

# The League of Women Voters of Kansas State Program 2003-2005

## GOVERNMENT

### County Government

**BACKGROUND:** An evaluation of the structure and function of county government in Kansas was adopted as a state program in April 1965. Many local Leagues, after study and consensus on the need for change, found local officials unable to meet demands for change due to a lack of authority at the county level. This item was adopted by the state League for study and consensus to make possible state legislative action. This would then enable necessary or desirable changes in county government. A statement of position was first adopted in 1967.

**STATEMENT OF POSITION:** The LWVK supports measures to increase the flexibility and efficiency of county government in Kansas. These include:

1. Statutory rather than constitutional provisions for specifics on the organization and function of county government including optional forms of governmental structure.
2. Continued measures to increase the effectiveness of county home rule including constitutional home rule and a county charter option.
3. Statutory authority for the following local options:
  - a. Inter-local cooperation and/or consolidation of functions and services among units of local government.
  - b. Election of policy-making officials only.
  - c. Appointment of a county administrator
  - d. Central purchasing
  - e. City-county consolidation; multi-county consolidation
4. Flexibility in the investment of idle funds
5. Provision for metropolitan government

### Criminal Justice

#### Criminal Justice - **Adult Corrections**

**BACKGROUND:** At State Council in April 1972, the statement of position from the Adult Corrections study was approved. An update of that position was requested by the State Board in June 1973 enabling the League to respond to state priorities. The updated position was completed in December 1976.

**STATEMENT OF POSITION:** The LWVK supports all governmental units of the State of Kansas in their responsibility to provide a humane program of corrections for offenders. Such a program would integrate offenders back into society as productive and successful citizens and thus protect the total community. The program would include rehabilitation through diagnosis and treatment; work opportunities that are meaningful; vocational training; and a full range of educational opportunities. It would require adequate funding as well as community acceptance of the offender upon re-entry

LWVK supports improvements in the present system such as:

1. Proper training and salary scales commensurate with responsibilities for staff involved with corrections and after-care.
2. Sufficient staffing of the Kansas Reception and Diagnostic Center, or, alternatively, contracting for services to permit post-sentence diagnosis and treatment for convicted felons.
3. Full implementation of work-release programs and home visitation.
4. Expansion of honor camp programs.
5. Active recruitment and employment of a reasonable number of women and minority personnel for prison, probation, and parole staffs.

6. Establishment of strong probation and parole systems and correctional programs with adequate staff and staff training.

The League supports the following changes in the present system:

1. Mandatory pre-sentence investigation conducted by probation and parole staff, or by contract with local agencies, for all felons and misdemeanants.
2. Elimination of discrimination against female convicted felons in regard to services and programs.
3. Misdemeanants should not be incarcerated in state prisons. Develop alternative programs and facilities for women misdemeanants.
4. Placement of most first time offenders on probation. Segregation of felons according to behavior with severity of crime taken into consideration.
5. Use of volunteer assistance to probationers, inmates, parolees, and their families.
6. Establishment of flexible probation and parole guidelines
7. Establishment of community-based or regional services and facilities.
8. Provision for an adequate number of counselors trained in the behavioral science.

LWVK supports a "Bill of Rights" for offenders. These rights include:

1. Human dignity
2. Personal security
3. Decent living conditions including nutritious meals
4. Legal counsel
5. Work
6. Exercise
7. Adequate medical care

LWVK supports the development of alternatives to incarceration. These include community-based corrections and rehabilitative programs within existing institutions before new prison construction is approved.

#### **Criminal Justice - Juvenile Corrections and Services**

**BACKGROUND:** A study of the Kansas Penal System with particular emphasis on juvenile needs was adopted at the State Convention in April 1971. The position was adopted in February 1973. The parts of the juvenile positions that relate to the courts have been incorporated into that position.

**STATEMENT OF POSITION:** LWVK supports a state-integrated system of corrections for juvenile offenders and services for Children in Need of Care. Such programs should provide services and care on a uniform basis for all children and youth and put emphasis on community involvement. This position includes:

1. A philosophy which provides that each child receive, preferably in his own home, the care custody, guidance, control, and discipline that serve both his interests and that of the community.
2. Definition of a "juvenile" as a person under 18 years of age.
3. Retention of provisions to the juvenile code which deal with such problems as truancy; the wayward, abused, dependent and neglected juveniles; and traffic violations until alternatives are provided.
4. Services for juveniles to include:
  - a. Probation with well-qualified and adequately paid personnel operating under standardized state guidelines.
  - b. Provision for coordinated handling of related family matters.
  - c. Citizens' councils, with emphasis on providing innovative programs, delivery of services and community education.
  - d. A non-institutional approach to the care and treatment of juvenile offenders through:
    1. Development of Youth Service programs at the community level to include parents, churches, service organizations, social agencies and schools.
    2. Establish as needed additional local services such a day care centers, group homes, volunteer programs, foster care, and mental and physical health care.
    3. State funding and guidelines for communities.
    4. Requiring Juvenile Judges to have a law degree and specialized training in handling juveniles.

## Criminal Justice – **Court System**

**BACKGROUND:** The LWVK began studying the Kansas courts in the early 1960's. A study of the Family Court was adopted by the 1963 State Convention. The position reached by consensus read, "The League of Women Voters of Kansas supports measures to establish a court, which has centralized jurisdiction over family matters". The delegates to the 1973 State Convention decided that it was timely to reevaluate the Family Court position as an extension of the Juvenile Corrections study just completed. Because of the possibility for unification of the courts in the near future, the evaluation was broadened to include the total court system again. The statement of position on the court system was first adopted in January 1975 and includes parts of the juvenile position as well as statement of previous positions on the court.

