

## 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 March 1, 2007 in Room 313-S of the Capitol.

All members were present except:

Representative Mike Peterson- excused  
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:

Bob Vancrum - Greater Kansas City Chamber of Commerce  
Terry Brady - Metropolitan Cultural District Commission

Others attending:

See attached list

Chairman Siegfroid opened the floor for bill introductions and introduced Representative Huntington who requested a bill regarding tax credits for businesses. The Chair moved the bill with a second by Representative Mah. With no objections, this bill will be accepted.

There were no other bill introductions.

The Chair opened the floor for hearing on **HB 2453** - Kansas and Missouri Metropolitan Culture District Compact; repeal thereof. Kathie Sparks, Legislative Research Department, gave an explanation of the bill stating that it would repeal the Kansas Missouri Metropolitan Culture District Compact. (Attachment 1)

The Chairman recognized Representative Hodge as a proponent of the **HB 2453** who stated that the bill allows counties on the Missouri side and the Kansas side to joint together on projects which he sees as largely unnecessary. Rep. Hodge opined that cities and counties are still able to work together without a formal arrangement and with a better and more prudent end result. (No Written Testimony)

With no other proponents, the Chair opened the floor to opponents of **HB 2453** and recognized Bob Vancrum of the Greater Kansas City Chamber of Commerce. Mr. Vancrum opposes **HB 2453** as the Chamber is in support of the Kansas and Missouri Metropolitan Culture District Compact passed in 1991. He gave the opinion that there are consequences to such an action which may not be appropriate. He further stated that the Compact itself is only enabling legislation. (Attachment 2)

Terry Brady, a representative of the Metropolitan Cultural District Commission also provided testimony opposing **HB 2453**. Mr. Brady stated that the Metropolitan Culture District exists to realize the desires of Kansas and Missouri to cooperate with one another, serve the best interests of their citizenry, improve cultural facilities, coordinate the services of cultural organizations and enhance the cultural activities of their communities. He also provided financial information. (Attachment 3)

No other person wished to address the bill and Chairman Siegfroid closed the hearing on **HB 2453**.

Chairman Siegfroid opened the floor for continued discussion on **HB 2528** - Concerning firearms. Senator Journey, Representative Ruff, Kyle Smith, KBI; Ed Klumpp, Association of Chief of Police; Sandy Jacquot, League of Kansas Municipalities; Charles Sexson, Director of Concealed Carry, Attorney General's Office; and Rob Davis, concerned citizen were all available to answer any concerns of the Committee.

Additional written information regarding **HB 2528** was provided by Ed Klumpp on behalf of the Kansas Association of Chiefs of Police, (Attachment 4), and by Joe Waters, Director of Facilities (Attachment 5)

CONTINUATION SHEET

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

Chairman Siegfroid announced that action on **HB 2528** was planned for Monday, March 5<sup>th</sup>.

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

# FEDERAL AND STATE AFFAIRS

## GUEST LIST

Date 3-1-07

Robert Davis	
Ed Kumpf	Kc Assoc. of Chiefs of Police
Kevin Radcliff	CCSO Guest
Marcy Knight	City of Lenexa
Paula Radcliff	Ks State Rifle Assoc.
Dacia H. Stonelking	KSRH
<del>Klema Ann Kump</del>	
CHARLES SEXSON	AG
C.W. KREBE	AG
MARY FEIGHNY	AG
Jim Hewins	
Bob Duncan	GKC Member
TRACY BRADY	B. State Comm
Christy Campbell	Little Govt Recenter
J. Kent Eckles	O. & Chamber of Commerce
Ashley Sheard	Lenexa Chamber
Stuart Little	Johnson Co Govt.
Whitton Damm	City of Lenexa
ERIK SARTORIUS	City of OVERLAND PARK
Bud Scott	KSRH
Kevin Brown	Joseph Mollerdrz LLC
Phil Jennings	26th Sen

Sprou  
March 1

HB 2453

HB 2453 would repeal the Kansas Missouri Metropolitan Culture District Compact. Under current law, the compact was between Johnson County, Kansas and Jackson County, Missouri. The Act allowed for not more than .25 percent retailers sales taxes levy upon adoption of a resolution and a majority vote of the electors of the county. In addition, the Act provided that the provisions would expire upon nullification and voidance of the district pursuant to either legislature enacting a statute repealing the Act. The Act's policy and purpose is the desire by common action to fully utilize and improve their cultural facilities, coordinate the services of their cultural organizations, enhance the cultural activities of their citizens, and achieve solid financial support for cultural facilities, organizations and activities.

