

Approved: 2-21-06
Date

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 1, 2006 in Room 231-N of the Capitol.

All members were present.

Committee staff present:

Athena Andaya, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Mary Ann Torrence, Revisor of Statutes Office
Connie Burns, Committee Secretary

Conferees appearing before the committee:

Senator Schodorf
Senator McGinn
Lt. Governor John Moore
Senator Goodwin
Rep. Kenny Wilk
Rep. Lee Tafanelli
Richard Strothman, Patriot Guard
Brandy Sacco
John Woydziak, Patriot Guard
Charles Yunker, American Legion
Andrew Schlapp, Sedgwick County Government
Pam Scott, Kansas Funeral Directors Association
Steve Drain
Jonathan Phelps
Fred Phelps
Tom Groneman, Alcoholic Beverage Control
Amy Campbell, Kansas Association of Beverage Retailer
Philip Bradley, Kansas Licensed Beverage Association

Others attending:

See attached list.

SB 421 - Unlawful picketing or protest march at funeral or memorial service

Chairman Brungardt opened the hearing on **SB 421**.

Senator Jean Schodorf (Attachment 1) and Senator Carolyn McGinn appeared as sponsors of the bill.

Lt. Governor John Moore, appeared in support of the bill. (Attachment 2) The bill would prohibit protest activities within 300 feet of any entrance to any cemetery, church or mortuary within one hour prior to, during and two hours following the commencement of a funeral or memorial service.

Senator Greta Goodwin, provided an amendment to the bill. (Attachment 3) The amendment extends the 300 feet to include the boundary of a state veterans cemetery or entrance.

Representative Lee Tafanelli, testified in support of the bill. (Attachment 4) As a recent returning veteran he has fought to give and to preserve the right to the freedom of speech as well as the right to protest, but not to give the protester the right to interfere, denigrate or harass families at funerals.

Richard Strothman, a member of the American Legion Riders and the Patriot Guard of Kansas, spoke in support of the bill. (Attachment 5) The Patriot Guard supports the legislation protecting the rights of families to grieve the loss of loved ones in peace by creating buffer zones to protect such families from unwanted harassment during funerals and memorial services, and he would like to see the bill upgraded

from a class B misdemeanor to a class D felony if possible.

Brandy Sacco, spoke in support of the bill. (Attachment 6) Ms. Sacco related her experience at her husband's funeral and harassment of her and her family by the Westboro Baptist Church.

Representative Kenny Wilk, spoke in favor of the bill and for Kelly Franz of Toxganoxie, whose husband's funeral was protested by the Westboro Baptist Church. Representative Wilk asked for swift action on the bill.

John Woydziak, Patriot Guard, testified in support of the bill. (Attachment 7) Mr. Woydziak respectfully requested that amended language be unlawful for any person to engage in picketing or a direct protest march at any public location with one hour prior to, during and two hours following the commencement of a funeral or memorial service, because there are small communities that hold the memorial service at the public schools.

Charles Yunker, American Legion, appeared in support of the bill. (Attachment 8).

Andrew Schlapp, Sedgwick County Government, spoke in support of the bill (Attachment 9) The Board of County Commissioners of Sedgwick County, has passed a resolution requesting support for the bill which would create buffer zones to protect families from unwarranted harassment during funerals or memorial services.

Pam Scott, Kansas Funeral Directors Association, spoke in support of the bill and offered amended language. (Attachment 10) Funeral services often take place in locations other than churches, funeral homes and cemeteries; and often in the case of high profile funerals which often draw larger than usual attendance, in such cases schools, community centers, auditoriums, parks or other locations are used. Therefore, the protection should extend to any location where a funeral service is to take place; also the term funeral establishment should be used rather than mortuary, since that is the term used in Kansas statutes.

Written testimony in support of the bill was provided by Terry Houck, Patriot Guard, (Attachment 11) and Barbara Torkelson. (Attachment 12)

Fred Phelps, spoke in opposition to the bill. (Attachment 13) He felt this issue had already been resolved in Federal and State Court and further believes that the bill is discriminatory against only the Westboro Baptist church's religious message and violates four of six rights secured by the First Amendment.

Jonathan Phelps, appeared as an opponent on the bill. (Attachment 14) Mr. Phelps believes that government has no place in the debate except to secure that right for him against the onslaught of mob violence which opposes his right and beliefs.

Steve Drain, spoke in opposition to the bill. (Attachment 15)

Chairman Brungardt closed the hearing on **SB 421**.

SB 403 - Alcoholic beverage licensees; procedures relating to violations; prohibition against employing certain persons

Chairman Brungardt opened the hearing on **SB 403**.

Tom Groneman, Director, Alcoholic Beverage Control, spoke in favor of the bill. (Attachment 16) The purpose of the bill is to clarify the administrative process as it relates to violations of the liquor control act and the club and drinking establishment act and to prohibit those who have had a liquor license revoked from managing retail liquor store and drinking establishments.

Amy Campbell, Kansas Association of Beverage Retailers (KABR), appeared as an opponent to the bill. (Attachment 17) KABR opposes removing the requirement that an individual be notified of the citation within thirty days and support amending the statute to be certain that the agency is able to legally follow through with prosecutions, but does not support removing the requirement that the citations be timely.

The agency is working with KABR on Section 2, that would prevent individuals from sidestepping the intent of the licensing statutes, and is hopeful for a resolution.

Ron Hein, Kansas Restaurant and Hospitality Association, submitted written testimony in opposition to the bill. (Attachment 18)

Philip Bradley, Kansas Licensed Beverage Association, appeared with changes to the bill. (Attachment 19) The bill creates a new prohibition to employing anyone who has had a liquor or CMB license revoked for specific jobs, a bartender may be considered to be “supervising” other servers if they are not 21 and waiting on customers, therefore a suggested term “managing” used to avoid this unintended consequence. In current law a person that has had an alcohol related conviction may not be employed or continue to be employed for two years, and KLBA would request a similar term that would be appropriate for this situation to allow a person that has made mistakes, been punished, and served years limited in their employment opportunities in this industry, to have the chance to make amends and advance to at least the supervisor and possibly manager level.

Chairman Brungardt closed the hearing on **SB 403**.

The meeting was adjourned at 11:50 am. The next scheduled meeting is February 2, 2006.