

LOWTHER INTERVIEW #11

Loren Pennington: This is the 11th in the series of Flint Hills Oral History Project interviews with Mr. James Lowther who resides at 1549 Berkeley Road in Emporia, Kansas, and the interviews are taking place in his home. Today's date is May 10, 2012, and the interviewer is Loren Pennington, Emeritus Professor of History at Emporia State University. And as usual, we remind the user of these interviews that while Mr. Lowther and I have not been close friends we have known each other for more than thirty years and have met on many occasions and consequently these interviews are being conducted in a very informal format. Jim, last time we talked about such things as property classification before the Legislature, the closing of state hospitals and also the severance tax and we concluded by talking about your newsletter that you sent to your constituents during your time in the Legislature. Before we go on today is there anything you wish to say about any of those subjects further that we talked about last time?

JL: Last time, on the previous date, yes. I think we were talking about the quite huge effort to look into which hospital to close and about our four-person sub-committee flying around the state looking into this making a recommendation to close KNI and I recall this then was a . . .

LP: Now KNI is in Topeka.

JL: Yes, Kansas Neurological Institute in Topeka. And this recommendation of our sub-committee passed the full House Appropriations Committee and the House, but when it reached the Senate, Senator [Bogina] and a few others were not ready to make that decision and they stopped it, you might say killed it. So it did surface again in '95 and '96 under Governor Graves's administration and I believe it was during the '95 session

he asked for a special committee to again look into closing both a mental health hospital and one of the mental retardation hospitals. In other words, close either Parsons, Winfield, or Kansas Neurological Institute in Topeka and also look at closing either the Topeka State Hospital, Larned, or the Rainbow facility in Kansas City, Kansas, and Osawatomie State Hospital on the mental health side. And I could add at this point that what happened eventually was that the recommendation came to close Winfield State Hospital and the Topeka State Hospital for the mentally ill on 6th Street there in Topeka and those passed and those facilities then were eventually closed with the patients placed in community settings as they were moved out of the facilities. And that finally was closure on that, but I thought I didn't mention that on the previous tape.

LP: Does the state provide any funds for this local caring for these people?

JL: This was an issue that was debated in committee and all around up there. The funding that the state was paying for keeping, and I forget the figures on how much per patient on an annual basis the state was paying for a bed in a mental health hospital. [But the question was] that the money should follow the patient to a community placement in order to help provide the necessary mental and physical. . . .

LP: In other words, it wasn't a matter of dumping the cost back on the local. . . .

JL: No, no. It's not a matter of dumping the cost. It was shifting the care from an institutional setting to a more. . . .

LP: Community setting.

JL: Community setting.

LP: But the state was still paying some of the bills?

JL: Yes, but there wasn't any guarantee at the time that the money would follow the patient.

LP: They would have to appropriate it every year?

JL: Yes, and if the money was going to support a patient in a community home or setting, how much would it be? It was fairly new and so there was a lot of argument and discussion that ensued over accomplishing the closures and the placement. One interesting aspect of it was that the Winfield placements apparently turned out to be fairly efficient, fairly done, and efficiently done. Originally it was felt that there wouldn't be enough options for those patients leaving the Winfield State Hospital because the closest major city was Wichita, but actually it did work out in the end that there were non-profit groups which stepped forward and created homes for the mentally retarded, and they were placed quite well and without undue delay. So that was a pleasant result, surprising somewhat. But that issue, of course, as I have to tell now, dragged on for several years before it finally came close to closure.

LP: How did that effect the Hetlinger Center here in Emporia?

JL: I'm not so sure it affected the Hetlinger Center, no. It affected the Emporia area in that we now have group homes in operation, and they've been here for some time now, of course. And there are various levels of MRDD (mentally retarded, developmentally disabled) and they categorize them, I forget now, 1 to 6. But they take care of these people, and the more severely handicapped they are, the more care they need and the greater the funding necessary. But what happened was that they've created these group homes to accommodate placements for people of this diagnosis because they couldn't keep sending them to Winfield. Winfield was closed. And so people came out, I'm not

sure how many might have come from Winfield back to this area for placement, but throughout the state, the community placements grew and came into play and it seems to be working pretty well.

