

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Bill Mason at 1:30 p.m. on February 5, 2003 in Room 313-S of the Capitol.

All members were present except: Representative Gilbert - E

Committee staff present: Russell Mill, Legislative Research Department
Mary Torrence, Office of Revisor of Statutes
Rose Marie Glatt, Committee Secretary

Conferees appearing before the committee: Representative Dan Williams
Keith R. Landis, Christian Science Committee on
Publication for Kansas
Secretary Roger Werholtz, Department of Corrections
Kimberly Gulley, League of Kansas Municipalities

Others attending: See Attached

Without objection, a bill was introduced by Representative Rehorn, on behalf of Representative Thimesch regarding Persian Gulf War veterans health initiative board renamed Kansas veterans health commission, separate agency within executive branch.

Without objection, a bill was introduced as requested by Representative Peterson regarding the operation of electronic gaming machines in a single specified location in Dodge City, KS for the promotion of tourism and economic development.

Without objection, a bill was introduced as requested by Representative Huy, that the Kansas Lottery shall provide for selection of winning numbers in the lottery game "Power Ball" to be televised on broadcast television stations in the Kansas City, Topeka and Wichita markets.

Without objection, a bill was introduced as requested by Representative O'Neal that would authorize employees that are sixteen or more years of age to take orders and payment for cereal malt beverages or alcohol in service establishments that have more than fifty percent of their revenue from food.

HB 2040 - Religious Freedom Restoration Act.

Representative Dan Williams stated **HB 2040** requires that before a governmental entity can substantially burden the free exercise of religion, it must first show a compelling interest. And even when there is a compelling interest, the burden may only be implemented by the least restrictive means (Attachment 1). The bill is a replica of 2002 **HB 2782**, that passed the House but was not heard in the Senate. He provided history of the non-partisan bill referencing the 2002 testimony of Joel Oster. He cautioned that the Religious Land Use and Institutionalized Person Act (RLUIPA) may be limited and that this bill would provide additional protection from government regulation for all religions. After discussion there was agreement that for clarification purposes, Section 3, should be re-worded. It was suggested that the word

group could be added to line 40 to read *substantially burden a person's/group's exercise of religion, etc.* Discussion followed regarding the need or importance of this bill to religious freedom in Kansas.

Keith R. Landis, Christian Science Committee on Publication for Kansas, spoke in support of **HB 2040** stating that this bill could meet the need in Kansas by restoring the balance of rights and interests thought to exist before the recent Supreme Court action (Attachment 2).

Secretary Roger Werholtz, Department of Corrections, presented a balloon that altered language on page 2, line 1 from *The person is in custody in a correctional institution, as defined in K.S.A.75-5202, and amendments thereto;* to *The burden is related to the management and operation of the department of corrections;* (Attachment 3) He cited two examples that illustrated the need for change in order to cover the balance of the Department's operation.

Kim Gully, Director of Policy Development, League of Kansas Municipalities appeared in opposition to **HB 2040** (Attachment 4). She cited three reasons the League was opposed to the bill; the large number of pending cases at the federal level that need to be settled, belief that numerous court cases would be required to determine the definition of "substantially burdens" and the expense to the taxpayers to meet the requirement for payment of attorney fees. It was noted during discussion that the fiscal note reflected no fiscal effect on the state.

The hearing on HB 2040 was closed.

In the January 28 minutes, in the last paragraph, the words *malt liquor* were corrected to *cereal malt beverage*. Representative Ruff moved that the January 16, 27 and the 28, with the above revision, be approved. It was seconded by Representative Dahl. The motion carried.

The meeting adjourned at 2:55 p.m. with the next meeting scheduled for February 10, 2003.

CONTINUATION SHEET