



***Our mission is to end discrimination based on sexual orientation and gender identity, and to ensure the dignity, safety, and legal equality of all Kansans.***

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Thomas Witt, Executive Director  
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Neutral Testimony re: HB2203  
Senate Committee on the Judiciary  
March 18, 2013

Greetings Mr. Chairman and members of the committee. I am here today to take a neutral position on HB 2203, the Religious Freedom Preservation Act.

Kansas Equality Coalition represents the lesbian, gay, bi and transgender population in Kansas. Our mission is to end discrimination based on an individual's sexual orientation and gender identity.

Many in this body know that Kansas Equality Coalition took a strong position in opposition to a similar bill, HB 2260, in the 2011/2012 legislative session. While there are many similarities between the bill before you today and the previous HB 2260, there is one key difference: the language regarding "compelling government interest" as it related to discrimination is not part of this year's bill.

HB 2260 declared that, as it related to prohibitions on discrimination, "compelling government interest" was limited to those provisions found in the Kansas Act Against Discrimination, K.S.A. 44-1001 et seq. Combined with the rest of the language found in the bill, we believe this would have opened municipalities, counties, Regent's universities, community colleges, and local school districts to litigation over duly enacted local ordinances and institutional policies.

The League of Kansas Municipalities agreed with our cost assessment of HB 2260. In the 2011 fiscal note attached to that bill, the Director of the Budget advised that "[a]ccording to the League of Kansas Municipalities, passage of HB 2260 would subject cities to litigation under the Act, although a precise fiscal effect cannot be estimated." The fiscal note for this year's bill, while alerting this body to potential costs relating to litigation, is silent on its impact on municipalities.

I will re-emphasize that Kansas Equality Coalition is neutral on HB 2203. We do not take positions on bills that do not specifically impact Kansas' LGBT population. The removal of the language regarding discrimination means we no longer have a direct interest in this bill. However, given the controversy in 2011 and 2012, we thought it was important to come before you today to make clear our position.

Thank you for your time and attention. I am happy to stand for questions.