

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 24, 2009, in Room 143-N of the Capitol.

All members were present except:

Senator Tim Owens- excused  
Senator Roger Reitz- excused

Committee staff present:

Jason Long, Office of the Revisor of Statutes  
Julian Efird, Kansas Legislative Research Department  
Connie Burns, Committee Assistant

Conferees appearing before the committee:

Kari Ann Rinker, Kansas National Organization for Women  
Professor Jeffrey D. Jackson, Kansas NOW  
Krista Kastler , Mainstream Coalition  
Anthony Singer, Wichita, Kansas  
Pat Lehman, Wichita, Kansas  
Melanie Jenney, Wichita, Kansas  
Pedro Inigonegaray, Attorney PLI Law, Topeka, Kansas  
Beatrice Swoopes, Associate Director, Kansas Catholic Conference  
Judy smith, State Director, Concerned Women for America of Kansas  
Jeanne Gawdun, Kansans for Life

Others attending:

See attached list.

**SCR 1608 - Kansas constitutional amendment; equal rights; no discrimination based on sex.**

Chairman Brungardt opened the hearing on **SCR 1608**.

Staff provided an overview on the Senate concurrent resolution.

Senator Faust-Goudeau spoke in favor of the bill. (Attachment 1) SCR 1608 is an act that will serve as a collective constitutional commitment toward more comprehensive protection against sex discrimination.

Kari Ann Rinker, Kansas National Organization for Women, appeared in favor of the bill. (Attachment 2) The language of the amendment is "Equality of rights under the law shall not be denied or abridged by the state or any of its political or taxing subdivisions on account of sex." This language was selected because it was the chosen text of the Federal Equal Rights Amendment. The pursuit of this amendment is simply following through with the unfinished business; it is not about a "hidden agenda" but instead a continuation of the story of the women of Kansas.

Professor Jeffrey D. Jackson, Kansas NOW, spoke in favor of the bill. (Attachment 3) The proposed amendment will provide greater protection from gender discrimination than is currently provided by the United State Constitution's Equal Protection Clause; it appears that any fears that the proposed equal rights amendment will provide a basis for striking down Kansas' ban on same-sex marriage, or will prevent lawful state restriction on abortion are not well-founded. Area the proposed amendment will not affect: Same-Sex Marriage and Abortion. By applying strict scrutiny rather than the current intermediate scrutiny, the proposed amendment will require that state action discriminating on the basis of gender be justified by a compelling state interest and be narrowly-tailored to advance that interest, and it is also likely the amendment will extend protection to neutral regulations that have a disparate impact on one gender, such as pregnancy.

Krista Kastler , Mainstream Coalition, appeared in favor of the bill. (Attachment 4) The basic principle of the amendment is that a person's sex is not a permissible factor in determining his or her legal rights; and the lack of this amendment means a continued denial of full and explicit constitutional recognition of the rights of a

## CONTINUATION SHEET

Minutes of the Senate Federal And State Affairs Committee at 10:30 a.m. on February 24, 2009, in Room 143-N of the Capitol.

female citizen.

Anthony Singer, Wichita, Kansas, spoke in favor of the bill. ([Attachment 5](#)) Mr. Singer stated that all children of Kansas, regardless of gender, deserve the same rights and protections.

Pat Lehman, Wichita, Kansas, appeared as a proponent of the bill. ([Attachment 6](#)) Ms. Lehman stated that today women citizens in Kansas actually outnumber the male citizens, but there is one difference; while women work along side the men in our state, serve in public office, pay their taxes, and fully contribute to the good of our state, only the men are in the Kansas Constitution.

Melanie Jenney, Wichita, Kansas, appeared in favor of the bill. ([Attachment 7](#)) Ms. Jenney stated that the constitution conveys class distinction between the sexes, by lacking to define women as equal to men; our constitution effectively defines women as second-class citizens. Women are taxed the same and contribute equally to the system, but are not granted the same protections or rights.

Pedro Inigonegaray, Attorney PLI Law, Topeka, Kansas, ([Attachment 8](#)) Mr. Inigonegaray states that the state constitution protects our most treasured rights; rights determined worth preserving and passing from generation to generation. The symbolic value of adopting a constitutional amendment protecting both current and future Kansans against sex discrimination would affirm our dedication to preservation of equality to citizens of this state.

Harriet Lerner, Ph.D. Clinical Psychologist, Lawrence, Kansas, ([Attachment 9](#)) Pat Jensen, Iowa City, Iowa, ([Attachment 10](#)) and Greater Kansas City Women's Political Caucus, Barbara Womack, Medgan Hall, and Serena Hein, ([Attachment 11](#)) provided written testimony in support of the bill.

Beatrice Swoopes, Associate Director, Kansas Catholic Conference, spoke in opposition to the bill. ([Attachment 12](#)) The amendment is an exercise in vagueness; it is only one sentence long; it is not written to respond to any particular grievances. It is intentionally open-ended, designed as a vehicle to put the abortion question in the hands of the courts. If there are specific concerns that the legislation seeks to address, it should address them.

Judy Smith, State Director, Concerned Women for America of Kansas, (CWA) appeared as an opponent to the bill. ([Attachment 13](#)) CWA feels strongly that this amendment is unnecessary and could lead to unforeseen consequences should it be implemented by the citizens of Kansas. CWA believes this is a thinly-disguised way to ensure that government mandate contraceptive coverage and abortions.

Jeanne Gawdun, Kansans for Life, spoke against the bill. ([Attachment 14](#)) Ms. Gawdun stated that adoption of the amendment threatens salutary and legal limitations on abortion in Kansas, and asked the committee not to pass the proposal.

Chairman Brungardt closed the hearing on **SCR 1608**

The next meeting is scheduled for February 25, 2009. The meeting was adjourned at 12:04 pm