

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairperson Ralph Ostmeyer at 10:30 am on Thursday, February 12, 2015, 144-S of the Capitol.

All members were present

Committee staff present:

Heather O'Hara, Legislative Research Department
Connie Burns, Kansas Legislative Committee Assistant
Joanna Wochner, Legislative Research Department
Matt Sterling, Office of Revisor of Statutes
Mike Heim, Office of Revisor of Statutes

Conferees appearing before the Committee:

Senator Terry Bruce
John Commerford, National Rifle Association of America
Patricia Stoneking, Kansas state Rifle Association
Joe Neville, National Association for Gun Rights
Loren Stanton, Brady Campaign to Prevent Gun Violence
David Nichols, Salina, Kansas

Others in attendance:

[See Attached List](#)

Introduction of bills

Senator Faust-Goudeau requested three bill introductions:

1. An act relating to the interstate compact for recognition of emergency personnel.

Senator Faust-Goudeau moved that this request should be introduced as a committee bill. Senator Wilborn seconded the motion. The motion carried.

2. Concerns Emergency medical services board authority to impose fines, investigate and issue subpoenas.

Senator Faust-Goudeau moved that this request should be introduced as a committee bill. Senator Wolf seconded the motion. The motion carried.

3. Concerning emergency medical services.

Senator Faust-Goudeau moved that this request should be introduced as a committee bill. Senator Holland seconded the motion. The motion carried.

Senator Olson requested a bill introduction on renewable energy standards.

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Senator Olson moved that this request should be introduced as a committee bill. Senator LaTurner seconded the motion. The motion carried.

Senator Holland requested a bill introduction concerning the legislature; relating to length of regular session.

Senator Holland moved that this request should be introduced as a committee bill. Senator Wilborn seconded the motion. The motion carried.

Senator Faust-Goudeau requested a bill introduction concerning Wichita State police and patrolling surrounding areas of campus.

Senator Faust-Goudeau moved that this request should be introduced as a committee bill. Senator LaTurner seconded the motion. The motion carried.

SB 45 Authorizing the carrying of concealed handguns without a license under the personal and family protection act.

Chairman Ostmeyer opened the hearing on **SB 45**.

Staff provided an overview of the bill.

Proponents

Senator Terry Bruce appeared before the committee as a proponent on the bill. ([Attachment 1](#)) The principle of the bill is that law abiding citizen should have the freedom to carry a firearm, without a permit, in the open or unconcealed anywhere except for areas that have been exempted via statute. Over the last several years, members of the Kansas Legislature have come together in a bi-partisan manner to craft legislation that protects the rights of Kansas to exercise their right under the 2nd Amendment of the United States Constitution.

John Commerford, State Liaison, National Rifle Association of America, (NRA) testified in favor of the bill. ([Attachment 2](#)) The bill would repeal the existing provision of law that requires a person to have a concealed handgun license (CCHL) in order to carry a concealed firearm. The bill would not change the current licensing system: individuals will still be able to apply through their local Sheriff and obtain a CCHL and the benefits that are included with being a CCHL holder. These benefits are: reciprocal agreements with other states, NICS Background Check exemption and compliance with 1,000 feet of a school zone.

Patricia Stoneking, President, Kansas State Rifle Association, spoke in support on the bill. ([Attachment](#)

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

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3) The Second Amendment of the U.S. Constitution and Article IV of the Kansas Constitution never imply in any way that citizens should have to comply with government applications, mandatory classes, testing or paying fees to exercise that right. It is unmistakably an unalienable and natural right for citizens to exercise self-defense.

Joe Neville, Political Director, National Association for Gun Rights, spoke in support on the bill. [\(Attachment 4\)](#) The heart of the bill is the idea that rights are not subject to the whims of local municipalities, or even to the caprice of state legislatures.

Written testimony was provided in support of the bill by:

Senator Forrest J. Knox, the bill allows any person who can legally possess a handgun to carry it concealed. [\(Attachment 5\)](#)

Michael B. Koehn, Halstead, Kansas, supports the bill; the waiting period for a concealed carry permit would be eliminated. [\(Attachment 6\)](#)

Robert Echols, Riley, Kansas, supports the bill so Kansas can help lead the way for individual gun rights. [\(Attachment 7\)](#)

Opponents

Loren Stanton, President, Brady Campaign to Prevent Gun Violence, Kansas Chapter and Missouri/Kansas Grandmothers Against Gun Violence, spoke in opposition to the bill. [\(Attachment 8\)](#) Mr. Stanton stated people who decide to carry a gun in public also carry great responsibilities, and believe the law should reassure Kansans that these individuals are up to that responsibility. The bill would remove the minimal reassurance that now exists.

David A. Nichols, Salina, Kansas appeared as an opponent to the bill. [\(Attachment 9\)](#) Mr. Nichols stated that he was shocked to learn that the bill was endorsed by the NRA; the NRA is the Gold Standard for firearms safety and proper training of firearms handling and usage. This bill eliminates that training requirement; and would allow any citizen that can legally own a firearm, to carry a concealed handgun in public for self-defense. Mr. Nichols respectfully requested the committee to kill the bill.

Mayor Carl Gerlach, Overland Park, Kansas, provided written testimony in opposition to the bill [\(Attachment 10\)](#) The removal of the licensing requirement to carry a concealed weapon is concerning to the Overland Park community. The license ensures that any person qualified to possess a firearm under either federal or state law has some required basic weapon and safety training before carrying that weapon hidden from public view. The City of Overland Park fully supports the right for local units of government to make decisions at the local level regarding the carrying of guns (open or concealed).

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The City cannot support legislation which further erodes, alters, or limits the home rule authority.

Neutral

C.W. Klebe, Assistant Attorney General, provided Neutral written testimony to the bill. ([Attachment 11](#)) The Attorney Generals Office takes no position on the bill, but instead offers several conceptual areas for the Committees consideration:

- The bill would extinguish most of the privileges of a concealed carry license
- The bill would not remove every legal issue for unlicensed persons
- Placement within the Personal and Family Protection Act (PFPA)
- Clarification of policy choices
- Penalties for felons in possession

Eric B. Smith, Legal Counsel, League of Kansas Municipalities, (LKM) provided Neutral written testimony to the bill. ([Attachment 12](#)) The League asks that consideration be given to refining the language of this bill to be sure that law enforcement officers will be able to safely enforce any changes in the law.

Chairman Ostmeyer closed the hearing on **SB 45**.

The next meeting is scheduled February 17, 2015. The meeting was adjourned at 11:50 a.m.