realized the quality of government through representation would be no better than the quality of people who held office. Indeed, Alexis de Tocqueville wrote in 1830, a mere 50 years after the founding of this country, that "it is a constant fact that at the present day the ablest men in the United States are rarely placed at the head of affairs." Writing in the Federalist Papers one author wrote:

(I)t may well happen that the public voice, pronounced by the representatives of the people, will be more consonant to the public good than if pronounced by the people themselves...On the other hand, the effect may be inverted. Men of factious tempers, of local prejudices, or of sinister designs, may by intrigue, by corruption, or by other means, first obtain the suffrages, then betray the interests of the people.

The Anti-Federalists wrote:

This sir is my great objection.., that there is no true responsibility--and that the preservation of our liberty depends on the single chance of (a few) men being virtuous enough to pass laws to punish themselves.

We use these quotes not to point out extreme failings of the system. We only wish to reinforce the idea that government by representation is not necessary or desired in all instances.

To continue, you undoubtedly will hear other types of arguments from powerful groups such as the Farm Bureau, the NEA, the KCCI and others who will say that you, as representatives, are doing a great

job--keep everything as it is. This attitude strikes at the very heart of the problem. David Magleby in his article Legislatures and the Initiative: The Politics of Direct Democracy states "Legislatures are excessively responsive to special interests." The sinister designs of special interests are often manifest only behind the curtains of political intrigue. They care not what burdens the rest of society must bear when they lobby for their constituency. This becomes rule by minority. By allowing Direct Initiative, such lobbying would still be present but it would be much more open for public scrutiny. We ask only that you remember the strong words of Thomas Jefferson:

"I know no safe depository of the ultimate powers of the society but the people themselves.."

Our purpose today is not to stand before you and demean the legislature. We recognize you are part-time law makers. We realize you have other forms of livelihood. And we commend your interest in public affairs. We only ask that you allow citizens to invoke Initiative and Referendum, especially on those issues which seem to paralyze government.

In conclusion, it is interesting to note that our neighboring states of Colorado and Oklahoma have made sweeping changes using initiative. Further, in viewing the map which contains the states that have initiative and referendum, it would appear there is often an inverse relationship. Where there is less population and where the "code of the west" prevails, if we may use that phrase, the people have the right to directly determine their destiny on major issues. It would seem that honor, virtue, and liberty as well as rugged individualism are characteristics of those who have, or want, Initiative and Referendum. We ask that Kansans be included in this group. We ask you actively seek and implement Direct Initiative and Popular Referendum.

We stand for questions-----

They seem never to have recollected the danger from legislative usurpations, which, by assembling all power in the same hands, must lead to the same tyranny as is threatened by executive usurpations.

James Madison, Federalist No. 48

...It is indeed difficult to conceive how men who have entirely given up the habit of self-government should succeed in making a proper choice of those by whom they are to be governed; and no one will ever believe that a liberal, wise, and energetic government can spring from the suffrages of a subservient people.

Alexis de Tocqueville, Democracy in America



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

TO: THE SENATE ELECTIONS COMMITTEE
FROM: KAREN FRANCE, DIRECTOR, GOVERNMENTAL AFFAIRS
DATE: MARCH 16, 1992
SUBJECT: SCR 1637

Thank you Mr. 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 SCR 1637.

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 that 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.

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 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.

Senate Elections
March 16, 1992
Attachment 5

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.

This initiative proposal is a much more narrow form of initiative than was discussed last year. We think it is a reasonable compromise that we hope that you will support.

Thank you again for the opportunity to testify.