

Approved

3/3/92
Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Rep. John Solbach at
Chairperson

3:30 a.m./p.m. on March 2, 1992 in room 313S of the Capitol.

All members were present except:

Representatives Carmody, Douville, Hamilton, Lawrence, Snowbarger and Vancrum who were excused.

Committee staff present:

Jerry Donaldson, Legislative Research
Jill Wolters, Revisor of Statutes
Judy Goeden, Committee Secretary

Conferees appearing before the committee:

State Representative Sheila Hochhauser
Former State Senator Merrill Werts, Junction City
Charles Yunker, American Legion by Ralph Snyder
John Montgomery, Junction City publisher
Manuel Houghton, Manhattan
Randy Martin, Manhattan Chamber of Commerce
Colonel David Runnels, Garrison Commander, Fort Riley
Dr. William Wojciechowski, KCCI Military Affairs Committee
Captain Fred Johnson, Troop Commander, Capitol Area Security Patrol

The chairman called the meeting to order.

HB 3017, prohibiting discrimination against military personnel, was opened for hearing.

State Representative Sheila Hochhauser supported HB 3017 and said it was requested by Major General Hartzog, Fort Riley. She said military personnel in the reserves and in the National Guard are facing problems with employment in Wichita also. She suggested several amendments. Section 4 should also prohibit discriminating entrance policies and address private accommodations also. Section 6 should have a civil penalty rather than a criminal penalty with stipulations.

HB 2769, telefacsimile communications, was taken up for consideration. Rep. Pauls moved to make several technical amendments to HB 2769. Rep. Hochhauser seconded the motion. Motion carried.

Representative Pauls moved to report HB 2769 as amended favorably for passage. Rep. Macy seconded the motion. Motion carried.

Testimony on HB 3017 was resumed. Former State Senator Merrill Werts, Junction City, testified in favor of HB 3017. (Attachment #1) He answered committee members questions.

Written testimony was presented from A. Lynn Hall, V.F.W. (Attachment #2) and from John Hill, Disabled American Veterans, (Attachment #3) in support of HB 3017.

Ralph Snyder presented testimony from Charles Yunker, American Legion, in support of HB 3017. (Attachment #4)

John Montgomery, publisher, Junction City, testified in favor of HB 3017. There is a \$700 million direct economic impact to Kansas from the military. He said it is extremely important to have a warm feeling towards our military personnel.

Manuel Houghton, Manhattan, testified he had been a victim of discrimination. He said Army wives are also being discriminated against. He said as the military is downgraded there will be more of a need for this bill.

Randy Martin, Manhattan Chamber of Commerce, testified in favor of HB 3017. (Attachment #5)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY,

room 313-S, Statehouse, at 3:30 ~~am~~/p.m. on March 2, 1992

Col. David Runnels, Garrison Commander, Fort Riley, testified on behalf of Major General William Hartzog, Commander General of Ft. Riley. (Attachment #6) Col. Marshall Kaplan, Staff Judge Advocate, was in attendance to answer committee members questions. He said he thought spouses of military should be included in the bill.

Dr. William Wojciechowski, KCCI Military Affairs Committee, testified in favor of HB 3017. (Attachment #7)

The hearing on HB 3017 was closed.

Rep. Hochhauser said she would be willing to work on getting this bill's provisions worked into current law. The chairman appointed her as chairman of a subcommittee to study HB 3017.

Hearing on HB 3036, possession of firearm within certain state buildings and on certain state grounds, was opened.

Captain Fred Johnson, Troop Commander of Capitol Area Security Patrol, testified in favor of HB 3036. (Attachment #8) He said this bill is a preventative measure. A committee member suggested expanding this bill to include all state buildings.

Hearing on HB 3036 was closed.

HB 3036 was referred to the subcommittee chaired by Representative Rock.

Representative Smith moved to report HB 2684 favorably for passage. Rep. O'Neal seconded the motion. Motion carried.

Rep. Pauls made a conceptual motion to amend HB 2841 by adding horses and dogs to the forfeiture portion. Rep. Smith seconded the motion. Motion carried.

Rep. Garner moved to amend HB 2841 by conforming the criminal penalties to the current law. Rep. O'Neal seconded the motion. Motion carried.

Rep. Smith moved to recommend HB 2841 favorably for passage as amended. Rep. Rock seconded the motion. Motion carried.

