

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman William Mason at 1:30 p.m. on February 11, 2004 in Room 313-S of the Capitol.

All members were present except:

Representative Bonnie Huy- excused
Representative John Edmonds- excused

Committee staff present:

Russell Mills, Legislative Research Department
Mary Torrence, Revisor of Statutes Office
Dennis Hodgins, Legislative Research Department
Rose Marie Glatt, Secretary

Conferees appearing before the committee:

PROPONENTS:

Representative Kathe Decker, Clay Center, KS
Representative Janice L Pauls, District 102, Hutchinson, KS
Cecil Washington, Pastor of New Beginnings Baptist Church, Topeka, KS
David Paige, Private Citizen, McPherson, Kansas
Judy Smith, Director Kansas Concerned Women of America
Kurt Nystrom, Attorney at Law
Fred Phelps, Sr., Private Citizen, Topeka
Terry Yancey, Superintendent, Kansas Assemblies of God
Sue Jernigan, Private Citizen, Topeka
Carrie Quinn, Private Citizen
Dr. Walter Schumm, Private Citizen, Lawrence
Briana Olds, Private Citizen, Manhattan
Bob Hanson, KS/NB Souther Baptist Convention
Pat Bullock, Director of Association Missions, Kansas Southern Baptist Association
Quinton Martin, Private Citizen, Topeka
*written testimony
*Mike Farmer, Executive Director, KS Catholic Conference
*Hal Smith, Private Citizen, Topeka
*Doug Robinson, Private Citizen, Lawrence

OPPONENTS:

J.L. Cleland, Private Citizen, Hoyt, KS
Forrest Swall, Private Citizen, Lawrence

Others attending:

See Attached List.

HCR 5033 - Constitutional amendment: state recognizes only marriage between a man and a woman

Representative Kathe Decker, Clay Center, KS, a prime sponsor of the bill, stated that by placing this issue before the voters of Kansas, and having it become a part of our state Constitution we can avoid having a court battle in days to come (Attachment 1).

Representative Janice L. Pauls, Hutchinson, KS, a prime sponsor of the bill, spoke in support of **HCR 5033** (Attachment 2). She suggested a different explanatory statement for the amendment as follows:

“Explanatory statement, There is currently no constitutional provision regarding the marriage relationship.

“A vote for this proposition would provide in the constitution that marriage is a civil contract between a man and a woman and that all other marriages are void.”

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“A vote against this preposition would allow the legislature to determine by statute what types of marriage relationships are recognized in Kansas as valid, whether such marriages are entered into in Kansas or another state.”

To address the question of same-sex relations in the resolution, she recommended an addition of a second paragraph which would state:

(b) A same sex relationship shall not be recognized by the state as being entitled to the benefits of marriage.

If that paragraph (b) was added, the explanatory statement for the amendment would remain the same as above, and that amendment follows:

“A vote against this proposition would allow the legislature to determine by statute what types of marriage relationships or same sex relationships are recognized in Kansas as valid, whether such marriages or relationship are entered into in Kansas or another state.”

The proposal for a constitutional amendment is to raise this traditional definition of marriage to a constitutional level and once this is in the Kansas constitution, the recognition of same-sex marriage as a valid marriage in Kansas, would never be constitutional in Kansas courts.

Representative Decker and Representative Pauls responded to questions regarding notification to conferees about recommended changes; general rule of law; questionable need for a resolution due to existing laws; and constitutional amendment's influence over legislators.

Cecil Washington, Pastor of New Beginnings Baptist Church, cited three ways in which the traditional idea of marriage is being undermined; divorce, sexual revolution and the fundamental definition of marriage being challenged ([Attachment 3](#)). According to social sciences, the benefits of a traditional marriage are that participants are happier, healthier and more prosperous than people in other types of households. He quoted and discussed Biblical scripture regarding the original intent and design of marriage.

David Paige, Private Citizen, stated that the resolution is an effort to preserve the sanctity of marriage. He referred to existing law describing marriage, and added that statutes are subject to judicial scrutiny, and with the growing climate in America, the necessity for Kansans to act is becoming urgent. He urged the Legislators to pass **HCR 5033** which protects the sanctity of marriage, and would place this issue on this year's ballot so that the people may decide (no written testimony).

Judy Smith, Director Kansas Concerned Women of America, rose in support of **HCR 5033**. She stated that sanctioning groupings of people who desire to call themselves “married” changes the institution of marriage itself, and lessens its benefits to society ([Attachment 4](#)).

Kurt Nystrom, Attorney of Law, pointed out that marriage pre-dates the law. He quoted Biblical scripture and Kansas law to support traditional marriage and urged the Committee to pass the resolution (No written testimony).

Fred Phelps, Sr., Private Citizen, stated that same-sex marriage is the ultimate smash-mouth, in-your-face insult to God Almighty in that it blasphemously desecrates the holiest of Bible metaphors: Christ and His Bride the church ([Attachment 5](#)).