LP: You think that program was a success then?

JL: Well, as it ended up, I think it was. And Winfield came out in great shape; smelling like the proverbial rose in June because they ended up with the hospital being acquired by the Department of Corrections for a minimum security prison and late release facility. So they had the people hired there that maybe lost their jobs at the hospital. Not the nursing type, but I mean people that were maybe involved in building and grounds or what have you. So the economic hit to Winfield was mitigated to a great degree, if not entirely, by the Department of Corrections taking over what was the Winfield State Hospital.

LP: Anything else from last time?

JL: I don't believe I can recall anything else from last time.

LP: Well, what shall we take up next?

JL: Well, I'd like to visit a little bit about what was going on back in the '95, 1995. . . .

LP: We're talking about the 1995 session of the Legislature?

JL: The 1995 session of the Legislature—Governor Graves was the new governor then. And I'll try to show that some of the things going on then were not unlike the problems that are being faced currently in 2012. Of course, there are differences, plenty of differences, but I'll give you some examples and kind of go through these a little bit. It's interesting that currently the conservative element in the Legislature is being quite critical of past legislatures and past governors for a tax and spend philosophy that has gotten us

into a terrible mess. And of course, I've been looking at that [and I] could see that it is not correct, it's not right and they're wrong. And the fact is that. . . .

LP: You want to defend what the previous legislators have done?

JL: I think so, to a great degree. The fact is that you have the macro effect going on all the time and if there's a nationwide surge in economic prosperity the Kansas boat will rise with the tide. If there's a nationwide recession and cutbacks and problems the Kansas boat will begin to sink with all the rest. We're no different. So, you know, they ignore that. For example, back there in 1995 the Governor recommended a lot of cuts in spending. For example, cut unemployment insurance rates. There was a recommendation to cut 20%, which would save businesses in the state about \$43 million dollars a year. This was termed an economic development issue.

LP: We're talking about the funds that are used to pay unemployment compensation?

JL: Yes, every business has to have federal and state unemployment coverage and there's an assessment made, and if a business has a high unemployment they're going to have a higher tax rate than someone who has no turnover or no claims filed for unemployment.

LP: So you're wanting to cut the cost of business?

JL: By cutting the cost of doing business it helps, it helped business. And the thing is, there are proposals floating around currently to reduce, or to eliminate the state tax on income—they're proposing now to eliminate the state income tax on businesses that are not corporations. The proposal includes LLC corporations and Chapter 5 corporations, but mainly it is supposed to be targeted to small businesses and give them an economic boost by cutting. . . .

LP: Now this is the income tax?

JL: Income tax.

LP: Income tax, yes.

JL: Well, that's rather draconian by a lot of yardsticks that you'd measure things by. For example, in '95 one recommendation we had was to move and I think we did cut the cost of doing business by reducing what they had to pay for income unemployment insurance to the state.

LP: Not income tax, but unemployment tax?

JL: Unemployment. But, you know, here was one of several I'll mention that was helpful to encourage development in business and yet it wasn't like a lot of things going on now that would use a butcher knife instead of a scalpel, you'd say. I believe it was the Governor who had an idea that for every four state employees leaving a state agency they could only hire three back to help reduce the number of state employees.

LP: Now this is Governor Graves.

JL: This was under his administration. And there were other recommendations. One-on-one— if one left you could only hire one more. So but anyway, that worked to help reduce by several thousand the state payroll, which is a reduction in the burden. . . .

LP: So it also put several thousand people out of work?

JL: No, not necessarily. Because a lot of these people were moving out of state or retiring or died and so for every four of those they were replaced by three new ones.

LP: OK. Well, if you put it another way, there were fewer job opportunities. . . .

JL: By one. But the idea was that the workload of the four could be taken up by those remaining or the three new ones. And it seemed to work pretty well.

LP: In other words, you did reduce the government payroll?

JL: Yes, for several years there was a reduction, I don't have the figures but it was going on and we were looking for more efficiency.

