

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Representative Tony Powell at 1:30 p.m. on February 7, 2000 in Room 313-S of the Capitol.

All members were present except: Representative Carlos Mayans, Excused.

Committee staff present: Theresa Kiernan, Revisor of Statutes  
Russell Mills, Legislative Research  
Mary Galligan, Legislative Research  
Winnie Crapson, Secretary

Conferees appearing before the committee:

Proponents:

Steve Williams, Secretary, Department of Wildlife and Parks  
Phillip Journey, Kansas Second Amendment Society  
and Kansas State Rifle Association  
George Petersen, Kansas Hunter Education Instructors Association  
Scott Hatstrup, Kansas Sportsmans Alliance

Opponents:

Bill Nicks, City of Lenexa  
Sandy Jacquot, League of Kansas Municipalities  
Kirk Lowry, Kansas Trial Lawyers Association

Written Testimony

Michael Dann, proponent

Others attending: See attached list.

Chairperson Powell announced two items of business: introduction of bills and Hearing on **HB2550**.

Without objection bill will be introduced amending K9 Protection law of Kansas to include Search and Rescue Dogs as requested by Representative Swenson.

Without objection bill will be introduced regarding perpetrating fraud in Workmen's Compensation.

Hearing opened on

**HB2550 Sport shooting ranges, regulation of**

Testimony in support was presented by Steve Williams, Secretary, Department of Wildlife and Parks (Attachment #1). In his position he is involved in shooting range issues across the state and nation. The availability of scientifically based information on range construction and operation is unprecedented. Wildlife & Parks stands ready to develop accepted practices based on the most recent information available. Well designed shooting ranges serve a valuable role in providing recreation, teaching safe firearm handling, and providing safe areas for shooting. He believes **HB2550** provides a mechanism to address safe range operation, legal liability and long-term viability of shooting range facilities.

Philip Journey, President of Kansas Second Amendment Society, testified in support (Attachment #2). He stated shooting ranges in Kansas provide recreational and educational opportunities. Law enforcement and the United States military use private facilities in Kansas for training.

George E. Petersen, Area Coordinator for Kansas Hunter Education Instructors Association representing 1,500 volunteer Hunter Education instructors, testified in support (Attachment #3). To date the state has graduated nearly 500,000 students, only 30% of whom had the opportunity to live fire due to lack of adequate range facilities.

Scott G. Hatstrup, Lenexa, testified in support (Attachment #4). An attorney with a personal interest in

## CONTINUATION SHEET

### MINUTES OF THE COMMITTEE ON FEDERAL AND STATE AFFAIRS

February 7, 2000

firearms as a hobby, he pointed out provisions in **HB 2550**: Sec. 1 defines “generally accepted operation practice” which must be met before the protection of the bill could be invoked; Sec. 2 codifies a common-law protection on noise nuisance lawsuits against shooting ranges called “coming to the nuisance;” and Sec. 5 codifies “assumption of risk.”

Bill Nicks, Director of Parks and Recreation, City of Lenexa, testified in opposition (Attachment #5). The City believes it restricts state and local regulation of sport shooting ranges by attempting to “grandfather” them from both an operational and land use standpoint. He stated the bill (1) exempts ranges from civil and criminal liability including nuisance suits, (2) permits gun clubs to operate without conforming to ordinances if they conform to generally accepted operating practices, (3) permits expansion or increase of a nonconforming use, (4) is very broad, and (5) is less restrictive than legislation adopted in other states.

Sandra Jacquot, Legal Counsel for the League of Kansas Municipalities, testified in opposition (Attachment #6). The League opposes the bill because of its preemptive nature and the fact that it contradicts typical nuisance law which has been in place in Kansas since statehood, and goes beyond the current nonconforming use statute. The League believes preempting all local nuisance ordinances sets a bad precedent and that local governments should determine what is appropriate in their community looking at compatibility of uses and the needs of their particular area.

Nick Lowry, testified on behalf of the Kansas Trial Lawyers Association, and for himself (Attachment #7). They have no position on Sections 1, 2, 3 and 4 of **HB 2550** but believe Sec. 5 should be stricken as current law covers this area because as written it would overturn twenty years of law and give a negligent shooting range owner or participant an additional defense of assumption of risk.

Written testimony in support of **HB 2550** was received from Michael Dunn, President of the Douglas County Rifle and Pistol Club (Attachment #8). In his testimony he stated the bill promotes the safety of all Kansans by helping to insure safe places to shoot where help and assistance can be available to firearm owners and those lawfully purchasing a firearm for the first time.

In response to questions as to how the bill ends local control, Mr. Hattrup said it would prevent a city from closing down an existing shooting range because of noise issues only but would not prevent shutting it down or asking for additional protection for nearby residents.

In response to questions, Mr. Petersen clarified qualification for federal funds from gun and ammunition sales apportioned to the states based upon number of hunting licenses sold, a portion of which goes to shooting ranges to update their facilities. Some of the money comes back for hunter education.

Secretary Williams said Kansas receives between \$5 and \$6 million a year. A portion of the \$3 million which comes to Wildlife for use in hunter education and range development. Currently 100% of that is set aside for hunter education but it could be used for range development. Criteria were put in place about three years ago and an application developed which was provided to cities and counties and sportsmen’s groups. Since that time about \$300,000 a year has been awarded in cost sharing. There have been a number of 1-to-1 matches to develop shooting ranges.

Representative Klein called attention to the fact that line 21 on page 2 of **HB 2550** refers to “ordinances of the local unit” but counties and townships have resolutions not ordinances and suggested it be clarified.

Hearing was closed on **HB2550** and meeting adjourned. Next meeting is scheduled for February 9.

CONTINUATION SHEET

MINUTES OF THE COMMITTEE ON FEDERAL AND STATE AFFAIRS  
February 7, 2000