

Approved 3-31-89 Ginger Barr, Chm  
Date

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Representative Ginger Barr at  
Chairperson

1:36 ~~xxx~~/p.m. on March 13, 1989 in room 526-S of the Capitol.

All members were present except:

Representative Peterson  
Representative Sprague  
Representative Wagnon

Committee staff present:

Mary Torrence, Revisor of Statutes  
Mary Galligan, Kansas Department of Legislative Research  
Juel Bennewitz, Secretary to the Committee

Conferees appearing before the committee:

Representative Wanda Fuller  
Major John Douglass, Overland Park Police Department  
Judith Nagle, Hunter Education Instructor, Topeka  
Augustus Dale Sanders, Berryton  
Spencer Tomb, Vice-President, Kansas Wildlife Federation, Inc.  
Darrell Montei, Kansas Department of Wildlife & Parks (KDWP)  
Representative George Teagarden

HCR 6039

Representative Wanda Fuller explained HCR 6039 is important to Kansas because the 211 twin engine business jet used to train student pilots could be built by three Kansas aircraft companies, Attachment No. 1.

Representative Gjerstad moved to pass the resolution favorably, seconded by Representative Jenkins and passed on a unanimous voice vote.

HB 2072

Major John Douglass explained the need for the bill from the perspective of a law enforcement officer, Attachment No. 2.

Committee discussion established:

1. A definition of law enforcement would be beneficial to law enforcement personnel.
2. Major Douglass defined accessible as "readily available or obtainable by a driver or passenger without unnecessary or unusual actions".
3. The way this draft is written, a gun would have to be both concealed and accessible to be illegal.
4. It is an apparent contradiction that a gun on the seat in plain view would not be illegal as opposed to in a locked glove compartment.
5. Limiting the weapon in plain view severely limits some of the legal uses of the weapon e.g. agricultural or sporting uses. For the sake of compromise, it would be difficult.
6. Major Douglass stated presumption this bill would apply to other transportation, such as boats or cars. Currently, in Kansas, it is not illegal to carry a gun in a glove compartment or under a seat. If a drug dealer is stopped, unless it is within a specific jurisdiction with local gun ordinances, he cannot be charged on a weapons count. Major Douglass suggested a state law would make it possible for an officer to add a weapons charge to the felony charge which cannot now be done. If an officer wanted to file in state court, he would have to choose between the municipal gun ordinance or the felony violation.
7. Private citizens do not have legal authority to carry a concealed weapon.
8. Striking "concealed and/or accessible" and substituting "loaded firearm" would not resolve the problem unless the ammunition and/or magazine were not readily accessible.

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9. The law should not apply if the person was not in the vehicle since the provision of "accessible" would not be met.
10. Arguments during the formulation of K.S.A. 21-4201 (carrying a concealed weapon) would apply.

Judy Nagle opposed the bill as it makes no provision for the legal transport of firearms and she suggested amending the bill to provide for weapons to be cased during transport, Attachment No. 2.

In response to a question concerning the disassembly of weapons, Judy explained that some weapons do not lend themselves to easy disassembly. She did not object to having the ammunition or the magazine stored in a separate location from the firearm. She restated her concern for the definition of accessible.

Dale Sanders opposed the bill on the basis of being forced to uncase firearms causing possible damage to them and having them in full view, thus inviting theft, Attachment No. 4.

Mr. Sanders supported law enforcement's position but desired a redefinition of accessibility to "protect law abiding citizens' rights".

Spencer Tomb spoke in opposition to the bill and cited specific problems with language contained in the bill regarding definitions and two categories of firearms users that were omitted, Attachment No. 5.

In answer to questions from the committee, Mr. Tomb stated he personally supports cased firearms. Some surrounding states have such laws but landowners in Kansas will object as they want the right to shoot at coyotes if necessary.

Darrell Montei appeared as a conferee emphasizing KDWP is an enforcement agency and does not disagree with the intent of the bill, Attachment No. 6. He offered the agency's service in working with the committee to make the intent of the bill more direct and still protect hunters and others with a bonfide interest in firearms.

