

STATE AFFAIRS COMMITTEE
March 15, 1967

The meeting was called to order by the Chairman, with all members present except Messrs. Boyer, Brown, Doyen, Mikesic and Robers. These members did, however, appear in the course of the meeting. Mr. Turner presented a proposal which would amend 75-3713 to make the language coincide with the annual sessions; that it deals with emergency funds. Mr. McGill moved that the bill be recommended favorably to the Committee of the Whole. Motion was seconded by Mr. Buchele and carried unanimously.

Mr. Unruh presented a sub-committee report concerning the League of Kansas Municipalities water district proposal, which suggested that the proposal be introduced as a committee bill and re-referred to the committee. Mr. Ford moved that this be done, and the motion was then seconded by Mr. Turner. Motion carried unanimously.

The Chairman stated that opponents to H.B. 1452 were appearing and their their presentation would be made first, with members of the Committee could ask questions; that those who wished to appear should check with the Chairman and be registered before speaking.

Mr. Donald Jesse, stated that he was appearing on his own behalf and not representing any group or other individuals, and spoke in opposition to the bill. He stated that at the present time the Kansas Civil Rights Commission is in good hands with Homer Floyd; that likewise the Commission is comprised of fine people but that this has not always been the case; that he feels by giving so much leeway to the Commission it puts everyone in a dangerous position. He states that he believes the rights of all people should be considered as stated by the Constitution, but that the enactment of this bill would be in his opinion, a discrimination against the majority; and that we should proceed with caution in matters of such legislation. He discussed his personal experience with Mr. Glatt, the former Executive Director, and stated that Mr. Glatt had harassed him personally and caused him to lose business. He also stated that Mr. Silva, one of the then Commissioners, had sent a certain young lady around to some 40 firms in the city to apply for jobs for which she was not qualified, and when she was turned down, made complaint of discrimination. He stated that one of these places was the Police Department, and when employment was denied, Mr. Silva threatened them with a riot. He states that it is a personal concern that with such relaxed legislation that with improper leadership (again reiterating that he believes Mr. Floyd to be a man of integrity) could be very dangerous. He stated that he is concerned about the subpoena powers and hear-say evidence; that he feels that everything should be relevant to the case at hand and material to the issues. He further stated that he thinks the bill should also be considered in the Judiciary Committee where it would have constitutionality consideration.

Mr. Robert F. Steiner appeared in opposition to the bill, stating that he is retired, but for many years worked for Seymour Foods; that he was appearing for himself and for no one else; that he believes in human rights and would oppose them for no one but that he thinks moral issues cannot be legislated and is therefore opposed to the bill. He expressed the opinion that this is a step toward Police State Law; that it is the job of parents, schools and teachers to instill a feeling of human respect in place of the legislature trying to force a code of conduct. He further stated that he believed the law passed two years ago was a bad one and this is worse; that there is too much emotionalism involved in these issues. Mr. Rogers inquired if he took his family to a hotel to eat and was refused service, wouldn't he feel emotional about it? Mr. Steiner stated that he would deplore such a thing; that it is wrong to deny people their rights, but that they will not be achieved by trying to force it through legislation; that this will curtail the individual liberties of others.

Mrs. Patricia Jesse appeared also in opposition to the proposal, stating that her remarks were a joint statement of herself and Mr. Dwight Payton (see attached). She states that when an employer desires to hire someone for a particular job that he is the "owner of the job" and has a right to hire whomever he pleases; that to allow otherwise is an infringement on his rights.

Mr. Ford commented that we had been proceeding with caution for about 104 years now; and inquired how Mr. Jesse felt about the Public Accommodations bill previously passed. Mr. Jesse replied that he felt that it was unfortunate and morally wrong for places of business to discriminate and refuse service to individuals because of race, creed or color; but that he felt that those who refused to live up to the constitution and moral laws should be penalized rather than passing legislation that discriminates against others. Mr. Buchele pointed out that this committee has four lawyers who have opinions about constitutionality and that the Judiciary Committee doesn't have a "corner" on this.

Mr. Turner inquired of Mr. Steiner if he felt the members of the Commission and Mr. Floyd were trying to force improper legislation upon us and Mr. Steiner stated that these people were in his opinion, fine, upstanding people but that this hadn't always been the case, and he feared this kind of legislation.