Testimony to House Federal and State Affairs Committee  
Robert Vancrum, Kansas Government Affairs Specialist  
Greater Kansas City Chamber of Commerce

HB ~~2543~~  
2453

March 1, 2007

Chairman Siegfried and Other Honorable Representatives:

I appear today on behalf of the Greater Kansas City Chamber of Commerce. We are an organization with members throughout the Kansas City Metropolitan Area, including about 3,000 member firms based in Kansas.

The Chamber has long been a supporter of efforts to further regional cooperation both in areas of economic development, and in promotion of a metropolitan region with many complementary cultural activities and facilities. As such, we were a supporter of the Kansas and Missouri Metropolitan Culture District Compact passed in 1991 and amended in 1993 and 2001 by both Kansas and Missouri, (now found at KSA 12-2536 et.seq.) HB 2543 seeks to repeal the Compact and related legislation outright. There are consequences to such an action which may not be appropriate. The Compact itself is only enabling legislation. When such a resolution is adopted by the county commissioners, or by qualified electors on a petition basis, the matter is put to a vote by the people. The Compact must be adopted in exactly the same form in both states and generally to be enforceable in those states but also be ratified by the Congress of the United States. These steps were taken in the 1990's. Perhaps most importantly, further use of the Compact requires action by BOTH a majority of the county government and the voters. Furthermore, the legislation specifically allows any county to pull out if the county feels their participation is no longer in their interest.

Union Station is currently operating under a 99 year lease with the bi-state commission. If the bi-state is repealed at this point in time, Johnson Countians will no longer have any say over the future use of Union Station. This is to deny Johnson County citizens of their oversight of the renovated facility paid for with their tax dollars. Who knows what happens to Union Station in the future.

Throughout the history of the district, only two resolutions for using it as the basis to support activities and facilities to be used for historical, artistic or social development or for sports or participation or engagement in cultural activities. The first was a successful measure to support the renovation and restoration of historic Union Station at Pershing Road and Main Street in Kansas City, Missouri. Only Johnson County amongst Kansas counties elected to participate in that activity, but the sales tax initiative for that purpose passed by a solid majority of electors in virtually every part of Johnson County. The tax was collected, the renovation was started and completed, and the collection of the tax expired in exactly the manner set forth and approved by the voters in the ballot initiative. In addition, the Metropolitan Culture Commission was created and still

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functions. More recently, a second initiative which was to provide direct and indirect funding to the various agencies throughout the metropolitan area that are engaged in the promotion of the arts and humanities was also to provide support for the renovation, repair and expansion of the stadiums in Jackson County, Missouri that house the Kansas City Chiefs and the Kansas City Royals. This measure was opposed by a majority of the qualified electors in Johnson County and therefore the resolution to participate in financial support of the district for those additional goals was never implemented. There has not been nor is there pending any further plan to utilize this district for other activities or facilities at this time.

With this history, it is hard to understand why the principal sponsor wishes to turn the clock back to 1991 and terminate the Compact. It appears when Johnson County voters found a project they could strongly support (Union Station) they voted for it and when they found a proposal they didn't like, it was soundly defeated. It is interesting that some of the people that are the strongest supporters of letting the voters have their say on certain issues feel that on other matters the voters need to be protected. In short, what is not working with the bi-state compact?

If in fact I am the only opponent to this bill, it is not to be taken as a reflection that business leaders in the Kansas City Metropolitan Area were not willing to appear to support the bi-state compact. In fact, a number were. I cannot imagine that this bill would pass the House. Even if it did it is hard for me to see this legislature rejecting the Compact, which is merely enabling legislation to allow cooperation to enhance the culture of the entire metropolitan area.

# KANSAS AND MISSOURI METROPOLITAN CULTURE DISTRICT (BI-STATE) COMMISSION 2005 ANNUAL REPORT

## HOW WAS THE BI-STATE COMMISSION FORMED?

Commonly referred to as the Bi-State Commission, the Metropolitan Culture District is a special district authorized in 1996 by a joint compact between the states of Kansas and Missouri. The governing bodies in five metro area counties authorized placing the question of forming the district on the ballot. Voters in Platte, Clay and Jackson counties in Missouri and Johnson County, Kansas, approved the measure forming the district.

