

Approved: April 5, 2000
Date

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Representative Tony Powell at 1:30 p.m. on March 20, 2000 in Room 313-S of the Capitol.

All members were present except: Representative Findley, excused
Representative Mayans, excused

Committee staff present: Theresa Kiernan, Revisor of Statutes
Russell Mills, Legislative Research
Mary Galligan, Legislative Research
Winnie Crapson, Secretary

Conferees appearing before the committee:

HB 2564 Proponents: Scott Hattrup
Opponents: Sandy Jacquot, League of Kansas Municipalities

SCR 1639 Proponents: Senator Goodwin
Paul Davis, Kansas Bar Association
Stephanie Rahm
Sharon Engle
Sherrill Weins
To amend: Jennifer Keller, Kansas Paralegal Association
Mary Thomas, Kansas Paralegal Association

HB 3016 Proponents Representative Hermes
Linda deCoursey, Kansas Insurance Department
Sally Finney, Kansas Public Health Association
Edward Rowe, Kansas League of Women Voters
Darlene Whitlock, Ks Nurses Assn & Ks Emergency Nurses Assn
Kelly Johnston, Safe State
Lori Thomas, Grandview MO
Phyllis Larimore
Opponents: John Athan
Scott Hattrup
Paul Degener

Others attending: See attached list.

Chairman Powell opened the meeting and announced hearings will be held on three matters: **HB 2564**, **SCR 1639**, and **HB 3016**.

Hearing was opened on
HB 2564, Sport shooting ranges; civil immunity

Chairman Powell explained that this bill was similar to **HB 2550** which the Committee heard February 7 and recommended favorably for passage as amended. He called the attention of the Committee to the balloon providing clarifying amendments to **HB 2564**.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS

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Scott Hattrup presented written testimony on his own behalf in support of **HB 2564** (Attachment #1) and pointed out it was similar to testimony he had presented at the hearing on **HB 2550**. He pointed out Sec. 1 (a) defines "Generally accepted operation practices" as those safety practices which are not only established by nationally recognized membership organizations but specifically those adopted by the Kansas department of wildlife and parks. He noted that hunters, law enforcement officers, and sportsmen use Kansas shooting ranges to hone their skills with firearms.

Representative Cox commented he believes this is a local issue.

Sandy Jacquot presented testimony in opposition to HB 2564 on behalf of the League of Kansas Municipalities (Attachment #2). She testified the League opposes **HB 2564** because of its preemptive nature and the fact that it contradicts typical nuisance law which has been in place in Kansas since statehood. Nonconforming uses are allowed to continue when zoning is placed on a property or the property and use exist prior to modification of a zoning ordinance. The League believes prohibiting the use of nuisance law sets a very bad precedent.

Hearing on **HB 2564** was closed.

Chairman Powell moved the clarifying amendments in the balloon. Representative Ruff seconded. Motion carried 12-5.

Representative Ruff moved that the Committee recommend HB 2564 be considered favorably for passage as amended. Representative Morrison seconded. Motion carried 12-5.

Hearing was opened on
SCR 1639, Establishing Legal Assistants Day

In introducing the resolution, Senator Goodwin provided the history of the Kansas Association of Legal Assistants and described the valuable they provide in the delivery of legal services (Attachment #3). Senator Goodwin said she had just been handed the amendments proposed by the Kansas Paralegal Association. Because of the time constraints she would object to the amendment of **SCR 1639** but would be glad to work separately with the KPA to provide a day when their members could be honored as well.

Paul Davis presented testimony in support of the resolution on behalf of the Kansas Bar Association (Attachment #4). The KBA is open to categories other than lawyers and the KBA Legal Assistants Committee is one of the more active committees bringing the perspective of legal assistants to the entire membership.

Sharon Engle and Stephanie Rahm testified in support of the resolution and described the history and activities of the Kansas Association of Legal Assistants.

Mary Thomas appeared on behalf of the Kansas Paralegal Association and presented written testimony suggesting amendments to the resolution (Attachment #5). While in support of the resolution, the amendments were offered to broaden the recognition to include members of the Kansas and National Federation of Paralegal Associations. The testimony outlined roles and responsibilities of paralegals.

Representative Mays inquired about days set aside to honor other professions. In response to a question from him, Mary Thomas said KPA would not request a day of their own if the amendments were not adopted because the terms are use synonymously but said they would prefer the language be inclusive.

Jennifer Keller appeared representing the Federation of Paralegal Associations at the national level.

Hearing was closed on SCR 1639.

CONTINUATION SHEET
MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS
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Hearing was opened on

HB 3016, Illegal storage of firearms

Representative Hermes presented the background on the bill. She provided copies of letters addressed to her by children (Attachment #6). Samples of safety locks were circulated for examination.

Information was presented from Linda DeCoursey, Director of Government Affairs for the Kansas Insurance Department (Attachment #7), from a 1997 report of the Journal of the American Medical Association and information from studies by the American Academy of Pediatricians on deaths from firearm injuries, In 1977 twelve states had made gun owners responsible for storing firearms in a manner inaccessible to children.

Sally Finney presented testimony in support of **HB 3016** on behalf of the Kansas Public Health Association (Attachment #8). She said HB 3016 addresses the need for gun owners who have children in their homes to store their guns in such a way as to reduce the chances of unintentional injury and death to those children. She said this proposal was the result of an effort by a variety of statewide organizations, including the Kansas State Nurses' Association, the Kansas Chapter of the American Academy of Pediatrics, and the Kansas Safe Kids Coalition. Her testimony included a video presentation.

Edward Rowe, a volunteer lobbyist, testified in support of the bill on behalf of the League of Women Voters (Attachment #9). He testified **HB 3016** is consistent with the national position statement of LWV that the proliferation of handguns in the United States is a major health and safety threat to its citizens.

Kelly Johnston, Chairperson of Safe State, presented testimony in support of the bill (Attachment #10). He presented statistics from the National Safe Kids Campaign.

Testimony in support of the bill was presented by Lori Thomas, community educator with the Center for Childhood Safety of Children's Mercy Hospital in Kansas City (Attachment #11). Her testimony included information on child deaths and she reviewed Child Access prevention laws in seventeen states.

Phyllis Larimore presented oral testimony in support of the bill agreeing with testimony already given.

Chairman Powell announced that the hearing would proceed with testimony from the opponents and would be continued on March 21 to hear from the remaining proponents.

Scott Hatstrup presented written testimony in opposition to **HB 3016** (Attachment #12). He opposes the bill for three reasons: the bill addresses issues already covered in Kansas law; refuses to recognize the place of firearms in self defense, and creates a strict liability felony if a juvenile uses a firearm and someone is injured.

Paul Degener presented oral testimony in opposition to the bill. He described **HB 3016** as an attempt to provide a bandaid solution to multiple problems in society.

John Athan presented oral testimony in opposition to the bill. He was accompanied by his young son and in conversation with him reviewed his training in gun safety.

Chairman Powell asked those proponents who did not have an opportunity to testify today to attend the continuation of the hearing March 21 to testify in person or they can present written testimony.

The meeting adjourned at 3:15 p.m. The next scheduled meeting is March 21.

HOUSE FEDERAL & STATE AFFAIRS COMMITTEE

COMMITTEE GUEST LIST

DATE: March 20

NAME	REPRESENTING
Sandy Jacquet	League of Ks Municipalities
Jennifer Keller	Kansas Paralegal Assoc.
Mary Thomas	"
Darlene S Whitlock	KSNA / Emergency Nurses Assoc.
Jan Stegelman	Kansas SAFE KIDS Coalition
Michal Nissenbaum	Child Development Grid Kunc
Ronda Barrett	QBU - KU Med Center
Bill Schweitzer	Quinta Ed.
Pam Davis	KS Bar Assn.
Joe White	Dodge City Community College
Tim McConville	Federica Consulting
Tom Burgess	KSA
Erica Heath	—
Dae Tulla	—
Joann Pomroy	—
Aeri Thomas	—
Ashley Thomas	—
Shyllis Larimer	Cot. 1
Wendy Lott	Ks 2nd Amendment Soc

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March 20, 2000

Honorable Members of the House Federal and State Affairs Committee:

Thank you for allowing me to speak to you today. I speak in support of HB 2564. I previously spoke in favor of HB 2550, which was very similar. My comments on February 7 addressed the positive aspects of that bill and are still applicable. Today, I will address the minor differences between HB2564 and the older bill.

