

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 March 12, 2009, in Room 143-N of the Capitol.

All members were present except:

Representative Rob Olson- excused
Representative Mike Peterson- excused

Committee staff present:

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

Conferees appearing before the Committee:

Others attending:

See attached list.

Representative Brunk moved for the introduction of a proposed constitutional amendment regarding spending limited to the rate of inflation and that the State could not issue mandates to smaller units of government without providing funding for such mandates. Motion was seconded by Representative Knox. Motion carried.

Discussion and Action on SB 19 - Concealed weapons; U.S. attorneys, county and district attorneys and assistants

During previous Committee discussion of the bill on March 2, 2009, amendment A (Attachment 1) was adopted. The following motion was left on the table:

Representative Knox moved for the adoption of Balloon B amendment (Attachment 2). Motion was seconded by Representative Carlson.

Representative Carlson made a substitute motion to pass SB 19 out favorably as amended. Motion was seconded by Representative Holmes. The motion failed due to Committee concerns that courtrooms which are considered to be secure and do not allow even law enforcement officers to carry weapons would not have the option to opt out on allowing prosecutors to carry concealed weapons into the courtrooms.

Representative Knox renewed his original motion to adopt Balloon B amendment (Attachment 2). Motion was seconded by Representative Carlson. Motion carried.

Representative Knox moved for the adoption of Balloon C amendment (Attachment 3). Motion was seconded by Representative Huebert. Motion failed on a division vote of six yeas and 10 nays.

Representative Knox moved that SB 19 be reported favorably as amended. Motion was seconded by Representative Carlson. Motion carried.

Hearing, Discussion and Action on SB 178 - Exceptions from amusement ride operation requirements for home owned amusement rides

Revisor Jason Long explained the bill and distributed a balloon amendment (Attachment 4).

Written testimony was received from proponent Brad Harrelson, representing Farm Bureau (Attachment 5) Steve Zink, Director of Safety and House Division of the Department of Labor also presented written testimony in agreement with the proposed balloon amendment (Attachment 6).

Representative Grant moved for the adoption of the balloon amendment. Motion was seconded by

CONTINUATION SHEET

Minutes of the House Federal and State Affairs Committee at 1:30 p.m. on March 12, 2009, in Room 143-N of the Capitol.

Representative Ruiz. Motion carried.

Representative Grant moved for **SB 178** to be reported favorable as amended. Motion was seconded by Representative Ruiz. Motion carried.

Discussion and Action on HB 2180 - Alcoholic beverages; wine lockers in a drinking establishment
Revisor Mike Heim explained the bill and distributed a balloon amendment which would also include Class A and B clubs and liquor by the drink establishments in the bill (Attachment 7).

Representative Loganbill moved for the adoption of the balloon amendment. Motion was seconded by Representative Swenson. Motion carried.

Representative Loganbill moved to further amend the bill by adding the language of **SB 213 - Consumption of alcoholic liquor in entertainment and arts and cultural districts**. Motion was seconded by Representative Swenson.

Revisor Jason Long explained that **SB 213** allows the local governing body to approve the request for a special event by passing an ordinance setting the boundaries, time, hours of operation, etc. Vendors within or adjacent to the designated area would apply for special licenses from the ABC which is in agreement with the proposed legislation.

Representative Loganbill renewed her motion to amend the bill by adding the language of **SB 213**. Motion carried in a division vote: 11 yeas, 4 nays.

Representative Swenson moved to report **HB 2180** favorably as amended. Motion was seconded by Representative Ruiz. Motion carried.

The next meeting is on call of the Chair.

The meeting was adjourned at 3:00 p.m..

House Federal and State Affairs
Guest list

Date 3-12-09

Name

Organization

John Beckler

Dennis Kriesel

C.W. Klebe

Bernd Koops

TUCK DUNCAN

Philip Bradley

Mark Boranyski

Dale Doherty

Spencer Duncan

Pinehale - Smith

Kansas Association of Counties

Attorney General

Hein Law Firm

Ks wife & spirit who benefits

KLBA Assn.

Capitol Strategies

Wichita

Capitol Connection Ks

House Federal and State Affairs
Guest list

Date March 10, 2009

Name

Organization

Berend Koops

Clint Pally

Keith Koehn

MARK BOZANYAK

Ed Van Zetten

John Pinegar

Hein Law Firm

Atty

KS Lottery

CAPITOL STRATEGIES

Lottery

Butler National Service Corp

SENATE BILL No. 19

By Senator D. Schmidt

1-12

House Federal and State Affairs Subcommittee on SB 19
Recommended amendments - General Recommendation

A.

10 AN ACT concerning crimes and punishment; relating to the criminal use
11 of weapons; amending K.S.A. 21-4217 and 21-4218 and K.S.A. 2008
12 Supp. 21-4201 and repealing the existing sections.

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

15 Section 1. K.S.A. 2008 Supp. 21-4201 is hereby amended to read as
16 follows: 21-4201. (a) Criminal use of weapons is knowingly:

17 (1) Selling, manufacturing, purchasing, possessing or carrying any
18 bludgeon, sandclub, metal knuckles or throwing star, or any knife, com-
19 monly referred to as a switch-blade, which has a blade that opens auto-
20 matically by hand pressure applied to a button, spring or other device in
21 the handle of the knife, or any knife having a blade that opens or falls or
22 is ejected into position by the force of gravity or by an outward, downward
23 or centrifugal thrust or movement;

24 (2) carrying concealed on one's person, or possessing with intent to
25 use the same unlawfully against another, a dagger, dirk, billy, blackjack,
26 slungshot, dangerous knife, straight-edged razor, stiletto or any other dan-
27 gerous or deadly weapon or instrument of like character, except that an
28 ordinary pocket knife with no blade more than four inches in length shall
29 not be construed to be a dangerous knife, or a dangerous or deadly
30 weapon or instrument;

31 (3) carrying on one's person or in any land, water or air vehicle, with
32 intent to use the same unlawfully, a tear gas or smoke bomb or projector
33 or any object containing a noxious liquid, gas or substance;

34 (4) carrying any pistol, revolver or other firearm concealed on one's
35 person except when on the person's land or in the person's abode or fixed
36 place of business;

37 (5) setting a spring gun;

38 (6) possessing any device or attachment of any kind designed, used
39 or intended for use in suppressing the report of any firearm;

40 (7) selling, manufacturing, purchasing, possessing or carrying a shot-
41 gun with a barrel less than 18 inches in length or any other firearm de-
42 signed to discharge or capable of discharging automatically more than
43 once by a single function of the trigger; or

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Attachment 1

1 (8) possessing, manufacturing, causing to be manufactured, selling,
2 offering for sale, lending, purchasing or giving away any cartridge which
3 can be fired by a handgun and which has a plastic-coated bullet that has
4 a core of less than 60% lead by weight.

