

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 26, 2005 in Room 313-S of the Capitol.

All members were present except:

Representative Ray Merrick- excused

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:

Christopher Eschelman
Ann Elizabeth
Bill Rich
Janis Mcmillen
Tiffany Muller
Pedro Irigonegaray
Bruce Ney
Carol Nistler
Thomas Witt
Reverend Dr. William R. Clark
William Dunn
J.L. Cleland
Christopher Renner
Paul Osgood
Rev. Michael Nelson
Michael Lambert
Steve Brown
Peter Cohen
Bonnie Cuevas
Libby Schoeni
John Robinson
Melody Pooler
Rob Montague
Brenda Godsey
Mary Kay Siefers
Heath Harding
Stephen T. Wertz
Susan Fairchild
Grace Ulrich
Mary Lou Schmidt
Rev. Jayne Thompson
Rich Hayse
Marcia Fleischman
Stephanie Bryson
Jana Mackey
Jeff Unger
Angel Holman
Bittany Francis

Others attending:

See attached list

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Chairman Edmonds opened the meeting with the first order of business being requests for bill introductions.

There were no bill introductions and The Chair opened the meeting for continuation of the public hearing on **SCR 1601** and advised each person wishing to testify would be given fifteen minutes to do so. The Chair also announced that on Thursday, January 27th, there would be briefing by four House attorneys and following that he intended to work the bill.

First to be recognized as an opponent of **SCR 1601** was Christopher Eshelman, a concerned citizen, of Wichita. In his testimony, Mr. Eschelman presented his life background and stated that he appeared before the committee to proclaim that gays and lesbians are not a threat to our institutions, not to marriage and not to our state and urged the committee to vote no on the resolution. ([Attachment 1](#))

Ann Elizabeth Bishop, concerned citizen of Derby Kansas, addressed the committee as an opponent of **SCR 1601**. In her testimony Ms. Bishop opined that Part B of the amendment was a shameful injustice to families such as hers. She urged that, if necessary, leave Part A intact, but not to allow Part B. ([Attachment 2](#))

Bill Rich, a conferee who has studied constitutional law, came before the committee opposing **SCR 1601** giving the opinion that the proposed amendment to the Kansas Constitution would violate the Constitution of the United States and that barring same-sex partners from securing "rights or incidents of marriage" will invite litigation. ([Attachment 3](#))

President of the League of Women Voters of Kansas, Janis McMillen, delivered testimony in opposition to **SCR 1601** which in their opinion seeks to insert a discriminatory amendment into the Kansas Constitution, an amendment that restricts the civil rights of gays and lesbians. ([Attachment 4](#))

Representing Kansans for Justice and Equality Project, Tiffany Muller, revealed their standing in opposition to **SCR 1601**. Ms. Muller related that this amendment is unnecessary, spirited by hostility, and will cause great harm to many Kansans. Additionally, there are serious legal concerns with this proposed amendment. She urged a vote against the proposed constitutional amendment. ([Attachment 5](#)) Ms. Muller also provided the committee with an article entitled *Myths and Facts Regarding the Proposed Marriage Amendment*. ([Attachment 6](#))

Counselor Pedro Irigonegaray, appeared before the committee in opposition to **SCR 1601**. He related his years of having appeared in the Supreme Court Room of the Statehouse as a young attorney hearing cases being brought before the Supreme Court, and even before that his parents bringing him to the Statehouse as a child shortly after they arrived from Cuba to show how a democratic government operated. He stated that now he finds himself in the same courtroom asking that they please not stain the Kansas Constitution. He further related that this amendment places an opaque filter of light on a group or class of citizens for no other reason than their sexual orientation. He also opined that our constitution should provide us the right to protection to do as we wish so long as it is not hurting anyone else. He urged the committee to vote no on **SCR 1601**. ([No Testimony](#))