**STATEMENT OF POSITION:** The LWVK supports:

1. The organization of all courts in Kansas into a unified court system. Such a system should:
  - a. Be financed by the state.
  - b. Provide that all trial courts be unified into a single court with general criminal as well as civil jurisdiction, with the exception of certain traffic violations.
  - c. Provide that minor traffic violations be subject to administrative disposition.
  - d. Provide that the State Supreme Court promulgate rules for the conduct of minor as well as major criminal prosecutions.
  - e. Provide that full-time judges perform judicial functions in the trial courts, selected by the appointive-selective methods, and that all judges possess law degrees and be members of the bar. Until this position is reached, the State Supreme Court should certify non-lawyers in the unified court system.
  - f. Provide for transcription or other record of the pre-trial court proceedings and of the trial in all criminal cases.
  - g. Provide those pre-trial release services, probation and rehabilitation services be made available in each judicial district.
  - h. Provide a readily accessible avenue for review of legality and appropriateness of sentence by an appellate court.
  - i. Provide for the selection of a Chief Justice of the Supreme Court on the basis of ability rather than on the basis of seniority.
2. Establishment of a division of the trial court of general jurisdiction, which would deal with, matters relating to the family. It should:
  - a. Guarantee every child as well as every adult equal protection under the law.
  - b. Include delinquency, neglect, support, adoption, child custody, paternity actions, divorce, annulment, and assault offenses in which both the victim and the alleged offender are members of the same family.
  - c. Have access to resources to enable it to deal with family problems that may underlie the legal matters coming before it. An adequately staffed and supported intake unit should be authorized to identify and develop alternatives to formal processing of delinquent juveniles, and to determine which delinquents are appropriate subjects for these alternatives. Detention and shelter care decisions should be made only with direct judicial supervision.
  - d. Order the institutionalization of a juvenile only upon a determination of delinquency and a finding that no alternative disposition would accomplish the desired result. A determination of delinquency should require a finding that the state has proved beyond a reasonable doubt that the juvenile has committed an act that if committed by an adult would constitute a criminal offense.
  - e. Provide specialized training for all persons participating in the processing of cases through this division, including prosecutors, attorneys, and those judges who hear court cases related to family matters.
  - f. Maintain confidentiality of records for juveniles and, to the maximum extent possible, for adults.
  - g. Utilize community corrections programs and community services such as probation, counseling, and diagnostic services, but provides such service directly when necessary.

## Criminal Justice - Sentencing

**BACKGROUND:** Delegates to the 1981 State Convention adopted a mini-study of Sentencing Alternatives in Kansas. A statement of position was announced in December 1982. This position is an addition to the position statements on Adult and Juvenile Corrections under Criminal Justice.

**STATEMENT OF POSITION:** The LWVK supports a criminal code, which is a mix of indeterminate and mandatory minimum sentencing. However, the League believes that some changes are needed to make the system more effective, consistent, and fair in dealing with both offenders and victims of crime. Therefore, the League supports Uniform Sentencing Guidelines for the judiciary. These guidelines should provide:

1. Better protection for society from violent behavior and repetition of criminal acts by requiring incarceration of repeat offenders.
2. More structure and uniformity, yet some flexibility in individual cases.
3. Less disparity in sentencing.
  - a) Fewer incarcerations by providing more sentencing alternatives such as community corrections, to judges.

The LWVK supports sentencing guidelines as follows:

1. The establishment of a commission, representative of the criminal justice system, the Legislature, and lay persons, to draft the guidelines for legislative approval.
2. A requirement that judges provide written justification for appellate review when a sentence deviates from the guidelines.
3. The use of community-based alternatives to incarceration that would allow for more restitution to victims and individualized treatment of offenders.

The LWVK opposes a death penalty for the following reasons:

1. It is not a deterrent to others.
2. A guilty person may be acquitted because juries may be less willing to return a guilty verdict if the penalty is death.
3. An innocent person may be wrongfully convicted.
4. It is too costly to the state in terms of legal fees and court time.

## Education Governance

**BACKGROUND:** In 1985 the LWVK undertook a study of the governance of public education in Kansas. The composition, duties and responsibilities, authority and relationship of the State Board of Education, State Department of Education, Kansas Legislature, local Boards of Education and the Kansas Board of Regents were examined. The consensus statement was adopted in December 1986. A study of the State Board of Education was adopted at the LWVK Convention held in 1997. Changes in governance of the state's system of education were under discussion in the Legislature, and it was an appropriate time to add to the previous position on education. The new position was approved by the Board of Directors in September 1998, and has been incorporated with the 1986 statement of position.

**STATEMENT OF POSITION:** Regarding the governance of education in the State of Kansas, the LWVK supports:

1. An education governance structure that is accountable to the voters and provides opportunities for public input. The various components should work together to assure that the entire governance structure is efficient and that there is coordination on curriculum and administration. The League does not support a governing umbrella over all publicly funded education in Kansas, but does strongly favor better coordination of all publicly funded education. It is imperative that educational needs in Kansas be given higher visibility, perhaps through the designation of a Secretary of Education.

2. Increased cooperation among boards and agencies. There should be enforcement of the open meetings law, availability of public documents, and dissemination of information about activities of various education boards and agencies by the media.
3. Continued direct election of local USD boards and boards of trustees of community colleges.
4. A State Board of Education composed of an odd number of members with a majority elected and the balance appointed by the Governor. They should serve four-year terms, which are staggered. Non-partisan elections are preferred.
5. Governance of kindergarten through 12<sup>th</sup> grade education and adult basic education by a State Board of Education with self-executing powers.
6. Governance of all public post-secondary education including Washburn University, by a separate board. Washburn University should become a state-regulated institution only if the change does not diminish funding for the current Regents institutions.

[NOTE: Senate Bill 345, Restructuring of Higher Education, was enacted in the 2000 legislative session. It retained separate boards for community colleges and Washburn University but placed them under the oversight of the Board of Regents]

### **Legislative Apportionment**

BACKGROUND: The position of the LWVK on legislative apportionment is rooted in a long-standing national League position favoring legislative apportionment of both houses of state legislatures on the basis of population. The LWVK further refined this position by state studies of reapportionment procedures in 1959, 1965, and 1973. The current statement of position, a result of these studies, was first adopted by the 1975 State Convention.

STATEMENT OF POSITION: The LWVK supports measures to achieve reapportionment of the Kansas Legislature at regular intervals of not more than ten years. Such reapportionment should include:

1. The standard that the Legislature be based substantially on population, using United States Census figures.
2. Responsibility vested in a commission as a step in the reapportionment process.
3. A proportional relationship between the size of the House and the Senate with Senate districts being composed of an appropriate number of House districts, observing county lines where possible.
4. Constitutional limits to the size of the House and Senate (maximum and minimum) with the legislature determining the size within these limits by statutory action.