5 (b) Subsections (a)(1), (2), (3), (4) and (7) shall not apply to or affect
6 any of the following:

7 (1) Law enforcement officers, or any person summoned by any such
8 officers to assist in making arrests or preserving the peace while actually
9 engaged in assisting such officer;

10 (2) wardens, superintendents, directors, security personnel and keep-
11 ers of prisons, penitentiaries, jails and other institutions for the detention
12 of persons accused or convicted of crime, while acting within the scope
13 of their authority;

14 (3) members of the armed services or reserve forces of the United
15 States or the Kansas national guard while in the performance of their
16 official duty; or

17 (4) manufacture of, transportation to, or sale of weapons to a person
18 authorized under subsections (b)(1), (2) and (3) to possess such weapons.

19 (c) Subsection (a)(4) shall not apply to or affect the following:

20 (1) Watchmen, while actually engaged in the performance of the du-
21 ties of their employment;

22 (2) licensed hunters or fishermen, while engaged in hunting or
23 fishing;

24 (3) private detectives licensed by the state to carry the firearm in-
25 volved, while actually engaged in the duties of their employment;

26 (4) detectives or special agents regularly employed by railroad com-
27 panies or other corporations to perform full-time security or investigative
28 service, while actually engaged in the duties of their employment;

29 (5) the state fire marshal, the state fire marshal's deputies or any
30 member of a fire department authorized to carry a firearm pursuant to
31 K.S.A. 31-157 and amendments thereto, while engaged in an investigation
32 in which such fire marshal, deputy or member is authorized to carry a
33 firearm pursuant to K.S.A. 31-157 and amendments thereto; ~~or~~

34 (6) special deputy sheriffs described in K.S.A. 19-827, and amend-
35 ments thereto, who have satisfactorily completed the basic course of in-
36 struction required for permanent appointment as a part-time law enforce-
37 ment officer under K.S.A. 74-5607a and amendments thereto; *or*

38 (7) *the United States attorney for the district of Kansas, **the attorney***
39 ***general**, any district attorney or county attorney, any assistant United*
40 *States attorney if authorized by the United States attorney for the district*
41 *of Kansas, **any assistant attorney general if authorized by the attor-***
42 ***ney general**, or any assistant district attorney or assistant county attor-*
43 *ney if authorized by the district attorney or county attorney by whom*

1-3

1 *such assistant is employed. The provisions of this paragraph shall not*
2 *apply to any person not in compliance with section 4, and amendments*
3 *thereto.*

4 (d) Subsections (a)(1), (6) and (7) shall not apply to any person who
5 sells, purchases, possesses or carries a firearm, device or attachment
6 which has been rendered unserviceable by steel weld in the chamber and
7 marriage weld of the barrel to the receiver and which has been registered
8 in the national firearms registration and transfer record in compliance
9 with 26 U.S.C. 5841 et seq. in the name of such person and, if such person
10 transfers such firearm, device or attachment to another person, has been
11 so registered in the transferee's name by the transferor.

12 (e) Subsection (a)(8) shall not apply to a governmental laboratory or
13 solid plastic bullets.

14 (f) Subsection (a)(6) shall not apply to a law enforcement officer who
15 is:

16 (1) Assigned by the head of such officer's law enforcement agency to
17 a tactical unit which receives specialized, regular training;

18 (2) designated by the head of such officer's law enforcement agency
19 to possess devices described in subsection (a)(6); and

20 (3) in possession of commercially manufactured devices which are:
21 (A) Owned by the law enforcement agency; (B) in such officer's posses-
22 sion only during specific operations; and (C) approved by the bureau of
23 alcohol, tobacco, firearms and explosives of the United States department
24 of justice.

25 (g) Subsections (a)(6), (7) and (8) shall not apply to any person em-
26 ployed by a laboratory which is certified by the United States department
27 of justice, national institute of justice, while actually engaged in the duties
28 of their employment and on the premises of such certified laboratory.
29 Subsections (a)(6), (7) and (8) shall not affect the manufacture of, trans-
30 portation to or sale of weapons to such certified laboratory.

31 (h) Subsection (a)(4) shall not apply to any person carrying a con-
32 cealed weapon as authorized by K.S.A. 2008 Supp. 75-7c01 through 75-
33 7c17, and amendments thereto.

34 (i) Subsections (a)(6) and (7) shall not apply to or affect any person
35 or entity in compliance with the national firearms act, 26 U.S.C. 5801 et
36 seq.

37 (j) It shall be a defense that the defendant is within an exemption.

38 (k) Violation of subsections (a)(1) through (a)(5) is a class A nonper-
39 son misdemeanor. Violation of subsection (a)(6), (a)(7) or (a)(8) is a se-
40 verity level 9, nonperson felony.

41 (l) As used in this section, "throwing star" means any instrument,
42 without handles, consisting of a metal plate having three or more radiating
43 points with one or more sharp edges and designed in the shape of a

1 polygon, trefoil, cross, star, diamond or other geometric shape, manufac-
2 tured for use as a weapon for throwing.

3 Sec. 2. K.S.A. 21-4217 is hereby amended to read as follows: 21-
4 4217(a) Criminal discharge of a firearm is the discharge of any firearm:

5 (1) Upon any land or nonnavigable body of water of another, without
6 having obtained permission of the owner or person in possession of such
7 land; or

8 (2) upon or from any public road, public road right-of-way or railroad
9 right-of-way that adjoins land of another without having first obtained
10 permission of the owner or person in possession of such land.

