

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Arlen Siegfroid at 1:30 P.M. on February 20, 2007 in Room 313-S of the Capitol.

All members were present except:

Representative Ted Powers- excused

Committee staff present:

Kathie Sparks, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Mike Heim, Revisor of Statutes Office
Carol Doel, Committee Assistant

Conferees:

Phil Bradley - Kansas Fireworks Association
Daryl Marmon - Fireworks Industry
Rose Rozmireak - State Fire Marshall's Office
Senator Phil Journey
Representative Candy Ruff
Charles Sexson - Director Concealed Carry - Attorney General's Office
Kyle Smith - KBI
Rob Davis
Bill Freeman, Kansas
Paula Radcliff - Kansas State Rifle Association
Ed Klumpp - Association of Chief of Police
Eric Sartorius - City of Overland Park
Marci Knight - City of Lenexa
Dale Goter - City of Wichita
Sandy Jacquot - League of Kansas Municipalities

Others attending:

See attached list

Chairman Siegfroid opened the floor for introduction of bills. There were none.

The Chair entertained a motion to approve the minutes of February 12th, 13th, 14th, and 15th.

Representative Peterson made a motion to approve the minutes as read with a second by Representative Ruiz. Motion passed.

The Chair requested a motion on **HB 2200** - Concerning crimes; punishment and criminal procedure; relating to obscenity.

Representative Kinzer moved that **HB 2200** be passed out favorably with a second by Representative Brunk.

Representative Peterson offered a motion to amend Section 1, Line 15 and insert before *recklessly knowingly, willingly, intentionally, recklessly and not by accident* with a second by Representative Loganbill.

Representative Peterson made a conceptual motion that a requirement be added that in K-12 context if someone knowingly, willingly, intentionally, recklessly and not by accident promoted materials that did not have an educational value.

Representative withdrew his original amendment

Representative Peterson conceptually moved that **HB 2200** be amended by inserting language in line 8 on page 2 that adds the elements of knowingly, willfully, intentionally, recklessly and not by accident in the context of K-12. There was a second by Representative Loganbill. Motion passed.

CONTINUATION SHEET

MINUTES OF THE House Federal and State Affairs Committee at 1:30 P.M. on February 20, 2007 in Room 313-S of the Capitol.

Representative Mah made a motion to amend **HB 2200** to clarify that materials that are on an approved reading list are not subject to obscenity charges. Representative Dillmore made a second to the motion. Motion failed.

Representative Mah wished to be recorded as voting aye.

The Chair called the question of whether to move **HB 2200** favorably as amended. Motion passed.

Representative Mah wished to be recorded as nay.

Chairman Siegfroid opened the floor for public hearing on **HB 2475** - concerning fireworks, enacting the Kansas fireworks licensing, and requested an explanation of the bill from Kathie Sparks.

Ms. Sparks, Legislative Research, explained **HB 2475** is a licensed Kansas fireworks act. It does not apply to seasonal retailers, but any other person in the business will be required to get a license from the State Fire Marshal. They will have to be at least 21 years of age. It is not transferable.

Philip Bradley, Consultant for the Kansas Fireworks Association, provided testimony in support of **HB 2475** relating that this act will provide up to date licensing in the fireworks industry and allow the Fire Marshals Office to charge a fee for said licensing. (Attachment 1)

Vice-President of Legislative Affairs, Kansas Fireworks Association, Dale Marmon addressed the Committee requesting support for passage of **HB 2475** which would allow the Fire Marshal to exempt governments and government employees, usually fire department personnel, that shoot a public display for their town or city from having to pay a licensing fee to obtain a shooters license. The bill would not regulate or charge fees for the seasonal fireworks stand operator. (Attachment 2)

Rose Rozmiarek, Kansas State Fire Marshal's Office stood as a proponent to **HB 2475**. Ms. Rozmiarek reported that this bill will provide a user based fee to support a program that has long been in existence and clarify the current statutes intent for the keeping, storage, use, safe handling, and transportation of explosives, dynamite, fireworks and firecrackers. (Attachment 3)

No other person wished to address **HB 2475**. Chairman Siegfroid closed the hearing on **HB 2475** and opened the hearing on **HB 2528** - firearms; state preemption of regulation; amendments to concealed weapon licensure law.

Kathie Sparks, Legislative Research, presented an overview of **HB 2528**. (Attachment 4)

Representative Candy Ruff presented testimony supporting **HB 2528**. Rep. Ruff stated that cities and counties were not supposed to impose restrictions beyond what the state imposed in the 2006 legislation. **HB 2528** leaves no doubt of the legislative intent when it comes to concealed carry and the cities and counties. From now on, the state handles all the provisions of the concealed carry statutes in Kansas. (Attachment 5)

Charles Sexson, Director Concealed Carry Handgun Licensing Unit appeared before the Committee on behalf of the Attorney General in support of **HB 2528**. Mr. Sexson's testimony focused primarily on the proposed amendments in Section 4, however, they also support the amendments found in Sections 2,3 and 8 which support the repository at the Kansas Bureau of Investigation for court orders relating to involuntary commitments for mental and substance abuse treatment. (Attachment 6)

Kyle Smith, Deputy Director Kansas Bureau of Investigation, appeared on behalf of the KBI supporting portions of **HB 2528**. Mr. Smith related that the KBI has no official position on much of the bill, but passage of sections 2, 3, and section 8, particularly with KBI's balloon amendment, would make meaningful the law that was passed last year. (Attachment 7) (copy of the proposed balloon Attachment 8)

Robert Davis is a concerned business man who owns and operates a concession business for which at times he has to carry a considerable amount of cash. He applied for a concealed carry permit to protect him and his

CONTINUATION SHEET

MINUTES OF THE House Federal and State Affairs Committee at 1:30 P.M. on February 20, 2007 in Room 313-S of the Capitol.

wife. Mr. Davis states that to pass **HB 2528** would keep the spirit and intent of the law uniform and consistent throughout the State of Kansas. (Attachment 9)

Paula Radcliff addressed the Committee on behalf of the Kansas State Rifle Association in support of **HB 2528**. Ms. Radcliff stated that she had worked closely with Rep. Ruff and Rep. Hayzlett on the right to carry legislation and it has been very clear from the beginning that the legislature wanted to create uniformity throughout the state with regard to carrying concealed firearms. She asked that the Committee vote favorably for **HB 2528**. (Attachment 10)

Bill Freeman appeared before the Committee representing Kansas Sportsmen's Alliance who supports the passage of **HB 2528**. Mr. Freeman opined that the passage of this bill would strengthen the protection of the rights of law abiding Kansans that have spent considerable time, effort and money to become licensed for concealed carry. (Attachment 11)

There were no other proponents of the bill.

Chairman Siegfried recognized Ed Klumpp who testified on behalf of the Kansas Association of Chiefs of Police. Mr. Klumpp related that they have some specific concerns regarding **HB 2528** and submitted a copy of their recommended amendments. (Attachment 12)

The City of Overland Park was represented by Erik Sartorius in opposition to **HB 2528** as it would remove the City's ability to prohibit the carrying of concealed handguns on its own property and to prosecute violations of the concealed carry regulations. The City submits that the current statutory language strikes the appropriate balance between State and local involvement. (Attachment 13)

Marcy Knight, Assistant City Attorney for Lenexa, Kansas addressed the Committee opposing **HB 2528**. Ms. Knight opined that the City of Lenexa has several concerns with language in the bill. It is their opinion that the goal of uniformity can still be accomplished without stripping the cities of the ability to prosecute offenders in municipal court. Ms. Knight addressed several sections of the bill which they oppose. She further stated that if the bill does move forward, the City strongly urges the committee to consider amendments to the bill consistent with the recommendations made in her written testimony. (Attachment 14)

Dale Goter, who represents the City of Wichita, addressed the Committee in opposition to **HB 2528**. Mr. Goter related that the bill sweeps away the balanced approach that combines state law and city ordinances to allow responsible concealed carrying privileges, yet provide for law enforcement officer safety and protection of the public from irresponsible and criminal acts. The bill also creates extensive, new liability for employers, both public and private, and also unintentionally void fundamental city zoning powers that will disrupt urban planning for decades. (Attachment 15)

Sandy Jacquot of the League of Kansas Municipalities related that they also oppose the passage of **HB 2528**. Ms. Jacquot stated that they believe that cities should have the right to act as employers and as property owners regarding the concealed carry of firearms. They also believe that those who violate the provisions of last year's act should be prosecuted in municipal court, the same way that other misdemeanor offenses are prosecuted. (Attachment 16)

There were no other opponents to **HB 2528** and Chairman Siegfried recognized Senator Phil Journey who wished to express his support of the bill.

Senator Journey requested that the Committee adopt the language of **HB 2528** and insert it into **SB 185** and refer it out. (Attachment 17) Senator Journey also presented copies of City Ordinances from various cities in the State of Kansas. (Attachment 18)

Chairman Siegfried closed the hearing on **HB 2528**.

With no further business before the Committee, the Chair adjourned the meeting.

FEDERAL AND STATE AFFAIRS

GUEST LIST

Date 2-20-07

Robert P. Davis	
Kenneth L. Servos	
Dennis & Ann Niedeman	
Kevin Freeman	
Frances Freeman	
Burt E. Eustace	
Linda S. Eustace	
Roger Thompson	
Mary Thompson	
ALAN R. SCHWARTZ	
Patricia A. Stoneking	
Paula Radcliff	
Kent Radcliff	
Kateen Hansen	
David A. Knauer	
Joseph G. McDaniel	
Karl H. Bitter	
Lex H. Pearson	
CW. Klohe AG	
Chuck Saxson AG	
Ron Rosmond KSSM	
Lee Hillier KVM	
ERIK SARTORIUS	City of Overland Park
Sandy Jaquart	LKM
Harry Noell	

Kansas Fireworks Association

Philip Bradley, Consultant

pb@sunflower.com

785.766.7492

*Testimony on HB 2475, Tuesday February 20, 2007
House Federal & State Affairs Committee*

Chairman Siegfried and Members of the Committee,

I am Philip Bradley representing the Kansas Fireworks Assn. and working closely with the Kansas Fire Marshals office. Thank you for the opportunity to speak today.

This is a simple bill to address a simple concern. I know that those terms are somewhat over used in these hallowed halls; however I believe them to be true in this case.

For several years the Fireworks Assn. has been working with the Fire Marshals office to address a legitimate and serious concern, being able to assure safety and control of fireworks in Kansas. This concern had two primary elements that are addressed by this bill, the transportation into Kansas and the regulation of the operators of non-consumer events. These issues were address in a more complex bill that included other elements last year, Substitute HB 2245 that passed the House 102-22 on March 22, 2006.

Very briefly this pared down act will help provide up to date licensing in the fireworks industry and allow the Fire Marshals office to charge a fee for said licensing.

We have tried to address all concerns raised in the past and have the support and approval of the KS State Fire Marshall. They are here as well to answer any of your concerns.

Also present is Daryl Marmon of the KFA to address any technical concerns.

Thank you for your time and consideration.

Philip Bradley, Ph.D.

Responsibility

Safety

Entertainment

Federal and State Affairs

Attachment 1

Date 2-20-07

KFA

Kansas Fireworks Association

P. O. Box 1301 Derby, Kansas 67037-1031
(316)788-5801 Fax (316)788-5869

Testimony on HB 2475
Federal and State Affairs Committee
Concerning the Kansas Fireworks Act

Daryl Marmon
Kansas Fireworks Association
Vice-President of Legislative Affairs

February 20, 2007

Dear House Federal and State Affairs Committee:

This bill will help provide the tools and regulatory authority for the Fire Marshal's office to update their code adoption regulations and to license the fireworks industry along with charging a fee for licensing, which it cannot do at this time. The fees would help to offset grants that the Fire Marshal's office was granted and are about to expire through Homeland Security. The revenues will assist with maintaining the fireworks program within the Fire Marshal's Office. At the same time it would allow the Fire Marshal to exempt governments and government employees, usually fire department personnel, that shoot a public display for their town or city from having to pay a licensing fee to obtain a shooters license, such license is required of anyone who shoots public display fireworks (non-consumer fireworks) in Kansas.

The bill would require anyone that desires to do indoor proximate fireworks to obtain an indoor "proximate" shooters license, which at this time there is no separate license requires. Outdoor and indoor displays are two different types of fireworks and should require different licensing. An outdoor Kansas licensed shooter of outdoor displays may not be aware of the inherent risks associated with indoor "proximate" pyrotechnics. This is why the National Fire Protection Association (NFPA) has a separate regulation guideline in regards to indoor and I agree with requiring a separate shooters license as most states do.

