Approved: April 10, 2002
Date

MINUTES OF THE HOUSE FEDERAL & STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairperson Doug Mays at 1:40 p.m. on February 26, 2002 in Room 313-S of the Capitol.

All members were present except: Representative John Edmonds, Excused
Representative Tony Powell, Excused

Committee staff present: Mary Torrence, Revisor of Statutes
Russell Mills, Legislative Research Analyst
Shelia Pearman, Committee Secretary

Conferees appearing before the committee: Representative Mary Cook
Carla Mahany, Planned Parenthood, Kansas & Mid-Missouri
Barbara Duke, Kansas Choice Alliance
Representative David Huff
Representative Gerry Ray
Joan Bowman, Lenexa Mayor
Sue Wiens, President of Whispering Hills Home Association
Clint Riley, Kansas Department of Wildlife & Parks (KDWP)
Debbie Bielanski, Selective Service System, Region III
Colonel Adam King, Adjutant General's Office

Others attending: See attached list

Without objection, bill was introduced as requested by Representative Ruff revising Open Records Act to correspondence between members of the governing body of a political or taxing subdivision. [HB 3005]

Chairman Mays re-opened the hearing on **HB 2797 - Unborn victims of violence act.**
Representative Cook emphasized the Unborn Victims of Violence Act is necessary because a pregnant woman presents two living human beings who can be crime victims. (Attachment #1) In March 2001, the Journal of American Medical Association revealed that pregnant women are often the targets of violence specifically because they are pregnant.

Ms. Duke opposed **HB 2797** citing it is an attempt to undermine women's reproductive freedom.(Attachment #2) She also requested her opposition to **HB 3000** be noted and referenced her submitted testimony.

Ms. Mahany opposed **HB 2797** citing Kansas's attempt to redefine conception is unrecognized by the American Medical Association or the American College of Obstetricians and Gynecologists (ACOG). She referenced a statement in the ACOG dictionary: "The standardization of terms and definition is essential to communication and reporting in all branches of medicine." She also emphasized the Supreme Court's decision in *Roe v. Wade* ruled the word "person" as used in the Fourteenth Amendment does not include the unborn. She submitted supporting testimony which opposed S.480/H.R. 503 (Attachment #3)
The hearing on **HB 2797** was closed.

Chairman Mays opened the hearing on **HB 2816 - Sport shooting ranges; regulation of.**
Representative Huff sponsored this bill which would restore local control to a city or county. He urged the committee to support **HB 2816** because this statute causes cities particular concern by establishing special treatment for a special land use, exempting it from the city's exercise of its police powers in regulating inherently dangerous and harsh land use and departed from the basic foundation of local home rule. (Attachment #4)

Representative Ray expressed her concern that 2001's legislation permits shooting ranges to be unregulated by local governments and urged the committee to provide local regulatory power for protection of its residents and their property. (Attachment #5)

Mayor Bowman expressed opposition to **HB 2816** due to this new legislation effectively permits many gun clubs to operate without any noise, regulation, and while doing so, be immune from suit.(Attachment #6) She also cited a prohibition on the use of eminent domain on property that has a permanently located shooting range when such use for which the property to be taken would be used fro shooting related activities, recreational activities, or for private or commercial development.

Ms. Jacquot clarified the legislation's history which was heard as **HB 2558** but was amended as **SB 180** before signed as law. (Attachment #7) She stated this repeal is provides return to local governance the ability to deal with specific business that cause a safety or health issue. She views this as unnecessary legislation and urged the committee to remove a law which permits nuisances that may adversely affect the health, safety or welfare of the public.

Ms. Wiens expressed her support for **HB 2816** as representative fore 200+ residents in the association because of the long term coexistence no local control over their operation. No rules and regulations have been provided to the association. Her primary concern is with removal of local authority and controls due to the 2001 revision to K.A.R. 115-22-1, the peaceful coexistence which has existed for numerous years could easily change with a potential change in the shooting range's administration.(Attachment #8)

Mr. Riley rose in opposition of **HB 2816** due to supporting last year's legislation however he emphasized the issue of home rule is not being addressed by his agency. (Attachment #9) He expressed the need to provide shooting ranges and hunting opportunities for public recreation. Following three public meetings, Wildlife and Parks Department drafted regulations which were adopted and published in the Kansas Register and news releases as with all other notifications. Mr. Riley informed the committee of the complaint process and the Department's review of generally accepted operating practices. Because the Department was unaware this legislation was specifically addressing the Lenexa situation, he will forward the regulations to both the Mayor's office and the Home Association.

Representative Wilson informed the committee a shooting range in the City of Pittsburg was closed due to zoning issues. He asked for clarification regarding hunting preserves which Mr. Riley stated are not clearly defined in relation to this proposed legislation.

Representative Ruff provided operating hours to the committee Tuesdays 10 a.m.-10 p.m. Friday 10 a.m.-9 p.m. and Saturday/Sunday 10 a.m. - 5 p.m. Representative Cox noted that during the past 10 years no one has appeared from a shooting range to testify and emphasized that local control is vital important to maintain. The hearing on **HB 2816** was closed.

Chairman Mays opened the hearing on HB 2823 - Driver's licenses or identification cards, selective service requirements. Representative Cook stated the National Guard requested this legislation and acknowledged Mr. Ernest Garcia, National Guard State Director in the audience.

Ms. Bielanski urged the committee to support this legislation so that our military remains strong and prepared. When registration was instituted by President Carter in 1980, the Selective Service System has been registering. She clarified all males between 18 and 26 are required to register with no additional windows of opportunity to register later in life, thus would not qualify for federal educational funding, job training and other programs. She stated only 74 percent of Kansas males currently register by their within 30 days of their eighteenth birthday. Similar legislation has already been passed by fifteen states with other states currently reviewing this legislation. She clarified that federal law does not require females to register. (Attachment #10)

Colonel King clarified that the Adjutant General's office did not sponsor this bill because it will have no statutory responsibility upon the department. A three-person detachment within the State is charged with implementing the draft should it ever be required.

Ms. Walker stated her department already has cooperative agreement to provide bi-annual updates to the Selective Service, therefore she expects a minimal amount of additional time/costs in order to meet requirements. (Attachment #11)
The hearing on **HB 2823** was closed.

Representative Cook moved that the committee recommend HB 2823 favorable for passage. Representative Williams seconded the motion. The motion passed with Representative Cox requested to be recorded in opposition.

Chairman Mays requested attention to **HB 2195 - Cereal malt beverages; sale of, Sundays**.
Representative Benlon moved that the committee recommend HB 2195 favorable for passage. Representative Cox seconded the motion. The motion failed.

The committee meeting adjourned at 3:08 p.m. The next scheduled meeting is March 6, 2002.

HOUSE FEDERAL & STATE AFFAIRS COMMITTEE GUEST LIST

DATE 2/26/02

NAME	REPRESENTING
Barbara Duke	Ks Choice Alliance
Sandy Jacquot	LKM
Pat Pittman	City of Seneca
Marlene Nadeli	City of Olathe
Rep Gerry Ray	
Cathy Nanda	
[illegible]	Ks 2nd Amendment Soc
Dean Williams	KS Motor Carriers Assoc.
Sheila Walker	KDOR-DMV
Jerry Campbell	KASR
Tom Burgess	ICSA - NRA

TESTIMONY IN SUPPORT OF HB 2797
UNBORN VICTIMS OF VIOLENCE
BY REPRESENTATIVE MARY PILCHER COOK
February 25, 2002

Mr. Chairman and Honorable Committee Members:

The words we use, including the words we use in our laws, reveal our understanding of reality. Our resolve to respect truth shows up in our willingness to insist on using the right names for things, especially for our children's well being. Still, one side of the debate is forced to play semantic games, despite the conviction of mothers everywhere that the child they lovingly carry is a human person entitled to their maternal love.

