

Ben Sanford Paulen

Message of Governor Ben S. Paulen To the Legislature of 1925

To the Members of the Legislature:

You were elected members of this legislature because your friends and neighbors had confidence in you. They believed you had the ability and the honesty to render genuine service to the state. The constitution wisely provides that a regular session of the legislature shall be held biennially. You are expected to enact laws essential to the state's progress, eliminating all selfish motives and every taint of partisanship. I am confident you will do your utmost to render to the people of Kansas the service to which they are entitled.

You will be besieged, as have been preceding legislators, by those who represent selfish interests and whose sole object is to secure legislation favorable to a few. Your duty is to the whole people, and I have every reason to believe that you will favor only such legislation as is demanded by the best interests of the entire commonwealth and which will promote a better citizenship. Thereby you will furnish the most convincing proof of your earnest intention to merit the distinction conferred by your constituents.

It is not my desire to permit the Executive Department to interfere with full freedom of thought and action by the legislature. My sincere wish is to cooperate with the legislature. I am anxious to see the enactment of wholesome legislation. My recommendations to the House and Senate are the general outlines of a brief program which in my judgment holds the attention of the state and includes the important needs for new legislation.

TAXATION.

The amendment to the constitution adopted at the 1924 election gives the right to classify certain kinds of property for the purpose of taxation. It will be the part of wisdom to act carefully, and to classify only such property as in your judgment is clearly entitled to classification. It would be safer, in my opinion, to proceed slowly and add to the list of classified property as experience shall warrant, rather than to classify too rapidly at the outset and be compelled later to modify your action.

I suggest that in addition to enacting at this session such changes in our taxation laws as many safely be made, the legislature appoint a joint committee to study the whole question of taxation under the constitution as now amended and report to the next session of the legislature.

THE BUDGET SYSTEM.

In a majority of the states has been made some provision for a budget. Kansas should at this session of the legislature adopt a real budget system.

President Taft defined the budget as follows: "The budget is an accurate source of information to enable those in charge of revenues of government and expenditures of public moneys to secure financial control, and it is a guide to the lawmakers in the exercise of the important legislative function in the making of appropriations."

It is manifest, of course, that any budgetary system created by the legislature must possess the

authority to make its recommendations somewhat mandatory. Any budget plan that gives to its suggestions and estimates no greater power than that of mere recommendation will be as inoperative as our present system.

A budget should furnish to those charged with the administration of government full information which will permit an intelligent estimate of needed revenues and provide definitely and specifically for all expenditures. A workable budget law would be one of the most beneficial acts of this legislative session and result in a large saving to the taxpayers of Kansas, preventing duplication and avoiding waste and extravagance.

I sincerely hope that this legislature will create a budget system that will be an effective instrument of government.

CONSOLIDATION OF BOARDS.

An imperative need of Kansas is the consolidation of its multiplied boards and commissions wherever such consolidation will simplify the machinery of administration, avoiding duplication of officers and inspectors and unnecessary expense of travel and publication. A careful consideration of the boards and commissions now in existence will, I believe, enable this legislature to enact such laws as will effect a saving to the taxpayers without impairing the efficiency of any department.

STATE INSTITUTIONS.

Under democratic government there must be no aristocracy of education. Not only the success of democratic government, but its very existence, is dependent on universal education. Not to how few but to how many can we extend the direct benefits of education should be our goal. While we should make the necessary provisions for the education of those of superior intelligence, it is equally important that the masses should have all the encouragement and all the assistance which education can give to them.

Vocational and social efficiency, morality, culture and equipment for the highest quality of citizenship are the important educational objectives. While we shall favor liberal appropriations, and shall extend all possible encouragement to every field of educational activity, we must in fairness to a taxpaying public, see to it that the money used for education shall be spent economically.

In my opinion the penal and charitable institutions should remain under the control of the State Board of Administration, but the educational institutions should be under a separate government with a board whose members are nonsalaried and who are chosen because of their particular interest in education. Certainly our educational institutions should be separated entirely from politics, and from even the suspicion of politics. This can best be accomplished by an independent board whose members serve because of the honor of this service to the youth of the state.

I call your attention to the report of the survey of the Federal Bureau of Education of the state institutions of higher learning in Kansas, which recommended, in part: "That in so far as their powers relate to the institutions of higher learning, the present State Board of Administration be replaced with a nonpaid board of from seven to nine persons appointed by the governor, for terms of seven to nine years each. That the office of business manager, with a clear definition of his relations to the new board, be retained as at present for the purchase of supplies, equipment,

and supervision of the erection of buildings."