The proposal to form the current district specified that a retail sales tax of 1/8 of one cent would be collected from within the district until \$118 million had been received. The proceeds of the tax were limited in use to renovate Union Station and to construct Science City in Union Station. From April 1, 1997, to March 31, 2002, \$121,393,565 was collected. The tax expired in the first quarter of 2002.

## FINANCIAL INFORMATION — COMMISSION ADMINISTRATION FUND

	Budget	Actual	Variance Favorable (Unfavorable)
<b>REVENUE</b>			
Administrative revenue allocation — interest income	\$0	\$0	\$0
<b>EXPENDITURES</b>			
Administration — legal:	10,000	7,984	2,016
MARC accounting and clerical support:	18,000	12,863	5,137
Audit:	5,600	4,205	1,395
Other:	8,600	6,416	2,184
<b>TOTAL EXPENDITURES</b>	<b>42,200</b>	<b>31,468</b>	<b>10,732</b>
Revenue over (under) expenditures:			
Fund balance reserved for administrative expenditures at end of period:	7,763	18,495	10,732

Under the provisions of the Sales Tax Escrow and Disbursement Agreement, the commission allocated \$889,000 of the tax receipts to provide for the budgeted administrative costs of the commission. The commission approved a \$100,000 transfer of excess funds reserved for administrative expenditures to cover project-related expenditures.

## FUTURE RESPONSIBILITIES OF THE BI-STATE COMMISSION

The Bi-State Commission will continue to exist with or without a continuation of the sales tax. With the completion of the construction project at Union Station, the commission continues to ensure that future development and/or uses of Union Station and the immediate area are consistent with the Union Station Master Plan approved in the beginning, and that the public's interest is protected.

As a part of the commission's oversight of the project, Union Station was leased to the commission for a term of 99 years. The "Project" is defined as activities which contribute to and enhance the aesthetic, artistic, historic and social development of the general public in accordance with the master plan.

## BI-STATE COMMISSION MEMBERS

STATE OF KANSAS  
Gubernatorial appointee  
Joshua Garry 2004-

STATE OF MISSOURI  
Gubernatorial appointee  
Patrick McInerney 2004-

CLAY COUNTY, MISSOURI  
Craig Porter  
County Commission 2004-

JACKSON COUNTY, MISSOURI  
Robert Stringfield  
County Legislature 2003-

JOHNSON COUNTY, KANSAS  
Annabeth Surbaugh  
Chair, County Commission 1999-

PLATTE COUNTY, MISSOURI  
Betty Knight  
Presiding County Commissioner 2004-

INDEPENDENCE, MISSOURI  
Jim Schultz  
City Council 2004-

KANSAS CITY, MISSOURI  
Troy Nash  
City Council 2002-

LEE'S SUMMIT, MISSOURI  
Randy Rhoads  
City Council 2002-

OLATHE, KANSAS  
Michael Copeland  
Mayor 1997-

OVERLAND PARK, KANSAS  
Carl Gerlach 2005-

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2005 OFFICERS  
Chairperson - Michael Copeland  
Mayor of Olathe, Kansas  
Vice Chairperson - Randy Rhoads  
Lee's Summit, Missouri City Councilman  
Treasurer - Robert Stringfield  
Jackson County Legislature

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## PAST COMMISSIONERS

Lisa Ashner Adkins  
Kansas Gubernatorial appointee 1997-2004  
Karen K. Holland  
Missouri Gubernatorial appointee 1997-2004  
Tom Brown  
Clay County Commission 2002-2004  
Tom Brandon  
Clay County Commission 1997-2002  
Terry Young  
Jackson County Legislature 2000-2003  
Dennis Waits  
Jackson County Legislature 1999  
John Patrick Burnett  
Jackson County Legislature 1997-1998  
David Wysong  
Johnson County Commission 1997-1998  
Michael Short  
Platte County Commission 1997-2004  
Charlie Rich  
Independence City Council 2000-2004  
Al Van Iten  
Independence City Council 1998-1999  
Mark Swope  
Independence City Council 1997-1998  
Mary Williams-Neal  
Kansas City, Mo. City Council 1997-2002  
Bob Johnson  
Lee's Summit City Council 2001-2002  
Ed Eilert  
Mayor of Overland Park 1995-2005