HB 2172

Representative Bryant reported the subcommittee addressed two major concerns expressed by opponents during the February 9, 1989, hearing:

- a. the inequity of non-profit groups using a leased facility having to yield to groups owning a facility within 1,000 feet and;
- b. notice of bingo cancellation in the media being misconstrued as advertising.

The subcommittee offered Sub. HB 2172 which corrects the aforementioned and does not raise prize limits, Attachment No. 7. Representative Bryant moved to adopt Sub HB 2172, seconded by Representative Sutter and the motion carried. Representative Sebelius made a motion to report Sub. HB 2172 favorably, seconded by Representative Ensminger. The motion carried on a voice vote.

HB 2189

Representative Teagarden cited the absence of statute governing drinking and the use of firearms, Attachment No. 8.

In discussion it was established that:

1. A similar bill passed the House in 1988 but was not heard in the full Senate.
2. Mary Torrence advised this issue is different from DUI statutes which have a condition of license that a driver will submit to tests. A search warrant would be required to take blood alcohol content (BAC) with infractions involving weapons. Some of the same types of tests, such as walking a line, used in DUI cases could be used without a search warrant.
3. The revisor will check, but believed there is a general statute stating a presumption of .10 as intoxicated. The BAC could be less than .10 if other evidence, such as behavior or lack of coordination, suggests intoxication.
4. Representative Teagarden requested the committee work the bill regarding the language e.g. definition of "under the influence".
5. Representative Roper requested staff obtain a copy of the Arizona law.

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Judy Nagel noted this issue is addressed in hunter safety. She urged the committee to find a solution to the problem stating "alcohol and gunpowder don't mix any better than alcohol and gasoline".

HB 2380

Chairman Barr informed the committee the Kansas Press Association had expressed concern about this bill following the March 1, 1989, hearing because it deals with the Open Records Act. The KPA felt it may have been a vehicle for amendments to close the Open Records Act. They have worked with the Kansas Historical Society and have no objection to the bill as long as it does not close any other provisions of the act. The Kansas Press Association did not testify on the bill.

Representative Aylward moved the bill be recommended favorably for passage.  
Representative Long seconded the motion which carried on a voice vote.

Representative Jones made a motion to approve the minutes of the February 22, February 23, February 27, February 28, March 1 and March 2, 1989, meetings.  
Representative Roper seconded the motion which carried on a voice vote.

Representative Eckert requested staff to draft a definition of under the influence to be considered for HB 2189.

The meeting adjourned at 2:52 p.m. The next meeting of the committee will be March 14, 1989, 1:30 p.m. in Room 526-S.



HOUSE RESOLUTION No. 6039—

By Representatives Fuller, Adam, Allen, Amos, Aylward, Baker, Barkis, Barr, Borum, Bowden, Braden, Brady, Branson, Brown, Bryant, Buehler, Bunten, Campbell, Cates, Charlton, Chronister, Cribbs, Crowell, Crumbaker, Dean, Dillon, Douville, Eckert, Empson, Ensminger, Everhart, Flottman, Flower, Foster, Francisco, Freeman, Fry, Gatlin, Gjerstad, Goossen, Graeber, Green, Gross, Grotewiel, Guldner, Hamm, Harder, Heinemann, Helgerson, Hochhauser, Holmes, Hoy, Hurt, Jenkins, Justice, King, Kline, Krehbiel, Lacey, Lane, Lawrence, Littlejohn, Long, Lowther, Lucas, Mead, D. Miller, R.D. Miller, R.H. Miller, Mollenkamp, Moomaw, O'Neal, Patrick, Pottorff, Ramirez, Reardon, Reinert, Reinhardt, Roe, Roenbaugh, Russell, Samuelson, Sawyer, Schauf, Scott, Sebelius, Shallenburger, Shore, Shumway, Smith, Snowbarger, Spaniol, Sprague, Sutter, Teagarden, Turnbaugh, Turnquist, Vancrum, Wagnon, Walker, Webb, Weimer, Whiteman, Wilbert, Williams and Wisdom

A RESOLUTION encouraging the Kansas Congressional Delegation to support efforts of the United States Air Force to procure the Tanker Transport Training System.

