

House Judiciary Committee Meeting
Friday, March 29, 1963

The House Judiciary Committee met Friday, March 29, 1963, in Room 529 at 8:30 A.M. with Chairman Clyde Hill presiding. Eighteen members were present. Members Arthur and Malone were absent. Senator Joseph C. Harder, Senator Charles B. Joseph and Sherman Kirkpatrick were present to speak concerning Senate Bill No. 137.

Chairman Hill called the meeting to order.

The members of the committee heard the proponents of Senate Bill No. 137, an act prohibiting the sale or offering for sale on the first day of the week, commonly called Sunday, or the compelling, forcing or obligating of employees to sell certain named items on said day; providing certain exemptions; prescribing penalties for violations; and repealing sections 21-952, 21-953, 21-955 and 21-956 of the General Statutes of 1949.

The first speaker was Senator Joseph C. Harder, one of the sponsors of Senate Bill No. 137. He stated that there are many arguments both for and against this bill. He said that the important thing is whether or not the people of Kansas want this law. He stated that he feels that the people do want some form of the law or act that would prohibit the sale of certain merchandise on Sunday. He reported that he sent out a questionnaire, which received about a 90% return, and it indicated that the people do want restricted selling on Sunday. He stated that the law would promote the health and welfare of the people of Kansas. He said that the proponents feel very strongly that there is a uniform need for a day of rest.

Senator Charles B. Joseph reported on the constitutionality of this bill which has been highly questioned. He stated that they have a written opinion from William M. Ferguson, Attorney General, in regard to the legal aspects and the constitutionality of Senate Bill No. 137. He gave the background concerning this opinion. He then reported that it is the Attorney General's opinion that Senate Bill No. 137 as it now stands is constitutional as measured by the United States Constitution and the Constitution of Kansas.

Chairman Hill asked if there were any questions.

Mr. Gardner asked if there was any request in the Senate to move this grocery store opening to some other time than 10:00 o'clock. Senator Harder said that there was an amendment offered in the Senate to delete this section. He went on to explain.

Mr. Skoog asked if there is any effect on the commercial channels, for instance in regard to writing checks on Sunday. Senator Joseph said that unless you are brought into the prohibited sections, you are excluded from the act. Mr. Skoog then questioned this act in regard to the selling of real estate. Senator Joseph

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again pointed out that unless you are in the terms of this, you are excluded. Senator Harder stated that there is a difference between retail selling and services. He said that in regard to the uniform day of rest, you can only go as far as is practical.

Mr. Crossan questioned the novelty shop being open. Senator Harder stated that it is to promote the health and welfare of the people of Kansas, because of hobbies and so forth.

Mr. Cram asked if this deals only with selling and not with labor. Senator Harder stated that this is correct. He said that it does repeal the statute that prohibits labor on Sunday.

Mr. Euler questioned Section 3 in regard to grain. Senator Joseph said that nothing brings grain in the prohibition of this act. He went on to explain how this would affect the farmer. He stated that it would prohibit him from selling at a stand away from his property.

The next speaker was Sherman Kirkpatrick. He read a statement of his opinion in regard to Senate Bill No. 137. He presented the members of this committee with a copy of his statement. A copy of this statement is attached to these minutes.

Mr. Skoog asked Mr. Kirkpatrick whom he is associated with. He stated that he is with Montgomery Ward & Company. Mr. Liebert asked if they are presently opened on Sunday. Mr. Kirkpatrick stated that they are not.

There being no further speakers or questions, the meeting adjourned at 9:00 A.M. Chairman Hill thanked the gentlemen for appearing and stating their opinions. The next regular meeting will be held Monday, April 1, 1963, at 8:30 A.M. in Room 529. At this time, the opponents of Senate Bill No. 137 will be heard.

Respectfully submitted,
Clyde Hill, Chairman

Minutes approved:

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

My name is Sherman Kirkpatrick, from Kansas City, Kansas. I appreciate you giving me a few minutes of your time this morning.

The firm I represent is a Kansas Retail establishment which is opposed to Sunday opening of Retail businesses. However, even though we do not approve of it, if forced by competition it is highly possible that we will have to stay open on Sunday to remain competitive.

We are of the firm opinion that failure to pass Senate Bill #137 will do more to tear down the Organizations that the retail establishments have built and make the retail field less attractive in the minds of the oncoming generation than anything that has happened in the last 100 years.

In my estimation, the retail business is one of the largest, if not the largest, employers' in the world. We further believe that this is not just opening of the retail stores on Sunday, but that Sunday will become just another day of the week, on which these retail establishments must be serviced by other companies, and this in time could grow to the extent that these people, too, will have to work on Sunday.

Gentlemen, every family should have Sunday to spend together. In this very competitive world of ours, the time that the family does have together is becoming more and more limited each year. It is primarily for this reason that we encourage the adoption of this bill so that our employees and the employees of most businesses can spend a day a week with their families in recreation and family activities.

Thank you.

KANSAS RETAIL COUNCIL
Division of the Kansas State Chamber of Commerce

The Wichita Human Relations Commission statement opposing Sunday selling limits is unfortunate. It shows bias in a presumably unbiased group. It raises a religious issue which had not been raised, and smacks of use of the commission by selfish, outside influences.

If one were weighing the rights of individuals to worship in the church of their choice - whether on a Sunday or on a Sabbath - there are a number of interests to be considered. The rights of 130,000 Kansas retailing and selling personnel certainly are among those interests. It may be assumed that most of this group are Christians whose day of worship falls on Sunday. The Wichita committee's statement would have you protect the rights of two minority groups; it gives no consideration to this other and large minority whose opportunity to exercise a freedom of worship becomes sharply limited as more and more stores open on Sundays.

The question of Sunday selling, however, in our view, is not a religious issue. The point of opposed minority rights is used to show the falsity of the idea in the Wichita Human Relations Commission resolution. The commission resolution was adopted before a Sunday Selling law for Kansas had been drafted. Less than half of the commission's members were available and voting when the statement was adopted; the adoption by those voting was not unanimous; the statement adopted was the set of facts under discussion and are proof simple of their own bias. (This set of facts, to our council, suggests use of the commission by selfish interests.)

The people of our state largely are tolerant. The commission's legal purposes - to protect minority rights and reduce conflicts between groups in our commonwealth - are laudable. But it is incumbent upon such groups to be most cautious in its endorsements.

The United States Supreme Court has held that Sunday selling limiting laws are constitutional. The court has stated that these are legitimate concerns of the states for the health, safety, recreation and general well-being of citizens. This is the basis upon which the Kansas Retail Council is working toward a law for Kansas.