

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 March 22, 2007 in Room 231-N of the Capitol.

All members were present except:

Senator James Barnett- excused

Committee staff present:

Dennis Hodgins, Kansas Legislative Research Department

Ken Wilke, Revisor of Statutes Office

Connie Burns, Committee Assistant

Conferees appearing before the committee:

Kevin Nunnink, Integra Realty Resources

Senator Journey

Chief Klumpp, Kansas Association of Chief of Police

Jordan Austin, National Rifle Association

Sandy Jacquot, League of Kansas Municipalities

Erik Sartorius, City of Overland Park

Others attending:

See attached list.

The committee is provided an overview and information on licensed or certified appraisers mandatory licensing requirement in state and involvement of the appraisers's firm in either the sale or the financing of a real estate transaction.

Kevin Nunnink, Integra Realty Resources, spoke to the committee about two issues:(Attachment 1)

- The current licensing law only requires an appraisal license to appraise real estate for a federally insured transaction (e.g. an appraisal for a bank that is insured by the FDIC); furthermore, a non-licensed appraiser can advertise in the yellow pages and hold themselves out to be a professional appraiser which may in fact create an environment where the public is misled. Currently 33 states/provinces require mandatory licensing to perform appraisals.
- To eliminate the conflicts of interest in appraisals of property by individuals who work for the same firm that receives a success fee or incentive fee if the property is sold or financed. Many states have included a provision in their licensing statute that makes it against State Law to appraise a property that is being brokered or sold by someone employed in the same firm.

Also included was a article on the Ameriquet settlement, who was alleged to have pressured appraisers to inflate property values to borrowers, so that they would have to get larger loans, charged up-front fees without reducing interest rates as promised and is alleged to have given higher interest rates.

The committee asked if in smaller communities this would cause a hardship where there may only be one licensed appraiser, and Mr. Nunnink said he thought there were enough licensed appraisers to not be a problem.

HB 2528 - Firearms; state preemption of regulation; amendments to concealed weapon licensure law

Chairman Brungardt opened the hearing on **HB 2528**

Staff provided an amendment that would include any property other than a parking lot which has a permanently enclosed or fenced area and an area that has one or more controlled access points after paying an admission fee or charge. This amendment was agreed upon by Senator Journey and the League of Municipalities and Counties. (Attachment 2)

Senator Journey appeared in favor of the bill. (Attachment 3) The bill was drafted in response to

CONTINUATION SHEET

MINUTES OF THE Senate Federal and State Affairs Committee at 10:30 a.m. on March 22, 2007 in Room 231-N of the Capitol.

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.

Chief Klumpp, Kansas Association of Chiefs of Police, appeared in favor of the bill with an amendment. (Attachment 4) The bill as amended in the House contains changes critical to the attorney general's ability to properly administer the concealed carry licensing, and it offers much needed clarification to the local governments on legislative intent concerning limiting local government control over those licensed under the personal and family protection act.

The amendment is on page 2 line 26, insert after (c) "Except as provided in subsection (b)." (Attachment 5)

Chief Klumpp provided an amendment by Marcia Knight, the City of Lenexa, to the committee. (Attachment 6) page 2 lines 13, and include personal and family line 14 and 25, page 9 several strikes and inserts (see attachment) page 10 add new section (b) on line 8.

Jordan Austin, Kansas State Liaison, National Rifle Association, spoke in favor of the bill. (Attachment 7) The bill provides clarification to the Concealed Carry legislation passed in the 2006 Legislative session, and that some language had been misinterpreted by certain entities, and new language has been inserted so that there will be no confusion on the intent of the legislature.

Sandy Jacquot, League of Kansas Municipalities,(LKM) appeared in opposition to the bill. (Attachment 8) The League believes that cities should have the right to control the concealed carry of firearms in their communities, but understand that the legislature has made a policy choice to the contrary. The amended language that would allow property such as zoos, amphitheaters, and other similar properties to be posted as property where concealed weapons are disallowed, with the addition of the amended language that would add 22 and 23 on page 8 to the list of premises prohibited to carry LKM would not oppose the bill, without such an amendment LKM would continue to oppose the bill in its current form.

Erik Sartorius, City of Overland Park, presented testimony in opposition to the bill. (Attachment 9) The bill as originally drafted would have prohibited cities and even private entities if they were not "employers," from posting their property against the carrying of weapons and feel strongly that 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 weapons on that property. The proposed amendments of the bill would address the issue of proper notice and if passed without the City of Overland Park, will not be able to prohibit an individual from carrying a concealed weapon on these properties.

Chairman Brungardt closed the hearing on **HB 2528**

Final Action:

HB 2528 - Firearms; state preemption of regulation; amendments to concealed weapon licensure law

The amendment provided by Senator Journey and the League that includes New Sec. 22 and 23 was considered.

Senator Hensley moved the amendment that includes New Sec. 22 and 23 in the bill. Senator Gilstrap seconded the motion. The motion carried.