WHEREAS, Kansas is the aircraft capital of the nation and of the world; and

WHEREAS, The United States Air Force has initiated a competitive program to procure 211 twin-engine business jets to train student pilots who will go on to fly military tanker and transport aircraft; and

WHEREAS, This multi-million dollar program is referred to as the Tanker Transport Training System or "TTTS"; and

WHEREAS, The Tanker Transport Training System represents the largest single contract for business jets in general aviation history; and

WHEREAS, Kansas is fortunate to have three companies, the Beech Aircraft Corporation, the Cessna Aircraft Company, and the Learjet Corporation preparing to bid on the program; and

WHEREAS, If the bidding process is fair, open, and unfettered by special arrangements, one of these Kansas companies will likely be the contract winner; and

WHEREAS, The awarding of the contract to a Kansas company would make a positive impact on the Kansas economy, providing additional jobs for more than five years: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That we encourage the Kansas Congressional Delegation to support efforts of the United States Air Force to procure the Tanker Transport Training System and to protect funding which has been requested in the fiscal year 1990 federal budget; and

*Be it further resolved:* That we strongly urge the Kansas Congressional Delegation to do its utmost to ensure fair competition in the bidding process, by keeping the process free from factors unrelated to the mission of this trainer aircraft; and

*Be it further resolved:* That the Chief Clerk of the House of Representatives be directed to send enrolled copies of this resolution to Senator Bob Dole, 141 Hart Senate Office Bldg., Washington, D.C. 20510; Senator Nancy Landon Kassebaum, 302 Russell Senate Office Bldg., Washington, D.C. 20510; Representative Pat Roberts, 1323 Longworth House Office Bldg., Washington, D.C. 20515; Representative Jim Slattery, 1440 Longworth House Office Bldg., Washington, D.C. 20515; Representative Jan Meyers, 315 Cannon House Office Bldg., Washington, D.C. 20515; Representative Dan Glickman, 1212 Longworth House Office Bldg., Washington, D.C. 20515; and Representative Bob Whittaker, 2436 Rayburn House Office Bldg., Washington, D.C. 20515.

Chairperson, Bar, Members of the Committee, I am Major John M. Douglass, of the Overland Park Police Department here on behalf of our City and in support of House Bill 2072, which is, as you know, amendment to KSA 21-4201.

As a police administrator, I am all too aware of the violent times in which we live. In 1987, in the State of Kansas, there were five thousand nine hundred forty-nine (5,949) aggravated batteries or assaults, not to mention the additional 87 homicides. During that same time frame there were nine hundred twenty-two (922) assaults against law enforcement officers, thirty-six (36) of which were with handguns. I am sure you would agree measures have to be taken to limit this needless and senseless violence.

Many years ago our legislature acted wisely, and in the best interest of all Kansans, when they enacted KSA 21-4201 which prohibits the concealment of weapons on one's person. This legislation has, no doubt, had a positive effect on the limitation of violent crimes. I would hate to consider the ramifications of life without this statute. Now it is time to extend this logic and wisdom to encompass not only our person, but the mobile space we occupy.

The American love affair with the automobile, and to a lesser extent, planes and boats, has made us the most mobile society on earth. The extensive use of the automobile by all segments of our society has, in fact, made this conveyance a rubber and steel extension of our selves. Most of us can think of few times we have left home without it, and then most likely we have been in the company of some other friend or relative in their automobile. It is as common to us as the clothes we wear and in relationship to the concealment of weapons, just as dangerous. The automobile allows us the opportunity to carry with us at all times a level of force capable of inflicting death and the concealment necessary to bring it to bear on a totally unaware and unprepared victim. The ability to carry a concealed weapon in an automobile, accessible to the occupants, provides an unnecessary and unreasonable availability for violence. Without doubt, all the reasons which make KSA 21-4201 a viable and prudent statute are also present when considering extension of this policy to methods of transportation. In fact, there is some reason to believe that it is even more important.