### **State Finance**

BACKGROUND: State Finance has been of continuing interest and study since 1936 when attention was given to reform of tax systems to provide adequate revenue for essential governmental services through an equitable distribution of the tax burden. Additional studies have resulted in positions on school finance and on standards of a modern equitable tax system with specific positions on severance, sales and income taxes.

The statements of position on State Finance that have been adopted are: 1949, support of an Add-on severance tax; 1971, present wording for health services, highways, and welfare funds; 1972, school finance plan; December 1976, the present position on standards, additional revenue sources, income tax and sales tax. The 1979 State Convention adopted a program for further evaluation of the Kansas tax system with emphasis on appraisal, assessment and classification. The delegates to the 1981 State Convention approved this position. The 1993 State Convention adopted a program updating the position on State Finance with emphasis on the tax mix, i.e. the income tax, the sales tax, and the property tax.

STATEMENT OF POSITION: The LWVK supports a broad-based state tax system that has diverse sources of revenue and that is equitable, provides adequate revenue, and is effectively and economically administered.

STANDARDS: The state sales tax system, in the context of the total tax system, should meet the following standards. Individual taxes may fail to meet some of these standards, but it is essential for a state tax system to meet all the criteria to be acceptable.

1. Equity. The ability to pay should be the primary basis for distributing the tax burden. Tax laws should be reexamined periodically to insure that equity is not lost.
2. Adequacy. Adequate, stable revenues should be provided by a tax system in order to finance the quantity and quality of services required not only during stable economic times, but also in time of recession, inflation and unemployment. The revenue should rise as rapidly as average per capita income. Diverse sources of revenue are desirable to broaden the tax base, assure wide-spread sharing of the costs of government, and to help achieve a system that meets the other standards outlined here.
3. Ease of administration. A good tax should be easy to compute and pay, difficult to evade, and not expensive to collect. The administration of a tax system should require the smallest possible part of the proceeds; adequate expenditures for enforcement are necessary to prevent evasion. Taxpayers should be able to understand clearly their responsibilities and to comply with requirements in a manner that is convenient and economical.
4. Consistency with economic goals. In establishing or changing a tax system, the effects on goals for consumption, incentives for investment and governmental objectives should be carefully considered. Tax systems inevitably have indirect effects on consumption (gas, cigarette, and alcohol taxes), on incentives for investment (income, intangible tax), and on governmental objectives (economic development, environmental quality, social welfare). The effect of the tax laws on these goals and on equity should be considered in formulating our tax policy.

The LWVK recommends:

1. Kansas seek additional revenue when needs for expanded and improved services from state and local governments require it. Revenue decisions should be accompanied by an evaluation of present programs, giving attention to efficiency in the use of state money and the effectiveness of state programs.
2. The state rely more heavily upon a progressive income tax as a source of revenue. There should be a sufficient number of tax brackets to adequately reflect "the ability to pay." Tax brackets and personal exemptions should be adjusted as needed to reflect the changes in economic conditions.
3. The League accepts the necessity of the sales tax as a part of a broad-based tax system, but its regressive nature should be relieved by the exemption of food and drugs from the tax base or through a provision of income credits including rebates for those who have no income tax liability. With such reforms an increase in rate would be acceptable; however, an increase in income tax is preferable to an increase in sales tax. The base of the sales tax should be extended to include services other than medical, as long as the tax on specific services conforms to LWVK standards of equity, adequacy, ease of administration, and consistency with economic goals.
4. The classified property tax system should incorporate the following concepts:
  - a. Constitutional provisions should contain a limited number of classes and should not give unlimited discretion to the Legislature, nor place all the detail in the Constitution.
  - b. Definitions of classes and assessment rates should meet the LWVK standards of equity, adequacy, ease of administration, and consistency with economic goals. Uniformity (fair market value) should be established within each class of property.
  - c. The residential property class should include both owner-occupied and rental properties and should be made more progressive by exempting a fixed number of dollars of assessed valuation and/or by a continuation of circuit-breaker programs for home-owners and renters.
  - d. Use-value appraisal should be used for agricultural property.
  - e. In order to achieve a high quality of appraisals on real and personal property, the Property Valuation Department of the State of Kansas should be responsible for: strict enforcement of appraisal standards; training and certification of county staff appraisers; obtaining adequate and sufficient data, particularly in commercial and industrial valuations; and for communication with the County Appraisers. The position of Director of the Property Valuation Department should be a professional career position in state civil service.

- f. The appeal process for appraisals should be readily accessible and understandable to the property owners. The Board of County Commissioners should appoint a sufficient number of trained hearing officers to make the appeal process timely for both the property owner and local units of government.
  - g. Guidelines and policies for granting tax exemption and abatement for economic purposes should be established by state law and should allow exemptions for a limited period of time. Tax exemptions for specific parcels of property should be approved by local units of government and include service charges to cover the costs of services provided by local governments. However, state approval should be required for exemptions from state-wide mill levies. Tax exempt property should be listed, categorized, valued, and information published regularly.
5. An "add-on" severance tax be continued upon a wide range of natural resources.
  6. The entire burden of financing education, health, welfare and highways should not fall on local units of government, but should be shifted partially to larger geographical areas and their units of government. Specifically, we believe that:
    - a. Health services should receive larger appropriations from the general revenue fund.
    - b. No change is needed in the method of financing highways.
    - c. Welfare funds should come principally from the federal government.
    - d. The State of Kansas should promote equity in educational opportunity for all through a school finance plan which makes equivalent resources available to each pupil regardless of the wealth of any particular school district. The League supports the following as a means of implementing this position:
      - 1) Equalized expenditures per pupil should consist of revenues from each school district, based on district wealth, with the balance funded from state sources.
      - 2) The state should provide approximately two-thirds of the total operating costs of education in Kansas.
      - 3) Revenue to provide this support should be derived from one or more of these sources: a) a severance tax, b) a state levied and collected property tax on state assessed properties (e.g. utilities, pipelines, oil properties, railroads, etc.) with equalized distribution, c) income taxes and d) sales taxes (with sales of food exempt from the base)
      - 4) The revenue should be equalized in distribution.
      - 5) Statewide equalization of the assessment of property should be a necessary condition for fair use of property tax.
      - 6) Equalized expenditures per pupil should incorporate a weighting system which takes into account the education level of the pupil, the enrollment of the school system, and adjustments for special, compensatory and vocational education.
      - 7) Special provision should be made for the rapid correction of deficiencies of those school districts whose per pupil expenditures do not provide an adequate basic education.
      - 8) The following factors should be regulated by state guidelines. They should not be used as determinants in school funding: a) incentives for school district consolidation b) pupil-teacher ratios (maximum and minimum) c) teacher training and experience.