Senator Vratil moved to include all of the Lenexa amendment except: page 2 not to strike the word loaded in line 13, page 9 line 10 not to include the words "by persons licensed under this act." Senator Hensley seconded the motion. The motion carried.

Senator Brownlee moved the Klumpp amendment which includes the language "Except as provided in subsection (b)" inserted on page 2 line 26 after (c) in the bill. Senator Reitz seconded the motion. The motion carried.

CONTINUATION SHEET

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Senator Hensley moved to pass **HB 2528** out favorably as amended. Senator Ostmeyer seconded the motion. The motion carried.

HB 2561 - Licensure of real estate brokers and salespersons and HB 2293 - Technical changes to the licensure, examination and registration of certified public accountants

The provisions of **HB 2561** will be rolled into **HB 2295** as recommended in conference committee, and to strike the language of **HB 2561** and insert the contents of **HB 2293** as amended (Attachment 10) which was vetoed by the Governor due to a drafting error. (Attachment 11)

Senator Vratil made the motion to strike the language in **HB 2561** and insert the amended language of **HB 2293** and pass out favorably. Senator Reitz seconded the motion. The motion carried.

Bill Introduction:

A bill introduction was requested to establish procedure for confirmation by Legislators to Boards and Committees.

Senator Vratil moved that this request should be introduced as a committee bill. Senator Reitz seconded the motion. The motion carried.

The meeting was adjourned at 11:40 am.

March 22, 2007

Ladies and Gentlemen:

My name is Kevin Nunnink and I have been a real estate appraiser in the State of Kansas for 28 years. I am currently Chairman of our company, Integra Realty Resources, which is considered by many industry experts to be the largest real estate consulting and valuation firm in the United States.

I am here today to alert your committee of two issues surrounding our existing appraisal licensing law that concerns me individually, as well as many of my colleagues in the appraisal community.

1. Our current licensing law only requires an appraisal license to appraise real estate for a federally insured transaction. (e.g. an appraisal for a bank that is insured by the FDIC) To illustrate the impact of this loophole, I will read to you an example of a potential abuse scenario forwarded to me by one of my peers that illustrates Kansas law differs from many other states.

Kevin,

Today (March 14, 2007) I testified in bankruptcy court in Jackson County, Missouri. The appraiser for the debtor was a "trainee" who had three month's experience when she completed the appraisal. In Missouri appraisers must be licensed, so this appraiser was not allowed to testify. Had this happened in Kansas, she probably would have been allowed to testify because she holds herself out to be an appraiser, even if only for three months.

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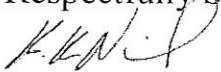
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Furthermore, a non-licensed appraiser can advertise in the yellow pages and hold themselves out to be a professional appraiser which may in fact create an environment where the public is misled. For example, in a condemnation hearing, many non licensed appraisers that are not regulated in any way frequently testify to court appointed appraiser and jury's. If there values are unrealistic there is no vehicle in the state of Kansas to report them to a disciplinary board. In other words someone with no experience is allowed to appraise real estate in the state of Kansas and can hold themselves out to be a professional. Currently, 33 states/provinces require mandatory licensing to perform appraisals (see attachment). In my opinion, this simple change will correct the abuse of this loophole.

2. The second issue in Kansas that I believe deserves addressing is to eliminate the conflicts of interest in appraisals of property by individuals who work for the same firm that receives a success fee or incentive fee if the property is sold or financed. In other words, when someone is receiving a 95% mortgage, it is imperative that the appraisal not be influenced by anyone that has leverage over the appraiser. Thus, the appraisal should be performed by unbiased individuals rather than staff appraisers whose salaries & bonuses depend upon the profitability of the firm. Likewise, an appraiser who works for a real estate brokerage firm would be precluded from appraising a property that was listed or sold by that firm. While not abused in all instances, many states have proactively addressed this issue to protect the general public. I understand many states have simply included a provision in their licensing statute that make it against State law to appraise a property that is being brokered or sold by someone employed in the same firm.

Thank you very much for taking the time to hear my concerns about our industry. Integra is concerned that each instance of abuse reflects on our industry and we should proactively deal with the issues when appropriate.

Respectfully Submitted,



Kevin K. Nunnink, MAI
Director/Principal

KKN:slv

State Licensing and Certification Requirements Information – Reported by the Appraisal Subcommittee as of 5/11/2006:

1. Alabama
2. Arizona
3. Commonwealth of the North Mariana Islands
4. Connecticut
5. Delaware
6. District of Columbia
7. Guam
8. Idaho
9. Illinois
10. Louisiana
11. Maine
12. Michigan
13. Minnesota
14. Mississippi
15. Missouri
16. Nebraska
17. Nevada
18. New Jersey
19. New Mexico
20. North Carolina
21. Oregon
22. Pennsylvania
23. Puerto Rico
24. Rhode Island
25. South Carolina
26. South Dakota
27. Tennessee
28. Texas
29. U.S. Virgin Islands
30. Utah
31. Virginia
32. Washington
33. West Virginia



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Ameriqwest Settlement Is Due Next Week

By Kirstin Downey
Washington Post Staff Writer
Saturday, January 21, 2006; Page D01

State prosecutors and lending regulators next week plan to announce a \$325 million settlement with Ameriqwest Mortgage Co., the nation's largest home lender to people with bad credit, according to numerous sources involved in the negotiations.