It is absurd that Planned Parenthood and NOW are willing to take a position that even "wanted" children aren't children until they are born. The proud claim of the right to decide who is human, and who is not, is evil. It is self-evident that human beings do not have the power to make or unmake the dignity of our fellow man according to their arbitrary will.

Around March 21st of last year, a study published in the Journal of the American Medical Association revealed that pregnant women are often the targets of violence specifically because they are pregnant. The results prove the need for the Unborn Victims of Violence Act. The homicide rate was considerably lower for non-pregnant women, even after taking into consideration age and race.

A jury convicted a man by the last name of Bullock in Little Rock, Arkansas. He was convicted of capital murder for hiring others to beat up his pregnant girlfriend and kill her unborn child. In the closing arguments, prosecutors told jurors that Bullock was a controlling man who feared Pace's pregnancy would disrupt his relationship with another woman. The baby was stillborn, after Pace was taken to an emergency room with a lacerated spleen, fractured wrist, broken finger and numerous bruises and cuts. This is just one of the many cases of violence against pregnant woman

Criminal penalties should follow crimes and crime victims. A criminal murdering a mother and an infant in her arms commits two crimes. It is plainly false and morally twisted to say he commits only one crime had he murdered the same two individuals a few months earlier. The child is simply in the mother's womb instead of in her arms. Two crimes should receive two punishments.

Planned Parenthood and NOW might like to know that according to a standard medical text, "The Unborn Patient: The Art and Science of Fetal Development" (W.B. Saunders, 2001) the fetus is an individual patient, and to be considered as such "as much a patient as any other patient."

This is not a radical bill. It is a common sense bill.

Abortion advocates should strongly support this bill if they are truly "pro-choice". The Supreme Court that created the abortion right in 1973 held in 1977 that choosing not to have an abortion is "at least as fundamental" as choosing to have one. Violent criminals who injure or kill a pre-born child interfere with a woman's choice. Supporting a woman who makes that choice means supporting penalties against those who criminally interfere with it. Prosecuting the attacker affirms the woman's right to give birth a choice just as significant as terminating a pregnancy.

The U.S. Supreme Court in Webster vs. Reproductive Health Services (1989) did not object to a Missouri law that confers on the "unborn child at every stage of its development all the rights, privileges and immunities available to other persons" provided, said the Supreme Court, that Missouri did not use the law to restrict abortions.

On July 25, 2000, the House voted 417-0 for the Innocent Child Protection Act to deny federal funds for executing a pregnant woman. The bill defined a "child in utero" as "a member of the species Homo sapiens, at any stage of development, who is carried in the womb." How perverse it would be to say a child must be protected when a criminal mother is to be executed, but does not need to be protected when the innocent mother is attacked by a criminal.

The Unborn Victims of Violence Act tells the truth. A pregnant woman presents two living human beings who can be crime victims. Treating those victims correctly may very well create moral conflict between the right of an abortionist to kill a child and the crime of an attacker to kill that same child. So it is. But to say differently, and perpetuate the fraud, suppresses both truth and morality. Letting criminals get away with murder does not solve that problem. Letting criminals get away with murder because you don't want to call an unborn child an unborn child is extremism.

Thank you Mr. Chairman and committee members. I will stand for questions.

House Fed. &
State Affairs
Date 2/26/02
Attachment No. 1
Page 1 of 1

Kansas Choice Alliance

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Members:

Aid for Women
American Association of University Women - Baldwin Branch
American Association of University Women – Kansas
American Civil Liberties Union of Kansas and Western Missouri
Greater Kansas City Women's Political Caucus
Jewish Community Relations Bureau/ American Jewish Committee
Kansas Religious Leaders for Choice
KU Pro-Choice Coalition
League of Women Voters of Johnson County
League of Women Voters of Kansas
MAINstream Coalition
Mo-Kan Choice Coalition
National Council of Jewish Women, Greater Kansas City Section
National Organization for Women, Johnson/Wyandotte Counties Chapter
National Organization for Women, Kansas Chapter
National Organization for Women, Lawrence Chapter
Planned Parenthood of Kansas & Mid-Missouri
Pro-Family Catholics for Choice
Wichita Choice Alliance
Wichita Family Planning
Women's Health Care Services
YWCA of Wichita

MAJORITY for CHOICE
Kansas Choice Alliance

House Federal and State Affairs Committee: Testimony In Opposition to H.B. 2797 the" Unborn Victims of Violence Act'

February 25, 2002

Submitted by Barbara Duke on behalf of the Kansas Choice Alliance (785-749-0786)

Chairman Mays and members of the House Federal and State Affairs Committee:

Thank you for this opportunity to speak on behalf of the members of the Kansas Choice Alliance in opposition to H.B. 2797, called the Unborn Victims of Violence Act.

H.B. 2797 would enshrine in law the concept of "fetal rights" equal to but separate and distinct from the rights of pregnant women. The bill would elevate the status of a fetus, embryo, fertilized egg or other so-called "unborn child" to that of an adult human being or "person" in Kansas criminal law.

This bill elevates the fetus at the earliest stages of development -- before the woman even knows it exists -- to a status equal to the woman upon whom it is wholly dependent. Yet the exception in the bill for abortion indicates that an aborted fetus is not a person. While the abortion exception avoids immediate conflict with Roe v. Wade, if enacted, H.B. 2797 will open the way for legal challenges. It is an attempt to conceal the true purposes of this act, which is to undermine women's reproductive freedom

We think that no one, not even the most eminent legal scholars, can fully predict the possible consequences of such a drastic change in Kansas law. For that reason alone this bill should not pass.

Thank you for your attention.

Barbara Duke

House Fed. &
State Affairs
Date 2/26/02
Attachment No. 2
Page 1 of 1

Planned Parenthood®

Testimony in opposition to HB 2797 2/25/02
Carla Mahany 913.915.9636

PLANNED PARENTHOOD OPPOSES S. 480/H.R. 503 THE SO-CALLED "UNBORN VICTIMS OF VIOLENCE" ACT

Planned Parenthood Federation of America opposes S. 480/H.R. 503. On its face, this bill creates a penalty for violation of a number of criminal statutes if, in the course of commission of these crimes, an "unborn child" is injured or killed. The dangerous reality of the bill, however, is that it would elevate the legal status of the fetus to that of an adult human being. This is merely the first step toward eroding a woman's right to choose. The loss of a pregnancy is a tragedy, but solutions should be real, not political. H.R. 503 is not the right solution.

S. 480/H.R. 503 Creates Fetal Personhood by Elevating the Status of a Fetus or Zygote

By defining "unborn child" as "a member of the species homo sapiens, at any stage of development, who is carried in the womb," this bill could give separate federal protection to a fertilized egg, embryo or fetus. The criminal sentences provided in this bill for crimes against the "unborn child" would be equal to that which would be imposed had the injury or death been to the woman. This bill elevates the fetus – even an embryo only weeks old, perhaps even before its existence is known to the woman – to a status equal with that of the adult woman who suffers the primary harm, along with the additional harm of losing a wanted pregnancy.