11 (b) This section shall not apply to any of the following:

12 (1) Law enforcement officers, or any person summoned by any such
13 officers to assist in making arrests or preserving the peace while actually
14 engaged in assisting such officer;

15 (2) wardens, superintendents, directors, security personnel and keep-
16 ers of prisons, penitentiaries, jails and other institutions for the detention
17 of persons accused or convicted of crime, while acting within the scope
18 of their authority;

19 (3) members of the armed services or reserve forces of the United
20 States or the national guard while in the performance of their official
21 duty;

22 (4) watchmen, while actually engaged in the performance of the du-
23 ties of their employment;

24 (5) private detectives licensed by the state to carry the firearm in-
25 volved, while actually engaged in the duties of their employment;

26 (6) detectives or special agents regularly employed by railroad com-
27 panies or other corporations to perform full-time security or investigative
28 service, while actually engaged in the duties of their employment; ~~or~~

29 (7) the state fire marshal, the state fire marshal's deputies or any
30 member of a fire department authorized to carry a firearm pursuant to
31 K.S.A. 31-157 and amendments thereto, while engaged in an investigation
32 in which such fire marshal, deputy or member is authorized to carry a
33 firearm pursuant to K.S.A. 31-157 and amendments thereto; *or*

34 (8) *the United States attorney for the district of Kansas, **the attorney***
35 ***general, or any district attorney or county attorney*** ~~[while actually en-~~
36 ~~gaged in the duties of their employment]~~; *any assistant United States at-*
37 *torney if authorized by the United States attorney for the district of Kan-*
38 *sas* ~~[and while actually engaged in the duties of their employment]~~; *any*
39 *assistant attorney general if authorized by the attorney general* ~~[and~~
40 ~~while actually engaged in the duties of their employment]~~; *or any*
41 *assistant district attorney or assistant county attorney if authorized by*
42 *the district attorney or county attorney by whom such assistant is em-*
43 *ployed* ~~[and while actually engaged in the duties of their employment]~~ *The*

1-4

1-5

1 *provisions of this paragraph shall not apply to any person not in compli-*
 2 *ance with section 4, and amendments thereto.*

3 (c) Criminal discharge of a firearm is a class C misdemeanor.

4 Sec. 3. K.S.A. 21-4218 is hereby amended to read as follows: 21-
 5 4218. (a) Possession of a firearm on the grounds of or in the state capitol
 6 building, within the governor's residence, on the grounds of or in any
 7 building on the grounds of the governor's residence, within the state
 8 office building at 915 Harrison known as the Docking state office build-
 9 ing, within the state office building at 900 Jackson known as the Landon
 10 state office building, within the Kansas judicial center at 301 West 10th,
 11 within any other state-owned or leased building if the secretary of ad-
 12 ministration has so designated by rules and regulations and conspicuously
 13 placed signs clearly stating that firearms are prohibited within such build-
 14 ing, and within any county courthouse, unless, by county resolution, the
 15 board of county commissioners authorize the possession of a firearm
 16 within such courthouse, is possession of a firearm by a person other than
 17 a commissioned law enforcement officer, a full-time salaried law enforce-
 18 ment officer of another state or the federal government who is carrying
 19 out official duties while in this state, any person summoned by any such
 20 officer to assist in making arrests or preserving the peace while actually
 21 engaged in assisting such officer or a member of the military of this state
 22 or the United States engaged in the performance of duties who brings a
 23 firearm into, or possesses a firearm within, the state capitol building, any
 24 state legislative office, any office of the governor or office of other state
 25 government elected official, any hearing room in which any committee
 26 of the state legislature or either house thereof is conducting a hearing,
 27 the governor's residence, on the grounds of or in any building on the
 28 grounds of the governor's residence or the Landon state office building,
 29 Docking state office building, Kansas judicial center, county courthouses
 30 unless otherwise allowed, or any other state-owned or leased building, so
 31 designated.

32 (b) It is not a violation of this section for the governor, the governor's
 33 immediate family, or specifically authorized guests of the governor to
 34 possess a firearm within the governor's residence or on the grounds of or
 35 in any building on the grounds of the governor's residence.

36 (c) *It is not a violation of this section for the United States attorney*
 37 *for the district of Kansas, **the attorney general**, any district attorney or*
 38 *county attorney, any assistant United States attorney; if authorized by*
 39 *the United States attorney for the district of Kansas, **any assistant at-***
 40 ***torney general if authorized by the attorney general**, or any assistant*
 41 *district attorney or assistant county attorney; if authorized by the district*
 42 *attorney or county attorney by whom such assistant is employed, to pos-*
 43 *sess a firearm within any county* ~~courthouse~~ *. The provisions of this par-*

facility, subject to any restrictions or prohibitions imposed in any courtroom by
 the ~~chief~~ judge of the judicial district

9-6

1 *agraph shall not apply to any person not in compliance with section 4,*
2 *and amendments thereto.*

3 ~~(e)~~ *(d)* Violation of subsection (a) is a class A misdemeanor.

4 ~~(d)~~ *(e)* This section shall be part of and supplemental to the Kansas
5 criminal code.

6 New Sec. 4. Any person not subject to the provisions of subsection
7 (a) of K.S.A. 21-4201, and amendments thereto, under the authority of
8 paragraph (7) of subsection (c) of K.S.A. 21-4201, and amendments
9 thereto, shall obtain ~~[at their own expense]~~ and maintain a license to carry
10 concealed weapons permit as authorized by K.S.A. 75-7c01 through 75-
11 7c17, and amendments thereto. In addition, such person shall complete
12 a firearms training course as determined by the director of police training
13 of the law enforcement training center.

14 Sec. 5. K.S.A. 21-4217 and 21-4218 and K.S.A. 2008 Supp. 21-4201
15 are hereby repealed.

16 Sec. 6. This act shall take effect and be in force from and after its
17 publication in the statute book.

SENATE BILL No. 19

By Senator D. Schmidt

1-12

10 AN ACT concerning crimes and punishment; relating to the criminal use
11 of weapons; amending K.S.A. 21-4217 and 21-4218 and K.S.A. 2008
12 Supp. 21-4201 and repealing the existing sections.