There being no further discussion, the meeting was adjourned.

MARGARET GENTRY, Secretary

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STATEMENT ON H.B. 1452

By Dwight Payton, Topeka, Kansas

Gentlemen of the Committee and Fellow Citizens:

One does not have to study the contents of H.B. 1452 very long, or think upon it deeply to realize that it is bad legislation, albeit the intentions of many of its backers may be of the best.

The stated purpose is to "initiate, investigate and pass upon complaints alleging discrimination in employment and public accommodations because of race, religion, color, national origin or ancestry." In the euphonious and specious semantics of the day this sounds quite noble, but when one inquires as to basic meaning it takes on the ugliness of mollestation and hypocrisy practiced in the name of justice.

To get to the root of the matter one needs first to define the rights which are at issue. When one man complains that another chose not to hire him for whatever reason and that he has a rightful claim to the job in question, it is clearly seen that there is a conflict of rights, not one man to another on consideration of race, religion or style of haircut, but rather, on the basic question of ownership of the job in question. Obviously both parties cannot be said to have equal rights to the job, so one must first inquire as to the status of ownership before any sensible decision can be made.

It has always been the way of justice in America under the Constitution that property (to be identified as that which is properly bounded and rightfully claimed) belongs to the rightful claimant and to no one else, inasmuch as a job is the creation of a property owner, involving his capital, his tools, and whatever risk he is incurring in the process of determining to hire work done. Morally speaking, it, the job, can belong to no one else, nor should anyone else have any control over it except it be through contract legally and peacefully entered into. All of this is sort of lawyer talk meaning, simply, that a job is the property of the man who creates it, and on that basis he is the only one who is morally endowed with the right to dispense with said job by whatever standards and qualifications he may choose to establish.

The man who applies for a job and is turned down, for whatever reason, has no moral grounds for recrimination, nor should he be granted any legalistic grounds, for to so grant is to initiate injustice against the job owner.

Racial and religious preferences are purely personal matters and while one might regret the evidenced intolerances and conditioned bigotry which so often influence personal preference, this in no way alters the fundamental right of property ownership.

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STATEMENT ON H.B. 1452

By Dwight Payton
(continued)

What is contemplated in this Bill is to give to an established agency of the State broad and arrogant powers whereunder job applicants can register complaints at every refusal and cause the job owner—i.e., the employer—to be harrassed and subject to reprisal and penalty on a purely arbitrary basis with complete disdain for his moral right to manage his property as he pleases as long as he does not interfere with the rights of others.


This is the classic definition of moral rights, human rights, if you please. And I defy the backers of H.B. 1452, or anyone else, to prove that in turning down a job applicant any employer is violating or interfering with the rights of anyone, for, as pointed out previously, a job applicant has no rights to the property of others, jobs included. Were this not so, we would be living in an age where superior violence would be the determining factor for ownership. We are seeing far too much of this sort of thing now, and the Kansas Legislators should exercise fullest concern lest they be party to propagating yet more violence.

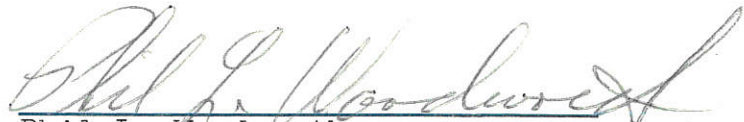
To wrap up the case one only needs to note further that the Negro has altogether as great a stake in the defeat of H.B. 1452 as does his brethren of any other color—the Jew as great a stake as the Gentile—the Catholic as great a stake as the Baptist. Every citizen should and must have the basic rights of life, liberty and property granted to him, and jobs are property the same as land acres and houses are property.

Further deponeth sayeth not.

MR. CHAIRMAN:

Your sub-committee comprised of Representatives Unruh, Woodworth and Buchele, recommends that the League of Municipalities proposal amending KSA 1965 Supp. 82a-614, 82a-615, 82a-616, 82a-622 and 82a-624 (fourth revision) be introduced as a Committee Bill.


Ernest A. Unruh, Chairman


Phil L. Woodworth


James P. Buchele

_____ BILL NO. _____

By _____

AN ACT relating to the incorporation of rural water districts, providing the procedure and standards for the incorporation of such districts; amending K. S. A. 1965 Supp. 82a-614, 82a-615, 82a-616, 82a-622 and 82a-624, and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. K. S. A. 1965 Supp. 82a-614 is hereby amended to read as follows:82a-614.