LP: You had cut a tax and you had spent less.

JL: Well, that's true.

LP: OK.

JL: Well, then we looked into the budgeting process, better budgeting. It's called performance-based budgeting. You turn out the lights on non-productive programs; their name for it was zero-based budgeting where each agency couldn't build on the previous year's budget and then add or take from it. They had to start from zero, and start over. And there was the idea of going into bi-annual budgets, two-year budgets, and then prioritizing programs within agencies to see if they were overfunded, and using too many resources on something that was not a very high priority and vice-versa. So this was going on then, which I think is a responsible way. I think we were addressing things responsibly then compared to what I read about subsequently and especially in 2012. I'll get into this later, but we had a proposal to reduce your automobile taxes, your car tax, by 50%. [It was] to be phased in, which I think helped a great deal. It helped individuals as well as businesses. There was a sub-committee that I was chair of working on using retired judges for the case backlog. They might work the equivalent of 20% or 25% of full time, but there was a limit on how much they could do to pick up the backlogged cases and the overloads that occurred in the court system.

LP: The courts were falling behind then?

JL: Yes. But [when you] start creating new judgeships throughout the state, full-blown judgeships with annual cost per judge and the retirement and the health care and everything, you're talking about a lot more money than hiring a few—or retaining a few—retired judges to pick up the slack or meet the overload.

LP: Call them in when you need them?

JL: Yes, and I've talked to several and they thought that they'd really appreciate a chance to get back in the courtroom and preside over a few cases. So that was an efficiency measure to help cut spending and it seemed to work and is still working.

LP: Right now, for instance, we're talking about shutting down the courts for some days.

JL: Yes.

LP: I heard a member of the Supreme Court talk on that the other day. He said, "Either we shut the courts down or we're just going to fall further behind."

JL: That's right. But again, there are ways to accomplish some of these things that I felt were more responsible and they're not being used today.

LP: And in fact, what you're hearing today is the charge that back in the days you were in the Legislature you were a bunch of wastrels.

JL: Were a bunch of what?

LP: Wastrels.

JL: Yes, that's what they claim today.

LP: Yes.

JL: We were the ones that caused all the problems that are in the state today.

LP: This has been caused by bad Legislatures of the past.

JL: Yes.

LP: But you deny this.

JL: Yes. Another example: at one point it became obvious that we not only maybe could cut what insurance rates were for businesses but the trust fund, the state trust fund, had built up to a point that we actually passed a two-year moratorium on unemployment taxes in this state. That was a savings of over \$300 million dollars to Kansas employers, because we had built up enough in the trust fund to cover the claims for a two year period easily, and we were in a prosperous period. So it made sense to do that and it was done and it was again something that would stimulate business and did, I'm sure, without using some draconian measures. Here's an example I want to talk about. There's a small agency called the Civil Rights Commission. I don't want to get into what all they do—that's not my point here—but I was Chair in Post-Audit and we had a request and did an audit of the Civil Rights Commission. The reason we got into it was that the waiting list of cases had grown and both the claimants who were seeking recovery or the businesses themselves were upset about this. They weren't getting anywhere, it was bogged down. So we did an audit and we found that the agency was so understaffed that the number of unassigned cases had grown to somewhere over 1,300 and so those employees were filing claims and employers who wanted to resolve the situation were kept waiting and waiting for years, almost.

LP: Is this the case of employees suing their employers?

JL: Civil Rights. Yes, there's a lot of violations come under that umbrella. I don't want to get into that. The point I'm getting at is that they were so understaffed that the waiting list kept growing and growing.

LP: The agency had a job to do and couldn't get it done?

JL: Yes. And the people seeking redress and all weren't getting served. So I just wanted to point out here in this tape, in this review here, that it's an example of where the Legislature refused to increase spending and held down the size of government. Now there are those who would claim as long as you can hold down spending and reduce the size of government, that's good. But they don't look at the consequences. And I think that's a big difference in what was going on in the Legislature fifteen or twenty years ago compared with what is going on today.

