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MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman John Edmonds at 1:30 P.M. on January 25, 2005 in Room 313-S of the Capitol.

Committee members absent:

Committee staff present: Athena Andaya, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Mary Torrence, Revisor of Statutes Office
Carol Doel, Committee Secretary

Conferees: Attorney General Phil Klein
Rep. Jan Pauls
Mike Farmer
Kris Kobach
Dr. Allen Wynne
Rev. Bob Hanson
Marsha Strahm
Paul Barkey
Kevin Theriot
Larry Limbocker
Pat Bullock
Re. Cecil Washington
Rev. Aletha Cushinberry
Rev. Alan Benson
Kent Hampton
Pastor Jerry Johnston
David Owens
Richard Miller

Others attending: See attached list

Chairman Edmonds called the meeting to order and opened the floor for bill introductions.

Representative Eber Phelps requested the introduction of a bill regarding forfeiture of arms. The current statutes have no provision for firearms to be traded in for more suitable weapons for use by law enforcement officers.

Hearing no objections the bill was accepted for introduction.

Chairman Edmonds requested the introduction of a bill dealing with cost of living adjustments for certain retirees under KP&F.

With no objections the bill was accepted for introduction.

Chairman Edmonds opened the meeting for public hearing on **SCR 1601** which proposes to amend Article 15 of the Kansas Constitution by adding a new section that would define marriage as a civil contract between a man and a woman and stating that all other marriages would be null and void. No other relationships would be recognized as being entitled by the State of Kansas to the "rights or incidents" of marriage.

Representative Jan Pauls addressed the committee explaining that **SCR 1601**, if passed by the House, would be placed on the April ballot with the question of whether or not to place the Kansas definition of marriage into the Kansas Constitution. It would clarify that no other relationship is to be recognized by the state as a marriage. Rep. Pauls further stated that if passed **SCR 1601** would not remove any rights that any Kansas citizen presently holds and urges the passage of the amendment to allow citizens to vote on the issue. (Attachment 1)

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Chairman Edmonds directed attention to written testimony by former Speaker of the House Tim Shallenburger

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in support of **SCR 1601**. In his testimony, Mr. Shallenburger opined that there are activist courts that could very well threaten to overturn existing Kansas law which bans same sex marriage and it is imperative that we add this amendment to the Kansas Constitution. (2)

Mike Farmer, Executive Director Kansas Catholic Conference, the public policy office of the Catholic Church in Kansas, addressed the committee as a proponent of **SCR 1601** relating when marriage is redefined so as to make other relationships equivalent to it, the institution of marriage is devalued and further weakened. It is the feeling of their organization that the state has an obligation to promote the family, which is rooted in marriage and that it would be wrong to redefine marriage for the sake of providing benefits to those who cannot rightfully enter into marriage. They, therefore, endorse **SCR 1601** favorable for passage. (Attachment 3)

Kris Kobach, Professor of Constitutional Law, University of Missouri (Kansas City) School of Law, testified before the committee urging the passage of **SCR 1601**. In his testimony, Professor Kobach stated that it was his unequivocal constitutional judgment that this amendment is necessary if Kansas wishes to preserve and protect the traditional legal definition of marriage. In the absence of the constitutional amendment proposed by **SCR 1601**, the traditional definition of marriage is jeopardized by two threats ---- a judicial threat and a legislative threat. (Attachment 4)

Dr. Alan Wynne, a physician board certified in both internal medicine and endocrinology, presented testimony to the committee in support of **SCR 1601**. Dr. Wynne stated that he is opposed to adding sexual orientation to our non-discrimination clause. Unlike one's race or skin color, sexual preferences have not been shown to be immutable, predetermined, genetically-based characteristics. Dr. Wynne reported briefly on several different studies which have been made and gave references for finding these studies. (Attachment 5)

Next to appear as a proponent to **SCR 1601** was Pastor of the Shawnee Heights Baptist Church, Reverend Bob Hanson. He reported that the Southern Baptist Church affirms God's plan for marriage and sexual intimacy – one man, and one woman, for life. Homosexuality is not a “valid alternative lifestyle.” Southern Baptists do not believe that homosexuality is genetic or immutable. The Southern Baptists urge allowing the people of the state to speak by allowing the amendment to be placed on the November ballot. (Attachment 6) Reverend Hanson also called attention to written testimony submitted by Superintendent Terry Yancey, Kansas Assemblies of God urging passage of the “One Man - One Woman Marriage Amendment”. (Attachment 7)

In her testimony supporting the passage of **SCR 1601**, Marsha Strahm, CWA of Kansas (Concerned Women of America), stated that they are asking for strengthening and protection of marriage from judges and courts that could impose their own ideas of what marriage should be. They are not asking for a ban on gay marriage, but are asking for definition and protection of an institution that has been deemed good for society throughout millennia, for safeguarding of an institution that has provided the building blocks of a stable society, and to understand that marriage is so important that we tamper with it at our own peril. (Attachment 8)

