

Approved: 3-21-94  
Date

## MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Clyde Graeber at 1:30 p.m. on March 15, 1994 in Room 526-S of the Capitol.

All members were present except: Representative Lisa Benlon, Excused

Committee staff present: Mary Galligan, Legislative Research Department  
Lynne Holt, Legislative Research Department  
Mary Ann Torrence, Revisor of Statutes  
June Evans, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list

The Chairperson stated that today the Committee would be looking at HCR 5036 and HCR 5037 then thanked the Sub-Committee on Initiative for all the hours and hard work they had put forth on HCR 5036 and HCR 5037.

Representative Krehbiel gave a report and explained the modifications of the Sub-Committee on Initiative stating the committee had met 3 or 4 times to consider provisions of HCR 5036 and HCR 5037 and possible amendments to those resolutions. The Sub-Committee recommends that the resolutions be adopted with the proposed amendments. (See Attachment #1)

Mary Galligan, Principal Analyst, Kansas Legislative Research Department, reviewed the time lines that are included in Attachment #1.

A major change is the legislature needs a majority and 2/3 of the people which is just opposite from what it is currently.

It was asked if there was a fiscal note. Staff said fiscal notes are not routine for Resolutions but one could be requested.

Representative Robinette stated there should not be a limit of 150 words.

Ms. Galligan stated the previous fiscal note showed \$120,000 to \$170,000 if the proposal were placed on the same general election ballot. If a specified election were called it would cost much more.

Representative Wilk moved and Representative Ruff seconded to adopt the Sub-Committee balloon on HCR 5036. The motion carried.

Representative Sebelius stated the Sub-Committee's report was very helpful. There are safeguards as well as vote access.

Representative Kline moved and Representative Cornfield seconded to pass HCR 5036 out as amended. The Chair was in doubt and there was a show of hands vote called. 12 Yeas and 8 Nays. The motion carried.

Representative Robinette moved and Representative Sebelius seconded to amend HCR 5037 on page 2, line 4 - 5 removing "shall" on line 4 and thru "and" on line 5. The motion carried.

Representative Kline stated that could be taken care of in enabling legislation.

Representative Sebelius stated she thought it was good to amend here.

Representative Wilk moved and Representative Ruff seconded to pass HCR 5037 out as amended. The motion carried.

The Chairperson thanked the Sub-Committee again for their hard work.

The Committee adjourned at 2:50 PM and the next meeting will be March 16, 1994.

Date: 3/15/94

FEDERAL and STATE AFFAIRS COMMITTEE

NAME	ORGANIZATION	ADDRESS
Leslie McQuade	Observer	Topeka
Roger D. Kirkwood	AARP	Topeka
Darrel King	UNITED WE STAND America of Es.	TOPEKA
Chloe Holloway	United We Stand America	Topeka
Dee Perry	United We Stand America	Overland Park
David Stevens	Intern	
Scott Teehan	Governors Office	Topeka
Gary Reser	" "	"
Bob North	Dept Admin	"
Gene McFarland	OP Chamber of Commerce	Overland Park
Jim Edwards	KCCF	Topeka
Craig Grant	KNEA	Topeka
Alvin Pahr	KFB	Manhattan
Mary E. Tarrington	Kansas Motor Carriers Assn	Topeka
Tom Whitaker	Ks Motor Carriers Assn	Topeka

Date:

## FEDERAL and STATE AFFAIRS COMMITTEE

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**REPORT OF SUBCOMMITTEE ON INITIATIVE  
TO HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS**

The Subcommittee on Initiative met several times to consider provisions of H.C.R. 5036 and H.C.R. 5037 and possible amendments to those resolutions. The Subcommittee's recommended amendments are displayed in balloon versions of the resolutions that were distributed to the Committee yesterday. The Subcommittee recommends that the resolutions be adopted with those proposed amendments.

The Subcommittee devoted considerable time and attention to the issue of preventing conflicting propositions from appearing on the ballot. The Subcommittee was concerned that conflicting propositions could cause significant voter confusion. The Subcommittee's proposed solution to that potential problem appears as the new paragraph on page 2 of H.C.R. 5036 and subsection (f) in H.C.R. 5037. Those provisions are the same and provide for review by the Attorney General of proposed statutes or constitutional amendments for conflicts.

