Approved: March 9, 2010
Date

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Melvin Neufeld at 2:00 p.m. on February 25, 2010, in Room 346-S of the Capitol.

All members were present.

Committee staff present:
Mike Heim, Revisor of Statutes
Julian Efird, Legislative Research Department
Dennis Hodgins, Legislative Research Department
Nikki Feuerborn, Committee Assistant

Conferees appearing before the Committee:
Representative Forrest Knox, Legislator (Attachment 1)
Ken Kraxberger, Probation Officer (Attachment 2)
Patricia Stoneking, President, Kansas State Rifle Association (Attachment 3)
Sandy Jacquot, Director of Law/General Counsel,League of Kansas Municipalities (Attachment 4)
Melissa Wangemann, General Counsel and Director of Legislative Services,Kansas Association of Counties (Attachment 5)
Erik Sartorius, City of Overland Park (Attachment 6)
Jordan Austin, National Rifle Association (Attachment 7)
Kyle Smith, Kansas Peace Officers Association (Attachment 8)

Written testimony only:
Ed Klump, Legislative Liaison, Kansas Association of Chiefs of Police (Attachment 9)
Steven Claassen, Facilities Director, Sedgwick County Courthouse (Attachment 10)
Robert Hinshaw, Sheriff, Sedgwick County (Attachment 11)
Mark Bruce, Kansas Highway Patrol (Attachment 12)
Dale Goter, City of Wichita (Attachment 13)
Chad Austin, Kansas Hospital Association (Attachment 14)
Julene L. Miller, General Counsel (Attachment 15)

Others attending:
See attached list

Hearing on HB 2685 - Personal and family protection act; amendments

Mike Heim, Office of the Revisor of Statutes, explained the proposed legislation which would allow concealed carry in public and municipal facilities unless there is adequate security provided.

Representative Knox explained this bill would allow persons to take responsibility for their individual safety by allowing concealed carry in public buildings (Attachment 1). When signage is placed on the outside of the building showing that concealed carry is not allowed, it is an invitation to criminals to enter a "gun free zone." Citizens have a choice in entering posted private businesses but many times are required to enter public facilities i.e. courthouse, city hall, post office. When a person's ability to provide for their own security is impeded by law, then that responsibility and liability falls to someone else; it could be the state and local government in posted public facilities.

Ken Kraxberger, Probation Officer for the State of Kansas, reported seeing a dramatic increase in violent offenders coming on supervision and a lack of adequate protection for the officer (Attachment 2). Personnel in the court system are also endangered when there is inadequate security provided. Federal probation officers are allowed to be armed and he asked that Kansas provide parity for their probation officers or at least be given the choice of being armed or not.

Patricia Stoneking, President of the Kansas State Rifle Association, reviewed the stringent regulations and training required of those receiving a license for concealed carry (Attachment 3). In her training of several thousand citizens to acquire the concealed carry licenses she assured the Committee of their sincerity, sense of responsibility, and respect for the privilege. She discussed the issue of liability if a citizen is attacked by a criminal in a posted building. The posting of buildings does not prevent criminals with guns from entering

the buildings, only law-abiding citizens who are forced to leave their weapons in cars or at home.

Sandy Jacquot, Director of Law/General Counsel for the League of Kansas Municipalities, testified in opposition as this bill would take away the ability of local and state governments to regulate concealed firearms on their property, regardless of the activity with a few exceptions (Attachment 4). State and municipal facilities would have to provide adequate security measures with the use of electronic screening equipment to ensure no one has a weapon. With the passage of this bill, employees would also be allowed to carry weapons unless the workplace is also screened. The cost of this would be prohibitive for small cities in Kansas. Every building owned by a city would have to be screened. If cities want to allow concealed carry on their premises, they can simply decline to post the facility as a no-carry facility.

Melissa A. Wangemann, General Counsel and Director of Legislative Services for the Kansas Association of Counties, testified that with the passage of this bill each Kansas county would have to purchase equipment, employ personnel, and provide both at each entrance to a county facility in order to restrict weapons from the facility (Attachment 5). Counties should be allowed to decide whether concealed carry weapons are a good or bad idea.

Erik Sartorius, representing the City of Overland Park, said they have 27 facilities which would require $750,000 in purchases plus $2,538,000 annually for the manning of the buildings should this bill pass (Attachment 6). The city now has a no-concealed-carry policy. He pointed out that private businesses would not be required to have such security even if they have the same type of activities. Public entities should be treated no differently than private businesses and they should be allowed to make their own judgments regarding the appropriateness of concealed carry.

Jordan Austin, representing the National Rifle Association of America, spoke as a proponent for the bill which would allow employees of buildings paid for with tax dollars to keep and bear firearms for personal protection (Attachment 7). Citizens should be allowed the right to bear arms or be assured of adequate security when in public buildings. If the signs are removed, there would be no need for additional security. He noted that many security guards do not carry sidearms. Virginia has no signs and has extended concealed carry.

Kyle Smith, representing the Kansas Peace Officer's Association, testified that in a survey conducted, all of their members were opposed to extending concealed carry in public buildings (Attachment 8). The cost of providing adequate security would be prohibitive for small towns and universities. In all the permits granted there have only been 60 concealed carry permits rescinded and that was not due to gun problems but crimes such as aggravated assault and domestic battery. There have been no problems or incidents with the concealed carry law as it now stands so there is no need to fix something not broken.

Representative Neufeld closed the hearing on **HB 2685**.

Written testimony opposing the legislation was received from:
Ed Klump, Legislative Liaison, Kansas Association of Chiefs of Police (Attachment 9)
Steven Claassen, Facilities Director, Sedgwick County Courthouse (Attachment 10)
Robert Hinshaw, Sheriff, Sedgwick County (Attachment 11)
Mark Bruce, Kansas Highway Patrol (Attachment 12)
Dale Goter, City of Wichita (Attachment 13)
Chad Austin, Kansas Hospital Association (Attachment 14)
Julene L. Miller, General Counsel (Attachment 15)

The next meeting is scheduled for March 2, 2010.

