

# MINUTES OF THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

The meeting was called to order by Chairperson Al Ramirez at 1:30 p.m. on March 31, 1994 in Room 531-N of the Capitol.

All members were present except: Senator Feleciano - Excused

Committee staff present: Julian Efird, Legislative Research Department  
Fred Carman, Revisor of Statutes  
Jackie Breymeyer, Committee Secretary  
Mary Galligan, Legislative Research Department

Others attending: See attached list

Conferees appearing before the committee: Jim Edwards, KCCI  
Mary Turkington, Kansas Motor Carriers  
Ron Smith, KS Society of Association Executives  
and Kansas Bar Association  
Christy Young, Topeka Chamber  
Gena McFarland, Overland Park Chamber

## HCR 5036--voters to initiate amendments to Kansas Constitution - Opponents

Jim Edwards, Director Chamber & Association Relations, Kansas Association of Commerce and Industry, was first to address the bill. (Attachment 1) His testimony related that those who press for passage of initiative legislation often point to a single pet issue and the failure to have an issue addressed to their liking as being the reason for their support of the initiative process. Mr. Edwards referred to California as an example of the exodus of business because of overtaking and over regulation brought about through ill-timed and ill-conceived initiatives. After completing his testimony, Mr. Edwards stood for questions.

One of the Senators referred to a conferee of the day before who had stated he would like to see term limitations. The Senator had checked the records during the latter part of the session last year and the average term of a Senator was 5 to 5 1/2 years; the House was 6 1/2 to 7 and possible slightly more. The Senator had also checked these statistics three or four years ago and over the past fifty years, the Senate was right at 12 years or a little under this; the House was around 7 1/2 to 8 years. It was on target with regard to what people are thinking of for term limitations. Mr. Edwards was asked his opinion of term limitations.

Mr. Edwards responded that those who have served and worked at the Capitol have seen a natural rotation. There are a few individuals who have served longer. Mr. Edwards referred to those states which had passed term limitations. It was interesting to note that all those states which passed initiative also reelected their incumbents. The analogy was made, "my legislator is good -it is everyone else that needs to be controlled." Mr. Edwards commented that unfortunately term limits limit the good legislator to a certain number of years; they almost guarantee the bad legislator will be there for that same time period. Term limits could be exemplified as the "fast food government of the 1990s." Another point made by Mr. Edwards was that almost 2/3 of the issues proposed by individuals on state ballots, constitutional or statutory measures, are defeated.

In response to a question from one of the committee, Mr. Edwards responded the last state that permitted initiative to take place was Mississippi in 1992. Enabling legislation passed in 1993. The first issue that is gathering signatures now is to reduce the Legislature by fifty percent. Mississippi has a population of approximately 2.5 million people and there are 172 people in the legislature. Before Mississippi, there was Florida in 1972.

Staff provided the information that the State of Colorado had initiative in 1910. The question was asked how the gay issue got started in Colorado. Mr. Edwards replied that the issue of gay rights was one that received more attention in the 1992 elections than any other because of its impact and court challenges. He did not know what group initiated it. There was no trouble in getting the number of signatures on the ballot as well as getting the issue passed.

Mr. Edwards was asked if he could tell the committee about Proposition 13. This was a property tax reduction issue as well as a spending issue in the State of California. This was probably one of the biggest initiative issues. Whether or not it had any great financial impact, any businessman in the country knows the words "Proposition 13."

Mr. Edwards was asked if he could point to any good issues that have been of benefit and have passed. He stated he could not recall any, there are probably some, but the bad definitely outweigh the goods issues.

Mary Turkington, Executive Director, Kansas Motor Carriers Association, presented her testimony on the resolution. ([Attachment 2](#)) Her organization expressed its strong opposition to the resolution and stated six reasons for the opposition to such departures from representative government. Issues affecting public policy in Kansas can now be adequately and appropriately addressed through the legislative process; initiatives are most often used by well-financed, single-issue organizations; initiatives can result in a costly process for informing voters; initiatives provide "taxation without representation" opportunities; the solution is not to draw a narrow initiative authorization; the diversified interests of the people of Kansas can only be served well through wise and informed representative government exercised through the legislative process.