The announcement will probably be on Monday.

The Orange, Calif.-based firm, which has specialized in making high-cost home loans to people who do not qualify for less expensive mortgages, has agreed to the settlement to resolve charges brought by a multi-state task force that has been investigating allegations that the company overcharged and defrauded consumers, according to the sources.

Thousands of homeowners nationwide have alleged in lawsuits that they were financially injured, in some cases losing their homes, being forced into bankruptcy or seeing their credit destroyed, after they obtained Ameriqwest loans they were unable to repay.

As part of the agreement, the company will also change business practices at ACC Capital Holdings, the holding company for three retail subsidiaries, Ameriqwest Mortgage Co., Town and Country Credit Corp. and AMC Mortgage Services Inc., according to those sources. Outside monitors will observe the company's operations to ensure that it operates in accordance with the agreement, they said. In some cases, specific practices will be barred.

Members of the task force, which includes Maryland and the District, would not publicly confirm the reports. More than a half-dozen government officials confirmed the impending settlement. The sources spoke only on condition of anonymity because the states and the company had pledged to each other that they would maintain confidentiality until

Enlarge This Photo



Roland E. Amali, Ameriqwest's founder, is President Bush's pick to be ambassador to the Netherlands. (By Dennis Cook — Associated Press)

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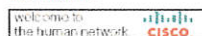
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the agreement was publicly announced. No attorneys general were willing to comment on the record about what the settlement will entail.

Late Friday, Ameriquest officials acknowledged that an agreement is near.

"This agreement is good for consumers and good for the company," the company said in a written statement. "We worked closely with the states to address their concerns. These improved business practices will enhance our ability to serve our customers."

On Friday, the White House informed some members of the Senate Foreign Relations Committee that the settlement would be announced on Monday.

The Bush administration has watched the settlement negotiations carefully because billionaire Roland E. Arnall, Ameriquest's founder and principal shareholder, is President Bush's nominee to be ambassador to the Netherlands. The Foreign Relations Committee deadlocked 9 to 9 in November on Arnall's nomination after several senators expressed concern about the unresolved litigation with the states.

The vote was along party lines except for Sen. Chuck Hagel (R-Neb.), who voted against Arnall. He said at the time that he did not think the United States should send abroad as its representatives people who are under what he called a "cloud of investigation."

Arnall has been Bush's single largest campaign contributor since 2002. He has also been a prominent campaign contributor to many Democrats, including U.S. Rep. Tom Lantos (D-Calif.), who endorsed Arnall's nomination at the Senate hearing.

The task force has never specified the allegations made against Ameriquest in 33 states and the District, but Arnall disclosed the information in writing to the Senate committee as it considered his nomination.

According to Arnall, the attorneys general alleged that the company had pressured appraisers to inflate property values so borrowers could get bigger loans, charged upfront fees without reducing interest rates as promised and told borrowers to ignore written information about interest rates because they would give them lower rates later. The company is alleged to have given them the higher interest rates instead.

According to Arnall's written testimony, the company is also alleged to have assured borrowers their loans would have no prepayment penalties, then inserted such payments into the final loan documents; delayed the time period between the loan closing and the funding; and misrepresented fees and costs.

At the November Senate hearing, Arnall acknowledged that Ameriquest had not handled its dealings with customers "perfectly" and that some employees had been fired.

"Mistakes have been made," Arnall said at the hearing. "When mistakes are made, we take care of the problems. We fix the problems."

Connecticut Attorney General Richard Blumenthal said he could not discuss any specifics about the negotiations, but said that many consumers had been badly damaged in their dealings with Ameriquest.

"What we've seen in human terms is catastrophic damage for some individuals who were misled or deceived or who received loans greater than they could possibly afford because of inflated income levels or appraisals resulting from employee misconduct," Blumenthal said. "We're taking action that will be designed to stop these abuses and effectively scrutinize and monitor these systems going forward. The abuses are systemic in number and nature."

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- 1 (8) on the state fairgrounds;
- 2 (9) any state office building;
- 3 (10) any athletic event not related to or involving firearms which is
- 4 sponsored by a private or public elementary or secondary school or any
- 5 private or public institution of postsecondary education;

6 (11) any professional athletic event not related to or involving
7 firearms;

8 ~~(12) any youth athletic event not involving firearms occurring~~
9 ~~on any publicly owned property, except that nothing in this sub-~~
10 ~~section shall be construed to prohibit possession of a firearm in a~~
11 ~~private means of conveyance even if parked on the public~~
12 ~~premises;~~

13 ~~(12)~~ ~~(13)~~ [(12)] any portion of a drinking establishment as defined
14 by K.S.A. 41-2601, and amendments thereto, except that this provision
15 shall not apply to a restaurant as defined by K.S.A. 41-2601, and amend-
16 ments thereto;