A petition addressed to the board of county commissioners may be filed with the county clerk praying for the incorporation of a district. Such petition shall have attached thereto a map showing the area proposed for incorporation, the approximate location of the residences or other structures of all potential, existing users of water, and the location of any cities or existing water districts within five (5) miles thereof. Such petition shall be signed by at least fifty percent (50%) of the owners of land within the proposed district, or signed on behalf of the owners of land within the proposed district when such petition is accompanied by a request for petitioning signed by at least fifty percent (50%) of the owners of land within the proposed district. The number of owners of land in the proposed district shall be determined by an enumeration of said owners of land, ~~taken from the tax rolls of the county in which lands of the proposed district are located,~~ and verified by one of said landowners or the attorney filing same, duly attached to and made a part of said petition. Provided, that for purposes of determining the number of owners of land in the district the tax rolls of the county shall be prima facie evidence of title and of the name and address of the owners of land within said proposed district. The petition shall (1) define by metes and bounds the boundaries of the proposed district and shall state (2) that the lands within such boundaries are without an adequate water supply; (3) that the construction and

maintenance of ponds or reservoirs or pipelines or wells or check dams or pumping installation, or any other facility for water storage, transportation or utilization, or that the construction and maintenance of any combination of said project is necessary for the improvement of the community, and (4) that such improvement or works shall be conducive to and will promote the public health, convenience and welfare of the proposed district and will not be harmful to the orderly growth and development of the areas adjacent to the district.

SEC 2. K. S. A. 1965 Supp. 82a-615 is hereby amended to read as follows: 82a-615.

Whenever a petition as provided in the preceding section is filed with the county clerk, he shall thereupon give notice to the county commissioners of the filing and pendency of said petition and the county commissioners shall forthwith fix a time and place within thirty (30) days from date of filing of the petition for a hearing of the same, and with the advice of the petitioners shall forthwith fix a time and place of landowners meeting, to be held immediately after said hearing if the incorporation is ordered, for the purpose of electing directors, and shall with the advice of the petitioners forthwith fix a time and place within seven (7) days from the date of said hearing if the incorporation is ordered, for a meeting of the landowners for the purpose of adopting by-laws for said district, and the county clerk shall, at least seven (7) days before the date fixed for said hearing, give by mail, written notice of said hearing and said landowners meeting, giving time and place of each to each of the petitioners, and shall transmit ~~to the chief engineer~~ one (1) copy of the petition and notice of the time and place same is set for consideration: to the city clerk of any city located within three (3) miles of the boundaries of the proposed district, the secretary of any official planning commission which has jurisdiction within any part of the area of the proposed district and the chief engineer.

The county clerk shall also at least seven (7) days before the date fixed for said hearing, cause to be published in a newspaper of general circulation in the county a notice entitled, "Notice of hearing of petition to incorporate and organize a rural water district in the vicinity of ____

_____, _____ county, Kansas," (inserting word or words descriptive of vicinity and name of county). The published notice shall (1) define by metes and bounds the boundaries of the proposed district; (2) state the time and place of hearing; (3) state that all owners of land and other interested persons within such boundaries may appear and be heard; (4) state that a rural water district, if incorporated, shall have no power or authority to levy any taxes whatsoever, (5) state the time and place of the meeting of said landowners for the purpose of electing directors if the incorporation is ordered, and (6) state the time and place of the meeting of the landowners for the purpose of adopting bylaws for said district: if it is incorporated.

SEC. 3. K. S. A. 1965 Supp. 82a-616 is hereby amended to read as follows: 82a-616.

