

## MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Melvin Neufeld at 1:30 p.m. on February 17, 2009, in Room 143-N of the Capitol.

All members were present.

## Committee staff present:

Mike Heim, Office of the Revisor of Statutes  
Jason Long, Office of the Revisor of Statutes  
Julian Efir, Kansas Legislative Research Department  
Dennis Hodgins, Kansas Legislative Research Department  
Nikki Feuerborn, Committee Assistant

## Conferees appearing before the committee:

Representative Melanie Meier, Military  
Larry Noell, Concealed Carry Instructor  
Jordan Austin, National Rifle Association  
Charles Sexson, Attorney General's Office

## Others attending:

See attached list.

**Hearing on HB 2308 - Personal and family protection act, military**

Revisor Mike Heim explained that under current law, concealed carry licensees can either request a separate concealed carry license card or have the license noted on their driver's license or identification card. This bill would require that when the licensee is a military member and requests a separate concealed carry license card, the Attorney General must assign a unique license number. Current law also requires applicants to provide either the number of their driver's license or identification card on the concealed carry application.

Representative Melanie Meier explained that all the bill does is require the Attorney General's office to assign a unique number to active duty military applicants who do not have a Kansas driver's license or Kansas identification card for use on their concealed carry license card. (Attachment 1). In 2007 the State would no longer issue a Kansas identification card to an active duty military person unless they surrendered their driver's license from their military Home of Record. This bill would address that inconvenience.

Mr. Larry Noell, President of the Leavenworth Gun and Rod Club and a certified concealed carry instructor, explained that the KS CCH is not a form of identification for federal purposes as defined in the REAL-ID Act (Attachment 2). It is a proof of a permit or license. Some state with concealed carry laws have reciprocal agreements with other such states.

Mr. Jordan Austin, representative of the National Rifle Association, spoke in support of the proposed legislation.

Mr. Charles Sexson, Director of the Concealed Carry Program in the Attorney General's Office, spoke in favor of the legislation and stated there would be no problems in implementing the numbering system.

The Committee was assured by the conferees that there would be no problem for law enforcement officers attempting to access the concealed carry numbers for active military personnel.

Representative Peterson moved to report the bill favorably for passage. Motion was seconded by Representative Carlson. Motion carried. Representative Meier was requested to carry the bill.

The next meeting is scheduled for February 25, 2009.

The meeting was adjourned at 2:30 p.m.

House Federal and State Affairs  
Guest list

Date Feb. 17, 2009

Name

Organization

C.W. Klebe

AG

Chuck Saxson

AG

Derek Hein

Hein Law Firm

Jim Beckman

self

Larry Noell

Self & Vets

Jordan Auster

NRA

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17 February 2009

**MELANIE MEIER**  
40TH DISTRICT

Thank you Mr. Chairman and committee.

I am here today in support of HB 2308.

This bill is making a change to the current law necessitated by a change in federal guidance. All it does is require the Attorney General's office to assign a unique number for active duty military applicants who do not have a Kansas driver's license or Kansas identification card for use on their concealed carry license card.

Until 2007, when changes were made to Kansas law (KSA 8-1324(e) bringing Kansas into compliance with the Department of Homeland Security guidelines concerning personal identification), there was no problem. Active duty military personnel stationed in Kansas were able to go to the DMV office and register for a Kansas identification card. The identification card entered the military person into the state database and the number issued on the card was used for the license.

In 2007, the state of Kansas would no longer issue a Kansas identification card to an active duty military person unless they surrendered their driver's license from their military Home of Record.

Active duty military are allowed to keep their Home of Record driver's licenses under Kansas law (KSA 8-234a(a)(2)).

Kansas law also extends resident status to any active duty military person stationed in Kansas under official orders. This status is recognized by the Department of Revenue Division of Vehicles for issuance of Kansas license plates, the Department of Wildlife and Parks for the issuance of hunting and fishing licenses, and by the federal agencies that monitor and approve firearms transfers.

