

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairperson Steve Brunk at 9:00 am on Monday, March 30, 2015, 346-S of the Capitol.

All members were present except:

Representative Bud Estes – Excused

Representative Broderick Henderson – Excused

Committee staff present:

Kyle Hamilton, Office of Revisor of Statutes

Natalie Nelson, Legislative Research Department

Joanna Wochner, Legislative Research Department

Stephen Bainum, Kansas Legislative Committee Assistant

Jason Long, Office of Revisor of Statutes

Conferees appearing before the Committee:

Senator Steve Fitzgerald

Gregory Jao, InterVarsity Christian Fellowship,

Craig Shultz, Shultz Law Office

Curtis Cole, Chi Alpha Campus Ministry

Michael Schuttloffel, Kansas Catholic Conference

Jamie Veeder, InterVarsity Christian Fellowship

Micah Kubic, ACLU

Brandi Fisher, Mainstream Coalition

Jennifer Parson, Douglas County NOW

Jackie Carter, First Metropolitan Community Church

Paul Jackson, University Congregational Church

Carolyn Schwartz, Pine Valley Christian Church

Others in attendance:

[See Attached List](#)

Hearing on: SB175 — Exercise of religious freedom by postsecondary education student associations.

Chairman Brunk opened the hearing on **SB175**. Jason Long, Revisor of Statutes, gave a briefing on the bill. ([Attachment 1](#))

Written testimony in support of **SB175** was presented by:

Senator Steve Fitzgerald who said that the opponents of the bill are not against student groups that define themselves. Rather, it is against religion. They are offended that anyone would practice a religion in the public square. They seek to twist our founding documents to become a guarantee from religion rather than of religion. ([Attachment 2](#))

Gregory Jao said that an increasing number of universities are interpreting otherwise good non-discrimination policies in ways which prohibit religious groups from using religious criteria in

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leadership selection. Religious based criteria help insure that the student group remains faithful to its original religious tradition, purpose and goals even as large numbers of non-adherents participate in the group. ([Attachment 3](#))

Craig Shultz said that pluralism, essential to a free society, prospers only when the First Amendment rights of all Americans are protected regardless of the current popularity of their speech. **SB175** would address the ongoing national problem of some colleges using nondiscrimination policies to exclude religious student groups from campus. ([Attachment 4](#))

Curtis Cole said that this bill affirms the value of a pluralistic view of Religious Liberty. We need to respect other Americans who view the world differently than us. We celebrate the right of the Jew to believe and behave as a Jew. Furthermore, we object when laws are established that preclude the right of Americans to believe and behave with religious conviction. ([Attachment 5](#))

Michael Schuttloffel said that religious groups should be free to require that their members and leaders share in that group's faith. That is the entire point in having such a group. This bill would prevent public universities in Kansas from imposing "all-comers" policies on religious student groups. Universities that institute such policies do so under the guise of nondiscrimination, but in fact use them to target specific religious student groups whose beliefs are not in favor with academic elites, to punish religious students whose beliefs they do not like. ([Attachment 6](#))

Jamie Veeder said that it is essential that religious groups continue to be able to use religious criteria while determining leadership. Without that protection the integrity of religious groups is compromised and the university loses voices. ([Attachment 7](#))

Written testimony in opposition to **SB175** was submitted by:

Micah Kubic who said that this bill is not necessary for the protection of the associational rights of students. Moreover, it will require public universities to provide public funding to discriminatory student organizations in violation of their First Amendment right to academic freedom. ([Attachment 8](#))

Brandi Fisher said that their primary concern was the use of public funds for potentially discriminatory behavior. ([Attachment 9](#))

Jennifer Parson said that the bill would require post-secondary institutions to provide public funding to student organizations which discriminate against women. ([Attachment 10](#))

Jackie Carter said that the First Metropolitan Community Church serves all those in need whether or not they understand or accept those who identify as GLBT. ([Attachment 11](#))

Paul Jackson said that religious beliefs are already powerfully protected in this state and country. This bill seeks to further divide our communities and our public spaces. ([Attachment 12](#))

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

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Carolyn Schwarz said that she was concerned that the bill would cast an aura of division and mean-spiritedness to permeate our State institutions of higher learning. ([Attachment 13](#))

Written only testimony in support of **SB175** was presented by:

Kimberly Wood Colby, Director, Center for Law and Religious Freedom, Christian Legal Society ([Attachment 14](#)), ([Attachment 15](#))

Dr. Andy Tomkins, President, Kansas Board of Regents ([Attachment 16](#))

Chairman Brunk closed the hearing on **SB175**.

The meeting was adjourned at 11:00 am.