Another point of the bill is that the Fire Marshal's office would have a better knowledge of all fireworks being shipped into Kansas by requiring any business that wishes to ship or cause to be shipped any fireworks into Kansas to purchase a fireworks distributors license, as most states do. **This bill would not regulate or charge fees for the seasonal fireworks stand operator** who operate only during the fireworks season like civic organization, clubs and scouts which sale consumer fireworks to the individual consumer

Federal and State Affairs

Attachment 2

Date 2-20-07



K A N S A S

F.S. JACK ALEXANDER
FIRE MARSHAL

OFFICE OF THE KANSAS STATE FIRE MARSHAL

KATHLEEN SEBELIUS
GOVERNOR

TESTIMONY ON HB 2475 FEDERAL AND STATE AFFAIRS COMMITTEE

KANSAS FIREWORKS ACT

By
Rose Rozmiarek
Kansas State Fire Marshal's Office
Chief of Investigations

February 20, 2007

The Kansas State fire Marshal's Office stands as a proponent of HB 2475. This bill will provide a user based fee to support a program that has long been in existence and clarify the current statutes intent for the keeping, storage, use, sale handling, and transportation of explosives, dynamite, fireworks, and firecrackers.

The Kansas State Fire Marshal's Office has long been licensing those who use commercial (1.3) fireworks, we also investigate explosive incidents in the state, and regulate the retail sale of consumer fireworks. It is important to stress that this bill does not involve consumer (1.4g) fireworks that citizens can purchase at firework stands throughout the state during the forth of July season. For years the agency has only been able to process applications and administer the required test. With the implementation of federal grant program funding the fireworks program was able to expand and perform necessary criminal history checks on all applicants to insure that these explosive materials do not get into the hands of convicted felons. A homeland security grant provided funding for personnel and associated costs for conducting initial investigations of incidents as well as follow up investigations for criminal activity involving the use of this type of explosives.

Several investigations were completed over the last few years that involved fireworks and several resulted in injuries to individuals as well as illegal possession of the materials. The investigation division of the Kansas State Fire Marshal's Office responded to 57 explosive incidents last year to include a major fatality incident in southeast Kansas. One

other case involved the use of a 10" shell to damage a vehicle in southwest Kansas. This case resulted in the property damage to the vehicle and surround homes of over 60,000 dollars and the injury to one of the suspects. Last year we confiscated 154 cases of 1.3 fireworks from an individual in southeast Kansas who did not have any authority, state or federal to possess them. This case is still pending in the courts. Criminal explosive cases have resulted in a 40% arrest record and an 86.7% clearance record by the division.

During the course of the grant funding and expanding the program, several individuals have been denied licenses due to their criminal history. There were over 823 criminal history checks completed last year. We currently have a total of 725 licensed firework operators (shooters) in the state. This number is down from previous years. We did have over 1500 at one time. Information has been obtained that some shooters believe they no longer require a state license. This is one area that permanent manpower resource will be used in this program. We have also been called in to review civil cases that pertain to the proper firework site procedures as well as requested by the local authorities to ensure proper distances and safety measures are in place.

The federal grant funding will soon run out. Without additional funding to maintain the current level of support for the program such as in manpower, the criminal history checks and investigations will cease and these explosive materials will end up in the hands of felons and those planning on using the materials for criminal activities.

This agency has worked very closely with the Kansas Fireworks Association to develop and sponsor this legislation. We believe the continued improvement of this program will provide for safer environment for Kansan's.

We ask that you pass this bill out favorably..

HB 2528

Sec. 1 Deletes any city or county ability to adopt any ordinance, resolution or regulation other than state law with regard to purchase, transfer, ownership, storage or transporting of firearms or ammunition.

Sec. 2

& 3 Allows for courts to send to the KBI all commitment for mental illness or substance abuse problem subject to involuntary commitment information to the State Central Repository.

Sec. 4 Provides conforming language to federal law with regard to misdemeanor crime of domestic violence.

Sec. 5 The buildings that are allowed by state law to prohibit authorized concealed weapons must provide signage.

Sec. 6 Allows private business to restrict or prohibit concealed weapons within a building or buildings of such business and removes the property owner right to restrict or prohibit concealed weapons.

Sec. 7 Allows for the courts to submit all records for any individual who has been committed for mental illness or alcohol or substance abuse problem subject to involuntary commitment

STATE OF KANSAS



TOPEKA

HOUSE OF

REPRESENTATIVES

COMMITTEE ASSIGNMENTS

RANKING MINORITY MEMBER: VETERANS, MILITARY &
HOMELAND SECURITY AFFAIRS
MEMBER: COMMERCE & LABOR
MEMBER: JOINT COMMITTEE ON ARTS AND
CULTURAL RESOURCES

L. CANDY RUFF
REPRESENTATIVE FORTIETH DISTRICT
LEAVENWORTH COUNTY
321 ARCH
LEAVENWORTH, KANSAS 66048
(913) 682-6390

STATE CAPITOL, ROOM 322-S
TOPEKA, KANSAS 66612
(785) 296-7647
E-MAIL: Ruff@house.state.ks.us

To: House Federal and State Affairs Committee Members

From: Reps. L. Candy Ruff and Gary Hayzlett

Re: HB 2528

Date: Feb. 20, 2007

After years of trying to get concealed carry passed into law, Rep. Hayzlett and I did not intend to revisit the issue this year. But then the City of Leawood passed a few months an ordinance restricting conceal carry permit holders. What's up with that? Cities and counties were not supposed to impose restrictions beyond what the state imposed in our 2006 legislation.

And then Hutchison made its move. When I read the first version of what the city attorney there suggested, I had to wonder whether it included restrictions on all the side walks, parking lots, and even the air space surrounding that fine city. Calmer minds prevailed and the second round of ordinances were less restrictive but still way beyond what the Legislature intended.

Claiming to have read into the new statute instances where cities as holders of "public property" could post places where conceal carry permit holders were prohibited, the League of Municipalities decided there were instances where cities could also regulate conceal carry as "public employers." When the League issued its model ordinances, that became the straw that broke the camel's back. Rep. Hayzlett and I decided it was time to make our legislative intent clear.

What we have in HB 2528 is a clarification that came about because SB 418 from last year failed to communicate our intentions clearly. HB 2528 leaves no doubt of our legislative intent when it comes to conceal carry and the cities and counties. From now on, the state handles all the provisions of the conceal carry statutes in Kansas.

Federal and State Affairs
Attachment 5

LEGISLATIVE HOTLINE 1-800-432-3924 (DURING SI) Date 2-20-07



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

PAUL J. MORRISON
ATTORNEY GENERAL

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TOPEKA, KS 66612-1597
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Testimony in Support of House Bill 2528
House Committee on Federal and State Affairs
Charles W. Sexson, Director
Concealed Carry Handgun Licensing Unit
Office of Attorney General Paul J. Morrison
February 20, 2007

Chairman and members of the committee,

I appear today on behalf of the Office of Attorney General. My testimony will focus primarily on the proposed amendments in Section 4 of HB 2528. However, the Attorney General's Office also supports the amendments found in Sections 2, 3 and 8 which support the repository at the Kansas Bureau of Investigation for court orders relating to involuntary commitments for mental and substance abuse treatment. The repository of records maintained by the KBI plays a vital role in the backgrounds conducted for concealed carry licensing.

The Office of Attorney General does not have a position on the amendments proposed in Sections 1, 5, 6, or 7 of the bill.

The Kansas Personal and Family Protection Act (KPFPA), L. 2006, ch.32 (amended by L. 2006, ch. 210), now codified at K.S.A. § 75-7c01 et seq., vested the Attorney General with the authority to license certain Kansas citizen to carry concealed weapons. The Concealed Carry Licensing Unit was formed in July 2006 and has a staff of six, including the director, an assistant attorney general, two special agents and two support staff positions. To date the licensing unit has received 6, 670 applications and approved 5,493 licenses. The program has 373 trainers certified to conduct the required 8-hour weapons safety training course. The licensing unit is currently processing over 1,000 new applications per month.

Proposed amendments in Section 4 of this bill address the following: 1) bringing the domestic violence prohibitions of the KPFPA in line with Federal firearms laws, in particular, those provisions pertaining to individuals who have been convicted of a "misdemeanor crime of domestic violence;" and 2) updating the child in need of care (CINC) statute citations in K.S.A. 75-7c04.

Federal and State Affairs
Attachment 6
Date 2-20-07

In regard to misdemeanor crimes of domestic violence, 18 U.S.C. § 922(g), essentially states that an individual shall not possess a firearm if they have been “convicted” of a “misdemeanor crime of domestic violence” no matter how long ago the conviction occurred. Under the KPFPA, an individual is denied a concealed carry handgun license if they have been convicted of (or placed on diversion for or adjudicated as a juvenile offender) a “domestic violence misdemeanor” *but only if the disposition occurred within the 5 years immediately preceding application*. The precarious situation this creates for the applicant is two-fold: 1) the applicant may have already violated Federal law by taking the required 8-hour weapons safety training and firearms qualification course; and 2) the attorney general can lawfully approve the license, but then is obligated to report a violation of Federal law to the appropriate authority. While current law allows the attorney general to approve a license if the domestic violence conviction occurred more than 5 years prior to application, the attorney general has opted not to approve licenses to applicants if they are prohibited by Federal from possessing a firearm. The addition of new K.S.A. 75-7c04(5), as set forth in Section 4 of this bill, addresses the issue by prohibiting the issuance of a license to anybody convicted for an act that constitutes a misdemeanor crime of domestic violence, as defined by 18 U.S.C. § 921(a)(33)(A).

In regard to restraining orders filed pursuant to CINC cases, the CINC statutes cited in the KPFPA (see, § 75-7c04(a)(13); §§ 38-1542, 1543, 1563) were assigned new numbers during the 2006 Session. The proposed amendment simply replaces the previous statutes with the new statute numbers (§ 38-2242, 2243, 2255).

As previously mentioned, the Office of Attorney General supports amendments set forth in Sections 2, 3, and 8 of the bill. Sections 2 and 3 have added provisions that allow the courts to release copies of involuntary mental and substance abuse treatment orders to the Kansas Bureau of Investigation for the purpose of maintaining a repository of such information for background checks relating to the purchase of firearms and concealed carry licensing. Section 8 of the bill addresses an unintentional gap in time created by the language in K.S.A. 75-7c25. By deleting the September 1, 2006 date, and substituting it with July 1, 2007, the courts will be required to provide copies of all relevant court orders dating back to July 1, 1998.

The Office of Attorney General supports the referenced amendments and thanks you for your consideration.



Kansas Bureau of Investigation

Larry Welch
Director

Paul Morrison
Attorney General

**Testimony in Support of HB 2528
House Committee on Federal and State Affairs
Kyle Smith, Deputy Director
Kansas Bureau of Investigation
February 20, 2007**

Chairman Siegfried and Members of the Committee,

I appear today on behalf of the Kansas Bureau of Investigation in support of portions of HB 2528. The KBI has no official position on much of the bill, but passage of sections 2, 3, and section 8, particularly with the balloon amendment below, would make meaningful the law that was passed last year.

The problems we are addressing were discovered in trying to implement the legislation passed last year. The KBI was charged with developing a database of persons who had been determined by a court to be mentally ill or with a substance abuse problem, and involuntarily committed pursuant to K.S.A. 59-2946. However, while last year's legislation provided that the orders of commitment and termination be sent to the KBI, the Office of Judicial Administration took the position that they could not give us anything else, such as identifying information, in those files. Since most courts do not include the date of birth, gender, race, social security number or any other identifier in the caption or elsewhere in the order, the KBI is unable to create a reliable database of the covered individuals. For example, we may receive an order for commitment of John Smith from Sedgwick County court, but have no way of knowing which John Smith was committed.

HB 2528 addresses this problem by clarifying that the KBI may have access to mental (section 2 for K.S.A. 59-2979) and substance abuse (section 3, K.S.A. 59-29b79) records, but only for the purpose of determining an individual's legal ability to purchase firearms or obtain a concealed weapons permit. We have attached a balloon amendment to this testimony to clarify in section 8, the kind of information we need.