S. 480/H.R. 503 Creates a Tension with *Roe v. Wade*

By recognizing a fertilized egg or a fetus as a person that has separate legal rights equal to that of a woman, this legislation is clearly trying to establish fetal personhood. This creates a tension with the Supreme Court's decision in *Roe v. Wade* where the Court ruled that "the word 'person,' as used in the Fourteenth Amendment, does not include the unborn."

The sponsors of this legislation claim that this bill is not about abortion because it exempts prosecution for legal abortions, medical treatment, and the conduct of women. But, during Committee consideration of this bill in the 106th Congress, the bill's advocates admitted that their true intent is to recognize the existence of a separate legal "person."

States Law Already Addresses Crimes Committed Against Pregnant Women

Almost every state has a statute on the books that addresses criminal conduct that results in harm to a pregnancy. Twenty-seven states punish murder or manslaughter of an "unborn child" as that term is defined in the state law. Fifteen states punish assault, battery, or other harm resulting in injury or death to an "unborn child" as that term is defined in state law. In six states, if a crime committed against a pregnant woman

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results in termination of or harm to a pregnancy, the harm to the pregnancy is an adjunct to the crime or may be used as a sentence enhancement. Only twelve states currently have no laws addressing violence committed against pregnant women that results in termination of or harm to a pregnancy (see attached summary).

S. 480/H.R. 503 Ignores Harm to Women

Nowhere in the bill is the harm to the woman resulting from an involuntary termination of her pregnancy mentioned. In fact, when given the opportunity to vote for a substitute that had the same criminal penalties as the underlying bill but focused on the crime committed against the pregnant woman rather than on the "unborn child," the sponsors voted against it. Violence against women continues to be a significant problem in America – not yet fully addressed by Congress – but this bill does not focus on that problem. Instead, it shifts the focus away from the women who are truly the victims of these crimes.

Planned Parenthood fully supports a woman's right to choose, including a woman's right to choose to carry a pregnancy to term. Because this bill does nothing to protect women and because its clear intent is to create fetal personhood, Planned Parenthood Federation of America opposes H.R. 503. We believe that Congress should adopt a more reasoned approach that would protect all women from violence.

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Planned Parenthood®

Testimony by Gloria Feldt,
President of Planned Parenthood Federation of America
House Subcommittee on the Constitution, Committee on the Judiciary
Hearing on H.R. 503, the Unborn Victims of Violence Act
March 15, 2001

I am Gloria Feldt, and I am president of Planned Parenthood Federation of America, the nation's largest and most trusted provider of reproductive health care and education. Each year, nearly five million women, men, and teenagers receive reproductive health services at the 875 centers operated by the Planned Parenthood network of 129 affiliates, serving communities in 48 states and the District of Columbia.

Planned Parenthood is founded on the belief that every woman should be safe and healthy. For a woman to determine her own destiny requires that she be able to control the timing and extent of her childbearing and the integrity of her own body. The ability to make decisions about childbearing without interference and regardless of geography, economic circumstance, or political considerations, is the most fundamental civil and human right. I am submitting this testimony to the Subcommittee in opposition to the so-called Unborn Victims of Violence Act, H.R. 503, because this bill threatens that right by elevating the legal status of the fetus to that of an adult human being and indeed superior to the woman in some ways.

On its face, H.R. 503 creates a penalty for violation of a number of federal criminal statutes if, in the course of commission of these crimes, an "unborn child" is

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injured or killed. Make no mistake: Planned Parenthood strongly condemns any act of violence that interferes with a woman's choice to carry a pregnancy to term. However, H.R. 503 ignores the woman who will suffer the greatest physical and emotional harm from the commission of the crime, and instead endows the fetus with its own distinct rights. By creating a "separate offense" for injury to the fetus, this bill would for the first time elevate the fetus to a status equal with that of the adult woman who suffers the primary injury, along with the additional harm of losing a wanted pregnancy.

Although the sponsors of H.R. 503 attempt to disguise this bill as protecting wanted pregnancies, it is in truth an attempt by anti-choice lawmakers to erode a woman's right to choose. Not only does this bill treat the woman as separate from her fetus, but it also attempts to make that fetus a distinct legal entity from the moment of conception. By defining "unborn child" as "a member of the species homo sapiens, at any stage of development, who is carried in the womb," this bill could give separate federal protection to a fertilized egg – prior to the establishment of a pregnancy. This sweeping definition of "unborn child" means that an embryo only a few weeks old is protected by federal law – even before its existence is known to the woman. This is in tension with the Supreme Court's decision in *Roe v. Wade* where the Court ruled that "the word 'person,' as used in the Fourteenth Amendment, does not include the unborn." This definition, therefore, is sure to create fertile ground for litigation as courts attempt to determine what constitutes an "unborn child."

Planned Parenthood recognizes that a woman suffers a unique and tragic injury if a wanted pregnancy is harmed or ended by an act of violence. However, the sponsors of this bill do not really care about the women who are the victims of these crimes. They care about the rhetoric. If they did care about these women, the woman – rather than embryos and nonviable fetuses – would be the focus of the bill. If the sponsors cared about these women, they would be advancing legislation aimed at stemming the tide of violence against women and assuring that every child brought into this world is wanted and safe.

Planned Parenthood fully supports a woman's right to choose, including a woman's right to choose to carry a pregnancy to term. The loss of a wanted pregnancy is a tragedy, but solutions to the problems posed by violence against pregnant women should be real, not political. H.R. 503 is not the solution. In fact, it exacerbates the problem of violence against the bodily integrity and legal standing of the woman

Stop Abuse! Not Our Right to Choose.

Statement by Gloria Feldt, President
Planned Parenthood Federation of America

Washington, DC – Domestic violence is a significant problem in this country and Planned Parenthood has always supported legislation that addresses the issues of battered women and children. It is for that reason that I am distressed that this administration feels that they can use the political climate of the country to advance their anti-choice, anti-women agenda.

It is imperative that state and federal legislatures address the issue of violence against women as a serious crime and offer women full protection under the law. Planned Parenthood recognizes the devastating loss to a woman that occurs from the loss of a pregnancy.

Sadly, this legislation is not designed to protect women but to strip women of their right to chose by attaching rights of personhood on an unborn fetus. Nowhere in the bill is harm against women mentioned. In fact, when the House last considered this legislation, Members were given the opportunity to vote for a substitute that had the same criminal penalties but focused on the crime committed against the pregnant woman rather than on the "unborn child," the sponsors voted against it.

The National Coalition against Domestic Violence does not support the bill. They recognize the true intent of the bill and its failure to provide strong federal legislation preventing violent crimes against women and their families.

Violence against women is a very serious problem. Anti-choice Members of Congress should not use it as another way to erode the foundation of Roe v. Wade. We believe that Congress can and should adopt a more reasoned approach that would **truly** protect all women from violence.