LP: Twenty years ago you looked at the consequences.

JL: Well sure. It was irresponsible not to look at consequences.

LP: But now you're of the opinion that the Legislature is not looking at the consequences?

JL: There are legislators who vote—I don't want to get into details now because it's a can of worms—but there are legislators whom I believe are not worried about the consequences. They just want to get done what they want done.

LP: As long as we spend less and tax less, that's what we need to do.

JL: Yes. Another issue here, as I've mentioned I think early on in this interview that the '94 election which elected the people to the '95 session, the '95-'96 session in the House and the four years in the Senate saw an influx of a lot of conservative legislators. And it was making a difference in what happened, and I'll get into that. For example, Graves was the new Governor in '95 and he had what some thought was a fairly austere, or stingy, budget. But there were those, especially in the House, that felt it wasn't stingy enough. And they formed a group by themselves to push for somewhere around a \$100 million more in spending cuts. But they found later they had to recommend tax cuts to

balance out. And my feeling then, in the Appropriations Committee, that responsible management demanded that any tax cuts of consequence should be accompanied by cuts in the budget and spending. But that's where it's easy to make cuts, the tax cuts, but try to find where you can come up with the spending cuts in a responsible way is very difficult. And so this is something that started to surface then and it's continuing to be a problem ongoing. I wondered if I could, or should in this interview, talk about how the state makes a budget, how the process is to set up a budget for a state agency.

LP: And you think this would help in understanding what you're talking about here?

JL: Well, I'm just wondering if who knows who might read this if a general understanding of the budget process might be of any benefit.

LP: I think it would be because I think it does bear on this whole question of responsibility in budget balancing. How do you balance off? How do you maintain efficiency in government and that sort of thing without damaging what government does?

JL: Well, that's true.

LP: Well, go ahead.

JL: It starts with the revenue side. There are estimates made by economists three or four times a year on what they think the state may collect.

LP: So that's the start. How much are we going to get?

JL: How much are we going to get. And so we have to then tailor the spending side to at least be within those limits. You can't decide to spend millions of dollars more than the revenue that's coming in. And so that's on the overall side of it. But then you have the problem with looking at each individual agency. There's been changes made in how this is done but at one point the House would look into appropriations for a list of agencies

and develop their budget for them and the Senate would do the same with other agencies and then they would see how these could be married together. Then later the Senate decided they wanted to do the whole thing, so the House would do the whole thing. We tried to split the appropriations instead of having it in one large appropriations measure; we split it into sixteen or eighteen different bills so that they were more manageable. And they could be debated individually that way with the cuts and additions debated in committee and on the floor of the House and the Senate. That way would get more of the Legislature involved in working on the budget process, rather than just the twenty-three members of the House Appropriations Committee and the eleven or twelve, whatever it was, in the Senate Ways and Means Committee. But a twist has been introduced now that if you're debating a spending measure on the floor of the House, if you want to add money to spend on this or that, you have to take it away from something else. Whatever comes out of the Appropriations Committee, you can't spend more than that total. And so if you want to add to something you've got to take it away from something else. This was not the case when I was in the Legislature and it made debates a lot more interesting. But the whole process was directing where our state tax revenues, or state tax money, went every year.

The budget we had, of course, included the State general fund expenditures, and fee funds, like Wildlife & Parks might have fees from fishing licenses. There's fee funds as well as the tax revenue and then the third part were federal funds. A good chunk, a good percent of the total State budget is federal funding for, we'll say, Medicaid, as an example. The State Highway Dept. gets a lot of federal funds for highways, some of the interstates are on a 90-10 split, for example. So the total budget includes federal funds,

fees, as well as the taxes from income, sales tax. And the process, of course—it's true for any bill in the Legislature—has to pass both Houses identically. So naturally there'll be a myriad of differences in the appropriations where the Senate might appropriate X number of dollars and the House would appropriate X times 2 number of dollars for a specific or a certain project or certain agency. So you had to get in there and reconcile, and compromise was the name of the game in order to reach that. You had conference committees on each of the appropriation bills and there were six legislators, 3 Senators, 3 House members, that would iron out the differences. But when they finally came to agreement, the conference committee reports went back to the respective Houses for an up and down vote..