At the time and place set for the hearing and consideration of the petition it shall be the duty of the board of county commissioners to ascertain (1) whether proper notice of the hearing has been given to the persons and in the manner provided by K. S. A. 82a-615 as amended by section 2 of this act; (2) whether lands within the area defined in the petition are without an adequate water supply; (3) whether the construction and maintenance of ponds, or reservoirs, pipelines or wells or check dams or pumping installation or any other facility for the storage, transportation or utilization of water, or the construction and maintenance of any combination of said proposed projects are necessary for the improvement of the community: Provided, the county commissioners shall make no affirmative finding that any proposed project is necessary if the construction and maintenance of said project would encourage the cultivation of lands which are submarginal and which should be devoted to other uses in the public interest; (4) whether such improvements or works will be conducive to and will tend to promote the public health, convenience, ~~and~~ welfare: and orderly development of land within the district and within the general area wherein it is located; (5) whether such district will tend to promote substandard urban type land development in areas immediately adjacent to cities. The board

of county commissioners shall have authority to hire expert consultants to provide information and assistance and gather information as required; to issue subpoenas, and compel the attendance and testimony of witnesses, and the production of papers, books and documents; to cause a stenographic or other record made of the proceedings; and may request assistance and advice from the state department of health and the planning division of the department of economic development; the expense shall be a proper charge against the county general fund. If upon such consideration it shall be found that such petition is in conformity with the requirements of this act, the board of county commissioners shall thereupon immediately declare the district within the boundaries defined in the petition to constitute a quasi-municipal corporation and to be incorporated as a rural water district under the name of "rural water district No. _____, _____ county, Kansas," (inserting number in order of incorporation and name of county) and thereupon shall enter upon its records full minutes of such hearing, together with declaration that thenceforth said district shall constitute a body politic and corporate under said corporate name for the purposes of this act. Provided, that a unanimous vote of the board of commissioners shall be required if any part of such district lies within one (1) mile of a city and the governing body of such city has acted by resolution to oppose the incorporation of such district as being contrary to the best long-term interest of the urban area of which it is a part, or if any official planning commission with jurisdiction within such area has recommended by resolution against such incorporation as being in conflict with existing plans for the future development of such area .

SEC. 4. K. S. A. 1965 Supp. 82a-622 is hereby amended to read as follows: 82a-622. A petition addressed to the county commissioners may be filed with the county clerk, praying for the attachment, to an existing district, of lands outside the district which can be economically served by the facilities of the district. Said petition for attachment shall be filed and supported ~~by signatures of landowners~~ in the same manner as prescribed in K. S. A. 82a-614,

as amended by section 1 of this act, and shall (1) define by metes and bounds the boundaries of lands ~~owned by the petitioners~~ desired to be attached to the district and shall state (2) the name of the district to which attachment is desired; (3) that such lands are without an adequate water supply; and (4) that attachment to said district will be conducive to and will promote the public health, convenience and welfare.

SEC. 5. K. S. A. 1965 Supp. 82a-624 is hereby amended to read as follows: 82a-624. At the time and place set for the hearing and consideration of the petition, the board of county commissioners shall ascertain ~~(1) whether proper notice has been given as required by K. S. A. 82a-623, as amended in section 7 of this act and (2) whether the statements contained in the petition are true-~~ whether the requirements, conditions and standards exist as provided in K. S. A. 1965 Supp. 82a-616, as amended by section 3 of this act, to justify the attachment of such land. In the event the proposed territory to be attached lies within the jurisdiction of an official planning commission or within one (1) mile of any city and there is filed a resolution in opposition as provided in K. S. A. 1965 Supp. 82a-616, as amended , a unanimous vote by the commissioners is required to authorize such attachment. If true upon such consideration it shall be found that such petition is in conformity with the requirements of this act and if a majority of the members of the board of the district to which attachment is desired do not object to such statement, the board of county commissioners shall enter into its minutes of such findings and shall set forth in said minutes a metes and bounds description of the new territory attached to said district. Thereafter owners of land located within the attached territory shall be entitled to subscribe to such benefit units upon such terms and conditions as the board in its discretion may provide. Any owner of land located within any territory attached to a district as provided by this act, who shall subscribe to one or more benefit units and comply with terms and conditions provided by the

board, shall be entitled to the same rights as participating members are entitled to.

SEC. 6. If any clause, paragraph, subsection or section of this act shall be held invalid or unconstitutional it shall be conclusively presumed that the legislature would have enacted the remainder of this act without such invalid or unconstitutional clause, paragraph, subsection or section.

SEC. 7. K. S. A. 1965 Supp. 82a-614, 82a-615, 82a-616, 82a-622 and 82a-624 are hereby repealed.

SEC. 8. This act shall take effect and be in force from and after its publication in the statute book.