Section 1 is the definition of "generally accepted operation practice." The Kansas Department of Wildlife and Parks, the agency which administers state-owned shooting areas and hunting regulations, will adopt appropriate safety practices. These safety practices will be based on state and national standards currently used in hunter education and other shooter training programs. To alleviate fears that the bill would turn wildlife and parks into a regulatory agency for privately owned businesses, the department is not mandated to review these safety practices at regular intervals, but could do so if the need arose.

Section 5, the "assumption of risk" doctrine, has been removed. This should alleviate the concerns of those who claimed that the older bill limited liability for reckless or negligent behavior. It was not the proponents' intention to limit liability for this behavior.

I would like to reinforce the statements made last time that hunters, law enforcement officers, and sportsmen use Kansas shooting ranges to hone their skills with firearms. HB 2564 is good for Kansas since it recognizes that existing shooting ranges are a valuable entities worthy of protection. Kansas needs to protect shooting ranges for several reasons. First, law enforcement officers train on many of the ranges that are covered in this bill. If there are no shooting ranges, it makes it rather difficult for law enforcement officers to remain competent with their duty firearms. Second, sportsmen and hunters sight in and practice with their hunting firearms at these ranges. Kansas has some of the best bird hunting in the nation, and has seasons for several other types of game. If the only time hunters can shoot their firearms each year is during the hunting season itself, the result will be missed shots, or worse, wounded animals that are never recovered. Third, and most importantly, as long as firearms are available for lawful sale and ownership, the owners need a place to practice and learn safe operation procedures. The person who owns a firearm for self defense or hunting, and has never taken a class or attained proficiency with that device is a danger to us all. Existing firearms ranges provide a safe place to practice, and also provide a place to hold hunter education or firearms safety classes. Practice and education protect us all because of the experience that existing firearms owners can develop there.

In closing, I urge your support for HB2564. I will be available for questions at your request.

Respectfully,


Scott G. Hatrup

House Fed. &
State Affairs

Date 3/20/00

Attachment No. 1

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League of Kansas Municipalities

TO: House Federal and State Affairs Committee
FROM: Sandra Jacquot, Director of Law/Legal Counsel
DATE: March 20, 2000
RE: Opposition to HB 2564

Thank you for allowing the League this opportunity to testify in opposition to HB 2564. Specifically, the League opposes HB 2564 because of its preemptive nature and the fact that it contradicts typical nuisance law which has been in place in Kansas since statehood. Nonconforming uses are allowed to continue when zoning is placed on a property or the property and use exist prior to the modification of a zoning ordinance. Prohibiting the use of nuisance law sets a very bad precedent that we believe is unwise.

Nuisance law exists to protect the health, safety and welfare of the public. This is typically known as the "police power" of state and local government. Typically, they are used when an otherwise lawful use becomes hazardous to the general welfare of the public. We believe that to preempt all local nuisance ordinances sets a very bad precedent and would allow activities which are potentially harmful to the health, safety and welfare of the public to continue without the ability of government at the local level to regulate the activity. Essentially this legislation excuses a variety of nuisance behaviors when they are undertaken as part of a "sport shooting range" or "range" in the state. Further, it goes far beyond the current nonconforming use statute, which provides that when a structure is destroyed that it cannot be rebuilt as a nonconforming use, to indicate that despite damage to any structure involved at a sport shooting range, it may be rebuilt and the use may continue if done within one year of the damage.

HB 2564 would also allow a nonconforming use, which may well be in violation of local nuisance ordinances and noise control ordinances, to legally expand or increase the size and scope of the facilities and activities which may further increase the hazard to the general public. We would suggest that this is an unwise piece of legislation. We would hope that the Committee would conclude that it is not in the best interests of the public to statutorily allow nuisances which may adversely affect the health, safety or welfare of the public.

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SENATE CHAMBER

COMMITTEE ASSIGNMENTS

RANKING MINORITY MEMBER:
 JUDICIARY
 CORRECTIONS/JUVENILE JUSTICE

MEMBER ASSESSMENT AND TAXATION
 ENERGY AND NATURAL RESOURCES
 TRANSPORTATION AND TOURISM
 STATE BUILDING CONSTRUCTION
 HEALTH CARE REFORM LEGISLATIVE
 OVERSIGHT
 KANSAS SENTENCING COMMISSION
 JUDICIAL COUNCIL PROBATE
 LAW ADVISORY COMMITTEE

TO: Representative Tony Powell
 Chairman, House Federal and State Affairs Committee

RE: Senate Concurrent Resolution 1639

DATED: March 20, 2000

Thank you Chairman Powell and Committee Members for the opportunity to speak in support of Senate Concurrent Resolution No.1639. I support the passage of this Senate Concurrent Resolution to recognize all women and men in the Kansas Legal Assistant profession.

I am a member of the Kansas Association of Legal Assistants and the National Association of Legal Assistants. I have been a continuous member since receiving my national certification in 1989. I am proud to be associated with such a professional group on the state and national level.

The Kansas Association of Legal Assistants was formed on October 28, 1981. The complexity of the practice of law has dictated the need for the advanced education and training of persons who can assist attorneys in the delivery of legal services. The public sector has also driven the need for a more economical system in providing legal services. Legal Assistants have proven to fill this role in many law firms today and the need for those of our profession continues to grow.

Our Association feels it is important to recognize the services we provide by honoring those of our profession with a day designated as Legal Assistants Day. The adoption of this Concurrent Resolution will allow that to happen.

Again, I thank you for the opportunity to address the Committee. I urge your favorable consideration of this legislation. I would be happy to respond to any questions you might have at the appropriate time.

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**KANSAS BAR
ASSOCIATION**

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LEGISLATIVE TESTIMONY

March 20, 2000

TO: Chairman Tony Powell and Members of the House Federal
and State Affairs Committee

FROM: Paul Davis, Legislative Counsel

RE: Senate Concurrent Resolution 1639

Chairman Powell and Members of the House Federal and State Affairs
Committee:

I am pleased to appear today on behalf of the Kansas Bar Association in support of Senate Concurrent Resolution 1639. I cannot overstate the importance of legal assistants in the legal services delivery process. I know this firsthand from my experience as an attorney in private practice. Most attorneys would probably confess that they wouldn't be able effectively function in their profession without the help of a good legal assistant.

Legal assistants often are on the front line of the delivery of the legal services. Perhaps the most important tenant in the practice of law is communicating effectively with the client. Here is where legal assistant perform a vital function. Legal assistants frequently ensure that the client is kept informed about his or her case. Legal assistants also perform important research, make sure the legal team meets deadlines and ensures that a legal office is adequately organized. Simply stated, they are the foundation of the legal team.

The Kansas Bar Association is not strictly an organization for lawyers. Our membership is also open to legal assistants in addition to several other categories of non-lawyers. The KBA Legal Assistants Committee is one of our more active committees and helps to bring the perspective of legal assistants to our entire membership.

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Finally, legal assistants are also one of the most under-recognized and under-appreciated professions. This is why we believe this resolution is very important. Lawyers, clients and the others involved in the legal services delivery process do not say thank you for the work of legal assistants near enough. Passage of SCR 1639 will help give legal assistants the recognition they deserve for the crucial function they perform in our system of justice.

I thank you for the opportunity to appear before you today and I encourage your favorable recommendation of this piece of legislation.

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State of Kansas
House Federal and State Affairs Committee Hearing
Monday, March 20, 2000

**TESTIMONY OF MARY THOMAS AND JENNIFER KELLER,
REPRESENTATIVES OF THE KANSAS PARALEGAL ASSOCIATION**

<Mary Thomas> Chairman Powell and distinguished committee members: Thank you very much for the opportunity to address this body to offer amendments to Senate Concurrent Resolution 1639, Establishing Legal Assistants Day.

Jennifer Keller and I appear today as representatives of the Kansas Paralegal Association. The Kansas Paralegal Association wholeheartedly supports the intent of the Resolution to establish a day honoring legal assistants. However, we propose amending the language of the Resolution to be more inclusive by also recognizing the largest and most long-standing association of paralegals and legal assistants in Kansas. More than 200 professional paralegals and legal assistants are members of the Kansas Paralegal Association. The effort of members over the years to envision and establish higher standards in the profession deserves recognition under this Resolution.

Jennifer Keller will now present a profile of our association.