I would also like to point out that, through speaking to Attorney General Six and his office, I know that he is willing to work with the military to fix this problem in a more informal manner; however I am concerned with what may happen 10-20 years from now where there may be a change in policy.

Therefore, Mr. Chairman and Committee, I am asking you to pass favorably HB2308 and I will stand for any questions when appropriate.

Respectfully submitted,

Melanie Meier

House Fed & State Affairs

Date: 2/17/09

Attachment J

Testimony to the House Committee on Federal and State Affairs  
In support of House Bill 2308

February 17, 2009

By: Larry Noell,  
27155 Tonganoxie Road  
Leavenworth, KS 66048,  
Daytime Phone (913) 684-2589

NRA Firearms Instructor  
KS CCH Certification Instructor  
26+ years Active Duty Military Service

House Bill 2308 needs to address two issues that impact on the ability of Active Duty Military personnel stationed in KS to obtain a KS CCH permit. First is the linkage of the KS CCH permit to the existing KS driver's license or KS identification card, second is the express extension of resident status to Active Duty Military personnel stationed in KS.

The linkage of the KS CCH permit to a KS Driver's License or KS Identification Card was an administrative agreement in the fall of 2006 between the Department of Revenue (who has the physical ability to issue permits statewide) and the KS Attorney Generals Office (who has oversight and responsibility for the KS CCH program).

Many Active Duty Military personnel stationed in KS would like to obtain a KS CCH permit, and those that met the requirements and applied before mid-summer 2008 were able to do so. Until that time, Active Duty Military personnel stationed in KS were able to obtain a KS Identification Card to facilitate applying for a KS CCH permit.

The REAL-ID act of 2005 took effect in May of 2008, and, as interpreted by the KS Department of Revenue, prohibits Active Duty Military personnel stationed in KS from obtaining a KS ID card unless they surrender their home state driver's license. For some military personnel, surrendering a home state driver's license has dramatic impacts on the ability to vote in their home state and on individual taxes or earned dividends from their home state.

House bill 2308 ties the KS CCH permit to either a KS driver's license or KS identification card. Without specific consideration, this will prevent qualified and deserving Active Duty Military personnel stationed in KS from obtaining a KS CCH permit. Recognition that the KS CCH is not a form of identification for federal purposes as defined in the REAL-ID Act is key to a solution.

The KS CCH permit is not an identification card; it is proof of a permit or license. The REAL-ID Act specifically contains provisions to allow states to issue permits and licenses that do not constitute identification for federal purposes.

Active Duty Military personnel stationed in KS make notable contributions to their communities and the state as a whole. This body has recognized these contributions in the past by extending resident status to Active Duty Military personnel stationed in KS for select activities and licenses. Most well-known are:

- K.S.A. 32-980; extends resident status to Active Duty Military personnel stationed in Kansas for the issue of hunting and fishing licenses.

- K.S.A. 71-407; extends resident status to Active Duty Military personnel stationed in Kansas for the purpose of tuition at state colleges.

This recognition of resident status does not end with the state. In fact, Federal BATF&E regulations also recognize active duty military stationed in Kansas as residents for the purpose of firearms purchase and/or transfer.

In each of these instances, the military member simply provides a copy of the front of their military identification card and a copy of the orders that stationed them in KS.

SUMMARY: In considering House Bill 2308, I ask you to recognize and make note that the KS CCH permit is not an identification card for federal purposes, that it is in fact nothing more than a license or permit. This enables the Department of Revenue to physically issue the KS CCH Permits without violating the REAL-ID Act of 2005. I also strongly urge you to continue with existing precedents and extend resident status to Active Duty Military personnel stationed in KS for obtaining a KS CCH permit. A copy of the front of a military identification card with a copy of military orders that assign them to a station in KS may be attached to their KS CCH application to verify their status.