This recommendation presupposes that the overlapping terms of the members of the board would prevent during any administration the influence of politics in the control of our educational institutions.

However, in whatever legislation is adopted, the legislature should keep in mind the necessity of the state retaining a strong control over its educational institutions.

ROADS.

Without question, road legislation will demand your best thought and most careful consideration. Kansas should at once take the necessary steps to secure ultimately a system of improved roads. Taxes in Kansas have greatly increased in the past decade. This increased tax burden is due largely to public improvements, among which is the cost of building improved roads and bridges. These are necessary, and, I believe, vital to the continued growth and prosperity of the state, but the present system of financing these improvements, especially the benefit-district plan, is unfair and unjust.

The benefit-district law places too much of the burden on the landowner; in many cases the tax amounts virtually to confiscation. I favor the repeal of this unfair law and replacing it with a law imposing only a small tax on land adjacent to the improved road.

A state road system can be effectively financed by a combination of the following methods:

First. The use of the annual automobile license fees.

Second. A reasonable tax on gasoline sold in the state for use as fuel in motor vehicles operated on the roads.

Third. A limited tax on property adjacent to the improved roads.

Fourth. A special tax on individuals or corporations using the roads for transportation of passengers or freight for hire.

Counties having need of roads in excess of the mileage this method will finance should be permitted to impose a general tax on their county for such purposes, authorized by a vote of the people.

Provision should be made for the limitation of the weight, the height and the width of motor vehicles.

The building of improved roads is the people's best guarantee for equitable and reasonable railroad rates. Improved roads will most effectively solve the short-haul problem. I believe that this competitive weapon in the hands of the people will have a helpful influence in reaching a fair adjustment of freight rates.

BANKS AND BANKING.

The function of legislation, as applied to banks and banking, has to do with organization, regulation and supervision. The banking laws of Kansas, acknowledged to be equal to the best among the systems prevailing in the states, have during these extraordinary times been subjected to severe tests. The unfortunate bank failures of recent years have not been due so much to infirmities in the law as in part to bad management within the bank and in part to happenings beyond human control.

A careful survey of the banking situation clearly demonstrates that most bank failures are the result of excess loans. This evil can be eliminated and must be eliminated, and if the law be at

fault for lack of sufficient penalty, then the law should be amended by the enactment of a penalty which will correct this condition.

The latest available figures show about \$8,500,000 of guaranty certificates outstanding. The average interest paid is about five per cent. The interest alone on outstanding certificates is more than can be raised by levying the full number of assessments now authorized by law. An increased number of assessments would certainly cause the failure of still more banks. It would seem to be the part of wisdom so to amend the bank depositors' guaranty law that certificates hereafter issued shall not bear interest, and, if it can be done legally, certificates already issued shall cease to bear interest.

The problem of legislation is clearly not to revolutionize the banking system, but to strengthen it by providing greater efficiency through regulation and supervision. To the accomplishment of these ends, it is essential:

First. That the authority and discretionary power of the Charter Board be preserved as against all proposed legislation to the contrary, to the end that a multiplicity of banks beyond the commercial necessities of the community be avoided.

Second. In so far as within the reach of legislation, the Banking Department should be so organized and administered as to be kept outside the pale of partisan politics. The qualifications for the important office of bank commissioner should be more clearly defined in the statutes.

Third. Statutory authority for the appointment of a banking board of not less than three nor more than five persons to act in an advisory capacity to the bank commissioner in the administration of the banking law and of the bank depositors' guaranty fund would greatly strengthen the Banking Department. The members of such board should receive their actual and necessary expenses and a reasonable per diem. They should be chosen from among the most experienced and successful bankers of the state.

Enactment of carefully planned legislation upon this important feature of our financial structure is most earnestly recommended.

PAROLES AND PARDONS.

I am opposed to the promiscuous issuance of pardons and paroles. While I am in accord with the humane and benevolent idea which prompted the enactment of the parole law, I am convinced that its abuse encourages crime. Those who commit crime in this state must be made to understand that they must suffer a substantial and adequate punishment.