Consider, for a moment, the teenagers of this State. The ability to carry concealed firearms in an automobile provides the opportunity for disaster. To me, the combination of insecurity, compulsiveness, and lack of mature judgement often found in our adolescents, coupled with the availability of deadly force, is an unacceptable prescription for tragedy.

Consider, also, the recent highway violence in the State of California. Drivers and passengers acting out their frustrations and psychotic fantasies by shooting at unsuspecting freeway motorists car to car. These actions spawned numerous copycat actions on one-hand and caused significant numbers of other drivers to arm themselves "in self-defense." Thank God, the madness, at least for now, has subsided.

Fortunately, we live in Kansas, and to date have not experienced this particular terror. We do, however, see on a regular basis, what we in law enforcement refer to as the rolling disturbance. I would expect you have seen it also. The scene is very common. It starts with a traffic infraction or discourtesy. Often gestures or words are exchanged, both parties become angry. Usually the parties drive away. Occasionally one stops or corners the other. Sometimes the first one out brings a weapon to make his point. Sometimes the second brings out a weapon to answer the threat. Occasionally both parties extract weapons, an occurrence which is most dangerous of all. Suddenly the unconscious act of a busy or frustrated driver becomes the stage for an indelible and tragic act. As long as we are unable to limit the hostility in our society, we must be prepared to limit the ability to transform that hostility into violence.



Last, but not least, I ask you to consider the Law Enforcement Officer. The men and women of this State who, on a daily basis, risk their lives while upholding the laws you have set in motion. Each day our police officers, deputy sheriffs and highway patrolmen confront countless motorists on the streets and highways of this State. By allowing motorists to carry within their access, weapons concealed in their cars, we allow our Law Enforcement Officers to be put at an unnecessary and unacceptable risk. For this reason, and all of the other reasons I have mentioned, I ask you to adopt House Bill 2072 and extend the logic and wisdom of KSA 21-4201 to methods of transportation.

I will entertain any questions you may have.

HB 2072

March 13, 1989

To: House Federal and State Affairs Committee

From: Judith Nagel, Sportswoman, Hunter Education Instructor, South Central District Director for Kansas Wildlife Federation and Life Member of NRA

As a hunter, target shooter, Hunter Education instructor and law abiding citizen, I urge the members of this committee to defeat HB2072 or amend it to indicate all firearms carried in a vehicle be unloaded and cased instead of not concealed. This same bill was proposed last year at the request of a county sheriff. At that time the Lyon County sheriff indicated that there was no intent to interfere with the lawful transport of firearms by hunters and sportsmen. This bill would do just that. The same sheriff also claimed that this would make enforcement easier for Wildlife and Parks, at that time Wildlife and Parks supported a case gun law as opposed to open or unconcealed transport. The propoerted intent of this bill is to deal with drug crime and crime in general. What the supporters of this bill fail to realize is that criminals are just that, and one more law will have no more affect on drug dealers than current law obviously has. HB2072 makes no provision for the legal transport of firearms in station wagons, pickup trucks, vans or other vehicles without a separate trunk. As written, the only way to carry a firearm under HB2072 would be to display it on a rack in the window, lay it on the dashboard or on the front seat of the vehicle. This would encourage theft of a large number of firearms from vehicles in shopping centers and other public places. This could cause more road hunting since the firearm would be at hand and could cause more enforcement problems for Wildlife and Parks Conservation officers.

In Hunter Education we teach our students to unload and case their firearms for transport to and from their sporting activities. This method of carrying firearms prevents accidents and reduces theft. I personally own both a van and a four-wheel drive vehicle, neither of which has a trunk. In both vehicles we have installed lock boxes behind the rear seat to carry our firearms safely. When we are transporting a firearm it is unloaded and placed in the lock box or a gun case. In my capacity as a volunteer instructor in the state mandated Hunter Education program, I often tranport multiple firearms to a class. These are all carried unloaded and cased in hard or soft side gun cases. None of the methods my husband and I use would be legal under HB2072.