The second problem also dealt with mental commitment records. Last year's legislation accidentally created a gap in these orders as the legislation had the courts review their old cases from July 1, 1998 until September 1 of 2006, but the new law didn't go into effect until January 1 of 2007, so any commitments from September through December of 2006, were not reported. Section 8 amends that law to clarify that all cases from July 1, 1998 to July 1, 2007 are to be reviewed and given to the KBI.

Thank you for your consideration. I would be happy to answer questions.

KBI Proposed Balloon Amendment to HB 2528

Sec. 8. K.S.A. 2006 Supp. 75-7c25 is hereby amended to read as follows: 75-7c25. (a) On or before ~~September 1, 2006~~ *July 1, 2007*, every district court shall review all files dated on or after July 1, 1998, concerning mentally ill persons subject to involuntary commitment for care and treatment as defined in K.S.A. 59-2946, and amendments thereto, or persons with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment as defined in K.S.A. 59-29b46, and amendments thereto.

(b) If the court ordered treatment pursuant to K.S.A. 59-2966 or 59-29b66, and amendments thereto, the clerk of the court shall report such order ***and all available information identifying the patient including, but not limited to date of birth, gender and race,*** to the Kansas bureau of investigation.

(c) A copy of such orders shall be delivered by the clerk of the court to the Kansas bureau of investigation on or before ~~September 1, 2006~~ *July 1, 2007*. The Kansas bureau of investigation shall immediately ~~enter the order~~ ***cause the order to be entered*** into the ~~national criminal information center and other~~ appropriate ***state and federal*** databases.

(d) The Kansas bureau of investigation shall ensure the accuracy of the entries and the court shall ensure the validity of the orders.

(e) After July 1, 2007 all orders of involuntary commitment for care and treatment pursuant to K.S.A. 59-2966 or 59-29b66, and amendments thereto, and any orders of termination of discharge shall be immediately forwarded to the Kansas bureau of investigation for entry into the appropriate state and federal databases.

Federal and State Affairs

Attachment 8

Date 2-20-07

February 20, 2007

Good afternoon, Mr. Chairman and members of the Federal and State Affairs Committee.

My name is Robert Davis, and I stand before you to testify in regards to the Kansas Conceal Carry Law, in particular HB # 2528.

My wife and I own and operate a mobile food concession business called "Cheesecake Express." We live in Shawnee County and have been in business for the past two years, after retiring from teaching school for thirty-two years.

The nature of our business allows us to travel to many cities throughout Kansas. We attend many arts & craft shows, music festivals, and other community events in order to sell our food items. At the end of an event, we may find that we have a large amount of money in our possession. Since we may be many miles away from our home, we often need to spend the night at a local motel.

As you might imagine, we do not feel comfortable or safe transporting this money from our concession trailer to a dark parking lot where our vehicle is located. Many of our events may last for several days, so it is easy to see that our potentially dangerous situation would be multiplied.

We have a very real concern for our safety; therefore, we have contacted several law enforcement agencies to ask for their help. My wife and I attended a workshop presented by the Topeka Police Department a few months ago. This class was intended to help small business owners learn how to become less vulnerable to criminals. It was stated time and time again, not to make yourself a target and don't give a criminal the opportunity to catch you off guard. I told the instructing officer that we often ask security to walk us out to our vehicle, but many times there is not an officer to help us when we are ready to leave at night. Even if we are escorted to our vehicle, we can become vulnerable when we drive to our motel.

Recently I received my Kansas Conceal Carry Permit. I thought that the training I received was very beneficial, especially with regard to the tremendous responsibility that I must always have for the safety and welfare of my fellow citizens. I do not take this responsibility lightly, and I pray that I am never in a situation where I would be forced to defend my life during a robbery.

When I applied for my permit, I thought that it would help provide a legal way for me to protect my wife and me from a potentially life threatening situation. I was under the assumption that I would be legally protected throughout the entire state of Kansas, no matter in what city or county we were doing business.

It has come to my attention that some city and county governments have read the Kansas law differently. Through their interpretation, they think they can amend the existing state law and apply their own rules and regulations. If these local governments are allowed to

Federal and State Affairs

Attachment 9

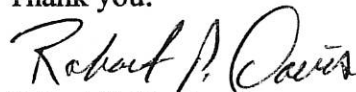
Date 2-20-07

do this, my wife and I will again become vulnerable and possibly potential targets for criminals.

My intention is not to become a gun toting bully, but rather a citizen who has been given the legal right and responsibility to protect myself in all of the cities and counties throughout our great state. I can not be fully protected, as I believe the Conceal Carry Law was intended to be interpreted, if certain local governments restrict my legal right under the law. How can I feel protected if I am required in certain jurisdictions to unload and lock my firearm in a gun vault located in my vehicle?

I am asking you to pass HB #2528 and keep the spirit and intent of the law uniform and consistent throughout the state of Kansas.

Thank you.


Robert P. Davis

To: Chairman Siegfried and members of Federal and State Affairs Committee

From: Paula Radcliff, KSRA

Re: H.B. 2528

Date: February 20, 2007

Hello, my name is Paula Radcliff and I am here before you today speaking on behalf of the Kansas State Rifle Association in support of H.B. 2528.

For the past several years I have been working closely with Representatives Candy Ruff and Gary Hayzlett on right to carry legislation.

During this process it was very clear from the beginning that the legislature wanted to create uniformity throughout the state with regard to carrying concealed firearms.

There have been certain entities that have misinterpreted the language of the bill and are attempting to preempt state law.

Therefore I urge you to vote favorably on H.B. 2528. I thank you for your consideration, and I yield the rest of my time and would direct any questions to Senator Phil Journey.

Paula Radcliff



Kansas State Rifle Association
State Lobbyist, Southeast Quadrant Director

Federal and State Affairs

Attachment 10

Date 2-20-07

Testimony on House Bill No. 2528

by Bill Freeman
representing
Kansas Sportsmen's Alliance

Kansas Sportsmen's Alliance represents many Kansans who use firearms in lawful ways for target shooting, hunting and self defense. KSA has worked with the members of the Kansas State Legislature for many long years to enable trained and law abiding citizens to obtain a license to carry a concealed weapon to protect themselves and their families when away from their homes. After a very long effort, we were able to come to a compromise which was passed into law last year. Now, we find to our great dismay that state and local government officials are looking for loopholes in the new law with the intent to prohibit lawful concealed carry for self defense in many public locations which were not intended to be restricted by the 2006 concealed carry law.

One of the most frustrating restrictions, which was brought to our attention by a very irritated retired chief of police of a small Kansas town is the posting of the rest areas along I-70. It would seem that the numerous newspaper reports of crimes committed at interstate rest areas all across the country would make it plain that rest areas in western Kansas which are essentially unpoliced at most times are places where concealed carry may be most likely to provide a benefit. Yet, we have a report that these rest areas have been posted against concealed carry. In addition, there are numerous reports of efforts to pass local laws prohibiting lawful, licensed concealed carry on every square foot of public land in various city and county locations. This was not the intent of the 2006 law, and it is being remedied by House Bill 2528.

Kansas Sportsmen's Alliance would like to thank the members of this committee for the opportunity to state our strong support for this bill to strengthen the protection of the rights of law abiding Kansans that have spent considerable time, effort and money to become licensed for concealed carry. The clarifications in House Bill No. 2528 will do much to prevent unfair intrusion by local governments into an area which is most properly regulated statewide. Clear and consistent state-wide regulations as to places where concealed carry is permitted are clearly required in the face of these loophole regulations which have been popping up around the state.

Thank you for your time.

Federal and State Affairs

Attachment 11

Date 2-20-07

WRITTEN TESTIMONY TO THE HOUSE FEDERAL AND STATE AFFAIRS
COMMITTEE

REFERENCE HB2528

On behalf of the
Kansas Association of Chiefs of Police

February 20, 2007

I come before you today representing the Kansas Association of Chiefs of Police regarding HB2528. I want to make it clear that we are not here opposing the Carrying Concealed Weapons laws, nor the portions of this bill designed to fix some of the problems remaining with the existing concealed carry laws. We are however, concerned with a couple of provisions of this bill which we believe set the stage for some unintended consequences that could jeopardize, rather than increase, public safety.

It is important to realize there are two related but quite different subjects in this bill. One subject concerns the concealed carry law, and the other subject concerns firearms statutes, city ordinances, and county resolutions that are not concealed carry related. It is the latter subject where we have our largest concern.

Our first specific area of concern is in section 1 of the bill. In subsection (b) on page 2, lines 4-7 there is language prohibiting the prosecution of any person for a violation of local ordinance, resolution, or regulation for transporting a firearm in a vehicle if the firearm is unloaded and encased in a container which completely encloses the firearm. This seems to imply the recognition of the legislature of the need for local jurisdictions to have the ability to determine the need in their communities to regulate the carrying of loaded firearms in vehicles by persons not licensed for CCW. However, section 1(a) of the bill, on page 1 lines 14-21, and most especially the word "transporting" on line 18, appears to be in conflict with the provisions of section 1(b). The stricken language, including that on page 1, lines 36-40, provided clarity between these two provisions. But with the stricken language gone, it is not clear at all whether cities can or cannot have such ordinances.

It is this local ability that we want to emphasize is on target and very much needed by local jurisdictions to deal with persons who may very well be on their way to commit violent crimes. This has nothing to do with persons licensed by the state. This is very critical to local jurisdictions, especially those battling gangs and drug trafficking, which is more and more Kansas communities of all sizes. For example, in the past few years the legislature has passed laws addressing the increases in "drive-by shootings," or shooting a firearm into a building or vehicle. These cases are almost always committed by persons carrying loaded firearms in vehicles to the place of the attack. If we can have local laws to regulate the carrying of loaded weapons that are in the control of unlicensed persons, we have the potential to stop the activity before the shooting occurs. We assure you these ordinances have resulted in that kind of positive result in many cases and we need to retain the ability to do that. This in no way interferes with the licensed persons carrying a weapon in their control.

We suggest fixing this by inserting at the beginning of line 4 on page 2 language such as, "Cities and Counties may enact ordinances restricting the carrying of an unconcealed firearm or the transporting in a vehicle of a firearm by any person not licensed under this act when the firearm is loaded or when a semiautomatic firearm is unloaded with a detached loaded magazine, however. . ." The language stricken on page 1, line 19 would also need to be put back in.

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Relative to the Concealed carry topic contained in the bill we offer the following:

Our second area of concern is with the provisions of section 6 starting on page 8 which seems to allow businesses to control what buildings they own can be posted for no concealed weapons but the new language would not allow local governments the same option. The key here is our belief that local government should not attempt to ban concealed firearms on "any public property" such as streets and sidewalks as we have heard concerns about as this clearly is in conflict with the intent of the state statutes allowing CCW. We believe cities and counties should have the same ability provided to businesses. This is not a matter of us supporting or opposing the ability of the private businesses to decide if they want to allow licensed persons to carry a concealed weapon in their building. That is a difficult issue with many pros and cons to both sides. But our position is that local government should be allowed the same abilities of private businesses in this matter.

Even more concerning is the apparent removal of any employer's ability to have regulations against employees carrying a concealed weapon while at work. We believe if businesses were aware of this provision they would be contacting you in droves. This does not allow employers to weigh their own concerns about armed employees and the impact that has on workplace safety and their liability.

Of course we do understand that local authority over these matters should not and can not be in conflict with the state concealed carry statutes. We do not oppose the language on page 7, lines 38 through 42 which clarifies that point. However, we are concerned with the ability of local governments to effectively determine local ordinances to address local problems with crime and violence.

In regards to the changes in section 7 on page 8, lines 38-42, we ask a question. Is it your intent that all violations of concealed carry laws be prosecuted in the District Courts and none in the Municipal Courts? If so, the wording is correct. If it is your intent to allow municipal courts to continue to prosecute these cases the wording will need to be changed. One way to make this change is to add, "by any person holding a valid license as provided in KSA 75-7c03." after the word "weapons" on page 8 line 40. This would give cities the option to prosecute under city ordinance persons carrying concealed weapons who are not holders of a valid license, while prohibiting them from applying any restrictions in addition to the state law on those holding a valid license.

Generally, we support the clean-up provisions in sections 2 through 5 and 7 through 9.