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

15 Section 1. K.S.A. 2008 Supp. 21-4201 is hereby amended to read as
16 follows: 21-4201. (a) Criminal use of weapons is knowingly:

17 (1) Selling, manufacturing, purchasing, possessing or carrying any
18 bludgeon, sandclub, metal knuckles or throwing star, or any knife, com-
19 monly referred to as a switch-blade, which has a blade that opens auto-
20 matically by hand pressure applied to a button, spring or other device in
21 the handle of the knife, or any knife having a blade that opens or falls or
22 is ejected into position by the force of gravity or by an outward, downward
23 or centrifugal thrust or movement;

24 (2) carrying concealed on one's person, or possessing with intent to
25 use the same unlawfully against another, a dagger, dirk, billy, blackjack,
26 slungshot, dangerous knife, straight-edged razor, stiletto or any other dan-
27 gerous or deadly weapon or instrument of like character, except that an
28 ordinary pocket knife with no blade more than four inches in length shall
29 not be construed to be a dangerous knife, or a dangerous or deadly
30 weapon or instrument;

31 (3) carrying on one's person or in any land, water or air vehicle, with
32 intent to use the same unlawfully, a tear gas or smoke bomb or projector
33 or any object containing a noxious liquid, gas or substance;

34 (4) carrying any pistol, revolver or other firearm concealed on one's
35 person except when on the person's land or in the person's abode or fixed
36 place of business;

37 (5) setting a spring gun;

38 (6) possessing any device or attachment of any kind designed, used
39 or intended for use in suppressing the report of any firearm;

40 (7) selling, manufacturing, purchasing, possessing or carrying a shot-
41 gun with a barrel less than 18 inches in length or any other firearm de-
42 signed to discharge or capable of discharging automatically more than
43 once by a single function of the trigger; or

House Federal and State Affairs Subcommittee on SB 19
Recommended amendments - Opt out provision for counties

B.

House Fed & State Affairs
Date: 3-12-09
Attachment 2

1 *provisions of this paragraph shall not apply to any person not in compli-*
2 *ance with section 4, and amendments thereto.*

3 (c) Criminal discharge of a firearm is a class C misdemeanor.

4 Sec. 3. K.S.A. 21-4218 is hereby amended to read as follows: 21-
5 4218. (a) Possession of a firearm on the grounds of or in the state capitol
6 building, within the governor's residence, on the grounds of or in any
7 building on the grounds of the governor's residence, within the state
8 office building at 915 Harrison known as the Docking state office build-
9 ing, within the state office building at 900 Jackson known as the Landon
10 state office building, within the Kansas judicial center at 301 West 10th,
11 within any other state-owned or leased building if the secretary of ad-
12 ministration has so designated by rules and regulations and conspicuously
13 placed signs clearly stating that firearms are prohibited within such build-
14 ing, and within any county courthouse, unless, by county resolution, the
15 board of county commissioners authorize the possession of a firearm
16 within such courthouse, is possession of a firearm by a person other than
17 a commissioned law enforcement officer, a full-time salaried law enforce-
18 ment officer of another state or the federal government who is carrying
19 out official duties while in this state, any person summoned by any such
20 officer to assist in making arrests or preserving the peace while actually
21 engaged in assisting such officer or a member of the military of this state
22 or the United States engaged in the performance of duties who brings a
23 firearm into, or possesses a firearm within, the state capitol building, any
24 state legislative office, any office of the governor or office of other state
25 government elected official, any hearing room in which any committee
26 of the state legislature or either house thereof is conducting a hearing,
27 the governor's residence, on the grounds of or in any building on the
28 grounds of the governor's residence or the Landon state office building,
29 Docking state office building, Kansas judicial center, county courthouses
30 unless otherwise allowed, or any other state-owned or leased building, so
31 designated.

32 (b) It is not a violation of this section for the governor, the governor's
33 immediate family, or specifically authorized guests of the governor to
34 possess a firearm within the governor's residence or on the grounds of or
35 in any building on the grounds of the governor's residence.

36 (c) *It is not a violation of this section for the United States attorney*
37 *for the district of Kansas, **the attorney general**, any district attorney or*
38 *county attorney, any assistant United States attorney; if authorized by*
39 *the United States attorney for the district of Kansas, **any assistant at-***
40 ***torney general if authorized by the attorney general**, or any assistant*
41 *district attorney or assistant county attorney; if authorized by the district*
42 *attorney or county attorney by whom such assistant is employed, to pos-*
43 *sess a firearm within any county courthouse. The provisions of this par-*

2-2

1 *agraph shall not apply to any person not in compliance with section 4,*
2 *and amendments thereto.*

3 ~~(e)~~ (d) Violation of subsection (a) is a class A misdemeanor.

4 ~~(d)~~ (e) This section shall be part of and supplemental to the Kansas
5 criminal code.

6 New Sec. 4. Any person not subject to the provisions of subsection
7 (a) of K.S.A. 21-4201, and amendments thereto, under the authority of
8 paragraph (7) of subsection (c) of K.S.A. 21-4201, and amendments
9 thereto, shall obtain at their own expense, and maintain a license to carry
10 concealed weapons permit as authorized by K.S.A. 75-7c01 through 75-
11 7c17, and amendments thereto. In addition, such person shall complete
12 a firearms training course as determined by the director of police training
13 of the law enforcement training center.

14 Sec. 5. K.S.A. 21-4217 and 21-4218 and K.S.A. 2008 Supp. 21-4201
15 are hereby repealed.

16 Sec. 6. This act shall take effect and be in force from and after its
17 publication in the statute book.

(d) Notwithstanding the provisions of this section, any county may elect by passage of a resolution that the provisions of subsection (c) shall not apply to such county's facilities; provided, that such facilities have adequate security measures to ensure that no weapons are permitted to be carried into such facilities and that a sign be conspicuously posted at each entryway into such facility stating that the provisions of subsection (c) do not apply to such facility. For the purposes of this section, "adequate security measures" means the use of electronic equipment and personnel to detect and restrict the carrying of any weapons into the facility, including, but not limited to, metal detectors, metal detector wands or any other equipment used for similar purposes.