<Jennifer Keller> KANSAS PARALEGAL ASSOCIATION

MISSION STATEMENT

The Kansas Paralegal Association, Inc. (KPA) is a nonprofit, professional organization with three districts in the State of Kansas. KPA affirms the paralegal profession as an independent, self-directed profession in affiliation with the National Federation of Paralegal Associations, Inc. (NFPA) and maintains working relationships with state and local bar associations. KPA provides a local forum for exchange of ideas, creative development and continuing education. KPA promotes recognition of the profession as an integral partner in the delivery of legal services (Attachment 1, Kansas Paralegal Association membership brochure).

KPA is a professional association which offers membership to paralegals and legal assistants, students, legal assistant educators, and institutions with an interest in supporting the purposes of the organization. KPA was incorporated on June 16, 1977 as a non-profit organization. The goals and purposes of KPA are to:

- Promote and maintain high standards in the paralegal and legal assistant profession;
- Foster creative expansion of the paralegal and legal assistant career;
- Provide a forum for meeting and exchanging ideas; and

- Establish and maintain mutually beneficial working relationships with local, state and national paralegal, legal assistant and bar associations.

A Board of Directors composed of state officers and District Directors governs the association. They hold Board meetings throughout the year in various locations in the state. These meetings are open to interested KPA members.

PROFESSIONAL AFFILIATIONS

KPA interacts with the Kansas Bar Association (KBA) to enhance understanding of the paralegal and legal assistant profession. Associate membership in the KBA is open to paralegals and legal assistants. Each year our Board appoints KPA members to serve on the KBA Legal Assistants Committee. KPA also offers members opportunities to meet and exchange ideas with other professionals in the legal field.

Mary Thomas will now address the changing legal service industry.

<Mary Thomas> THE CHANGING LEGAL SERVICE INDUSTRY

The legal service industry is facing great change. While containing costs, it is trying to respond to more pending cases, rapid changes in technology, and increased demands from consumers for a higher level of client service.

As an active and vital part of the legal service industry, the paralegal profession is facing possible regulation through certification, licensing, or other means. Most important, however, are the expanding roles of paralegals in the provision of legal services.

PARALEGAL ROLES AND RESPONSIBILITIES

(Attachment 2, National Federation of Paralegal Associations, Inc., Statement on Issues Affecting the Paralegal Profession.) Most paralegals in the profession have traditional roles, however, many paralegals' roles have expanded into broad and diverse specialties. Paralegals have developed knowledge and skills in highly technical or specialized subject areas. They place great importance on service, flexibility, openness to new approaches of handling client needs, and diverse job definitions. These attributes have allowed the paralegal profession to maintain a client and public interest focus, to show a willingness to grow, and to change in response to the demands of society.

Only statutory or court authority or a supervising attorney's determination of a paralegal's competency limits the types of tasks a paralegal may do. Paralegals do many of the same tasks as attorneys, except those generally prohibited by unauthorized practice of law statutes, such as accepting clients, setting legal fees, giving legal advice or representing others in court. Because the law is complex and often ambiguous, paralegals must be intelligent with analytical and

logical minds. They must recognize and evaluate relevant facts and legal concepts. Paralegals organize, analyze, communicate and administer. Other interpersonal skills that serve paralegals are conflict resolution, negotiating, and public relations. As paralegals are becoming more integrated into the legal team and the work delegated to paralegals has become more substantive in nature, attorneys are beginning to include time for paralegal services in fee petitions permitted by state or federal statutes.

WHERE DO PARALEGALS WORK?

(Attachment 3, National Federation of Paralegal Associations, Inc., What is a Paralegal?)

Paralegals are employed in private law firms, banks, corporations, insurance agencies, legal clinics, courts, government agencies, accounting and engineering firms, title companies, construction companies, and legal aid offices — in fact, almost everywhere law-related work is done. Paralegals either work with attorneys who assume professional responsibility for the final work product, or work in areas where statutes explicitly authorize "lay" individuals to assume certain law-related responsibilities.

Paralegals who work in the private sector are usually employed by law firms and corporations and often specialize in areas of law such as litigation, probate, real estate, corporate, taxation, domestic relations, or employee benefits. Paralegals who work in the public sector are often employed by non-profit public law firms and state or local governmental agencies in areas such as welfare, family law, health care, landlord/tenant, disability benefits, unemployment compensation, and social security.

WHAT DO PARALEGALS DO?

The specific tasks assigned to paralegals vary according to the area of practice and level of experience and education.

Litigation paralegals interview witnesses, analyze and digest legal documents, investigate facts, do legal and factual research, draft pleadings, legal memoranda and briefs, obtain and manage information to assist in trial preparation, assist at trial, and help prepare appeals.

A probate paralegal's responsibilities could include interviewing clients, arranging for collection, valuing and transferring assets, administering estate accounts, analyzing the best treatment of assets and distribution to obtain the greatest tax benefit, and preparing tax returns.

A corporate paralegal is likely to be involved in drafting agreements and employee benefit plans, fulfilling securities reporting requirements, and conducting patent and trademark searches. Corporate paralegals also draft minutes and bylaws and maintain corporate minute books.

A real estate paralegal could draft transaction documents, prepare for closings, and

research title and administrative processes involved in land and environmental use.

A government paralegal can work for the Federal Trade Commission, the Justice Department, or even the White House. Depending upon the agency or area of practice, government paralegals perform a wide range of duties, including collecting and evaluating evidence, conducting hearings, drafting proposed legislation, and answering inquiries about federal laws and regulations.

An employment law paralegal can draft employee policy and procedure manuals, help facilitate positions in organized labor campaigns, prepare position papers, complaints and affidavits in discrimination cases, and do work similar to litigation paralegals.

Paralegals in legal services programs work as counselors or advocates. They may obtain government benefits for clients. They often maintain their own caseloads and have total responsibility from the initial client interview through client representation at various administrative agency proceedings.

Associating at the national level has been crucial for paralegals to formulate policy on important issues affecting the profession. Jennifer will explain KPA's national affiliation.

<Jennifer Keller> NATIONAL AFFILIATION

In June 1985, KPA became a member of the National Federation of Paralegal Associations, Inc. Through membership in NFPA, members of KPA participate on a national level in developments affecting the paralegal profession. The KPA Board has two ex officio members who serve as representatives to NFPA and attend the NFPA mid-year and annual meetings. The NFPA provides representation to professional organizations addressing legal, educational and professional issues. KPA members receive NFPA's quarterly magazine, The National Paralegal Reporter, and NFPA's quarterly report, The Alert, addressing national policy issues affecting paralegals.

NFPA'S ROLE

First organized in 1974, NFPA was created to provide a communications network and develop channels to expand the role of the paralegal profession. In addition, NFPA has helped the profession in evaluating education standards and responding to organizations and entities that appear interested in regulating the profession. NFPA membership has significantly increased since its inception. It now includes 55 associations, found throughout the United States, with more than 17,000 members.

NFPA is a grass-roots organization, directed by the member associations. Each member association has one vote in the future of the national organization and the profession. NFPA

offers experienced paralegals a way to validate their experience and job skills, establish credentials, and increase their value to their organization and clients.

NFPA strongly supports quality paralegal education, as evidenced by its extensive involvement with other national law-related organizations. Since 1986, NFPA has worked with the American Bar Association, the American Association for Paralegal Education and others to develop consensus on the issue of paralegal education. In addition, NFPA has a representative on the ABA Approval Commission, which works with the Standing Committee on Legal Assistants to evaluate paralegal education programs. These efforts continue and are increasing as consumer and attorney awareness about quality paralegal education heightens, and as activities to regulate paralegals by bar associations, courts and legislatures escalate.

One important achievement of NFPA is the adoption of its "Model Code of Ethics and Professional Responsibility and Guidelines for Enforcement," a copy of which we include with this testimony. (Attachment 4, National Federation of Paralegal Associations, Inc.)

An example of NFPA's tremendous commitment to and investment in the development of standards and credentials for the profession is the Paralegal Advanced Competency Examination. Mary Thomas was the President of NFPA when the test was first proposed and developed. She is credentialed as a Registered Paralegal and has presented many seminars about preparation for the test.

<Mary Thomas> THE PARALEGAL ADVANCED COMPETENCY EXAMINATION

Developed and administered by an independent test development firm, Professional Examination Service (PES), the Paralegal Advanced Competency Examination ("PACE") is the only test of its kind. PACE is the first professionally developed test which measures advanced competency of paralegals. PES developed PACE using methodology which ensures test validity. The test is administered under secure conditions. Independent administration provides results across practice areas. The test provides the profession with a national standard of evaluation. PES offers the test at multiple locations on many dates and at various times.