After a petition has been filed with the Secretary of State, the proposal supported by the petition would be submitted to the Attorney General, who would determine whether the proposal conflicted with any previously filed proposal that would appear on the ballot at the same election. The Attorney General would have 20 days during which to make that determination. (The sufficiency of the petition also would be under review by the Secretary of State during that period.) If the Attorney General determines that there is a conflict with a proposal filed earlier, the later proposal would be declared invalid. An appeal of the Attorney General's determination could be filed with the Kansas Supreme Court within ten days of issuance of the Attorney General's opinion. The Supreme Court would have 30 days after filing to issue its decision. In order to accommodate this review and time for the appeal, the Subcommittee essentially added 50 days to the process of placing a proposal on the ballot. This change is reflected in the balloon bill (line 28, page 2 of H.C.R. 5036, and line 29, page 2 of H.C.R. 5037). A revised hypothetical timeline for placing a proposal on the ballot is attached.

The Subcommittee notes that the Governor's office expressed concern about the conflict identification procedure. Specifically, representatives of the Governor's office expressed the opinion that the procedure could lead to extensive litigation and voter frustration. According to the Governor's office, the negative effects of this proposed amendment would not be outweighed by reduced confusion over conflicting proposals.

The Subcommittee also revised the signature requirements that must be met in order for a proposal to be placed on the ballot. The Subcommittee's recommendation is that petitions must be signed by the specified percentages of voters registered at the time of the last statewide general election, rather than of those who voted for Secretary of State at the last election for that office. The Subcommittee would leave the threshold percentages at 8 percent for constitutional amendments and 5 percent for statutes.

The effect of this change is to increase the total number of signatures necessary from 36,630 to 63,776 for a statute and from 58,608 to 102,041 for a constitutional amendment. (Figures are based on the 1992 election for Secretary of State and August 1, 1993 voter registration.)

The Subcommittee also recommends changing the geographic distribution requirement in these resolutions. The Subcommittee's amendment would require that in order for a petition to be valid,

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Atch #1*

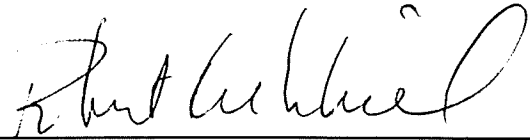
it would have to include signatures of at least 1 percent of registered voters in each county. Sixty percent of signatures on a valid petition would have to come equally from each of the 40 state Senate districts. The attached table displays an analysis of this requirement.

The Subcommittee also recommends an amendment of H.C.R. 5036 to provide for legislative approval of publicly initiated constitutional amendments that have been approved by voters. The procedure would require the Secretary of State to file the proposed amendment with the Clerk of the House by the end of the year during which the proposal was approved at the general election. At the beginning of the next legislative session, the Speaker and the President would be required to submit the proposed amendment by resolution to the House and Senate. The resolution would have to be referred to Committee, receive a hearing, and be reported without amendment either favorably or unfavorably. Each house of the Legislature would have to vote on the resolution. The amendment would become part of the *Constitution* if approved by a majority of each house.

The Subcommittee recommends that H.C.R. 5037 be amended to require preparation of an analysis of the fiscal effect of statutes proposed by public initiative. The Subcommittee's recommendation would require that at the time the petition is submitted to the Attorney General for determination of form, legality, and constitutionality, the petition also would be submitted, as provided by law, for preparation of an estimate of the proposal's fiscal effect. The estimate would have to be attached to each separately circulated portion of a petition and appear on the ballot.

Other amendments recommended by the Subcommittee would:

- prohibit initiative proposals that dedicate any revenue, make, or repeal any appropriation, or relate to matters concerning the courts or their jurisdiction or funding (both resolutions);
- prohibit publicly initiated constitutional amendments that would amend the *Constitution* regarding adoption of amendments, initiation of amendments by the voters, or submission of amendments to the voters for approval (H.C.R. 5036);
- permit the Legislature to amend or repeal publicly initiated statutes and require a two-thirds vote of each house if such amendment or repeal is enacted on or before the 40th day of the regular legislative session following the election at which the statute was approved by voters (H.C.R. 5037); and
- make the first three valid petitions filed with the Secretary of State, rather than the three with the most signatures, eligible for inclusion on the ballot if more than three are filed (both resolutions).