Meeting adjourned at 5:00 P.M.



CIVILIAN AIDE
TO
THE SECRETARY OF THE ARMY
1228 Miller Drive
Junction City, Kansas 66441
913-238-1072



To: Members of the Judiciary Committee
Kansas House of Representatives
From: Merrill Werts, Civilian Aide for Kansas
Subject: HB 2962 and HB 3017
Date: March 2, 1992

Although the hearing today is on HB 3017, I would ask that you accept my comments as also being germane to HB 2962 on which I believe the committee held a hearing last Wednesday, as both bills relate to the military, and as I will be speaking in generalities rather than specifics.

During recent months, it has become increasingly common to hear from those who would drastically cut our military forces. This seems to be coming mainly from a liberal sector of the media and from those special interest groups which want a "peace dividend" to end up in their pockets. The size of our military establishment is being reduced and in an orderly way as it should be. The first Base Realignment and Closure Commission (BRACC) did its work in 1991, and subsequent BRACCs are to be established and make their recommendations to Congress and the President in 1993 and 1995.

Peace does seem to be breaking out all over. It is during times such as these that we tend to forget one of the principal reasons our republic was founded, that being to provide for the common defense. If we are to fulfill this responsibility, we must have an adequate force of quality soldiers, sailors, airmen and marines. Army commanders tell me that the quality of our force today is higher than it has ever been. It is important that this high level of quality remain as the drawdown process continues. Herein lies the importance of these two bills. Unless troop morale is sustained, the quality of our force will decline. Our military personnel are first class citizens and they deserve to be treated as such. This is the thrust of HB 2962 and HB 3017, and I urge your support of these bills.

As we look at the larger picture of national defense, it is also important that we look at Kansas' involvement. Fort Leavenworth was established in 1827 and Fort Riley in 1853. These historic posts have been part of the Kansas scene since before our state was even a territory. As the total force drawdown continues, it follows that these Kansas installations will be at risk. A couple of years ago, the Manhattan and Junction City Chambers of Commerce commissioned a study of the economic impact of Fort Riley on the area surrounding the post. A summary of that study is attached. You will note that this one post has an annual billion dollar impact. The quality of life that Fort Riley's officers and enlisted personnel experience could very well spell the difference for the post's future. Quality of life for military personnel is what HB 2962 and HB 3017 address. Again, I urge your support for these bills.

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A SUMMARY REVIEW

The Economic Impact of Fort Riley on the Local Area Economy

C. Clyde Jones

Fort Riley as a military installation belongs to all of Kansas. The economic impact of the post reaches far beyond its immediate environs set at approximately sixty miles radius. How important and impactful is this installation to the State of Kansas and its economy?

Using data from the Department of Resource Management at the post and various estimates of population, earnings and economic reports for Riley and Geary Counties, many estimates of impact have been presented. The results are available in a study entitled, "The Economic Impact of Fort Riley on the Local Area Economy". The full report is available at the Junction City Area Chamber of Commerce. A summary of the major impacts is presented here.

Fort Riley reported 15,720 military personnel as of December 31, 1989. With this number there are 14,224 dependents living in the area. They constitute 29% of the estimated 1989 population of Geary, Pottawatomie and Riley Counties combined. They have more than a minimal impact on other surrounding counties such as Clay, Dickinson, Marshall, Morris, Wabaunsee and Washington.

Specifically, for those living off-post, 1,878 military with 3,027 family members made up 7.6% of the estimated 64,530 population of Riley County. In Geary County the figures are 1,885 military with 2,971 family dependents for a 15.55% of the total population of 31,220

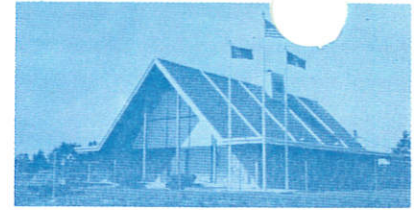
As of September 30, 1989 there were 2,234 civil service workers at the Post and another 1,924 civilian employees. From these two groups, 3,460 workers represent 10% of the Riley and Geary Counties workforce. It is further estimated that the post indirectly accounts for 7,200 additional jobs within a sixty-mile radius due to the multiplier effect of its annual spending in the area.