Ron Smith, Kansas Society of Association Executives, and Kansas Bar Association, addressed the resolution. Mr. Smith presented a position statement from Jeanne Patterson, Executive Director, Kansas Society of Association Executives in opposition to the resolution ([Attachment 3](#)), an article entitled "Petition Signers Want Out" ([Attachment 4](#)), and his testimony entitled "Legislative Information for the Kansas Legislature" from which he took his testimony. ([Attachment 5](#)) Mr. Smith gave background on the KBA. He stated that nowhere is the U.S. Constitution is the word "democracy" used. It is a republican form of government.

The Governor has indicated that Kansas is an island, surrounded by states with initiative. Mr. Smith commented that the reason for this could very well be that the Legislature in the State of Kansas has been responsive to the needs of the people of Kansas. The least valid reason to enact initiative and referendum is that other states have done it.

Mr. Smith also mentioned the dark side of initiative where there is the possibility that minorities can be disenfranchised. He quoted from a 1988 position paper on individual rights of the National Association of Attorneys Generals "It is an unfortunate fact of American history that if the rights of blacks, Indians, women, Hispanics, Italians, or Jewish citizens were put up to a popular vote at particular stages of history, the results would be catastrophic."

In closing, Mr. Smith stated that he has been around the process a long time and the three power points are the people, the Governor, and the Legislature. If any two of those three get together on an issue, laws will be passed. If interest groups are unable to get their laws passed, it is because two of those three groups are not yet on board; if they get on board, laws will be passed.

Christy Young, Vice President Government Relations, Greater Topeka Chamber of Commerce, addressed the resolution and read her testimony ([Attachment 6](#)) which stated that safeguards within the representative system creating checks and balances are not included in initiative; rather, they are "popular" elections. Kansas citizens currently have access to their government and the ability to shape Kansas laws and regulations. It is not necessary or timely to embrace the initiative process of government.

Gena McFarland, Overland Park Chamber of Commerce, submitted her testimony ([Attachment 7](#)) which she read to the committee. The Chamber strongly supports the representative form of government that has worked well in the State of Kansas. The Chamber feels initiative will be an overwhelming change and would not benefit the State of Kansas.

A letter from Kansas Farm Bureau stating the KFB policy of opposition to the initiative procedure was received by the Chairman and labeled ([Attachment 8](#))

Testimony from Karen Lowery, Coordinator of Governmental Relations, Kansas Association of School Boards, who was unable to appear in opposition to **HCR 5036**, was labeled ([Attachment 9](#))

The Chairman asked if there was anyone else present who would like to speak to the resolution. Seeing none, he closed the hearing on **HCR 5036**.

The Chairman stated there had been two days of hearings; the session was drawing to a close and called for discussion.

Senator Vidricksen stated he had spoken to many people about this particular issue and he does not see the support out there for it.

Senator Vidricksen moved to report **HCR 5036** adversely. Senator Harris seconded the motion.

Discussion.

Senator Gooch stated the movement of this resolution forward would mean the forty people in the Senate would have a chance to decide whether they wanted to allow this to be heard. The same people who voted to send the forty Senators to Topeka would be the people who would be voting on whether they wanted this or not.

Senator Gooch made a substitute motion to report the bill without recommendation.

The substitute motion died for lack of a second.

On the original motion, the Chairman called for a vote.

The motion carried.

The meeting was adjourned.

## GUEST LIST

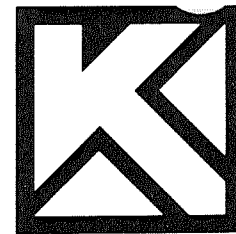
COMMITTEE: SENATE GOVERNMENTAL ORGANIZATION

DATE: March 31, 1994

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# LEGISLATIVE TESTIMONY

Kansas Chamber of Commerce and Industry



835 SW Topeka Blvd. Topeka, Kansas 66612-1671 (913) 357-6321 FAX (913) 357-4732

HCR 5036

March 31, 1994

## KANSAS CHAMBER OF COMMERCE AND INDUSTRY

Testimony Before the

Senate Governmental Organization Committee

by

Jim Edwards

Director, Chamber & Association Relations

Chairman Ramirez and members of the Committee:

I thank you for the opportunity to appear before you today to express KCCI's opposition to HCR 5036, which proposes to amend the Kansas Constitution and provide for constitutional initiative.

The Kansas Chamber of Commerce and Industry (KCCI) is a statewide organization dedicated to the promotion of economic growth and job creation within Kansas, and to the protection and support of the private competitive enterprise system.

