

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Arlen Siegfried at 5:30 P.M. on March 12, 2007 in Room 519-S of the Capitol.

All members were present.

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:

None

Chairman Siegfried asked the pleasure of the Committee on **HB 2528** - Firearms; state preemption of regulation; amendments to concealed weapon licensure law.

Representative Carlson moved an amendment to **HB 2528** and came before the committee to explain it. (Attachment 1) Representative Swenson seconded the motion. Motion passed.

Representative Kinzer made a motion to amend the laundry list of carrying to include any youth organization sporting or athletic events. Representative Mah made a 2<sup>nd</sup> to the motion. Motion passed.

Representative Hawk made a motion to move Section 5 A, add section B, and new section C. Representative Miller seconded the motion. Motion failed.

Representative Mah moved that the amendment recommended by the KBI be adopted with a second by Representative Kinzer. Motion passed.

Representative Swenson requested an amendment to include casinos be posted with a second by Representative Faust-Goudeau. Motion failed.

Returning to the bill Representative Brunk moved the bill be passed out favorably as amended. Representative Ruiz seconded the motion. Motion passed.

With no further business before the Committee, Chairman Siegfried adjourned the meeting.

## HOUSE BILL No. 2528

By Committee on Federal and State Affairs

2-14

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FEDERAL AND STATE AFFAIRS

Date 3-12-07

Attachment 1

9 AN ACT concerning firearms; amending K.S.A. 59-2979 and 59-29b79  
10 and K.S.A. 2006 Supp. 12-16,124, 75-7c04, 75-7c10, 75-7c11, 75-7c17  
11 and 75-7c25 and repealing the existing sections.

12  
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2006 Supp. 12-16,124 is hereby amended to read  
15 as follows: 12-16,124. (a) No city or county shall adopt any ordinance,  
16 resolution or regulation, and no agent of any city or county shall take any  
17 administrative action, governing the purchase, transfer, ownership, stor-  
18 age or transporting of firearms or ammunition, or any component or com-  
19 bination thereof, ~~other than those expressly authorized by statute.~~ Any  
20 such ordinance, resolution or regulation adopted prior to the effective  
21 date of this 2007 act shall be null and void. ~~For purposes of this section,~~  
22 ~~a statute that does not refer to firearms or ammunition, or components~~  
23 ~~or combinations thereof, shall not be construed to provide express~~  
24 ~~authorization.~~

25 ~~—(b) Nothing in this section shall:~~

26 ~~—(1) Prohibit a city or county from adopting any zoning measure re-~~  
27 ~~lated to firearms licensees if otherwise authorized by law to do so;~~

28 ~~—(2) prohibit a law enforcement officer, as defined in K.S.A. 22-2202,~~  
29 ~~and amendments thereto, from acting within the scope of such officer's~~  
30 ~~duties;~~

31 ~~—(3) prohibit a city or county from regulating the manner of carrying~~  
32 ~~any firearm on one's person;~~

33 ~~—(4) prohibit a city or county from regulating in any manner the car-~~  
34 ~~rying of any firearm in any jail, juvenile detention facility, prison, court-~~  
35 ~~house, courtroom or city hall; or~~

36 ~~—(5) prohibit a city or county from adopting an ordinance, resolution~~  
37 ~~or regulation requiring a firearm transported in any air, land or water~~  
38 ~~vehicle to be unloaded and encased in a container which completely en-~~  
39 ~~closes the firearm or any less restrictive provision governing the trans-~~  
40 ~~porting of firearms.~~

41 ~~—(c) No person shall be prosecuted or convicted of a violation of any~~  
42 ~~ordinance, resolution or regulation of a city or county which regulates the~~  
43 ~~storage or transportation of a firearm if such person (1) is storing or~~

1 transporting the firearm without violating any provision of the Kansas  
2 criminal code or (2) is otherwise transporting the firearm in a lawful  
3 manner.

4 ~~(d)(2)~~ No person shall be prosecuted under any ordinance, resolution  
5 or regulation for transporting a firearm in any air, land or water vehicle  
6 if the firearm is unloaded and encased in a container which completely  
7 encloses the firearm.