SENATE BILL No. 19

By Senator D. Schmidt

1-12

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11 of weapons; amending K.S.A. 21-4217 and 21-4218 and K.S.A. 2008
12 Supp. 21-4201 and repealing the existing sections.
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18 bludgeon, sandclub, metal knuckles or throwing star, or any knife, com-
19 monly referred to as a switch-blade, which has a blade that opens auto-
20 matically by hand pressure applied to a button, spring or other device in
21 the handle of the knife, or any knife having a blade that opens or falls or
22 is ejected into position by the force of gravity or by an outward, downward
23 or centrifugal thrust or movement;

24 (2) carrying concealed on one's person, or possessing with intent to
25 use the same unlawfully against another, a dagger, dirk, billy, blackjack,
26 slungshot, dangerous knife, straight-edged razor, stiletto or any other dan-
27 gerous or deadly weapon or instrument of like character, except that an
28 ordinary pocket knife with no blade more than four inches in length shall
29 not be construed to be a dangerous knife, or a dangerous or deadly
30 weapon or instrument;

31 (3) carrying on one's person or in any land, water or air vehicle, with
32 intent to use the same unlawfully, a tear gas or smoke bomb or projector
33 or any object containing a noxious liquid, gas or substance;

34 (4) carrying any pistol, revolver or other firearm concealed on one's
35 person except when on the person's land or in the person's abode or fixed
36 place of business;

37 (5) setting a spring gun;

38 (6) possessing any device or attachment of any kind designed, used
39 or intended for use in suppressing the report of any firearm;

40 (7) selling, manufacturing, purchasing, possessing or carrying a shot-
41 gun with a barrel less than 18 inches in length or any other firearm de-
42 signed to discharge or capable of discharging automatically more than
43 once by a single function of the trigger; or

House Federal and State Affairs Subcommittee on SB 19
Recommended amendments - Opt out provision for courtrooms

House Fed & State Affairs
Date: 3-12-09
Attachment 3

3-2

1 *provisions of this paragraph shall not apply to any person not in compli-*
2 *ance with section 4, and amendments thereto.*

3 (c) Criminal discharge of a firearm is a class C misdemeanor.

4 Sec. 3. K.S.A. 21-4218 is hereby amended to read as follows: 21-
5 4218. (a) Possession of a firearm on the grounds of or in the state capitol
6 building, within the governor's residence, on the grounds of or in any
7 building on the grounds of the governor's residence, within the state
8 office building at 915 Harrison known as the Docking state office build-
9 ing, within the state office building at 900 Jackson known as the Landon
10 state office building, within the Kansas judicial center at 301 West 10th,
11 within any other state-owned or leased building if the secretary of ad-
12 ministration has so designated by rules and regulations and conspicuously
13 placed signs clearly stating that firearms are prohibited within such build-
14 ing, and within any county courthouse, unless, by county resolution, the
15 board of county commissioners authorize the possession of a firearm
16 within such courthouse, is possession of a firearm by a person other than
17 a commissioned law enforcement officer, a full-time salaried law enforce-
18 ment officer of another state or the federal government who is carrying
19 out official duties while in this state, any person summoned by any such
20 officer to assist in making arrests or preserving the peace while actually
21 engaged in assisting such officer or a member of the military of this state
22 or the United States engaged in the performance of duties who brings a
23 firearm into, or possesses a firearm within, the state capitol building, any
24 state legislative office, any office of the governor or office of other state
25 government elected official, any hearing room in which any committee
26 of the state legislature or either house thereof is conducting a hearing,
27 the governor's residence, on the grounds of or in any building on the
28 grounds of the governor's residence or the Landon state office building,
29 Docking state office building, Kansas judicial center, county courthouses
30 unless otherwise allowed, or any other state-owned or leased building, so
31 designated.

32 (b) It is not a violation of this section for the governor, the governor's
33 immediate family, or specifically authorized guests of the governor to
34 possess a firearm within the governor's residence or on the grounds of or
35 in any building on the grounds of the governor's residence.

36 (c) *It is not a violation of this section for the United States attorney*
37 *for the district of Kansas, **the attorney general**, any district attorney or*
38 *county attorney, any assistant United States attorney; if authorized by*
39 *the United States attorney for the district of Kansas, **any assistant at-***
40 ***torney general if authorized by the attorney general**, or any assistant*
41 *district attorney or assistant county attorney; if authorized by the district*
42 *attorney or county attorney by whom such assistant is employed, to pos-*
43 *sess a firearm within any county courthouse. The provisions of this par-*

1 *agraph shall not apply to any person not in compliance with section 4,*
2 *and amendments thereto.*

3 ~~(e)~~ (d) Violation of subsection (a) is a class A misdemeanor.

4 ~~(e)~~ (e) This section shall be part of and supplemental to the Kansas
5 criminal code.

6 New Sec. 4. Any person not subject to the provisions of subsection
7 (a) of K.S.A. 21-4201, and amendments thereto, under the authority of
8 paragraph (7) of subsection (c) of K.S.A. 21-4201, and amendments
9 thereto, shall obtain at their own expense, and maintain a license to carry
10 concealed weapons permit as authorized by K.S.A. 75-7c01 through 75-
11 7c17, and amendments thereto. In addition, such person shall complete
12 a firearms training course as determined by the director of police training
13 of the law enforcement training center.

14 Sec. 5. K.S.A. 21-4217 and 21-4218 and K.S.A. 2008 Supp. 21-4201
15 are hereby repealed.

16 Sec. 6. This act shall take effect and be in force from and after its
17 publication in the statute book.

(d) The provisions of subsection (c) shall not apply to any courtroom where the chief judge of the judicial district overseeing such courtroom has issued an order prohibiting weapons in such courtroom; provided, that such courtroom has adequate security measures to ensure that no weapons are permitted to be carried into such courtroom and that a sign be conspicuously posted at each entryway into such courtroom stating that the provisions of subsection (c) do not apply to such courtroom. For the purposes of this section, "adequate security measures" means the use of electronic equipment and personnel to detect and restrict the carrying of any weapons into the courtroom, including, but not limited to, metal detectors, metal detector wands or any other equipment used for similar purposes.