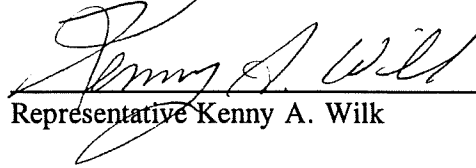


Representative Robert Krehbiel, Chair

Representative Phill Kline



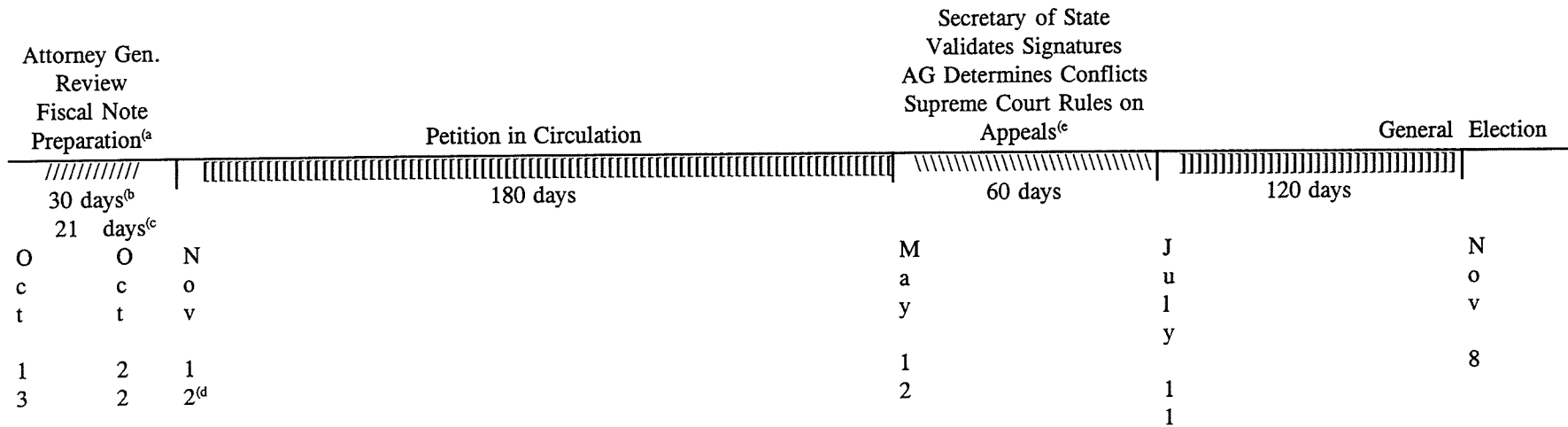
Representative Blaise R. Plummer



Representative Kenny A. Wilk

Representative L. Candy Ruff

**TIME LINE FOR CONSTITUTIONAL AND STATUTORY INITIATIVE**  
**1994 H.C.R. 5036 and H.C.R. 5037**  
**As Recommended by Subcommittee**



Dates represent latest date for completion of each required step.

- a) Would apply only to proposed statutes.
- b) Attorney General's determinations would be rendered in writing within 30 days for proposed statutes.
- c) Attorney General's determinations would be rendered in writing within 21 days for proposed constitutional amendments.
- d) This time line does not include the time necessary for an appeal to the Supreme Court. Such an appeal would have to be filed within ten days of Attorney General's determination. The Supreme Court would have no specific time within which to take action.
- e) While the Secretary of State is validating signatures, the Attorney General would have 20 days to determine whether a proposal conflicts with a proposal previously filed. An appeal of the Attorney General's determination could be filed with the State Supreme Court within ten days. The Supreme Court would have 30 days to issue its decision on the appeal.