HB2072 could create a large problem for hunters and legitimate gun owners, both Kansas resident and out of state. HB2072 could make unwitting criminals out of law abiding citizens. It would encourage the open display of firearms and make enforcement of road hunting laws more difficult. Again, I recommend HB2072 be defeated or amended to state that all firearms be carried unloaded and cased in any motorized vehicle.

HOUSE FEDERAL & STATE AFFAIRS  
Attachment No. 3  
3/13/89

Suggested wording as amended:

(d) carrying any pistol, revolver or other firearm concealed on one's person or transporting in any land, water, or air vehicle unless such firearm is unloaded and cased, except when on the person's land or in the person's abode or fixed place of business;

Testimony On House Bill 2072

Thank-You Federal State Affairs Committee for the opportunity to speak today on House Bill 2072.

My name is Augustus Dale Sanders, I live at 9920 SE Paulen Rd, Berryton, Ks. I'm here to speak against the amended portion of the House Bill 2072, Section (D) carrying a firearm concealed in a vehicle.

I'm the Legislative chairman for the Kansas State Rifle Association and Life Member. Also a Honorary Life Member of the Capital City Gun Club of Topeka, and Life Member of the National Rifle Association.

I'm a rifle and pistol competitor. I carry firearms through out this state to attend rifle and pistol matches. I carry the competition firearms in cases as I have considerable amount of money invested in them.. My shooting companions and myself sometimes travel in Vans, Suburbans, Broncos, Blazers, Station Wagons, or Pick-up trucks. Many times with more then one individual and with alot of equipment.

If House Bill 2072 is passed many of my competitive friends and I will be forced to carry these firearms to and from matches, or hunting trips out of cases that prevent damage to them. Also if firearms are not in cases, then they would be in full view and the possibility of theft increases.

I think this bill should not be passed as it poses great problems in transporting firearms.

Thank-you again for the opportunity to speak.

Augustus Dale Sanders  
9920 SE Paulen Rd.  
Berryton, Kansas 66409

# *Kansas Wildlife Federation, Inc.*

P.O. Box 5715  
Topeka, Ks. 66605

*Affiliate of National Wildlife Federation*  
913/266-6185

200 S.W. 30th  
Suite 101  
Topeka, Ks. 66611

March 13, 1989

Kansas Wildlife Federation Presentation on House Bill 2072  
By Spencer Tomb, Vice President, KWF

Madam Chairman, members of the Committee, my name is Spencer Tomb. I am from Manhattan and currently serve as Conservation Vice President of the Kansas Wildlife Federation.

The Kansas Wildlife Federation is a not-for profit, wildlife and natural resource conservation and education organization. Our 8000 volunteer members join with the 10,000 Kansas members of our affiliate organization, The National Wildlife Federation to support the sound use, management and enjoyment of our vital air, water, soil and wildlife resources.

I am here to speak against House Bill #2072 for the Kansas Wildlife Federation.

The Kansas Wildlife Federation is opposed to House Bill 2072. We recognize and acknowledge the concerns of law enforcement officers about concealed weapons and the unlawful use of firearms, however we do not want the legal use and transport of firearms by hunters, fishermen, trappers, hunter education instructors, land owners and recreational shooters unnecessarily restricted by legislation. Because of the vague and ambiguous language of the bill, we ask that you either defeat the bill or overhaul it so that it clearly protects the legitimate firearms user. The Federation passed a resolution on firearms control last year. Copies of that resolution are attached.

Specific problems that we see in HB2072 are as follows:

1. There is a need for a definitions section that would define "concealed", "engaged" and "actually engaged". (When I leave my driveway on a hunting trip am I "engaged" in hunting?)
2. There is also a need to distinguish between the terms "firearm" and "weapon". An unloaded, cased or un-cased shotgun or rifle on the seat next to the driver and under a coat would be unlawful by this bill, but a loaded shotgun on the dash of the vehicle is acceptable. Both examples are firearms, but only the loaded shotgun on the dash is a potential deadly weapon.
3. The language of line 73 and 74 should be modified to also include trappers and recreational shooters.