Ed Klumpp
Chief of Police-Retired
Topeka Police Department

Legislative Committee Chair
Kansas Association of Chiefs of Police

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Cell: (785)640-1102

KANSAS ASSOCIATION OF CHIEFS OF POLICE
RECOMMENDED AMENDMENTS TO HB2528

1. By inserting at the beginning of line 4 on page 2 language such as, "Cities and Counties may enact ordinances restricting the carrying of an unconcealed firearm or the transporting in a vehicle of a firearm by any person not licensed under this act when the firearm is loaded or when a semiautomatic firearm is unloaded with a detached loaded magazine, however. . ."
- a. The language stricken on page 1, line 19 would also need to be put back in.
2. By adding, ". . . unless otherwise authorized in this act." after the word "weapons" on page 8, line 40.
- a. Then by adding a new subsection to section 7 stating, "Cities and Counties may enact local ordinances or resolutions to restrict a licensee from carrying a concealed weapon in public buildings or in public parks providing such location is posted with signs in a manner determined in this act. When the posting is of a park, the signs must be placed in a manner where a person entering the park is likely to see such sign. In no case shall such prohibition enacted by a city or county include public streets, sidewalks, or public property, other than parks, normally open to public access."
3. Add, "by any person holding a valid license as provided in KSA 75-7c03 or amendments thereto." after the word "weapons" on page 8 line 40. This should be placed after the language in amendment 2 if it is adopted.

Respectfully submitted to the House Federal and State Affairs Committee
February 20, 2007

Ed Klumpp
Chief of Police-Retired
Topeka Police Department

Legislative Committee Chair
Kansas Association of Chiefs of Police

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Testimony Before The
House Federal and State Affairs Committee
Regarding House Bill 2528
Submitted by Erik Sartorius

February 20, 2007

The City of Overland Park appreciates the opportunity to appear before the committee and present testimony in opposition to House Bill 2528, which would remove the City's ability to prohibit the carrying of concealed handguns on its own property and to prosecute violations of the concealed carry regulations.

The City believes the current law provides the appropriate mechanism for enforcement of firearms regulations. The State has exclusive jurisdiction to license concealed carry and cities are prohibited from interfering with that scheme. Cities may, however, enforce violations of the carry concealed provisions through municipal court.

The proposed legislation presents a serious public safety issue. Most distressing is that the bill would remove public entities, which are most certainly employers, from the statute's definition of "employer" for the purpose of determining whether weapons may be brought to a workplace. This is nonsensical at best, and at worst appears to be a punitive action lashing out at public employers.

This proposed legislation infringes on the rights of property owners by removing from **all property owners** the right to prohibit the carrying of concealed handguns on their own property. The exceptions are 22 specific areas where concealed weapons may not be carried. The City of Overland Park is at a loss in attempting to reconcile many of these prohibitions with the bill's intention of doing away with local control. Assuming House Bill 2528 became law and prevented cities from acting with its current powers regarding where individuals may carry concealed weapons, a few comparisons are worthy of exploration and deserve an explanation:

- How would the State reconcile prohibiting weapons at schools, but require that the City of Overland Park allow them at the Deana Rose Children's Farmstead?
- How do the State Fairgrounds require the prohibition of concealed weapons but the Overland Park Convention Center, with car shows and boat shows, and home & garden shows, require the carrying of concealed weapons?
- How does the State explain the necessity to prohibit concealed weapons at a professional or school sponsored sporting event, but require that th

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allow such weapons at another sporting event that did not fit within those specific criteria?

It is in the best interest of the citizens of the State of Kansas to permit local jurisdictions and other property owners to prohibit the carrying of concealed handguns where the property owner deems appropriate. For example, as mentioned above, the City of Overland Park has a Farmstead. In 2006, 375,083 people came through the Farmstead. The majority of those people were children. If the current legislation passes, the City of Overland Park will not be able to prohibit an individual from carrying a concealed weapon on that property.

Similarly, the City of Overland Park, other communities and even private entities if they are not "employers" will not be able to prohibit individuals from carrying weapons in similarly inappropriate locations. Property owners must be given the right to assess their own property and make a judgment as to whether it is appropriate to carry concealed handguns on that property.

This legislation would also foreclose a city's ability to prosecute violations of the concealed carry regulations. This would require that any such violation be sent to the County for prosecution. An already overwhelmed District Attorney's office may elect not to pursue charging. If this legislation passed there would be no vehicle to pursue prosecution as municipal court would not have jurisdiction. These cases would simply fall through the cracks.

The City would submit that the current statutory language strikes the appropriate balance between State and local involvement in these matters. For this reason and for the additional reasons stated above, the City of Overland Park opposes HB 2528 and respectfully request that the committee decline to pass the bill.



TESTIMONY IN OPPOSITION TO HOUSE BILL NO. 2528

To: The Honorable Arlen Siegfried, Chairperson
The Honorable Steve Huebert, Vice-Chairperson
Members of the House Committee on Federal and State Affairs

From: Marcy Knight, Assistant City Attorney, *MK*

Date: February 20, 2007

RE: House Bill 2528 – Firearms

Thank you for the opportunity to appear before you today and to present testimony on House Bill No. 2528. The City of Lenexa is opposed to HB 2528 for several reasons.

First, Section 1 of HB 2528 prohibits any city from adopting any ordinance governing the purchase, transfer, ownership, storage, or transporting of firearms or ammunition. Section 7 of the bill also prohibits cities from passing any ordinance regulating the carrying of concealed weapons. In essence, these two provisions prohibit these types of crimes from being prosecuted in municipal court, and instead mandate that they be prosecuted in the district and county courts across the state. The City believes this is a burdensome, inefficient consequence, and perhaps even an unintended consequence.

Understandably, there is a need for statewide uniformity and application of firearms related offenses. I have personally spoken with citizens who have expressed concern that laws concerning firearms can change from city to city. Presumably, this is the basis for the preemptive language proposed in the bill. However, the goal of uniformity can still be accomplished without stripping cities of the ability to prosecute these offenders in municipal court. For example, K.S.A. 41-2631, which is part of the Kansas Liquor Control Act, contains language requiring that "[n]o city shall enact any ordinance in conflict with or contrary to the provisions of this act, and any ordinance of any city in effect at the time this act takes effect or thereafter enacted which is in conflict with or contrary to the provision of this act shall be null and void." (See also, K.S.A. 2006 Supp. 41-2728). Similar language added to this bill would guarantee that no city ordinance would be more or less restrictive than state law, and therefore achieve the goal of statewide uniformity; yet it would also make certain that cities could continue to prosecute firearm offenders in municipal court.

The City of Lenexa strongly urges you to consider adding language similar to that found in K.S.A. 41-2631 to this bill. District courts and county courts are already overwhelmed with their current case loads. Many firearms violations are misdemeanors and can be handled by municipal courts. The passage of this bill as written will mandate that hundreds, possibly thousands, of cases across the state be funneled through the district and county courts, which in the past could have been charged through municipal courts.

Secondly, the amendments to Section 1 of HB 2528 actually weaken Kansas law regarding transporting firearms in vehicles (for those who do not have concealed carry permits). Currently,

Federal and State Affairs

City of Lenexa / 12350 West 87th Street Parkway / Lenexa
Telephone 913-477-7620 Legal Department / Fax
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<http://www.ci.lenexa.ks.us>

K.S.A. 2006 Supp. 12-16,124 requires that firearms transported in a vehicle be unloaded and encased in a container. As a prosecutor for nine years, I have seen numerous cases where loaded, unsecured guns are found concealed in vehicles. Often, these weapons are found near drugs or in the possession of drug dealers. K.S.A. 2006 Supp. 12-16,124 ensures that persons (without concealed carry permits) cannot have quick access to a loaded weapon from within a car. This law is extremely important for officer safety, as well as for the safety of the public in general. If HB 2528 passes as written, this portion of the law will be deleted and no longer enforceable. As a result, persons without concealed carry permits would be allowed to transport loaded firearms concealed in their vehicles.

Finally, I would like to address Section 6 of the bill. The City of Lenexa opposes the proposed changes to the Personal and Family Protection Act found at this section. The current law permits cities, as a public employer and as a property owner, to post certain properties with signs prohibiting concealed carry on those premises. This bill would only permit private businesses to restrict the carrying of concealed weapons on their business premises. The City has numerous facilities that are not included in the list of places found at K.S.A. 2006 Supp. 75-7c10 where it desires to prohibit concealed carry, including its community centers, fire stations, and parks. Restricting concealed carry in these types of locations is in the interest of the public's health, safety, and welfare, and therefore should remain an option for cities.

For the above reasons, the City of Lenexa urges your opposition to HB 2528. However, if the bill does move forward, the City strongly urges the committee to consider amendments to the bill consistent with the recommendations set out above. Thank you for your consideration.



Dale Goter
Government Relations Manager

TESTIMONY

City of Wichita
455 N Main, Wichita, KS. 67202
Wichita Phone: 316.268.4351
dgoter@wichita.gov

**Kansas House
Federal and State Affairs Committee
House Bill 2528
Firearms regulation**

Feb. 20, 2007

Unlicensed, openly carried, loaded handguns by respectable citizens and gang members alike, on any city street in Kansas. That would be just one of the undesirable effects of HB 2528.

This bill attempts to simplify a subject matter not susceptible to that treatment. In so doing, it sweeps away the balanced approach that combines state law and city ordinances to allow responsible concealed carrying privileges, yet provide for law enforcement officer safety and protection of the public from irresponsible and criminal acts. The bill creates extensive, new liability for employers, both public and private, and also unintentionally voids fundamental city zoning powers that will disrupt urban planning for decades.

The bill as proposed would create the following negative affects:

- The only restraints against open carry of loaded firearms in Kansas come from city ordinances and county resolutions. Section 1(a) eliminates all current controls and prohibits all future controls.
- The current state law that protects certain locations from concealed carry do not protect them from open carry. Therefore, the licensed, trained owners of concealed firearms would be prohibited from entry to locations while unlicensed, untrained open carry owners would not.
- The locations currently deemed worthy of standing exclusion for concealed carry purposes (schools, churches, libraries, etc.) would lose that protected status, and would each need to post signs at all entrances to regain that protection. Section 5(a).
- Private businesses may only restrict concealed carry of firearms in business buildings (not the appurtenant private land), and then only if properly posted. The implication is that open carry cannot be restricted. Public employers have no power to restrict either concealed or open carry. The public interest served by state law restriction of concealed carry in public buildings ought to be the same as that when any person comes in contact with a public employee on any city property. In general, this proposed bill would remove that protection from all city property other than city halls, police stations and libraries, all county property other than courthouses and jails, and all school district property other than school buildings. Section 6(a).

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- Neither private nor public employers could enact or enforce personnel policies that would restrict the right to carry a concealed firearm while engaging in business activity away from the business building. This creates a vast risk of liability for any employer, private or public, who has staff making sales, service, delivery or other calls outside the business building. Section 6(a).
- Because all laws that regulate firearm usage are declared void, all zoning regulations that contain firearm restrictions would be void. Once all zoning regulations were struck down, all uses, including illegal ones, would vest as protected, non-conforming uses. The zoning codes could not be re-enacted without providing for long amortization periods for these undesirable uses. Section 7(a).



League of Kansas Municipalities

TO: House Federal & State Affairs Committee
FROM: Sandy Jacquot
DATE: February 19, 2007
RE: Opposition to HB 2528

On behalf of the League of Kansas Municipalities (LKM) and our 576 member cities, I would like to thank you for the opportunity to appear today to offer our comments with regard to HB 2528. We oppose this legislation in its current form.

There has been a lot of confusion about what cities are doing with regard to concealed carry and I would like to clarify that issue. Since the concealed carry law became effective, cities have been adopting two different kinds of local ordinances on this issue:

- 1) **Ordinances Regarding Places Prohibited by State Law.** As part of last year's concealed carry legislation, 22 specific locations were identified as non-concealed carry locations as a matter of state law. Anyone found to be in violation these provisions would be guilty of a misdemeanor. Municipal courts have jurisdiction over misdemeanor offenses. See, *Junction City v. Cadoret*, 263 Kan. 164 (1997). In addition, it is not at all unusual for cities to adopt local ordinances that mirror state statutes (concurrent jurisdiction) so that they may be prosecuted in municipal court. See, *Kansas v. Frazier*, 12 K.A.2nd. 164 (1987).
- 2) **Ordinances as Employers and Property Owners.** Some cities have also exercised the authority expressly granted to them under the concealed carry legislation as employers and as property owners. We believe that these ordinances are specifically authorized by K.S.A. 2006 Supp. 75-7c11 and would be taken away by HB 2528.