Reverend Paul Barkey, retired Army Chaplain and pastor of Ashland Community Church, appeared before the committee as a proponent of **SCR 1601**, and presented an extensive packet of material for the committees' perusal. It was their hope that this material would be of value in the deliberations on the issue which **SCR 1601** presented. (Attachment 9)

Kevin H. Theriot provided testimony in favor of **SCR 1601** stating the need to put before the voters an amendment of the Kansas State Constitution defining marriage as a civil contract between one man and one woman. He stated that his testimony represented his professional knowledge and opinion as a Kansas attorney who is involved in protecting marriage on a state and national level. Mr. Theriot is Senior Legal Counsel for the Alliance Defense Fund. (Attachment 10)

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Larry Limbocker, life long resident of Kansas, appeared before the committee as a concerned citizen, in support of **SCR 1601**. In his testimony, Mr. Limbocker stated that this issue goes to the very core of our

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belief system, our mores, our principles and religious convictions. (Attachment 11)

Pat Bullock, Director of Missions Heart of Kansas Southern Baptist Association, delivered testimony in support of **SCR 1601**. In his testimony, Mr. Bullock stated, "When you redefine marriage, you redefine morality. When you redefine morality, you have redefined life itself rather than accepting what a Holy God created". (Attachment 12)

Next to present testimony before the committee in support of **SCR 1601** was Pastor Cecil T. Washington, Jr. of the New Beginning Baptist Church. Pastor Washington spoke on the economic status, and giving risk percentages for various unhealthy tendencies. He also spoke of genetics, choice and change, real love, and intent and design and urged the passage of **SCR 1601** protecting the institution of marriage. (Attachment 13)

Reverend Aletha Cushinberry, pastor of the Apostolic Church presented testimony encouraging the passage of **SCR 1601**. In her testimony Rev. Cushinberry stated that any change in the marriage law would lead to further deterioration of family as defined by God. (Attachment 14)

Representing the Asbury Mt. Olive Church, Dr. E. Alan Benson, Pastor, embraced **SCR 1601**. In her testimony, she related that after sincere and careful forethought and in her response to moral duty as a citizen of the State of Kansas and the United States of America, she stands in support of the Amendment to our State Constitution to clearly define marriage as an act or union between one man and one woman. (Attachment 15)

Kent Hampton spoke to the committee as a proponent of **SCR 1601**. In his testimony, Mr. Hampton opined that if same-sex unions are allowed, we will have declared marriage to be nothing special, only a temporary contract between people of undetermined quantity or gender. (Attachment 16) Mr. Hampton also included an article entitled *What Was Really Learned from Tasker and Golombok's Study of Lesbian and Single Parent Mothers?* written by *Walter R. Schumm*, Kansas State University (Attachment 17) as well as an article entitled *Differential Risk theory As A Subset of Social Exchange Theory: Implications For Making Gay Marriage Culturally Normative And For Understanding Stigma Against Homosexuals* also written by *Walter R. Schumm*. (Attachment 18)

Dr. Jerry Johnston, Senior Pastor of First Family Church of Overland Park, introduced his testimony in support of **SCR 1601**. He related that nearly 1,000 evangelical pastors in Kansas request that Kansans be given the opportunity to exercise their citizenship and vote on a marriage amendment. (Attachment 19) Dr. Johnston also presented each member of the committee with a copy of *Marriage Under Fire*, a book written by Dr. James Dobson (Attachment 20) and a CD Rom entitled *Same Sex Marriage vs. Marriage God's Way* a message by Dr. Jerry Johnston. (Attachment 21)

David Owens, representing Homeless Come Home, addressed the committee supporting **SCR 1601** and related several life experiences. (No Testimony)

In his testimony supporting **SCR 1601**, Dr. Richard Miller, stated that marriage as a union of one man and one woman passes all the tests and is right. He respectfully requested that the right of the people of Kansas to vote on the issue be affirmed. (Attachment 22)

Attorney General Phil Klein addressed the committee in support of **SCR 1601**. In his testimony, the General stated that this resolution, unfortunately is a necessity precipitated by those who do not understand the concept of separation of power and do not understand the legal distinctions that are apparent in differences between the gay rights movement and the civil rights movement as well as the rights in women's suffrage movement. Attorney General Klein spoke about the legal issues and addressed the resolution itself. (No Testimony)

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There were no other proponents who wished to address the committee regarding **SCR 1601**.

Chairman Edmonds advised the committee on plans for Wednesday, January 26th which included a regular committee meeting beginning at 1:30 p.m. taking testimony from opponents until 3:00 p.m. when the committee would adjourn until 5:00 p.m. when testimony from opponents would continue until everyone who wished to address the committee had done so. Committee was adjourned at 4:30 p.m.