KCCI is comprised of more than 3,000 businesses which includes 200 local and regional chambers of commerce and trade organizations which represent over 161,000 business men and women. The organization represents both large and small employers in Kansas, with 55% of KCCI's members having less than 25 employees, and 86% having less than 100 employees. KCCI receives no government funding.

The KCCI Board of Directors establishes policies through the work of hundreds of the organization's members who make up its various committees. These policies are the guiding principles of the organization and translate into views such as those expressed here.

KCCI has opposed, and will continue to oppose, the initiative process because it builds its foundation on creating laws through media blitz and voter hysteria. Likewise, it will continue to oppose any legislative system which reinforces issue campaigns created by single issue, special

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interest forces who don't want to deal with the creation of laws in the time proven manner but instead want to do it with well-financed advertising campaigns.

KCCI for years has emphasized that the initiative process is most often used by single issue forces, and this has at times been met with skepticism. However, we only have to look at testimony provided by proponents and comments made by House members during floor debate to give credence to this point. After all, what do property taxes, school vouchers, the death penalty, statutory initiative, and term limits have in common? One, they are all issues that had lengthy hearings, public debate and input and roll call votes by the Kansas House of Representatives and/or the Kansas Senate. Two, as with all votes, they did not have the outcome that was acceptable to some. It is no surprise that those who are pressing for the passage of the initiative legislation often point to those single pet issues and the failure to have those issues addressed to their liking as being the reason for their support of the initiative process.

KCCI has also for many years emphasized the point that it is well financed groups that most often have issues placed on the ballot. While many would debate this issue, we only have to ask what the infusion of close to \$1/4 million meant to the initiative legislation this year. I might remind you that this and similar issues failed substantially in 1991. Unfortunately, this is just the tip of spending when it comes to initiative campaigns.

In concluding my testimony I want to address several points made by proponents.

**1. Other states permit the use of constitutional initiative.**

I would remind you that only 19 states have permissive legislation authorizing the use of constitutional initiative. Many more states prohibit the use of constitutional initiative than permit it.

**2. Initiative and referendum increases persons interested in voting.**

The number of persons voting on ballot issues is almost always lower than those voting for the top candidate. In fact, states that permit the use of initiative describe this vote difference as the drop-off rate. The average drop-off rate is greater than 10% for all states. We only have to look to our neighbors in Missouri to fully understand this point. One ballot issue, which would determine utility rates, had 17.6% fewer persons voting on it than the top candidate on that same ballot.

**3. The process allows "common persons" access to issues.**

The organizations and individuals that you hear from as opponents of these measures are not the ones that use initiative. In fact, they most often are the ones brought onto the battlefield to oppose the ballot issues. Initiative is most often used today by individuals or groups of persons that have a single issue and can fund their issue with large sums of money. In fact, initiative is commonly known now as **legislation through media blitz.**

**4 Most Kansans want initiative and referendum.**

Recent ads have said that "90% of Kansans want the initiative." The organizations that appear before you today in opposition to these issues represent almost all segments of the Kansas economy and its people and stand united in their opposition. As stated earlier, the only persons that seem to be enamored by initiative are those that don't trust the Legislature to agree with them on their pet issue and want a quick fix.

**5. Voters will have no problem understanding the issues.**

In a recently completed study on the initiative process in California, it was found that: "Ballot pamphlets often fail to communicate information accurately and concisely.", "Media campaigns disseminate incorrect or deceptive information.", and "Initiatives are frequently too long and complex." While most issues are long and complex, they also provide no alternative. It is interesting that the driving force behind this proposal, Governor Joan Finney recently questioned whether polls on the death penalty were really conclusive because they provided for no alternative. Unfortunately, initiative offers no alternative. It is pass or fail, up or down.

Finally, I urge you to consider the initiative and its possible impact on future economic development in Kansas. It's not earthquakes and fires that have destroyed the California economy, it is the exodus of business because of overtaxing and over-regulating brought about through ill-timed and ill-conceived initiatives. Don't let Kansas get caught in that trap.

When it comes time to decide this issue, we would ask you to vote NO. Thank you and I would be pleased to stand for questions.