[End of Side A]

[Side B]

LP: So then after it comes out of this joint conference between the Senate and the House all that is allowed is an up and down vote.

JL: Yes.

LP: You can't put in an amendment or take something out or put something in?

JL: No further amendments by either House.

LP: OK. What if you don't get the up or down vote?

JL: Well, the motions on the floor in the House and Senate could be to adopt a conference committee report.

LP: Yes.

JL: And if that failed, we were in trouble and had to start over.

LP: Had to start back and try again.

JL: If there was concern, if [there were] problems, there could be a substitute motion made that the conference committee report not be adopted and that the Speaker of the House and the President of the Senate appoint a new conference committee and send it back for further deliberation by the conference committee.

LP: Did that happen very often? That the first conference report wouldn't be [accepted]?

JL: Yes, it happened a lot in the Regent's budgets. I was going to get into that later.

LP: OK.

JL: One time there was a proposal to cut \$6 million from the universities. And so this was devastating and at one point there to the University, Emporia State University, which of course was in my district, and finally we did get that sent back for further review by making a motion to appoint a new conference committee. I should at this point mention also on all legislation, it has to pass in this same manner. But, there is another way to go on a bill that's not an appropriations bill where the Senate takes a House-passed bill and makes an amendment and change in it and then sends it back to the House. The House then has the option of concurring with the Senate amendments to the bill, and if they concur that's final action. And then it goes to the governor. [If the vote to concur fails, the bill dies.] If they non-concur, then it will probably be sent to a conference committee to go through this process I just talked about. But once the conference committee reports are passed by both Houses then it goes to the governor for his/her signature, or the governor has the right to let it go, let legislation go into law in thirty days without his/her signature. Now, on appropriations bills in Kansas, spending bills, the governor has the right to veto line items as well as vetoing the whole thing. On a substantive change in the law, statutes, the governor can veto the measure and not make any line item [veto], and

it's just a veto, or not. Veto or sign it or let it go into law without a signature. But on a spending bill, the spending bills are quite lengthy and a lot of times there'll be provisos in there that \$2 million is allocated to Emporia State University for building a new psychological education building with the proviso that that \$2 million has to be spent by a certain date. Anyway, that's a line item. The governor could decide that the he/she doesn't want that to be spent, and he/she could line item veto that. And the line item vetoes come back to each body to be considered to sustain the veto or override.

LP: So the fact that the governor vetoes the line item doesn't necessarily mean it's out, because they could pass it over his veto?

JL: That's true. Yes.

LP: And as you say, the line item applies only to appropriations?

JL: That's correct. Only to appropriations.

LP: You can't line out something of a general law.

JL: No. On a general change of law, change of statute, would be like Sunday sales of liquor, we'll say. He can't make changes within that.

LP: He either agrees or he doesn't.

JL: Right. But this got to be kind of contentious at times because the Regent's institutions, all the universities, it was always a big appropriation bill and it usually had some far-reaching and sometimes deleterious effects for all universities. There might be a blanket change imposed, like the way they treat the loss of enrollment or something that might be blanket for all the state universities. But it would affect one university more adversely or on the contrary benefit [in relation to] the others. A change statewide didn't always mean it was going to be good for Emporia State University. But we had the

problem then, too, of the fact that not all legislators when it came to certain issues were up to speed on welfare and provisions for social rehab-SRS. Or they weren't friendly at all to the universities and there were some that thought money spent for higher education—I can remember they felt that rather than being an investment, they thought that universities were whiners. They could get along with less money.

LP: Jim, let me ask you a question here on this whole funding business. There's always a big row over the state universities, then. I think you said they were about the second largest cost that the state has. What is your view of the way we have handled the funding of the state universities here in Kansas?

JL: Well, in my opinion, overall over the years the state support for our university system under the Board of Regents has declined. The overall support has declined.

LP: You mean the percentage paid by the state?

JL: Yes.

LP: For the cost of. . . .