## **Election Administration**

**BACKGROUND:** An evaluation of the Election Administration process in Kansas was adopted as a state study in April, 2001. A survey questionnaire, developed and used by the League of Women Voters U.S. following Election 2000, was distributed to the local election official in every Kansas county. Responses were received from 101 of 105 counties. The information provided the basis for consensus and developing a position statement. Implementation of the proposed changes in administration of statewide elections will require legislative action. The goal is to improve the voting process and enhance the voters' confidence in the process. This statement of position was adopted in 2003.

**STATEMENT OF POSITION:** The League of Women Voters of Kansas supports:

1. A statewide standard for training poll workers and supervisory judges who administer elections as well as a mandatory training requirement for all first time poll workers and all supervisory judges.

2. Provision of training materials, mandatory training sessions for new poll workers, and abbreviated refresher training sessions for experienced workers in each county.
3. Base compensation set by each county for poll workers and additional compensation for supervisory judges, to reflect increased training and increased responsibilities.
4. Requiring supervisory judges to work the full day, with the option of a split shift for other poll workers.
5. Inclusion in the training materials and sessions of sufficient information on the use of provisional ballots in order to ensure poll workers are able to explain their use to voters.
6. A statewide effort conducted by the Secretary of State to educate voters on the use of the provisional ballot. The Secretary should make known the criteria for discarding a provisional ballot and release statistics for each county and for the state on the numbers of provisional ballots issued, the numbers discarded and the reason for discarding. The goal is to make the use of the provisional ballot in Kansas a fail-safe method of voting.
7. Reminding all voters, in advance of elections, of the criteria for discarding a provisional ballot, and posting these criteria at each polling place.

### **State Census**

NOTE: The following background statement is retained as an historical reference to LWVK action in the past.

BACKGROUND: An evaluation of state census-taking procedures was adopted by the 1975 State Convention. The statement of position was approved in April 1976 supporting standardized procedures and utilizing federal census data. LWVK objectives were attained by legislation passed in the 1978 session of the Kansas Legislature.

## **NATURAL RESOURCES**

To better maintain and improve the natural resources of the State, the League of Women Voters of Kansas endorses the establishment of a centralized agency, such as a Department of Natural Resources, to research, plan, execute and enforce policies that will preserve the air and water quality and land of Kansas while allowing for economic growth. Representatives of the general public, business, industry, agriculture and other economic interests should be utilized as consultants and advisors to the agency. The goal of the agency should be the development and implementation of a Natural Resources Plan for Kansas that integrates the various management practices and technologies of federal, state and local government to preserve for future generations the natural resources of the State.

### **Environmental Quality**

The League of Women Voters of Kansas has extended certain aspects of the national Natural Resources positions to deal specifically with Kansas problems. These extended statements will be found below under Hazardous and Solid Waste Management, Water Resources Management, Land Use, and Prairie Park.

#### **Environmental Quality - Hazardous Waste Management**

BACKGROUND: Although the League of Women Voters of the United States in April 1980 had developed, from existing Natural Resources positions, criteria for evaluating the suitability of storage and disposal sites for hazardous and nuclear wastes, it seemed appropriate and timely to study the Kansas situation specifically and to investigate those aspects of hazardous waste management that were not addressed in the siting criteria. A study of hazardous waste management was adopted at the 1981 State Convention. A statement of position was announced in February 1983. See IMPACT ON ISSUES 2000-2002.

**STATEMENT OF POSITION:** To protect the health of the people of Kansas and to prevent the degradation of the land, water and air of the state, the League of Women Voters of Kansas believes that a program to reduce, detoxify and safely dispose of hazardous waste is essential. Control of hazardous wastes and compliance with laws and regulations can be achieved only through the concerted efforts of all levels of government, the generators of waste, the hazardous waste industry, and the general public as consumers and users of products and services.

**MANAGEMENT CONCEPTS:** The League of Women Voters of Kansas supports the concept of the state's participation in a hazardous waste interstate compact to enable Kansas and its neighboring states to share in the management of hazardous wastes and to assure that the most feasible and suitable procedures are utilized within each state.

The League advocates that the policies and programs of Kansas should address and approve usage of the following management options in order of preference:

1. Elimination or reduction of waste.
2. Recovery of materials and/or of energy.
3. Treatment by chemical, biological, physical or thermal procedures.
4. Separation and concentration of wastes for better reuses, treatment, or disposal.
5. Exchange of wastes among industries for use as materials in production or manufacturing processes.
6. Disposal of wastes by land burial.

The use of underground injection wells for disposal of hazardous wastes is not acceptable to the League.

**RESPONSIBILITY OF GOVERNMENT:** All levels of government must encourage the reduction of hazardous wastes and safe management practices. The League holds state government principally accountable for insuring that safe and proper procedures are followed by generators, transporters, and those who treat or dispose of hazardous wastes in Kansas. Specifically, the state should undertake activities to address these areas of concern to the League.

- \* Increased monitoring and surveillance of on-site storage and processing facilities.
- \* Identification and cleanup of abandoned disposal sites.
- \* Random and surprise inspections of hazardous waste generators.
- \* Random, blind chemical analyses of hazardous wastes received at or stored in facilities to determine the presence of unexpected materials.
- \* Stringent enforcement by the Kansas Department of Health and Environment (KDHE) of industry's compliance with hazardous waste management procedures.
- \* Development of computer capability to track hazardous waste transportation in the state and to maintain usable data for the state management program.
- \* Development of a predictive procedure to evaluate a specific site for its waste-handling capabilities.
- \* Ongoing evaluation of programs to ensure efficiency and best use of personnel and funds.