## Facts on States With Initiative

State	Constitutional	% to Qualify	Statutory	% to Qualify
Alaska			X (D)	10 LTV
Arizona	X (D)	15 LGV	X (D)	10 LGV
Arkansas	X (D)	10 TV-LGE	X (D)	8 TV-LGE
California	X (D)	8 LGV	X (D)	5 LGV
Colorado	X (D)	5 LSV	X (D)	5 LSV
Florida	X (D)	8 LPV		
Idaho			X (D)	10 LGV
Illinois	X (D)	8 LGV		
Maine			X (I)	10 LGV
Massachusetts	X (I)	3 LGV	X (I)	3 LGV
Michigan	X (D)	10 LGV	X (I)	8 LGV
Mississippi	X (D)	?		
Missouri	X (D)	8 LGV	X (D)	5 LGV
Montana	X (D)	10 LGV	X (D)	5 LGV
Nebraska	X (D)	10 LGV	X (D)	7 LGV
Nevada	X (D)	10 LTV	X (I)	10 LTV
North Dakota	X (D)	4 VAP	X (D)	2 VAP
Ohio	X (D)	10 LGV	X (I)	3 LGV
Oklahoma	X (D)	15 LHV	X (D)	8 LHV
Oregon	X (D)	8 LGV	X (D)	6 LGV
South Dakota	X (D)	10 LGV	X (I)	5 LGV
Utah			X (D) (I)	10 LGV
Washington			X (D) (I)	8 LGV
Wyoming	X (D)	15 LTV	X (D)	15 LTV
States - 24	Direct - 18 Indirect - 1	Ave. - 9.3	Direct - 13 Indirect - 6 Both - 2	Ave. - 7.3

TV-LGE .....total votes cast at last election at which office of Governor was included  
 LGV .....total votes cast for all candidates for Governor in last election  
 LSV .....total votes cast for Secretary of State in last election  
 LPV .....total votes cast for President in last election  
 VAP .....voting age population in last federal census  
 LHV .....total votes cast for office receiving highest vote total in last election  
 LTV .....total votes cast in last general election  
 RV .....registered voters

Source: National Center for Initiative Review



STATEMENT OPPOSING CONSTITUTIONAL INITIATIVE  
KANSAS MOTOR CARRIERS ASSOCIATION  
Mary E. Turkington - Executive Director

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Presented to the Senate Committee on Governmental  
Organization, Senator Alfred Ramirez, Chairman;  
Statehouse, Topeka, March 30, 1994.  
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MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

On behalf of the highway transportation industry and the Kansas Motor Carriers Association, I wish to express our strong opposition to the proposed constitutional initiative represented by HCR 5036. We oppose such departures from representative government for the following reasons:

1. Issues affecting public policy in Kansas now can be adequately and appropriately addressed through the legislative process now in place. Kansas can be proud of the system of representative government that permits deliberate, fair and knowledgeable consideration of public policy issues.
2. Initiatives are most often used by well-financed, single-issue organizations. Voters have to accept issues as they appear on the ballot with no opportunity for debate, discussion, or compromise. The vote has to be "yes" or "no". Most important public policy issues are not that clear-cut nor would the people voting have an opportunity for input. The current legislative process offers citizens a far greater opportunity, through their elected representatives, to have a voice in the enactment of laws that govern their actions.

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3. Initiatives also can result in a costly process for informing voters fully about an issue to permit the voter to make an intelligent decision when the voter casts his or her ballot. Valuable resources often must be committed to defeat an unsound proposal or controversial proposals that are repeatedly submitted. The process simply represents a waste of money, time and related resources when such matters can more properly be addressed through existing legislative channels.
4. Initiatives provide "taxation without representation" opportunities. The people who now elect their representatives and have access to those elected officials, have a voice in fiscal choices. Initiatives can impose increased spending requirements without providing for revenues to pay for such ballot choices. The risks such a system generates are not protective of the "public's interest."
5. The solution is not to draw a narrow initiative authorization. That would be like declaring one "just a little bit pregnant." Initiatives can be expanded by initiatives. The process should not be authorized.
6. The diversified interests of the people of Kansas can only be well served through wise and informed representative government exercised through the legislative process. We respectfully ask you to reject HCR 5036. The people of Kansas will thank you.

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March 31, 1994

TO: Senate Governmental Organization

FROM: Jeanne Patterson, Executive Director, Kansas Society of Association Executives

RE: Position Statement in Opposition to Initiative and Referendum HCR 5036

The Kansas Society of Association Executives (KSAE) is an individual membership organization made up of over 350 association executives and suppliers. Our professional members represent 100 different trade, professional, philanthropic and advocacy organizations.