The meeting was adjourned at 3:30 p.m.

FEDERAL AND STATE AFFAIRS COMMITTEE GUEST LIST

DATE: Feb 25, 2010

NAME	REPRESENTING
Laura Bosilferac	Emporia State University
Tracy Greene	ESU
Julene Miller	KBOR
Terry Schwartz	"
Michael Lane	ESU
Patricia Stoneking	KSRA
Kyle Smith	KPOA
Charles Sexson	Attorney General
Jordan Austin	NRA
Melissa Wangemann	KAC
Sandy Jacquot	LKM
Sheri Smiley	Ks. Sec. of State
Darci Meese	Water One
Bob Kelly	JCSO
[illegible]	KSRA Member and NRA
[illegible]	KSRA Member and NRA Member
Ed Klumpp	KSA/KACP/KPOA
Erik Sartorius	City of Overland Park

FEDERAL AND STATE AFFAIRS COMMITTEE GUEST LIST
DATE: _____

NAME	REPRESENTING
Kaul Damm	KU
Chad Austin	KHA
Jennifer Cheray	ESU
Sarah Swoboda	ESU

STATE OF KANSAS
HOUSE OF REPRESENTATIVES

13TH DISTRICT
STATE CAPITOL
TOPEKA, KS 66612
(785) 296-7678
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FORREST J. KNOX

House Committee on Federal and State Affairs

Hearing on

HB 2685, Security in Publically Owned Buildings

House Bill 2685 requires that "adequate security measures" be in place in any state or local publically owned facility or premise if the facility or premise is posted prohibiting the carrying of a concealed weapon. Likewise, any properly licensed employee could carry a concealed weapon in the workplace at a publically owned facility or premise unless the facility or premise provides adequate security measures.

This bill is about responsibility and reality. Several years ago Kansas provided, in the Personal and Family Protection Act, a means for individuals to take additional responsibility for their own security. Law enforcement, in general, does not provide for our individual security. They cannot always be where they are needed when they are needed. They clean up afterwards and hold the perpetrator accountable. Primary responsibility for personal security necessarily lies with the individual. Everyone attends to their own security to some extent. We lock our doors. We teach our children not to speak to strangers. We avoid dark alleys. We put on our seatbelts. We try to be smart about the security of our families. We sometimes keep weapons for personal security in our homes. Some people get a license, and the required training, to carry a concealed weapon. But, sometimes we are denied the ability to provide for our own security.

When a facility is posted prohibiting concealed carry we are denied the ability to provide for our own security. **Does the placing of a sign prohibiting the carrying of a concealed weapon in an unsecured facility cause the facility to be more secure or less secure?** Placing a sign is sometimes perceived to provide some level of security. But the opposite is true. It becomes an invitation for criminals to a "gun free zone". Does the placing of a sign imply an acceptance of responsibility for the provision of security?

In the case of a posted private business, a person can choose whether or not to enter. But, in the case of a public building, such as a court house or a city hall, the public requires access. The reality is that if a person's ability to provide for their own security is impeded by law, then that responsibility, and the associated liability, falls to someone else. In the case of state and local government who post public facilities, it lies with them.

Thank you for your consideration.

House Fed & State Affairs
Date: 2-25-2010

Attachment 1

COMMITTEE ASSIGNMENTS: ENERGY & UTILITIES (VICE CHAIRMAN)
FEDERAL & STATE AFFAIRS
SOCIAL SERVICE BUDGET
JT. COMMITTEE ON STATE-TRIBAL RELATIONS (CO-CHAIRMAN)

House Federal & State Affairs Committee

Hearing on **HB 2685**

February 25, 2010

By: Ken Kraxberger, Probation Officer

Proponent of the bill.

I am here to testify in favor of this bill. I have been a probation officer for the State Of Kansas for almost 30 years come May. Over the years I have seen an increase in the number of violent offenders coming on supervision and a lack of adequate protection for the officer in charge of supervising them on a regular basis. There are field supervision officers in State Parole, Court Services and Community Corrections who place themselves at jeopardy of injury or death in dealing with their clients. This also applies to the Court System overall which includes the Judiciary, Court Reporters and Clerks.

If the legislature is not willing to pass this bill I would request that field supervision officers in all three agencies be given the choice to be armed as a part of their job description with the understanding that they are required to obtain training, purchase their own firearm and qualify just as law enforcement officers are required to do. Federal probation officers have been armed for many years. Field supervision officers in Kansas deal with the same type of clients and should be given parity with federal probation officers who do the same job. This society has become a violent place to live and work in and the people of Kansas deserve the protection as employees and as citizens that this bill provides. Thank you for your time.

Sincerely,

Ken Kraxberger

kenkraxberger@hotmail.com

House Fed & State Affairs
Date: 2-25-2010
Attachment 2

HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE
HOUSE BILL NO. 2685 HEARING
FEBRUARY 25, 2010

Thank you Mr. Chairman and honorable members of the Committee, for allowing me to testify before you today. My name is **Patricia Stoneking** and I am from Bonner Springs, KS. I am the President and official lobbyist for The Kansas State Rifle Association and I represent over 3400 members as well as myself. I am a proponent of House Bill Number 2685.

As I'm sure you are aware, concealed carry permit holders are law abiding citizens who have passed and complied with stringent criteria, including a thorough national criminal background check for obtaining a permit and gone to great expense to obtain proper training and pay permit fees. As an instructor for concealed carry I can assure you that students are taught the serious responsibility of carrying firearms. I have trained several thousand people and they take their training very seriously and understand the grave consequences of making a decision to use their firearm.

A provision was made in the concealed carry law requiring any business or property owner to post a state approved sign if they do not want to allow concealed carry in their buildings. The same provision applies to all State, County and City buildings as well as schools. This provision specifically prohibits the posting of parking lots, hiking trails, parks or public greenways. Only buildings may be posted.

