

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson John Vratil at 9:42 a.m. on February 8, 2001 in Room 123-S of the Capitol.

All members were present except: Sen. Gilstrap (excused)

Committee staff present:

Gordon Self, Revisor  
Mike Heim, Research  
Mary Blair, Secretary

Conferees appearing before the committee:

Attorney General (AG) Carla Stovall  
Phillip Journey, Attorney, President, Kansas State Rifle Association; Director, Kansas Second Amendment Society  
Bob Hodgdon, President, Hodgdon Powder Company  
Sandy Jacquot, Legal Counsel, League of Kansas Municipalities (LKM)  
Ashley Sherard, Johnson County  
Judy Moler, General Counsel, Kansas Association of Counties (KAC)  
George Peterson, Hunter Education Instructor  
Mike Reed, DeSoto, KS  
Bob Curtis, Homeowner, Lenexa  
Glenn Cox, Hill City, KS  
Diane Linver, City of Lenexa  
Susan Weins, Whispering Hills Homes Association (WHHA), Lenexa, KS

Others attending: see attached list

Minutes of the February 6 and 7 meetings were approved on a motion by Senator Donovan, seconded by Senator Schmidt. Carried.

**SB 132—relating to aggravated battery**

Conferee AG Stovall testified in support of **SB 132**. She presented a brief history of the bill which is one of several bills originally proposed in 1999 by her office as recommended by the Far-Reaching Alteration of Traffic and Alcohol Laws Task Force (FATAL). She stated that the bill proposes amending “the aggravated battery statute to include unintentionally causing great bodily harm or bodily harm while driving or boating under the influence of alcohol or drugs or fleeing or attempting to elude a law enforcement officer.” (attachment 1) She urged favorable consideration of the bill.

Written testimony supporting **SB 132** was submitted by Lannie Ornburn, Assistant DA, Tenth Judicial District, Johnson County (attachment 2) and Mothers Against Drunk Driving (MADD) (attachment 3).

**SB 116—concerning firearms, ammunition and firearms dealers; re: limit on certain civil actions**

Conferee Journey testified in support of **SB 116**, a bill which would prevent “frivolous” lawsuits against firearms manufacturers, distributor and dealers. He stated these types of lawsuits have been filed by cities such as Chicago and Atlanta and are an attempt to make firearm manufacturers financially liable for acts of criminals based in part on the theory that these manufacturers negligently market their products or create a public nuisance. He discussed the difference between real liability suits and frivolous suits and hypothesized the outcome of a successful frivolous suit. He further discussed the amount of revenue the state realizes from sport hunting. He urged immediate passage of this bill. (attachment 4)

Conferee Hodgdon testified in support of **SB 116**. He presented a detailed review of the significant economic contribution the firearms and related industries bring to the state of Kansas as well as nationally. He pointed out that

hunting, recreational shooting, and the purchase of firearms for personal or home protection are a part of our national heritage and he urged passage of the bill to protect this industry. ([attachment 5](#))

Written testimony supporting **SB 116** was submitted by James Chambers, National Shooting Sports Foundation, Inc. ([attachment 6](#))

Conferee Jacquot testified in opposition to **SB 116** stating that the bill would prohibit municipalities from exercising their fundamental right to sue. She stated this sets a dangerous precedent and preempts the home rule authority of cities. She strongly urged Committee to reject the bill as a matter of sound public policy. ([attachment 7](#))

Conferee Sherard testified in opposition to **SB 116** stating that this bill preempts local governments' traditional regulatory and enforcement authority, and creates a poor precedent. She strongly urged Committee to reject the bill. ([attachment 8](#))

Conferee Moler testified in opposition to **SB 116** citing the statute that afforded Kansas counties the ability to sue and be sued and stated that this bill would take away that right. She suggested passage of this bill would set a dangerous precedent. ([attachment 9](#))

Written testimony opposing **SB 116** was submitted by Mike Taylor, representing the City of Wichita. ([attachment 10](#))

### **SB 117—providing civil immunity to persons who operate or use sport shooting ranges**

Conferee Journey testified in support of **SB 117**, a bill which would protect public and private shooting facilities. He presented an overview of shooting facilities in Kansas, discussed why they are needed, and discussed the economic impact they have on the Kansas economy. He stated that the Kansas Department of Wildlife and Parks (KDWP) supports a similar bill and indicated that the governor was in favor of the bill.. ([attachment 11](#))

Conferee Petersen testified in support of **SB 117**. He discussed the Kansas Hunter Education program and his role as one of approximately 1500 Kansas Hunter Education volunteer instructors. He stated range facilities are often used to provide hands-on experience for learners as well as a training and practice facility for the Olympics and other competitions. ([attachment 12](#))

Conferee Reid testified in support of **SB 117** presenting a brief overview of the DeSoto shooting range. He stated there was a need for legislation to protect it. ([no attachment](#))

Written testimony supporting **SB 117** was submitted by Verne and Joanne Dow, ([attachment 13](#)) Clint Riley KDWP, ([attachment 14](#)) Tom Lewis, ([attachment 15](#)) and David Lawrence. ([attachment 16](#)) Written testimony supporting both **SB 116** and **SB 117** was submitted by Phil Mellor, Wichita. ([attachment 17](#))

Conferee Cox testified as an opponent of **SB 117**. He discussed his "quality of life" as a homeowner living near a shooting range. He stated he would support regulated shooting ranges and discussed types of regulation he would like to see imposed on them. He further suggested the KDWP mediate concerns by citizens living within a specified distance of a range. ([attachment 18](#))

Conferee Jacquot testified in opposition to **SB 117** stating that the bill erodes local control by prohibiting the use by municipalities of nuisance and certain land use laws. She also explained how the bill goes beyond the current nonconforming use statute. ([attachment 19](#))

Conferee Linver testified in opposition to **SB 117**. She presented an overview of what this legislation proposes to do and reiterated the views of the previous Conferee. ([attachment 20](#))

Conferee Wiens, on behalf of a group of approximately 200 citizens in Lenexa, KS, testified in opposition to **SB 117**. ([attachment 21](#))

Written testimony opposing **SB 117** was submitted by Ashley Sherard, Johnson County Administrator's Office, ([attachment 22](#)) Judy Moler, Kansas Association of Counties, ([attachment 23](#)) and Mike Taylor, City of Wichita. ([attachment 24](#))

The meeting adjourned at 10:31 a.m. The next meeting is February 12, 2001.