In summary, we can see little advantage in Passing HB2072. We can see considerable harm to lawful firearms users. We therefore ask that you not recommend this bill for passage.

HOUSE FEDERAL & STATE AFFAIRS  
Attachment No. 5  
3/13/89

Resolution 1988-4

OPPOSITION OF FIREARM CONTROL LEGISLATION

WHEREAS, the Kansas Wildlife Federation supports the United States Constitution and the Bill of Rights which include the right to keep and bear arms; and

WHEREAS, the Federation opposes any effort to infringe upon that right;

WHEREAS, the legal availability, ownership and use of firearms of all types is an essential tool of wildlife management;

NOW, THEREFORE, BE IT RESOLVED that KWF, Inc. in annual meeting assembled on October 30, 1988, in Lawrence, Kansas, puts on record its opposition to legislation, federal, state or local, which might adversely impact wildlife management and conservation practices and the wildlife resource through restriction of availability, ownership, and use of firearms.

H.B. 2072

Testimony Presented to the House Federal and  
State Affairs Committee  
Provided by the Kansas Department of  
Wildlife and Parks  
3-13-89

It is evident the interest of this bill is directed at law enforcement officer safety and those who would conceal a firearm in a vehicle for improper purposes. Those concerns are also of interest to our department due to the nature of work with which our own officers are involved. However, H.B. 2072 as currently written would have a major adverse impact on legitimate sportspersons.

The Kansas Department of Wildlife and Parks Commission, in their advisory capacity, recommended that H.B. 2072 should be opposed. It is important to note that the opposition was based on the direct impact on sportsperson, not against the intent of the bill.

Transportation of firearms would be illegal unless in open view. It raises questions about firearms carried in gun cases or in vehicles without isolated storage capability, i.e. pickups, blazers, etc. Hunters would be affected as would a long list of other participants including: anglers, furharvesters, trap shooters, hunter education instructors, etc.

Subsection (3)(b) provides an exemption for licensed anglers and hunters when engaged in fishing and hunting. This portion addressed only the wearing of a concealed firearm. It would not provide an adequate exemption for H.B. 2072 as written. Unlicensed anglers and hunters, all furharvesters, trap shooters, etc. are not covered.

In order to protect the interests of sportspersons lawfully participating in certain forms of outdoor recreation, the Department of Wildlife and Parks is asking the Committee to consider several amendment versions to H.B. 2072.

- A. Amendment language such as performed by this Committee to last year's H.B. 2811. (Page 2 copy of that amendment attached.)
- B. Line 40 of H.B. 2072 --- one's person; or concealed concealment when loaded in any land, water or air vehicle where such loaded firearm -----.

1988

HB 2811—Am.

2

0046 one's person, or ~~concealed~~ transporting any firearm in any land,  
0047 water or air vehicle ~~where such firearm would be accessible to~~  
0048 ~~the operator or any passenger of such vehicle~~ unless such  
0049 firearm is unloaded and in a gun case, except when on the  
0050 person's land or in the person's abode or fixed place of business;

0051 (e) setting a spring gun;

0052 (f) possessing any device or attachment of any kind designed,  
0053 used or intended for use in silencing the report of any firearm;

0054 (g) selling, manufacturing, purchasing, possessing or carry-  
0055 ing a shotgun with a barrel less than 18 inches in length or any  
0056 other firearm designed to discharge or capable of discharging  
0057 automatically more than once by a single function of the trigger;

0058 (h) possessing, manufacturing, causing to be manufactured,  
0059 selling, offering for sale, lending, purchasing or giving away any  
0060 cartridge which can be fired by a handgun and which has a  
0061 plastic-coated bullet that has a core of less than 60% lead by  
0062 weight.