HB 2528 is a proposal designed to keep cities from enforcing the provisions of the concealed carry law which was passed last year. We have a number of specific concerns about this legislation:

- 1) **Transportation of Firearms.** Section 1 of the bill strikes much of the language from the bill which was passed two sessions ago regarding the transportation of firearms. This language was a compromise agreed to by the interested parties (including the League and the NRA). It was specifically created to provided a more uniform approach to the issue of transporting firearms. We see no compelling reason to alter that agreement in any way. Cities do not get the authority to regulate the concealed carry of firearms from this statute.

- 2) **Statewide Prohibition.** As part of last year's concealed carry bill, the legislature adopted 22 specific locations where the carrying of a concealed weapon is prohibited by virtue of state law. It was well understood by all parties at the time this legislation was drafted that these would be blanket prohibitions and that violation of these prohibitions would be a class A misdemeanor. Section 5 of HB 2528 adds a caveat to this list of prohibitions and provides that the prohibitions do not apply unless the premises are conspicuously posted. In effect, this removes the statewide prohibition on these locations which were carefully considered throughout last year's legislative debate. For example, if a sign is not posted at each polling place, each time there is an election, the statewide prohibition will not apply.
- 3) **Public Employer Section.** Section 6(a)(1) of this bill removes the section that allows public employers to protect their places of business from the concealed carry of firearms. Section 6(a)(2) specifically authorizes "private business" to restrict or prohibit the concealed carry of firearms, but only if the business is within a building. However, under HB 2528, public employers and their employees would not be granted the same level of protection as private employees.
- 4) **Property Owners Section.** Section 6(a)(3) deletes the provisions which authorizes property owners, both public and private, to protect their own property. Removal of this section flies in the face of long standing Kansas policy that the rights of property owners are of the utmost importance and should be protected. Thus, single family homes cannot be protected under this bill.
- 5) **Preemption.** The preemption language in Section 7 of this bill is very broad and goes so far as to prohibit cities from restricting concealed carry of firearms even for those individuals who are not licensed under the state law to do so. It is important to remember that while approximately 3,000 individuals have been licensed to carry firearms concealed, the rest of the citizens of this state have not been authorized to do so. At a minimum, cities must retain the ability to prohibit concealed carry for those individuals.
- 6) **Municipal Court.** We believe that the primary result of this legislation would be to make certain that no concealed carry cases are prosecuted in municipal court. Forcing these misdemeanor cases into district courts which are already backlogged with serious felony crimes would mean that most of the cases would not be prosecuted at all.

In conclusion, we believe that cities should have the right to act as employers and as property owners regarding the concealed carry of firearms. In addition, we believe that those who violate the provisions of last year's act (and the local ordinances that have been adopted since that time), should be prosecuted in municipal court, the same way that other misdemeanor offenses are prosecuted. For these reasons, we oppose HB 2528 in its current form and ask that you do not recommend it favorably for passage.

SENATOR PHILLIP B. JOURNEY

STATE SENATOR, 26TH DISTRICT
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TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS

VICECHAIR: SPECIAL CLAIMS AGAINST THE STATE
(JOINT), VICECHAIR
MEMBER: HEALTH CARE STRATEGIES
JUDICIARY
PUBLIC HEALTH AND WELFARE
TRANSPORTATION

CORRECTIONS AND JUVENILE JUSTICE
OVERSIGHT (JOINT)

**Testimony Before the Kansas House Federal and State Affairs Committee
February 20, 2007
in Support of House Bill 2528**

Mr. Chairman, members of the committee, thank you for the opportunity to address you regarding my support of House Bill 2528. I intend to ask the Senate Federal and State Affairs Committee to adopt the language of House Bill 2528 and insert it into Senate Bill 185 and refer it out. I filed Senate Bill 185 to begin the discussion on the central issue dealing with the illegal municipal ordinances regulating concealed handgun licensees.

House Bill 2528 was drafted in response to circumstances in which the legislature clearly expressed its intent to prohibit municipalities and counties from regulating individuals licensed under Kansas statutes to possess a firearm on their person when away from their home or fixed place of business. This committee helped draft Senate Bill 418 previous versions and House Bill 2118. We modified the exclusion zones to add several other zones to the original list of 19. Despite the clear expression of legislative intent, preempting the field of regulation involving individuals licensed by the Attorney General and the State of Kansas, municipalities based upon inaccurate recommendations of the League of Kansas Municipalities adopted ordinances in direct violation of state law. The purpose for preempting this legislative area expressed by the legislature was to ensure a consistent application of rules to permit holders. Permit holders would know where they could and where they could not possess the firearm. No matter where they were in the State of Kansas the rules would be the same.

I have attached for your review copies of the municipal ordinances and other information I have been able to gather to this point. Other ordinances are out there, some substantially different than the 2006 Uniform Public Offense Code, as written by the League of Kansas Municipalities. While many city council members and mayors have expressed dismay over the inaccuracy of the information they received from the League, there is no way to guarantee that all of these ordinances would be repealed. The enactment of these ordinances set legal traps for permit holders across the state who enter and exit jurisdictions without the fair opportunity to know what rules they would need to operate under.

I would urge the committee to support the intent of this legislation. The legislature is compelled to clarify the original intent of Senate Bill 418 and its trailer bill House Bill 2118 and support the concept of further clarification and enhancement of the state's preemption of this area of the law. I wholeheartedly support the technical corrections proposed by Kansas Attorney General Paul

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Morrison as proposed in Section 2 of House Bill 2528 clarifying the issue of repository of records for the K.B.I., for care and treatment cases and their disposition, and the clarifying definition of domestic violence as related to 18 U.S.C. 921 contained in Section 4 of the bill.

Section 5 of the bill deals with exclusion zones. I would suggest adding the language that that premises conspicuously posted should be in accordance with the administrative rules and regulations currently propounded by the Attorney General and that posting provides an extra measure of notice for permit holders. It is important to note that many instances where carry is prohibited by statute, while not required, those entities are posting signs anyway it is a matter of fairness toward licensees.

Section 6 of the bill corrects and improves that area currently in the law in which the League of Kansas Municipalities based their faulty analysis giving them authority to issue regulations contrary to the original Section 17 of Senate Bill 418.

Section 7 of the bill reiterates that philosophy of further strengthening the preemption section of the original law in a manner that could not be reasonably susceptible to continued misinterpretation.

I would like to express my appreciation to Representatives Hayzlett and Ruff for their outstanding efforts in further clarifying our original intent, and urge the committee to adopt the same and recommend it out for passage immediately. Thank you for your time and attention.

Respectfully submitted,



Senator Phillip B. Journey
State Senator 26th District

ORDINANCE NO. 47-322

AN ORDINANCE CREATING SECTION 5.88.050 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE CRIME OF CARRYING A CONCEALED WEAPON, WHEN POSTED OTHERWISE, OR WHEN UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS, WHICH IS PROHIBITED BY THE PERSONAL AND FAMILY PROTECTION ACT, CHAPTER 32 AND CHAPTER 210 OF THE 2006 SESSION LAWS OF KANSAS AND AMENDMENTS THERETO.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 1. Section 5.88.050 of the Code of the City of Wichita, Kansas, shall read as follows:

(A) Any person licensed to carry a concealed weapon, or recognized as a valid out of state licensee under the provisions of the Personal and Family Protection Act, pursuant to Chapter 32 and Chapter 210 of the 2006 Session Laws of Kansas, and amendments thereto, shall be prohibited from carrying a concealed weapon under the following circumstances:

- (1) any City of Wichita employee, with the exception of law enforcement officers, armed security guards employed by the City of Wichita, or any other employee(s) as designated by the City Manager, while engaged in the duties of the person's employment with the City of Wichita.
- (2) while on the premises owned or operated by the City of Wichita, which shall include, but are not limited to Wichita Airport Authority, Board of Park

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Commissioners and other Boards and Commissions of the City of Wichita, parks, parking lots, or other public buildings or grounds, or any entity owning or operating a business premises open to the public, where the carrying of a concealed weapon on the premises have been restricted or prohibited, and such premises are posted, pursuant to applicable laws and/or regulations in a manner reasonably likely to come to the attention of persons entering the premises, as premises where carrying a concealed weapon is prohibited;

(3) while on the premises of a property owner, who has restricted or prohibited the carrying of a concealed weapon on such property, and the premises are posted, pursuant to the applicable laws or regulations in a manner reasonably likely to come to the attention of person(s) entering the property where carrying a concealed weapon is prohibited.

(4) while under the influence of alcohol or drugs, or both.

(B) Violation of sections (A)(1), (A)(2), and (A)(3), are classified as a misdemeanor, and upon conviction, sentence shall be up to 6 months in jail and/or up to a \$1,000 fine.

(C) Violation of section (A)(4) is a misdemeanor, and upon conviction, sentence shall be up to 12 months in jail and/or up to a \$2,500 fine.

Section 2. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this 19th day of December, 2006.

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary Rebenstorf
Director of Law and City Attorney

Model Ordinance starts on page 5.

Location Restrictions for Concealed Carry of Firearms

by Kimberly A. Winn

During the most recent legislative session, the Kansas Legislature authorized the concealed carry of firearms including handguns, pistols, and revolvers. Beginning January 1, 2007, licensed individuals will be allowed to carry concealed firearms in Kansas.

Preemption. As a part of the passage of the "Personal and Family Protection Act," local ordinances that regulate, restrict, or prohibit the carrying of concealed handguns, pistols, and revolvers shall not be applicable to any person licensed in accordance with the Act. However, the Act does allow for restrictions in certain areas as described below.

State Law Location Restrictions. As part of this new legislation, there are 22 locations where concealed carry is prohibited by virtue of state law. These include:

- (1) Any place where an activity declared a common nuisance by K.S.A. 22-3901, and amendments thereto, is maintained;
- (2) any police, sheriff or highway patrol station;
- (3) any detention facility, prison or jail;
- (4) any courthouse;
- (5) any courtroom, except that nothing in this section would preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in the judge's courtroom;
- (6) any polling place on the day an election is held;
- (7) any meeting of the governing body of a county, city or other political or taxing subdivision of the state, or any committee or subcommittee thereof;
- (8) on the state fairgrounds;
- (9) any state office building;
- (10) any athletic event not related to or involving firearms which is sponsored by a private or public elementary or secondary school or any private or public institution of postsecondary education;
- (11) any professional athletic event not related to or involving firearms;
- (12) any portion of a drinking establishment as defined by K.S.A. 41-2601, and amendments thereto, except that this provision shall not apply to a restaurant as defined by K.S.A. 41-2601, and amendments thereto;
- (13) any elementary or secondary school building or structure used for student instruction or attendance, attendance center, administrative office, services center or other facility;
- (14) any community college, college or university facility;
- (15) any place where the carrying of firearms is prohibited by federal

or state law;

(16) any child exchange and visitation center provided for in K.S.A. 75-720, and amendments thereto;

(17) any community mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto; mental health clinic organized pursuant to K.S.A. 65-211 et seq., and amendments thereto; psychiatric hospital licensed under K.S.A. 75-3307b, and amendments thereto; or state psychiatric hospital, as follows: Larned state hospital, Osawatomie state hospital or Rainbow mental health facility;

(18) any city hall;

(19) any public library operated by the state or by a political subdivision of the state;

(20) any day care home or group day care home, as defined in Kansas administrative regulation 28-4-113, or any preschool or childcare center, as defined in Kansas administrative regulation 28-4-420; or

(21) any church or temple; or

(22) any place in violation of K.S.A. 21-4218, and amendments thereto.

Carrying a concealed firearm into any of these areas is a Class A misdemeanor and may be prosecuted in district court or municipal court. It may only be prosecuted in municipal court if your city has adopted a corresponding local ordinance. If you have adopted the 2006 version of the *Uniform Public Offense Code*, it includes the necessary language to prosecute this in municipal court and you do not need a separate ordinance. While it is not required by the statute, it is recommended that you post a sign at entrances to such locations in order to give individuals appropriate warning that they are about to enter a prohibited area.

Cities may also choose to restrict certain other areas. In order to prosecute violations of these restrictions in municipal court, you will need to adopt a local ordinance specifying the areas that are restricted (in much the same way that you currently adopt ordinances regarding CMB and alcoholic liquor on public property).

Other Restricted Areas. In addition to the 22 areas outlined above, cities may restrict the concealed carry of firearms in other areas. To do so, the restricted area must fall into one of two categories:

- **Public Employers.** New Section 11 of SB 418 makes it clear that nothing in the act shall be construed to prevent:

"(1) Any public or private employer from restricting or prohibiting in any manner persons licensed under this act from carrying a concealed weapon while on the premises of the employer's business or while engaged in the duties of the person's employment by the employer." Because cities are "public employers," this section may be used to allow cities to prohibit the concealed carry of weapons in any place where your employees conduct business. If the city

intends to enforce such limitations, it is highly recommended that they be included in an ordinance defining such restricted areas. There is no specific posting requirement associated with this section. However, posting the restriction is highly recommended. Violation of restrictions established pursuant to this section is a Class B misdemeanor.

