

MINUTES OF THE HOUSE FEDERAL & STATE AFFAIRS COMMITTEE

The meeting was called to order by Vice-Chairperson Becky Hutchins at 2:20 p.m. on March 11, 2002 in Room 313-S of the Capitol.

All members were present except:

Representative John Edmonds - Excused
Representative Joann Freeborn - Excused
Representative Broderick Henderson - Excused
Representative Bill Mason - Excused
Representative Doug Mays - Excused
Representative Tony Powell - Excused

Committee staff present: Mary Torrence, Revisor of Statutes
Russell Mills, Legislative Research Analyst
Shelia Pearman, Committee Secretary

Conferees appearing before the committee: Representative Dan Williams
Chuck Simmons, Secretary of Corrections
Joel Oster, Attorney for Liberty Counsel, Florida
Bill Swinney, Educators for Christ
Cynthia Kelly, KS Association for School Boards

Others attending: See attached list

Vice-Chair Hutchins opened the hearing on **HB 2782 - Religious freedom restoration act.**

Representative Williams stated this Religious Freedom Restoration Act (RFRA) legislation is similar to federal legislation passed in 1993. (Attachment #1)

Mr. Oster, a native Kansan, emphasized this landmark legislation bridges the polarity and brings together such groups as the ACLU and the religious right. (Attachment #2) Making a governing body come to the bargaining table with a religious group before the governing body passes laws which will substantially burden the group's religious beliefs. He stated without RFRA, Roman Catholic hospitals could be forced to provide abortions, Bible studies in private homes could be prohibited, churches could be forced to employ individuals who openly engage in conduct that is sinful according to the Church's doctrine.

Mr. Swinney stated his prepared testimony addresses both **HB 2782** and **HB 2833** and believes the bills are in tandem. He stated the ability to understand the God-given soul strength our ancestors granted to us is often denied because of a diminished comprehension by the students of why the Puritans came to America. Without a recognition of the spiritual commitment the Puritans relied upon, they become stick figures to our students. He stated that with the sixth month anniversary of September 11, 2001, our children need constant reminders of the convictions of our nation's founders to spark a flame in their hearts. (Attachment #3)

Secretary Simmons stated while he was not opposing **HB 2782** he urged the committee to consider adopting amendments to exempt correctional operations. He stated 12 chaplains and approximately 1,500 religious volunteers already offer counseling and services for at least 21 faiths. He emphasized the unworkable standard of **HB 2782** relative to correctional operations is clearly demonstrated by the circumstances that caused the U.S. Supreme Court to reject that standard in *O'Lone v. Estate of Shabazz*, 482 U.S. 342 (1987). (Attachment #4)

Ms. Kelly rose in opposition of **HB 2782** because passage of this legislation would produce a right, based on any religious belief to ignore neutral laws of general applicability. She cited the Supreme Court decision of *City of Boerne v. Flores*, 521 U.S. 507 (1997). She stated this legislation is unnecessary. (Attachment #5)

The meeting adjourned at 3:05 p.m. The next scheduled meeting is March 12, 2002.