KSAE's primary purposes are to promote the common interests of association executives, to develop and encourage high standards of service and conduct for association executives, to increase public understanding of associations and their economic importance, and promote the accomplishments of voluntary associations. The society will occasionally adopt a policy position regarding state legislative and/or regulatory issues affecting association management.

KSAE has reviewed and discussed the Initiative and Referendum issue and has adopted a policy in opposition to such proposals. It's apparent that an initiative or Referendum constitutional amendment would have a major impact on the management of trade and professional voluntary organizations.

KANSAS SOCIETY OF ASSOCIATION EXECUTIVES

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*Attachment 3*  
*3/31/94*

Individual associations play a vital role in the policy process in the Kansas Legislature. Our members constantly compile and supply information to their members and to lawmakers as they study and draft legislation.

Input by associations frequently allow legislators to consider amendments and clarification to our statutes. The Initiative procedure will often not allow for changes or compromises on major state policy matters.

Many of our individual members have small budgets to represent their association's views in the legislative arena. These members will find it even more difficult if they are forced to participate in statewide massive public information campaigns to tell their side of the story. We are frightened by the prospect of having to generate millions of dollars on initiative proposals that can more effectively be addressed by well-informed legislators elected by the people of Kansas.

In summary, KSAE supports the current representative form of government in Kansas and strongly opposes Initiative and Referendum proposals.

# Petition signers want out

■ **Some claim they  
were misled in calling  
for corruption probe  
by the grand jury**

By FREDRICK JOHNSON  
The Capital-Journal

The scope of a proposed grand jury probe of alleged corruption in state and local government has given some Shawnee County residents cause to reconsider their role in demanding the investigation.

Citizens for Honesty in Government has collected about 3,000 signatures on a petition calling for a grand jury to investigate a laundry list of issues its members suspect have been tainted by corruption.

However, the Kansas attorney general's office, Shawnee County District Court clerk and The Capital-Journal have received calls during the past several days from residents who signed the petition but now want their names removed.

The callers, only about 12 to date, have claimed they were unaware of the scope of the proposed investigation when they signed the petition.

CHIG representatives said Monday they were confident their petition could survive the loss of some signatures but insisted there was no reason anyone should have been unaware of their intentions.

The group needs only about 1,400 valid signatures to force Shawnee County District Court to impanel a grand jury.

Shawnee County District Court Clerk Joyce Reeves said the now-reluctant petitioners have told her Citizens for Honesty in Government deceived them when soliciting their signatures.

They claim they were only told the petition for a grand jury was an attempt to do something about property taxes and reappraisal, said

CHIG, which plans to submit its petition Wednesday to Reeves' office, has recommended a grand jury investigate alleged kickbacks and political payoffs in connection with property taxes and reappraisal but also has a long list of other issues it wants scrutinized.

The list includes a county contract with a former director of the state's travel and tourism division, Gov. Joan Finney's campaign contributors and her subsequent appointments to the Kansas Corporation Commission, illegal campaign contributions to government officials and the proposed merger of KPL Gas Service and KG&E.

Shawnee County Election Commissioner Jo Anna Mitchell hadn't received any calls about the petition by Monday afternoon, but she said those with second thoughts could have their names removed from it.

Petitioners who want their names stricken from the document must give her written notice of that fact no later than three days after the petition is filed with the district court clerk.

If CHIG files its petition Wednesday, residents will have through Monday to request their names be withdrawn.

CHIG spokesman Bud Buser said Monday the organization clearly stated its intent during several news conferences and those who collected signatures discussed the grand jury with anyone who asked during the petition drive.

Buser also said the grand jury alone, once impaneled, would decide what it investigated, regardless of anyone's recommendations.

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from the political process. Those are precisely the types of important issues that should be resolved by legislators after hearing all the facts.

Initiative supporters argue that the federal constitution still is there to "protect" minority situations and if the initiative goes too far, the Court will rein them in.

Lawmakers take an oath to uphold the state and federal constitutions. That means when *you* make laws *you* are to insure that minorities are not discriminated against. You have the same constitutional power to ensure laws are not discriminatory when *making* laws as a judge has when interpreting those laws.

A legislative body is not a guarantor against discriminatory legislation. However, legislators can be held accountable for discriminatory votes and corrective legislation can begin swifter than through the initiative process.