0063 (2) Subsections (1)(a), (b), (c), (d) and (g) shall not apply to or  
0064 affect any of the following:

0065 (a) Law enforcement officers, or any person summoned by  
0066 any such officers to assist in making arrests or preserving the  
0067 peace while actually engaged in assisting such officer;

0068 (b) wardens, superintendents, directors, security personnel  
0069 and keepers of prisons, penitentiaries, jails and other institutions  
0070 for the detention of persons accused or convicted of crime, while  
0071 acting within the scope of their authority;

0072 (c) members of the armed services or reserve forces of the  
0073 United States or the Kansas national guard while in the per-  
0074 formance of their official duty; or

0075 (d) manufacture of, transportation to, or sale of weapons to a  
0076 person authorized under (a) through (c) of this subsection to  
0077 possess such weapons.

0078 (3) Subsection (1)(d) shall not apply to or affect the following:

0079 (a) Watchmen, while actually engaged in the performance of  
0080 the duties of their employment;

0081 (b) licensed hunters or fishermen, while engaged in hunting  
0082 or fishing;



## PROPOSED SUBSTITUTE FOR HOUSE BILL NO. 2172

By Committee on Federal and State Affairs

AN ACT concerning bingo; relating to certain restrictions; amending K.S.A. 79-4706 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 79-4706 is hereby amended to read as follows: 79-4706. Games of bingo managed, operated or conducted by organizations licensed under the provisions of this act shall be managed, operated or conducted subject to rules and regulations adopted by the secretary of revenue and the following restrictions:

(a) The entire gross receipts received by any such organization from the operation or conduct of games of bingo, except that portion utilized for the payment of the cost of prizes and license fees and taxes imposed under the provisions of this act, shall be used exclusively for the lawful purposes of the organization permitted to conduct that game.

(b) No person except a bona fide member or spouse of a bona fide member of the sponsoring organization or parent organization or an auxiliary unit or society of such sponsoring organization may participate in the management, conduct or operation of any game of bingo.

(c) No lessor, any employee of any such lessor or any employee, officer or shareholder of a for profit corporation which is the lessor, shall play any game of bingo on premises leased by any such lessor or shall be responsible for or assist in the management, operation or conduct of any game of bingo on such premises.

(d) No person may participate in the management, conduct or operation of bingo games if such person, within five years prior to such participation, has been convicted of or pleaded guilty or

nolo contendere to any felony or illegal gambling activity or purchased a tax stamp for wagering or gambling activity.

(e) No person may receive any remuneration or profit for participating in the management, conduct or operation of any game of bingo.

(f) The aggregate value of all prizes including the retail value of all merchandise awarded or offered by any such organization on any single day to winners of games of bingo shall not exceed \$1,200, and any prize awarded in cash of \$100 or more shall be paid by a check drawn on the bingo trust bank account of the licensee.

(g) The total number of games managed, operated or conducted by any licensee in any one day shall not exceed 25 and not more than five of such games shall be jackpot or special games and not more than one licensee may conduct bingo games at a given location or registered premises in any one calendar day.

(h) The prize awarded in any one regular game shall not exceed \$50 in cash or its equivalent and such prize in any one jackpot or special game shall not exceed \$500 in cash or its equivalent. The retail value of any merchandise received by a winner of a bingo game shall be considered as the cash value for the purposes of determining the value of the prize.

(i) The charge made for a single card to play in games other than jackpot or special games shall not exceed \$1 and such card shall be valid for all regular games conducted or operated by the licensee on a particular day; the charge made for a single card to play in any single jackpot or special game shall not exceed \$1. Paper game program booklets with multiple bingo cards printed on the pages thereof are permitted so long as the charge made for a regular game program booklet does not exceed \$1, except that the charge for such game program booklet may be increased by an amount not exceeding \$1 for each single jackpot or special game in the game program booklet.

(j) Games of bingo shall not be managed, operated or conducted by any licensee on more than two calendar days in any

one week.

(k) All licenses issued under the provisions of this act shall be issued in the name of the organization licensed.