The current Commission is composed of elected and appointed public officials representing

Federal and State Affairs  
Attachment 3

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# KANSAS AND MISSOURI METROPOLITAN CULTURE DISTRICT (BI-STATE) COMMISSION 2005 ANNUAL REPORT

## FUTURE PROJECTS OF THE BI-STATE COMMISSION

The Metropolitan Culture District exists to realize the desires of Kansas and Missouri to cooperate with one another, serve the best interests of their citizenry, improve cultural facilities, coordinate the services of cultural organizations and enhance the cultural activities of their communities. The Kansas and Missouri Metropolitan Culture District Compact is historic, representing the first time in the nation that two states have jointly agreed to cooperate to levy a tax to benefit their citizens. The Union Station project was an excellent first project for a cooperative effort of this kind because of the significance this property holds for the region's citizens as evidenced by voter approval in four of the metropolitan area's counties.

The Metropolitan Culture District's responsibility is limited to cultural activities, organizations or facilities. "Cultural activities" was revised August 28, 2000, to include sports or activities which contribute to or enhance the aesthetic, artistic, historic, intellectual or social development or appreciation of members of the general public. "Cultural organizations" include nonprofit and tax-exempt social, civic or community organizations and associations which are dedicated to the development, provision, cooperation, supervision,

promotion or support of cultural activities in which members of the general public may engage or participate. "Cultural facilities" include facilities operated or used for sports or participation or engagement in cultural activities by members of the general public.

Future projects may be undertaken with the support of eligible counties through citizen petition or when a county's governing body determines that participation in the district is in the best interest of its citizens. Upon adoption of a resolution by a county commission in support of a future project, or determination of an accepted citizen petition, the question would be submitted to a vote at a primary, general or special election. Voters would determine if the levy of a sales tax, on a cooperative basis with other counties, to financially support the district is economically practical and beneficial to the citizens of the county.

Counties supporting future projects must include at least Johnson County, Kansas, and Jackson County, Missouri. Contiguous counties in Kansas and Missouri are also eligible to participate, as are those within 60 miles of Johnson and Jackson counties.

For more information, contact: Molly McGovern | Bi-State Administrator | Kansas and Missouri Metropolitan Culture District  
600 Broadway, Suite 300 | Kansas City, Missouri 64105 | 816/701-8329

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COMMISSION  
BI-STATE  
CULTURE DISTRICT  
METROPOLITAN





**ADDITIONAL INFORMATION PRESENTED TO  
THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE  
REFERENCE HB 2528  
Presented by Ed Klumpp  
On behalf of the  
Kansas Association of Chiefs of Police**

March 1, 2007

After reflecting on last Tuesday's meeting and the comments from interested parties before, during, and after the hearing, we feel it is pertinent to add to our comments submitted last week.

The first thing we want to reemphasize is that sections 2, 3, 4, 5 and 8 of this bill are important amendments to current law and we strongly support them. Those amendments need to be made regardless of the decision on sections 1, 6 and 7, the sections of our concern.

It is our opinion that the most prudent thing to do is just eliminate sections 1, 6 and 7 from the bill for reasons stated below. If that is not an option chosen by the committee, then you already have an amendment option we offered last week that addresses the key concerns of those testifying in support of those sections. It is a reasonable approach without jeopardizing public safety.

Secondly, we believe the cities should support the concealed carry statutes and should not interfere with a licensee beyond the legislated controls given to the cities under current law. This is something that certainly could have been worded more clearly in several provisions of the statute and suggestions for fixing that are included in our suggested amendments to the bill.

Third, it is section 1 of this bill that troubles the Kansas police chiefs the most. Cities need the ability to control the carrying and possession of firearms by those that are not licensed by the state. We believe all of the provisions of the current statute are appropriate for local authority.

And fourth, we disagree that municipal courts should be prohibited from handling these misdemeanor violations within their jurisdiction. We do not believe there is any other misdemeanor with such a prohibition. Most cities can handle these cases well and most District Attorneys in larger jurisdictions would probably welcome those cases not being added to their case load. The key to this is for the ordinances to be specific to the state statutes, with their own added provisions allowed by statutory authority. Many cities take this approach on their ordinances that mirror state statute.

