

MINUTES OF THE House COMMITTEE ON Judiciary

Held in Room 522, at the Statehouse at 11:00 a. m./~~pm~~, on January 27, 19 78.

All members were present except: Representatives Hayes, Hurley, Lorentz and Stites, who were excused.

The next meeting of the Committee will be held at 3:30 ~~am~~ p. m., on January 30, 1978.

These minutes of the meeting held on _____, 19____ were considered, corrected and approved.



Chairman

The conferees appearing before the Committee were:

Mr. Ivan Wyatt, Kansas Farmers Union
Mr. Randy Mettner, Common Cause
Mr. Carson Crawford, Florence, Kansas
Mr. Rick Warner, Kansas City, Kansas

The meeting was called to order by the Chairman, who stated the Committee would be considering HCR 5046, dealing with initiative referendum. He also called attention to the fact that Mary Ritter from the office of the Secretary of State was present to answer questions.

Mr. Ivan Wyatt testified that the Kansas Farmers Union, is in general agreement with the Resolution except they feel the number of people required to sign the petition is quite high and they would like to see it lowered to five percent. Also, he suggested there should be some provision to prohibit the same subject from showing up year after year. (See printed statement.)

Rep. Heinemann observed that presently it takes a two-thirds vote of both houses to put an issue on the ballot, and inquired of Mr. Wyatt if he felt an alternative to initiative referendum might be to change the requirement to a simple majority. Mr. Wyatt replied that he felt the Resolution under consideration is a good way to get people involved.

Mr. Randy Mettner appeared in favor of the Resolution. (See printed statement.) Upon questioning, he stated he felt people would take a renewed interest in government if this option were enacted, and felt people would study issues and one would not need to be concerned over the possibility of frivolous matters getting on the ballot.

Rep. Foster noted that over a period of years, the legislature has been going through the Constitution section by section in an effort to make certain it is in keeping with the times. He asked if such a Resolution might interfere with orderly amendments. Mr. Mettner stated he is not familiar with that effort.

Rep. Heinemann asked Mr. Mettner if he could cite some specific

issues which had not been addressed in proposals initiated by the legislature. Mr. Mettner stated he could not. Rep. Hoagland stated he favors the concept, but asked if people could not accomplish this same thing by contact with their legislators. Mr. Mettner agreed that perhaps it would be possible to exert enough pressure that the legislature would take notice of the public sentiment.

Rep. Martin inquired if there would be a danger of people voting on emotional issues and then being sorry later. Mr. Mettner stated he felt the Resolution is sufficiently restrictive and there are enough safeguards to prevent this.

Mr. Carson Crawford appeared in opposition to the proposed Resolution, pointing out what he felt were real dangers in such a decision. (See printed statement.)

Mr. Rick Warner of the City of Kansas City, Kansas, testified that his City Commission has voted to support this Resolution because they feel it is the right of the people to take part in their government. He cited the matter of the tax lid and how it is necessary for governing bodies to take the issue of exceeding the lid by increasing local taxes to the taxpayers. He explained in Kansas City, they had done exactly this, educating the residents about the needs and the people there had voted to tax themselves in order to to the things which were needed in that City.

Rep. Hoagland called attention to the fact there are bills in the legislature providing for a vote on the form of city government for Kansas City, Kansas; and inquired the position of the Commission. Mr. Warner stated there are three or four bills in this regard, and that Rep. Cooper has recently introduced another option. He stated the Commission does not favor the legislature mandating what form of government is proper for the City.

The Chairman stated he is somewhat concerned with the geographical spread provided for in the Resolution, although the interim committee had pinned it down to counties. He stated he is not sure it meets the "one man, one vote" concept.

The Chairman appointed Representatives Baker, Gastl, Hurley, Gillmore, Frey and Brewster to serve on a subcommittee to study the proposal.

The Chairman announced to members that the committee would be meeting regularly on Fridays, upon adjournment.

The meeting was adjourned.

House Judiciary
JAN 27, 1978

<u>Name</u>	<u>Address</u>	<u>Organization</u>
Ivon Wyatt East Point	M Pherson Topeka	Ks Farmers Union Topeka
Marilyn Bradt	Lawrence	League of Women Voters
John Mettuce	Topeka	Common Cause
CARSON CRAWFORD	R# Florence	
Elizabeth E. Crawford	Rt 1 Florence	
RICK WARNER	KANSAS CITY	City of Ks City Ks
J.D. Fournier	T-Town	WREN-NEWS

Statement By
Ivan W. Wyatt, Vice-Pres
Kansas Farmers Union
on
HCR No 5046
(initiated Constitutional Amendments)
before
The House Committee
on
Judiciary
January 27, 1978

Mr Chairman, Members of the Committee:

I am Ivan Wyatt, Vice-Pres of the Kansas Farmers Union. We appreciate the ~~benefit~~ the opportunity to make a brief statement on HCR-5046.

At our Convention held this month here in Topeka, the members of the Kansas Farmers Union adopted as part of their policy a statement supporting legislation to give the citizens of Kansas the power to propose amendments to the Kansas Constitution by petition.

We see this as a way that the people can directly participate in the governmental process and provide added interest in their government.

We are in general agreement with HCR-No. 5046, except for a parts which I will speak to.

We feel the percentage of voters needed to sign the petitions is too high and would like to see the ~~number~~ percentage of the total votes cast lowered to 5% and ~~entirely~~

and more than this will tend to discourage and restrict the use of the initiative petition.