JL: Yes, you can't say that the 1934 dollars were more [or that there were more] in 1995 dollars or 2000 dollars. The dollars probably went up but the percentage of the budgets that the state was funding seemed to decline.

LP: In other words, the burden went more and more on the students?

JL: The burden over the years shifted more and more to tuitions. Fees that the students had to pay, plus there was greater pressure put on all the universities to develop their foundations and to get private endowments, you see.

LP: Raise money out among the general public.

JL: Yes. I can remember when I was in the legislature Hoch Auditorium burned. And they raised private money to rebuild it.

LP: That was at the University of Kansas?

JL: Hoch Auditorium was on the University of Kansas campus. At one point they used it for practically everything, including basketball games.

LP: Yes, I remember Hoch very well.

JL: And it burned. If I remember right it [it was] almost all private money they solicited to restore that and build it back rather than the state appropriating the money for that.

And so gradually the fiscal restraints the legislature felt they were [under] over [the years] led to a reduction in support of the university system. And, as I say, there's a lot of reasons for that. It's hard now to articulate those but there are a lot of legislators who are not from an area where there's a Regents institution. And as the community colleges developed throughout the state to the point where there's nineteen and then later the vocational technical schools and colleges, they had more widespread support; for example, a western Kansas legislator could relate to the Garden City Community College, you might say, or the Colby Community College. But if they were a long ways away from Manhattan or Emporia or Lawrence they didn't have much sympathy or understanding of the university system, in my opinion. And I think that went on—that was part of the problem—they didn't think of the funding of universities as an investment. They looked at it as excessive spending and the universities were always whining for more support, more money.

LP: The universities are a bunch of whiners?

JL: Some legislators thought that, I think. Yes, I mentioned that earlier. But the problem has escalated to the point where there was a group formed, and the name of that group escapes me; I didn't know we were going to get into that. But there was a group formed back in the '90s to try to bring public awareness to this problem and I remember being a part of that. I have the letterheads; we sent out letters. We had a meeting in Wichita and we felt that the support for the universities was too much being shoved onto the backs of the students, and the students and their parents were facing increasingly higher and higher tuition rates. I'm not sure how much the state has suffered by this gradual increase in this problem, because this probably was going on in other states around the nation.

LP: In fact, there are two or three state institutions that are considering going private because they say, "Why should we accept the state control when we are not getting sufficient money from them; we can raise that privately."

JL: Well, it became a big issue every session of the Legislature during the twenty-one years I was there because K-12, kindergarten through grade 12 public education, was the largest block of funds that the state considered every year. But the Regents system I think was second, and then SRS (Social Welfare), was third, etc. And all the other state agencies, whether it be the Dept. of Corrections or Agriculture, Wild Life and Parks, didn't make up that big a piece of the pie. The Dept. of Transportation, of course, most of their funds were federal funds so that wasn't a large part of the State General Fund pie. When we talk about the Regents, I think we are second in total. I'm talking about state funds here.

LP: Yes.

JL: We're talking about the State General Fund. Sometimes that's not a very good way to look at things; you need to look at all funds. For example, if you want to impose an X percent, 2% or 5% cutback statewide expenditures, so Emporia State would have to cut 5%. One time I think it was 3% they had to cut. Well, where are they going to get those cuts, you know? It has to be state money, it can't be the federal money. So what if the University of Kansas has a lot more federal and private research money so their 3% is not going to hurt them as much as Emporia State. Emporia State might have almost three-fourths or maybe higher percent of their budget from State funds, so all the cuts have to come out of that. And there's not much money left to pick up the slack for something else. [In contrast], for example, I remember I had the budget for the Department of Human Resources, which I think has been changed to the Department of Labor. There were several hundred employees involved there, but their wages were paid by the Federal Government. Only the secretary and a handful of people received State General Fund money for salaries and so consequently a 5% reduction in state funding to them wouldn't affect their total budget hardly at all because almost all of it was federal funds. They just kept operating as usual. And so another agency that's 100% funded by the state had to absorb the full 5%. So that was another problem we debated back then. They said the fair way to go was to have an across-the-board 5% cut in state spending; that's going to be 5%—the same for everybody. But it wasn't fair because of the disparity in the make-up of their operations. So I thought that was kind of interesting.

