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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 20, 2005 in Room 313-S of the Capitol.

Committee members absent: Representatives Kenny Wilk- 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: Mary Torrence, Office of the Revisor

Chairman Edmonds called the committee to order and reviewed the rules and regulations of the committee.

Next order of business was the introduction of bills.

Representative Mah requested a bill allowing people in Kansas to receive and send wine by mail.

Representative Hawk requested a bill dealing with permission to good Samaritan status to vets to medical personnel in the time of national disaster or terrorist attack.

Representative Dillmore requested a bill regarding municipalities and sale of firearms and ballistics testing thereof.

Representative Novascone requested a bill concerning claims relating to weight gain or obesity

With no objections all four bills were accepted for introduction.

Chairman Edmonds asked for a motion to adopt the minutes of the meeting from January 18, 2005.

Representative Siegfroid made a motion to adopt the minutes. Representative Burroughs seconded the motion with the exception of changing the word lumbar to lumber. Motion passed.

For the next order of business before the committee, Chairman Edmonds introduced Mary Torrence, Office of the Revisor of Statutes, who briefed the committee on the Senate Concurrent Resolution No. 1601 and the Current Kansas Law. Mrs. Torrence provided a copy of the proposed language changes to the amendment to the Kansas Constitution as well as the present language. (Attachment 1) The definitions of marriage were also addressed showing that according to the survey of states' laws by the National Conference of State Legislatures (NCSL), 43 states have statutory and/or constitutional provisions explicitly recognizing only marriages between a man and a woman. The NCSL survey also indicates that 17 states have adopted constitutional provisions addressing same-sex marriage. Only the state of Massachusetts recognizes same sex marriages. Four states appear not to address the issue of same sex marriages either in statute or constitutions. (Attachment 2)

Mrs. Torrence also provided the committee with information from Chapter 23, Articles 1 and 2 on domestic relations and the description of marriage. (Attachment 3)

Provided for review was a copy of the statutory rights and responsibilities of same-sex couples compared state-by-state which was taken from "An Analysis of the Law regarding Same-Sex Marriage, Civil Unions and Domestic Partnerships" by a working group on same-sex marriages and non-marital unions, American Bar Association section of family law. (Attachment 4)

Also provided for committee review was the Executive Summary of the Working Group on Same-sex marriages and Non-Marital Unions of the Family Law Section of the American Bar Association which covers the history of marriage, developments in the law regarding sexual orientation and gender identity, statutory protections, defense of marriage acts, recognition of same-sex partnerships and provision of benefits by private sector employers and public employers as well as recognition of same-sex couples in other countries.

CONTINUATION SHEET

MINUTES OF THE House Federal and State Affairs Committee at 1:30 P.M. on January 20, 2005 in Room 313-S of the Capitol.

(Attachment 5)

Among the concerns voiced by the committee were:

- the possibility of the state being vulnerable to a federal court case should it be voted to amend the constitution;
- how this amendment would effect the employment benefits that are that are currently being offered;
- the effects on common-law marriage
- would it be possible for a same-sex couple to write a private contract to cover such things as as health decisions, child custody, property transfer, estate administration, and taxation

Chairman Edmonds advised that he has extended invitations to a number of members of the Legislature who are members of the Bar to address the committee regarding the issues of concern and constitutional aspects.

With no further business before the committee, the Chairman adjourned the meeting.