

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman William Mason at 1:30 p.m. on February 18, 2004 in Room 313-S of the Capitol.

All members were present except:

Representative Joann Freeborn- excused

Committee staff present:

Russell Mills, Legislative Research Department  
Mary Torrence, Revisor of Statutes Office  
Dennis Hodgins, Legislative Research Department  
Rose Marie Glatt, Secretary

Conferees appearing before the committee:

Representative Candy Ruff

**OPPONENTS:**

Kelly Johnston, Attorney, representing citizens for Safe State Kansas  
Sandy Barnett, Executive Director, KS Coalition Against Sexual and Domestic Violence  
Kim Gulley, League of KS Municipalities

\*written testimony only

\*Keith Faddis, City of Overland Park

\*Mike Taylor, Unified Government of Wyandotte County

\*Ashley Sherard, Lenexa Chamber of Commerce

\*Debra Kinnane, M.D., President, Greater Wichita Pediatrics Society

\*Matt Greene, Wichita Coalition Against Gun Violence

\*Wes Ashton, Overland Park Chamber of Commerce

\*Janis McMillen, President, The League of Women Voters of Kansas

**PROPONENTS:** Testimony will be heard on February 19, 2004

**NEUTRAL:**

Mark Desetti, Kansas National Education Association

Kyle Smith, Kansas Bureau of Investigation

Attending: See Attached List.

**HB 2798 - Personal and family protection act: licensing to carry concealed firearms**

The Chairman opened the hearing and advised the Committee would hear testimony from opponents and neutral parties today, followed by the proponents tomorrow, February 19.

Mr. Mills briefed the committee on the bill, which sets up a procedure to allow certain persons to carry concealed handguns. He provided qualifying details for a licensee, as well as the necessary requirements before applicants would be allowed to carry concealed weapons. He delineated exemptions to the act and locations where licensees would not be authorized to carry weapons.

Representative Ruff, a sponsor of the bill, explained the history of **HB 2798**, stating that Representative Hayzlett and she had worked very hard on crafting the bill before them. This bill is different than bills the Committee had previously heard in 1997 and 1999. As an proponent of the bill she would present written testimony at tomorrow meeting.

**OPPONENTS:**

Kelly Johnston, Attorney, Wichita, stated that Safe State Kansas is opposed to the entire concept of legally carrying concealed weapons - except by commissioned law enforcement officers (Attachment 1). The proponents of **HB 2798** have failed to demonstrate that there is a serious, pervasive problem with the current way of life in Kansas that calls for this kind of legislative action. His testimony included fifteen

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reasons why Kansans do not want concealed carry weapons.

Discussion followed regarding: possible increase in guns throughout the state; was the intent of bill vigilante in nature or would it meet the need for self-protection; statistics of other states with concealed carry laws; concern over public policy of taking firearms on the street; lack of law enforcement officers objecting to the legislation; and cases before the federal courts regarding the constitutionality of the law.

Sandy Barnett, Kansas Coalition Against Sexual and Domestic Violence, opposed **HB 2798** citing evidence that women are at three times greater risk of being killed when guns are in the home than when guns are not as easily accessible (Attachment 2). She questioned whether women in Kansas would be safer from sexual assault if they were able to carry a concealed weapon or would victims be held criminally liable for shooting injuries or deaths of perpetrators?

Kim Gulley, The League of KS Municipalities, testified that The League takes a strong position in favor of constitutional home rule and local control (Attachment 3). She offered two key objections to the bill in its current form: Preemption of Local Ordinances - current and future city ordinances regarding the concealed carry of weapons are declared to be invalid; Municipal Buildings and Property - City halls, and a number of city-owned properties including public works facilities and public parks are not enumerated as protected locations.

\*Written testimony only:

\*Keith Faddis, City of Overland Park, raised four areas of concern: Safety, Training, Costs and Practicality as reasons they oppose the bill (Attachment 4).

\*Mike Taylor, Unified Government of Wyandotte County, wrote that the Unified Government opposes legislation allowing the carrying of concealed weapons and opposes any legislative effort to restrict or pre-empt local home rule authority to regulate firearms (Attachment 5).

\*Ashley Sherard, Lenexa Chamber of Commerce, presented written testimony stating that due to its potential impact on liability issues and on quality of life, the Chamber urged the committee not to recommend **HB 2798** favorable for passage (Attachment 6).

\*Debra Kinnance, M.D., F.A.A.P., President of the Greater Wichita Pediatrics Society, provided written testimony expressing their opposition to the concealed-carry act (Attachment 7). As advocates for children, they support measures to protect them from accidental and non-accidental gun injuries.

\*Matt Greene, The Wichita Coalition Against Gun Violence, presented testimony regarding their opposition to **HB 2798** (Attachment 8). His testimony includes five exhibits that were part of a summary report he wrote to the Wichita Council Against Gun Violence.

\*Wes Ashton, Overland Park Chamber of Commerce, expressed their opposition to the concepts embodied in **HB 2798** (Attachment 9). They wrote of concerns for business owners who may place a sign in their business forbidding the carrying of concealed weapons, however questioned how it would be enforced.

\*Janis McMillen, President, The League of Women Voters of Kansas, submitted testimony opposing **HB 2798**, citing the issue was the safety and security of their citizenry (Attachment 10).

### NEUTRAL

Mark Desetti, KNEA, testified that although KNEA does not have an opinion on whether concealed firearms should be allowed in Kansas, they do have a position on firearms and their students (Attachment 11). They believe **HB 2798** falls short of ensuring that school employees and students are protected. He stated that the new section 10, while prohibiting carrying weapons into certain places, i.e., school athletic events or school facilities, they submit that those are not the only places in which school activities occur.

Kyle G. Smith, Kansas Bureau of Investigation, testified as a neutral party on **HB 2798** (Attachment 12).

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He spoke in order to clarify their concerns over being the administrative arm of the bill. KBI does not have extra personnel or resources to absorb the substantial demands this legislation would place on the licensing agency. They suggested that perhaps some other agency that already had staff and experience with licensing and administrative law might be a better candidate. Discussion followed regarding technical aspects of the bill. He declined to respond to a question regarding which agency would be appropriate. Mr. Smith explained the projected financial impact of the bill on KBI, based on the projection of 15,000 to 20,000 applications.

The hearing was closed for the day to be continued tomorrow, February 19, 2004.