The federal government should take the lead in addressing more vigorously such activities as:

- \* Development of alternatives to disposal of hazardous wastes by land burial.
- \* Provision for information on recovery, recycling and reuse of materials to business and industries.
- \* Development of a defensible procedure to determine a "safe" quantity of a particular waste for on-site storage.
- \* Increase public awareness of hazardous waste management by agency publications and use of the print and electronic media.

Local governments can promote the recycling of used motor oil and other lubricants through public information programs.

**FACILITY SITING AND OPERATION.** To acquire the land for an off-site facility, the state may use the power of eminent domain only when other means of acquisition are unsuccessful. The training and

education of on-site and off-site personnel should be the responsibility of both the state and the owner/operator of a facility. The League maintains that a hazardous waste processing or disposal facility should be operated by private hazardous waste management industry.

**FACILITY SITING BOARD.** The League contends that the powers and duties of the Kansas Hazardous Waste Disposal Facility Approval Board should be expanded to allow it to evaluate and identify potential sites for an off-site waste facility. The Board membership should be broadened to include persons from a local community while that location is being considered by the Board as a potential site.

**CLEANUP OF ABANDONED SITES AND CONTAMINATION BY HAZARDOUS WASTES.** The owner/operator of a facility, if identifiable, and the company or persons responsible for the contamination by accident or mismanagement should pay the costs of cleanup activities. To enable the state to respond quickly to a contamination incident, a special cleanup fund should be established. Monies for the fund could be derived from one or more of these sources: fees from users of a processing or disposal facility, fees from generators, and proportions of fines collected from violators. Eventually, the costs incurred by the state should be recovered from the party responsible for the contamination.

### **Environmental Quality - Solid Waste Management**

**BACKGROUND:** The state study of Solid Waste Management and Resource Recovery was conducted concurrently with the national study, and a state position was first adopted in February 1973.

**STATEMENT OF POSITION:** The League of Women Voters of Kansas believes that:

1. There should be government regulation of solid waste management in all areas of the state. The Federal government should set minimum standards, but the state and local governments should have authority to set more stringent standards. The state should set standards if the federal government does not. Implementation and enforcement of regulations should be primarily up to the state and local governments, including cooperative regional arrangements.
2. All levels of government should undertake a program of consumer education aimed at reducing the amount of solid waste generated.
3. For the safeguarding of natural resources, most controls must be at the federal level, but the state, also, should encourage the recycling or reuse of materials by such means as a ban on nonreturnable containers, tax benefits for installing equipment to handle recyclable materials and increased government purchase of products made from recycled materials. Ways should be sought to limit the use of nonrenewable resources.
4. The state should give both technical and financial assistance to local governments for the planning of solid waste management systems. The kinds of financial aid preferred are: low cost loans, grants, and matching funds. If financial aid for the implementation of systems is offered, the same kinds of aid are preferred. For the operation of local solid waste systems, local governments should be permitted flexibility and local option in financing.
5. The state should provide incentives to industry to advance industrial solid waste systems. The kinds of assistance in order of preference are: low cost loans, tax credits and accelerated depreciation. Such incentives should be of limited scope and duration.

### **Environmental Quality - Water Resources Management**

**BACKGROUND:** The League of Women Voters undertook a study of the supply, use and quality of water in Kansas in 1977. The statement of position was announced in December 1978 and was first approved by convention delegates in 1979. In 1984 the League again studied water issues under the title of Water Resources Management in Kansas. This statement of position encompasses points of member agreement from both the 1977 and 1984 consensuses. At the 1993 State Convention, delegates voted to undertake a study of selected aspects of water resources to update the position and to reach agreement by concurrence. The modified position was adopted by delegates at the 1995 State Convention.

**STATEMENT OF POSITION:** The League of Women Voters of Kansas recognizes that water is a natural resource basic to the present and future well-being of Kansas citizens and to the economy of the State. A continuous supply of water must be maintained within Kansas through conservation and the use of the best available technology. Because of inequitable distribution, variable quality, and competition for water, there must be orderly planning for water supplies, various uses, water quality and strict enforcement of water laws, regulations, and management procedures.

**PLANNING AND IMPLEMENTATION.** Short-term and long-term planning for Kansas water resources should consider all waters of the State. Planning should address, but not be limited to, drinking water sources, water quality, wildlife and ecosystem management, flood control and recreation. The planning process must include input from all levels of government - federal, state, and local. Development and maintenance of water supplies should be implemented by the state and local governments, with one goal being potable water for all citizens.

The League recommends the following policies for water resources management:

1. Development of research, data collection and information systems.
2. Establishment of water management districts for aquifers and river basins or sub-basins.
3. Regular testing of public drinking water supplies and ambient waters based on significant risks to public health, ecosystems and wildlife.
4. Purchase of additional water storage capacity in federal reservoirs by the State to meet foreseeable needs.
5. Transfer of water within the state to meet municipal needs.
6. Protection of wetlands.
7. Establishment and enforcement of Interstate Compacts.
8. Inclusion of soil, economics and environmental considerations in impact statements.
9. Training and/or certification of operators of publicly owned water treatment and wastewater treatment facilities.
10. Maintenance of small lakes for municipal water supplies or for periods of drought.
11. Development of conservation plans and drought contingency plans by municipal, agricultural and industrial users.
12. Strict enforcement of water statutes and regulations.

**WATER RIGHTS.** League members believe the Kansas Water Appropriations Act should provide the State with sufficient flexibility to recover a vested or appropriated right when it becomes necessary to redistribute water according to a priority of greater need. The League believes that the State should have and use the authority to review regularly both the purpose of and quantity of water used by water right holders and to recover rights as needed by purchase or condemnation. When there is no pressing need for a higher priority use, water right holders should be permitted to hold their rights without using them.

The League questions the policy of giving all "beneficial uses" equal weight and ranks the priorities (preferences) of water use as domestic and municipal, livestock and general farm use, minimum stream flow, irrigation, industry, energy and oil or gas production and recreation. When water is in short supply, public health and safety should preempt all other rights.