We need to understand that criminals will not abide by the law or the signs. Those signs are disarming only law abiding permit licensees. In fact, we need to recognize that posting such a sign only indicates to the criminal that they have an easy location to perpetrate their crimes and that no one will have the ability to challenge them or protect themselves at that location. That posted location becomes the first choice of a criminal when selecting where to commit a crime. If we look at the history of violent criminals and some of the spree shootings that have been making the news recently, and in past years, we see that all of those violent crimes have taken place in locations that have been deemed "gun free" zones. Posting the no carry sign is paramount to placing a bullseye on that facility. It only provides a risk free victim rich environment for criminals. Laws that disarm honest citizens and provide risk-free environments for criminals and lunatics are at fault, not guns, and it begs the question that if someone is attacked by a criminal in that posted building, who is liable for preventing us from using lawful force to protect ourselves. Isn't the ability to defend ourselves a God given or natural right? I believe it is.

Restrictive gun laws do not prevent determined perpetrators from getting their hands on guns and those signs prohibiting concealed carry do not prevent criminals from entering the premises, but they do prevent law-abiding citizens from having the tools to defend themselves.

I have great respect for our law enforcement officials. Some of my best friends are police officers and one is even a Federal Judge. For many years they have encouraged me to be able to protect myself. They have told me that they cannot be there to save me. Consider that a typical response time when calling 911 can be several minutes depending on the location. I think we can all agree that only a few seconds is all it takes for a criminal to take our life or do great bodily harm to us.

We can choose not to do business with merchants who post those signs. However, we cannot always choose not to enter a State, County or City building. When I must enter a posted facility I am forced to leave my gun behind in my car. I ask you, is leaving my gun unattended in my car the best option? I don't think it is. If you feel you must post buildings such as this one, then you are putting me at risk for having my gun stolen and removing my security while I walk through the parking lot to the entrance and while I am in the facility with no means of defense. Can you guarantee my safety? I don't think you can. In my opinion, I am the only one who can guarantee my best defense. If you must disarm me, then at least provide adequate security from the point I must be disarmed. Is it not your responsibility to assure me that a criminal with a gun will not be on these premises while I am here if you are going to post those signs? I believe it is.

Thank you for allowing me this time to speak to you today and I will be happy to stand for questions at the appropriate time.

Respectfully Submitted,

Patricia A. Stoneking
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(913) 522-4765 Cell
Email: PAStoneking@kc.rr.com

Kansas State Rifle Associ
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House Fed & State Affairs
Date: 2-25-2010

Attachment 3

LKM
League of Kansas Municipalities

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

TO: House Federal and State Affairs Committee

FROM: Sandy Jacquot, Director of Law/General Counsel

DATE: February 25, 2010

RE: Opposition to HB 2685

I want to thank the Committee for allowing the League of Kansas Municipalities to testify in opposition to HB 2685. 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. This bill, however, would allow permit holders to carry concealed in almost every building and premise owned by the state, cities, and counties. At first blush, the ramifications of the bill are not readily apparent, but this bill will totally take away the ability of local and state governments to regulate concealed firearms on their property, regardless of the activity, with a few exceptions.

What the bill does in New Section 1 is to state that carrying a concealed weapon cannot be prohibited in state or municipal facilities or premises unless they have in place "adequate security measures," defined as the use of electronic screening equipment, to ensure no one has a weapon. It also prohibits municipalities and the state from prohibiting employees from carrying a weapon in the workplace, unless the workplace is likewise screened. All of the exceptions to being able to carry concealed in K.S.A. 75-7c10 are only excepted if the facility is adequately screened. In addition, that requirement is added to state buildings, including the State Capitol building. No small city in Kansas could afford the equipment and personnel to meet this mandate.

The problem becomes immediately apparent when one starts thinking of the types and numbers of buildings and other premises that are currently exempted from concealed carry. Every building owned by a city would have to be screened. Only the very largest municipalities will be able to comply and only for some of the facilities. Free standing equipment to screen, such as magnetometers, cost several thousand dollars per unit. Screening wands cost several hundred dollars each, and then there is the staffing to do the screening, which would have to be done at every entrance.

So, what types of buildings and activities would now be open to concealed carry? First, state university buildings and activities would be open. Currently, according to a New York Times article on gun laws, 20 states have blocked concealed carry on the campuses of universities in recent years. But just focusing on city facilities, concealed carry could be allowed in city halls, libraries, day care centers in city facilities, any meeting of the governing body of a city, police stations and substations, community centers, senior citizen centers, polling places if owned by

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Attachment 4

the city, community mental health centers and others too numerous to mention. Cities strongly believe that this should not be the policy of the state.

Already, if cities want to allow concealed carry on their premises, they can simply decline to post the facility as a no-carry facility. That is the local choice of the city, based upon what is consistent with the values and will of the citizens in that community. The decision, however, should not be dictated by onerous fiscal constraints where cities must decide whether to spend a great deal of taxpayer money to screen entrances to their facilities or simply allow the state to dictate that their buildings be open to the carrying of concealed weapons. LKM respectfully urges this Committee to **not** report HB 2685 favorably for passage.

KANSAS ASSOCIATION OF COUNTIES

TESTIMONY TO THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE
ON HB 2685
FEBRUARY 25, 2010

Chairman Neufeld and Members of the Committee:

Thank you for the opportunity to testify in opposition to HB 2685.

The Kansas Association of Counties is concerned that HB 2685 does not allow a county to prohibit the carrying of concealed weapons unless the county provides security measures to discover weapons that are carried into the facility.

Security measures are defined to mean the use of electronic equipment and personnel to detect and restrict the carrying of weapons. This means that each Kansas county would have to spend money to purchase equipment and to employ personnel, and to provide both at each entrance to a county facility in order to restrict weapons from the facility. This is a costly requirement for counties.

I would note that the requirement does not only apply to the typical county facility such as the courthouse. It also applies to any county workplace – the bill prohibits a county from restricting an employee from carrying a concealed carry gun to work unless the security measures are in place. The bill also applies to polling places on the day of an election; the sheriff's office; community mental health centers that are run by counties; public libraries; and any meeting of the board of county commissioners that may be held at a county location.