17 ~~(13)~~ ~~(14)~~ [(13)] any elementary or secondary school, attendance cen-
18 ter, administrative office, services center or other facility;

19 ~~(14)~~ ~~(15)~~ [(14)] any community college, college or university facility;

20 ~~(15)~~ ~~(16)~~ [(15)] any place where the carrying of firearms is prohibited
21 by federal or state law;

22 ~~(16)~~ ~~(17)~~ [(16)] any child exchange and visitation center provided for
23 in K.S.A. 75-720, and amendments thereto;

24 ~~(17)~~ ~~(18)~~ [(17)] any community mental health center organized pur-
25 suant to K.S.A. 19-4001 et seq., and amendments thereto; mental health
26 clinic organized pursuant to K.S.A. 65-211 et seq., and amendments
27 thereto; psychiatric hospital licensed under K.S.A. 75-3307b, and amend-
28 ments thereto; or state psychiatric hospital, as follows: Larned state hos-
29 pital, Osawatomie state hospital or Rainbow mental health facility;

30 ~~(18)~~ ~~(19)~~ [(18)] any city hall;

31 ~~(19)~~ ~~(20)~~ [(19)] any public library operated by the state or by a po-
32 litical subdivision of the state;

33 ~~(20)~~ ~~(21)~~ [(20)] any day care home or group day care home, as de-
34 fined in Kansas administrative regulation 28-4-113, or any preschool or
35 childcare center, as defined in Kansas administrative regulation 28-4-420;

36 ~~(21)~~ ~~(22)~~ [(21)] any church or temple; or

(24) 37 ~~(22)~~ ~~(23)~~ [(22)] any place in violation of K.S.A. 21-4218, and amend-
38 ments thereto.

39 (b) Violation of this section is a class A misdemeanor.

40 Sec. 6. K.S.A. 2006 Supp. 75-7c11 is hereby amended to read as
41 follows: 75-7c11. (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

(22) Any property other than a parking lot which has a permanently enclosed or fenced area in existence on the day preceding the effective date of this act which also has one or more controlled access points through which the public must enter such enclosed or fenced area;
(23) Any property other than a parking lot which has an enclosed or fenced area which also has one or more controlled access points through which the public must enter such enclosed or fenced area after paying an admission fee or charge;

SENATOR PHILLIP B. JOURNEY

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TOPEKA

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CORRECTIONS AND JUVENILE JUSTICE
 OVERSIGHT (JOINT)

**Testimony Before the Kansas Senate Federal and State Affairs Committee
 March 22, 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 am asking the Senate Federal and State Affairs Committee to adopt the agreed language of the proposed amendment in balloon form for House Bill 2528 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 and House Bill 2118. We modified the exclusion zones adding several other zones to the original list of 19. As part of an agreement with the League of Kansas Municipalities, we ask for two more. 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 consistent and uniform to prevent unintentional legal complications for law-abiding permit holders.

I have previously attached for your review copies of the municipal ordinances and other information I have been able to gather to this point when I testified for SB 185. Other ordinances are out there, some are 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, 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 this legislation. We are compelled to clarify the original intent of Senate Bill 418 and its trailer bill House Bill 2118 supporting 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 Morrison as enumerated in Section 2 of House Bill 2528, they address the issue of enhanced information records for the K.B.I. relating to 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.

Sen Fed & State Affairs

Attachment ³

3-22-07

Section 5 of the bill deals with exclusion zones. I would agree with the house amendments requiring that premises be 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. As we are changing the exclusion zones after licensees have received their training, we must ensure by posting, that such unintended violations do not occur. It is important to note that in many instances where carry is prohibited by current statute, while not required, many cities and others, as recommended by the League of Kansas Municipalities post signs anyway, it is a matter of fairness toward licensees.


In HB 2528, we amend the original bill SB 195, 2005 session. That bill contained a preemption statute eliminating the patchwork of inconsistent municipal ordinances that existed prior to that time. Under HB 2528, cities will still be able to enact ordinances prohibiting anyone, including licensees, from carrying a firearm into a jail, detention facility, courtroom or city hall. Cities may also prohibit non-licensees from carrying concealed or loaded unconcealed firearms on their persons. Cities may also prohibit non-licensees from transporting loaded or uncased firearms. Cities may mirror state law in the storage of firearms. Cities may also prohibit employees only by employment policies their possession of a firearm while in the course of their employment with the exception of in their personal conveyance. All property owners may post signs for their buildings.

Section 6 of the bill corrects and improves that area currently in the law that was the basis for the faulty analysis leading to the enactment of ordinances contrary to the original intent of 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

**WRITTEN TESTIMONY TO THE SENATE FEDERAL AND STATE
AFFAIRS COMMITTEE
IN SUPPORT OF HB 2528
Presented by Ed Klumpp
On behalf of the
Kansas Association of Chiefs of Police**

March 22, 2007

This testimony is in support of HB 2528. We worked extensively with the House to address many concerns we had with the original bill. The bill, as amended in the House, addresses all of those issues. This bill needs to move forward for two reasons: 1) It contains changes critical to the attorney general's ability to properly administer the concealed carry licensing, and 2) It offers much needed clarification to the local governments on legislative intent concerning limiting local government control over those licensed under the personal and family protection act.