**WATER SUPPLY.** Long-term and short-term planning for adequate water supplies and the careful implementation of water programs and projects is essential. The League of Women Voters of Kansas holds that the State has some responsibility to develop and maintain water supplies for present and future uses by means of: 1) the construction and maintenance of dams and reservoirs in conjunction with the federal government, 2) the purchase of additional or excess water storage capacity in federal reservoirs, and 3) the purchase of water rights.

To meet the water needs of municipalities, the State and local governments should consider the use of small lakes, regionalization of water systems, and the transfer of water within the state. The establishment of water management districts by aquifer, watershed, river basin or sub-basin is supported

by the League to enhance water planning and program implementation and to facilitate participation of local users and suppliers. Water management districts should have broad citizen representation.

To sustain water supplies, drought contingency plans should be developed by major water users to ensure that all users have access to a minimum supply of water.

**STATE WATER PLAN.** The League supports a comprehensive State Water Plan with the goal of preserving and improving surface and groundwater supply, use and quality. This plan should be part of a Kansas Natural Resources Plan. League members agree that the State Water Plan should be implemented at the local level whenever possible. Funding for the State Water plan projects should be derived from multiple sources including but not limited to monies from the State General Fund and the Economic Development Initiative Fund.

**WATER TRANSFERS.** The League supports the transfer of water within the state for municipal needs only and with the following considerations:

1. Environmental impact study on place of water origin, route of transfer, and place of final use.
2. Prior to the request for transfer, use of water conservation practices for one or more years in the place of origin and place of final use.
3. Compliance with long-term water goals and policies of each aquifer or watershed involved in a transfer.
4. Ability of beneficiaries of the water transfer to initiate and maintain funding of the project.

With interbasin transfers of water, negative environmental impacts should be minimized and careful attention should be given to the long-term and short-term impact on the water source of origin and the receiving area. A request for the transfer of large quantities of water over extended periods of time should be an occasion to examine the adequacy of water conservation plans of both the transferring and receiving regions.

Public interest or citizen groups should be allowed to participate in water transfer hearings. Such participation should not be constrained by excessive costs placed on the individuals or groups appearing as intervenors.

**WATER QUALITY.** The quality of Kansas surface and groundwater should be preserved and improved with emphasis on the protection of potable water. This should be accomplished by federal, state and local governments through enforcement of statutes and regulations. Standards for safe drinking water and ambient water quality should be based on significant risks to the public's health. Also, standards for ambient water quality should be adopted to protect animals, aquatic life, ecosystems and contact recreation. Water policies should address, but not be limited to: the establishment and implementation of soil and water conservation practices; the cleanup or improvement of water with naturally occurring pollution; and the control of non-point sources and point sources of pollution through best available technology. At least secondary treatment of discharges of waste from point sources is desirable. Measures should be implemented to control such non-point sources as urban runoff, agricultural runoff and irrigation runoff. Mandatory practices and penalties should be imposed on those who impair water quality. The quality of Kansas' waters should be monitored regularly and maintained at levels that will support the biota and wetlands of the state.

**CONSERVATION OF WATER.** The League of Women Voters of Kansas advocates the conservation of water as being important to the future management of the state's water resources. Conservation is necessary at all times but especially during periods of drought. Education is only one measure to achieve conservation of water and must be supplemented by other measures. The State should use its authority to require conservation plans from existing major water users and new non-domestic applicants for water rights.

Where irrigation is involved from either surface or groundwater, conservation plans should provide for metering water flow and for the use of the most water efficient methods and equipment. The State should develop demonstration projects, conduct research on water-sparing crops, and provide the technical assistance in these areas.

Conservation efforts should encourage the practice of recycling and reuse of water whenever economically feasible, with the cost of technical assistance for such practices being shared by the industry or municipality and the State. Another method supported by the League to encourage water conservation is a special assessment on consumptive users of water and on those who deplete water supplies.

The planned depletion of groundwater is not an acceptable policy for water conservation. The safe yield policy of an aquifer should be secured by the withholding of further water rights whenever feasible.

League members view the conservation of water as critical in the protection of the wetlands of the state.

**FINANCING WATER RESOURCES.** The League of Women Voters of Kansas views water users, beneficiaries and the State as having roles in financing water programs and projects. The users should pay for the treatment of a municipality's drinking water and wastewater. Users should be responsible for obtaining their own water sources. Beneficiaries should be responsible for funding a project to transfer water from the source to the community. Users and the State should pay for: 1) construction of local and regional storage dams or water projects, 2) improvement in the quality of water with naturally occurring pollution such as mineral intrusion, and 3) technical assistance to instigate procedures for reuse and recycling of industrial and municipal waters.

The State should pay for the storage of state-owned water in the nine federal reservoirs presently involved in the state water marketing program from the sale of this water. The State should pay the costs of research, data collection and information systems that undergird effective planning.

To finance the various projects and programs within the annual State Water Plan, the League advocates a dedicated fund with monies from the State General Fund, the Economic Development Initiatives Fund, fees from municipal, industrial and stock water users, and an assessment on fertilizers and pesticides. Fines for water pollution should be placed in this dedicated fund. Other sources of revenue supported by the League to fund water programs and projects are: 1) a surcharge on additional water withdrawn or used during drought or high-use periods, 2) an extra fee or higher rate for consumptive water users, and 3) an extra fee or higher rate for users who deplete water quantity or impair water quality.

To aid communities or districts in the construction of water treatment and wastewater treatment facilities, the State should establish a revolving trust fund to lend money at low interest rates with payback to the State within the useful life of the facility.

## **Land Use**

**BACKGROUND:** The League of Women Voters of the United States adopted a statement of position on Land Use in 1972. In 1973 the State Convention of the League of Women Voters of Kansas approved a study on the state level. A statement of position supporting state land use planning was adopted in December 1974.

**STATEMENT OF POSITION:** In order to protect the state's natural resources and to assure their wise use, the League of Women Voters of Kansas supports a system of land management which integrates our ecological needs with our social and economic needs. The League recognizes land is a resource to be preserved and protected. Therefore it urges the state to assume a more active role in land use planning.