8 Sec. 2. K.S.A. 59-2979 is hereby amended to read as follows: 59-  
9 2979. (a) The district court records, and any treatment records or medical  
10 records of any patient or former patient that are in the possession of any  
11 district court or treatment facility shall be privileged and shall not be  
12 disclosed except:

13 (1) Upon the written consent of (A) the patient or former patient, if  
14 an adult who has no legal guardian; (B) the patient's or former patient's  
15 legal guardian, if one has been appointed; or (C) a parent, if the patient  
16 or former patient is under 18 years of age, except that a patient or former  
17 patient who is 14 or more years of age and who was voluntarily admitted  
18 upon their own application made pursuant to subsection (b)(2)(B) of  
19 K.S.A. 59-2949 and amendments thereto shall have capacity to consent  
20 to release of their records without parental consent. The head of any  
21 treatment facility who has the records may refuse to disclose portions of  
22 such records if the head of the treatment facility states in writing that  
23 such disclosure will be injurious to the welfare of the patient or former  
24 patient.

25 (2) Upon the sole consent of the head of the treatment facility who  
26 has the records if the head of the treatment facility makes a written de-  
27 termination that such disclosure is necessary for the treatment of the  
28 patient or former patient.

29 (3) To any state or national accreditation agency or for a scholarly  
30 study, but the head of the treatment facility shall require, before such  
31 disclosure is made, a pledge from any state or national accreditation  
32 agency or scholarly investigator that such agency or investigator will not  
33 disclose the name of any patient or former patient to any person not  
34 otherwise authorized by law to receive such information.

35 (4) Upon the order of any court of record after a determination has  
36 been made by the court issuing the order that such records are necessary  
37 for the conduct of proceedings before the court and are otherwise ad-  
38 missible as evidence.

39 (5) In proceedings under this act, upon the oral or written request of  
40 any attorney representing the patient, or former patient.

41 (6) To appropriate administrative or professional staff of the depart-  
42 ment of corrections whenever patients have been administratively trans-  
43 ferred to the state security hospital or other state psychiatric hospitals

(b) Nothing in this section shall:

(1) 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;

(2) prohibit a city or county from  
regulating the manner of openly carrying a  
firearm on one's person; or in the immediate  
control of a person, not licensed under the  
family and personal protection act while on  
property open to the public.

(3) 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

(4) 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, provided such ordinance, resolution  
or regulation shall not apply to persons  
licensed under the family and personal  
protection act.

(c) No person shall be prosecuted or  
convicted of a violation of any ordinance,  
resolution or regulation of a city or county  
which regulates the storage or transportation  
of a firearm if such person (1) is storing or  
transporting the firearm without violating  
any provision of the Kansas criminal code or  
(2) is otherwise transporting the firearm in  
a lawful manner.

(d)

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1 2255, and amendments thereto, or any equivalent order entered in an-  
 2 other state or jurisdiction which is entitled to full faith and credit in Kan-  
 3 sas; and

4 ~~(14)~~ (15) is not in contempt of court in a child support proceeding.

5 (b) (1) The attorney general shall adopt rules and regulations estab-  
 6 lishing procedures and standards as authorized by this act for an eight-  
 7 hour weapons safety and training course required by this section. Such  
 8 standards shall include: (A) A requirement that trainees receive training  
 9 in the safe storage of weapons, actual firing of weapons and instruction  
 10 in the laws of this state governing the carrying of a concealed weapon and  
 11 the use of deadly force; (B) general guidelines for courses which are  
 12 compatible with the industry standard for basic firearms training for ci-  
 13 vilians; (C) qualifications of instructors; and (D) a requirement that the  
 14 course be: (i) A weapons course certified or sponsored by the attorney  
 15 general; or (ii) a weapons course certified or sponsored by the national  
 16 rifle association or by a law enforcement agency, college, private or public  
 17 institution or organization or weapons training school, if the attorney gen-  
 18 eral determines that such course meets or exceeds the standards required  
 19 by rules and regulations adopted by the attorney general and is taught by  
 20 instructors certified by the attorney general or by the national rifle asso-  
 21 ciation, if the attorney general determines that the requirements for cer-  
 22 tification of instructors by such association meet or exceed the standards  
 23 required by rules and regulations adopted by the attorney general. Any  
 24 person wanting to be certified by the attorney general as an instructor  
 25 shall submit to the attorney general an application in the form required  
 26 by the attorney general and a fee not to exceed \$150.

27 (2) The cost of the weapons safety and training course required by  
 28 this section shall be paid by the applicant. The following shall constitute  
 29 satisfactory evidence of satisfactory completion of an approved weapons  
 30 safety and training course: (A) Evidence of completion of the course, in  
 31 the form provided by rules and regulations adopted by the attorney gen-  
 32 eral; or (B) an affidavit from the instructor, school, club, organization or  
 33 group that conducted or taught such course attesting to the completion  
 34 of the course by the applicant.