(l) Each licensee shall keep a record of all bingo games managed, operated or conducted by it for a period of three years following the date the game is managed, operated or conducted.

(m) No person under the age of 18 years shall participate in the management, operation or conduct of any game of bingo managed, operated or conducted under the provisions of this act.

(n) A lessor of premises used for the management, operation or conduct of bingo or a licensee may not advertise bingo games except to the extent and in the manner prescribed by the rules and regulations adopted by the secretary of revenue, and any advertisement of any bingo game by or on behalf of such lessor or licensee shall specify the organization which is managing, operating or conducting the bingo game. For the purposes of this act and rules and regulations of the secretary of revenue, announcement of the cancellation of a game of bingo shall not be considered to be an advertisement.

(o) No lessor of premises used for the management, operation or conduct of any games of bingo or any licensee shall offer an opportunity to participate in a game of chance, drawing, contest, door prize, game, test of skill, lottery or any similar activity as an inducement to participate in games of bingo nor as a bingo prize or preliminary to the awarding of a bingo prize.

(p) No licensee shall manage, operate or conduct bingo on any leased premises or with leased equipment unless all of the terms and conditions of rental or use, including the rental of chairs, bingo equipment, tables, security guards, janitor service or any other services, are set forth in a lease submitted, approved and on file with the secretary of revenue.

(q) No premises shall be used for the management, operation or conduct of bingo games on more than three calendar days in any one week.

(r) No premises shall be subdivided to provide multiple

premises where games of bingo are managed, operated or conducted, whether or not the multiple premises have different addresses.

(s) No game of bingo shall be managed, operated or conducted on leased premises if at any time during the immediately preceding 44 hours the premises, or any leased premises within 1,000 feet of them, have been used for the management, operation or conduct of a game of bingo.

(t) Every licensee who has gross receipts of \$1,000 or more received from participation in games, admission fees or charges and from any other source directly related to the operation or conduct of any bingo games in any calendar month shall maintain a bingo trust bank account into which all such receipts are deposited daily and from which all payments are made relating to the management, operation or conduct of any bingo games, except payment of prizes of less than \$100. Having once established such bingo trust bank account, the licensee shall continue to make deposits of all receipts therein. Every licensee shall notify the secretary of revenue of the name of the bank in which the bingo trust bank account is maintained, together with the number and name of the account. Every licensee who maintains a bingo trust bank account shall maintain a complete record of all deposits and withdrawals from such bank account and the same shall be available to the secretary of revenue or the secretary's agents or investigators to audit at any reasonable time.

(u) The records required under subsection (t) are in addition to all other records required to be kept by the licensee by statute or rules and regulations. The records required by subsection (t) shall be maintained in the same place as all other records required to be kept by the licensee.

Sec. 2. K.S.A. 79-4706 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.



TOPEKA

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MIAMI COUNTIES  
ROUTE 2, BOX 89A  
LA CYGNE, KANSAS 66040

Testimony Before the Federal and State Affairs Committee  
given by

George Teagarden

a proponent of  
HB 2189

March 13, 1989

Madam Chairman and Members of the Committee:

I appreciate the opportunity to appear before you in regards to H.B. 2189. I have introduced this bill because of incidents pointed out to me by constituents.

Sometimes in rural areas people get an idea that they should get a six pack of beer and some twenty-two shells and go target practicing. Often times they do not ask permission from land owners and sometimes do not consider the background of their targets or the ramifications of a misplaced shot. In some instances their actions result in holes being shot in machinery and livestock being injured, sometimes fatally.

We have state laws that address driving and boating under the influence of alcohol or drugs. I believe that it is appropriate to have a law against using firearms while under the influence of alcohol or drugs.

The new language appears on line 43 through 45. Violation of this proposed addition to KSA 21-4201 would be a class B misdemeanor, the sentence for which can be up to 6 months in the county jail and, in addition to or instead of confinement, a fine of up to \$1000.

Thank you for your attention. I will attempt to answer any questions.