## **Prairie Park**

**BACKGROUND:** As part of the evaluation of land management adopted for study at the 1973 Convention of the League of Women voters of Kansas, special attention was given to the establishment of a National Tallgrass Prairie Park in Kansas. After reaching consensus on Land Use, a Prairie Park position was approved by concurrence in December 1974. Subsequently, The National Park Trust purchased the 10,894 acre remnant of tallgrass prairie known as the Z Bar/Spring Hill Ranch in 1994. The Tallgrass Prairie National Preserve of 180 acres was established in 1996 as a unit of the National Park System. The remainder of the property continues to be owned by the private National Park Trust”.

**STATEMENT OF POSITION:** The League of Women Voters of Kansas continues to support the conservation of tallgrass prairies in the Flint Hills of Kansas. To preserve tallgrass communities for posterity and to assure healthy development, the League urges the establishment of scenic and conservation easements in the vicinity of the Tallgrass Prairie National Preserve. It supports planning at both the state and county levels to assure these ends.

## **SOCIAL POLICY**

### **Equality of Opportunity**

**BACKGROUND:** The support of equal rights for all has long been one of the guiding principles of the League of Women Voters. The League of Women Voters of the United States began its study of these concerns in 1964. This statement of position was announced by the National Board in January 1969, adopted by the 1972 National Convention whose delegates gave overwhelming support to the newly proposed Equal Rights Amendment, and expanded by the 1980 National Convention. The position in brief is included here to underscore the Kansas League's participation in the national consensus and belief that many aspects of the position are applicable for action at the state level. Delegates to the 1981 State Convention added “access to policy-making government meetings.”

**POSITION IN BRIEF:** The League of Women Voters of Kansas supports action to combat discrimination and poverty, and to provide equal access to education, employment, housing and policy-making government meetings, and action to bring laws into compliance with the goals of the Equal Rights Amendment. Detail of the League's position on equality of opportunity are found in IMPACT ON ISSUES 2000-2002.

### **Health: Medical Indigence**

**BACKGROUND:** A state study of Medical Indigence was adopted at the 1987 LWVK State Convention in recognition of the serious need for basic health care availability. Details of the LWVUS position, “Access to Health Care,” may be found in IMPACT ON ISSUES 2000-2002.

**STATEMENT OF POSITION:** The League of Women Voters of Kansas believes that:

1. Basic health care should be available to all citizens of Kansas.
2. Individuals should provide for their own care when feasible and affordable. However, we recognize that some people are medically indigent, that is uninsured, underinsured, or for some reason unable to pay for health care.
3. In the absence of federal action, that state should take responsibility for devising a plan to care for the medically indigent in Kansas.
4. The state has primary responsibility for providing at least minimum insurance for basic health care and health education. The counties are responsible for the delivery of services.
5. Employers have responsibility for providing at least minimum insurance for basic health care for all employees and their families through methods such as business group insurance and/or risk pool.

### **Meeting Basic Human Needs - Dept. of Social & Rehabilitation Services**

**BACKGROUND:** The League of Women Voters of the United States' statement on Meeting Basic Human Needs supports policies that promote self-sufficiency for individuals and families by preventing and reducing poverty. The League of Women Voters of Kansas at Convention 1993 adopted a study of the Kansas Department of Social & Rehabilitation Services to better understand what services and programs are available in Kansas. The position was adopted by delegates to the 1995 State Convention.

**STATEMENT OF POSITION:** In order to assure that the basic needs of low-income families are met, the League of Women Voters of Kansas encourages cooperation and continuity between agencies and programs that affect children and families, using:

1. Established goals with objectives and expected outcomes.
2. External audits of individual programs within agencies with the goal of eliminating those that are NOT effective.
3. Replication statewide of successful programs such as teenage pregnancy prevention.
4. A statewide computerized network accessible to all agencies that work with children and families.
5. A reduction in caseload such that each client and/or family unit has all services coordinated by a single worker within a case management system at the local level.
6. A more flexible time limit for education, job skills and job acquisition for clients.

The office of the Secretary of SRS and its responsibilities are established by statute. The League of Women Voters of Kansas believes that qualifications such as administrative experience and communication skills should be included in the statute.

The League of Women Voters of Kansas supports an umbrella agency such as SRS to assure continuity and cooperation between providers.

The League of Women Voters of Kansas believes contracts or grants from SRS to other agencies, including private agencies, are appropriate provided they are regularly monitored and audited.

The League of Women Voters of Kansas believes all child support enforcement programs and data should be coordinated in one agency and enforced by the courts.

The League believes the following needs are not being adequately met at this time for:

1. Housing, due to availability and cost differences across the state.
2. Medical care for Medicaid patients where doctors are not accepting Medicaid patients.
3. Public transportation, which is unavailable in most areas.
4. Quality day care, particularly at different hours sometimes needed by recipients.
5. Budget allowances, which should vary across the state based on actual cost of living.

### **Children at Risk**

**BACKGROUND:** Delegates to the 1995 State Convention adopted a state study on children at risk to identify and evaluate state and local services designed to meet the educational, psycho-social and physical needs of children and youths. Delegates to the 1997 State Convention adopted the position.

**STATEMENT OF POSITION:** The League of Women Voters of Kansas recognizes the need for all children to live within a healthful and nurturing environment. Consequently, the League is especially concerned about those children identified by child-oriented community and/or government agencies and programs as children at risk.