However, there are still a few areas that we have discovered need additional clarification and technical corrections. Marcy Knight, an assistant city attorney for the City of Lenexa, discussed several of these issues with me and has a proposed balloon amendment to address several of those areas. We agree with those proposed amendments. I also have an area that I think needs clarification and have attached a proposal to address those concerns.

Our goal in working with the House members and others on this bill has been two fold. First, we need to retain the ability for cities to regulate persons not licensed under the act relating to firearms. This is especially critical as we deal with armed criminals, gang members, and drug dealers. Second, we wanted to clarify legislative intent to minimize any misunderstanding about what cities and counties can and can't do relating to concealed carry and other firearm issues addressed in this bill. We believe we have achieved that goal and that the proposed amendments add the polish to that effort.

As we worked with the House members and others on this bill we also supported changes which are now in place allowing cities and counties to designate certain places where those licensed cannot carry a weapon. These provisions, as currently in the amended bill, provide clarity on that issue and give the cities and counties the same ability as businesses are allowed in such designations.

With these amendments in place, the KACP supports this bill and strongly urges the committee to recommend this bill to pass as amended.



Ed Klumpp
Chief of Police-Retired
Topeka Police Department
Legislative Committee Chair
Kansas Association of Chiefs of Police
E-mail: eklumpp@cox.net; Phone: (785) 235-5619; Cell: (785) 640-1102

Sen Fed & State Affairs

Attachment 4
3-22-07

5

1 ~~porting of firearms.~~

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

8 ~~—(d) (b) Nothing in this section shall:~~

9 (1) Prohibit a law enforcement officer, as defined in K.S.A. 22-
10 2202, and amendments thereto, from acting within the scope of
11 such officer's duties;

12 (2) prohibit a city or county from regulating the manner of
13 openly carrying a [loaded] firearm on one's person; or in the im-
14 mediate control of a person, not licensed under the family and
15 personal protection act while on property open to the public.

16 (3) prohibit a city or county from regulating in any manner the
17 carrying of any firearm in any jail, juvenile detention facility,
18 prison, courthouse, courtroom or city hall; or

19 (4) prohibit a city or county from adopting an ordinance, res-
20 olution or regulation requiring a firearm transported in any air,
21 land or water vehicle to be unloaded and encased in a container
22 which completely encloses the firearm or any less restrictive pro-
23 vision governing the transporting of firearms, provided such or-
24 dinance, resolution or regulation shall not apply to persons li-
25 censed under the family and personal protection act.

26 (c) ~~No person shall be prosecuted or convicted of a violation of~~
27 ~~any ordinance, resolution or regulation of a city or county which~~
28 ~~regulates the storage or transportation of a firearm if such person~~
29 ~~(1) is storing or transporting the firearm without violating any pro-~~
30 ~~vision of the Kansas criminal code or (2) is otherwise transporting~~
31 ~~the firearm in a lawful manner.~~

→ Except as provided in subsection (b)

32 (d) No person shall be prosecuted under any ordinance, resolution
33 or regulation for transporting a firearm in any air, land or water vehicle
34 if the firearm is unloaded and encased in a container which completely
35 encloses the firearm.

36 Sec. 2. K.S.A. 59-2979 is hereby amended to read as follows: 59-
37 2979. (a) The district court records, and any treatment records or medical
38 records of any patient or former patient that are in the possession of any
39 district court or treatment facility shall be privileged and shall not be
40 disclosed except:

41 (1) Upon the written consent of (A) the patient or former patient, if
42 an adult who has no legal guardian; (B) the patient's or former patient's
43 legal guardian, if one has been appointed; or (C) a parent, if the patient

1 porting of firearms.

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

8 —(d) ~~(b)~~ (b) Nothing in this section shall:

9 (1) Prohibit a law enforcement officer, as defined in K.S.A. 22-
10 2202, and amendments thereto, from acting within the scope of
11 such officer's duties;

12 (2) prohibit a city or county from regulating the manner of
13 openly carrying a ~~loaded~~ firearm on one's person; or in the im-
14 mediate control of a person, not licensed under the ~~family and~~
15 ~~personal~~ protection act while on property open to the public.

