

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:30 a.m. on February 6, 2007 in Room 231-N of the Capitol.

All members were present except:

Senator James Barnett- excused

Committee staff present:

Kathie Sparks, Kansas Legislative Research Department  
Dennis Hodgins, Kansas Legislative Research Department  
Ken Wilke, Revisor of Statutes Office  
Connie Burns, Committee Assistant

Conferees appearing before the committee:

Jim Yonally, Kansas Equality Coalition  
Thomas Witt, Kansas Equality Coalition  
Jeff Potter  
Bonnie Cuevas, Topeka PFLAG

Others attending:

See attached list.

Senator Huelskamp requested a bill introduction that would by February require the Secretary of State set a filing deadline for the Presidential primary and candidate filing deadline.

Senator Reitz moved that this request should be introduced as a committee bill. Senator Vratil seconded the motion. The motion carried.

Senator Vratil requested a bill introduction that concerns eminent domain that would define blight and would allow cities to condemn property.

Senator Vratil moved that this request should be introduced as a committee bill. Senator Reitz seconded the motion. The motion carried.

Senator Brungardt requested a bill introduction that concerns video telecommunications providers; relating to preservation of dedicated bidirectional fiber optic links.

Senator Brungardt moved that this request should be introduced as a committee bill. Senator Vratil seconded the motion. The motion carried.

Staff provided the committee an overview on **SB 163**.

**SB 163 - Kansas acts against discrimination; inclusion of sexual orientation**

Chairman Brungardt opened the hearing on **SB 163**.

Jim Yonally, representing Kansas Equality Coalition, appeared as a proponent of the bill. (Attachment 1) The bill adds the words "sexual orientation" to a list of discriminatory practices that are currently prohibited by law. These are known as the Kansas Act Against Discrimination, and the law now prohibits discrimination based on race, religion, color, sex, and disability, national origin or ancestry. The second change is to define the phrase "sexual orientation," which is needed to make the bill workable. The definition is on page 4, lines 6 thru 8. This bill does not grant any special privileges to any group of persons, and that banning discrimination based on sexual orientation is added to many different parts of the statutes where other kinds of discrimination are likewise prohibited, and nothing more.

Thomas Witt, Chair, Kansas Equality Coalition, spoke in favor of the bill. (Attachment 2) The coalition works for the elimination of discrimination based on sexual orientation and to amend the Kansas Act Against Discrimination to add protection for sexual orientation, as the need has been shown to protect the fundamental rights of employment, housing, and public accommodations for those who have been and

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still are targets of discrimination. The act was originally established in 1953, and has been amended at least nine times since then. The bill does not include any amendment to the current affirmative action statutes; there are no quotas, no mandate around benefits that must be offered, and private, fraternal, religious organizations are exempt from this bill. Additionally, this bill does not apply to private organizations such as the Boy Scouts, Elks, and others.

There are currently 27 states, plus Washington DC, that have some level of protection against discrimination based on sexual orientation. Also, there is an active Presidential Executive Order banning discrimination in Federal employment, and across the nation there are more than 200 towns, cities and counties that ban sexual orientation discrimination.

Included with the testimony is a list of Fortune 500 companies that have banned discrimination based on sexual orientation in their workplaces and a policy brief "The Extent of Sexual Orientation discrimination in Topeka, KS," Equal Justice Coalition, 2004.

Mr. Witt explained to the committee that Sandra Stenzel, who came forward to the Senate Judiciary Committee two years ago to testify against the Proposed Marriage Amendment, and her testimony was widely reported in the news media across Kansas; within months of her testimony she was fired for being gay. So coming here to exercise her First Amendment rights was too much and she emailed her apologies and Mr. Witt read part of her email. "The whole thing that happened in 2004 was very painful to me and I am still suffering repercussions today. When I sat down to write some testimony it forced me to relive the whole sorry scene again, and I chose not to deal with it. I cannot think of anything meaningful to say that would make a difference in the Kansas Legislature. Everything I try to write has the smell of anger to it, no matter how hard I try to keep it from not sounding angry but the truth of the matter is that I am indeed still angry and bitter and if you scratch deeper than the surface I guess I can not pretend to not be angry and bitter when I still am." That someone who could not come here today to exercise their First Amendment rights, because the last time that when they did, they lost their whole career, and asked that the committee protect that right.

Jeff Potter spoke in favor of the bill. (Attachment 3) As a victim of discrimination in the workplace, where he worked as a machinist in a tool and die shop, was very skilled and had a bright future, with hope of buying the company. The owner asked him if he was a homosexual, his answer was "yes"; he was terminated and took away any hope of owning the company. The owner's reason for termination was simple, he did not condone my lifestyle. The state of Kansas offered no legal recourse for him, and by sharing his story in hopes that future gay men and women can lead productive lives and excel in their respective professions without the fear of discrimination.

Bonnie Cuevas appeared in support of the bill. (Attachment 4) She has two sons, one is straight and one is gay. The young man felt threatened and outraged of the antigay picketers throughout Topeka and how the city, county and state government failed to pass laws and ordinances to protect its gay, lesbian and bisexual citizens against discrimination. After college he left Kansas; because the state does not pass laws to protect its gay and lesbian citizens it is being drained of some of its best and brightest, and it is causing unneeded and unwanted separations of loving families.

Representative Janice Pauls appeared in opposition on the bill. (Attachment 5) The bill adds a protected class that cannot be easily identified by other persons. The statutes that this bill would amend are:

- the laws on public accommodations (which includes restaurants, bowling alleys, mortuaries, etc)
- housing (single houses not covered if owner owns 3 or few houses)
- employment (for those employing four or more persons)
- employment agencies
- Realtors
- would apply to every contract with the state or cities or counties

This bill has many far reaching effects and would increase "the exercise of the police power of the state" and would urge the committee not to pass the bill.

Ruth Glover, Kansas Human Rights Commission, provided neutral written testimony on the bill.

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(Attachment 6)

Chairman Brungardt closed the hearing on **SB 163**.

The meeting was adjourned at 11:45 am. The next schedule meeting is February 7, 2007.