Testimony of

Juley Fulcher, Esq., Public Policy Director

National Coalition Against Domestic Violence

before the Constitutional Subcommittee

of the House Committee on the Judiciary

on H.R. 503, the "Unborn Victims of Violence Act of 2001"

15 March 2001

Good morning Mr. Chairman and Members of the Subcommittee. My name is Juley Fulcher and I am the Public Policy Director of the National Coalition Against Domestic Violence (NCADV). On behalf of the Coalition, I thank you for the opportunity to address the concerns of battered women who experience violence during their pregnancies. The National Coalition Against Domestic Violence is a nationwide network of approximately 2,000 domestic violence shelters, programs and individual members working on behalf of battered women and their children. My role here today is to advocate for increased safety for battered women, which in turn will lead to healthier pregnancies and births. Unfortunately, the "Unborn Victims of Violence Act" does NOT provide the protection that battered women need to obtain safety.

Historically, one of the major obstacles to eradicating domestic violence from the lives of women has been the unwillingness of the legal system to treat domestic violence as a serious crime. The hard work of dedicated domestic violence advocates on the front lines has slowly brought about a change in the way we treat the crime of domestic violence. States began toughening laws on domestic violence and enforcing existing laws in the late 1980s. In 1994, Congress gave an important boost to this trend by passing the Violence Against Women Act[(1)] and committing to a federal investment in protecting battered women and their children. As a result, we have seen increased criminal prosecutions of domestic violence nationwide. Last year, Congress recognized the importance continuing and expanding the national campaign against domestic violence by passing the Violence Against Women Act of 2000[(2)] with overwhelming bi-partisan support. It is important that we continue this trend and recognize domestic violence threats, assaults and murders as the serious crimes that they are.

According to a summary of recent studies, between 4% and 8% of all pregnant women in this country are battered by the men in their lives[(3)] with the highest rates of violence being experienced by pregnant adolescents.[(4)] As an attorney representing victims of domestic violence, I have seen the effects of this violence first hand. Several years ago, a client of mine lost a pregnancy due to domestic violence. There was a history of domestic

violence in her case and she had sought assistance several times. While she was 8 months pregnant, her batterer lifted her up in his arms and held her body horizontal to the ground. He then slammed her body to the floor causing her to miscarry. No matter how many stories like this I hear, it never ceases to sicken me. I should note that in this case and others I have worked on, it was clear by the batterer's words and actions that his intent was to cause physical and emotional injury to the woman and establish undeniably his power to control her. We, as a society, are right to want to address this problem and protect women from such a fate. However, our response to the problem should be one that truly protects the pregnant woman by early intervention before such a tragedy occurs.

The "Unborn Victims of Violence Act" is not designed to protect women. The goal of the Act is to create a new cause of action on behalf of the unborn. The result is that the crime committed against a pregnant woman is no longer about the woman victimized by violence. Instead the focus often will be shifted to the impact of that crime on the unborn fetus, once again diverting the attention of the legal system away from domestic violence or other violence against women.

Moreover, passage of the "Unborn Victims of Violence Act" would set a dangerous precedent which could easily lead to statutory changes that could hurt battered women. This bill would, for the first time, federally recognize that the unborn fetus could be the victim of a crime. It would not be a large intellectual leap to expand the notion of unborn fetus as victim to other realms. In fact, some states have already made that leap and, in those states, women have been prosecuted and convicted for acts that infringe on state recognized legal rights of a fetus. While the "Unborn Victims of Violence Act" specifically exempts the mother from prosecution for her own actions with respect to the fetus, it is easy to imagine subsequent legislation that would hold her responsible for injury to the fetus, even for the violence perpetrated on her by her batterer under a "failure to protect" theory. Moreover, a battered woman can be intimidated or pressured by her batterer not to reveal the cause of her miscarriage and, if she is financially or emotionally reliant on her batterer, may be less likely to seek appropriate medical assistance if doing so could result in the prosecution of her batterer for an offense as serious as murder. The long-term public health implications of such a policy would be devastating for victims of domestic violence and all women.

The harmful potential of this bill is, unfortunately, balanced by little or no additional protections for battered women and other women victimized by violence. The vast majority of domestic violence threats, assaults and murders -- like other crimes of violence -- are prosecuted by the states. While there are important federal laws to prosecute interstate domestic violence,[(5)] interstate stalking[(6)] and interstate violation of a protection order,[(7)] these are stop-gap statutes which are appropriately applied in a very small number of cases relative to the incidence of domestic violence nationwide. In fact, the federal domestic violence criminal statutes have been called into play only 130 times in the last six years.[(8)] As the "Unborn Victims of Violence Act" would only apply in federal cases, the change in the law would do little, if anything, to address the crime of domestic violence in our country or other assaults on pregnant women.

On the other hand, federal programming already exists that positively impacts the lives of hundreds of thousands of battered women and their children. Since the original Violence Against Women Act was passed in 1994, we have seen a 21% decrease in intimate partner violence.[9] Unfortunately, available services still do not come close to meeting the needs of victims. In a recent NCADV survey, as many as two-thirds of the victims seeking assistance at domestic violence shelters and programs were turned away last year due to lack of space. Even though Congress passed the Violence Against Women Act of 2000 in October, stepping up the campaign against domestic violence and sexual assault, the Fiscal Year 2001 appropriations for Violence Against Women Act programming fell more than 200 million dollars short of the authorized amounts, with funding for the state formula grants which aid local prosecutions being funded at the lowest level since 1997. Moreover, funding for programs critical to the sustained safety of battered women such as transitional housing received no funding at all. If the United States Congress is serious about protecting women from domestic violence, whether they are pregnant or not, you must fully fund these programs that have already made so much of a difference in the lives of victims nationwide.

I hope you agree with me that the crime of domestic violence is a horrendous one, not only in terms of the physical impact of the violence, but also in terms of its emotional, psychological, social and economic toll upon its victims. Certainly, there can be no doubt that a pregnancy lost due to domestic violence greatly increases that toll on a battered woman. We at the National Coalition Against Domestic Violence wish to fully recognize and respond to that loss. However, the more appropriate means of dealing with this problem with respect to battered women is to provide comprehensive healthcare, safety planning and domestic violence advocacy for victims. This solution would maintain the focus of any criminal prosecution on the intended victim of violence -- the battered woman -- and make an important affirmative step toward providing safety for her. If Congress wishes to protect the pregnancy, the way to do that is by protecting the woman.

Endnotes

1. Public Law 103-322 [H.R. 3355]; September 13, 1994.

2. Public Law 106-386 [H.R. 3244]; October 28, 2000.

3. Gazmararian, Julie A., Petersen, Ruth, Spitz, Alison M., Goodwin, Mary M., Saltzman, Linda E., and Marks, James S., "Violence and Reproductive Health: Current Knowledge and Future Research Directions," *Maternal and Child Health Journal, Vol. 4, No. 2*, 2000.

4. Wiemann, Constance M., Agurcia, Carloyn A., Berenson, Abbey B., Volk, Robert, J. & Rickert, Vaughn I., "Pregnant Adolescents: Experiences and Behaviors Associated with Physical Assault by an Intimate Partner," *Maternal and Child Health Journal, Vol. 4, No. 2*, 2000.

5. 18 *U.S.C.* 2261(a).

6. 18 *U.S.C.* 2261A.

7. 18 *U.S.C.* 2262(a)(1).

8. This number reflects actual indictments under 18 *U.S.C.* 2261, 2261A and 2262 through November, 2000. It does not include the largest category of federal domestic violence prosecutions, those brought under 18 U.S.C. 922(g)(8) - a statute that is not addressed by the "Unborn Victims of Violence Act."