LP: I was once involved in a little budget making on the Emporia State campus and we got one of these cuts and I said, OK, on my operation what do you want me to cut? And they said, well, whatever you want to cut, just so it's 5%.

JL: Yes, right. Well, at any rate, I can remember back in one session of the appropriations bill for the university budget had been re-referred back to committee for further study and the House had spent the '95 session in several hours of debate, and one of the issues being debated was a \$6 million cut to the university budgets. And there were other cuts, of course. They were going to cut the Human Rights Commission. They were going to eliminate the Citizen's Utility Ratepayers Board. There were some slash and burn [draconian] budget cutters trying to do their work even as far back as 1994, '95, '96. But at any rate, the Regents appropriation then finally did have that reduction of \$6 million in it and I think that maybe the way the cuts were dispensed, it wasn't as damaging as it turned out to Emporia State as it was to some of the other universities. But I think that probably covers that unless you have another question on that issue.

LP: I think that covers the idea. In other words, the state funding of institutions of higher learning is a very touchy question. There are a lot of people who take a dim view of the state institutions [of higher learning].

JL: There are, there are. They are there today and they will be in the future, unfortunately. I think now I might mention the fact that the issue surfaced—I mentioned early on in the interview about the fact that the moderate Republicans became outnumbered in the House and with the election in the fall of '94 there was a Republican landslide nationwide. Of the 46 Republicans in the House in '95 there were 34 of them who were conservatives.

LP: Now, only 46 Republicans in the House?

JL: Well, I may be wrong on that.

LP: What's the total number of the House?

JL: There are 125 and with 18 moderates we could vote with the 45 Democrats to have the 63 votes. It takes 63 votes to pass or kill.

LP: In other words, with the moderate Republicans voting with the Democrats you had a slight majority.

JL: Yes, there were 80 Republicans in the House, but the moderates were outnumbered.

LP: How many moderates? How many of the 80 were moderates?

JL: The 18 were the moderates.

LP: The 18 were the moderates.

JL: And we would from time to time vote with the Democrats when bills were a problem to either pass or to block, more likely to block something. And that was the first time in my career that that relation developed.

LP: You had come to the point where the moderate Republicans and the Democrats could between them control the House, is that what you're telling me?

JL: Yes. In later sessions the number of moderates stayed maybe about the same or maybe even increased a little. But the number of Democrats dropped so that you couldn't get a coalition that really had enough votes. . . .

LP: You couldn't get a moderate Republican/Democrat coalition; you were not a majority.

JL: Yes. As we're interviewing here in the current session of the Legislature—the super conservatives have enough to push through anything they want, regardless of what coalition there is.

LP: How about the situation in the Senate?

JL: The situation in the Senate is more like it was back when I was in the Legislature and there are 10 or 11 moderate Senators.

LP: Republican?

JL: Republican. Maybe more than that because they're only how many Democrats . . . I think there's only 8; are there only 8 Democrats?

LP: I can't answer that.

JL: I can't remember. But anyway, there's just about enough moderate Senators in the Senate to team with the Democrats to have a coalition that could pass a bill or stop a bill, which was similar to what was going on way back there when I was in the [House].

LP: What you're telling me is the extreme conservatives do not have as much control of the Senate as they do in the House.

JL: No, they don't. And if you want to get into contemporary politics here that's what one of the big, big arguments is going on as we speak. Governor Brownback, the sitting Governor today, wants to take over the Senate so he'll have a green light in both the House and the Senate in the 2013-2014 sessions of the Legislature. And he is encouraging a lot of private conservative money to support candidates to oppose those moderate Senators.

LP: So we're talking about Republican candidates to defeat moderate Republican candidates in the primaries?

JL: The primary is it. That started back in '95 and '96 that the Republican's total registered voters were so far ahead of the Democrats that in the general election the Republicans was going probably win, usually. So the key vote was always between primary opponents. And the conservatives would swarm to the ballot box and a lot of

moderates were apathetic and so a lot of primary elections went to conservative candidates.