One comment was made in the audience last week that the cities just want the revenue. There are few cities, especially the larger ones, where court revenues exceed the court expenses. Even without the incarceration costs, most courts would probably not break even. By the time the cities pay the incarceration costs cities spend much more than they take in from fines. And much of the court costs they collect go to the state and are not retained locally. Cities continue to pay for municipal courts for the same reason the state spends more on courts and corrections than they take in on fines and court costs—public safety.

This bill was stated to be in response to cities acting beyond the scope of the legislative intent of the concealed carry law passed last year. The issues most commonly raised were:

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- Some cities “criminalized a person with a valid license carrying a firearm” in certain locations. One specific example cited was the cities made it a misdemeanor for a licensee to carry at work instead of just a policy with a personnel action attached.
- Cities restricting concealed carry by licensees in parks and locations outside of buildings.
- A city may have written their ordinance in such a way to include all of their streets and sidewalks as a prohibited location. This is something we could not find in the city ordinances.

These are intriguing accusations and as we looked at the sample ordinances that were submitted to the committee and as we studied the existing law passed last year we struggled to find any evidence of those things. What we did see is that, in general, cities attempted to:

- Include the statutory language of prohibited places with their additions at the end of those. Hardly an attempt to circumvent state statute.
- Use an ordinance to state that employees could not carry a firearm while at work or on the job site.
- Some of these were specific and some simply granted that authority to a city manager or other chief administrator.

Then we tried to understand how these may have extended beyond the legislative intent of the existing statute. During the debates last year a lot of ideas, concerns and concepts were discussed just like in most controversial legislative debates. The end result was the contents of the published statutes. Not every concern voiced becomes legislative intent. We were always taught you look first at the written law and if something is unclear from that you attempt to determine the legislative intent. In this case it appears to us the law is pretty clear on most of the issues used to support the questionable sections of this bill. While we cannot be sure, we suspect some of these statutory provisions were added to gain support from legislators insisting that appropriate local control be retained. As all of you know, such compromise is part of the legislative process. If that is the case, without those provisions, last years bill might well have not passed—especially by enough margin to override a veto.

For example, KSA 12-16.124(b) states, “Nothing in this section shall:

- (1) Prohibit a city or county from adopting any zoning measure related to firearms licensees if otherwise authorized by law to do so;
- (2) prohibit a law enforcement officer, as defined in K.S.A. 22-2202, and amendments thereto, from acting within the scope of such officer's duties;
- (3) prohibit a city or county from regulating the manner of carrying any firearm on one's person;
- (4) prohibit a city or county from regulating **in any manner** the carrying of any firearm in any jail, juvenile detention facility, prison, courthouse, courtroom or city hall; or
- (5) prohibit a city or county from adopting an ordinance, resolution or regulation requiring a firearm transported in any air, land or water vehicle to be unloaded and encased in a container which completely encloses the firearm or any less restrictive provision governing the transporting of firearms.”

I have added the emphasis in subsection (4).

All of those statements seem a reasonable thing to expect cities to accomplish under home rule. What would the legislative response be if the federal government prohibited the states from doing those things? Yet the current language of HB2528 wants to remove those abilities from the local governments of Kansas.

Another example is found in KSA 75-7c11 which states:

- “(a) 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.
- (b) Carrying a concealed weapon on premises in violation of any restriction or prohibition allowed by subsection (a) (1), or in violation of any restriction or prohibition allowed by subsection (a)(2) or (a)(3) if the premises are posted as required by such subsection, **is a class B misdemeanor.**”

Again, I have added the emphasis on certain phrases relevant to this discussion.

With those examples, we struggle how legislative intent is in question and how cities have exceeded the intent of the statute with the language approved by the legislature last year. The statute clearly states cities can restrict employees from carrying on the job and even states they may do so “in any manner.” So if the legislature intended for that to be done by a method other than ordinance wouldn't they have stated that instead of stating “in any manner?” And interestingly, while some questioned the audacity of cities to make such action a misdemeanor, the state statute already does that in KSA 75-7c11(b). [See above quoted statute.]