#### *The Media Benefits*

The major beneficiaries of initiative and referendum are newspapers and other media who are paid to air or print the campaign advertising.

#### *Special Interests Benefit*

Contrary to popular belief, special interest power *increases* through initiative. Dependence on modern campaigns on media advertis-

ing means those campaigns which spend more will prevail much of the time.

#### *Safety Valve*

Proponents argue initiative is a safety valve, for the political "outs." We submit that is the purpose of a general election.

#### *Power Points.*

There are three power points in the creation of public policy in a democracy. They are the legislature, the governor and the people, generally. In my experience when any two of those three power points get together and truly unite on a course of action, things happen.

#### *Conclusion*

Absent a showing that the Kansas legislature is historically unresponsive to the people it serves, we do not believe initiative and referendum is needed nor is it desirable.

For these reasons KBA opposes initiative and referendum.



KANSAS BAR  
ASSOCIATION

## *Legislative Information for the Kansas Legislature*

TO: *Senate Governmental Organization*  
FROM: *Ron Smith, General Counsel, KBA*  
SUBJ: *HCR 5036, Initiative*

March 31, 1994

#### **SUMMARY:**

The KBA opposes initiative and referendum.

#### **BACKGROUND**

KBA has existed as an association since 1882. We have an history of promoting the involvement of citizens in those activities that promote the rule of law. Since statehood, lawyers in great numbers have served in this legislature.

Initiative is one form of governing in Kansas. With all due respect to the proponents, it is not the *strongest* form of government, nor in a pluralistic society like ours, we believe initiative does not promote the *best* form of civic involvement.

#### *Responsiveness*

Initiative and referendum is valid only if the Kansas legislature can justly be criticized as unresponsive. That is not the history of this legis-

lature. This state pioneered workers compensation legislation in the 1900s. We were among the first to enact a line item veto in 1902.

Thus we believe the need for initiative is invalid.

#### *A democracy?*

It is significant the U.S. Constitution nowhere mentions the word "democracy." It is not a *democracy* that is preserved by our constitution. It is a *republican form of government*, that is, a representative democracy.

In 1792, remembering the unchecked powers of English Parliaments, James Madison urged the states to adopt a written federal constitution.

*Madison felt written guarantees were needed because the body politic often produces undesirable results if permitted to govern exclusively by majority rule.*

Initiative is a form of government that consists solely

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*Senate Gov. Org. Organization  
3-31-94*

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of governing by majority rule' Minority view points are included.

Madison called these minority views "factions." He urged a system of elected lawmakers exercise their best collective judgment, and that those lawmakers not be bound to petitions and instructions from home.

In that regard, the federal constitution disallows initiative and referendum, preserving instead a "republican" form of government.

Madison felt the states should be free to adopt other forms of government. Some have adopted initiative as an additional form of voter empowerment.

Initiative began in the populist era *when legislatures were perceived as being unresponsive to the needs of the time*. That is not, and has not been, the history of Kansas.

Generally this state has had a very responsive legislative system. Kansas territorial lawmakers took up the issues of slavery and universal suffrage long before other states did. While some Kansans believe the legislature may not have always acted in their best interest, they can rarely point to legislation that was necessary that was not enacted because the legislature was controlled by "special inter-

ative and referendum is

not the answer to those who feel a legislature has not done the right thing.

The answer is a general election.

### *The Governor's Role*

Initiative often diminishes the governor's role. In 1902 Kansas adopted a line item veto allowing our governors a sharper scalpel in trimming the cost of government.

Allowing the line-item veto is an extraordinary grant of power from the legislature to the Governor. Just ask U.S. Presidents, who want that authority from the Congress.

The veto power sometimes is needed to trim a run-away legislative power. *The veto power is unavailable in the true initiative process.*

### *Other States*

The least valid reason to enact initiative and referendum is the number of other states with the law. In states with initiative and referendum it often leads to ballot confusion. Sometimes contradictory issues are on the same ballot, and pass not on their merits but because voters were confused.

### *Anti-minority?*

A study of initiatives in California, Massachusetts, Oregon and Rhode Island in the 1970s found the issues averaged nearly 1,600 words and

using standard measures of readability, meant it took someone with 18 years of education -- high school plus six years of college -- to understand the issues.

Initiative voting patterns show a drop off in participation between those who vote for candidates and those who continue down the ballot and vote for the initiatives.