8-5

[As Amended by Senate Committee of the Whole]

As Amended by Senate Committee

Session of 2009

SENATE BILL No. 178

By Committee on Federal and State Affairs

2-3

Proposed Amendments
Prepared by: Mike Heim
Revisor of Statutes Office
March 11, 2009

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House Fed & State Affairs
Date: 3-12-09

Attachment 4

12 AN ACT concerning amusement rides; amending K.S.A. 2008 Supp. 44-
13 1601 and repealing the existing section.

14
15 Be it enacted by the Legislature of the State of Kansas:

16 New Section 1. The provisions of K.S.A. 2008 Supp. 44-1601
17 through 44-1612, and amendments thereto, shall not apply to home-
18 owned amusement rides, as defined in K.S.A. 2008 Supp. 44-1601, and
19 amendments thereto.

20 New Sec. 2. The secretary of the department of labor is hereby
21 authorized to adopt rules and regulations necessary to implement
22 and enforce the provisions of K.S.A. 2008 Supp. 44-1601 through
23 44-1612 and section 1, and amendments thereto. [Such rules and
24 regulations shall be adopted on or before July 1, 2010.]

25 Sec. 3. K.S.A. 2008 Supp. 44-1601 is hereby amended to read as
26 follows: 44-1601. As used in this act:

27 (a) (1) "Amusement ride" means any mechanical or electrical device
28 that carries or conveys passengers along, around or over a fixed or re-
29 stricted route or course or within a defined area for the purpose of giving
30 its passengers amusement, pleasure, thrills or excitement and shall in-
31 clude, but not be limited to:

32 (A) Rides commonly known as ferris wheels, carousels, parachute
33 towers, bungee jumping, reverse bungee jumping, tunnels of love and
34 roller coasters;

35 (B) equipment generally associated with winter activities, such as ski
36 lifts, ski tows, j-bars, t-bars, chair lifts and aerial tramways; and

37 (C) equipment not originally designed to be used as an amusement
38 ride, such as cranes or other lifting devices, when used as part of an
39 amusement ride.

40 (2) "Amusement ride" does not include:

41 (A) Games, concessions and associated structures;

42 (B) any single passenger coin-operated ride that: (i) Is manually, me-
43 chanically or electrically operated; (ii) is customarily placed in a public

(a)

(b) The provisions of K.S.A. 2008 Supp. 44-1601 through
44-1612, and amendments thereto, and this section, and
amendments thereto, shall be known as the Kansas
amusement ride act.

- 1 location; and (iii) does not normally require the supervision or services of
2 an operator; or
- 3 (C) nonmechanized playground equipment, including, but not lim-
4 ited to, swings, seesaws, stationary spring-mounted animal features, rider-
5 propelled merry-go-rounds, climbers, slides, trampolines, moon walks
6 and other inflatable equipment and physical fitness devices.
- 7 (b) “Certificate of inspection” means a certificate, signed and dated
8 by a qualified inspector, showing that an amusement ride has satisfactorily
9 passed inspection by such inspector.
- 10 (c) “Department” means the department of labor.
- 11 (d) *“Home-owned amusement ride” means an amusement ride owned*
12 *by a not-for-profit entity and operated:*
- 13 (1) *Solely within a single county;*
14 (2) *by individuals on a volunteer basis; and*
15 (3) *for a period not to exceed 12 consecutive days within one calendar*
16 *year.*
- 17 ~~(d)~~ (e) “Nondestructive testing” means the development and appli-
18 cation of technical methods such as radiographic, magnetic particle, ul-
19 trasonic, liquid penetrant, electromagnetic, neutron radiographic, acous-
20 tic emission, visual and leak testing to:
- 21 (1) Examine materials or components in ways that do not impair the
22 future usefulness and serviceability in order to detect, locate, measure
23 and evaluate discontinuities, defects and other imperfections;
- 24 (2) assess integrity, properties and composition; and
- 25 (3) measure geometrical characters.
- 26 ~~(e)~~ (f) “Operator” means a person actually engaged in or directly con-
27 trolling the operations of an amusement ride.
- 28 ~~(f)~~ (g) “Owner” means a person who owns, leases, controls or man-
29 ages the operations of an amusement ride and may include the state or
30 any political subdivision of the state.
- 31 ~~(g)~~ (h) “Parent or guardian” means any parent, guardian or custodian
32 responsible for the control, safety, training or education of a minor or an
33 adult or minor with an impairment in need of a guardian or a conservator,
34 or both, as those terms are defined by K.S.A. 59-3051 and amendments
35 thereto.
- 36 ~~(h)~~ (i) (1) “Patron” means any individual who is:
- 37 (A) Waiting in the immediate vicinity of an amusement ride to get
38 on the ride;
- 39 (B) getting on an amusement ride;
- 40 (C) using an amusement ride;
- 41 (D) getting off an amusement ride; or
- 42 (E) leaving an amusement ride and still in the immediate vicinity of
43 the ride.

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1 (2) "Patron" does not include employees, agents or servants of the
2 owner while engaged in the duties of their employment.

3 ~~(j)~~ (j) "Person" means any individual, association, partnership, cor-
4 poration, limited liability company, government or other entity.

5 ~~(k)~~ (k) "Qualified inspector" means a person who holds a current cer-
6 tification or other evidence of qualification to inspect amusement rides,
7 issued by a program specified by rules and regulations adopted under
8 K.S.A. 2008 Supp. 44-1603, and amendments thereto.

9 ~~(l)~~ (l) "Secretary" means the secretary of labor.

10 ~~(m)~~ (m) "Serious injury" means an injury that results in:

11 (1) Death, dismemberment, significant disfigurement or permanent
12 loss of the use of a body organ, member, function or system;

13 (2) a compound fracture; or

14 (3) other significant injury or illness that requires immediate admis-
15 sion and overnight hospitalization and observation by a licensed physician.

16 ~~(n)~~ (n) "Sign" means any symbol or language reasonably calculated
17 to communicate information to patrons or their parents or guardians,
18 including placards, prerecorded messages, live public address, stickers,
19 pictures, pictograms, guide books, brochures, videos, verbal information
20 and visual signals.