We struggle to see how the cities overstepped the legislative intent when prohibiting concealed carry in parks when considering the provisions of KSA 75-7c11 section (a)(3). Local governments are clearly the owners of such property and the statute allows the owner to make such restrictions “in any manner.” Add to that the state chose to prohibit concealed carry on the state fairgrounds [KSA 75-7c10(a)(8)], which is about as close to a city park as one can get, and it seems reasonable to conclude the statutes give local government the authority to make such restrictions. So while this bill would eliminate the local government from restricting a vendor in the park from having concealed carry protection, it preserves the state's action of restricting the same vendor from the same protection on the fair grounds.

This seems to be in conflict with another reason we heard for the provisions of this bill we question, which is to provide consistency. Local governments should have the same ability to restrict employees and concealed carry that businesses have. But this bill takes that away from local government. Of course any attempt for a local government to circumvent concealed carry by including property without justification (such as all city streets and sidewalks) is clearly inappropriate and we would guess could easily be corrected in court with existing law. But what we find in the local ordinances is a legislative decision at the local level of what properties would be excluded from concealed carry. In most cases these seem to be reasonable, like swimming

pools. But the key is that the local governments used their own elected officials in a legislative process to make those decisions.

There is a saying that all government is local. The result of which is the more local the issue is addressed the better it addresses the local issues. Obviously some issues cannot be dealt with strictly on a local basis. Clearly some legislation is better handled by the federal government, some by state and some by cities and counties. We believe on the issue of concealed carry the state attempted to strike that balance between what the cities need to have the ability to do and what the state should set as a statewide standard in the statute passed last year. We also believe that while some tweaking remains to be done, this wholesale removal of all local (city and county) authority to have any control on firearms is a bad approach and bad public policy.

This bill was touted as clarifying the legislative intent from last year. We submit this bill is not clarifying legislative intent but instead is attempting to change the legislative intent dramatically and to take away the cities ability to address local issues and concerns. We believe that in most, if not all, cases of city ordinance concern it is a matter of not being as clear as we should have been and not any intent to circumvent legislative intent. These can be fixed by those governing bodies revisiting their ordinances just as the state is revisiting theirs to clean up various issues.

We strongly encourage you to delete section 1 from this bill. We encourage you to consider deleting sections 6 and 7 as well. But if you don't, please consider the suggested amendments we presented last week.

Ed Klumpp  
Chief of Police – Retired  
Topeka Police Department

Legislative Committee Chair  
Kansas Association of Chiefs of Police  
eklumpp@cox.net

KSA and Location in the Bill Section 1	What it does	The concerns
KSA 12-16,124 (a) page 1 lines 19, 21-24, 41- Page 2 line 3.	Prohibits any local ordinances relative to guns.	Cities cannot control non-licensees from carrying on their person unconcealed firearms or loaded firearms in their immediate possession. This decreases law enforcement ability to intervene in firearm related assaults until after the shooting has started. Will this preclude local government from including firearms in pawn shop reporting? Will it prohibit a local government from having an ordinance outlawing owning a firearm with a serial number removed?
KSA 12.16,124 (b) page 1, lines 25 through 40	Eliminates the provisions allowing local governments certain local controls	Our most serious concern is with lines 36-40. The results of this change will be to allow non-licensed persons to carry a loaded firearm in their immediate possession while traveling to a commit a crime and law enforcement will be able to do nothing about it. This is a serious set back for communities to address gang and drug trafficking issues.
Section 2		
KSA 59-2979 Page3, lines 4-7	Fixes a reporting defect in the existing KSA 59-2979	We support this change.
Section 3		
KSA 59-29b79 page 4, lines 5-8	Fixes a reporting defect in the existing KSA 59-29b79	We support this change.
Section 4		
KSA 75-7c04 page 4, lines 31-36 page 5 line 43	Brings the domestic violence restrictions of KSA 75-7c04 into compliance with federal law and corrects KSA references	We support this change.
Section 5		
KSA 75-7c10 page 6 lines 42 and 43	Adds clarification language	We support this change.

