

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:30 a.m. on February 1, 2007 in Room 231-N of the Capitol.

All members were present.

Committee staff present:

Kathie Sparks, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Ken Wilke, Revisor of Statutes Office
Connie Burns, Committee Assistant

Conferees appearing before the committee:

Senator Journey
Senator Betts
Kimberly Winn, League of Kansas Municipalities
Matthew Goddard, Heartland Community Bankers Association
Weldon Padgett, City Manager Ottawa
Thomas Young

Others attending:

See attached list.

Staff provided the committee an overview on **SB 185**, Section 1 of the bill is preemptive of any state laws. Section 2 deals with public and private employers.

SB 185 - Firearms; authority of cities and counties to regulate; posting of premises where concealed carry prohibited

Chairman Brungardt opened the hearing on **SB 185**.

Senator Phillip Journey appeared before the committee as a proponent of the bill. (Attachment 1) The bill 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. The purpose of preempting this legislative area expressed by the legislature was to ensure a consistent application of rules to permit holders, so they would know where they could and could not possess the firearm. Senator Journey urged the committee to support the intent of this legislation that is compelled to clarify the original intent of **SB 418** and its trailer bill **HB 2118** and support the concept of further clarification of the state's preemption of this area of the law.

Matthew Goddard, Heartland Community Bankers Association, (HCBA) appeared as an opponent on the bill. (Attachment 2) It was stated the HCBA has no position on Section 1 of the bill, but were concerned with section 2 of the legislation. Section 2 takes away the ability of private employers in current law to prohibit their employees from carrying concealed weapons unless they post signs and prohibit the carrying of concealed weapons by members of the public who may enter the business. **SB 185** tells employers that their policies cannot differentiate between employees and members of the public, and HCBA believes this is an unwarranted intrusion by government into the practice and policies of private employers.

Kimberly Winn, Director of Policy Development & Communications, League of Kansas Municipalities, spoke in opposition to the bill. (Attachment 3) Section 1 of the bill repeals the recently enacted transportation law adopted in 2005. The changes proposed by the bill would prohibit cities from enforcing their ordinances with regard to the transportation of firearms. Section 2, LKM does not oppose the requirement that employers post notice of such prohibition.

Since the concealed carry law became effective, cities have been adopting two different kinds of local ordinances on this issue. There were 22 specific locations identified as non-concealed carry locations as a matter of state law, and anyone found to be in violation of these provisions would be guilty of a

CONTINUATION SHEET

MINUTES OF THE Senate Federal and State Affairs Committee at 10:30 a.m. on February 1, 2007 in Room 231-N of the Capitol.

misdemeanor, and municipal courts have jurisdiction over misdemeanor offenses. Some cities have also exercised the authority expressly granted to them under the concealed carry legislation as employers and as property owners; and that those ordinances are specifically authorized by KSA 2006 supp 75-7c11, and that the bill would have not impact on them. The LKM asks that the bill not be recommended for favorably for passage.

Weldon Padgett, City Manager, Ottawa, spoke in opposition of the bill. (Attachment 4) The city of Ottawa adopted a local ordinance which reflects the desires of their citizens. The Home Rule powers to allow local jurisdictions to establish laws and regulations reflect a community's values and interest, and believe that this issue is one that will result in cities organizing and using their resources and the League to keep local controls in place. The city also feels that their municipal courts can and will more readily enforce these laws versus District Courts. A copy of the City of Ottawa Ordinance and personnel policy was included.

Chairman Brungardt closed the hearing on **SB 185**.

SCR 1605 - Memorializing the president and congress in opposition to the escalation of involvement in Iraq

Chairman Brungardt opened the hearing on **SCR 1605**.