Bruce Ney, an attorney admitted to practice law in the State of Kansas, presented testimony in opposition to **SCR 1601**. Mr. Ney, a corporate in-house counsel for Fortune 500 Company, related that **SCR 1601** sends the wrong message to Kansas businesses and those looking to relocate here. He further stated that he feels that the goal of the committee and legislature should be the enactment of positive public policy that promotes the economic health and well-being of our businesses and communities, improves the lives of all Kansans and protects the rights of all individuals, especially those in the minority. He urged a no vote on the amendment. ([Attachment 7](#))

Carol Nistler, of Olathe Kansas, came before the committee urging them to vote no on **SCR 1601**. Mrs. Nistler stated that she is the mother of a gay son and related the hostility and insults suffered by her family. Mrs. Nistler stated that the proposed marriage amendment is just one more reminder to the gay population and their families that discrimination is alive and well in Kansas and further related that her family's hope is

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that the State of Kansas will not only provide an environment that recognizes the wonderful diversity of its' citizens, but will become more inclusive in the welcoming of all. ([Attachment 8](#))

Brittany Francis introduced herself as an eighteen year old, citizen of Kansas, and a political science student at Washburn University who is opposed to **SCR 1601**. Miss Francis stated that because she loves the United States, the Constitution, and most importantly our country's principle of democracy and wishes to see them prosper forever, she is urging a no vote. ([Attachment 9](#))

Thomas Witt, representing Equality of Kansas, stated in his opposition to **SCR 1601** that previous speakers had indicated the gay and lesbian Americans were to blame for many of society's ills. However, Mr. Witt believes that there is a bigger issue to be focused on and that is "No relationship, other than a marriage, shall be recognized by the state as entitling the parties to the rights or incidents of marriage". He urged the committee not to vote for a vague, discriminatory amendment that will be used to target his family and thousands of others. ([Attachment 10](#))

Reverend, Dr. William R. Clark addressed the committee in opposition to **SCR 1601** speaking both as a clergyman and as the father of a gay son. Rev. Clark indicated that he believes that all the gays ask for are the same rights to express love, affection, and commitment in marriage as many others do. ([Attachment 11](#))

William Dunn is in a gay relationship and the father of three adopted children with developmental delays, and is opposed to **SCR 1601**. Mr. Dunn's hope is that his testimony today might help convince people that, as fellow Kansans, his partner and he also possess moral character and family values. He believes that our Constitution rightfully belongs to his family also and should not be rewritten to reflect one religious viewpoint. ([Attachment 12](#))

J.L. Cleland, presented testimony in opposition to **SCR 1601**, relating that there is no civil justification for denying rights to consenting adult couples, and such an amendment blurs the division between church and state. He stated that this amendment clearly discriminates against a class of people, whether by choice or by birth, and discrimination should never be written into the Constitution. ([Attachment 13](#))

Christopher Renner, addressed the committee giving testimony adverse to **SCR 1601**. Mr. Renner opined that it is bad legislation and it is an attempt by a minority within the Christian tradition to impose their fanatical religious views on secular society. He further testified that, in his opinion, if the committee is to recommend anything, then it should recommend the creation of civil unions in our state which bears the exact rights and responsibilities for same-sex couples so that their families are protected from ignorance and hate. ([Attachment 14](#)) Mr. Renner also submitted executive order 13087 signed by William J. Clinton in 1998, ([Attachment 15](#)) as well as statements by activist judges, Judge David Carter, Justice Anthony Kennedy, Justice John Dunne, Justice Judith Cowin, Judge Boyce Martin and Justice Jim Hannah. ([Attachment 16](#))

Julie Avard provided the committee with testimony opposing **SCR 1601** saying that if this amendment passes, the gays and lesbians are not only being told they can't be officially recognized as a couple, but are being told that the act of being homosexual, of being who they are, is classified with criminal acts. ([Attachment 17](#))