Those who pass PACE may use the designation "PACE - Registered Paralegal" or "RP." Paralegals must obtain 12 hours of continuing legal education, including at least one hour in ethics every two years, to maintain the RP credential.

The development of PACE at this time is especially important because the role of the traditional paralegal and the delivery of legal services are changing. The test is an effort by paralegals to direct the future of the profession and acknowledge the vital role of paralegals within the legal service industry. It is also a direct response to states that are considering regulation of the paralegal profession and are seeking a method to measure job competency. If states or other bodies decide to regulate the profession, they will need a method to test the competency of an individual paralegal.

CONCLUSION

In conclusion, KPA endorses the proposal to set aside a day in each year to honor the contributions and professionalism of paralegals and legal assistants. KPA submits, however, that the Resolution is incomplete without recognition of the Kansas Paralegal Association, the National Federation of Paralegal Associations and the Paralegal Advanced Competency Examination.

Thank you again for this opportunity to suggest amendments to SCR - 1639. Two major associations in Kansas provide paralegals and legal assistants opportunities for networking and professional development. This Resolution should recognize the largest and most long-standing of the two associations. Both associations are a credit to the legal profession and are essential for establishing and maintaining high standards for professional and ethical conduct of paralegals and legal assistants.

The Kansas Paralegal Association respectfully requests adoption of our amendments as proposed.

March 9, 2000

Dear Rep. Cindy Hermes,

The guns need locks on, everyone

Beacuse my dad had a friend.

And his son had a friend over

his house. When his dad was gone

His dad a gun in his room under

his bed. So his son got it out

and was playing with it. And

then his friend said put it

it down. But he didn't listen to

him. So then he pulled the

trigger. And killed himself. He was
my friend and my sisters and brothers
to. And thats why kinds need to
be safe by guns.

Sincerely,
Mallory Warren

March 9, 2000

Dear Rep. Cindy Hermes,

Someone in 1st grade brought a gun to school and he shot someone. The gun was loaded with bullets.

The 1st grade boy didn't know what he was doing. And he accidentally shot a 1st grade girl. So that's why I think that there should be safety locks on all guns.

Sincerely,
Shelby Nelson

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Date 3/20/00

Attachment No. 6

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March 9, 2000

Dear Rep. Cindy Hermes,
I don't want to go to school,
because a kid in my class could
bring a gun and shoot me and I
could die. So when people buy a
gun they have to have safety locks.
So when kids pull the trigger
it won't shoot anything or anyone.

Sincerely,
Sincerely

Tanner Badgley

House Fed. &
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Date 3/20/00

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March 9, 2000

Dear Rep. Cindy Herme

Every day going to

school I was nervous

someone had a gun. Now

we could have a lock that

would save millions of

lives. It would be

good for everyone.

Sincerely,

Sincerely,

Scott McFarland

March 8, 2006

Dear Rep, Cindy Hermes

We need this law for gun lock
kids could take this dangerous thing
and kill a child, teacher, Mom or
Dad. If we work together I
now we can fight for this law

Sincerely,
Cassie

March 9, 2000

Dear Rep. Cindy Hermes,
I don't feel safe with
out the gun safety law.
Because if the govern-
or can't make that law
people are going to keep
dying. Nowbady, daseves
to die. Evan robbers and
burgalers maby put in
jail. And that gun law
will stop a lot of killing.

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But please please make
that law so people wont
die.

Sincerely

Doug Sears

March 9, 2000

Dear Rep. Cindy Hermes,

I think that on every gun there should be a lock because a lot of kids, teenagers and adults die because of guns. Kids' moms and dads need to hide there guns or if your child gets your gun he or she might bring it to school and shot a kid or the person that is holding the gun could get shot and the person's mom and dad

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will get thrown in jail.

Sincerely,

Matthew Kloos,

March 9, 2000

Dear Rep. Cindy Hermes,
I think we should
have the new gun law
because children should
be safe. It really
scares me when I
see a story on the
news about a kid who
shoots somebody. I
don't like to hear
about a kid who

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got shot. Safety is one of the most important things in your whole life. You can only hunt or do anything with a gun if you didn't go to a speacial class. That's why I think we should have a gun safety law.

Sincerely,
Brandon Melton

March 20

Dear Rep. Cindy Hermes I think we should have a gun lock so kids will be safe. I'm scared that a kid at my school might bring a gun so that's why I want to help pass that gun law. And I think if we pass that law kids and grown ups will be safe. Guns are not safe for babies if there is a baby around one because a baby might pull the trigger so that's why I want this -

law to pass.

Sincerely

Jaeradan Smith

March 9, 2000

Dear Rep. Cindy Hermes,
I want to change the law
about the gun killing. Because
we do not want kids killing
kids. Because what if you where
there parents you will be
so sad if your kid died.

Sincerely,

Gabrielle Calabr

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March 9, 2000

Dear Rep. Cindy Hermes,
I would feel a lot safer for my family if the law was passed. I would feel safer too. I don't like violence at all. I don't want you or me to get hurt. I would feel stronger if guns had safetylocks. I don't want anyone to get hurt in the whole world.

Sincerely,

Danielle Needham

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March 9, 2000

Dear Rep. Cindy Herme

When I first moved

there were 100 bunnies

but someone killed

them and almost shot

me and I saw someone

kill somebody

Sincerely

Brittany

March 9, 2006

Dear Rep. Cindy Hermes,

I think that all guns should

have a lock, because

children could bring one

to school and not know what

it was. Guns are dangerous.

I think there should be a

law that every gun that

is bought should have a

lock.

Sincerely

Allison Brune

March 9, 2000.

Dear Rep. Cindy Hermes,
I'll put a gun in a big case
of guns and lock it. I will lock
the gun. I will not put a
bullet in a gun. I put the
bullet in a special place and
lock the case. I'll never let
nobody touch a real gun.

Sincerely,
Ethan Whitter

March 9, 2000

Dear Rep. Cindy Hermes,

We should have this law so no one gets hurt. So kids can't kill themselves. So kids can't shoot the bolet. So kids can't kill others.

Sincerely,
Kyle

March 9, 2000

Dear Rep. Cindy Hermes,
I think we need to be
responsible of our guns.
We need to have locks
on our door and gun
holders.

We need to have alarms
in our houses and guns
for safed.

Sincerely,

Makayla

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March 9, 2000

Dear Rep. Cindy Hermes

There's too much shooting
at schools. We can't just
sit back we have to fight
back to guns. We can't
be forced to give up. Too many
kids are being killed.
There is too much violence.
Too much danger.

Sincerely,
Garrett Neale

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March 9, 2000

Dear Rep. Cindy Hermes,

They need to put on locks

on guns and in cages, I

feel good to, what you

put them in cages.

Sincerely, Bradley Sincerely,

Bradley

Dear House of Representatives,

My name is Mackenzie Dikeman and I go to Wanamaker Elementary School. I am 12 years old and am in the 6th grade. You're probably wondering what this letter is about. Well, I would like you, the House of Representatives, to make a law to have gunlocks on all guns. We, the people of Kansas, need to use common sense, and not get involved with guns. My parents taught me as a little girl that guns are always loaded. (even if they weren't) I knew where my dad's guns were but I don't and won't get them out. Please consider the following.

While my class and I were in the counselor's room, we were discussing gun safety and whether or not we were scared to come to school because of the weapons that could be easily brought. Of course there were different answers, but a lot of people said yes, we are scared to come to school. I was one of those people. Our counselor is Sherryl Longhofer. (She is an excellent teacher and counselor.) Mrs. Longhofer was telling us about the little kids. She asked them to draw pictures of what came to mind when they thought of children with guns. It turned out that there was a little kid with a gun in his hand with smoke coming out and another little kid lying on the ground with blood on him/her. I think that is sad that these little minds could imagine this. None of these young people need to be dying. It isn't fair to them or their families. I really hope that you will pass this law for the innocent souls that don't deserve dying. If you don't, thank you for reading this note anyways.