Senator Betts spoke in favor of the current resolution. (Attachment 5) It is like sending a letter to the President telling him that this escalation is not a good idea. The Governor has asked that the Kansas National Guard troops be paid the same \$1,000/month when serving in Iraq for more than one year, as an active-duty soldier receives. Senator Betts urges that a strong message be sent to Washington, to at least give our soldiers the equipment they need to protect themselves and to allow for additional help for soldiers as they re-enter civilian life after their deployment, as well as provide resources to help mitigate the impact of families and communities as a result of extended deployment. The web site of Operation Iraqi Freedom - Military deaths from March 2003 by name was provided.

<http://siadapp.dior.whs.mil/personnel/CASUALTY/castop.htm>

Thomas Young appeared from a soldier's voice in favor of the current resolution. (Attachment 6) The Senate Concurrent Resolution calls on President Bush to stop the escalation of troops, and at a minimum, obtain explicit approval from Congress before unilaterally deciding to deploy our men and women. At a time when the non-partisan Iraq Study Group and leading military officials are calling for a reduction of troops and withdrawal of the US from Iraq.

Chairman Brungardt closed the hearing on **SCR 1605**.

The meeting was adjourned at 11:20 am. The next scheduled meeting is February 6, 2007.

SENATOR PHILLIP B. JOURNEY

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TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS

MEMBER: SPECIAL CLAIMS AGAINST THE STATE
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HEALTH CARE STRATEGIES
JUDICIARY
PUBLIC HEALTH AND WELFARE
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CORRECTIONS AND JUVENILE JUSTICE
OVERSIGHT (JOINT)

SOUTH CENTRAL DELEGATION, CHAIR

**Testimony Before the Kansas Senate Federal and State Affairs Committee
February 1, 2007
in Support of Senate Bill 185**

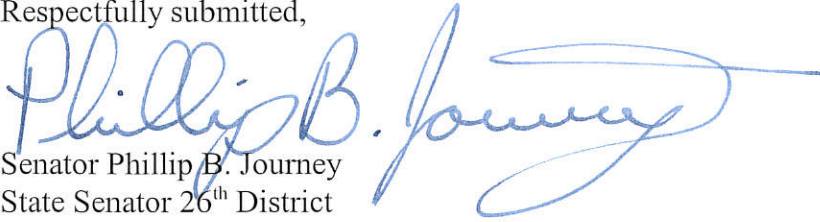
Mr. Chairman, members of the committee thank you for the opportunity to address you regarding my support of Senate Bill 185. I believe, first, that the committee should be aware that other legislation is being drafted at this time and while I hope that the majority of the committee supports the concepts of Senate Bill 185, there may be other language from our colleagues in the Kansas House that the committee should also consider prior to deciding whether to recommend this bill as it is written out favorably for passage.

Senate Bill 185 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 and previous versions, and modified the exclusion zones to encompass several other exclusion 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. This way they would know where they could and where they could not possess the firearm.

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 standard other 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 sets 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 that 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 of the state's preemption of this area of the law. Thank you for your time and attention.

Respectfully submitted,



Senator Phillip B. Journey
State Senator 26th District



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To: Senate Federal and State Affairs Committee

From: Matthew Goddard
Heartland Community Bankers Association

Date: February 1, 2007

Re: Senate Bill 185

The Heartland Community Bankers Association appreciates the opportunity to share our concerns regarding Senate Bill 185 with the Senate Committee on Federal and State Affairs.

HCBA has no position on Section 1 of Senate Bill 185. Our concern is with Section 2 of the legislation. Section 2 of the bill takes away the ability of private employers in current law (K.S.A. 2006 Supp. 75-7c11) to prohibit their employees from carrying concealed weapons *unless* they post signs and prohibit the carrying of concealed weapons by members of the public who may enter the business. To explain Section 2 another way, an employer must allow employees to carry concealed weapons at work if they do not prohibit members of the public from carrying concealed weapons in the business.