LP: Traditionally, it's been a Republican member of the Legislature, if he is the incumbent, he won't be opposed, or not much opposed in the primary. But now they are out to vote out some Republican members of the House and Senate.

JL: Absolutely, yes. That's true.

LP: We just had a big case of that with Senator Luger in Indiana.

JL: That's true. That's exactly—it just happened, yes. I did want to say one thing. In my early part of the interview I was telling about serving as Vice-Chair of the Education and the Tax Committees, or Legislative Post-Audit and Appropriations. By 1995, this was my next-to-last session, 1995-96 was the last one. So by then I was going to chair the KPERS Retirement Sub-Committee in the House Appropriations Committee and serve on what they call the Budget Reform and General Government Sub-Committee. And I was chairing the Post-Audit Committee but I had dropped out of Education and Taxation where I was for many years. So the last few years of my term saw a shift of interest, you might say, and emphasis away from what had been more of a primary concern during my first several years. I want to go on now a little further, I guess, on this thing here. The Governor—the split between the conservatives and the moderates, and Governor Graves was a moderate, and I as a moderate and others, we wanted certain cuts made in spending and taxes if we could. But the slash and burn conservatives at times ran amok. And I have an example here that there was a bill, the tax bill, and the conservatives went practically berserk carrying amendments to the floor calling for large

random cuts in sales taxes. At the end of the day it was over \$100 million in cuts in sales taxes, which meant cuts to revenue.

LP: What would these do? Just create loopholes in the tax, or did they cut the whole tax?

JL: Well, I can't remember the details but they would cut sales tax on labor for new construction and then they wanted to cut sales tax on labor for remodeling.

LP: That's loopholes.

JL: It adds up, yes. Creating these loopholes.

LP: Now we're talking about closing loopholes.

JL: Yes. But anyway, that was a Senate bill; they were hanging it like a Christmas tree with ornaments there. And anyway, the House sent it back to the Senate with a "take it or leave it message" and so the Governor was under the gun, you know. And I don't think that the Senate forwarded it [to the Governor] because there was too much loss of revenue there. So the leadership in the House and some other more responsible people said, well, ok then, if you're going to cut that revenue out we've got to cut \$100 million in spending to match the tax cuts. Well, at that point we had this conservative element—there was that Christian Coalition, if you recall.

LP: Yes.

JL: And religious rights, and a lot of them were freshmen legislators, were charged up after that. They wanted to cut a \$100 million more, they wanted \$200 million, which I thought was being totally irresponsible. But at any rate, it was interesting that during this bill's debate and the motion to cut these sales taxes, the Democrats joined in, voting in favor of this tax-cutting frenzy. I guess they apparently wanted to not be outdone in the

deal, and they wanted to support the tax cuts so they jumped in and that's how with all those votes the thing sailed through. So then the question that came up at that point in my mind, was now we have to cut spending to make up the loss here; how will they vote on the appropriation bills that come out with all these state programs that were important to Democrats and everybody else? How are they going to vote on those cuts? It was interesting because a lot of times in the Legislature the Democrats would offer amendments to spend more than was recommended by the bill coming out of the Appropriations Committee. I mean, they wanted to increase funding for maybe say it was a school finance bill and they decided that they wanted an amendment that kindergartens would be fully funded and make it mandatory instead of optional; this is an example. Oftentimes a spending bill would be debated for hours because the Democrats wanted to spend more and a lot of times there were others who didn't want to support that extra spending. But sometimes there were bills that were actually rejected because the Democrats voted no. It might be say a bill funding the pay for state employees, maybe. The Democrats would vote no because there was not enough money in the bill; they wanted more spending and then the Republicans would vote no, because they felt there were too much. And the whole thing would collapse.

LP: So what you're saying, sometimes the Democrats voted with the conservative Republicans.

JL: They did. There's two examples I gave, which is kind of anomaly but that was not the normal coalition, of course.

[End of tape.]