Sincerely,

Mackenzie Dikeman

Mackenzie Dikeman

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Dear Rep. Hermes,

We don't like drugs and guns because they kill and hurt people badly. We wish guns would have safety locks on them because if a little kid could get a hold of one they could kill someone else or even themselves. You all know out there that we hate guns and drugs. If we don't take good care of our kids they could grow up to be a bad person. For example like that little boy who was only six years old shot the little girl who did nothing wrong, but he only wanted to scare her. His uncle had to go to jail for what he had done wrong, which was leaving a gun even stolen laying around for him to get a hold of. These kids can grow up in bad places like this one like the little boy did around drugs and guns. We'd all hate for your little or even big kid to get shot because it would not be fair to them or you as their parent. I don't like it when I turn the channel to 27 and seeing that a little girl died today because she was innocent. I know how much you and I love little kids, but it is not our fault. It would be theirs because they have to take responsibility for their actions just anyone else would have to. I know we are much older than they are and understand more, but that is no reason for them to carry a gun with and take someone else's life. This is the reason we need to have safety locks on guns and keep them put away until needed. The kids don't need to know what guns are until they absolutely have to because if so they would want to play with them as a toy. So, this is our explanation why we don't want guns and drugs near us.

Sincerely,

Kylie and Melanie

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Dear Mrs. Hermes,

I think that there should be safety locks on all guns. Just think of your kid going to school and one of his or her classmates brought a gun to school. What chance does your child have of staying alive if the kid goes trigger happy?

One other thing. Why do you parents even (if they have a gun) have the gun where your child can even get their hands on it? If you have a gun, either put it in a case with a **lock**, or put it in a place where your children can't find it.

Keep Kansas Safe!

Thanks a lot.

Drew Stratman

Killing

*Saving
Lives*

Dear Cindy Hermes,

Thursday March 16th
2006

I am writing you today, because I want to tell you how I feel about you passing a law to have safety locks on All guns. I feel very strongly about having that law passed because, I think just knowing that my life could be in danger, just because I go to school. For all I know, maybe tomorrow some body could show up at my school with a gun and shoot me. Now in my opinion, and probably many other people's opinion, does that thought make you want to send your child to school or go to school, knowing that someone could pull out a gun at you, or your children and kill them, but that could all be changed, if just one law could be passed. I'm not saying it will help, all over the U.S.A., but at least in Kansas. How would you feel if you have a policeman call you and tell you that your child is dead, just by one pull of a trigger, one movement. You then probably think, that could of changed, it didn't have to happen if just one law was passed, the law to have safety locks on guns. How would you feel, if knowing your child's life could have been saved, by just a passing of a law. Or, in another position you could get a call from a police officer asking you to come to the police station because your

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over →
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son or daughter has taken or stolen a gun from you and went and killed someone at their school, or any where else, maybe that little girl or boys life could have been saved, if just one law was passed, one! In either situation lives could have been saved if just, one law was passed. But after the shooting and killing is done, it's too late. Then that's the only time you think what you could have done to save this person's life. Now, maybe after all of these killings that have been going on, maybe now something can change, maybe now we can start thinking about saving lives, and have the feeling of knowing we can go to school without worry, and you can feel protection inside your self. That's all I need to say, use your best judgement. Do we keep having killing going on in this world or can we feel safe and save lives? It's up to you. Thank you

"It's only you kill,
and it's an accident
there is still a price
& consequence to pay"

Sincerely,
Alexandra
Banaban

"Choose your
best judgement"

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!! not !!

Dear Cindy Hermes,

Please pass the law about having safety locks on guns. These guns are killing many people every year. We want this to be a nice community not bad. Think of people dying at a young age and never knowing what they are going to be. You never know it could be your kid being killed and how sad you are going to be. Or it could be the child being the one who is killing another person. Soon this community is going to be very sad. Not many people listen to kids and only listen to adults. Just because were kids shouldn't we be heard, because what if it is one of us being killed? It is sad to see a kid walking down the hall and all of a sudden you get shot and now you're dead. Don't Do this to People. Also they could get seriously injured.

What if there was child in the area you live in he/she came to play with your kids and he/she brought a gun with him/her. The safety

lock was NOT on, and the
gun went off and your child
gets killed or injured very
badly! How would you feel?
Just think about it. Just think
about listening to kids because
they're the ones who are
suffering.

Sincerely,
Lindsay Eshelman
Ding Watson



Kathleen Sebelius
Commissioner of Insurance
Kansas Insurance Department

TO: House Committee on Federal and State Affairs
FROM: Linda J. De Coursey, Director of Government Affairs
RE: HB 3016 – Illegal storage of a firearm
DATE: March 20, 2000

Mr. Chairman and members of the committee:

Thank you for allowing me the opportunity to discuss HB 3016. I would like to present information from the perspective of health costs, particularly because many costs are paid by taxpayers. I recently read that “..if recent trends were to continue, deaths from firearms would become the leading cause of death by the year 2003.....”. It appears to be time to implement some type of law to help curb this trend.

In August of 1999, The Journal of the American Medical Association (JAMA) published a sobering article on “The Medical Costs of Gunshot Injuries in the United States”. This study looked at the cost of treating gunshot injuries and the financial burden imposed on society. Estimates of such costs are relevant to evaluation of gun violence reduction programs and may help guide reimbursement policies. Stated in an earlier 1997 JAMA report, laws passed in states (12 states at the time) that made gun owners responsible for storing firearms in a manner that are inaccessible to children actually saw reduction (23%) in the unintentional shooting deaths.

The objective of the JAMA 1999 study was to develop reliable U. S. estimates of the medical costs of treating gunshot injuries and to present national estimates for the sources of payment for treating these injuries. Cost analysis used E-coded discharge data from hospitals in

Maryland (1994-95); New York (1994); and South Carolina (1997). The main outcome measures estimate national acute-care and follow-up treatment costs and payment sources for gunshot injuries. The mean medical cost per injury was \$17,000. The 134,445 gunshot injuries in the U. S. in 1994 produced \$2.3 billion in lifetime medical costs, of which \$1.1 billion (49%) was paid by U. S. taxpayers. Gunshot injuries due to assaults accounted for 74% of total costs. The conclusions of the report were that gunshot injury costs represent a substantial burden to the medical care system. Nearly half of this cost is borne by U. S. taxpayers.

In the 1999 JAMA report, Government programs were primary payers for 40% to 50% of hospitalized gunshot injury cases. Private insurance is the primary payer in 18% of hospitalized cases.

The American Academy of Pediatricians put national figures into perspective. They compared the current gun epidemic with other epidemics found in the U. S. The experience with polio provides one example. In 1952, about 3,000 Americans died of polio. In 1995, 5,300 children died of firearm injuries, and 36,000 Americans died of firearm injuries. In 1952, 20,000 people were paralyzed from polio. Similarly, 20,000 people were paralyzed by a bullet from a gun. And, this source also states that we spent fewer health promotion dollars to reduce the number of death and injuries from firearms than were spent on polio research during the height of that epidemic.

Mr. Chairman and members of the committee, this is not a gun control issue. It is a major public health issue. As discussed earlier in my testimony, the JAMA discussed the impact in reducing unintentional shooting deaths for those states having passed laws that made gun owners responsible for storing firearms in a manner that makes them inaccessible to children. Perhaps Kansas can be part of the efforts necessary to turn around the national trends

that would cause deaths from firearms and prevent it from becoming a leading cause of death for children by year 2003.

We would encourage your endeavors in making Kansas a safer state for children by passing HB 3016. Passage of this bill would also be instrumental in turning around the health care costs due to gunshot injuries and deaths being borne by the government, private insurance, and ultimately, the taxpayers.

**KANSAS
PUBLIC
HEALTH
ASSOCIATION, INC.**

KANSAS PUBLIC HEALTH ASSOCIATION, INC.

AFFILIATED WITH THE AMERICAN PUBLIC HEALTH ASSOCIATION

215 S.E. 8TH AVENUE

TOPEKA, KANSAS 66603-3906

PHONE: 785-233-3103 FAX: 785-233-3439

E-MAIL: kpha@networksplus.net

To: House Committee on Federal and State Affairs
From: Sally Finney, Executive Director
Re: Testimony on HB 3016
Date: March 20, 2000

Thank you for allowing me to appear before you today on behalf of the members of the Kansas Public Health Association to ask your support of HB 3016. This proposal the result of a nearly year-long effort lead by KPHA that included participation of a variety of statewide organizations, including the Kansas State Nurses' Association, the American Academy of Pediatrics-Kansas Chapter, and the Kansas Safe Kids Coalition.

This measure is not about whether or not Americans have the right to own firearms. We do. I myself am a gun owner. HB 3016 is about responsible gun ownership.

The United States Constitution guarantees my right to own a refrigerator. Our society has chosen to exercise its right to reduce the risk of suffocation to children who might find my refrigerator to be an attractive nuisance. If I discard that refrigerator and leave it unguarded in an area where it might be accessible to a child, I must restrict access by

1. placing a lock on the door;
2. using a chain and padlock to keep the door shut; or
3. removing the door.