The League supports the organization of comprehensive collaborative alliances using a statewide-computerized central referral service that communicates the existence and availability of services for children and their families. In addition, the League endorses the development and implementation of policies and programs that address the physical, psychosocial and educational needs of children at risk

Specifically, LWVK supports the following:

1. Health services available within the city or county that include prevention and early intervention programs for all children from birth to age six. Programs that include prenatal and infant care with follow-up services for high-risk mothers, particularly teen age parents.
2. Educational programs for the prevention of teen pregnancies and sexually transmitted diseases in the schools.
3. Available nutritional information for all agencies serving children.
4. Psychosocial services to prevent and relieve conditions of child abuse and neglect through education and intervention, and emergency services for violence prevention.
5. Community programs, both public and private, that provide attractive, safe, growth-promoting settings for children during the out of school hours when parental supervision is not available.
6. Substance abuse education, prevention, and treatment services to reduce the multiple problems related to alcohol, tobacco, and other drugs.
7. Education services for infants and toddlers with developmental, physical, and/or emotional delays. Availability of preschool education for all children beginning at age three.
8. Affordable child care services that are readily accessible and held accountable for their quality.
9. Funding for strong alternative and vocational education programs so that every child reaches high school graduation or its equivalent.
10. Sufficient public school funding to provide programs for at-risk children.
11. Child welfare services for foster children who are at risk because they cannot live in their own homes. Adequate services for foster children to include:
  - a. Keeping children with their families or sibling groups if possible, or adoption placement if this is not possible.
  - b. Serving foster children in their own community with a minimum of placements unless this is not in the best interest of a particular child.
  - c. Keeping education, health and psychological records current and following the child when placements are necessary.
  - d. Assuring that all agencies serving foster children meet statewide standards, qualifications, and definition of best practice for their service.

LWVK recognizes that some of the programs and services suggested above are already in existence in Kansas communities and endorses funding for their continuation. The LWVK supports ongoing monitoring and evaluation of current programs and initiatives including:

1. Welfare reform
2. SRS programs for foster care, adoption and preservation of families
3. Transfer of responsibility for juvenile offenders to the Kansas Youth Authority
4. Future changes in Medicaid and mental health services

### **Living Wage**

**BACKGROUND;** A study of a "Living wage policy for government and private enterprises that receive public funds" was adopted by the League of Women Voters of Kansas at State Convention in April 1999. A statement of position was adopted on September 23, 2000.

**STATEMENT OF POSITION:** In order to prevent or reduce poverty and to promote self-sufficiency for individuals and families it is reasonable to expect government and for-profit businesses that receive tax incentives and/or other public funds to pay a living wage. Other businesses should be encouraged to do likewise.

A living wage should provide sufficient income, without government assistance, for food, clothing, housing, energy, transportation, health care, education, child care if needed, and a small amount of discretionary income.

The state should set minimum standards for a living wage for state employees. Additionally, laws should be enacted that enable communities to establish living wage ordinances for local government employees and private enterprises that receive public tax money. The League of Women Voters opposes legislation that prohibits such local action.

The state should establish a minimum wage for all workers that adequately reflects the actual cost of living in the state, at least to the minimum level established by the federal government.

Implementation of a living wage will take time and until that goal is achieved the League of Women Voters of Kansas continues to support government assistance to the working poor. Assistance programs may include but not be limited to:

1. Refundable state earned income tax credits,
2. Fair unemployment insurance,
3. Tax credits for child care expenses,
4. Health insurance, and
5. Elimination of sales tax on food.

### **Privatization of Child Welfare Services by the Kansas Department of Social and Rehabilitation Services.**

**BACKGROUND:** In 1996, the state of Kansas, through its Department of Social and Rehabilitation Services (SRS), embarked on an unprecedented initiative by totally privatizing its child welfare programs; family preservation, foster care and adoptions. Historical baseline data have not been made available by SRS for comparison between the old and new systems. Furthermore, SRS has neither developed a convincing rationale for privatizing its child welfare programs nor established a set of criteria for its decision.

Four local Leagues (Lawrence-Douglas County, Manhattan-Riley County, Salina, and Topeka-Shawnee County) spent two years (1996 and 1997) monitoring the new delivery system in their communities and all local Leagues were involved in a two-year study (1998 and 1999) of the new system. The material that follows discusses privatization in general and presents a set of principles by which to judge the privatization of the Kansas child welfare system.

The most common reasons given for privatizing a public service include (a) the public desires less government, (b) the government is not able to provide the service, (c) the private sector has the competence to provide the service at the same cost or less, and (d) the quality of the service will remain the same or be improved. To date, none of these reasons has been shown to support the 1996 move by SRS to privatize child welfare services in Kansas. Privatization has cost more money than anticipated, requiring supplementary funding by the Legislature. It has increased the number of bureaucracies with which communities and individuals have to deal. SRS is now into its fifth year of privatization and has issued new four-year contracts. During the first four years of privatization, Kansas has recorded an increase in the number of families with problems requiring child welfare services. The League of Women Voters believes that the child welfare system is a partial response, not the entire solution, to the problems of dysfunctional families.

#### **STATEMENT OF POSITION:**

#### **OBJECTIVES:**

1. Whether the services are state-run or privatized, the Kansas Department of Social and Rehabilitation Services (SRS) is ultimately responsible for the care, custody and control of the children in the state's

child welfare system. Services should be carefully monitored. The plan for each child must be guided by best practices, not only by cost. Where there are deficiencies, it is the responsibility of SRS to correct them.

2. The goals of the Kansas child welfare system are the safety, permanency and functional development of all children for whom it is responsible. Health, education and psychological records should always be current and follow the child. All major stakeholders should be involved in the planning, implementation, monitoring and evaluation of the system.

#### PROCESS:

3. SRS must have in place and functional
  - a. baseline data for comparative purposes and
  - b. a state-of-the-art Management Information System (MIS) which interfaces with those of major contractors.
4. A new and untried system may have variable effects in different communities. These effects should be dealt with through pilot projects or other means before a new system is introduced statewide.
5. State officials should consider whether enabling legislation is appropriate before making any far-reaching changes in child welfare services.

#### CONTRACTS:

6. Prime contractors must have
  - a. a record of experience and success in providing quality services in a timely manner for the designated population,
  - b. a demonstrated ability and experience to handle government contracts,
  - c. professional staff with appropriate academic degrees and a record of successful experience, and
  - d. supervisors with advanced degrees, a state license and appropriate experience in the child welfare field.
7. Privatization requires a competitive environment. Such an environment may lead to instability. Letting contracts for an extended period, with annual renewals, enables contractors to function in a more predictable environment and assures that children are not subjected to unnecessary upheavals. Guidelines for awarding contracts should be public information.
8. SRS should have annual external and internal financial and contract compliance audits of all contractors and subcontractors in the state's child welfare system. Penalties should be imposed for non-fulfillment of their contracts. The state should have a contingency plan in the event of contract failure.