

STATE AFFAIRS COMMITTEE  
February 26, 1968

The meeting was called to order by the Chairman who introduced Representative Grant to explain H.B. 2040. He stated that after the Senate had killed SB 489, they explained that it was on the basis of religion, and that he had drawn this bill so as to permit businesses to close either Saturday or Sunday, and that there should now be no objection on the basis of religion. He stated that this is based on a Harvard study which had looked at all of the Sunday closing legislation over the United States, and they had combined the best factors of each. He stated that this exempts governmental units and religious and charitable organizations; that it prescribes 10 items deemed necessary to be sold on Sunday. He pointed out that a survey had been conducted by the State Chamber of Commerce, or rather for the Chamber by a professor at Wichita State University, on the basis of the State Senatorial districts, pro-rated as to populations and residents were questioned in each of the areas; and that they preferred overwhelmingly, a day of rest. He stated that 21 states have laws which list what can be sold, while 7 states have a law of the exemption type. Mr. Buchele inquired if the man who took the poll would testify and Mr. Grant stated that he didn't even know who he was, and that he was not slated to testify. Mr. Andrews inquired about "Mom and Pop" stores and Mr. Grant replied that this was one of the points when the previous bill was held unconstitutional, that to exclude this type of operation was clearly discriminatory. Mr. Rogers inquired if there was any chance one could operate a business for six days and then lease it to be operated by someone else the seventh? Mr. Grant said this had been attempted in Texas. Mr. Brown inquired if a poll of the people who work these hours had been taken; and Mr. Grant said they had been included among those surveyed. Mr. Turner expressed concern about the bill as it might affect the practice of medicine and the practice of law. Mr. Grant explained that the bill reads "conduct business in the usual manner" and that physicians would probably be working in the emergency room-house call type operation, and lawyers at home. Mr. Turner said when he is in the Legislature, his staff works of Sunday just like any other day. There was discussion about tobacco products being for the welfare of the people, since that item is included in the bill.

Mr. Harry Hess of the Retail Clerks Local 182 of Kansas City, testified that his organization had 2,000 members in Kansas; that his organization is interested in the welfare of the people and that these people tell him they want a day of rest. He stated that because of the additional cost of help in staying open 7 days, merchandise cost is increased. Mr. Ford expressed concern for the gas plants and refineries. Mr. Grant stated that it was the intent to exempt these industries.

Mr. Lee Blazier of Inness Dept. Store in Wichita, stated that the downtown stores are under increasing pressure to stay open more; and cited an example where Magnavox had held its annual sale. Jenkins and Inness had advertised for Monday but the discount houses asked them to come on Sunday and as a result had sold 34 sets for an average cost of \$400.00. He stated that his help on evenings and Saturdays do not run his costs up because they don't work that many hours; that most of his extra help are moonlighting housewives.

Mr. Saul Kass of Hartzfelds in Kansas City, stated this is an economic bill but it is also a religious bill. That he believes with the Saturday-Sunday clause, there should be no opposition to this law. He cited the example of the housewives of Denver when they asked Dillion's if they could sell food cheaper if they closed on Sunday. Dillon's stated they could and cut prices and housewives flocked to buy at that store during the week. He says that indeed it does increase costs to stay open all week.

Mr. Haywood of Kingman stated that there are few retail businesses owned by Kansans who oppose this bill; that outside groups support staying open; that 7 day selling increases the cost of merchandise; that most of the opposition comes from outside Kansas companies. Mr. Lindahl inquired if he would be willing to exempt farm machinery from this bill and he stated he believed it should be sold whenever needed. Mr. Andrews inquired about the week-end sportsman--would he be able to buy bait to go fishing. Mr. Grant stated that recreational facilities are exempt.

Mr. Phil Gibson of Ray Beers who stated that the retail business is an industry all its own; that he is a Kansan and proud of his heritage, but that out of state groups are coming in and milking the industry dry in a way that the department stores cannot compete. He stated that as this grows, the small community will dry up, and urged the passage of this bill to preserve the heritage of Kansas.

The meeting was recessed while the room cleared of the proponents, and then time was given to the opponents to be heard. Mr. Glenn D. Cogswell appeared on behalf of merchants and retailers who oppose this kind of stifling legislation. He stated that historically the independent merchant tried to prohibit the department stores, saying that they would run them out of business and now the department stores are here saying the very same thing. He stated that there had been the same attempt to put mail order businesses out of operation and that everyone has survived, and will survive the discount merchant too; that people are going to shop when and where they wish, and any legislation to regulate the public is clearly unconstitutional.

He stated that merchants who stay open on Sunday tell him in Topeka that his evening and week-end employees come from the student market, BIS and housewives; that they pay no overtime for this extra work and that it does not increase the cost of the merchandise; that in fact because of the volume, it tends to be less.

Pastor S. S. Will, President of the Kansas Conference of the Seven Day Adventists, and local pastor, came in opposition to the proposal. He stated that this is not a religious thing at all--it is purely economic; that this kind of legislation is not going to put more people in church, nor more families together; that this is clearly an infringement of choice and urged its defeat. He stated that he had conducted a survey of his own in his pastorate and when the matter is understood, the implications, etc., people oppose such legislation.

The meeting was adjourned.