In proposing HB 3016, we are asking that you acknowledge that an unguarded firearm is at least as attractive to a child as a discarded refrigerator.

Thousands of children die in this country each year from unintentional gun injuries. Eighty-six percent of the child gun deaths in the world occur in the United States. I have attached to my testimony some Kansas-specific information showing that accidental injury and death from firearms is not just someone else's problem; it is a Kansas problem.

Simply stated, **HB 3016 addresses the need for gun owners who have children in their homes to store their guns in such a way as to reduce the chances of unintentional injury and death to those children.** How does it do this? By making it harder for children to gain unsupervised access to any guns that might be in a home. To do this, the bill gives gun owners four options:

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1. use a child safety lock;
2. use a locking device manufactured as part of the gun;
3. lock the gun in a locked box; or
4. lock the ammunition apart from the unloaded gun.

Child Access Prevention laws save lives. A study published in 1997 in the *Journal of the American Medical Association* reviewed child death records in 12 states that had CAP laws in place between 1990 and 1995. **The study concluded that CAP laws prevented shooting deaths in children younger than 15 years in those states.** Seventeen states have enacted CAP laws, and three more are currently considering doing so.

If we lived in a world where all we needed to do to keep our children safe was to tell them not to touch a gun unless an adult is present, there would be no need to ask you to consider passage of Child Access Prevention legislation. On behalf of the members of the Kansas Public Health Association, I ask you to recognize that "just say 'don't touch'" does not work and to support HB 3016.

**KANSAS
PUBLIC
HEALTH
ASSOCIATION, INC.**

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States with Child Access Prevention Laws

(Shown with date of enactment of law. List current as of 3/9/2000)

California (1991)
Connecticut (1990)
Delaware (1994)
Florida (1989)
Hawaii (1992)
Illinois (1999)
Iowa (1990)
Maryland (1992)
Massachusetts (1998)
Minnesota (1993)
Nevada (1991)
New Jersey (1991)
North Carolina (1993)
Rhode Island (1995)
Texas (1995)
Virginia (1991)
Wisconsin (1991)

Legislation is currently under consideration in Georgia, Ohio, and Washington.

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Unintentional Firearm Injury and Child Access Prevention Law Fact Sheet

Injury and Death

- 21 Kansas children under the age of 19 years were **hospitalized** for the treatment of gun-related injuries from 1994 through 1997; 3 were under the age of 15 years. **Note: this does not include emergency room admissions as there is no central data collection point for this information in Kansas.** (source: Kansas Hospital Association hospital admission data)
- 23 Kansas children ages 14 and under died from unintentional firearm injury from 1990 through 1995. (source: KDHE Vital Statistics, 1990-1995)
- Firearms are responsible for nearly 1 in 4 injury deaths in Kansas (source: KDHE Vital Statistics, 1990-1995)
- The highest risk group in Kansas is males between the ages of 15 and 24. (source: KDHE Vital Statistics, 1994)
- In Kansas and the US, firearm-related homicide death rates have significantly increased since 1989. (The Kansas rate has risen faster than the US rate. (source: Centers for Disease Control and Prevention, 1989-1995 data)

Cost

- Lifetime average medical costs for a child hospitalized with a non-fatal gunshot wound exceed \$27,000 per child.
- Annual costs of gunshot wounds of children ages 0-14 are \$7 billion in the US, including \$3.5 billion for unintentional injury.

Child Access Prevention Laws

- **Safe storage laws protect children.** A study of 12 states that had Child Access Prevention laws in place between 1990 and 1995 concluded that such laws prevent shooting deaths among children younger than 15 years. (source: *Journal of the American Medical Association*, 1997)
- 16 states now have Child Access Prevention laws in place.



**THE LEAGUE
OF WOMEN VOTERS
OF KANSAS**

Testimony before the
House Committee on Federal and State Affairs
concerning HB 3016 on gun safety

March 20, 2000

Chairman Powell and members of the committee, I am Edward Rowe, one of several volunteer lobbyists for the League of Women Voters of Kansas.

The League adopts local, state, and national positions in a democratic, grass-roots manner. Safety is League's primary concern on gun issues, as indicated in the opening of our national position statement:

"The League of Women Voters of the United States believes that the proliferation of handguns . . . in the United States is a major health and safety threat to its citizens."

I thank Representative Hermes for introducing HB 3016. My reading is that it comes down on the side of common-sense safety rules. It sends the message that if you have young kids in the home you should keep your handgun locked up where they can't reach it or keep the ammunition locked up and separate from the gun. I remember talking to a police officer one time, and he told me that the first thing he did when he came home to his young family was to take off his holster and lock up his service pistol.

When I was young I spent my share of time on Boy Scout, high school ROTC, and military target ranges. The most powerful figure on all these was a no-nonsense Range Safety Officer, who was totally intolerant of even the smallest infraction of any safety rule. There were elaborate and redundant procedures for making sure all weapons were unloaded before you left the firing line.

My concern for gun safety with young kids comes partly from that discipline I learned on the range but even more from a gun accident from the same period of my life. After my first year in college I was able to obtain a summer job as an orderly in a small hospital. Late that summer a nineteen-year-old patient was brought in. His six-year-old brother had been handling an "unloaded" .22 caliber pistol when it discharged, hitting the nineteen-year-old in the side. Our physicians were hopeful at first that they could stop his internal bleeding and that he would recover, but he gradually worsened. Our surgeons operated but were unable to find the source of the bleeding and were forced to close the incision when they concluded in frustration that they were doing more harm than good. We on the staff felt helpless as we watched his condition worsen, and he died a week after he was brought in. I'm here to tell you that the whole hospital community took this death as a harrowing defeat by as we watched this tragedy unfold for the two young men and their family.

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SAFE STATE

BEFORE THE HOUSE FEDERAL AND STATE
AFFAIRS COMMITTEE

REP. TONY POWELL, CHAIR

Board

TESTIMONY IN SUPPORT OF H.B. 3016 - SAFE
STORAGE OF FIREARMS

Kelly Johnston
Chairperson

Elizabeth Baker
Pat Cameron
Matt Greene
Ivonne Goldstein
Liz Hicks
E.L. Lee Kinch
Dr. Manfred Menking
The Rev. Sam Muyskens
Karen O'Connor
Peg Vines

Community Liaisons

Rodney Nitz
Carolyn Weinholt
Saline County

Eleanor Harris
Johnson County

The Hon. Don Smith(Ret.)
Ford County

Honorary Board

John Bell
Deacon Ron Ealey
Linda Weir-Engren
Connie Gamm
Gary Gamm
The Rev. Tyrone Gordon
Carol Konek, Ph.D.
Carol Rupe
Ellen Samuelson
Bob Scott
Virginia White
Margalec Wright

According to the National Safe Kids Campaign, unintentional shootings account for more than 20% of all firearm-related fatalities among children ages 14 and under and have become more common as the availability of firearms has increased. In 1997 alone, 142 children ages 14 and under died in the United States from unintentional shootings - nearly 12 children a month, one child every 2.5 days. Each year, an estimated 1500 children ages 14 and under are treated in hospital emergency rooms for unintentional firearm-related injuries, and 38% of these injuries are severe enough to require hospitalization. Americans possess nearly 200 million firearms, including 65 million handguns. An estimated 40% of all homes in the United States have some type of firearm, and one in four homes has a handgun. A gun in the home is rarely used for protection, is likely to be loaded and unlocked, and is 43 times more likely to kill a family member or friend than to be used in self-defense.

Manifestly, exposure to guns and access to loaded firearms increases the risk of unintentional firearm-related death and injury to children. Unrealistic perceptions of children's capabilities and behavioral tendencies with regard to handguns are common, including misunderstanding a child's ability to gain access to and fire a gun; distinguish between real and toy guns; make good judgments about handling a gun and consistently follow rules about gun safety. Important steps in preventing unintentional firearm-related death and injury among children are to promote the safe storage of firearms in the home and to reduce their availability and accessibility. In order to achieve this goal, Safe State supports passage of H.B. 3016, which will make it a crime to leave loaded weapons, or unloaded weapons and unlocked ammunition, around the home where it can be located and accessed by a child.