- **Public Property.** New Section 11 also speaks to the rights of property owners by stating that nothing in the act should be construed to prevent:

"(3) a property owner from restricting or prohibiting in any manner persons licensed under this act from carrying a concealed weapon while on such property, provided that the premises are posted, in a manner reasonably likely to come to the attention of persons entering the property where carrying a concealed weapon is prohibited."

Because cities are property owners, this means that cities can take action to prohibit concealed carry on any city-owned property. This section specifically requires that such restrictions be posted. Violation of restrictions which are appropriately posted pursuant to this section is a Class B misdemeanor.

Signage. While the posting of restricted areas is not always required by state law, it is highly recommended that the city post all restricted areas to provide the greatest measure of notice to the public. Such signage should comply with the regulations set out by the Attorney General:

K.A.R. 16-11-7. Signs. (a) Each sign posted pursuant to either paragraph (a)(2) or paragraph (a)(3) of L. 2006, ch. 210, § 8, and amendments thereto, shall contain the graphic in the document titled "personal and family protection act:: required signage for K.A.R. 16-11-7," dated October 19, 2006, and hereby adopted by reference. [the graphic is attached to this email]

(b) The size of the sign shall be eight inches by eight inches or larger. If the sign is eight inches by eight inches, the size of the graphic adopted by reference in subsection (a) shall be six inches in diameter. If the sign is larger than eight inches by eight inches, the size of the graphic shall be proportional to the size of the sign.

(c) Each sign shall meet all of the following requirements:

(1) The background shall be white.

(2) The portion of the graphic depicting the handgun shall be black.

(3) The portion of the graphic depicting the circle and diagonal slash across the handgun shall be red.

(4) No text shall be placed within the one-inch area surrounding the graphic.

(d) Each sign shall be displayed in a manner that makes the sign reasonably likely to come to the attention of persons entering the premises. (Authorized by L. 2006, Ch. 32, § 16 and L. 2006, Ch. 210, § 8; implementing L. 2006, Ch. 210, § 8; effective P- _____.)

Definition of "Firearms." The language of the Act that was passed this year uses the term "weapon" and defines it as a "handgun, pistol, or revolver." This means that limitations on local ordinances only apply to restrictions on these type of firearms. Should your city wish to prohibit locations where other types of "weapons," (e.g., shotguns, knives, pepper spray) may be carried, you may do so, but you will need to do so in an ordinance.

Other Firearm Restrictions. The "The Personal and Family Protection Act" dealt only with the carrying of concealed firearms. Cities may still have other ordinances regulating the open carry of firearms and may still prohibit concealed carry of firearms by persons who are not licensed by the State under the act. See the "Criminal Use of Weapons" section 10.1 in the *Uniform Public Offense Code*.

Model Ordinance. LKM has developed a model ordinance that your city may want to use when adopting location restrictions for carrying concealed firearms. It is included below.

Kimberly Winn is the Directory of Policy Development and Communications. She can be reached by email at kwinn@lkm.org, or by phone at (785) 354-9565.

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING PROHIBITIONS AGAINST THE POSSESSION OR CARRYING OF CERTAIN FIREARMS WHILE UPON DESIGNATED PROPERTY OWNED AND/OR OPERATED BY THE CITY OF _____, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF _____, KANSAS:

SECTION 1. As used in this ordinance, the term "firearm" shall mean any handgun, pistol, or revolver.

SECTION 2. Pursuant to the Personal and Family Protection Act, Chapter 32 of the 2006 Session Laws of Kansas, as amended by Chapter 210 of the 2006 Session Laws of Kansas, it shall be unlawful to carry a concealed firearm into:

- (1) Any place where an activity declared a common nuisance by K.S.A. 22-3901, and amendments thereto, is maintained;
- (2) any police, sheriff or highway patrol station;
- (3) any detention facility, prison or jail;
- (4) any courthouse;
- (5) any courtroom, except that nothing in this section would preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in the judge's courtroom;
- (6) any polling place on the day an election is held;
- (7) any meeting of the governing body of a county, city or other political or taxing subdivision of the state, or any committee or subcommittee thereof;
- (8) on the state fairgrounds;
- (9) any state office building;
- (10) any athletic event not related to or involving firearms which is sponsored by a private or public elementary or secondary school or any private or public institution of postsecondary education;
- (11) any professional athletic event not related to or involving firearms;
- (12) any portion of a drinking establishment as defined by K.S.A. 41-2601, and amendments thereto, except that this provision shall not apply to a restaurant as defined by K.S.A. 41-2601, and amendments thereto;
- (13) any elementary or secondary school building or structure used for student instruction or attendance, attendance center, administrative office, services center or other facility;
- (14) any community college, college or university facility;
- (15) any place where the carrying of firearms is prohibited by federal or state law;
- (16) any child exchange and visitation center provided for in K.S.A. 75-720, and amendments thereto;

(17) any community mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto; mental health clinic organized pursuant to K.S.A. 65-211 et seq., and amendments thereto; psychiatric hospital licensed under K.S.A. 75-3307b, and amendments thereto; or state psychiatric hospital, as follows: Larned state hospital, Osawatomie state hospital or Rainbow mental health facility;

(18) any city hall;

(19) any public library operated by the state or by a political subdivision of the state;

(20) any day care home or group day care home, as defined in Kansas administrative regulation 28-4-113, or any preschool or childcare center, as defined in Kansas administrative regulation 28-4-420; or

(21) any church or temple; *or*

(22) any place in violation of K.S.A. 21-4218, and amendments thereto.

SECTION 3. Violation of Section 2 of this ordinance is a Class A violation.

[NOTE: If your city has adopted the 2006 version of the *Uniform Public Offense Code*, you will need to delete sections 2 and 3 of this ordinance as these prohibitions are already included in the UPOC.]

SECTION 4. Pursuant to the authority granted to property owners and to the owners or operators of businesses under the Personal and Family Protection Act, Chapter 32 of the 2006 Session Laws of Kansas, as amended by Chapter 210 of the 2006 Session Laws of Kansas, the governing body of the City of _____, Kansas, hereby prohibits the carrying of any concealed firearm by any person other than those identified in Section 4 below while in or upon the premises of any of the following properties which are owned by the City of _____, Kansas, and/or on which the City is operating as a public employer:

- (1) The _____ Recreation Center located at _____, _____, Kansas;
- (2) The _____ Fire and EMS Stations located at _____, _____, _____, Kansas;
- (3) The _____ Wastewater Treatment Plant located at _____, _____, Kansas;
- (4) The _____ Water Plant located at _____, _____, Kansas;
- (5) Any city park or playground within the City of _____, Kansas.
- (6) [may list any other specific properties that the city owns and/or on which the city is a public employer.]

SECTION 5. Violation of section 4 of this ordinance is a Class B violation.

SECTION 6. The prohibitions set forth in Sections 2 and 4 above shall apply both to the interiors of the structures on all such properties and to the exterior areas; provided, however, that the prohibitions shall not apply to persons who are otherwise lawfully in possession of any such firearm while in a motor vehicle which is located in an area designated for public vehicular traffic or for public vehicular parking.

SECTION 7. The prohibitions set forth in Sections 2 and 4 above shall not apply to any person identified under the exclusions set forth in subsections (b) or (c) of K.S.A. 21-4201 regarding the criminal use of weapons, as said provisions now apply or may hereafter be amended.

SECTION 8. This ordinance shall take effect and be in force from and after its publication in the official newspaper of said City.

PASSED AND ADOPTED this ____ day of _____, 20 ____.

Mayor

ATTEST:

City Clerk

FACSIMILE TRANSMISSION SHEET

CITY OF LEAWOOD, KANSAS

4800 Town Center Drive

Leawood, KS 66211

Phone No. 913/339-6700

Fax No. 913/339-6781

FROM: Deb Harper, City Clerk 339-6700 Ext. 105	DATE: 1-9-2007
TO: Randi	FAX: 785-296-6718

MESSAGE:

The following ordinance was passed by the Leawood City Council on October 2, 2006.

Please feel free to contact this office should you need additional information.

Deb Harper

Total Number of Pages being transmitted, including cover sheet, 3.

In the event you do not receive the total number of pages indicated, or if you encounter any problems with transmission, please call 913/399-6700.

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ORDINANCE NO. **2184C**

AN ORDINANCE AMENDING ARTICLE 2 OF CHAPTER XI OF THE CODE OF THE CITY OF LEAWOOD, 2000, BY ADDING A NEW SECTION 11-212, ENTITLED "CARRYING OF FIREARMS PROHIBITED."

Whereas, the State of Kansas has adopted laws providing for the carrying of concealed weapons;

Whereas, the laws governing the carrying of concealed weapons specifically allow for employers and business owners to restrict or prohibit the carrying of such weapons on owned property; and

Whereas, the Governing Body of the City of Leawood desires to prohibit the carrying of such weapons in public buildings and in public parks and greenways by persons who are not authorized by other laws to carry such weapons.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS:

SECTION 1. That the Code of the City of Leawood is hereby amended by adding a new section 11-212 which reads as follows:

11-212 CARRYING OF FIREARMS PROHIBITED. It shall be unlawful for any person to knowingly carry any concealed or unconcealed firearm on one's person while on property owned or leased by the City of Leawood, excluding street right-of-way. Provided, however, that this prohibition shall not apply to those persons listed in subsections (b) and (c) of K.S.A. 21-4201, and amendments thereto.

Violation of this Section is a Class A violation.

SECTION 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.


PASSED by the City Council this 2nd day of October, 2006.

APPROVED by the Mayor this 2nd day of October, 2006.

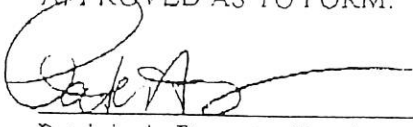


Peggy J. Dunn
Peggy J. Dunn, Mayor

ATTEST:


Debra Harper, City Clerk

APPROVED AS TO FORM:


Patricia A. Bennett, City Attorney

ORDINANCE NO. 47-321

AN ORDINANCE CREATING SECTION 5.88.040 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE CRIME OF CARRYING A CONCEALED WEAPON IN PLACES PROHIBITED BY THE PERSONAL AND FAMILY PROTECTION ACT, PURSUANT TO CHAPTER 32 AND CHAPTER 210 OF THE 2006 SESSION LAWS OF KANSAS, AND AMENDMENTS THERETO.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 1. 5.88.040 of the Code of the City of Wichita, Kansas, shall read as follows:

(A) No person licensed to carry a concealed firearm, or recognized as a valid out of state licensee, pursuant to the Personal and Family Protection Act, Chapter 32 and Chapter 210 of the 2006 Session Laws of Kansas, and amendments thereto shall carry a concealed weapon into any of the following places within the City of Wichita:

- (1) Any place where an activity declared a common nuisance by K.S.A. 22-3901, and amendments thereto, is maintained;
- (2) any police station, sheriff or highway patrol station;
- (3) any detention facility, prison, or jail;
- (4) any courthouse;
- (5) any courtroom; except that nothing in this section would preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in the judge's courtroom;

- (6) any polling place on the day an election is held;
- (7) any meeting of the governing body of the City of Wichita, or other political or taxing subdivision of the state, or any committee or subcommittee thereof;
- (8) any state office building;
- (9) any athletic event not related to or involving firearms which is sponsored by private or public elementary or secondary school or any private or public institution of postsecondary education;
- (10) any professional athletic event not related to or involving firearms;
- (11) any portion of a drinking establishment as defined by K.S.A. 41-2601, and amendments thereto, except that this provision shall not apply to a restaurant as defined by K.S.A. 41-2601 and amendments thereto;
- (12) any elementary or secondary school, attendance center, administrative office, services center or other facility;
- (13) any community college, college or university facility;
- (14) any place where the carrying of firearms is prohibited by federal or state law;
- (15) any child exchange and visitation center provided for in K.S.A. 75-720, and amendments thereto;
- (16) any community mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto, mental health clinic organized pursuant to K.S.A. 65-211 et seq., and amendments thereto, or a

psychiatric hospital licensed under K.S.A. 75-3307b and amendments thereto;

- (17) any City Hall
- (18) any public library;
- (19) any day care home or group day care home, as defined in Kansas administrative regulation 28-4-113, or any preschool or childcare center, as defined in Kansas administrative regulation 28-4-420; or
- (20) Any church or temple.

