

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, 2007 in Room 231-N of the Capitol.

All members were present.

Committee staff present:

Kathie Sparks, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Ken Wilke, Revisor of Statutes Office
Connie Burns, Committee Assistant

Conferees appearing before the committee:

Senator Journey
Senator Betts
Kimberly Winn, League of Kansas Municipalities
Matthew Goddard, Heartland Community Bankers Association
Weldon Padgett, City Manager Ottawa
Thomas Young

Others attending:

See attached list.

Staff provided the committee an overview on **SB 185**, Section 1 of the bill is preemptive of any state laws. Section 2 deals with public and private employers.

SB 185 - Firearms; authority of cities and counties to regulate; posting of premises where concealed carry prohibited

Chairman Brungardt opened the hearing on **SB 185**.

Senator Phillip Journey appeared before the committee as a proponent of the bill. (Attachment 1) The bill was drafted in response to circumstances in which the legislature clearly expressed its intent to prohibit municipalities and counties from regulating individuals licensed under Kansas statutes to possess a firearm on their person when away from their home or fixed place of business. The purpose of preempting this legislative area expressed by the legislature was to ensure a consistent application of rules to permit holders, so they would know where they could and could not possess the firearm. Senator Journey urged the committee to support the intent of this legislation that is compelled to clarify the original intent of **SB 418** and its trailer bill **HB 2118** and support the concept of further clarification of the state's preemption of this area of the law.

Matthew Goddard, Heartland Community Bankers Association, (HCBA) appeared as an opponent on the bill. (Attachment 2) It was stated the HCBA has no position on Section 1 of the bill, but were concerned with section 2 of the legislation. Section 2 takes away the ability of private employers in current law to prohibit their employees from carrying concealed weapons unless they post signs and prohibit the carrying of concealed weapons by members of the public who may enter the business. **SB 185** tells employers that their policies cannot differentiate between employees and members of the public, and HCBA believes this is an unwarranted intrusion by government into the practice and policies of private employers.

Kimberly Winn, Director of Policy Development & Communications, League of Kansas Municipalities, spoke in opposition to the bill. (Attachment 3) Section 1 of the bill repeals the recently enacted transportation law adopted in 2005. The changes proposed by the bill would prohibit cities from enforcing their ordinances with regard to the transportation of firearms. Section 2, LKM does not oppose the requirement that employers post notice of such prohibition.

Since the concealed carry law became effective, cities have been adopting two different kinds of local ordinances on this issue. There were 22 specific locations identified as non-concealed carry locations as a matter of state law, and anyone found to be in violation of these provisions would be guilty of a

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misdemeanor, and municipal courts have jurisdiction over misdemeanor offenses. Some cities have also exercised the authority expressly granted to them under the concealed carry legislation as employers and as property owners; and that those ordinances are specifically authorized by KSA 2006 supp 75-7c11, and that the bill would have not impact on them. The LKM asks that the bill not be recommended for favorably for passage.

Weldon Padgett, City Manager, Ottawa, spoke in opposition of the bill. (Attachment 4) The city of Ottawa adopted a local ordinance which reflects the desires of their citizens. The Home Rule powers to allow local jurisdictions to establish laws and regulations reflect a community's values and interest, and believe that this issue is one that will result in cities organizing and using their resources and the League to keep local controls in place. The city also feels that their municipal courts can and will more readily enforce these laws versus District Courts. A copy of the City of Ottawa Ordinance and personnel policy was included.

Chairman Brungardt closed the hearing on **SB 185**.

SCR 1605 - Memorializing the president and congress in opposition to the escalation of involvement in Iraq

Chairman Brungardt opened the hearing on **SCR 1605**.

Senator Bett spoke in favor of the current resolution. (Attachment 5) It is like sending a letter to the President telling him that this escalation is not a good idea. The Governor has asked that the Kansas National Guard troops be paid the same \$1,000/month when serving in Iraq for more than one year, as an active-duty soldier receives. Senator Betts urges that a strong message be sent to Washington, to at least give our soldiers the equipment they need to protect themselves and to allow for additional help for soldiers as they re-enter civilian life after their deployment, as well as provide resources to help mitigate the impact of families and communities as a result of extended deployment. The web site of Operation Iraqi Freedom - Military deaths from March 2003 by name was provided.

<http://siadapp.dior.whs.mil/personnel/CASUALTY/castop.htm>

Thomas Young appeared from a soldier's voice in favor of the current resolution. (Attachment 6) The Senate Concurrent Resolution calls on President Bush to stop the escalation of troops, and at a minimum, obtain explicit approval from Congress before unilaterally deciding to deploy our men and women. At a time when the non-partisan Iraq Study Group and leading military officials are calling for a reduction of troops and withdrawal of the US from Iraq.

Chairman Brungardt closed the hearing on **SCR 1605**.

The meeting was adjourned at 11:20 am. The next scheduled meeting is February 6, 2007.