Support Home Rule - Oppose Concealed

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Important facts to know about childhood shooting deaths are as follows:

- Nearly all childhood unintentional shooting deaths occur in or around the home. Fifty percent occur in the home of a friend or relative.
- Most childhood unintentional shooting deaths involve guns that have been kept loaded and accessible to children and occur when children play with loaded guns.
- It is estimated that 3.3 million children in the United States live in households with firearms that are always or sometimes kept loaded and unlocked.
- One-third to one-half of all firearm owners keep firearms loaded and ready to use at least some of the time. In one recent study of parents of children ages 4 to 12, more than half of gun-owning parents reported storing a firearm loaded or unlocked in their home.
- Unintentional shootings among children most often occur when children are unsupervised and out of school. These shootings tend to occur in the late afternoon, during the weekend, and during the summer months (June to August) and the holiday season (November to December).
- More than 70% of unintentional firearm shootings involve handguns. Rural areas have higher rates of firearm ownership and unintentional firearm-related injuries than urban areas. Shootings in rural areas are more likely to occur with a rifle or shotgun.
- African-American children ages 14 and under have an unintentional shooting death rate that is more than twice that of Caucasian children.
- Nearly two-thirds of parents with school-age children who keep a gun in the home believe that the firearm is safe from their children. However, one study found that when a gun was in the home, 75 - 80% of first and second graders knew where the gun was kept.
- Generally, before age 8, children cannot reliably distinguish between real and toy guns or fully understand the consequences of their actions.
- Children as young as age 3 are strong enough to pull the trigger of many of the handguns available in the U.S.

- According to a study by The Journal of the American Medical Association, state child access prevention laws save lives and reduce unintentional deaths of children by firearms by an average of 23 percent. The study demonstrated that these laws are particularly effective in protecting children younger than age 10.
- In the first year following passage of Florida's child access prevention law, unintentional firearm fatalities among children ages 14 and under declined by more than 50 percent. Currently, 17 states have enacted Child Access Prevention (CAP) laws, which may hold adults criminally liable for failure to either store loaded firearms in a place inaccessible to children or use safety devices to lock guns.
- According to the Centers for Disease Control, the rate of firearm death of children 0 - 14 years old is nearly 12 times higher in the U.S. than in 25 other industrialized nations combined.
- Over 6000 students were expelled in 1996-97 in the U.S. for bringing guns to school.
- In 1996, more than 1300 children aged 10 - 19 committed suicide with firearms. Unlike suicide attempts using other methods, suicide attempts with a gun are nearly always fatal, meaning that a temporarily depressed teenager will never get a second chance at life.
- The firearm injury epidemic, due largely to handgun injuries, is ten times larger than the polio epidemic of the first half of this century.

Unfortunately, Kansas families also experience the tragedy of unintentional shootings of children. Included herewith are newspaper clippings about five such tragedies that occurred in 1995 and 1996, as an example. Recently, a Brown County Deputy, Todd Widman, was shot and killed with a handgun stolen by a Buffalo, New York, teenager from his police lieutenant father. Many, many of these deaths and injuries could have been prevented by gun owners if they would safely store their weapons and ammunition.

H.B. 3016 proposes to make it a misdemeanor offense (or a felony, if an injury occurs because of violation of the law) for gun owners to act irresponsibly with respect to the storage of lethal weapons. Passage of H.B. 3016 will establish minimum-levels of gun safety responsibility with which all gun owners will be expected to comply. Laws and regulations already "on the books" require medicine bottles to be manufactured with child-proof caps,

parents to transport young children in automobiles in child safety seats, and toys not to be manufactured with small buttons that can be detached and accidentally swallowed. Because 11 children died in 1999 by suffocating inside locked car trunks, all major car manufacturers are now installing interior trunk latches. We should give equal care and concern to mandating that parents and other gun owners store their lethal weapons in a manner that will guarantee the safety of children in their homes.

On "This Week" with Sam Donaldson and Cokie Roberts on Mar. 12, 2000, Wayne LaPierre, Executive Director of the National Rifle Association, stated that the NRA supports the criminal prosecution of grossly negligent adults who allow their unsecured firearms to cause injury to children. On the same news show, it was announced that a recent poll revealed that 75% of Americans believe that an adult should be charged with a crime if a child for whom they are responsible acquires their gun and kills someone. Safe State submits that passage of H.B. 3016 will save lives, will be overwhelmingly supported by the electorate, and will not impact the state budget. Kansas needs to do more to protect our children from unintentional firearm shootings, and this is the way to do it.

KELLY W. JOHNSTON
CHAIR, SAFE STATE

Testimony of Lori Thomas, RN

before the:

Kansas House Committee on Federal and State Affairs

Chairperson: Representative Tony Powell

in support of

H.B. 3016, Child Access Prevention Law

Monday March 20, 2000

Lori Thomas is an emergency department nurse 22 years and injury prevention community educator with the Center for Childhood Safety, Children's Mercy Hospital, Kansas City, Missouri

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Good morning members of the committee and thank-you for the opportunity to offer a few words of support for HB 3016: The Child Access Prevention Law.

My name is Lori Thomas and I am a pediatric emergency room nurse and run a firearm injury prevention program at the Center for Childhood Safety at the Children's Mercy Hospital.

Being a practicing nurse, I am going to approach this legislative question somewhat as if I would approach a patient coming to me with a specific complaint. This approach boils down to answering three basic questions: 1) What is the problem? 2) Is there something that can be done about the problem (e.g.: a treatment)? 3) Will the treatment do more harm than good?

First, what is the problem?

In August of 1998, a 1-year-old child presented to the Children's Mercy emergency department with a gunshot wound to the chest. He was, as we say in the ER, "a trauma code", requiring CPR to maintain his pulse. Despite heroic saves often depicted on television - we rarely in real life can save these children, and this child was no exception. He died in the ER of his chest wound. The child, as it turned out, was shot by his six year old cousin who found a loaded, unlocked handgun in a bag on his living floor containing the Nintendo controls. Unfortunately, this case does not represent a rare "accident"

In 1997, 97 Kansas individuals less than 25 years of age died of a gunshot wound. The U.S. ranks internationally, as a leader in unintentional childhood gunshot wounds. In a study of childhood firearm injury death in 26 industrialized nations, the United States ranked #1. Of the 1,107 children less than 15 years of age who died of a gunshot wound

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in the 26 countries, 86% occurred in the United States. The rates of unintentional firearm deaths for the U.S. children less than 15 years of age were 9 times higher than the other 25 countries and for those less than five years, rates were 15 times higher.

Yet despite these impressive statistics guns are quite common in a child's environment: in fact 43% of homes in the U.S. with children have at least one gun, and an alarming one in four keep their gun loaded and/or unlocked.

Second, Is there something that can be done about it?

It is clear individuals must be responsible and lock their guns up. But for whatever reason they don't do it. Why they don't is not always clear but it may be a combination of having the weapon available for protection when needed, or a belief that "my child know's better, I taught him or her never to touch or go near the gun. Unfortunately the words, "how could this have happened, he knew better" are words we hear daily in the emergency department with regard to a variety of childhood injuries - be they swallowing medicine they shouldn't have, not buckling up on the way to a football game and yes, gunshot wounds. It is myth that educational programs directed solely at children are reliable ways to prevent these tragedies from occurring. Reasons for their lack of effectiveness is that they are contrary to what we know about the normal development characteristics of children. By their very natures, small children are curious and teenagers are impulsive. Children and unlocked, loaded guns in the environment is a recipe for disaster, even, sometimes when the child has been properly educated. I have seen cases where a school-age child has been taught "gun safety" by parents or other organizations, and have shot their friend or sibling because when they cocked the gun no bullet casing came out so they assumed the gun was unloaded. Consequently some of the children

died from their injuries and some have lived. The family units of these children will never be the same. In greater Kansas City, we have responded to this problem with an educational program aimed at adults. As pediatric health care providers we realize that the responsibility for safeguarding children is with the adults. Not to say that educating children of dangers is not important but it is up to adults to keep kids and guns separated. We are proud to say that we have reached over 7,500 people in urban, suburban and rural areas in Kansas and Missouri in the past year with the singular message of safe storage. Nevertheless, education is not enough.

Now what do we know of the effects of Child Access Prevention (CAP) laws which you are considering today. Since 1989, 17 states have passed laws that make gun owners criminally liable if someone is injured because a child gains unsupervised access to a gun. How do these laws impact childhood firearm injuries? A study published in the Journal of the American Medical Association in 1997 provides compelling evidence that CAP laws work by reducing accidental deaths of children by an average of 23%. The study also demonstrates that these laws are particularly effective when the laws that make unsafe storage a felony rather than a misdemeanor.

Third question: will the solution do more harm than good?