21 ~~Sec. 4.~~ K.S.A. 2008 Supp. 44-1601 is hereby repealed.

22 ~~Sec. 5.~~ This act shall take effect and be in force from and after
23 January 1, 2009, and its publication in the statute book.

New Sec. 3. The secretary of labor shall adopt rules and regulations necessary to implement provisions of the Kansas amusement ride act, K.S.A. 2008 Supp. 44-1601 through 44-1612, and amendments thereto, and section 1, and amendments thereto. Nothing herein shall be construed to authorize the secretary of labor to adopt rules and regulations regulating amusement rides exempted from the Kansas amusement ride act. Such rules and regulations shall be adopted on or before July 1, 2010.

And by renumbering the sections accordingly



Kansas Farm Bureau
POLICY STATEMENT

House Committee on Federal & State Affairs

SB 178

Re: Home Owned Amusement Rides

March 12, 2009

Chairman and members of the House Committee on Federal & State Affairs, thank you for the opportunity to share the policy developed and adopted by Kansas Farm Bureau members. As you know KFB represents farmers, ranchers and rural residents totaling more than 40,000 who live and work in each of the states 105 counties.

In recent years communities across the state have purchased, refurbished, and developed amusement rides to be used at county fairs, carnivals, and other events. They are maintained by committed and passionate individuals who volunteer their time and talents to ensure safe operation and entertainment for community residents. In many cases they provide fund raising opportunities for community scholarship funds and other ventures that enhance the quality of life across rural Kansas.

KFB member adopted policy fully supports the amendments proposed in SB 178. We request your full support as you contemplate this measure.

Thank you once again for the opportunity to comment on this issue.

Kansas Farm Bureau represents grass roots agriculture. Established in 1919, this non-profit advocacy organization supports farm families who earn their living in a changing industry.

House Fed & State Affairs

Date: 3-12-09

Attachment 5

Testimony concerning 2009 Senate Bill 178
House Federal and State Affairs
Steve Zink, Director of Industrial Safety and Health
Kansas Department of Labor
12 March 2009

Chairman Neufeld and Members of the Committee:

Thank you for the opportunity to appear and provide testimony in regards to 2009 Senate Bill 178.

My name is Steve Zink and I am the Director of the Industrial Safety and Health division at the Kansas Department of Labor. My division oversees the workplace safety programs in Kansas. Last year, the legislature gave the Kansas Department of Labor and this division the responsibility to oversee safety inspections conducted on amusement park rides operating within Kansas.

On behalf of the Kansas Department of Labor, I have a concern with Senate Bill 178. This bill would exempt "home-owned amusement rides" from the requirements of K.S.A 2008 Supp. 44-1601 through 44-1612. By enacting this bill, it would allow amusement rides owned by a not-for-profit entity and operated solely within a single county by volunteers to operate without a safety inspection. Meaning, individuals who are not trained would be allowed to set up and operate an amusement ride with no oversight. It would limit the department's ability to protect the health and safety of the public as these types of rides would be exempted from inspection and operator safety requirements, and we are concerned for the safety of those riders. The purpose of last year's law was to provide safety to the public, and we feel Senate Bill 178 would jeopardize that safety.

However, the bill has been amended to address two of our concerns. It narrowly defined a "home-owned amusement ride" as one that operates for no more than 12 days within one calendar year. It eliminates the possibility of an operator to create a fixed mobile full-time amusement park. In addition, it provides KDOL the rule and regulation authority so that we can carry out the law with clear rules and expectations. Last year, we were given the authority to conduct inspections, but no authority to establish rules and regulations. With this language, we can provide clear up front policy and establish rules so that amusement park operators have a clear understanding of how the agency will enforce the act.

Thank you for the opportunity to share this information with you. I hope you find this helpful.

HOUSE BILL No. 2180

By Committee on Appropriations

1-30

Proposed Amendment

Prepared by: Mike Heim
Revisor of Statutes Office

March 4, 2009

z218

text

House Fed & State Affairs

Date: 3-12-09

Attachment 7

9 AN ACT concerning alcoholic beverages; relating to drinking establish-
10 ment license; amending K.S.A. 41-2642 and repealing the existing
11 section.

41-2637, 41-2641 and

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

sections

14 Section 1. K.S.A. 41-2642 is hereby amended to read as follows: 41-
15 2642. (a) A license for a drinking establishment shall allow the licensee
16 to offer for sale, sell and serve alcoholic liquor for consumption on the
17 licensed premises which may be open to the public, but only if such
18 premises are located in a county where the qualified electors of the
19 county:

20 (1) (A) Approved, by a majority vote of those voting thereon, the
21 proposition to amend section 10 of article 15 of the constitution of the
22 state of Kansas at the general election in November 1986, or (B) have
23 approved a proposition to allow sales of alcoholic liquor by the individual
24 drink in public places within the county at an election pursuant to K.S.A.
25 41-2646 and amendments thereto; and

26 (2) have not approved a proposition to prohibit such sales of alcoholic
27 liquor in such places at a subsequent election pursuant to K.S.A. 41-2646
28 and amendments thereto.

29 (b) A drinking establishment shall be required to derive from sales
30 of food for consumption on the licensed premises not less than 30% of
31 all the establishment's gross receipts from sales of food and beverages on
32 such premises unless the licensed premises are located in a county where
33 the qualified electors of the county:

34 (1) Have approved, at an election pursuant to K.S.A. 41-2646 and
35 amendments thereto, a proposition to allow sales of alcoholic liquor by
36 the individual drink in public places within the county without a require-
37 ment that any portion of their gross receipts be derived from the sale of
38 food; and

39 (2) have not approved a proposition to prohibit such sales of alcoholic
40 liquor in such places at a subsequent election pursuant to K.S.A. 41-2646
41 and amendments thereto.

42 (c) A drinking establishment shall specify in the application for a li-
43 cense or renewal of a license the premises to be licensed, which may

7-2

1 include all premises which are in close proximity and are under the con-
2 trol of the applicant or licensee.