The too liberal application of the provisions of the indeterminate-sentence law has caused many to advocate its repeal, but I am of the opinion that it can be administered in a manner that will not make the work of judges, prosecutors and juries ineffectual. Our present methods frequently encourage crime and are discouraging to district judges and peace officers in their efforts to punish the guilty and to protect society.

I urge upon you the necessity of legislation which will remove definitely from the minds of the people any suspicion regarding the exercise of the parole power. As the executive, I shall welcome legislation which will retain the humane and beneficial portions of the parole law and at the same time so curtail the powers of the Parole Board that only those clearly entitled to clemency shall have consideration.

STATE PENITENTIARY.

The facilities at the State Penitentiary are inadequate. This institution must be enlarged to accommodate the prison population. I believe the needed facilities can be added at a minimum of cost. The state has an abundance of brick manufactured by prison labor, and much of the needed building may be done with prison labor. I therefore recommend that provision be made by this legislature for increased prison facilities to meet the pressing demands upon the institution.

THE PRIMARY LAW.

The primary law enacted in 1908 supplanted the old caucus and convention system of nominating party candidates. The present act has been in effect over sixteen years, during which time minor amendments have been made and various features have been criticized by members of all political parties. Experience has shown where weakness and inequalities exist, so that intelligent correction and amendment now can be made to meet present conditions.

An outstanding need of a sound nominating system is a clearly defined accountability of party candidates for the principles and programs set forth in their respective platforms. It is also essential that voters have knowledge of the candidates and their qualifications before making a choice. Under our present primary system party tickets are necessarily long, confusing the voters, who have neither time nor opportunity for informing themselves concerning the candidates.

Party conventions are useful in clarifying and crystallizing public sentiment and for consultation and counsel by men and women representing various sections and interests of the commonwealth. They have a helpful function in promulgating party platforms, and with delegates really representative and properly selected should be free from criticism.

The people have a right to demand that a party platform shall represent the principles and plans which the party if placed in power intends to put on the statute books and carry into execution in the transaction of the business of the state. Candidates should be required to stand responsible for such party declarations. It is therefore desirable that such party declarations come in a representative manner, direct from the membership of the party.

I believe that the state will approve an effort to shorten the ballot and to make the party platform a true representation of party principles, simplifying the complicated and unsatisfactory primary system now in effect.

I would recommend that the present law be amended to fix the date of the primary several months earlier than at present. At that primary make nominations for all county offices and for members of congress, United States senator and governor. These are the offices in which the people have the best opportunity of forming a definite opinion. At the same primary let voters of each party select delegates to county conventions. The people will actively participate in such primaries because of the county and prominent state candidates to be nominated.

At the county convention selection may be made of delegates to the state convention. Let the state convention, so assembled nominate all other state officers and write the party platform.

I commend this to you for your careful consideration. As the primary law applies to all parties, readjustment should be approached in a spirit of cooperation with a view solely to the promotion of the welfare of the state.

AGRICULTURE AND LIVE STOCK.

Kansas cannot prosper unless those who till the soil are reasonably sure of an adequate return for the labor involved and for property used. Agriculture is our greatest industry, and it behooves us

at all times to give the farmers every protection and assistance consistent with the principles of sound government.

Deplorable has been the condition facing the farming industry and live-stock raising activities. Circumstances have been such that the farmer who strove to produce field products and the stockman who endeavored to provide stock for market have been penalized for their efforts. They have provided bread and meat for the world, but in so doing have sustained great losses. The four years just passed have been most discouraging to agriculture. Through all the setbacks the farmers have shown the same fortitude that was evidenced by the pioneers. Farmers have suffered, but they have bravely continued their work, confident that the brighter day to come would be their reward.

Better conditions for the farmers are here, with generous crops and liberal prices therefor. However, in the face of these improved conditions, proper provision must be made for the prevention of a repetition of the past few years' events.

It is impossible to legislate money into the pockets of the farmers and stockmen, or of any other class of citizens, for that matter, but we are primarily an agricultural state and the deepest thought of the legislature and of the administration should be to assist that dominant industry. Every effort should be exerted to improve marketing conditions for the farmer. If added state legislation can secure benefits in this direction, then the formation and passage of such legislation should become the earnest concern of this session. Farm-land reassessment should take into consideration the recent and drastic changes in farm-land values. In the recovery of farm-land prices. the beginning of which unfortunately is apparent, we should not be led into undue assessment based on speculative values.