Fort Riley estimates that \$287.6 million is spent within a sixty-mile radius out of a total annual budget of \$730.1 million. This results in an earning impact of \$388 to \$538 million, depending on the multiplier used. It is estimated that Fort Riley personnel spend \$30.3 million for retail purchases in Geary County. This generates an additional 455 jobs providing an output of \$46.1 million dollars to the economy. The post contracted \$11.7 million for major construction in 1989 to Geary and Riley County construction firms, accounting for an estimated 524 construction jobs. That figure is about 35% of construction jobs in the two counties.

About 27% of all dwelling units in Junction City are occupied by military families. The military children represent 68.43% of the total school enrollment at USD # 475. Federal impact funds for the district were \$3,814,151.

From these estimates, it can be concluded that Fort Riley makes a substantial impact on the local area economy in terms of population, employment, earnings, retail sales, construction, housing, and schools.

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DEPARTMENT OF KANSAS

March 2, 1992

-TESTIMONY-

House Bill 3017
Kansas House of Representatives
Judiciary Committee

The Department of Kansas Veterans of Foreign Wars strongly supports the provisions of House Bill 3017.

It is unfortunate that the need for such a Bill exists. Our active duty personnel deserve "special" treatment, not discriminatory treatment.

In the late 1940's and early 50's, Norfolk, Virginia, as a large Naval Port, was reported to have signs stating "Dogs and Sailors Keep-Off the Grass". Whether or not this was the case, that City has never shaken the reputation for mistreatment of our service personnel stationed there. We do not want to gain such a reputation in Kansas.

A "few" of our merchants in areas where there are heavy concentrations of military personnel lose sight of the many benefits of military presence. Those "few" need rules to live by, such as HB3017. Granted, their attitudes are often influenced by the actions of a "few" of our service personnel.

Whatever the case, discrimination in any form, for any reason, is unacceptable, and on behalf of our over 75,000 members of the Veterans of Foreign Wars and the Ladies Auxiliary in Kansas, I urge your favorable approval of House Bill 3017.

I regret that many of our State Officers will be in Washington, D.C. attending our annual Conference the week of March 2, and will not be available to present this testimony in person. Thank you for your consideration.

Respectfully submitted,

A. Lynn Hall
State Judge Advocate
Department HQ, Topeka
Phone: 272-6463

*HJC
A-2-92
#Hatch #2*

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TESTIMONY
Kansas House of Representatives
Judiciary Committee

House Bill 3017

March 2, 1992

The DAV in Kansas supports the passage of this Bill.

Active Duty Military Personnel and Members of the Reserve and National Guard provide service to all citizens of Kansas in many ways. Through National Service such as the recent action in the Middle-East and through Local Service such as the Tornado in Andover and the water shortage in Meriden.

We cannot understand why anyone would discriminate against military personnel, but it should be illegal.

We encourage the committee to pass this legislation.

John A. Hill, Chairman
Legislative Committee
4721 NE Indian Creek Road
Topeka, Kansas 66617
913-286-1981 (Eve)
913-296-5032 (day)

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3-2-92
A Huch #3

AMERICAN LEGION
STATEMENT ON
HOUSE BILL 3017

An Act prohibiting discrimination against military personnel; providing penalties for violations.

by Charles M. Yunker

Thank you for allowing The American Legion the opportunity to testify in favor of House Bill 3017. In this day and age it is regretful that a bill such as House Bill 3017 must be written, introduced and acted upon in the Kansas State Legislature. That is; with all of the laws both on the Federal and State level which have outlawed discrimination against this nation's citizens it is sad that HB 3017 is necessary.

Military personnel whether on active or reserve duty are citizens first and foremost. They are the highest caliber of citizens, as they have chosen to protect and defend the freedoms of all other citizens. Anyone who would choose to discriminate against someone who is protecting and preserving their freedoms should not be allowed to do so.

I, as many other citizens, did not realize there was a need for HB 3017 until it was introduced. Unfortunately such a need exists. A few months ago I read an article in the Topeka Capital-Journal about a sheriffs deputy who was having difficulty in returning to her position in the Sheriff's Department after having been called to active duty for Operation Desert Storm. First this deputy had difficulty in leaving her position so she could report to active duty; then she was not allowed to return to her rightful position in the Sheriff's Department. This lady had to jump through hoops to allow her to fulfill her military obligation then obstacles were placed in her way upon her

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return to civilian status. I like, most people, thought this was an isolated incident and since federal law was on her side she would win.