KAC supports local control by counties. We believe counties should decide whether concealed carry weapons are a good idea or a bad idea in local facilities. If a county prefers not to allow weapons in its buildings, a posted sign under current law goes a long way in preventing it. We see no reason for the State to impose new costs on counties by requiring the purchase of equipment and the hiring of personnel.

We respectfully disagree with the need for HB 2685 and request that the Committee not support the legislation.

Melissa A. Wangemann
General Counsel and Director of Legislative Services

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785•272•2585
Fax 785•272•3585

House Fed & State Affairs
Date: 2-25-2010
Attachment 5

OVERLAND PARK
KANSAS

ABOVE AND BEYOND. BY DESIGN.

8500 Santa Fe Drive
Overland Park, Kansas 66212

913-895-6000 | www.opkansas.org

Testimony Before The
House Federal & State Affairs Committee
Regarding House Bill 2685
By Erik Sartorius

February 25, 2010

The City of Overland Park appreciates the opportunity to appear before the committee in opposition to House Bill 2685, which will prohibit the City from banning concealed weapons in City facilities unless substantial expense is incurred by the City to adopt weapons screening at its facilities. The City opposes the usurpation of local control.

The cornerstone of municipal government is the belief that the governing of public affairs should be as close to the people as possible. This belief is exemplified in home rule authority, an amendment to the Kansas Constitution that was approved by the citizens of the state more than 45 years ago. The communities across Kansas are very diverse, and the choices made by local governing bodies reflect such diversity. Their decision making should not be constricted by a "one size fits all" mandate from the state.

The City of Overland Park has 27 facilities. These range from City Hall, the Justice Center, and the Fire Training Center, to several recreation facilities and maintenance facilities. Requiring the City to institute "adequate security measures" on each of these facilities would be a fiscal and logistical nightmare. For example, an "adequate security measure" as referenced in House Bill 2685 would likely require that a single access point be designated in each facility. At that access point a weapons screening process would have to be instituted.

Even assuming the City could somehow create a single access point at each of these facilities, that still would leave 27 points to be secured. Equipment for such an endeavor could run $783,000. Annual staffing for such facilities would have an estimated cost of $2,538,000.

Such an unfunded mandate would come at a time when government at all levels is dealing with reduced revenues. The City of Overland Park has reduced its workforce by nearly 90 full-time equivalent positions since the beginning of 2009. Included in this is a recently instituted a reduction in force, with over 40 individuals losing their jobs.

Proponents have suggested that signage prohibiting concealed weapons in a building provides a false sense of security to individuals entering the building. Whether or not that is the case, the City of Overland Park believes the mandate of HB 2685 to require

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Attachment 6

in city-owned buildings will not necessarily guarantee the absolute safety of individuals working in or visiting those facilities. However, it will certainly create a situation where weapons would be present in facilities where they currently not and where it is not appropriate to carry such weapons.

This legislation appears to be a punitive action against public employers. The City of Overland Park cannot reconcile state statute prohibiting weapons at schools, but possibly requiring the City to allow such weapons into the Matt Ross Community Center, which is full of families throughout the day. Further, what is the practical difference between a luncheon held at the Overland Park Convention Center and one held at a for-profit facility just down the road? Under HB 2685, the City would be required to institute security measures to prohibit weapons, but there would be no such requirement in the business's facility.

It could be strongly argued that there is no discernable difference in the safety of employees or visitors to public buildings or private businesses, yet HB 2685 only applies its mandate to public facilities. Public entities should be treated no differently than private businesses, and must retain the ability to assess their buildings and make a judgment as to whether it is appropriate to carry concealed handguns in those buildings.

If the City decided against posting its facilities, due to the exorbitant cost of this unfunded mandate, other operational questions would arise, particularly in recreational facilities. Would individuals leave weapons in their lockers while working out, or would they have to keep them on their person while on the treadmill or taking an aerobics class?

Supporting the exercise of authority and responsibility by locally elected officials is a top priority of the City of Overland Park. This constitutionally protected authority allows citizens to shape public policy to reflect their local priorities and sensibilities. To this end, the City requests that the committee not recommend House Bill 2685 favorably for passage.

National Rifle Association of America
Institute for Legislative Action
11250 Waples Mill Road
Fairfax, Virginia 22030-7400

Chairman Melvin Neufeld
House Federal and State Affairs Committee
Kansas State Capitol
Topeka, KS 66612

Chairman Neufeld,

February 25, 2010

My name is Jordan Austin and I am testifying before your committee on behalf of the National Rifle Association in support of HB 2685.

This bill has some very important aspects that we believe are important for this committee to consider. First, the state buildings that are referred to in the bill are paid for with tax payer money. The individuals who work in those buildings have their salaries paid for with tax payer money. Yet the citizens of this state are denied their right to keep and bear firearms for personal protection in those buildings by certain individuals who work within these governmental entities. It is not clear which individuals have decided to deny others these rights, but since an overwhelming majority of legislators in this body decided to override the Governor's veto to provide the citizens of this state with this right, then shouldn't it be guaranteed in the places which their tax dollars paid for?

The basic principles of this bill are very simple. Either allow the law abiding citizens of this state to exercise their constitutional right to keep and bear arms, or provide these same citizens with piece of mind by providing them with adequate security at each of these public buildings which have come into question under this legislation.

The National Rifle Association supports the rights of these law abiding citizens and would like to see some of the hurdles that were put in place when this legislation was originally passed to be struck down.

We would like to encourage the committee to support this legislation and to pass this bill out favorably for full consideration by the Kansas House.

Thank you for you time and I'd be happy to answer any questions the committee may have.