(b) Violation of this section is punishable upon conviction, to a sentence of up to 12 months imprisonment, and/or up to a \$2,500 dollar fine.

SECTION 2. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this 19th day of December, 2006.

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary Rebenstorf
City Attorney and Director of Law



P. O. Box 1567, Hutchinson, KS 67504-1567

Telephone: (620) 694-2641

Office of: City Attorney

FACSIMILE TRANSMISSION

To: Ryan Adelson
Fax: 785-296-6718
Pages: 5, including this cover page
RE: Concealed Carry Ordinance

From: Linda Kerschner
Date: January 9, 2007

Following is the Ordinance you requested. If you need anything further, please let me know.

CONFIDENTIALITY NOTICE: This e-mail communication and any attachments may contain confidential and privileged information for the use of the designated recipients named above. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

Introduced: January 2, 2007
Passed: January 2, 2007
Published: January 5, 2007

ORDINANCE NO. 2007 - 01

AN ORDINANCE AMENDING ARTICLE X,
CHAPTER 24 OF THE CODE OF THE CITY OF
HUTCHINSON, KANSAS, RELATING TO
OFFENSES AGAINST THE PUBLIC SAFETY

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF
HUTCHINSON, KANSAS:

Section 1. That Article X of Chapter 24 be amended by adding the following sections:

Sec. 24-1018 CONCEALED CARRY; WHERE PROHIBITED.

a. No license issued pursuant to Chapter 32 of the 2006 Session Laws of Kansas shall authorize the licensee to carry a concealed weapon into:

1. Any place where an activity declared a common nuisance by K.S.A. 22-3901, and amendments thereto, is maintained;
2. Any police, sheriff, or highway patrol station;
3. Any detention facility, prison, or jail;
4. Any courthouse;
5. Any courtroom, except that nothing in this section would preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in the judge's courtroom;
6. Any polling place on the day an election is held;
7. Any meeting of the governing body of a court, city, or other political or taxing subdivision of the state, or any committee or subcommittee thereof;
8. On the state fairgrounds;

9. Any state office building;
10. Any athletic event not related to or involving firearms which is sponsored by a private or public elementary or secondary school or any private or public institute of postsecondary education;
11. Any professional athletic event not related to or involving firearms;
12. Any portion of a drinking establishment as defined by K.S.A. 41-2601, and amendments thereto, except that this provision shall not apply to a restaurant as defined by K.S.A. 41-2601, and amendments thereto;
13. Any elementary or secondary school building or structure used for student instruction or attendance;
14. Any community college, college, or university facility;
15. Any place where the carrying of firearms is prohibited by federal or state law;
16. Any child exchange and visitation center provided for in K.S.A. 75-720 and amendments thereto;
17. Any community mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto; mental health clinic organized pursuant to K.S.A. 65-211 et seq., and amendment thereto; psychiatric hospital licensed under K.S.A. 75-3307b, and amendments thereto; or state psychiatric hospital, as follows: Larned state hospital, Osawatomie state hospital, or Rainbow mental health facility;
18. Any city hall;
19. Any public library operated by the state or by a political subdivision of the state;
20. Any day care home or group day care home, as defined in Kansas administrative regulation 28-4-113, or any preschool or childcare center, as defined in Kansas administrative regulation 28-4-420; or
21. Any church or temple.

22. City owned buildings and facilities which includes parks.

b. Violation of this section is a class A violation.

Sec. 24-1019 CONCEALED CARRY; WHERE PROHIBITED BY EMPLOYERS.

a. Nothing in Chapter 32 of the 2006 Session Laws of Kansas shall be construed to prevent;

1. Any public or private employer from restricting or prohibiting in any manner persons licensed under the act from carrying a concealed weapon while on the premises of the employer's business or while engaged in the duties of the person's employment by the employer; or

2. Any entity owning or operating business premises open to the public from restricting or prohibiting in any manner persons licensed under the act from carrying a concealed weapon while on such premises, provided that the premises are posted in a manner reasonably likely to come to the attention of persons entering the premises, as premises where carrying a concealed weapon is prohibited; or

3. A property owner from restricting or prohibiting in any manner persons licensed under the act from carrying a concealed weapon while on such property, provided that the premises are posted, in a manner reasonably likely to come to the attention of persons entering the property where carrying a concealed weapon is prohibited.

b. Carrying a concealed weapon on premises in violation of any restriction or prohibition allowed by subsection (a,) or in violation of any restriction or prohibition allowed by subsection (b) or (c) if the premises are posted as required by such subsection, is a class B violation.

Sec. 24-1020 CONCEALED CARRY; WHEN IMPAIRED.

It is a class A violation for a person licensed pursuant to Chapter 32 of the 2006 Session Laws of Kansas to carry a concealed weapon while under the influence of alcohol or drugs or both.

Section 2. This ordinance shall take effect and be in force from and after its passage and publication once in the official City newspaper.

PASSED BY THE GOVERNING BODY, this 2nd day of January, 2007 for
the City of Hutchinson, Kansas.

David M. Razo, Mayor

ATTEST:

Gina Rayburn
City Clerk

Phil Journey - Derby Concealed Carry Ordinance

From: "Mandy Wagner" <MandyWagner@derbyweb.com>
To: <journey@senate.state.ks.us>
Date: 1/9/2007 4:04 PM
Subject: Derby Concealed Carry Ordinance
CC: "Kathy Sexton" <KathySexton@derbyweb.com>
Attachments: Derby Concealed Carry - Ordinance 1873.pdf; Mandy Wagner.vcf

Senator Journey:

Greetings from Derby! Your office inquired today concerning a recently adopted city ordinance that includes provisions related to concealed carry. Please find attached Derby ordinance no. 1873, which adopts the 2006 Uniform Public Offense Code prepared by the League of Kansas Municipalities. The ordinance became effective December 20, 2006.

The concealed carry provisions of the ordinance are contained in section 10.1.1., which begins on page 2. As authorized by state law, the City has designated a number of specific locations/facilities, in addition to those set forth in the state law, where concealed carry is prohibited.

Namely, Derby included city facilities, city-owned public transportation, the Derby Recreation Commission, and certain city parks (those with entrances and designated parking appropriate for signage).

If I can be of further help in this matter or in others, please contact me at your earliest convenience.

Highest Regards,
Mandy

Mandy M. Wagner
Assistant To the City Manager
City of Derby
316/788-1519

Derby City Hall
611 Mulberry Road
Derby, Kansas 67037-3533

Fax: 316/788-6067
www.derbyweb.com

18-22

Passed: December 12, 2006
Published: December 20, 2006

ORDINANCE NO. 1873

AN ORDINANCE AMENDING CHAPTER 9.01 OF THE DERBY MUNICIPAL CODE, ADOPTING BY REFERENCE THE PROVISIONS OF THE 2006 UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES, TOGETHER WITH CERTAIN AMENDMENTS THERETO; AND REPEALING ORIGINAL CHAPTER 9.01 OF SAID CODE.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DERBY, KANSAS:

Section 1. Chapter 9.01 of the Derby Municipal Code is hereby amended to read as follows:

9.01.010 Adoption of 2006 Uniform Public Offense Code

The 2006 Uniform Public Offense Code for Kansas Cities (the "Uniform Public Offense Code"), a uniform code prepared by the League of Kansas Municipalities for the regulating public offenses within cities, is hereby adopted by reference and incorporated as an ordinance of the City of Derby, Kansas, except as specific provisions thereof are deleted or amended hereby. Not less than three copies of the Uniform Public Offense Code shall be marked or stamped "Official Copy as Adopted by Ordinance no. 1873," with all sections or portions thereof intended to be deleted or amended clearly marked to show any such modification, and to which shall be attached a copy of this ordinance. Such copies shall be filed with the City Clerk and shall be open and available for public inspection at all reasonable hours.

9.01.020 Local amendments to Uniform Public Offense Code.

a. §6.8 of the Uniform Public Offense Code is hereby amended to read as follows:

Section 6.8 Littering

Littering is intentionally or recklessly depositing or causing to be deposited any object or substance into, upon or about:

- (a) Any public street, highway, alley, road, right-of-way, park or other public place or any lake, stream, watercourse, or other body of water, except by direction of some public officer or employee authorized by law to direct or permit such acts; or
- (b) Any private property without the consent of the owner or occupant of such property.

Littering is class C offense.

- b. §6.14 of the Uniform Public Offense Code is hereby deleted.
- c. §10.1.1 of the Uniform Public Offense Code is hereby amended to read as follows:

Section 10.1.1 Concealed Carry: Where Prohibited

- (a) Notwithstanding issuance of a license pursuant to Chapter 32 of the 2006 Session laws of Kansas, it shall be unlawful to carry a concealed weapon into:
 - (1) Any place where an activity declared a common nuisance by K.S.A. 22-3901, and amendments thereto, is maintained;
 - (2) Any police, sheriff, or highway patrol station;
 - (3) Any detention facility, prison, or jail;
 - (4) Any courthouse;
 - (5) Any courtroom, except that nothing in this section would preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in the judge's courtroom;
 - (6) Any polling place on the day an election is held;
 - (7) Any meeting of the governing body of a court, city, or other political or taxing subdivision of the state, or any committee or subcommittee thereof;
 - (8) On the state fairgrounds;
 - (9) Any state office building;
 - (10) Any athletic event not related to or involving firearms which is sponsored by a private or public elementary or secondary school or any private or public institute of postsecondary education;
 - (11) Any professional athletic event not related to or involving firearms;
 - (12) Any portion of a drinking establishment as defined by K.S.A. 41-2601, and amendments thereto, except that this provision shall not apply to a restaurant as defined by K.S.A. 41-2601, and amendments thereto;
 - (13) Any elementary or secondary school building or structure used for student instruction or attendance;
 - (14) Any community college, college, or university facility;
 - (15) Any place where the carrying of firearms is prohibited by federal or state law;
 - (16) Any child exchange and visitation center provided for in K.S.A. 75-720 and amendments thereto;
 - (17) Any community mental health center organized pursuant to K.S.A. 19-4001 *et seq.*, and amendments thereto; mental health clinic organized pursuant to K.S.A. 65-211 *et seq.*, and amendments thereto; or psychiatric hospital licensed under K.S.A. 75-3307b, and amendments thereto;
 - (18) Any city hall;
 - (19) Any public library operated by the state or by a political subdivision of the state;
 - (20) Any day care home or group day care home, as defined in Kansas administrative regulation 28-4-113, or any preschool or childcare center, as defined in Kansas administrative regulation 28-4-420;
 - (21) Any church or temple; or

(22) Any place in violation of K.S.A. 21-4218, and amendments thereto. Violation of any provision of this subsection (a) is a class A violation.

(b) Notwithstanding issuance of a license pursuant to Chapter 32 of the 2006 Session laws of Kansas, it shall be unlawful to carry a concealed weapon into:

- (1) Any public or private employer which has restricted or prohibited persons licensed under the act from carrying a concealed weapon while on the premises of such employer's business or while engaged in the duties of the person's employment by such employer;
- (2) Any business premises open to the public when the entity owning or operating such business premises has restricted or prohibited in any manner persons licensed under the act from carrying a concealed weapon while on such premises; provided, that the premises are posted, in a manner reasonably likely to come to the attention of persons entering the premises, as premises where carrying a concealed weapon is prohibited; or
- (3) Any property, the owner of which has restricted or prohibited in any manner persons licensed under the act from carrying a concealed weapon while on such property; provided, that such property is posted, in a manner reasonably likely to come to the attention of persons entering the property, as property where carrying a concealed weapon is prohibited.

Carrying a concealed weapon on premises in violation of any restriction or prohibition contained in subsection (b)(1) of this section, or in violation of any restriction or prohibition contained in subsection (b)(2) or (b)(3) of this section if the premises are posted as required by such subsection, is a class B violation.