Paul Osgood related that he and his partner had been in a relationship for twenty-eight years and that his relationship is as sacred as any heterosexual relationship. He is opposed to **SCR 1601**, saying that if this resolution is passed, once again, Kansas will be in the world news as a state of bigotry and hate. ([Attachment 18](#))

Rev. Michael Nelson, came before the committee as a parish minister for the Manhattan Kansas Unitarian Universalist Fellowship, and as an individual who has deep roots in Kansas to oppose **SCR 1601**. Rev. Nelson stated that if this law is passed, it will foster more violence in a world which desperately needs peace. ([Attachment 19](#))

Michael Lambert appeared as a conferee asking the committee to vote no on **SCR 1601**. Placing a restriction

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in the State constitution would enshrine that definition, and make it much more difficult for the people of Kansas and their elected representatives to repeal at a later date, and the section of the proposed amendment that would forbid the use of contract law for civil unions would place a great burden on those Kansans who might use such arrangements to provide support for one another. (Attachment 20)

President of the Kansas Democratic Lesbian, Gay, Bisexual, and Transgendered Caucus, Steve Brown, requested that the committee vote against **SCR 1601**. Mr. Brown stated that before his partner died, they had to have an estimated \$10,000 worth of legal work completed to protect him from issues which married couples get by virtue of a marriage license. He asked that the committee not send the amendment to the House with the same language that it had when it came to committee, but to remove Section 16, B before sending it to the floor of the House. (Attachment 21)

Peter Cohen, a concerned citizen, opposes **SCR 1601** feeling that if the resolution succeeds, it will be saying that a choice to let one group of citizens decree discrimination against another group of citizens is a legitimate choice, and will have this government's approval. (Attachment 22)

Appearing in opposition to **SCR 1601** was Bonnie Cuevas, mother of two sons, one gay and one straight. Mrs. Cuevas gave the opinion that the only reason this amendment is being brought up by religious bigots is to gay bash and discriminate against gay children. She urged the committee to accept the responsibility and not to let a few religious bigots change the constitution to allow for the first time in our state, discrimination against a minority group, namely gay and lesbian people, to be written into our State Constitution. (Attachment 23)

Libby Schoeni testified in opposition to **SCR 1601**. She asked the committee not to write discrimination into the Kansas State Constitution. She related that she believes the Constitution is meant to protect rights, not to take them away. (Attachment 24)

John Robinson presented extensive testimony against **SCR 1601** requesting that the committee vote no to any proposal for such a change to the Constitution of the State of Kansas, that they vote no to any proposal to submit such change to popular vote, and additionally, that they oppose the apparent intent to rush such changes through the Legislature without the full and reasoned debate of the issues before any such vote is taken. (Attachment 25)

In her testimony, Melodie Pooler, requested that the committee vote against **SCR 1601**. She is strongly opposed to the Marriage Amendment saying that this proposed amendment goes against everything our founding brothers and sisters came here to escape. This proposed law clearly clouds the lines between Separation of Church and State, and it pro-actively discriminates against a specific group of constituents. It is designed to put minority rights to a majority vote which is unethical, immoral and unjust. (Attachment 26)

Opposing **SCR 1601**, Rob Montague testified before the committee expressing the opinion that passage of this resolution would do real, profound and irreparable harm to same-sex Kansas couples and their children, who are already denied the vast majority of benefit and protections enjoyed by families in which the parents are legally married. He related that support of this amendment would actively discriminate against hundreds of thousands of gay and lesbian Kansans. (Attachment 27)

Brenda Godsey presented testimony voicing disapproval of the passage of **SCR 1601**. Mrs. Godsey expressed the opinion that the passage of this resolution would, for the first time, write discrimination into our Constitution. This bill would send a wrong message about our state to the rest of the nation and it violates the civil protection provisions of both the Kansas Constitution and the U.S. Constitution. (Attachment 28)

Mary Kay Siefers addressed the committee relating that she was the gay daughter of hard working, straight parents who loved her very much and she would like for the committee vote against **SCR 1601** which she described as demeaning legislation which would hurt dedicated families such as hers. (Attachment 29)