9. Bureau of Justice Statistics: Special Report "Intimate Partner Violence" by Callie Marie Rennison, Ph.D. and Sarah Welchans (BJS Statisticians), May 2000.

Editorial NYT

April 25, 2001

Reproductive Rights Under Attack

Congressional opponents of abortion have no appetite for a direct and politically unpopular assault on Roe v. Wade. So they are pursuing other legislative strategies that would undermine women's reproductive freedom. One of the most deceptive of these schemes is the benign-sounding Unborn Victims of Violence Act, which is expected to come up for a vote in the House this week.

Packaged as a crime-fighting measure unrelated to abortion, the bill is actually aimed at fulfilling a longtime goal of the right-to-life movement. The goal is to enshrine in law the concept of "fetal rights," equal to but separate and distinct from the rights of pregnant women. In essence, the bill would elevate the status of a fetus, embryo or other so- called "unborn child" to that of a "person" by amending the Federal criminal code to add a separate offense for causing death or bodily injury to a "child" who is "in utero." The penalty would be equal to that imposed for injuring the woman herself and would apply from the earliest stage of gestation, whether or not the perpetrator knew of the pregnancy.

The vote this week represents a serious test. An identical bill passed the House last year by a 254-to- 172 vote, and its present sponsors are plainly hoping the arrival of a new anti-choice administration will help gain passage this time around in the Senate.

Violence against women that results in compromising a pregnancy is a terrible crime. It may well deserve stiffer penalties, which some states have already imposed. But the bill's sponsors are more interested in furthering a political agenda than in preventing and punishing criminal conduct. Lawmakers who care for Roe v. Wade have no business voting for this disingenuous legislation.

STATE OF KANSAS

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TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
MEMBER: BUSINESS, COMMERCE, & LABOR
TRANSPORTATION
LOCAL GOVERNMENT
GOV. ORGANIZATION AND ELECTIONS

HB 2816 - Range Repealer

Thank you Chairman Mays, Vice Chair Hutchins, Ranking Member Rehorn and fellow legislators. Thank you for hearing HB 2816.

HB 2816 is a repealer bill. This is a bill that would restore local control to a city or county. Last year SB 180 granted special land use rights to shooting ranges. This was a very bad piece of legislation of questionable constitutionality. First of all let me say this is not a city versus a gun ranger or the NRA. I am a member of the National Rifle Association and like most of the programs of this fine organization. This is a situation of taking by the state of Kansas local control from a well run city. Last year's amendment on SB 180 impedes local governments responsibility to ensure the proper and orderly growth and development of a city and county. This bill gives shooting ranges special treatment not afforded to any other businesses. This statute encourages other special interest groups to seek similar protections. The amendment that went on to SB 180 is a strong departure from the basic foundation of local home rule. This legislation was unnecessary. There has been no showing that cities abuse their land use powers with regards to sports and shooting ranges.

In the 52 year history of the 84 acre Powder Creek Shooting Park there has never been a serious dispute between the city or nearby residents in Lenexa.

This statute causes cities particular concern because it establishes special treatment for a special land use, exempting it from the city's exercise of its police powers in regulating inherently dangerous and harsh land use. Mr. Chairman, you have several proponents on HB 2816 and I would like to differ my questioning until after everyone has had a chance to testify on this important bill.

Thank you. Representative David Huff

STATE OF KANSAS

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HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
CHAIRMAN: LOCAL GOVERNMENT
MEMBER: ETHICS & ELECTIONS
K-12 EDUCATION
KANSAS FUTURES

February 25, 2002

HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

HEARING ON HB 2816

TESTIMONY OF REPRESENTATIVE GERRY RAY

Mr. Chairman, members of the Committee, thank you for holding a hearing on HB2816 and providing an opportunity to present testimony.

When Representative Huff and I decided to introduce HB2816 we were aware that repealing the law passed in 2001, removing the authority of local governments to regulate shooting ranges would be difficult to say the least.

My motivation came from wanting to tell the "rest of the story". The bill last year was touted as a bill to protect shooting ranges from being put out of business by local officials. Thus the debate lined up the pro-gun and the anti-gun people to battle it out.

The 2001 bill had much less to do with firearms than it did with the authority of elected officials to regulate businesses within their jurisdictions. Currently cities and counties cannot just decide a business is no longer acceptable in a certain area, and close it down. Businesses are "grand fathered" and thus protected from such actions. However, the local governments are allowed to regulate all businesses – with the exception now of shooting ranges. My question is what will be the next business the state will decide should not be under the regulatory authority of local elected officials. Will it be chemical plants, adult bookstores, riding stables – the list is endless! The purpose of regulatory power is to protect the residents and the investment they have in their property.

I would urge you to consider HB2816 not as a gun/no gun bill but rather from the viewpoint that local regulatory power is a protection for the residents and the investment they have in their property. The bill passed in 2001 establishes poor public policy and should be repealed.

Thank you again.

Representative Gerry Ray

House Fed. &
State Affairs
Date 2/26/02
Attachment No. 5
Page 1 of 1

Proponent

TESTIMONY BEFORE THE KANSAS HOUSE OF REPRESENTATIVES FEDERAL AND STATE AFFAIRS COMMITTEE

HB No. 2816

Presented by Joan Bowman, Mayor of the city of Lenexa, Kansas and President of the League of Kansas Municipalities

Honorable Representative Mays and Committee Members:

The City of Lenexa strongly supports HB No. 2816 repealing legislation adopted in the last days of the 2001 Legislative Session with a floor amendment to an unrelated Parks & Wildlife bill and codified at K.S.A. 58-3221 through 58-3225. As you are aware, the legislation you are being asked to repeal essentially grandfathers sport shooting ranges from any state or local regulation from both an operational and land use perspective. The newly adopted legislation causes the City particular concern because it establishes special treatment for a specific land use, exempting it from the city's exercise of its police powers in regulating inherently dangerous and harsh uses. What is to preclude other special interest groups and land uses from seeking similar protections? The newly adopted legislation is a strong departure from the basic foundation upon which Home Rule is established. The Kansas Legislature has long recognized the importance of the constitutionally granted home rule powers to cities.

This new legislation effectively permits many gun clubs to operate without any noise regulation, and while doing so, be immune from suit. The noise at the property line associated with gun clubs can be significant and routinely exceeds permitted and safe noise levels. Government is charged with exercising its police powers to provide for the public order, peace, health, safety, welfare and morals. Cities routinely adopt zoning regulations, including performance standards addressing noise, odor, vibration, light levels, landscaping, etc. in an effort to protect the general health and safety of the public. To permit a land use, such as a gun club, to operate without any noise regulation, would be potentially detrimental to citizens' health. Landowners currently have protection from arbitrary or capriciously applied municipal regulation, but what rights and protection do local citizens have from this type of legislation?

Moreover, pursuant to the other provisions of this new legislation, the operation could intensify and even expand its current operation, thereby increasing the existing noise level, and still be afforded immunity from suit. Some may argue that surrounding residences, established after the gun club, knowingly assumed the risk of such noise. The City would argue that at a minimum, these residents

were entitled to rely upon the City's noise standards and regulatory authority at the time they purchased their homes.

The new legislation also runs directly contrary to the common law doctrine that embraces the gradual elimination of nonconforming uses. Well established law provides that the original nature and purpose of a nonconforming use must remain unchanged. Thus, an operation constituting a nonconforming use cannot be expanded as of right.

