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34TH DISTRICT

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Proponent Testimony – SCR1617

Chairman Thompson and the Committee for Federal and State Affairs:

Thank you for the opportunity to offer proponent testimony for SCR1617.

I always believed the Kansas Constitutional requirement or 2/3 to pass a resolution to call for a Convention of States was federally unconstitutional, placing a burden on our legislature that the federal Constitution did not.

In researching how that 2/3 clause was added only added to the mystery and questions. In 1974 there was a very large amendment to our state constitution added. The amendment when printed in a newspaper took up nearly a whole page in small font, and buried within was the 2/3 clause. Research found no discussion, in committee or publicly, over the addition of this requirement.

Two years ago when I was a Representative, Senator Thompson and I filed suit over the constitutionality of the 2/3 clause, and this past November 5th it was ruled that we had prevailed and the court declared the clause to be unconstitutional.

With that decision in mind, Senator Thompson and I submitted SCR1617 to remove that unconstitutional clause. Passage of this resolution will bring our state constitution in line with that of the US Constitution.

I urge you to pass SCR1617 favorably out of committee.