After HB 3017 was introduced I did a little informal investigation and have learned that indeed HB 3017 is necessary as military personnel are being denied access to businesses, and in some cases housing. I have also been told that it is common knowledge in some areas there is a two price system; a local price and a military price.

On behalf of the 90,000 plus members of The Kansas American Legion and American Legion Auxiliary I urge your passage of HB 3017. Thank you once again for this opportunity to appear before you today.

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MANHATTAN CHAMBER OF COMMERCE

Testimony to the House Judiciary Committee

Monday March 2, 1992

Randy Martin, President of the Manhattan Chamber of Commerce

RE: HB 3017

Once and a while we get the chance to make a statement about our values as individuals and as a society. It is important at those times to reflect on our interdependence on each other, to reflect on the basic fairness of equal opportunity and even to reflect on the extra care and thanks we owe to those people we ask to do the things we are ill-prepared to do for ourselves.

HB 3017 reflects just such an opportunity. The men and women of Fort Riley are important to all of us as citizens of Manhattan, Kansas, and the United States. Certainly they are important because of the role they play in protecting Democracy. Their heroics and accomplishments need not be repeated for us to remember that these young men and women give of the youthfulness and energy and courage in order that we can be safe and secure in a lifestyle that has been the envy of people around the globe for scores of years. These risks, both in training and in battle, are characteristics of Americanism that most of us are quite happy to see them take on, as we, those of us in this room, for instance, might be woefully ill-prepared to face, both emotionally and physically.

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Their value as an economic entity is also well told by others here. At the tune of a half billion dollars a year, the Soldiers and officers of Fort Riley bring an economic stability that is exceedingly rare; a stability that military bases around the country fight intense and personal battles to protect.

The value of the men and women of Fort Riley means more than that to those of us that live in the Manhattan/Junction City area. Their bravery and economic participation are but a part of the value. To those of us nearer to the base, there is a much more holistic value.

They are our friends, our neighbors, our fellow church worshipers, our PTA parents, our Boy Scout leaders; in short; our fellow citizens.

It is outrageous, in fact it reflects a shallow humanity, that events of discrimination occur towards soldiers. Their chosen career reflects only more value on their character as citizens and as people. If discrimination is allowed on the basis of duty to government, then many of you in this room might well be the next to receive some measure of restriction and censure. Surely duty to citizenship, whether as a sworn defender of the Constitution or as an elected official, demands equality from the very people for whom both take sworn oaths to protect.

At the Chamber, we saw and heard about incidents from time to time before and during the deployment. these incidents bear no public scrutiny without the collapse of reasoning. Invariably, the light of public exposure resulted in a change of practices and values, as few forces swing quite the same economic club as the accusation of discriminatory business practices. Two establishments in Manhattan now currently out of businesses, challenged the sense of economic and social fairness that a community can bring to bear. It is my firm

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belief that the very discrimination that these businesses sought to enforce resulted in fact in the lack of public and community support needed for their success.

However, the process was slow and not without an undue amount of turmoil and confrontation. HB 3017 gives a vehicle for a much faster solution to problems of discrimination and unfairness. Such instances and activities that might currently exist can be rooted out into public view with swifter attention and quicker result with this bill.

I encourage you to support this effort, and as I close I would encourage you to consider, not only action to eliminate discrimination as it pertains to these citizens, but also to be aware of the uselessness and waste of allowing this group or any other, the classification of second class citizen. If you feel any group deserves such a label, I would encourage you to recall the days of the Roman Empire when soldiers were given the rights of noblemen, and it was the peasants, we, who took the secondary role in citizenship.

It was in recollection of this very thought, that our forefathers used when establishing our democracy. All of us are equals. It is the very act of eliminating such second class citizenship that is a guiding principal for the existence of a military. How can we even suggest that we ask them to protect these beliefs, while simultaneously depriving them equal participation? Quite simply, we can not.

I'd be glad to stand for questions if the committee so chooses.

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LEGISLATIVE TESTIMONY
House Bill No. 3017
Judiciary Committee
March 2, 1992

Major General William W. Hartzog, the Commanding General of Fort Riley, regrets that he could not be here today to testify in person in behalf of this legislation; however, he had last minute preparations before leaving tomorrow morning for a major training exercise at the National Training Center in California. I am Colonel David L. Runnells, the Garrison Commander for Fort Riley. Many of you may have known my predecessor, Colonel Gary LaGrange. I am responsible for most of the day-to-day operations of Fort Riley, and report directly to the Commanding General. I am here to represent Fort Riley at General Hartzog's request.