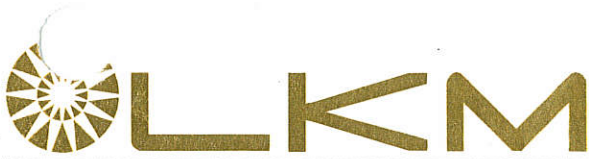
After enactment of the Personal and Family Protection Act last year, some of our members chose to post signs in accordance with K.A.R. 16-11-7 and thus prohibit the carrying of all concealed weapons on their premises. Other members opted to update and continue long-standing employee workplace policies that prohibited bringing weapons to work but chose not to post signs for the general public. The reasons for not posting signs are numerous, but range from not liking the aesthetic value of the signs to not wanting to potentially offend licensed customers. Many businesses across Kansas made these same decisions last year.

Although both the state and federal government legislate certain portions of the employee-employer relationship, Senate Bill 185 goes one step further by mandating that the employer apply the same standards to employees and customers. This is not a simple matter of fairness for employees. It is about the ability of employers to establish policies and standards of behavior for individuals in their employ. With the possible exception of posh restaurants, most businesses do not apply a dress code to their customers. They do, however, apply a dress code, code of conduct, etc. to their employees. Although admittedly limited in scope, Senate Bill 185 tells employers that their policies cannot differentiate between employees and members of the public. HCBA believes this is an unwarranted intrusion by government into the practices and policies of private employers. Workplace policies should be left to the discretion of private employers.

We understand that part of the reason for this bill is that local units of government are apparently adding their own restrictions on concealed carry permit holders. If that is the case and something needs to be done, we would respectfully suggest that the Committee narrow the focus of Senate Bill 185 to deal with local units of government and not private employers. Many employers just implemented their concealed carry policies within the past two months and it seems awfully soon to start changing the rules on them.

We appreciate the consideration of our concerns with Senate Bill 185 by the Senate Committee on Federal and State Affairs. Thank you.

Sen Fed & State



League of Kansas Municipalities

To: Senate Federal & State Affairs Committee
From: Kimberly Winn, Director of Policy Development & Communications
Date: February 1, 2007
Re: Opposition to SB 185

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 SB 185. We oppose this legislation in its current form.

SB 185 does two things:

- 1) **Repeals the Recently Enacted Transportation Law.** Section 1 of SB 185 repeals the statute regarding the transport of firearms which was adopted in 2005. The language in this statute was agreed upon by various parties and represents a compromise aimed at providing a more consistent approach to regulating the transport of firearms. The changes proposed by SB 185 would prohibit cities from enforcing their ordinances with regard to the transportation of firearms. LKM worked with interested parties to provide this consistent approach to this issue and we oppose the repeal of this legislation less than two years after its initial passage.
- 2) **Requires Posting for Employers.** Section 2 of SB 185 would require employers that prohibit the carrying of concealed weapons in their places of business to post notice of such prohibition. LKM does not oppose this requirement.

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 that SB 185 would have no impact on these ordinances.

For the reasons enumerated above, we ask that you do not recommend SB 185 favorably for passage. I would be happy to stand for questions at the appropriate time.

On behalf of the City of Ottawa, Kansas to the Legislative committee considering changes to the concealed carry statutes, provided 01 February 2007 by Weldon Padgett, City Manager.

The elected officials for the City of Ottawa publicly discussed an ordinance that would restrict concealed carry on City owned or leased property. After due consideration and public input (all of which was in support), we adopted our local ordinance (attached), which reflects the desires of our citizens. Our Ordinance is for all City-owned or leased property, which includes our fire station, utility buildings (which we are already concerned about from a terrorist/safety perspective), our swimming pool, our ball fields (and believe me people can get pretty heated at these events), our airport and municipal theater, our cultural center which is leased to the arts council and a music business with hundreds of kids involved, and our parks, to name a few.

We all felt that because the statute specifically exempts all State offices and other reasonable areas such as courthouses, police stations, County polling places, meetings of governing bodies, State fairgrounds, schools, public library operated by the state or a political subdivision of the State (i.e. a county but not a city), City Hall, etc., that we should continue along those lines and include our other public buildings. We were very specific that our ordinance did not apply to public rights-of-way (i.e. streets, sidewalks).