Finally, the new legislation also includes a prohibition on the use of eminent domain on property that has a permanently located shooting range when such use for which the property to be taken would be used for shooting related activities, recreational activities, or for private or commercial development. Any legislation that precludes the ability of local government to exercise its powers of eminent domain for a public purpose should be avoided. The eminent domain procedures act as set out in Chapter 26 of the State Statutes, establishes the parameters in which local government can use its eminent domain powers, including payment for the land taken. Eminent domain is necessary for the City to ensure the proper and orderly growth and development of a City or County.

The City respectfully requests the Committee approve SB 2816 to repeal the existing legislation with respect to sport shooting ranges.

LKM
League of Kansas Municipalities

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TO: House Federal and State Affairs Committee

FROM: Sandra Jacquot, Director of Law/Legal Counsel

DATE: February 26, 2002

RE: HB 2816

Thank you for allowing the League this opportunity to testify in support of HB 2816. This bill would repeal the law passed during the last Legislative session providing protection for sport shooting ranges. The League testified in opposition to this measure last year and the bill failed to move through the committee process. The provisions, however, were attached to a House Wildlife and Parks cleanup bill late in the session on the Senate side and the House concurred on the amendment. Thus, without full debate, this bill became law.

To summarize, the League opposed this law because of its preemptive nature and the fact that it contradicts typical nuisance law that had been in place in Kansas since statehood. The current law now allows 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. This was an unwise piece of legislation. In addition, the legislation was unnecessary. The purported reason for the law was to protect a shooting range in Lenexa from closure by the city. Lenexa Mayor Joan Bowman, however, indicated in a recent Wall Street Journal article that the city was not trying to close the range. In fact, the National Rifle Association could not point to any range in the country that had been closed by a local governmental entity. In response to the Kansas situation, the NRA simple stated that it wanted to go ahead and pass these types of laws as preventative measures.

We hope that the Committee concludes that it is not in the best interests of the public to keep a law on the books that allows nuisances that may adversely affect the health, safety or welfare of the public. We urge the Committee to report HB 2816 favorably for passage.

Bulletproof

Shooting Ranges Gain Special Protections Thanks to Gun Lobby

NRA's Stealth Campaign Leaves Jangled Neighbors With No Legal Recourse

Sen. O'Connor's Secret Plan

By JOSEPH T. HALLINAN
Staff Reporter of THE WALL STREET JOURNAL

The tranquility of country life ended for Leroy Clayton when a shooting range opened in 1998 on the farm next to his in eastern Georgia. "Sounds like Afghanistan," Mr. Clayton says.

But when the 66-year-old barber tried taking the range to court—arguing that the noise rendered his farm unliveable—he made a startling discovery: The Georgia Legislature had recently passed a law shielding shooting ranges from noise-related litigation. And the push to do so had come from the headquarters of the National Rifle Association.

It is rare for any industry to receive such sweeping legislative protection from civil litigation. But since 1994, the NRA has gone from state to state waging an extraordinary and little-noticed campaign to win broad safeguards for the shooting-range industry. In seven years, the number of states adopting these range-protection laws has surged to 44 from eight. Now the NRA vows to focus on the six remaining states: Delaware, Hawaii, Minnesota, New Mexico, Nebraska and Washington.

Leroy Clayton

The laws offer shooting ranges wide, and in some cases unprecedented, protection from legal action arising from noise—a complaint that has been used effectively to close or limit some ranges in the past. In Georgia, for instance, the law provides that "no sport shooting range ... shall be subject to any action for civil or criminal liability, damages, abatement, or injunctive relief resulting from or relating to noise generated by the operation of the range."

The NRA says the laws are necessary because growing suburbs are crowding out long-established ranges, leaving gun owners with fewer places to practice. Some ranges have also been hit with complaints about lead pollution from spent ammunition. With fewer training grounds, participation in shooting sports would almost certainly decline, threatening future NRA membership.

The NRA effort has attracted little attention because in many states, sponsoring legislators have used parliamentary stealth to get bills passed. In Kansas, for instance, State Sen. Kay O'Connor quietly tacked a range-protection amendment onto a seemingly unrelated measure so late in the legislative process that public debate on the amendment was effectively precluded. Her plan was so secret, she says, "I didn't even tell my husband."

Local Resentment

But as local officials become aware of the laws, resentment is building. The legislation, these officials say, has effectively stripped them of their zoning power, leaving them unable to control gun clubs. "They could exceed the safe noise levels as determined by medical experts, and there's not a doggone thing we can do about it," says City Attorney Cindy Harmison in Lenexa, Kan., in Sen. O'Connor's district.

The NRA is unapologetic. In many cases, "ranges [were] being shut down for no reason other than people just didn't like them," says Randy Kozuch, the NRA's director of state and local affairs. "We saw this happening in an alarming number of states."

Asked to provide an example of a range forced to close, Mr. Kozuch says he can't think of any. The National Association of Shooting Ranges, in Newtown, Conn., doesn't track the number of ranges in the U.S., but the trade group's chief executive, Bob Delfay, says the figure appears to be rising rather than falling. In the last five years—the same period during which legislatures have been granting the industry protection—the number of inquiries to the association from parties interested in building new shooting ranges has quadrupled, to roughly 1,200 a year, Mr. Delfay says.

Still, in the mid-1990s, the NRA intensified its state-level lobbying for range-protection laws, pumping money into state political races. "I made that one of my biggest priorities," Mr. Kozuch says.

Potent Lobby

The NRA, with four million members nationwide and deep reservoirs of cash for campaign contributions, has long been considered one of the most potent lobbying organizations in American politics. But its influence in Washington appeared to wane during the Clinton administration, as a number of highly publicized school shootings damped public support for the organization's pro-gun agenda. In the late 1990s, a number of cities filed lawsuits against firearm manufacturers, seeking to hold them liable for the public costs of gun violence.

During this time, the NRA redoubled its efforts in state capitals, contributing large sums to candidates for state office. In many states, the group sought legislation protecting gun makers from municipal suits or shielding shooting ranges from

Please Turn to Page A8, Column 1

NRA Helps Shooting Ranges Gain Special Protections

Continued From First Page

legal actions concerning noise—or both.

Among the beneficiaries was Kansas's Sen. O'Connor, a first-term senator who won election in 2000. After Sen. O'Connor herself, the NRA was her campaign's biggest contributor, according to the National Institute on Money in State Politics, a not-for-profit group based in Helena, Mont. The NRA contributed $1,500 to the senator's campaign, the institute said.

Sen. O'Connor says she sponsored the NRA-supported bill last year in part to save the Powder Creek Shooting Park in Lenexa, which is a thriving suburb of Kansas City.

That was news to the people who run Powder Creek. "We didn't know anything about it," says Roger Turner, chairman of the board of the Kansas Field and Gun Dog Association, which has owned and operated the park since it opened in 1949. Lenexa Mayor Joan Bowman says no one was trying to close the range. Of the legislation by her fellow Republican, Sen. O'Connor, Mayor Bowman says simply: "It was a bill for which there was no need."

The NRA's Mr. Kozuch says: "In many states there may not have been problems. But it was best just to go ahead and get it passed as a preventative-maintenance measure."