One interpretation of voting drop-off is voters generally trust their ability to choose good persons to represent them than to make direct choices on legislation in general.

In spite of the notion of the proponents that everyone is included and everyone can participate in initiative, one also can conclude from this study that initiative can be designed to exclude the less-well educated or minority voter where perhaps English is not the main language.

Are you going to print initiative ballots and explanative material in Vietnamese, Spanish, and all the other ethnic dialects represented in our population?

### *Costly government*

If this legislature is not going to fund judicial salaries or university programs and if we are slashing other government programs, why would this House want to create a system whereby people can

not only create new government programs but through that creation require a minimum appropriation levels?

On the other hand, if you write controls into the initiative resolution -- disallowing the drafting of appropriations to fund an initiative law -- you and I know that the legislature will defeat successful initiatives simply by not funding them.

### *Fear campaigns*

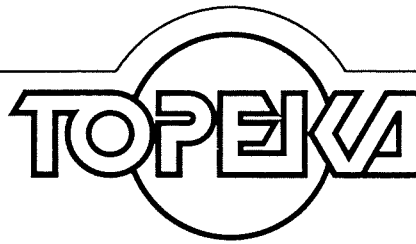
Initiative can lead to extreme positions by the majority of voters who react to fear campaigns.

We see use of initiative and referendum to limit the political activities of minorities or unpopular groups.

As was stated by the National Association of Attorneys Generals in a 1988 position paper on individual rights: *"It is an unfortunate fact of American history that if the rights of blacks, Indians, women, Hispanics, Italians, or Jewish citizens were put up to a popular vote at particular stages of history, the results would be catastrophic."*

Whether or not you agree with what happened in recent Oregon and Colorado initiatives impacting the gay and lesbian community, the purpose of those initiatives was to constitutionally disenfranchise minority groups

Greater Topeka  
Chamber of Commerce  
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Testimony before the Senate Governmental Organizational Committee  
By Christy Young, Vice President Government Relations  
March 31, 1994

Chairman Ramirez and Members of the Committee:

The Greater Topeka Chamber of Commerce would like to express our opposition to the resolution for initiative, HCR 5036.

The Topeka Chamber recognizes the frustration individuals feel when an issue is not resolved by the legislature to that person's satisfaction. Our chamber has also been discontent at times. However, we firmly believe in the representative form of government and the process involving information gathering and debate that the legislature pursues as it considers changes to the Kansas constitution and statutes. Safeguards, within the representative system, creating checks and balances are not included in initiative; rather, they are "popular" elections.

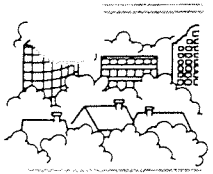
The Topeka Chamber of Commerce and individual businesses in the Topeka/Shawnee County community have many opportunities for input to our delegation, legislative committees, other legislators and the governor's office. Whether we have found agreement or not, our concerns and positions on issues have always been heard. We have never had one complaint from a business person that their representatives have not been accessible and willing to listen. I am sure this level of access and willingness to listen occurs all across our state.

As we look at other states who have initiative, we see the difficulties this form of government causes: lengthy questions are not read by the voting public; issue elections are won or lost in the media, depending on the most dollars spent; ramifications of changing or adding new laws are not debated creating unintended consequences; propositions placed on the ballot lack opportunity for amendment; initiative has not generated greater participation by the electorate, there is documented drop off of voters voting on ballot questions. Tom Peters, author of "In Search of Excellence" quotes in his newspaper column (June 26, 1992): "Teledemocracy, (The New Republic magazine says), means the Madisonian system would be replaced by the Geraldo system; checks and balances by applause meter." Frankly, the costs to business in defending itself from ballot questions is of great concern.

Kansas businesses are faced with the realities of a global market and global competition. Now is not the time to divert precious resources away from capital improvements and human resources to battle issues in the electronic and print media. Our Kansas citizens currently have access to their government and the ability to shape Kansas laws and regulations. It is not necessary or timely to embrace the initiative process of government. We respectfully request HCR 5036 be voted down.