We at Fort Riley consider this bill to be a worthy piece of legislation. We have received several complaints regarding disparate treatment of military personnel in our local area. Disparate treatment hurts the morale of the men and women who have selected the United States military service as a career, and who are doing their patriotic best for their country, often at great personal sacrifice. Also, we want to see Fort Riley remain an active Army installation, just as I'm sure you do. Beyond dispute, at least one of the factors in the determination of which military installations to retain and which to close will be the level of support demonstrated by the local community and state for the installation and for the military in general.

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We are not here to point a finger at any one company or individual, but I'm sure you would like some examples of the types of problems that have been brought to our attention. Probably the area that concerns our soldiers the most is housing. There seems to be a definite concern in this regard. For example, some local apartment complexes have imposed quotas and will only rent a certain percentage of apartments to military personnel. Also, some real estate agencies managing rental units won't rent to military personnel at all, and some apartment complexes will only rent to officers and not to enlisted personnel, regardless of income level. We have recently experienced an increase of soldiers at Fort Riley, primarily due to troop reductions in Europe, and are over strength by approximately 2,000 troops. This has created a very tight housing market, and some of our soldiers have had to find housing many miles away from the fort and/or in very poor living conditions. Many have to virtually live out of suitcases for a month or more while waiting for housing to become available. All we are asking is that our soldiers have the same access to available housing as any other person in the area.

Several local civilian attorneys have reported that in some instances military personnel have been treated with greater severity in criminal cases than local civilians have been treated for similar offenses. We have had difficulty on occasion booking reservations at local motels for military guests such as court martial witnesses. Spouses of military personnel are sometimes

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denied employment, even if best qualified, because employers think they are too transient; this adversely impacts on the household income of military families and detrimentally affects them. Reserve soldiers are sometimes denied employment because employers know these soldiers have training requirements that take them away from their employment periodically; the Veterans' Reemployment Rights Act protects soldiers from discharge once they are hired, but does not prevent discrimination at the time of hiring. Some local business establishments refuse or limit admittance to persons who "look" military by requiring them to have a Kansas drivers' license or a local student identification card in order to gain admittance, or charge them a cover charge or a higher cover charge than non-military appearing persons.

These are some of the concerns we have, which this bill appears to address. This is the end of my formal testimony; I will be happy to take any questions which you may have. I have with me today to assist me in answering your questions Colonel Marshall M. Kaplan, our Staff Judge Advocate or chief legal counsel, and Mrs. M. Elizabeth Cathey, a Legal Assistance attorney in Colonel Kaplan's office.

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Testimony on H.B. 3017 by Dr. William A. Wojciechowski,
President, Pratt Community College, representing the
Kansas Chamber of Commerce and Industry

Mr. Chairman, distinguished members of the House Judiciary Committee. I am Dr. William A. Wojciechowski, President of Pratt Community College and a retired Air Force colonel with over 30 years of active service. Today, I am representing the Kansas Chamber of Commerce and Industry as a member of the Chamber's Military Affairs Committee. The Kansas Chamber of Commerce and Industry wishes to lend its support to House Bill 3017 which we believe to be of significant importance to the men and women of the United States Armed Forces who, as a result of serving their country, are being asked to make the state of Kansas their temporary home for an indefinite period of time. The Kansas Chamber of Commerce and Industry is highly supportive of a military presence in the state and recognizes that the military, i.e., the active component, the National Guard and the reserves, contributes significantly to the Kansas economy. In a 1991 study conducted by Employment Research Associates, an independent economic consulting group based in Lansing, Michigan, statewide

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military expenditures, including payroll for civilian and active duty personnel and contracts, totaled \$1.9 billion in 1990. Conservative economists would estimate, therefore, that the economic impact of the military presence in Kansas is over \$10 billion. Therefore, KCCI feels it is essential to respond to requests from military commanders to support legislation and policies that contribute to and improve the morale and welfare of their troops as just one means of assuring their presence in our state continues. However, our interest is not purely an economic one. In the interests of fair play and taking into account that military members and their families contribute significantly and positively to the communities in which they reside, the Kansas Chamber of Commerce and Industry believes that the proposed legislation will go a long way in discouraging the many acts of discrimination that occur in communities that surround military installations. As a former military commander, I can speak from experience about the many acts of covert discrimination often faced by enlisted personnel and their families. Such incidents as a vacant apartment not being available to a young sergeant and his college-educated wife because they "don't have stability," or the spouse of a military member being denied