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Heath Harding related that he is a farm boy who has spent all of his life in Kansas. He urged a no vote on **SCR 1601** stating that this is about humanity. Humanity is in question over the Marriage Amendment and further stated that it is an obligation to stand against the tyranny of the masses, the very reason that many of our ancestors came to this land. (Attachment 30)

Appearing in opposition to **SCR 1601**, Stephen Wertz opined that passage of this amendment by the House will mark a major historical and legal deviation that will mark this State for generations and will likely lead to thoroughly unintended consequences. He further stated that the oaths of office oblige the legislators to protect and defend the Constitution, not to yield to emotional, even if well-intended, desires of the moment. (Attachment 31)

Susan Fairchild, President, Raytheon Aircraft Company GLBTA, presented testimony relating to the potential economic impact that passage of **SCR 1601** could have on the State of Kansas. Ms. Fairchild stated that if the amendment should be passed by the House and subsequently passed by the people of Kansas, it may force companies that currently allow domestic partner benefits to discontinue them. She further conveyed that this amendment currently under consideration would be the only state amendment that would single out one class of Kansans for discrimination by ensuring that same-sex couples would not be granted the equal protections that marriage brings. (Attachment 32)

Grace Ulrich came before the committee to discuss the unintended consequences of the language in **SCR 1601** which would deny traditionally recognized rights of those who are not choosing to marry for various reasons. Ms. Ulrich further advised that she would rather see the legislative body focus on what she regards as the true duties of our elected officials, namely, bolstering a sagging economy, caring in an adequate and timely manner for those in state custody or who are in need of state assistance, figuring out how to increase and fairly apportion monies for education, maintaining the infrastructure of roads, bridges, public utilities etcetera. (Attachment 33)

Mary Lou Schmidt addressed the committee in opposition to **SCR 1601**. Ms. Schmidt stated that our Constitution assures every American citizen the right to life, liberty and the pursuit of happiness. She further related that this does not apply just to straight couples, but if two men or two women love each other and are willing to commit then they should be allowed to marry. (Attachment 34)

Reverend Jayne M. Thompson, representing the Evangelical Lutheran Church in America, spoke before the committee opposing **SCR 1601**. Rev. Thompson alleged that the resolution is an attempt to further oppress gay and lesbian people by excluding them from the civil rights and benefits afforded to others. It is reflective of a disturbing and continuing trend to discriminate against minority citizens. She further opined that instead of concentrating so much time, money and energy working to oppress a group of people, our government needs to work to defend the rights of our citizens and to ensure that liberty and justice for all prevail. (Attachment 35)

Rich Hayse spoke on behalf of the Kansas Bar Association in opposition to **KSA 1601**. Mr. Hayse related the opinion in his testimony that the resolution would thus request voters to decide something completely unprecedented in our constitutional history. If approved by the House, the resolution would allow voters to enshrine in our Constitution an absolute prohibition against the possibility that a minority class of citizens could ever be allowed by the legislature to enjoy certain rights available to the majority. Furthermore, the amendment language contained in the resolution contains an attempted evasion of the Full Faith and Credit Clause of the U.S. Constitution. (Attachment 36)

Marcia Fleischman, Co-Pastor Broadway Church and member of the MAINstream Coalition addressed the committee urging the committee to reject **SCR 1601** which would add the addition of discriminatory language to our Constitution. It is their opinion that a constitutional amendment is an unnecessary and sad statement for our legislature to make, driven, in their opinion, more by temporary political expediency than truly rational reasoning. (Attachment 37)

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Rev. Marcia Fleischman also spoke for herself in opposition to **SCR 1601**. In her testimony, Reverend Fleischman made note that passing a Constitutional amendment to deny our gay brothers and sisters the right to marry, to pursue, life, liberty and the pursuit of happiness is Anti-American and Anti-Christ. ([Attachment 38](#))

