

STATE AFFAIRS COMMITTEE

April 4, 1963

The meeting was called to order and Senator Harder was introduced to discuss the merits of the proposal, SB 137. He stated that this would restrict Sunday sales; that it is a modern and workable law and he urged the adoption as it came from the Senate. (See attached letter.) Senator Harder asked that the bill be amended back as it came from the Senate Committee on Federal and State Affairs. After a question period by members of the Committee, Mr. Blake Williamson was introduced to speak in opposition to the measure.

He stated this is a bill conceived by the State Chamber of Commerce under pressure of the large chain stores and the downtown merchants. He named several stores and stated that this is a move to eliminate the competition of the discount houses in the larger urban areas. He displayed an array of items and told how unfair this bill would be in discriminating against certain sales and said the small individual merchant would be the one to suffer, because many of the items could be sold as recreational supplies by the discount houses and they could legally do this, but small drugstores, etc. do not have a sporting goods department and would have to close up. He stated that this would even prevent the farmer from harvesting and taking grain to the elevator on Sunday; and if there was a breakdown in machinery would not be able to buy repairs because the merchant would be subject to fine. He stated too, that he felt that a serious legal question was involved as to whether this is constitutional legislation. Mr. Pratt, reiterated much of Mr. Williamson's feeling. After a question and answer period the opponents were dismissed.

Attention was directed to SB 427, and Mr. Behee stated he had studied the bill extensively and that he had had conferences with Mr. Glatt and Mr. Jackson and they had stated they preferred no amendments; however, that he felt so strongly about he he proposed to strike the reference to the "order of the commission" and leave the strength in the courts. After discussion, Mr. Behee moved the adoption of the amendments, and Mr. Ford seconded the motion. Motion carried 15 yes and 3 no. Mr. Behee moved the favorable recommendation of 427, as amended and the motion was seconded by Mr. Ford. Upon ballot vote, the motion carried 11 to 7.

Mr. Mikesic requested reconsideration of SB 139, the accountants bill, and Mr. Unruh asked who needs this bill. He stated that he didn't know of anyone but the CPA's who did want it. Mr. Behee stated he didn't feel strongly but that at the same time, there are many accountants who favor this bill.

Mr. Mikesic moved to reconsider the action previously taken, which motion was seconded by Mr. Ford. Upon ballot vote, the count was tied 9 to 9 and the Chairman, acting on his previously stated convictions concerning the Committee system, voted no and broke the tie. Motion was declared lost, and the bill was reported adversely.

Meeting was adjourned.

THE STATE OF KANSAS



TOPEKA

SENATE CHAMBER

April 5, 1963

JOSEPH C. HARDER

SENATOR TWENTY-EIGHTH DISTRICT
HARVEY AND MCPHERSON COUNTIES
MOUNDRIDGE, KANSAS

COMMITTEE ASSIGNMENTS

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Representative Jess Taylor, Chairman
State Affairs Committee
Statehouse
Topeka, Kansas

Dear Chairman Taylor:

There have been many misunderstandings and faulty interpretations of SB 137. Most of these center around items which can or cannot be sold on Sunday. Because I was unable to return to the hearing to answer additional questions in rebuttal, may I provide the following points for your consideration.

The opponent to the measure has suggested that Sunday closing is a problem which is purely local in nature. Though I take no responsibility for the contents of the letters that you have received, I do believe they indicate that the desire for such a law is common throughout the state.

The question has been asked why more stores have not opened since the Kansas law was held unconstitutional. I believe the answer lies in the fact that retailers throughout the United States were given hope by the action taken by the U. S. Supreme Court in 1962. Most Kansas retailers have been waiting for the 1963 session of the Kansas Legislature to enact a modern, workable law.

We have been asked if SB 137 takes away basic freedom. We think that it does not. This is an instance where it takes an act by the legislature to protect a large segment of the Kansas people. Regulatory laws of society represent the public conscience and public responsibility. Such laws are required because of the failure of some members of society to be considerate of the welfare of others.

The display which was used before your committee yesterday appears to me to be a deliberate attempt to mislead and contains basic errors which I am sure were apparent to you. To illustrate, a flashlight is hardware even though it be sold at a candy counter.

There is no attempt in SB 137 as it was adopted by the Kansas Senate to forbid the sale of sanitary goods, which include soap, toilet paper, cleansing tissue, etc., for these are not toilet preparations, toilet articles, or cosmetics, as defined by the U. S. Internal Revenue code. Using these items to illustrate merchandise which cannot be sold is an obvious attempt to confuse the intent of this law.

There are no restrictions on services of any kind or parts used for the repair of farm machinery or automobiles.

Representative Jess Taylor
Topeka, Kansas

April 5, 1963

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I do agree with Representative Jacquart that Sec. 3 of the bill should be amended to clarify the sale of grain. The suggested amendment might read "the sale of farm produce by the producer shall be exempt from the provisions of this act."

I know that you have had many letters on this subject. To me this is an indication that the folks back home are vitally interested in this matter. We realize that the tone of some of the letters you have received were less than kind in their demands.

I sincerely believe that we stand on the threshold of a seven day business week, and I for one, would hate to see it come to pass.

Inasmuch as the surrounding states appear to be on the verge of adopting legislation relating to Sunday selling, the people of Kansas may well ask why this legislature failed to act.

It is sincerely hoped that members of the House of Representatives acting as a committee of the whole will have the opportunity to express their opinions on SB 137 as adopted by the Senate.

I sincerely appreciated the opportunity to appear before your committee yesterday, and many thanks for taking the time to read this letter.

Sincerely,



Joseph C. Harder,
Senator

JCH/rs

*Jess -
you have been very kind - I do appreciate
your help -*