Freight rates should be readjusted on a basis that would be fair to agriculture and to our other western industries. There is no section of the country more concerned in equitable transportation costs than Kansas, because we are so located that our production is marketed upon an exceptionally long rail haul. Anything that leadership can do to protect our situation regarding transportation rates, compared with sections more favorably located with reference to consuming markets, should be done.

All practical legislation designed for the betterment of agriculture and the live-stock industry should be favored, that life on the farm may be as attractive and remunerative as that of any other vocation.

STATE TEXTBOOKS.

State publication of school textbooks by the Kansas State Printing Plant has proved a wise and beneficial measure for the school patrons of Kansas. The law should be strengthened in every possible manner and its operation safeguarded. The day is not far distant when this law and the State Printing Plant will make possible free grade textbooks for the pupils of the Kansas public schools.

WATER TRANSPORTATION FOR KANSAS PRODUCTS.

Kansas is the greatest wheat-producing state of the nation. Much of her wheat goes into export trade. The export price of wheat is materially influenced by transportation costs. The export price affects vitally the domestic price.

For several years the improvement of the St. Lawrence river to permit ocean-going vessels to

enter the Great Lakes and receive and discharge cargoes at lake ports has been under consideration by the United States and by the Canadian government. The effect of such improvement would be to bring the Atlantic ocean a thousand miles nearer Kansas farms and factories. It is estimated that a saving in rail and ocean freight rates of from five to ten cents a bushel over present charges would be made by this improvement.

The Missouri and Mississippi rivers form another natural water outlet for the surplus products of Kansas farms. The making of these striking benefit to our industries.

These are matters of such vital concern to us that I believe the legislature will be warranted in giving expression of its approval of them.

AMENDING THE CONSTITUTION OF THE UNITED STATES.

The constitution of the United States is the organic law of the land. Having emanated directly from the people, it seems to me proper that all proposed amendments to this great instrument of human rights should be referred directly to the people for a direct expression of their views as to the necessity for amendment. I suggest that the legislature seriously consider the adoption of such legislation as will provide for the submission of future proposed amendments to the people for their approbation or disapproval, before the legislature, as provided by the constitution of the United States, takes final action thereon. This is in harmony with the policy of the state, which can adopt no amendment to its own constitution without a vote of the people.

CHILD LABOR AMENDMENT.

In accordance with my firm belief that all amendments to the constitution of the United States should be submitted to the people for rejection or approval before final action is taken by the legislature, I trust the legislature will see the wisdom of submitting the proposed child-labor amendment to the voters for their expression.

CITIZENSHIP.

I am informed that the Kansas Department of the American Legion will request the legislature to enact a law providing, in substance, that one year in the high schools of the state and in all schools in the state having high-school courses shall be devoted to the study of the constitution of the United States and the underlying principals of citizenship and government. A knowledge of our constitution and government lies at the very threshold of good citizenship. The heart of the American people is sound and the greatest insurance we can possess for the security of our government is a full understanding by our citizens of its basic law and the foundations of our national progress. I commend such a measure to your careful consideration.

ADMINISTRATION OF ESTATES.

The primary purpose of the laws controlling the administration of estates should be to converse the property for the benefit of the surviving beneficiaries and to assist them in obtaining the assets in the shortest possible time, having, of course, due regard for the rights of creditors. With these objects in mind, I suggest that you earnestly consider the advisability of reducing the period of administration from two years to one.

OUR OPPORTUNITY.

Before you and this administration lies a great opportunity for advancing the progress of Kansas and for fulfilling the trust given us by its people. Foremost in the minds of our citizens to-day is a belief that government is too expensive, that savings can be accomplished in public affairs without loss of efficiency, that it is an obligation of those in authority to limit expenditures to essential demands, avoiding every dollar of taxes a dollar's worth of service. Our duty is to deserve the people's confidence, and, while neglecting none of the state's real interests, practice economy and businesslike procedure in its every undertaking. We owe this to our constituents; we owe it to ourselves as their representatives in state government.

This session of the legislature can set a new record for the enactment of only sane and necessary laws; it can refuse to waste either time or the public funds, and at its close can point to a conscientious effort to promote efficiency, economy and good government. These, I believe, are your aims.

The opportunity is our. The people of Kansas look to us to serve them unselfishly, courageously and with fidelity. Let us so transact the state's business that when we return to our homes and to the friends and neighbors who have honored us we may honestly declare "We have kept the faith."

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