Fragmented Industry

The shooting-range industry is fragmented, consisting of thousands of mostly mom-and-pop operators. The number of Americans who practice target shooting has jumped 40% in the last five years, to 15.4 million in 2000, according to the National Shooting Sports Foundation, a parent trade group of the range association that is also based in Newtown, Conn.

Shooting ranges belong to that category of enterprises—along with landfills and live-music clubs—that are despised as neighbors, even by their own customers. Tom Dean, a 71-year-old retiree, avid hunter and NRA member since the 1950s, loved shooting ranges until one opened next to his spread near Sunny Side, Ga., 30 miles south of Atlanta.

Soon, he says, lead pellets rained down on his property. His concern wasn't only safety. Shotguns—often the weapon of choice at shooting ranges—aren't dangerous much beyond 300 yards. But the noise "is atrocious," he says.

Unaware of the NRA's role, Mr. Dean—who so admired the organization [illegible]

bers for Christmas—wrote the NRA a letter. The NRA sided with the range. The NRA's Mr. Kozuch even mailed out fliers urging Georgia NRA members to help protect the facility from "a small group of vocal activists," including Mr. Dean. The whole ordeal, says Mr. Dean, has left him disillusioned, souring his love not only for shooting but also for the NRA. "It's almost like having a fight with your mama," says Mr. Dean, who ultimately decided not to sue.

Robert Jenkins

Two hundred miles away, in the town of Millen, Ga., near the South Carolina border, Mr. Clayton took a more aggressive tack. In 1976, he and his wife had bought 32 acres off of Honey Ridge Road, a sandy lane that winds through pastureland and pine. "It was just a peaceful setting," says Mr. Clayton. Now, says Mrs. Clayton, it's "Hatfields and the McCoys."

One afternoon, Mr. Clayton sits with his doors and windows shut tight against the winter cold. His home features a gun rack and the head of a 10-point buck. He shakes his head at the sound of gunfire next door. "I'm a Baptist, and I'm not supposed to hate people," he says. "But I've just had it with those people."

"Those people" are the Jenkins family: Mabel, Robert and their son, Robert Jr. They run Hanging Rocks Plantation, a 5,000-acre preserve for hunters and sporting-clays shooters. In sporting clays, participants move from station to station, taking shots at clay targets that are launched in ways designed to mimic the movements of birds and small game. In the last 10 years it has been one of the fastest-growing shooting sports in America.

Like many such businesses, Hanging Rocks caters to wealthy shooters. There's an airstrip nearby suitable for jets. "If you want to come in on a Lear, we'll pick you up," says Mr. Jenkins, 39 years old.

With the shooting-range portion of Hanging Rocks located near his property, Mr. Clayton says he suddenly felt as if he were living in a war zone. The noise was so loud, he says, it even woke his nine-month old grandson. He decided to sue.

[illegible]

Sen. Don Cheeks had introduced a measure to protect shooting ranges. Sen. Cheeks says he did so after a group whose name he can't remember "started fussing" about one of the ranges where the senator shoots from time to time. Rather than wait for a problem to happen, says Sen. Cheeks, he thought, "I may as well go ahead and protect Georgia now."

The NRA's Mr. Kozuch, who is from Georgia, says the effort began when he personally contacted Sen. Cheeks about introducing such legislation. "I actually worked on that myself," says Mr. Kozuch, who lobbied leaders of both houses of the Legislature.

'True Friend'

It wasn't a hard sell. Georgia is an NRA stronghold. The group claims about 120,000 members there and is highly influential in state politics. Sen. Cheeks, for instance, says he has belonged to the group for much of his life. Georgia's then-governor, Zell Miller, won re-election after being hailed by the group as "a true friend."

Sen. Cheeks's bill passed the Georgia Senate by a nearly 3-to-1 margin, and Gov. Miller signed it into law a few months later, a year before Mr. Jenkins opened his sporting-clays course.

The Georgia law, like those in other states, offers one qualification: A range must comply with local noise restrictions "on the date on which it commenced operation." This condition is generally easy to meet, since most ranges either opened decades ago—before noise ordinances were in vogue—or have opened in rural locations where no noise restrictions exist.

When Mr. Clayton's case went to trial, the judge granted him a partial victory, ruling in March 2000 that the shooting range had to close on Sundays. This didn't sit well with Mr. Jenkins. "If you ain't gonna shoot on Sundays, you might as well not be running it to start with," he says. He appealed his case to the Georgia Supreme Court, where he was represented by a lawyer paid $5,000 by the NRA's Civil Rights Defense Fund.

Mr. Clayton, by now running out of money, represented himself and lost. The highest court in Georgia, in a unanimous ruling last year, cited the state law pushed by the NRA. In a brief decision, it noted that Jenkins County has no noise ordinance. Therefore, Hanging Rocks couldn't violate a noise ordinance that didn't exist.

As state legislatures reconvene for the new year, the NRA is preparing to push for shooting-range measures in the remaining six states that don't already have it, says Mr. Kozuch.

February 27, 2002

Honorable Representative Mays and Committee Members:

I am Susan Wiens, President of the Whispering Hills Homes Association Board of Directors and as such represent the 200+ residents of our development. I live at 21011 Bittersweet Drive, Lenexa, Kansas. Whispering Hills is an upscale residential community bordering a sport shooting range. My family and I have lived in Whispering Hills for close to 30 years. My husband served for many years on the Monticello Township Zoning Board, long before this area was incorporated as part of Lenexa. The "gun club", as we have called it, was a concern then and has been part of our environment all these years.

Through the years questions and concerns have surfaced regarding the gun club—bullets striking homes which border the perimeters of the Club, the possibility of ricocheting bullets, increased noise levels, the increase in gun size allowed on the ranges, lead content of the soil--to name a few. These issues have been addressed by the governing entity at the time and the "gun club" has been made to comply.

While we have found the noise aggravating and clearly a nuisance at times, we have chosen to stay here because of the beauty of the area with its trees, streams and natural wildlife. Even though the noise pollution has increased through the years we have felt secure knowing that the operation of the gun club was under the watchful eye of our local governing entity—first township, then county, and next city—ensuring our peaceful co-existence. With the passing of the legislation last year removing this local oversight, our sense of security has been destroyed and I seriously question whether it is possible to enjoy the same quality of relationship now.

We thoroughly recognize that this "gun club" was operating before our area was developed; however, major expansion has occurred since Whispering Hills was established. Sure, our residents bought their homes knowing there was a "gun club", but they also bought knowing that it was governed by local authority. Now, with all local authority and controls being removed we are just waiting for something disastrous to happen. The noise level could intensify drastically; the operation could expand endangering our residents and we, as homeowners have no recourse. I have had contact with the officers of the gun club and they have made every effort to address our concerns. But officers change, policies change and with no local control, their assurances are simply statements with no guarantee of compliance.

The legislation that passed last year removing local control over sport shooting ranges was wrong. We strongly support House Bill # 2816 repealing this legislation to right this wrong. Please restore the balance that was in place all these years and allow the return of home rule powers by approving HB 2816.