The only other suggestion we would make is that perhaps in case an proposed amendment fails to reciere a majority of votes, the same amendment could not be submitted again the next general election.

~~For~~ Except for the 10% figure we support HCR-5046.

Thank you.

HCR 5046
Common Cause
January 27, 1978

TO: Members of the House Judiciary Committee

Common Cause would like to go on record as being in support of HCR 5046 permitting Constitutional Amendments to be initiated popularly.

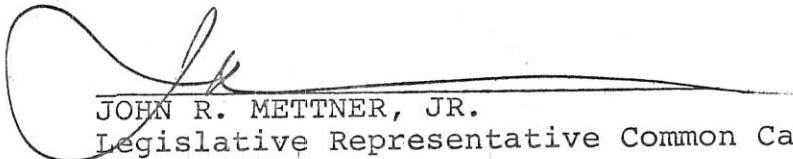
Common Cause has traditionally supported any legislation which offers increased participation by the voters. Naturally any way in which the voters may have an increased voice in the amendments of the State Constitution is an important measure, and one which is in accord with the goals and ideals of Common Cause.

This Constitutional Initiative before this Committee today gives the potential power to the people to bring about Constitutional change. Similar measures have apparently been enacted in several other states. There are at least 23 states that now allow citizens to place issues on the ballot by Petition. Although it has been seldomly used successfully in amending Constitutions because of the difficulty involved, the efforts to change Constitutions lead in several instances to a complete airing of issues before the electorate and a full discussion of the pros and cons of some matters which had not been considered by Legislatures in public debate.

Many people feel that to allow Constitutional changes or legislation by popular public vote leads to situations where the State Ballot could be cluttered with many different initiative proposals. This fear could be alleviated by having strict requirements before an amendment could be on the ballot. Such is the case with HCR 5046. It would seem reasonable that if an issue was important enough for 10% of the popular vote for Secretary of State in each of 75 counties and a total Petition of 10% of the overall voters for Secretary of State that it would substantially decrease the possibility of a cluttered ballot or frivolous initiative proposals. HCR 5046 also limits the amount of amendments that can be proposed by initiative.

Common Cause believes that the State of Kansas needs an Initiative Amendment. This will encourage participation in the legislative process by the citizens of this State. We believe that it will not threaten, replace or deter the Legislature but will instead enhance and become an adjunct in our legislative process.

Therefore Common Cause supports HCR 5046 and would urge its passage.



JOHN R. METTNER, JR.

Legislative Representative Common Cause

Carson Crawford, Rt. 1, Florence, Ks.

Mr. Chairman and Members of the House Judiciary Committee:

I thank you for the opportunity to speak in opposition to House Concurrent Resolution 5046, which would amend our Constitution to authorize initiative and referendum.

I am well aware of some of the problems that have developed which make it apparent that there is great voter dissatisfaction with the actions of those whom we elect to office; for example, the power of special interest groups to influence our political process. Nobel Prize winner Milton Friedman stated, "Let any small group want something very badly, while the rest of the population is largely neutral, and every legislator will recognize he has something to gain and little to lose by giving the minority what it wants." Advocates of initiative and referendum state very clearly that the proposal is to make possible direct participation of the voter at the decision-making or legislative level. We need to understand clearly that initiative and referendum is, in the words of one of its advocates, a "transition to a more democratic system." Whether we realize it or not, we are exchanging the blessings of a Republic for the violence of a Democracy.

I speak for the Republic. Included in the Pledge of Allegiance to the Flag of the United States of America are these words, "...and to the Republic for which it stands." Article 4, Sec. 4 of our United States Constitution states, "The United States shall guarantee to every state in this union a Republican form of government." Article 6 states, "...and the members of the several legislatures and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation to support this Constitution." Some advocates of initiative and referendum express regret that our Federal Constitution has existed for 200 years and they have never had a chance to vote on the structure of our government. Obviously their

suggesting that we go in the direction of a democracy is sufficient evidence that they have no idea how to improve our governmental structure.

Our founding fathers studied and discussed the various forms of government that had existed in history and they learned, as James Madison said, "Democracies have ever been spectacles of turbulence and contention, have ever been found incompatible with personal security or the rights of property, and have in general been as short in their lives as they have been violent in their death." Samuel Adams said, "There never was a democracy that did not commit suicide." Alexander Hamilton said, "The truth is, after all the declamation we have heard, that the Constitution is itself, in every rational sense, and to every useful purpose, a bill of rights." Thomas Jefferson said, "The Republican is the only form of government which is not eternally at open or secret war with the rights of mankind."

Our founding fathers knew a Creator God who is almost unknown today. They perceived that they were endowed by their Creator with certain unalienable rights. Our Constitution cannot be properly understood without an understanding of the Declaration of Independence. I suggest today that all mankind cannot improve upon God's right ways, for God is the Author of Liberty. He is eternal and His ways never change. William Penn said, "Men will either be ruled by God or they will be ruled by tyrants." Man is fickle--too often man subverts and perverts--too often man can be bought for a price. Man's besetting sin is the abuse of power.

It is a serious matter to reject our structure of government which was designed for true freedom in favor of a poll of men. I stand today for the Republic our founding fathers, so divinely inspired, gave us. I urge the committee to reject HCR 5046, the initiative and referendum proposal.