The National Organization for Women was represented by Jana Mackey in disagreement with the passage of **SCR 1601**. Ms. Mackey reported that it is their opinion that if the resolution is passed and placed on the ballot, Kansans will not only be asked whether or not they support a constitutional amendment defining marriage as a relationship with one man and one woman. They will be asked whether they would deny an unmarried couple the right to hospital visits, the right to jointly own and inherit property, and deny an unmarried couple the power of medical attorney. ([Attachment 39](#))

In opposition to **SCR 1601**, Stephanie Bryson, citizen of the state of Kansas and a lifelong member of the Episcopal Church, testified that through supporting same-sex marriage that the Christian Church will be able to live up to its own standard of communicating the unconditional love of God and the radical inclusiveness of the Gospel of Jesus Christ to the entire world. ([Attachment 40](#))

Angela Hollman appeared before the committee in opposition to **SCR 1601**. In urging the committee to vote no, Ms. Hollman stated that the problem is bigotry and discrimination. Her testimony related that our constitution is meant for freedom, and this amendment is the exact opposite. ([Attachment 41](#))

Written testimony in opposition to **SCR 1601** was submitted by Deborah Holroyd ([Attachment 42](#)), Donna Mitchell-Ayers ([Attachment 43](#)), Diane Silver ([Attachment 44](#)), Larry Gilbert ([Attachment 45](#)), Shay O'Brien ([Attachment 46](#)), Judy Roitman ([Attachment 47](#)), Rachael Pirner ([Attachment 48](#)), Cathleen Alexander ([Attachment 49](#)), Donald Davis ([Attachment 50](#)), Susan Scott ([Attachment 51](#)), Amanda Lauren Bareiss ([Attachment 52](#)), Jacque Gibbons ([Attachment 53](#)), Mary Hale Tolar ([Attachment 54](#)), Alley Stoughton ([Attachment 55](#)), Kristina Kramer ([Attachment 56](#)), Erin Bishop ([Attachment 57](#)), Barbara Hoyle ([Attachment 58](#)), Sherry Wright, Ph.D. ([Attachment 59](#)), Karl J and Virginia R. Kramer ([Attachment 60](#)), Tamara Hawk ([Attachment 61](#)), Janene McNeil ([Attachment 62](#)), Kerri Keller ([Attachment 63](#)), Kevin Hartung ([Attachment 64](#)), Bradley Farrington ([Attachment 65](#)), Wayne Hoffman ([Attachment 66](#)), Unitarian Universalist Fellowship of Manhattan ([Attachment 67](#)), Patricia Weisenburger ([Attachment 68](#)), Mary Westfall ([Attachment 69](#)), Emily Ragan ([Attachment 70](#)), Tor Janson ([Attachment 71](#)), Rachel Melis ([Attachment 72](#)), Michael Christie ([Attachment 73](#)), Joe Nisil ([Attachment 74](#)), Ryan Reffitt ([Attachment 75](#)), Andrea Riffitt ([Attachment 76](#)), Korin Huncovsky ([Attachment 77](#)), Millie Nimmo ([Attachment 78](#)), Cheryl Hoffman ([Attachment 79](#)), Lori Lowery ([Attachment 80](#)), Shanna Chapman ([Attachment 81](#)), Angela Reffitt ([Attachment 82](#)), Susan Hurst ([Attachment 83](#)), Scott Wesoloski ([Attachment 84](#)), and a pool of signatures submitted with written testimony from Manhattan, Ogden, Junction City, Manhattan, Riley, Salina, Fort Leavenworth, and Overbrook.. ([Attachment 85](#))

There were no other persons wishing to testify before the committee in opposition to **SCR 1601**.

Chairman Edmonds expressed his gratitude to the gallery, conferees, House Members, and staff for their attention, co-operation, endurance, and patience during the lengthy meeting.

With no further business before the committee, Chairman Edmonds adjourned the meeting at 10:10 p.m.

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