(c) Pursuant to the authority granted to property owners and to the owners or operators of businesses under Chapter 32 of the 2006 Session laws of Kansas as amended by Chapter 210 of the 2006 Session laws of Kansas, the governing body of the City of Derby, Kansas, hereby prohibits the carrying of any concealed firearm by any person other than those identified in subsection (e) below while in or upon the premises of any of the following properties which are owned by the City of Derby, Kansas, or on which the City is operating as a public employer:

- (1) The Derby Recreation Commission Community Center, located at 801 East Market, Derby, Kansas;
- (2) Riley Park, located at 1115 East Kay, Derby, Kansas;
- (3) Garrett Park, located at 1100 East Chet Smith, Derby, Kansas;
- (4) High Park, located at 2700 East Madison, Derby, Kansas;
- (5) Derby Skate Park, located at 424 East Market, Derby, Kansas;
- (6) Rock River Rapids Aquatic Park, located at 1900 East James, Derby, Kansas;
- (7) Derby Wastewater Treatment Facility, located at 1501 South K-15, Derby, Kansas;
- (8) Derby Public Works Yard, located at 332 West Market, Derby, Kansas;
- (9) Derby Fire Station No. 1, located at 128 West Market, Derby, Kansas;
- (10) Derby Fire Station No. 2, located at 1401 North Rock Road, Derby, Kansas; and

(11) Derby Senior Activity Center, located at 611 Mulberry, Derby, Kansas. Violation of any provision of this subsection (c) is a class B violation.

- (d) The prohibitions set forth in subsections (a), (b) and (c) of this section shall apply both to the interiors of the structures on all such properties and to the exterior areas; provided, that such prohibitions shall not apply to persons who are otherwise lawfully in possession of any such firearm while in a motor vehicle which is located in an area designated for public vehicular traffic or for public vehicular parking.
- (e) The prohibitions set forth in subsections (a),(b) and (c) of this section shall not apply to any person identified under the exclusions set forth in subsections (b) or (c) of K.S.A. 21-4201 regarding the criminal use of weapons, as the same now apply or may hereafter be amended.
- (f) As used in this section, the terms "firearm" means any handgun, pistol or revolver.

c. §10.1.2 of the Uniform Public Offense Code is hereby deleted.

d. §10.6 of the Uniform Public Offense Code is hereby amended to read as follows:


10.6 AIR GUN, AIR RIFLE, BOW AND ARROW, SLINGSHOT OR BB GUN.

- (a) Except as otherwise provided in this section, it shall be unlawful to shoot, discharge or operate any air gun, air rifle, bow and arrow, slingshot, BB or paint ball gun within the city.
- (b) It is unlawful for any person, other than law enforcement or animal control officer, to discharge or fire an air gun, air rifle, bow and arrow, slingshot, BB gun or paint ball gun within the city, except within the confines of a building or other structure from which the projectiles cannot escape, or within or upon a property or facility licensed by the City for that purpose; or to carry any such weapon on the streets, alleys or public places in the city unless the same is dismantled or in a scabbard.
- (c) The chief of police may authorize, in writing, any charitable or educational organization to conduct training and instruction in the safe use of air guns, air rifles, bows and arrows, slingshots, BB guns or paint ball gun, including training in the shooting or discharge of the same, when he or she finds that such training and instruction will be conducted under the supervision of qualified instructors, that the site of such training and instruction does not pose a danger to the public, and the organization proposing to conduct such training and instruction has procured insurance coverage of a type and amount deemed adequate by the city attorney.

Section 2. Original Chapter 9.01 of the Derby Municipal Code is hereby repealed.

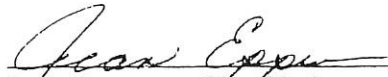
Section 3. This Ordinance shall be effective from and after its publication once in the official City newspaper.

ADOPTED BY THE GOVERNING BODY this 12th day of December, 2006.



Dion P. Avello, Mayor

ATTEST:



Jean Epperson, City Clerk

From: "BRENDA WOLF" <WOLF@ci.manhattan.ks.us>
To: <journey@senate.state.ks.us>
Date: 1/26/2007 11:49 AM
Subject: Policy Resolution dealing with Concealed Handguns on City Property
Attachments: Res.No.012307-A-POLICY-No Guns on City Property.doc

The Manhattan City Commission approved the attached resolution on January 23, 2007. If I can be of further assistance, please let me know.

Brenda K. Wolf, CMC
Executive Secretary
City of Manhattan
1101 Poyntz Avenue
Manhattan, KS 66502
785-587-2407
www.ci.manhattan.ks.us <<http://www.ci.manhattan.ks.us/>>

POLICY MANUAL
RESOLUTION NO. 012307-A
CITY OF MANHATTAN, KANSAS

SUBJECT
EFFECTIVE DATE

Prohibition of Concealed Carry on Certain City Property.
January 23, 2007

A. BACKGROUND:

In 2006, the Kansas Legislature adopted Senate Bill 418, commonly known as the Kansas Personal and Family Protection Act (“the Act”), which permits licensed persons to carry concealed weapons in most places within the state of Kansas beginning January 1, 2007. The Act contains a list of 22 locations in which concealed carry is prohibited, including courthouses, courtrooms, and city halls. The Act does not prohibit concealed carry in other city facilities.

The City of Manhattan, operating as a governmental entity, does not have the authority to regulate concealed carry in any manner. However, the Act permits *all* property owners, whether public or private, to prohibit concealed carry on property owned or used by the property owner. The City, as a property owner, has an interest in regulating the possession of concealed weapons upon certain of its properties. The City must post notification signs that comply with the Attorney General’s signage regulations at the locations at which concealed carry is prohibited.

B. PURPOSE:

The purpose of this Policy is to specify at which City facilities concealed carry is prohibited and to authorize the City Manager to post the proper notification signage as required by the Attorney General.

C. POLICY:

The City Manager is hereby authorized, and directed, to post proper notification signage, as required by the Attorney General, prohibiting the carrying of concealed weapons at the following City-owned, or used, locations:

1. City Hall
2. Municipal Court
3. The Headquarters Fire Station
4. Douglass Center
5. Douglass Center Annex
6. The Community House
7. The Arts in the Park stage/pavilion
8. The restored Union Pacific Depot
9. The Ice Rink
10. All City swimming pools

11. Griffith Park
12. CiCo Park
13. Anneberg Park
14. Eisenhower Park
15. Northview Park
16. Sunset Zoo

**PASSED BY THE GOVERNING BODY OF THE CITY OF
MANHATTAN, KANSAS THIS 23RD DAY OF JANUARY,
2007.**

(SEAL)

SNEAD, Mayor

BRUCE

ATTEST:

GARY S. FEES, CMC, City Clerk

MEMORANDUM
City of Lawrence
Legal Services

TO: Toni Wheeler, Interim Director of Legal Services
FROM: Scott J. Miller, Staff Attorney
Date: November 9, 2006
RE: Ordinance 8048 – City Manager Authority to Prohibit Concealed Carry of Firearms in City Buildings

Introduction

Earlier this year, the Kansas Personal and Family Protection Act became law in the State of Kansas. As a result, on January 1, 2007 licensed individuals will be able to lawfully carry concealed handguns in most places within the State.

It is not legal under the Act, however, for a licensee to carry a concealed handgun into certain types of buildings. Police stations, courtrooms, meetings of the governing body and city halls, for instance, are all locations that the right to concealed carry granted to licensees by the act does not extend to. With regard to other properties owned or leased by the City of Lawrence, the City has discretionary ability to prohibit the concealed carry of firearms in those locations. The relevant portion of the Act, most recently amended in Section 8 of 2006 House Bill 2118, states:

Nothing in this act shall be construed to prevent:

- (1) Any public or private employer from restricting or prohibiting in any manner persons licensed under this act from carrying a concealed weapon while on the premises of the employer's business or while engaged in the duties of the person's employment by the employer; or
- (2) Any entity owning or operating business premises open to the public from restricting or prohibiting in any manner persons licensed under this act from carrying a concealed weapon while on such premises, provided that the premises are posted, in accordance with rules and regulations adopted by the attorney general pursuant to this section, as premises where carrying a concealed weapon is prohibited; or
- (3) A property owner from restricting or prohibiting in any manner persons licensed under this act from carrying a concealed weapon while on such property, provided that the premises are posted, in accordance with rules and regulations adopted by the attorney general pursuant to this section, as premises where carrying a concealed weapon is prohibited.

These provisions clearly establish the ability of the City of Lawrence to limit the concealed carry of handguns authorized by the Act either as a property owner or, in appropriate cases, as the owner or occupant of business premises that are open to the public. This power is not limited to real property by the language of the statute, so it should also extend to the vehicles used by the City's transit system. The Attorney

must take. An example of such a sign, which must be at least 6 inches by 6 inches in size, is included at the end of the memorandum as Appendix A.

Concealed Carry and City Facilities

In anticipation of the onset of concealed carry under the act, I was asked to contact the department heads of our various departments in an attempt to determine whether they think it is appropriate to ban the concealed carrying of handguns in the various City facilities or properties under their respective control. Their responses made it clear that they were in favor of prohibiting concealed carry in virtually every City building. In addition, it was suggested that concealed weapons be banned on the City's transit vehicles and from some of our outdoor recreation facilities where organized youth and adult sports competitions are conducted.

As a result of these conversations and at the request of the City Manager, Ordinance 8-4048 was drafted. It has two purposes, both pertaining to the control of property owned or in some cases leased by the City of Lawrence. First, it grants the City Manager discretion to order property either owned by the City of Lawrence or used as business premises open to the public by the City of Lawrence posted as property where the carrying of concealed weapons is prohibited. Any property so designated will be kept on a list that is open to inspection by the public during regular business hours. Each property will also be conspicuously marked by signs that meet the requirements of the Attorney General's regulations.

At this point, if the City Manager were to acquiesce to the requests of the various department managers, then all buildings owned or used as business premises open to the public would be included on the list. Additionally, each transit vehicle and the outdoor grounds of certain Utilities and Parks and Recreation facilities would be included. No request has been made, however, to post the majority of the City's outdoor facilities.

By approaching this challenge in this manner, a new ordinance does not need to be drafted every time the City either acquires different property or sees fit to reclassify existing property. This will provide a greater degree of flexibility and will provide cost savings over a continuously updated list contained within the City Code because of the costs associated with republishing such a list every time a change is made.

Trespass Warnings

On a related note, because it was necessary to draft an ordinance related to the City Manager's discretion to control City property, I proactively included an additional provision that spells out the City Manager's authority to issue or cause to be issued trespass warnings for those people who are using City property or facilities in a criminal, disruptive, or otherwise inappropriate manner. I think that such a power is inherent in the position of City Manager, but by including it in the City Code it eliminates one potential point of contention in a criminal or civil trespassing case. Criminal trespassing is an essential tool to allow the enforcement of rules governing behavior in City facilities.

Conclusion

Please let me know if any additional attention is required on this subject. I will be closely monitoring the Attorney General's Office for the release of the applicable regulations and will work with department directors to make sure all specified locations are adequately posted.

Appendix A

City ban on guns to lapse

By John Green

The Hutchinson News

jgreen@hutchnews.com

Two Hutchinson City Council members have reversed their opinion on banning concealed guns in city parks, meaning the city will apparently let the ban lapse next month.

Councilman Brad Dillon was the first to express "a lot of second thoughts" about the ban Tuesday, noting when people called him in opposition to the law, "I can't explain why I did it."

"I don't like concealed carry," Dillon said. "But I've read a lot of letters and feel they make better arguments. I'd like to revisit the issue."

The City Council adopted an ordinance Jan. 2 mirroring the state's concealed carry law, except with one addition to prohibited locations: "City-owned buildings and facilities, which include parks."

By adopting the state law as a city code, it can be enforced in municipal court, not only district court.

Councilman Ron Sellers said he felt the same way as Dillon.

"The state put together a pretty good law and we ought to try it," Sellers said. "The police chief had no problem with the way it was written. ... People that called me were very polite and very knowledgeable. I think we jumped the gun a little bit."

Council members Dean Brigman and Barry Law were absent from the Jan. 2 meeting, so they didn't vote on the ban. But neither offered comment during Tuesday's discussion.

The city can still post ban signs at all its buildings, city manager John Deardoff said, although he doesn't plan "to post signs every 50 feet" in parks. He does plan to post at city athletic venues. Deardoff said later, including the Sports Arena, Fun Valley, Hobart-Detter field and the Carey Park Golf clubhouse. To make the change, the city will drop the added paragraph when it adopts new municipal and traffic codes.

New codes will be considered after a request from city attorney Carolyn Patterson to adopt standardized codes by the League of Kansas Municipalities.

The city is implementing a computer program for the municipal court, and adopting those codes would simplify putting them in the computer, she said.

Patterson plans to bring the proposed codes as a study item next week.

The council would adopt the ordinances two weeks after that.

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