Sincerely,

Jordan Austin
Kansas State Lobbyist
NRA-ILA

House Fed & State Affairs
Date: 2-25-02

Attachment 7

Kansas Peace Officers' Association

INCORPORATED
TELEPHONE 316-722-8433 · FAX 316-722-1988
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House Federal and State Affairs

February 25, 2010

Testimony in Opposition to HB 2685

Kyle G. Smith
Kansas Peace Officers' Association

Chairman Neufeld and Members of the Committee,

I appear today on behalf of the men and women in the Kansas Peace Officers' Association in opposition to passage of HB 2685. While appreciating the motives behind the bill, the practical application would appear to be an expensive nightmare, with numerous unintended and unfortunate consequences. And these problems will be generated to fix a problem that doesn't exist.

While most concealed weapons holders are fine upstanding citizens there are concerns about opening up almost all public buildings, schools and courts to people carrying guns. So far 47 permits have been revoked or suspended for crimes ranging from aggravated assault to domestic battery. Given raw emotions that sometimes erupt in city court, town hall meetings, mental health centers, impound lots, etc., the goal to avoid any guns being present is understandable. While the law does provide that guns can be prohibited that can only be done if metal detectors and security staff are present. That would be an extraordinarily, and probably prohibitive expense for most towns, schools and counties, given the number of buildings involved.

We feel that the level of security is best left up to the local authorities who manage those facilities and are most responsive to the citizens and needs of each community.

Another problematic change is section 2 which similarly allows employees at all state, city, school and county to carry their firearms at their place of employment. Again, probably not a problem in the vast majority of cases but there will be problems. As a legal advisor to a police department of almost 300 officers I can speak directly to the friction between employees, with the public and the liability issues that will arise. Even if a CCW permit holder does everything properly, if done at work the employer, be it city, county, school or state, will be drawn into civil suits and litigation as any action will be presumptively 'in the course of employment'.

If you believe that "local control" really is a good thing and that "unfunded mandates" are bad things, then you should vote to not recommend HB 2685 for passage.

I would be happy to answer any questions.

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Attachment 8

February 25, 2010

Testimony to the House Federal and State Affairs Committee In Opposition to HB2685

Mr. Chairman and committee members,

The Kansas Association of Chiefs of Police has serious concerns about the provisions of HB2685 relating directly to concerns of opening public government buildings to concealed carry. For those reasons we oppose HB2685.

This bill will require many communities, especially the smaller communities, to open up their buildings to persons with permits to carry firearms in public buildings and at public meetings. While the bill allows them to restrict the carrying of weapons if they have metal detectors and personnel checking all persons entering the premises, realistically that option is not affordable to most small communities. They would simply not have the option of a "no weapons" policy for their buildings and facilities.

Perhaps the most troubling is the provision where employees with CCW permits cannot be prohibited from carrying a firearm while at work. This creates huge liability issues for these local governments since their actions while at work, right or wrong, will invite civil action naming the government agency employing the permit holder.

The bill opens government buildings without regard to their use of reasonableness of this action. For example, the new rules would apply to public health and mental health centers, court facilities, law enforcement facilities, some election places but not others, and publicly owned facilities used for child exchange or visitation.

We are not aware of problems the provisions of current law are creating today. We have to ask if we are trying to fix something that is not broken.

It is noteworthy that 47 permits have been revoked or suspended for various reasons including: aggravated assault, domestic battery, carrying while intoxicated, criminal threat, criminal trespass, and PFA orders. While this number is not alarming, it is significantly indicative that some permit holders are worthy of keeping away from the work place and public meetings while armed. We really don't want an action by a permit holder leading to suspension or revocation happening in our public facilities.

We urge you to not recommend this bill favorably for passage.

Ed Klumpp
Legislative Liaison
eklumpp@cox.net

House Fed & State Affairs
Date: 2-25-2010
Attachment 9

FACILITIES

Sedgwick County Courthouse
525 N. Main, Suite 135
Wichita, KS 67203
Phone (316) 660-9975

Steve Claassen
Facilities Director

TESTIMONY HB 2685
House Committee on Federal and State Affairs
February 25, 2010

Chairperson Neufeld and members of the committee, my name is Steve Claassen, Facilities Director for Sedgwick County. Thank you for the opportunity to provide this testimony on behalf of the Sedgwick County Board of County Commissioners (the Board). The Board opposes HB 2685.

The 2010 Sedgwick County platform strongly supports local decision-making for local issues, including the management and operation of local government facilities. HB 2685 would significantly reduce the Board of County Commissioners control over its facilities, as well as its authority to set policies regarding employee conduct.

Current Sedgwick County Personnel Policy No. 4.505 addresses violence in the workplace. The Board has determined, in its local judgment, that in order to reduce the potential for violence in the County's workplaces and to maintain workplaces that are safe and free of violence, no employee may possess or use a dangerous weapon, including a gun, on County property, in a County vehicle, or in any personal vehicle being used for County business. There is an exception for trained personnel engaged in law enforcement activities or who are otherwise required to carry a weapon in their course of employment. HB 2685 would override this local decision by the Board on how the County workplace should be managed.

The Board has also made a local policy decision that persons entering County buildings should not be allowed to bring weapons into the building, except for law enforcement officers, and other persons required to carry weapons as part of their employment responsibilities. Sedgwick County has over one hundred buildings, either owned or leased. These buildings range from our new entertainment and sports facility, the INTRUST Bank Arena, to a small retail store at Lake Afton for the convenience of lake patrons. All of those buildings are posted, when required as permitted by current law, to prohibit concealed carry in County facilities.

Of these buildings, only six currently have what would qualify as "adequate security measures" under HB 2685, and even in those six facilities, not all entrances have those security measures. For example, the main courthouse has adequate security measures at the single point of entry for the public. The courthouse, however, has two other entrances that do not have any electronic equipment to detect concealed weapons. One entrance is for employees (directly across from the employee parking facility), and one for judges and elected officials who have a separate parking lot. Because there are no electronic measures in place at those non-public entrances, the County cannot "ensure that no weapons are permitted to be carried into" the courthouse. HB 2865, page 1, lines 17-18; 22-23, emphasis added. The County will be faced with the choice of (1) allowing anyone, whether an employee or a member of the public, to carry concealed weapons in the courthouse; (2) have everyone (members of the public, judges, elected officials and employees) enter through the one entrance, or (3) incur significant costs to institute adequate security measures at the nonpublic entrances.