35 (c) In addition to the requirements of subsection (a), a person holding  
 36 a license pursuant to this act, prior to renewal of the license provided  
 37 herein, shall submit evidence satisfactory to the attorney general that the  
 38 licensee has requalified by completion of an approved course given by an  
 39 instructor of an approved weapons safety and training course under sub-  
 40 section (b).

41 Sec. 5. K.S.A. 2006 Supp. 75-7c10 is hereby amended to read as  
 42 follows: 75-7c10. (a) *Provided that the premises are conspicuously posted*  
 43 *as premises where carrying a concealed weapon is prohibited*, no license

in accordance with rules and regulations  
 adopted by the attorney general

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1 (21) any church or temple; or  
2 (22) any place in violation of K.S.A. 21-4218, and amendments  
3 thereto.

4 (b) Violation of this section is a class A misdemeanor.  
5 Sec. 6. K.S.A. 2006 Supp. 75-7c11 is hereby amended to read as

6 follows: 75-7c11. (a) Nothing in this act shall be construed to prevent:  
7 ~~(1) Any public or private employer from restricting or prohibiting in~~  
8 ~~any manner persons licensed under this act from carrying a concealed~~  
9 ~~weapon while on the premises of the employer's business or while en-~~  
10 ~~gaged in the duties of the person's employment by the employer, or~~

11 ~~(2) Any entity owning or operating business premises open to the~~  
12 ~~public private business from restricting or prohibiting in any manner per-~~  
13 ~~sons licensed under this act from carrying a concealed weapon while on~~  
14 ~~such premises within a building or buildings of such business, provided~~  
15 ~~that the premises are posted, in accordance with rules and regulations~~  
16 ~~adopted by the attorney general pursuant to this section, as premises~~  
17 ~~where carrying a concealed weapon is prohibited; or.~~

18 ~~(3) a property owner from restricting or prohibiting in any manner~~  
19 ~~persons licensed under this act from carrying a concealed weapon while~~  
20 ~~on such property, provided that the premises are posted, in accordance~~  
21 ~~with rules and regulations adopted by the attorney general pursuant to~~  
22 ~~this section, as premises where carrying a concealed weapon is prohibited.~~

23 (b) Carrying a concealed weapon on premises in violation of any re-  
24 striction or prohibition allowed by subsection (a) (1), or in violation of any  
25 restriction or prohibition allowed by subsection (a)(2) or (a)(3), if the  
26 premises are posted as required by such subsection, is a class B  
27 misdemeanor.

28 (c) The attorney general shall adopt rules and regulations prescribing  
29 the location, content, size and other characteristics of signs to be posted  
30 on premises pursuant to ~~subsections (a)(2) and (a)(3)~~ subsection (a).

31 Sec. 7. K.S.A. 2006 Supp. 75-7c17 is hereby amended to read as  
32 follows: 75-7c17. (a) The legislature finds as a matter of public policy and  
33 fact that it is necessary to provide statewide uniform standards for issuing  
34 licenses to carry concealed weapons for self-defense and finds it necessary  
35 to occupy the field of regulation of the bearing of concealed weapons for  
36 self-defense to ensure that no honest, law-abiding person who qualifies  
37 under the provisions of this act is subjectively or arbitrarily denied the  
38 person's rights. ~~Any city ordinance or county resolution No city, county~~  
39 ~~or other political subdivision of this state shall regulate, restrict or prohibit~~  
40 ~~the carrying of concealed weapons. Any existing or future law, ordinance,~~  
41 ~~rule, regulation or resolution enacted by any city, county or other political~~  
42 ~~subdivision of this state that regulates, restricts or prohibits the carrying~~  
43 ~~of concealed weapons shall not be applicable to any person licensed in~~

:  
(1) Any public or private employer from  
restricting or prohibiting by personnel  
policies 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,  
except nothing in this section shall be  
construed to allow an employer to prohibit  
possession of a firearm in a private means of  
conveyance, even if parked on the employer's  
premises; or  
(2)

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or city, county or political subdivision

by persons licensed under this act.

by persons licensed under this act

1 Sec. 10. This act shall take effect and be in force from and after its  
2 publication in the ~~Statute book.~~

Kansas register

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