## KANSAS LEGISLATIVE RESEARCH DEPARTMENT

COUNTY	SENATE DISTRICT	1% REG. VOTER PER COUNTY DISTRICT TOTAL	SIGNATURES PER DISTRICT STATUTE 5%	CONST. AMEND 8%	1,531
Atchison	1				
Brown	1				
Doniphan	1				
Jackson	1				
Pottawatomie	1	326	631		1,205
Douglas	2	412	545		1,119
Jefferson	3				
Leavenworth	3	150	807		1,381
Wyandotte	4	253	704		1,278
Johnson	5				
Leavenworth	5				
Wyandotte	5	362	595		1,169
Wyandotte	6	250	707		1,281
Johnson	7	333	624		1,198
Johnson	8	354	603		1,177
Johnson	9	354	603		1,177
Johnson	10				
Wyandotte	10	354	603		1,177
Johnson	11	354	603		1,177
Anderson	12				
Bourbon	12				
Franklin	12				
Linn	12				
Miami	12	276	681		1,255
Bourbon	13				
Cherokee	13				
Crawford	13	287	670		1,244
Cherokee	14				
Labette	14				
Montgomery	14				
Neosho	14	311	646		1,220
Allen	15				
Chautauqua	15				
Coffey	15				
Montgomery	15				
Wilson	15				
Woodson	15	309	648		1,222
Butler	16				
Elk	16				
Greenwood	16	333	624		1,198
Chase	17				
Coffey	17				
Geary	17				
Lyon	17				
Marion	17				
Morris	17				
Osage	17				
Wabaunsee	17	381	576		1,150
Shawnee	18	332	625		1,199
Douglas	19				
Osage	19				

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## KANSAS LEGISLATIVE RESEARCH DEPARTMENT

COUNTY	SENATE DISTRICT	1% REG. VOTER PER COUNTY DISTRICT TOTAL	SIGNATURES PER DISTRICT STATUTE 5%	CONST. AMEND 8%
			957	1,531
Shawnee	19	352	605	1,179
Shawnee	20	323	634	1,208
Clay	21			
Cloud	21			
Marshall	21			
Nemaha	21			
Pottawatomie	21			
Riley	21			
Washington	21	331	626	1,200
Geary	22			
Riley	22	285	672	1,246
Johnson	23			
Miami	23	439	518	1,092
Dickinson	24			
Ottawa	24			
Saline	24	362	595	1,169
Sedgwick	25	307	650	1,224
Sedgwick	26			
Sumner	26	424	533	1,107
Sedgwick	27	303	654	1,228
Sedgwick	28	323	634	1,208
Sedgwick	29	313	644	1,218
Sedgwick	30	309	648	1,222
Harvey	31			
Sedgwick	31	332	625	1,199
Cowley	32			
Sumner	32	181	776	1,350
Barber	33			
Barton	33			
Comanche	33			
Harper	33			
Kingman	33			
Pratt	33			
Stafford	33	329	628	1,202
Reno	34	329	628	1,202
Dickinson	35			
Marion	35			
McPherson	35			
Rice	35	231	726	1,300
Barton	36			
Ellsworth	36			
Jewell	36			
Lincoln	36			
Mitchell	36			
Osborne	36			
Phillips	36			
Republic	36			
Russell	36			
Smith	36	344	613	1,187
Edwards	37			
Ellis	37			

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COUNTY	SENATE DISTRICT	1% REG. VOTER PER COUNTY DISTRICT TOTAL	SIGNATURES PER DISTRICT STATUTE 5%	CONST. AMEND 8%
			957	1,531
Hodgeman	37			
Kiowa	37			
Lane	37			
Ness	37			
Pawnee	37			
Rooks	37			
Rush	37	343	614	1,188
Clark	38			
Ford	38			
Gray	38			
Haskell	38			
Meade	38			
Seward	38	266	691	1,265
Finney	39			
Grant	39			
Hamilton	39			
Haskell	39			
Kearny	39			
Morton	39			
Stanton	39			
Stevens	39	262	695	1,269
Cheyenne	40			
Decatur	40			
Gove	40			
Graham	40			
Greeley	40			
Logan	40			
Norton	40			
Rawlins	40			
Scott	40			
Sheridan	40			
Sherman	40			
Thomas	40			
Trego	40			
Wallace	40			
Wichita	40	336	621	1,195

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