The cost of electronic equipment for an x-ray machine, body scanner and a wand is approximately $58,000. Costs to retrofit the physical plant to accommodate the new equipment at each entrance may be as much as $75,000. Annual staffing costs would be another $102,000. Just the first year alone, at the county courthouse only, would cost the county almost $500,000 to maintain the status quo of prohibiting weapons from being carried into the courthouse by providing the required security measures at the two nonpublic entrances.

The County would also be faced with decisions for other county buildings, such as the Arena, our extension center, tag offices, juvenile justice facilities, all of which would require new or additional security measures in the amounts described above. HB 2685 presents other logistical problems regarding entry into our facilities. For example, at our juvenile justice facility, the employee entrance is located close to the available parking, away from the public entrance. HB 2685 would force us to spend almost $250,000 to equip and staff the employee entrance, or require employees to walk several blocks around the building to enter through the main entrance.

Other County facilities pose unique challenges under the proposed law, either due to the nature of the operations, the current physical plant, or the types of clientele that frequent the facility. In addition to the direct cost of equipment, installation and staffing, the increased screening requirements would lead to delays for employees and members of the public entering the buildings.

HB 2685 would also significantly impact the safety of County employees and clients in the field. Some County employees have to transport members of the public, or visit residences, and these visits may involve County clients with behavior issues. The Board, as a matter of local policy decision-making, has determined it would be safer for both the employees and the clients to not allow a concealed weapon be added to the mix. Under HB 2685, the County could no longer maintain this local policy.

Thank you again, Chairperson Neufeld for this opportunity to present testimony.

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SEDGWICK COUNTY, KANSAS

SHERIFF'S OFFICE
ROBERT HINSHAW
Sheriff

141 WEST ELM * WICHITA, KANSAS 67203 * TELEPHONE: (316) 383-7264 * FAX: (316) 660-3248

TESTIMONY HB 2685
House Committee on Federal and State Affairs
February 25, 2010

Chairperson Neufeld and members of the committee, my name is Robert Hinshaw, Sheriff of Sedgwick County. Thank you for the opportunity to provide this written testimony on behalf of Sedgwick County in opposition to HB 2685.

The 2010 Sedgwick County platform strongly supports local decision-making for local issues, including the management and operation of local government facilities. HB 2685 would significantly reduce Sedgwick County's control over its facilities. Sedgwick County has determined, in its local judgment, that in order to reduce the potential for violence in the county's workplaces and to maintain workplaces that are safe and free of violence, no employee may possess or use a dangerous weapon, including a gun, on County property, in a County vehicle, or in any personal vehicle being used for County business. Obviously, there is an exception for trained personnel engaged in law enforcement activities or who are otherwise required to carry a weapon in their course of employment.

As proposed, HB 2685 potentially creates a plethora of safety concerns throughout many levels of the Sheriff's Office. Although they vary in levels of safety, security, and the potential for liability, all are important enough to elaborate on.

Currently, the public entrance to our Adult Detention Facility (County Jail) is clearly posted with a sign stating that no firearms are allowed. Under the proposed amendment, those citizens properly licensed, would be able to freely enter into our detention facility and interact with our unarmed, non-commissioned detention staff. We view this as being a significant safety and security concern within the jail. Our detention staff is purposefully unarmed to ensure that no weapons make their way into the facility. Allowing armed citizens into the jail, staffed by unarmed detention deputies, only further complicates our continued concern for the safety and security of our employees, the public, the inmates housed within, and the overall operation of the facility.

In reviewing our continual concern for the safety and security of all, we must also voice our apprehension regarding the level of training received by those that can legally carry a concealed weapon. Unlike sworn, state certified law enforcement officers, private citizens do not receive any specific training in handgun retention, defensive tactics, or situational awareness. The effects of a citizen losing the handgun to a criminal element in a government facility would simply be devastating. The potential magnitude of harm is unimaginable.

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In addition to the concern with armed citizens in a gun free environment, we also see conflicting issues with regards to our detention staff members. Whereas we currently do not allow any firearms on premise, the proposed amendment could allow the same detention staff to carry concealed. The question then arises as to the potential for liability of the county or sheriff when an employee carrying a concealed weapon on duty uses deadly force. Is that employee acting as an "agent of the state" since they are on duty? If the sheriff's office is unable to restrict the employee from carrying concealed while on duty under the proposed amendment (regardless of our internal policy), would the employee's actions be considered his or her personal actions as authorized under the Family and Personal Act or would the employee be considered acting as an "agent of the state" and under "color of law" which could bring civil liability to the sheriff and/or the county? This is a very troublesome scenario which potentially exposes local government to great liability.

The question of "agency" may not be strictly limited to civilian personnel of a law enforcement organization but could potentially extend to any government employee who draws a firearm. The same confusion and questions would result; are they acting solely for their own protection, or could they be considered a state actor acting under color of law?

Thank you again, Chairperson Neufeld for this opportunity to present my testimony.

KANSAS
HIGHWAY PATROL

Mark Parkinson, Governor
Terry L. Maple, Superintendent
www.kansashighwaypatrol.org

Written Testimony on House Bill 2685
House Committee on Federal and State Affairs

Prepared By
Major Mark Bruce
Kansas Highway Patrol

February 25, 2010

The Kansas Highway Patrol (KHP) appreciates the opportunity to provide ***written*** testimony on House Bill 2685. This bill removes existing restrictions regarding the carrying of concealed weapons into state or municipal facilities.