I for one do not want government in my life more than necessary, but as we know, laws are often necessary for safeguarding the welfare of the people, especially children. The legislation at hand is no different than that that created laws requiring child proof caps on medicine bottles, the use of child passenger safety seats and prohibiting intoxicated persons from driving an automobile. Sometimes a little government in our life is a good and even necessary thing.

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In conclusion I submit to you that yes, there is a problem - a costly one in terms of lives lost, disability and dollars spent; (approximately \$27,000 per injured child) that there is a reasonable treatment -- something we (you) can do about; and the treatment will do an immense amount of good. The experience of other communities has taught us that if we really want to get serious about the problem of unintentional firearm injuries we need to take a pro-active stance and institute this child firearm access prevention measure. The nurses in our emergency room will continue to educate but we need your help. I respectfully ask that you do not pass up this opportunity to save the lives of our state's children and support HB 3016.

1997 Kansas Deaths and Rates Per 100,000
Firearm Suicide
E955.0 - E955.4

Age Group	Total		Male		Female	
	Deaths	Rate	Deaths	Rate	Deaths	Rate
00-04	0	0.00	0	0.00	0	0.00
05-09	0	0.00	0	0.00	0	0.00
10-14	2	1.01	1	0.98	1	1.04
15-19	15	7.42	14	13.46	1	1.02
20-24	11	6.33	11	12.21	0	0.00
25-29	21	12.18	19	21.89	2	2.34
30-34	23	12.53	19	20.58	4	4.39
35-39	16	7.49	13	11.98	3	2.85
40-44	14	6.68	12	11.33	2	1.93
45-49	9	5.09	8	9.11	1	1.12
50-54	12	8.55	10	14.52	2	2.80
55-59	8	7.30	6	11.33	2	3.53
60-64	6	6.18	6	12.85	0	0.00
65-69	15	16.12	12	28.20	3	5.94
70-74	8	9.36	8	20.85	0	0.00
75-79	8	10.96	8	26.71	0	0.00
80-84	11	21.43	11	58.45	0	0.00
85+	3	6.16	3	21.61	0	0.00
Total	182	7.01	161	12.60	21	1.59
Age-Adj		6.58		11.76		1.62

1996 Kansas Deaths and Rates Per 100,000
Firearm Suicide
E955.0 - E955.4

Age Group	Total		Male		Female	
	Deaths	Rate	Deaths	Rate	Deaths	Rate
00-04	0	0.00	0	0.00	0	0.00
05-09	0	0.00	0	0.00	0	0.00
10-14	2	1.00	2	1.95	0	0.00
15-19	20	10.21	18	17.86	2	2.10
20-24	17	9.99	16	18.10	1	1.22
25-29	16	9.25	12	13.77	4	4.66
30-34	15	7.86	10	10.41	5	5.28
35-39	23	10.76	20	18.42	3	2.85
40-44	28	13.75	24	23.34	4	3.97
45-49	14	8.03	11	12.72	3	3.42
50-54	8	6.25	8	12.77	0	0.00
55-59	5	4.71	5	9.76	0	0.00
60-64	8	8.22	5	10.71	3	5.93
65-69	11	11.62	10	23.04	1	1.95
70-74	7	8.02	6	15.40	1	2.07
75-79	10	14.00	10	34.38	0	0.00
80-84	14	27.72	14	75.62	0	0.00
85+	7	14.59	6	44.26	1	2.91
Total	205	7.97	177	13.98	28	2.14
Age-Adj		7.22		12.54		2.11

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1997 Kansas Deaths and Rates Per 100,000
Firearm-Related
E922, E955.0-.4, E965.0-.4, E970, E985.0-.4

Age Group	Total		Male		Female	
	Deaths	Rate	Deaths	Rate	Deaths	Rate
00-04	1	0.56	1	1.08	0	0.00
05-09	1	0.53	1	1.04	0	0.00
10-14	6	3.03	5	4.90	1	1.04
15-19	45	22.26	41	39.41	4	4.08
20-24	38	21.88	34	37.73	4	4.79
25-29	29	16.82	26	29.95	3	3.50
30-34	42	22.89	33	35.74	9	9.87
35-39	23	10.77	20	18.43	3	2.85
40-44	23	10.98	19	17.95	4	3.86
45-49	13	7.35	12	13.66	1	1.12
50-54	16	11.40	12	17.43	4	5.59
55-59	10	9.12	7	13.22	3	5.29
60-64	7	7.20	6	12.85	1	1.98
65-69	17	18.27	13	30.55	4	7.92
70-74	9	10.52	9	23.45	0	0.00
75-79	8	10.96	8	26.71	0	0.00
80-84	12	23.38	12	63.76	0	0.00
85+	4	8.21	3	21.61	1	2.87
Total	304	11.72	262	20.51	42	3.19
Age-Adj		11.85		20.40		3.35

1996 Kansas Deaths and Rates Per 100,000
Firearm-Related
E922, E955.0-.4, E965.0-.4, E970, E985.0-.4

Age Group	Total		Male		Female	
	Deaths	Rate	Deaths	Rate	Deaths	Rate
00-04	1	0.55	1	1.08	0	0.00
05-09	0	0.00	0	0.00	0	0.00
10-14	7	3.51	6	5.84	1	1.04
15-19	46	23.49	41	40.68	5	5.26
20-24	38	22.32	31	35.06	7	8.55
25-29	33	19.07	29	33.27	4	4.66
30-34	32	16.78	27	28.12	5	5.28
35-39	33	15.44	27	24.86	6	5.70
40-44	37	18.18	32	31.12	5	4.96
45-49	20	11.48	15	17.34	5	5.70
50-54	11	8.60	11	17.55	0	0.00
55-59	6	5.65	5	9.76	1	1.82
60-64	10	10.28	6	12.85	4	7.90
65-69	14	14.79	13	29.95	1	1.95
70-74	7	8.02	6	15.40	1	2.07
75-79	10	14.00	10	34.38	0	0.00
80-84	14	27.72	14	75.62	0	0.00
85+	7	14.59	6	44.26	1	2.91
Total	326	12.67	280	22.11	46	3.52
Age-Adj		12.53		21.45		3.71

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March 20, 2000

Honorable Members of the House Federal and State Affairs Committee:

Thank you for allowing me to speak to you today. I speak in opposition to HB 3016, the trigger lock bill.

I have three main reasons for opposing HB 3016. First, the bill addresses issues already covered in Kansas law. K.S.A. § 21-4204a and 21-4203 deal with criminal possession of a firearm by a juvenile, and transfer of a firearm to a juvenile, respectively. Second, HB 3016 refuses to recognize that firearms have a place for self defense or defense of property under certain circumstances, and that minors have the right to use them for these purposes also. Third, and finally, HB 3016 creates a strict liability felony if a juvenile uses a firearm and someone is injured, regardless of whether the firearm was otherwise lawfully used.

K.S.A. § 21-4203 prevents transferring handguns to minors. This should address situations such as the tragedy that occurred in Michigan, where the seven year old boy found a handgun in the pile of blankets in the crack house where he was living. K.S.A. § 21-4204a prevents handgun possession by a juvenile, except for certain circumstances, which include licensed hunting, hunter's safety training, competition shooting, or possession on family property for chores or self defense. A significant problem with HB 3016 is that it requires guns on a farm to be locked up if there are minors in the household, and that it prevents those same minors from using a firearm to shoot wild dogs, humanely dispatch injured animals, or defend the homestead while there alone for fear of prosecution. HB 3016 contains none of the normal exceptions for usage of a firearm that have existed in Kansas law for some time.

Despite the fact that the family farm is a dying institution, many of you probably grew up on a farm or know someone who did. My father grew up on a farm in Western Kansas. As a boy he learned how to safely use a rifle and a shotgun for various purposes, including protecting the homestead from wild animals. While I grew up in the city, my father was not opposed to me being exposed to rifle and shotgun usage as a boy when we visited relatives who still lived in rural areas. HB 3016 sets a standard that will be unworkable on the Kansas family farms of today.

Perhaps the worst part of HB 3016 is that it creates a strict liability felony for self defense use of a firearm by a minor. Every year, thousands of people use firearms for self defense in a completely lawful manner. Some of those people are minors. If a Kansas youth is home alone and is attacked, the otherwise legal act of self defense will be a strict liability, level five felony if the attacker is wounded. This is unacceptable because that youth will then face the decision between her life and a felony conviction. I can not think of anything worse for the children of this state.

In closing, I urge your opposition to HB 3016. I will be available for questions at your request.

Respectfully,


Scott G. Hatrup

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