Delete "loaded"
personal and family

16 (3) prohibit a city or county from regulating in any manner the
17 carrying of any firearm in any jail, juvenile detention facility,
18 prison, courthouse, courtroom or city hall; or

19 (4) prohibit a city or county from adopting an ordinance, res-
20 olution or regulation requiring a firearm transported in any air,
21 land or water vehicle to be unloaded and encased in a container
22 which completely encloses the firearm or any less restrictive pro-
23 vision governing the transporting of firearms, provided such or-
24 dinance, resolution or regulation shall not apply to persons li-
25 censed under the ~~family and personal~~ protection act.

personal and family

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

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39 district court or treatment facility shall be privileged and shall not be
40 disclosed except:

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42 an adult who has no legal guardian; (B) the patient's or former patient's
43 legal guardian, if one has been appointed; or (C) a parent, if the patient



Marcia L. Knight
Assistant City Attorney

City of Lenexa
12350 West 87th Street Parkway
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E-Mail: mknight@ci.lenexa.ks.us

1 weapon while on the premises of the employer's business or while en-
2 gaged in the duties of the person's employment by the employer, or
3 ~~(2):~~

4 (1) Any public or private employer from restricting or prohib-
5 iting by personnel policies ~~in any manner~~ persons licensed under
6 this act from carrying a concealed weapon while on the premises
7 of the employer's business or while engaged in the duties of the
8 person's employment by the employer, ~~except nothing in this sec-~~
9 ~~tion shall be construed to allow an~~ employer to prohibit possession
10 of a firearm in a private means of conveyance, ~~even if parked on~~
11 the employer's premises; or

strike "in any manner"

no

may

by persons licensed under this act

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

strike "in any manner"

entity

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

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

in accordance with rules and regulations adopted
by the attorney general

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

where carrying a concealed weapon is prohibited
pursuant to K.S.A. 2006 Supp. 75-7c10(a) and
75-7c11(a)(2)

33 Sec. 7. K.S.A. 2006 Supp. 75-7c17 is hereby amended to read as
34 follows: 75-7c17. (a) The legislature finds as a matter of public policy and
35 fact that it is necessary to provide statewide uniform standards for issuing
36 licenses to carry concealed weapons for self-defense and finds it necessary
37 to occupy the field of regulation of the bearing of concealed weapons for
38 self-defense to ensure that no honest, law-abiding person who qualifies
39 under the provisions of this act is subjectively or arbitrarily denied the
40 person's rights. ~~Any city ordinance or county resolution~~ No city, county
41 ~~or other political subdivision of this state shall regulate, restrict or prohibit~~
42 ~~the carrying of concealed weapons by persons licensed under this act~~
43 ~~[except as provided in subsections (a)(1) and (a)(2) of K.S.A. 2006~~

1 **Supp. 75-7c11, and amendments thereto**]. *Any existing or future law,*
 2 *ordinance, rule, regulation or resolution enacted by any city, county or*
 3 *other political subdivision of this state that regulates, restricts or prohibits*
 4 *the carrying of concealed weapons by persons licensed under this act*
 5 **[except as provided in subsections (a)(1) and (a)(2) of K.S.A. 2006**
 6 **Supp. 75-7c11, and amendments thereto,**] ~~shall not be applicable to~~
 7 ~~any person licensed in accordance with the provisions of this act~~ *be null*
 8 *and void.*

9 (b) The legislature does not delegate to the attorney general the au-
 10 thority to regulate or restrict the issuing of licenses provided for in this
 11 act, beyond those provisions of this act pertaining to licensing and train-
 12 ing. Subjective or arbitrary actions or rules and regulations which encum-
 13 ber the issuing process by placing burdens on the applicant beyond those
 14 sworn statements and specified documents detailed in this act or which
 15 create restrictions beyond those specified in this act are in conflict with
 16 the intent of this act and are prohibited.

17 (c) This act shall be liberally construed. This act is supplemental and
 18 additional to existing constitutional rights to bear arms and nothing in this
 19 act shall impair or diminish such rights.

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

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

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

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

43 (d) The Kansas bureau of investigation shall ensure the accuracy of

Insert "(b) Prosecution of any person licensed under the personal and family protection act for violating any restrictions on licensees will only be through the district court." And renumber the remaining sections.



NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
11250 WAPLES MILL ROAD
FAIRFAX, VIRGINIA 22030-7400

Dear Chairman Brungardt,

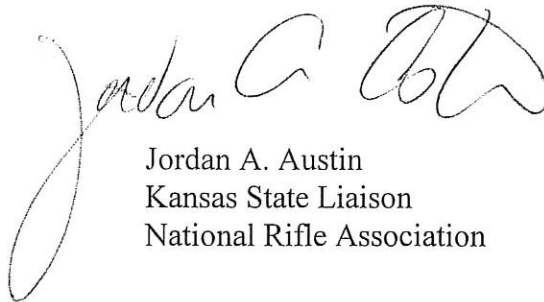
I am speaking before you today on behalf of the National Rifle Association and I would like to extend my support for HB 2528. This important legislation is of particular interest to our organization and is our top priority this legislative session.

This bill has already seen overwhelming support in the House with a vote of 107 in favor and only 17 Representatives voting against it.

What this bill does is provide clarification to the Concealed Carry legislation passed in the last legislative session. There was some language that had been misinterpreted by certain entities, so that language was removed and new language inserted so that there could no longer be any confusion over the intent of the legislature. It is, and was, the intent of the state to occupy the whole field of Concealed Carry regulation to provide the citizens of Kansas with uniformity and consistency throughout the entire state. Such uniformity is necessary to prevent law-abiding citizens from unknowingly violating the various ordinances that had recklessly been passed by many cities throughout Kansas in retaliation to this Concealed Carry legislation. It was never the intent of the state to allow cities such power and I feel that this bill, HB 2528, will bring us back to the original legislative intent that was established in SB 418 passed last year.