KSA and Location in the Bill	What it does	The concerns
Section 6		
KSA 75-7c11(a)(1) page 8 lines 7-10	As written, removes the authority of local governments and businesses to forbid employees to carry a firearm while at work. We understand there may be an amendment offered to allow businesses to do this but not local governments.	We oppose this change for either local governments or businesses.
KSA 75-7c11(a)(2) page 8 lines 11-17	Removes local government ability to restrict concealed carry in designated buildings.	We oppose this change and believe local governments should have the same right as businesses to do this.
KSA 75-7c11(a)(3)	Removes the authority of both local governments and businesses to designate no concealed carry on their property	We believe local government should be able to control this on property where the local legislative body determines there is a need.
Section 7		
KSA 75-7c17 page 8 line 38-page 9 line 1	Prohibits any local ordinances relative to guns.	This is the core of our objection to the the removal of local control on certain issues involving firearms, especially if the person licensed is exempted where appropriate



**TESTIMONY REGARDING HB 2528  
HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE  
MARCH 1, 2007  
JOE WATERS,  
DIRECTOR OF FACILITIES**

Chairman and Committee members, I am Joe Waters, Director of Facilities for Johnson County, Kansas. Thank you for the opportunity to speak to you today regarding this matter. I am here today to express the OPPOSITION of the Johnson County Board of County Commissioners to HB 2528.

The 2006 Kansas Legislature passed the Kansas Personal and Family Protection Act, K.S.A. 75-7c01 et seq., regulating concealed weapons. Included in the legislation was the option for both public and private property owners to prohibit concealed weapons from their property and for public and private employers to prohibit concealed weapons from the employer's business premises. Under the authority of the act, Johnson County Government has posted its governmental buildings with signage that notifies those entering the buildings that weapons are not allowed. The signs used by Johnson County contain the logo approved by the Attorney General. HB 2528 will prevent Johnson County from prohibiting concealed weapons from many of its buildings. It will also cause us to take down the signs already in place, resulting in a waste of the time and money spent in signing our buildings. HB 2528 does preserve the prohibition on concealed weapons in any city hall, courthouse, police or sheriff station, jail, detention facility, library, community mental health center and governing body meetings.

Johnson County Government has many other buildings where weapons of any kind, concealed or otherwise, would not be appropriate. This is complicated by the fact that most of our buildings are multi-use buildings and are used for a variety of public meetings. Some have a combination of areas where concealed weapons would be allowed or not allowed depending on the particular office or space the concealed carry licensee is in. Many County activities have the potential for emotional reactions, such as appraisal hearings, parole reporting, Board meetings and zoning hearings. We have had occurrences of people carrying weapons in County buildings.

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Building examples and uses include the following:

BUILDING NAME	PRIMARY OCCUPANTS	USES
County Administration Building, Olathe	Board of County Commissioners, County Manager, Legal Dept., ITS, Records & Tax Administration Dept. (Treasurer, Register of Deeds, Clerk), Planning, Codes & Licensing, HR, Budget, Benefits, Finance and a cafeteria open to the public	BOCC meetings & public hearings, offices, meetings, training sessions, emergency operations center & cafeteria.
Sunset Drive Office Building	Appraiser, Wastewater, Human Services & Aging, Environmental, Water Quality Lab, Med-Act, Extension.	Offices, meetings, training sessions, educational programs.
Northeast County Offices	Motor Vehicle, Mental Health, Public Health	Offices, meetings.
North Central Multi-Service Center, Lenexa	Housing Authority & home repair programs,	Offices, meetings, training sessions.

While many counties have most of their administrative offices and meeting rooms in the courthouse, and can therefore prohibit concealed weapons in these facilities, Johnson County has most of its administrative offices and meeting space in buildings other than the courthouse. HB 2528 will prevent counties from controlling weapons in these facilities, resulting in some counties being able to prohibit concealed weapons in administrative offices and some counties being unable to do so. Additional disparity occurs from the fact that concealed weapons can be prohibited in city halls, but county administrative buildings are not afforded the same protection.

Due to the wide disparity of county buildings and building uses throughout the state, decisions regarding the appropriate management of those facilities are best left to county officials as a matter of local control. County officials know best the unique nature of their facilities and the best and safest way to manage their use and to protect employees who work in these buildings. Also, county officials are in the best position to know of any threats to those facilities. Private property owners are given this deference. We ask you to give the same deference to public property owners and to public employers.

The Johnson County Board of County Commissioners asks that you oppose HB 2528 in its current form and ask that you do not recommend it favorably for passage.

Thank you for your time. I will be happy to answer your questions or supply you with additional information.

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