The Patrol has serious concerns regarding the public safety implications associated with this legislation. We are tasked with providing security for the State Capitol, state-owned property in the Capitol Complex and state-owned property spread throughout Shawnee County. Many of these facilities house governmental operations that by their very nature have the potential to incite emotional and perhaps violent behavior from the public. As a few examples, the Judicial Center is involved with rendering decisions on potentially volatile cases, the Docking State Office Building is home to the state's taxing entity and the Department of Social and Rehabilitation Services controls benefits provided to Kansans in need and is involved with child welfare/custody cases. It stands to reason that a mixture of emotions and guns is a recipe for disaster; particularly when the enhancement to security by allowing an individual to carry a concealed weapon into one of these facilities is questionable. It is the Patrol's position that current law adequately addresses our ability to protect the public while balancing their expectation to be secure in state-owned facilities.

The Patrol is further concerned with the impact that the provisions of this bill would have on the security of our General Headquarters, Troop Headquarters and other facilities spread throughout the state. None of these locations are equipped with the "adequate security measures" as defined in House Bill 2685. Most of our facilities house both uniformed and civilian personnel. However, it is not uncommon for our civilians to be the only employees at a particular office or the first to encounter a member of the public. Due to the nature of our business, it is somewhat routine for people angry about arrests made, citations issued or property legally seized to demand satisfaction at one of these offices. Allowing these people to carry guns into our facilities when they could have just as easily left them in their vehicle unnecessarily puts our employees at risk.

During a time that the state and its agencies are struggling financially, the provisions of this bill, would pose a tremendous cost to the Patrol to ensure that our employees have the safest environment possible in which to work. Unfortunately, although it is the preferred security solution, we do not have money for the equipment nor the manpower that it would take to provide the protection we believe is necessary for our facilities and those previously mentioned in this testimony, that we are tasked with safeguarding.

Again, the KHP appreciates the opportunity to provide its input regarding this bill. We trust that it will assist you as you carefully deliberate the provisions of House Bill 2685 and its important public safety implications.

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122 SW 7th Street; Topeka, KS 66603 • (785) 296-6800 • Fax

House Fed & State Affairs
Date: 2-25-2010
Attachment 12

TESTIMONY

CITY OF WICHITA
Dale Goter
Government Relations Manager

City of Wichita
455 N Main, Wichita, KS. 67202
Wichita Phone: 316.371.0134
dgoter@wichita.gov

Kansas House Committee on Federal and State Affairs

Thursday, Feb. 25, 2010, 1:30 PM

HB2685 Personal and Family Protection Act

As a matter of general policy, the City of Wichita strongly supports the principle of self governance as it relates to local issues and problems. Under the constitutional home rule authority of Kansas cities, local issues and problems are best handled at the level of government closest to the citizens represented by those government entities.

The City of Wichita encourages the committee to take that principle into consideration as it evaluates HB2685.

On a more specific concern, the City of Wichita notes that reference to "no weapons" in Sec. 1, Line 17, does not appear to recognize the necessity of armed law enforcement officers carrying weapons in facilities protected by "adequate security measures." Public safety would most certainly be compromised if Line 17 is applied in its literal sense and would preempt current city policy intended to protect the lives and well being of our citizens.

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Date: 2-25-2010
Attachment 13

Tom Bell
President and CEO

TO: House Federal and State Affairs Committee

FROM: Chad Austin
Vice President, Government Relations

DATE: February 25, 2010

RE: House Bill 2685

The Kansas Hospital Association appreciates the opportunity to comment regarding the provisions of House Bill 2685, which amends the Personal and Family Protection Act.

Legislation was passed during the 2006 session that enacted the Personal and Family Protection Act and authorizes the Kansas Attorney General the ability to issue four-year licenses to certain persons to carry concealed handguns. The legislation included several locations where authorized licensees would be restricted from carrying a concealed weapon. Notably absent from the list of restricted locations are community hospitals and other health care provider locations. As a result, many, if not all, Kansas community hospitals have elected to post signage that prohibit the carrying of a concealed weapon.

House Bill 2685 places an added burden on many of the governmental hospitals in Kansas. Under the proposed amendments, no "municipality" would be able to prohibit the carrying of a concealed weapon unless such entity has employed "adequate security measures" to ensure that no weapons are permitted to be carried into such facility. This provision would force county, district, and city hospitals, which fall under the definition of "municipality", to implement such security measures. House Bill 2685 would not only result in increased expenses and added liability to our community hospitals, but it could possibly interfere with our ability to provide care in a timely manner.

We would respectfully request that before House Bill 2685 is acted upon that an amendment be offered to exclude county, district and city hospitals from the provisions in new section 1.

Thank you for your consideration of our comments.

House Fed & State Affairs
Date: 2-~~26~~-2010
25/14
Attachment

KANSAS BOARD OF REGENTS

1000 SW JACKSON • SUITE 520 • TOPEKA, KS 66612-1368

TELEPHONE – 785-296-3421
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www.kansasregents.org

February 24, 2010

Rep. Melvin Neufeld, Chairman
House Federal & State Affairs Committee
Statehouse, Room 149-S
Topeka, KS 66612

Rep. Judith Loganbill, Ranking Member
House Federal & State Affairs Committee
Statehouse, Room 452-S
Topeka, KS 66612

Dear Chairman Neufeld and Ranking Member Loganbill:

On behalf of the Kansas Board of Regents, I write to you in opposition to House Bill 2685, legislation that would prohibit the state's seven public universities, 19 community colleges, and six technical colleges from exercising meaningful efforts to make their campuses weapons-free.

House Bill 2685 seeks to amend the Personal and Family Protection Act to preclude State agencies and municipalities, including state universities, community colleges, and technical colleges, from prohibiting the carrying of a concealed weapon anywhere on campus where there is not a metal detector or other electronic equipment and personnel to detect the presence of weapons. The Board of Regents has substantial concerns about the implications of this legislation.