Terry Yancey, Superintendent, Kansas Assemblies of God, stated that **HCR 5033** would establish boundaries in which citizens can live and be productive. By articulating the definition of marriage it would accomplish four goals: validate the natural order that God created, validate a foundational concept upon which our society rests, validate the psychological reality that both fatherhood and motherhood are necessary components in the rearing process of children, and create a clear line of social expectation ([Attachment 6](#)).

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Sue Jernigan, Private Citizen, testified as a mother of four, two of which are in the alternative lifestyle . She stated a contributing factor was that as a single mother, there was no father figure, to help formulate their view of traditional marriage. She explained that there is a ministry in Topeka, "Oaks of Righteousness" that is for men and women who have loved ones in the lifestyle ([Attachment 7](#))

Carrie Quinn, Private Citizen, stated that she was a reformed lesbian, and testified that same-sex marriage would cause a blight on society and is against what the founding fathers envisioned in the Constitution ([No written testimony](#)).

Dr. Walter Schumm, provided testimony in support of **HCR 5033** ([Attachment 8](#)). He stated that a variety of arguments for or against gay marriage have been developed from religious or public health theories and he provided four resulting implications. His testimony included his background information and copies of his recent publications, published in the *Journal of Psychology and Theology 2003* and *Psychological Reports, 2004*.

Brianna Olds, Manhattan, urged the Committee to advance the bill to the full House for consideration to amend the Kansas Constitution to make it very clear that marriage, as defined by Webster's is a union between a man and a woman. She urged the Committee to not confuse this sacred institution that has served Kansas so well ([Attachment 9](#)).

Bob Hanson, KS/NB Southern Baptist Convention, stated that the churches of the Kansas Nebraska Convention of Southern Baptists passed resolutions during the October 2003 annual meetings which are in support of the effort to amend the Constitution of the State of Kansas to protect traditional marriage ([Attachment 10](#)). To redefine marriage is to redefine the foundation God had established for human culture.

Pat Bullock, Director of Association Missions, Kansas Southern Baptist Association, stated that as a Baptist pastor, Christian and U.S.A. citizen, he would fight for the right of every citizen to believe what he or she wants, however, when their belief and actions are forced upon society in such a manner that it destroys the foundation upon which America was built he must speak out for what will reinforce the values of this great nation ([Attachment 11](#)). He urged the Committee to pass the resolution so it can be presented to Kansans so their voice can be heard.

Quinton Martin, Private Citizen, Topeka, KS rose in support of **HCR 5033** ([Attachment 12](#)). He stated that as a black American he took issue with rating homosexuality as being equal to other protected classes that are recognized in society. America defined a minority group by three qualifications: history of discrimination, being a group unable to help themselves and their immutable status. Homosexuality is not deserving of a protected class.

It was noted that the following written testimony regarding **HCR 5033** was distributed: Mike Farmer, Executive Director of the Kansas Conference ([Attachment 13](#)), Hal Smith, Private Citizen, Topeka ([Attachment 14](#)) and Doug Robinson, Private Citizen, Lawrence ([Attachment 15](#)).

Representative Freeborn questioned whether R.L. Baynham, President, Kansas National Baptist, USA, Inc., who was slated to testify, had submitted testimony. As there was no written she commented that she was extremely disappointed that the Kansas Baptist, USA did not make a presentation and requested her comment be recorded.

OPPONENTS:

J.L. Cleland, Private Citizen, Hoyt, KS testified that by limiting marriage to a union between one man and one woman the benefits that should be allowed to committed couples are being denied, i.e., the right to hospital visitations, survivor benefits, inheritance, and child custody ([Attachment 16](#)). He recommended they amend section 1, paragraph 16 of **HCR 5033** to state the Marriage Contract is to be considered a Religious Contract; then stike the remainder of paragraph 16 which specifically denies the civil rights of thousands of gay and lesbian Kansans who presently live or wish to live in committed, loving, long-term relationships.

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Forrest Swall, Private Citizen, Lawrence, testified that **HCR 5033** sends a clear message that everyone is not entitled to the “equal rights” protection guaranteed by our state constitution and the constitution of the U.S., and further, that certain people would go to great lengths to further condemn and deny certain citizens any hope of securing equality in our society (Attachment 17). He spoke about experiences of one of his children, who is in an alternative lifestyles and his membership in the Lawrence-Topeka chapter of PFLAG, (Parents, Families, and Friends of people who are lesbian, gay, bisexual and transgendered).

Discussion followed regarding the use of the word “hate” and its inappropriateness when used if people disagree on any issue; the benefits of allowing the people of Kansas to vote on the issue; and needed protection for those in the alternative lifestyle to rights currently being denied.

The hearing was closed on **HCR 5033**. The meeting adjourned at 3:10 p.m. The next meeting is February 12, 2004.