We also bought signs and installed them at all of the City locations listed in our Ordinance, even the ones that are already exempt under State Statute (City Hall, for instance). We wanted the public, visitors, guests and vendors to know clearly that they should leave their weapons in their cars and not bring them into our buildings. We spent \$1,200 on signs and to get a lower purchase price we bought signs for the County, school district, a few other public entities, and some extras which we gave to the Chamber of Commerce to sell to business owners. I joked that it would have been a lot easier to let businesses buy "Concealed Weapons Welcome" signs since there would much less signage around.

As an employer we wrote a policy (attached) that prohibits employees, while on duty, from carrying a concealed weapon. Every employee is provided a copy and must sign a form indicating that they have read it, understand it and have had any and all questions answered. This form is placed permanently in each employee's personnel file.

Kansas should be proud that it has Home Rule powers to allow local jurisdictions to establish laws and regulations that reflect a community's values and interests. Some cities are smoke free or allow Sunday liquor sales, while others are not. Mandating that we not have control over a person carrying a concealed weapon into our public buildings is a direct attack on our Home Rule, and does not reflect what most Kansans want.

I do not believe the Kansas State government would appreciate it if the Federal government said concealed carry was allowed across the nation except in federal buildings and that States could not adopt ANY regulations to the contrary and could not keep them out of their own State offices, etc. That is how City's feel this discussion is heading, and I believe that this issue is one that will result in cities organizing and using our resources and the League to keep our local controls in place. We also feel that our municipal courts can and will more readily enforce these laws versus District Courts, since we handle misdemeanour offences and often see the more minor offences in District court plead, reduced or dismissed do to the naturally more pressing felony cases.

A copy of this along with our Ordinance and personnel policy is attached.

AN ORDINANCE AMENDING CHAPTER 38, ARTICLE X OF THE MUNICIPAL CODE OF THE CITY OF OTTAWA, KANSAS, BY ADDING SECTION 38-1015 ENTITLED "CARRYING OF CONCEALED FIREARMS PROHIBITED."

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

Whereas, the laws governing the carrying of concealed weapons specifically allows employers from restricting or prohibiting persons carrying concealed weapons from carrying such weapons while on the premises of the employers' business or while engaged in the duties of the persons employment by the employer; and

Whereas, the laws governing concealed weapons specifically provide that property owners may prohibit persons licensed under the Kansas Personal and Family Protection Act from carrying a concealed weapon while on the owners' property, provided that the property is posted; and

Whereas, the Governing Body of the City of Ottawa, Kansas desires to prohibit the carrying of concealed weapons in all City-owned or leased property including public buildings, parks and cemeteries, by persons who are not so authorized by other laws to carry such weapons.

NOW therefore, be it ordained by the Governing Body of the City of Ottawa, Kansas:

SECTION 1. That the Municipal Code of the City of Ottawa, Kansas is amended by adding Section 38-1015, which shall read as follows:

38-1015 CARRYING OF CONCEALED FIREARMS PROHIBITED. It shall be unlawful for any person to knowingly carry any concealed or unconcealed firearm on one's person or possessions while on property owned or leased by the City of Ottawa, Kansas. This specifically does not apply to street rights-of-way, or 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 Misdemeanor.

SECTION 2. The City Manager of Ottawa, Kansas shall cause such premises and properties owned or leased by the City of Ottawa, Kansas to be posted in accordance with the rules and regulations of the Kansas Attorney General that are adopted under the authority of the Kansas Personal and Family Protection Act. A list of the designated and posted buildings and properties shall be maintained and be open for public inspection in the City Clerk's Office during regular business hours.

SECTION 3. Severability. If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

SECTION 4. Effective Date. After its adoption and publication in the local newspaper, this ordinance shall take effect beginning 01 January 2007, or as provided by law.

Passed and adopted by the City of Ottawa, this 6th day of December 2006.