The six governed state universities consider the safety of their students, employees and visitors to be among their highest priorities. Each has expended considerable effort working to create a safe and secure environment for students to study, learn and reside in while attending the university to further their educational pursuits and for all other individuals to continue their legitimate activities. Soon after the Virginia Tech tragedy in April of 2007, the Board of Regents and the state universities engaged in a system effort to ensure that all possible measures were being implemented to ensure the safety and security of students, faculty, staff and other persons spending time on the campuses. Margolis Healy & Associates,[1] a professional services firm specializing in higher education safety and security, was retained to review each university's plans, procedures and policies compared to national best-practices, and campuses have been actively addressing recommendations made by that firm, as well as otherwise continuing to enhance their crisis management plans and numerous other security measures. Additionally, the Board implemented policies for background checking state university and Regents office employees and creating/maintaining weapons-free campuses. The Board's weapons policy is attached for your review.

[1] Mr. Healy and Dr. Margolis are the lead authors of the International Association of Administrator's Blueprint for Safer Campuses: An Overview of the Virginia Tech Tr Campus Safety. This document is a roadmap for campus safety and security.

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Attachment 15

The safety and security efforts of these universities would be substantially undermined, if not crippled, by the passage of House Bill 2685. It is our firm belief that allowing weapons on campus would significantly increase the risk of violence and harm to students, faculty and others rather than making anyone safer. While persons licensed to carry a concealed weapon no doubt receive training to qualify them for licensure, we should not assume that such limited training will enable them to react in violent situations in the same manner a trained law enforcement officer would.

Each state university campus maintains an onsite police department with 24-hour coverage and the ability to respond quickly to incidents of violence. University police are state certified law enforcement officers and are highly trained in the proper use of firearms during a violent encounter. The presence of firearms, legal or not, would complicate the job of our police officers. Eighty-six percent of campus police chiefs disagree or strongly disagree that allowing students to carry concealed weapons on campus would prevent some or all campus killings. Thompson, Amy, James H. Price, Adam Mrdjenovich, Jagdish Khubchandani, "Reducing Firearm-Related Violence on College Campuses-Police Chiefs' Perceptions and Practices," Journal of American College Health, 58(3)2009:247, 250.

We do not believe it appropriate to "test the theories" on our college campuses. About 1,100 college students commit suicide every year, and another 24,000 attempt to do so, according to a 2006 newspaper report (M. Cintron, "College Campuses Grapple with Escalating Suicide Rates," *Near West Gazette*, October 2006). Reports from the Brady Campaign to End Gun Violence indicate that "if a gun is used in a suicide attempt, more than 90 percent of the time it is fatal, compared to a 3% fatality rate for suicide attempts by drug overdose." We are concerned that if students are allowed to carry guns on our campuses, the number of suicide fatalities could increase substantially, and that would be a tragedy of immeasurable proportions.

Students and parents seek safe and comforting environments in which to live, study, learn and grow; neither weapons nor metal detectors seem consistent with or conducive to a safe and comforting living and learning environment. We note that one of the state university campuses houses the KAMS program, and therefore high school age youth reside, study and learn on that campus. Others house daycare facilities where young children are regularly on campus. The Medical Center has patients on its campus. Thus, in addition to the college students, parents and employees, there are other more vulnerable populations on the campuses to consider.

Finally, we note that the "adequate security methods" proposed in this bill would have very limited effectiveness from a safety perspective. The requirement to have electronic equipment and security guards in place would not absolutely guarantee safety because those with intent to do harm will find an alternate route (such as a window) or use alternative weapons, and given the number of buildings on our college campuses, these security methods would be cost prohibitive.

The Board of Regents does not favor legislation that would preclude the Board and the public universities and colleges from choosing to make our campuses weapons-free. If the Committee's desire is to move this bill forward, the Board would request that the state's 32 public higher

Proposal

New Section II.G.30.

POLICY ON WEAPONS POSSESSION

a. To the extent allowed by law and except as otherwise provided herein, the campus of each state university shall be weapons-free. Each entrance to each building and facility on each campus shall be posted in accordance with K.S.A. 2007 Supp. 75-7c10, 75-7c11, K.A.R. 16-11-7, K.S.A. 21-4218 and K.A.R. 1-49-11, and amendments thereto. Additional signs may be posted as appropriate. Notice of this policy shall also be given in each state university's student code of conduct, housing contracts and employee policies.

b. Nothing in this section shall be read to prohibit possession of weapons on campus (1) as necessary for the conduct of Board approved academic programs or university approved activities or practices, or (2) by university police or security officers while acting within the scope of their employment. Each university shall develop and follow procedures for the safe possession, use and storage of such weapons and shall notify the Board in writing of any activities or practices involving weapons that are approved by the university under paragraph (1) of this subsection b.

c. For the purpose of this policy, "weapons" means:

1. Any object or device which will, is designed to, or may be readily converted to expel bullet, shot or shell by the action of an explosive or other propellant;
2. any handgun, pistol, revolver, rifle, shotgun or other firearm of any nature, including concealed weapons licensed pursuant to the Personal and Family Protection Act, and amendments thereto;
3. any BB gun, pellet gun, air/C'O2 gun, stun gun or blow gun;
4. any explosive, incendiary or poison gas (A) bomb, (B) mine, (C) grenade, (D) rocket having a propellant charge of more than four ounces, or (E) missile having an explosive or incendiary charge of more than ¼ ounce;
5. any incendiary or explosive material, liquid, solid or mixture equipped with a fuse, wick or other detonating device;
6. any tear gas bomb or smoke bomb; however, personal self-defense items containing mace or pepper spray shall not be deemed to be a weapon for the purposes of this policy;
7. any knife, commonly referred to as a switch-blade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement;
8. any straight-blade knife of four inches or more such as a dagger, dirk, dangerous knife or stiletto; except that an ordinary pocket knife or culinary knife designed for and used solely in the preparation or service of food shall not be construed to be a weapon for the purposes of this policy;
9. any martial arts weapon such as nunchucks or throwing stars; or
10. any longbow, crossbow and arrows or other projectile that could cause serious harm to any person.

education institutions be exempted from the legislation. Thank you for your consideration of the Board's opposition to House Bill 2685.

Sincerely,

Julene L. Miller

Julene L. Miller
General Counsel

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