Respectfully,

Susan F. Wiens

Susan F. Wiens, President
Whispering Hills Homes Association Board of Director

House Fed. & State Affairs
Date 2/26/02
Attachment No. 8
Page 1 of 1

STATE OF KANSAS
DEPARTMENT OF WILDLIFE & PARKS
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HOUSE BILL NO. 2816

Testimony Provided to
House Committee on Federal and State Affairs
February 26, 2002

In the Department of Wildlife and Park's role to provide outdoor recreation in Kansas, including safe and responsible hunting opportunities, the continued availability of shooting ranges for public use is critical. The department believes the legislation passed by the 2001 Kansas Legislature is a viable step to help ensure the future availability of safe shooting ranges. Consequently, our department opposes the passage of HB 2816, which would repeal that legislation.

As a result of shooting range protection legislation passed last year, the Wildlife and Parks Commission approved new K.A.R. 115-22-1. This regulation fulfilled the statutory requirement that the department adopt regulations establishing "generally accepted operating practices" for sport shooting ranges. To do so, the regulation refers to the appropriate portions of the National Rifle Association Range Manual, as we believe was contemplated by the statute. The Commission received public comment on the proposed regulation at its meetings in June and August before approving the regulation at a public hearing on October 25, 2001. The regulation became effective on December 7, 2002.

As both the state's general population and the hunting constituency become more urban, the demand for recreational and competitive shooting facilities increases. In addition to the use of live-fire as part of a hunter education curriculum, all hunters must search for safe facilities to hone their shooting skills prior to hunting seasons. Without safe and adequate facilities to shoot, they may use inappropriate areas, and we are aware of informal "shooting ranges" on some public lands. We also know that many unsafe shooting scenarios occur on private land with no regulation. Appropriate and legal shooting ranges are simply in the best interests of all outdoor recreationists, including all public lands users.

For all of these reasons, our department supported last year's legislation as a mechanism to address safe range operation and long-term viability of shooting range facilities. Consequently, we oppose the current proposed legislation that would repeal those statutes.

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Remarks by Deborah N. Bielanski
Selective Service System, Region III Operations Manager
Before the /Federal and State Affairs Committee
Kansas House of Representatives; February 26, 2002

Chairman Mays and the Members of your Committee, I thank you for the privilege of appearing before you. I am Debby Bielanski, Operations Manager for Selective Service System Region III, located in Denver Colorado. Today, I represent and bring greetings from the Hon. Alfred Rascon, Director of SSS and Medal of Honor recipient. I am here to provide expert testimony in support of House Bill 2823. With this bill, you have an opportunity to give added emphasis, real meaning, and urgently needed support to an important Federal program that is a key element of national security strategy. And this is especially important these days. America must remain prepared to employ all necessary resources in our fight against terrorism.

That said, let me reassure you that the Selective Service System is not now in the draft business. The last draft ended more than 28 years ago. Today, as it has been since its inception 60 years ago, the Selective Service System is in the national defense readiness business. We are also in the fairness and equity business, and that means we are in the people business. So HB 2823 is not about reinstating the draft...it is about being ready for the uncertainty of war. It is also about guaranteeing future peace through strength and readiness. It's about underwriting our society's future. And it's about helping Kansas's youth accept responsibility, and do what's right.

Here are some facts to consider. Although there is no draft, our nation must be capable of conducting one if needed for the war on terrorism or for homeland defense. Thus, prudence dictates (and Federal law demands) that men must still register with Selective Service at age 18. They can register late, but not once they reach age 26. Registration preserves the vital links between our all-volunteer force and society at large. It shows the world that we aim to stay strong, and that we expect our youth to be responsible as the generations before them have been. It also demonstrates to the men and women in our all-volunteer military that the general population stands behind them, ready to serve if the crisis at hand makes a draft necessary.

Some of you may have draft age sons or sons-in-law, 18 through 25 years old, or sons approaching draft age. I hope you share my sentiment that, if a draft is necessary, we want the young men in our lives to be subject to the most fair, most equitable draft in our Nation's history. In this regard, the degree to which a draft can be fair and equitable in wartime is directly related to today's registration compliance in peacetime. Every man not registered increases a law-abiding registrant's chances — perhaps your sons' chances — of being drafted. Furthermore, under Federal law, if a man fails to perform his civic and legal registration duty, he makes himself ineligible for Federally-backed student loans and grants, jobs with the U.S. Government, vocational job training, and, if he is an immigrant seeking citizenship, it will be denied by INS if he hasn't registered with the SSS.

And so, registration is vitally important to both the security of our nation and the futures of our state's young men. Yet, despite its criticality, compliance statistics in any other states are troublesome. Kansas currently ranks 37th among all 56 states and

territories, when registration compliance of men who reached age 20 in 2001 is measured. However, only 74 percent of the 18-year-old Kansas men are registering on-time—within 30 days of their 18th birthdays—as the law requires and the remaining 26 percent of Kansas's young men are currently not registering on time, which will hinder the fairness of any future Kansas draft.

One thing is certain. Enactment of H.B. 2823 will cure this problem. As we have discovered in many other states, Driver's License laws in support of SSS registration make the registration process easier for all men in the state and skyrocket the compliance statistics to nearly 100 percent. What's more, these laws cost the states almost nothing!

To date, we are grateful to 14 states, the District of Columbia, and the Commonwealth of the Northern Mariana Islands for enacting this type of legislation, and just last week the Wisconsin bill was passed and is now awaiting the signature of its Governor to become law and our 15th state. We would be delighted if Kansas adds itself to that growing list of states. By conditioning an application for a Driver's License or State I.D. card to registration compliance, you send a powerful reminder to the young men in Kansas, and keep them eligible for programs and benefits funded by federal and state tax dollars. HB 2823 will make registration of Kansas's young men almost automatic and help preserve a strong and ready America.

On behalf of the men and women of the Selective Service System here in Kansas and throughout America, and our Director, Alfred Rascon, I want to thank Representative Mary Cook for sponsoring the bill, and each of you for giving it your consideration.

###

STATE OF KANSAS
Bill [illegible], Governor

DEPARTMENT OF REVENUE
Stephen S. Richards, [illegible]etary

Sheila J. Walker, Director
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Division of Vehicles

MEMORANDUM

TO: Chairman Doug Mays
Members of the House Federal & State Affairs Committee

FROM: Sheila J. Walker, Director of Vehicles Sheila J. Walker

DATE: February 26, 2002

SUBJECT: House Bill 2823 – Selective Service

Mr. Chairman, members of the Committee, I am Sheila Walker, Director of the Kansas Division of Vehicles. I want to thank you for the opportunity to provide written testimony today regarding House Bill 2823.

To obtain a Kansas driver's license or identification card (ID card), House Bill 2823 requires male applicants between the ages of 18 and 26 to be registered in compliance with the requirements of the Military Selective Service Act. Under this measure, by applying for a driver's license or ID card, the signature of these men would serve as an indication that they are already registered with Selective Service or they authorize the Division of Vehicles to forward their personal information to Selective Service for automatic registration.

The Division of Vehicles already has a cooperative agreement with Selective Service to share data. Under K.S.A. 74-2012(c)(1)(C), the Division may assist Selective Service in maintaining a list of men 18 to 26 years of age. Currently, the Division assists Selective Service by forwarding updates twice a year; we charge enough to cover our costs.

Finally, the bill states that the Division shall notify the applicant that his signature constitutes consent to register with Selective Service, if he has not already done so. Therefore, training for driver's license examiners will be required. Changes will need to be made in the driver's license handbook as well. These administrative costs can be absorbed within existing resources.

Please let me know if you have any questions.

House Fed. &
State Affairs
Date 2/26/02
Attachment No. 11
Page 1 of 1