6.19 Prohibited Possession or Use of Weapons by Employees

Possession or use of weapons is prohibited for employees of the City of Ottawa while on City owned or leased property, in City vehicles or personal vehicles while being used for City business, by employees while on the job, without expressed written approval by the City Manager. A weapon is defined as any device that is designed, intended or regularly used to inflict harm on persons or animals, such as guns, knives with a blade larger than 4", etc. Violators of this policy will be subject to immediate disciplinary action, up to and including termination.

This policy does not apply to law enforcement personnel required to carry firearms; to personal protection devices (defense) such as OC spray or mace; nor to weapons out of sight secured within a personal vehicle not being used for City business.

75-7c10 Chapter 75.--STATE DEPARTMENTS; PUBLIC OFFICERS AND EMPLOYEES Article 7c.--FIREARMS

Same; places where carrying concealed weapon not authorized; penalties for violations. (a) No license issued pursuant to this act 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 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, 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;
21. any church or temple; or
22. any place in violation of K.S.A. 21-4218, and amendments thereto.

DONALD BETTS JR.

SENATOR, 29TH DISTRICT
SEDGWICK COUNTY

STATE CAPITOL BUILDING
ROOM 404-N
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COMMITTEE ASSIGNMENTS

RANKING MINORITY MEMBER: • ELECTIONS & LOCAL GOVERNMENT

MEMBER: • WAYS & MEANS

• JOINT COMMITTEE ON ADMINISTRATIVE RULES & REGULATIONS

• JUDICIARY

Testimony
of
Senator Donald Betts Jr.
before the Senate Federal and State Affairs Committee
Thursday, February 1, 2007

Chairman Brungart, Esteemed Members,

I come to you today, not as a State Senator, not as a politician, but as a concerned citizen.

I am concerned about the men and women we are sending over to Iraq.

I am concerned that we are putting them in harm's way in a conflict that has no end for us and will be made only more volatile the longer our troops stay there.

I am concerned that so many of these men and women are coming home missing limbs crippled by burns, or paralyzed.

I am concerned that some are not coming home at all.

I am not saying that I am not proud of our military, especially the National Guard from Kansas who signed up to help out in disasters like Hurricane Katrina. I am extremely proud of our soldiers and sailors and the job they are doing on the ground in both Iraq and Afghanistan.

There are those who say that any dissension hurts the morale of the troops already over in Iraq or about to embark. There are those who say that raising the voice of concern is somehow disloyal to America. There are those who say I should just keep quiet.

Well, to those I say that speaking up is the way we get our government in this country, that it is the most basic of American rights, that it is what those men and women are fighting for.

And to the people who say it is somehow inappropriate for the Kansas Legislature to lift its voice in this matter because it is a federal issue, not a state issue, I say we have a republic where all issues are the people's issues and there are some that require the attention of every level of government, from township water boards to the Congress of the United States.

Some have told me to take a deep breath and write a letter to the President and let it go at that.

Well, in my view, this resolution is just like a letter to the President, but it's a letter with bite. I want it to carry a punch big enough to get people's attention.

The Governor has asked that Kansas National Guard troops be paid the same \$1,000 per month when serving in Iraq for more than one year, as an active-duty soldier receives. If this committee decides to take no action on this resolution,

I urge that you send a strong message to Washington at least to give our soldiers the equipment they need to protect themselves and to allow for additional help for soldiers as they re-enter civilian life after their deployment, as well as provide resources to help mitigate the impact of families and communities as a result of extended deployment.

But let me urge you to pass this resolution out of committee to the whole Senate. My constituents have been contacting me about this issue ever since the President announced this plan. They want to send the message to the President and the Congress that they do not believe that escalation is a good idea. I introduced this resolution in response to those requests, and I urge you to pass it out to the Senate.

Thank you.

Respectfully,

Donald Betts Jr.
Senator, 29th District

Mr. Chairman and members of the Committee:

It is with great determination and hope that I appear before you today. My name is Tomas Young and I am a member of the First Cavalry Division out of Ft. Hood, Texas. I was deployed to Iraq in April of 2004. On my fourth day of combat, in Sadr City, my Army unit was ambushed. I was riding in an overcrowded, unarmored truck along with 24 of my fellow soldiers when we were attacked. A bullet struck me above my collarbone and as you can see, I am now paralyzed from the chest down.