*Senate Gov. Org.  
Attachment 6  
3/31/94*





# OVERLAND PARK

## chamber of commerce

March 31, 1994

To: Mr. Chairman and members of the Senate Governmental Organization Committee

From: The Overland Park Chamber of Commerce

Re: HCR 5036

The Overland Park Chamber of Commerce has been a longtime opponent to Initiative for many reasons:

- A. The Chamber strongly supports representative form of government that has worked very well in the state of Kansas. The people of Kansas responsibly elect representatives to come to Topeka and study complex issues confronting the state.
- B. Representative democracy, where we elect people to make our laws, is a form of government chosen by our founding fathers.
- C. Initiative becomes a way of weakening the legislature as an institution. The tough issues will be decided by initiative.
- D. While many people may be frustrated with the legislative process, it does work and allows for public access, input and debate.
- E. Initiatives usually have a vote total substantially lower than the votes for candidate races on the ballot.
- F. Initiative can, in a few months, destroy years of deliberative thought that has gone into public policy.
- G. Even though this initiative resolution has been amended and restricted; initiative will only benefit well-financed, single-issue organizations and the media.
- H. Only 23 states authorize the use of initiative. Nineteen of these states provided for initiative prior to 1918. In states, such as California and Missouri, this has proven to be a disaster.

The Chamber feels this will be an overwhelming change and will not benefit the state of Kansas.

Thank you for the opportunity to speak before this committee today.

*Senate Gov. Org.*  
*Attachment 07*

*3/31/94*





## Kansas Farm Bureau

2627 KFB Plaza, P.O. Box 3500, Manhattan, Kansas 66502-8508 / (913) 587-6000

March 31, 1994

Senator Al Ramirez, Chairman  
Senate Governmental Organization Committee  
Statehouse  
Room 128-S  
Topeka, Kansas 66502

Dear Senator Ramirez:

We were not able to appear before the Governmental Organization Committee today but wanted to make clear to you the opposition Farm Bureau members have in regard to H.C.R. 5036, Public Initiative for changes to the Kansas Constitution.

For several years, our voting delegates numbering 400+ and representing over 40,000 farmer and rancher families in Kansas, have approved a policy in opposition to Initiative and/or Referendum.

KFB policy says:

**We believe the initiative and referendum procedure undermines our representative form of government. We respect and believe in the checks and balances now in place for the Executive, Legislative and Judicial branches of government in Kansas. We oppose the use of the initiative and referendum procedure because it will impair legislative responsibility, impair representative government, lengthen the ballot and result in poorly drafted legislation.**

We understand there has been substantial work done to address many problems with the initiative process and to limit the scope of H.C.R. 5036. We also understand that H.C.R. 5036 deals only with changes to the Kansas Constitution. We applaud the efforts. However, we continue to believe passage of this measure will undermine your authority to legislate and discern information, and can turn over legislative power to those well financed groups who have the resources for major ad campaigns, resulting in information not subject to legislative scrutiny. We thank you for your time, and respectfully ask that you vote **NO** on H.C.R. 5036.

Sincerely,

A handwritten signature in black ink, appearing to read 'Warren Parker', written over a horizontal line.

Warren Parker  
Assistant Director  
Public Affairs Division  
Kansas Farm Bureau

WP:lc

*Senate Gov. Org.  
Attachment 8  
3/31/94*



Testimony on H.C.R. 5036  
before the  
Senate Committee on Governmental Organization

by

Karen Lowery, Coordinator of Governmental Relations  
Kansas Association of School Boards

March 31, 1994

Mr. Chairman and members of the Committee, I appreciate the opportunity to present written testimony to you on behalf of the member boards of education of the Kansas Association of School Boards. Our Delegate Assembly has taken a firm position in opposition to the enactment of initiative procedures for either statutory or constitutional amendment purposes.

We believe that the experience of other states where initiative procedures have been in effect for some time should give pause to those who would support these procedures. The nature of our representative form of government is designed to ensure that complex issues are thoroughly studied and ample opportunity is provided for change prior to the enactment of statutory or constitutional changes. No such safeguards exist in the initiative process.

*Senate Gov. Org.  
Attachment 9  
3/31/94*

If the experience of other states is any guide, the initiative process gives more influence to special interest groups rather than less. Whole cottage industries have developed in initiative states around the practice of obtaining signatures on initiative petitions. Initiative proposals must also have their final wording developed in the beginning stages of the process, without the possibility of later amendment, regardless of future discussion.

We firmly believe that our process of representative government provides greater safeguards against carelessly thought out legislation than the populist process of initiative. We would therefore respectfully request that you report H.C.R. 5036 adversely. Thank you for your consideration.