3 (d) Notwithstanding any other provision of law to the contrary, any
4 hotel of which the entire premises are licensed as a drinking establish-
5 ment or as a drinking establishment/caterer may sell alcoholic liquor or
6 cereal malt beverage by means of minibars located in guest rooms of such
7 hotel, subject to the following:

8 (1) The key, magnetic card or other device required to attain access
9 to a minibar in a guest room shall be provided only to guests who are
10 registered to stay in such room and who are 21 or more years of age;

11 (2) containers or packages of spirits or wine sold by means of a min-
12 ibar shall hold not less than 50 nor more than 200 milliliters; and

13 (3) a minibar shall be restocked with alcoholic liquor or cereal malt
14 beverage only during hours when the hotel is permitted to sell alcoholic
15 liquor and cereal malt beverage as a drinking establishment.

16 (e) *A drinking establishment may store on its premises wine sold to a*
17 *customer for consumption at a later date on its premises in the unopened*
18 *container. Such wine shall not be removed from the licensed premises in*
19 *its unopened condition.*

20 Sec. 2. K.S.A. ~~41-2642~~ is hereby repealed.

21 Sec. 3. This act shall take effect and be in force from and after its
22 publication in the statute book.

Such wine must be kept separate from all other alcohol stock and in a secure locked area separated by customer.

Sec. 2. K.S.A. 41-2637

Sec. 3. K.S.A. 41-2641

(see attached)

And by renumbering the sections accordingly

41-2637, 41-2641 and 41-2642 are

Sec. 2. K.S.A. 41-2637 is hereby amended read as follows: 41-2637. (a) A license for a class A club shall allow the licensee to offer for sale, sell and serve alcoholic liquor for consumption on the licensed premises by members and their families, and guests accompanying them.

(b) (1) Subject to the provisions of subsection (b)(2), any two or more class A or class B clubs may permit, by an agreement filed with and approved by the director, the members of each such club to have access to all other clubs which are parties to such agreement. The privileges extended to the visiting members of other clubs under such an agreement shall be determined by the agreement and, if the agreement so provides, any club which is a party to such agreement may sell, offer for sale and serve, to any person who is a member of another club which is a party to such agreement, alcoholic liquor for consumption on the licensed premises by such person and such person's family, and guests accompanying them.

(2) A class B club may enter into a reciprocal agreement authorized by subsection (b)(1) only if the class B club is a restaurant.

(c) A licensee may store on its premises wine sold to a customer for consumption at a later date on its premises in the unopened container. Such wine must be kept separate from all other alcohol stock and in a secure locked area separated by customer. Such wine shall not be removed from the licensed premises in its unopened condition.

Sec. 3. K.S.A. 41-2641 is hereby amended to read as follows: 41-2641. (a) A license for a class B club shall allow the licensee to offer for sale, sell and serve alcoholic liquor for consumption on the licensed premises by members of such club and guests accompanying them.

(b) (1) Subject to the provisions of

subsection (b)(2), any two or more class A or class B clubs may permit, by an agreement filed with and approved by the director, the members of each such club to have access to all other clubs which are parties to such agreement. The privileges extended to the visiting members of other clubs under such an agreement shall be determined by the agreement and, if the agreement so provides, any club which is a party to such agreement may sell, offer for sale and serve, to any person who is a member of another club which is a party to such agreement, alcoholic liquor for consumption on the licensed premises by such person and such person's family, and guests accompanying them.

(2) A class B club may enter into a reciprocal agreement authorized by subsection (b)(1) only if the class B club is a restaurant.

(c) Except as provided by subsection (d), an applicant for membership in a class B club shall, before becoming a member of such club:

(1) Be screened by the club for good moral character;

(2) pay an annual membership fee of not less than \$10; and

(3) wait for a period of 10 days after completion of the application form and payment of the membership fee.

(d) Notwithstanding the membership fee and waiting period requirement of subsection (c):

(1) Any class B club located on the premises of a hotel or RV resort may establish rules whereby a guest, who registered at the hotel or RV resort and who is not a resident of the county in which the club is located, may file application for temporary membership in such club. The membership, if granted, shall be valid only for the period of time that the guest is a bona fide registered guest at the hotel or RV resort and such temporary membership shall

not be subject to the waiting period or fee requirement of this section.

(2) Any class B club located on property which is owned or operated by a municipal airport authority and upon which consumption of alcoholic liquor is authorized by law may establish rules whereby an air traveler who is a holder of a current airline ticket may file application for temporary membership in such club for the day such air traveler's ticket is valid, and such temporary membership shall not be subject to the waiting period or fee requirement of this section.

(3) Any class B club may establish rules whereby military personnel of the armed forces of the United States on temporary duty and housed at or near any military installation located within the exterior boundaries of the state of Kansas may file application for temporary membership in such club. The membership, if granted, shall be valid only for the period of the training, not to exceed 20 weeks. Any person wishing to make application for temporary membership in a class B club under this subsection (d)(3) shall present the temporary duty orders to the club. Temporary membership issued under this subsection (d)(3) shall not be subject to the waiting period or fee requirements of this section.

(4) Any class B club may enter into a written agreement with a hotel or RV resort whereby a guest who is registered at the hotel or RV resort and who is not a resident of the county in which the club is located may file application for temporary membership in such club. The temporary membership, if granted, shall be valid only for the period of time that the guest is a bona fide registered guest at the hotel or RV resort and shall not be subject to the waiting period or dues requirement of this section. A club may enter into a written agreement with a hotel or RV resort pursuant to this

provision only if (A) the hotel or RV resort
located in the same county as the club,
3) there is no class B club located on the
premises of the hotel or RV resort and (C) no
other club has entered into a written
agreement with the hotel or RV resort
pursuant to this section.

(5) Any class B club located in a
racetrack facility where races with
parimutuel wagering are conducted under the
Kansas parimutuel racing act may establish
rules whereby persons attending such races
may file an application for temporary
membership in such club for the day such
person is attending such races, and such
temporary membership shall not be subject to
the waiting period or fee requirement of this
section.

(e) A licensee may store on its premises
wine sold to a customer for consumption at a
later date on its premises in the unopened
container. Such wine must be kept separate
from all other alcohol stock and in a secure
locked area separated by customer. Such wine
shall not be removed from the licensed
premises in its unopened condition.