I come before you today with an urgent mission. Senate Concurrent Resolution 1605 calls on President Bush to stop the escalation of troops and at a minimum, obtain explicit approval from Congress before unilaterally deciding to deploy our men and women, our sons and daughters, our husbands and wives, to war. In a period where the non-partisan Iraq Study group and leading military officials are calling for a reduction of troops and withdrawal of the US from Iraq, I'd like to add a soldier's voice to that chorus and ask you to please pass Resolution 1605 and stop the escalation.

Besides my own story, there are several reasons why we must stop an escalation. Let me begin with some statistics that every one is, or should be, familiar with: the cost of the war, in dollars spent and in lives lost.

II. Cost of the Iraq War

Cost in terms of dollars spent

-As of Sept 2006, the cost of the war was over \$378 billion.

- In Kansas, the cost to taxpayers is over \$3 billion.

B. Cost in terms of loss of life and wounded

-As of January 31, 3,084 soldiers were killed in Iraq, over 95% of these deaths were after major combat was declared over by President Bush in his Mission Accomplished speech in May, 2003

- 33 People in Kansas have given their lives to this war

-Almost 2,000 children have lost a parent to the wars in Iraq and Afghanistan

- Over 47,000 people have been injured

The cost of this war is not just in terms of what we are spending at this very moment. The effect of this war will continue on, far beyond the short-term memory of the media and lawmakers. And I'd like to point out, these figures are only for Americans. Adding the level of loss and destruction inflicted upon the Iraqi citizens makes these numbers seem almost false because they are so great, so devastating that how could it be reality?

This war is not affecting everyone equally:

III. Hardship to Soldiers

- Less than 1% of Americans are engaged in active military duty or the reserves. Soldiers dying in Iraq are on their second or third tour of duty.
- 95% of the Army Reserve Soldiers in Iraq and other Middle Eastern bases are experiencing significant pay/compensation problems.
- Defense CEOs make 160 times the pay of an army private in combat.

And in terms of long-term problems, 1 in 3 homeless Americans are military veterans

These numbers will only increase if troop levels are increased.

IV. Problems with increasing troop levels

- Over 2/3 of Americans do not support an increase in troop levels.
- Military experts do not agree the increase in troops is a good idea
- It will only result in more deaths and more money spent without increasing the stability or security of Iraq

V. Why this resolution is not only important but absolutely necessary

Many of you may agree with what I have been saying but are wondering why am I approaching state legislators? What can states do against federal power and mandate? The answer is: a lot.

First, let's start with the fact that passing this resolution sends a strong message to the President and to the Kansas congressional delegation. You

are saying: No. We do not support this escalation and you better listen to us.

Second, states have been active in foreign policies for a long time. During the time of apartheid, several states passed resolution denouncing the South African government and divesting state funds. Eventually, the pressure added was too great and the apartheid regime failed. The same effect can be placed now.

Third, Kansas is directly impacted by this war. It is the Kansas National Guard that is deployed to Iraq. It is over \$3 billion of Kansas tax payer's money that is going to this war. It is people in Kansas that are suffering from the loss of their citizens.

VI. Conclusion

Mr. Chairman and members of the committee. While we sit here debating whether or not we need to send a message to President Bush that we can not support sending more people into a volatile and dire situation, my friends and fellow servicemen are stranded in a country where the majority of people will celebrate their deaths or injuries. I have seen it. I have lived it. And I will be reminded of it every day for the rest of my life.

As a veteran, as a mother's son, and as an American, I ask you, please pass Resolution 165 and help stop the increase in troops to Iraq. Now is the time to act. It's already too late for the thousands that have died or been injured, but we can stop the escalation. You can stop the escalation. The first step is to pass Resolution 1605 and send a message to President Bush that Kansas will not send more troops into the fire.

I thank you for your time and consideration.