On behalf of the National Rifle Association, I again encourage you to support this important legislation. Thank you for the opportunity to speak today and I would be willing to answer any questions that the committee might have.

Sincerely,



Jordan A. Austin
Kansas State Liaison
National Rifle Association

Sen Fed & State Affairs

Attachment ⁷
3-22-07



League of Kansas Municipalities

(8)
300 SW 8th Avenue
Topeka, Kansas 66603-3912
Phone: (785) 354-9565
Fax: (785) 354-4186

TO: Senate Federal & State Affairs Committee
FROM: Sandy Jacquot, Director of Law/General Counsel
DATE: March 22, 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, although we are supportive of many amendments that have already been added to the bill and one that will be proposed today.

Specifically, LKM proposes that an additional location be added to the list of 22 where concealed carry is prohibited. **With the addition of this section, LKM would not oppose HB 2528.** The new section would read as follows: *Any property that has a controlled access point or points through which the public must enter into an enclosed or fenced area.* This amendment would allow property such as zoos, amphitheatres, and other similar properties to be posted as property where concealed weapons are disallowed.

In discussion with the proponents of the bill, they offered a compromise whereby an additional requirement of an admission charge would be added. LKM understands the concern to be that any city could put up a fence around a park, post the property and prohibit concealed carry. While this seems a bit far-fetched, it might be possible to require that any property that is enclosed or fenced after the effective date of this act must charge an admission fee to qualify the property for a concealed carry exemption. Otherwise, the requirement of a fee would not pick up zoos that charge no admission and the Deanna Rose Farmstead in Overland Park as a couple of examples. Information about the Farmstead is attached to my testimony.

In conclusion, we believe that cities should have the right to control the concealed carry of firearms in our communities, but understand that the Legislature has made a policy choice to the contrary. In addition, we appreciate the amendments that have already been made and the willingness of the proponents of this bill to discuss issues important to cities. With the addition of the amendment discussed above, LKM will not oppose the bill. Without such an amendment, however, we would continue to oppose HB 2528 in its current form and ask that you do not recommend it favorably for passage.

www.lkm.org

Sen Fed & State Affairs

Attachment 8
3-22-07

DEANNA ROSE CHILDREN'S FARMSTEAD

138th and Switzer ([map](#))
913/897-2360
farmsteadfriends@opkansas.org

Open, April 1-Oct. 31
Closed, Nov. 1-April 1
[Hours of Operation](#)



** Opening weekend is April 1. Special activities will be available from 10 a.m. to 5 p.m.*

The Farmstead is a 12-acre park. It has farm animals, birds of prey, vegetable and flower gardens, a one-room country schoolhouse, old time fishing pond, horse drawn wagon rides and pony rides.

Admission is free.

- Blue Valley Northwest High School's zoology class has created a [Farmstead Web site](#) with more information on featured animals.
- [Farmstead Brick Order Form](#) (.pdf file)

[Attractions/Features](#)
[Birthday/Tour Packages](#)
[Concessions](#)
[Daily Activities](#)
[Directions/Map](#)
[Friends of the Farmstead](#)

[Group Tours](#)
[Hours and Dates of Operation](#)
[Photo Gallery](#)
[Special Events](#)
[Volunteering](#)
[Who was Deanna Rose?](#)

The farmstead first opened in 1978 and was renamed in 1985 to honor [Deanna Rose](#), an Overland Park police officer killed in the line of duty.

WHO WAS DEANNA ROSE?

The farmstead was renamed in 1985 to honor Deanna Sue Rose, an Overland Park police officer killed in the line of duty.

On January 26, 1985, Deanna died from injuries she sustained in the performance of her duty as an Overland Park Police Officer.

She had stopped a vehicle and was attempting to arrest the driver on suspicion of driving while intoxicated. She was fatally injured when the suspect knocked her to the ground and ran over her. She died two days later from her injuries.

Officer Rose is the only Overland Park Police Officer and the first woman officer in the state of Kansas to die in the line of duty.

Officer Rose received an award for valor posthumously from the Kansas Association of Chiefs of Police.

Prior to working for Overland Park, she graduated Cum Laude from Wichita State University in Criminal Justice and had been a member of the San Diego County Sheriff's Office.

The [Deanna Rose Children's Farmstead](#) serves as a permanent and living reminder of Officer Rose's love for animals and her zest for life.





8500 Santa Fe Drive
Overland Park, Kansas 66212
• Fax: 913-895-5003
www.opkansas.org

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

March 22, 2007

The City of Overland Park appreciates the opportunity to appear before the committee and present testimony in opposition to House Bill 2528. The City does, however, support an amendment proposed by the Kansas League of Municipalities.

The legislation as originally drafted would have prohibited cities and even private entities if they were not “employers,” from posting their property against the carrying of weapons. We felt strongly that 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 weapons on that property.