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employment because they just might move on short notice once she is trained are just two examples that come to mind. I have seen my young enlisted men and women being denied part-time employment, being denied access to recreational facilities because they don't possess a valid driver's license for that state or a student I.D. card; and I've seen quotas in apartment complexes. Some of these acts occur blatantly while others are more subtle and harder to prove. But, the pattern and the results are the same as you move from place to place. Such discrimination often leads to confrontation from which hard feelings result. Military members and their families are an asset to their communities. Their contributions are numerous and often immeasurable. They are scout leaders, den mothers, little league coaches, youth ministers, stars on high school sports teams; they collect for muscular dystrophy, contribute heavily to local charities, volunteer to provide the muscle and labor at community events, march in parades, clean up after civic events, serve as volunteer firefighters and as emergency medical technicians. The list of their contributions is an endless one. Yet, in some of these same communities where they contribute so much in so short a time, they can't find a decent place to

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attach #7
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live or find a part-time job to defray the cost of living on the civilian economy when base or post housing is not available.

Discrimination in any form is ugly. Our government has taken steps to stamp it out wherever it exists to assure equity for all of its citizens. However, I find it ironic, when those who have volunteered their freedom to protect that equity and the rights of all citizens are, themselves, discriminated against. Your support for House Bill 3017 will send the signal that such acts will not be tolerated; and House Bill 3017, if passed, will go a long way in alleviating these problem in the state of Kansas. I appreciate this opportunity to be heard on this very important issue. Have a good day.

HJC
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SUMMARY OF TESTIMONY - HB 3036
Before the House Judiciary Committee
Presented by- Captain Fred Johnson

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Good afternoon Mr. Chairman and members of this committee.

My name is FRED JOHNSON, I am the troop commander of the Capitol Area Security Patrol. I appear before you today on behalf of the superintendent of the Kansas Highway Patrol in support of HB 3036.

HB 3036 amends KSA 21-4218 relating to the possession of firearms on certain state property. These amendments would broaden the provisions of KSA 21-4218 to encompass the grounds and buildings at the governor's residence at Cedar Crest and buildings located in what is referred to as the capitol complex.

The potential for crimes of violence and other criminal acts to occur in state buildings and upon the statehouse grounds is ever on the increase. Therefore, we ask that KSA 21-4218 be amended as follows:

Line 15 Strike..the word..building...

Add..the governor's residence, on the grounds of
or in any...

Line 16 Add..building on the grounds of the governor's
residence, the state office...

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Summary of Testimony
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Page Two

- Line 17 Add...building at 915 Harrison known as the Docking state office building...
- Line 18 Add...the state office building at 900 Jackson known as the Landon state...
- Line 19 Add...office building and the Kansas Judicial Center at 301 W. 10th,....
- Line 27 Strike...capitol...
- Line 29 Strike...or...
- Line 31 Add...the governor's residence, on the...
- Line 32 Add...grounds of or in any building on the grounds of the governor's
- Line 33 Add...residence or the Landon state office building, Docking state office...
- Line 34 Add...building or Kansas Judicial Center.
- Line 35 Strike...Possession of a firearm within the state capitol building...
- Line 36 Add...Violation of subsection (1)

As amended, this bill will assist law enforcement in combating crime and attempting to reduce the opportunity for persons to commit violent crimes against employees and the

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Summary of Testimony
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general public present in the aforementioned buildings. We ask the members of this committee to consider favorably the provisions of this bill. However, during the preparation of testimony for appearance before this committee, it became apparent that this bill would prohibit possession of firearms by those residing in the Governor's residence, specifically the Governor and Governor's family. There is a right to possess firearms in the home and to infringe upon this right is not the intent of this proposed bill. Therefore; the highway patrol requests the assistance of this committee by an amendment which provides that the provisions of this act are not applicable to the Governor, Governor's family and guests. THANK YOU.

**** END ****

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3073