As background, the City of Overland Park has chosen to prohibit the carrying of weapons in all city-owned buildings, as well as parks and trails. All properties included within the City’s prohibition have been posted. The prohibition does not extend to parking lots on city-owned property, as we feel it is important that licensed individuals have the option of legally leaving their weapons in their vehicles.

Amendments in the House committee returned some authority to public and private employers for the posting of their properties. This allowance extended only to buildings, not any other property owned by an employer, including parking lots. As shown above, the City already does not post parking lots. However, the City of Overland Park is not comfortable with the blanket prohibition for posting city-owned property.

The proposed amendment would enable the City to prohibit concealed carry in locations that have an entrance through which individuals would be required to pass and which is enclosed or surrounded by fencing. This is necessary for the City of Overland Park to restrict concealed carry in locations that the City believes are clearly not appropriate for such activity.

In particular, two properties owned by the City have spurred our interest in this amendment. For one, the City maintains the Deanna Rose Children’s Farmstead. In 2006, 375,083 people came through the Farmstead. Our other property of note is the Overland Park Arboretum & Botanical Gardens, which draws approximately 120,000 visitors each year. If the current legislation passes without the proposed amendment, the

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Attachment ⁹
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City of Overland Park will not be able to prohibit an individual from carrying a concealed weapon on these properties.

The majority of those people visiting these attractions, particularly and obviously at the Farmstead, are children. The City notes that of the 22 specifically enumerated places where the Legislature has declared concealed weapons must be prohibited, at least five are locations where significant numbers of children are present.

The proposed amendments would address the issue of proper notice. Any individual who comes on to property that could be posted pursuant to this provision would have to pass through an entrance point. Per Section 5, to which this amendment would be added, such prohibition of concealed weapons by the City would have to be conspicuously posted with the proper signage placing licensees on notice of the prohibition against carrying concealed. For this reason and for the additional reasons stated above, the City of Overland Park supports the amendment proposed by the League and respectfully request that the committee to make the suggested changes to the bill.

agency actions.

(e) (g) The board shall not have the power to assess fines under this section if a fine has been assessed for the same or similar violation under the provisions of subsection (a) of K.S.A. 1-311 and amendments thereto.

Sec. 7. K.S.A. 1-316 is hereby amended to read as follows: 1-316. (a) It is unlawful for any person to practice certified public accountancy unless the person holds a *Kansas certificate and a valid permit* to practice issued by the board pursuant to K.S.A. 1-310 and amendments thereto.

(b) It is unlawful for any firm to practice certified public accountancy as a certified public accounting firm or ~~C.P.A.~~ CPA firm unless the firm is registered with the board pursuant to K.S.A. 1-308 and amendments thereto.

(c) It is unlawful for any person, except the holder of a valid ~~Kansas~~ certificate, to use or assume the title "certified public accountant" or to use the abbreviation "~~C.P.A.~~" CPA or any other title, designation, words, letters, abbreviation, sign, card or device likely to be confused with "certified public accountant." The use of the term "public accountant" without the word "certified" shall not be interpreted as implying that one is a certified public accountant.

(d) Except as provided by this subsection, no person holding a permit or firm holding a registration under this act shall use a professional or firm name or designation that is misleading as to: (1) The legal form of the firm; (2) the persons who are partners, officers, members, managers or shareholders of the firm; or (3) any other matter. The names of one or more former partners, members or shareholders may be included in the name of a firm or its successor unless the firm becomes a sole proprietorship because of the death or withdrawal of all other partners, officers, members or shareholders. The use of a fictitious name by a firm is permissible if the fictitious name is registered with the board and is not otherwise misleading. The name of a firm may not include the name of an individual who is neither a present nor a past partner, member or shareholder of the firm or its predecessor. The name of the firm may not include the name of an individual who is not a certified public accountant.

(e) It is unlawful for any person, except the holder of a permit to practice to issue a report on financial statements with regard to any attest or compilation service that references the American institute of certified public accountants AICPA or the PCAOB, or both. The practice of public accountancy by persons not required to hold a ~~Kansas~~ permit to practice, including public accountants, is not prohibited or regulated by the provisions of this act, except for the provisions of this section, K.S.A. 1-308 and amendments thereto, K.S.A. 1-318 and amendments thereto and K.S.A. 1-319, and amendments thereto. The title "enrolled agent" may only be used by individuals so designated by the federal internal revenue

or is entitled to practice pursuant to K.S.A. 1-322 and amendment thereto

Kansas

, or a valid Kansas firm registration,

(11)



OFFICE OF THE GOVERNOR

KATHLEEN SEBELIUS, GOVERNOR

HB 2293 Veto Message from the Governor

My office has determined that HB 2293 contains a significant drafting error which would inadvertently revoke the right of some accountants to practice in Kansas. Therefore, pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I veto House Bill 2293. I support the intent of the bill and encourage the Legislature to pass a corrected version this year so I can sign it into law.

Vetoed March 21, 2007
Signed Kathleen Sebelius

Sen Fed & State Affairs