

Public Building Security Act HB2353

Testimony and Supporting Documentation

Sedgwick County Commissioner Richard Ranzau

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Testimony

Thank you, Mr. Chairman, for the opportunity to speak to you today. My name is Richard Ranzau and I come before you today as a Sedgwick County Commissioner, a husband, and a father of three school-aged children to speak in support of HB2353, the Public Building Security Act.

I am also a law-abiding, conceal carry permit holder, and a citizen of the great state of Kansas who simply wants to be free. Free to keep and bear arms without having my right to do so infringed upon by my government. Free "to keep and bear arms for the defense of self, family, home and state" without having my rights arbitrarily and unnecessarily limited by local governments or the State of Kansas without the benefit of due process.

As you know, the Kansas legislature first passed the Personal and Family Protection Act in 2006 and it became effective in 2007. Since then all of the facilities owned or operated by Sedgwick County have been posted as off limits to conceal carry, until last August of course. When I became a county commissioner I tried to find out who made the decision to post all of the buildings and what criteria was used. You may be surprised to find out that there was no criteria and no one knows who made the decision to post all of the buildings. Apparently, they just spontaneously appeared out of thin air.

This clearly demonstrates the problem we currently have. Although the law permitted, but did not require posting, the automatic knee jerk reaction was to post all buildings. No criteria for posting, no formal resolution, no thought given to NOT posting the buildings. The default position was and is to restrict the rights of the people because they cannot be trusted.

Obviously, this needed to change. On August 31, 2011 the Sedgwick County Board of County Commissioners passed a resolution permitting conceal carry in 52 of 91 facilities. Some of the facilities now open to conceal carry are:

1. All county fire stations
2. All EMS stations
3. EMS administration building
4. Public Safety (911) building
5. Sheriff Squad Room
6. Sheriff Offender Registration Unit
7. Sheriff Training Academy
8. Joint Firearms Training Facility (Sheriff Department and Wichita Police Department)
9. Historic County Courthouse

As you can see, we have made significant progress in Sedgwick County with respect to this issue but there is still more work to be done. We still do not have specific criteria to

guide our decision, and as such it leaves the rights of the people open to the subjective opinion of public officials. This is dangerous and unacceptable.

Now is the time to correct the situation that currently exists. I ask that you support HB2353. I have provided some additional background material for you to consider, the most important of which is the Connecticut Law Review article. Please take the time to read it and consider the facts that it presents. While this article specifically addresses conceal carry in schools and universities, I believe the principles apply to other public facilities as well. Undoubtedly, you will hear from many who oppose this legislation. They will make various claims and propose many "what ifs". They will make the argument that this is a safety issue. But they are wrong. This is first and foremost a freedom issue. But even if it were a safety issue, the Connecticut Law Review article as well as our own experience here in Kansas clearly demonstrate the fallacy of their claims.

Additionally, I have provided several recommendations that I believe would improve the proposed legislation. Please consider them thoughtfully. It is important that the legislation be very clear in order to avoid confusion, and to avoid giving opponents any loopholes or discretion to evade the legislation. Because I can assure you, they will try.

For brevity's sake, I will not go through all of my recommendations but I do want to make a couple of important points. First, keep in mind that we own some facilities and lease others. There are also some facilities we own that are operated by separate Boards. It must be made very clear that this legislation applies to all of these situations. Otherwise, opponents will use this as a way to circumvent the intent of the law, as they are currently doing.

Secondly, I would encourage you to eliminate the vast majority of specific locations listed in Section 2. The proposed legislation makes most of this list unnecessary, while retaining it would continue to create confusion in both the private and public sector, and provide an excuse for local officials to minimize the number of facilities open to conceal carry. This is a problem now and will continue to be so in the future unless it is resolved.

Please keep in mind that local governmental entities are full of officials who are not fully supportive of the right to keep and bear arms. Instead of using the law to maximize the rights of the citizens they serve, they will do the absolute minimum required by law. Any loophole, intentional or not, will be exploited to the greatest extent possible. Do not be misled. In this instance, their appeals for "home rule" actually represent a desire to restrict freedom and to control people. I know this may seem to be a harsh statement. But it is the sad reality of the current situation.

In closing, I want to thank you for the opportunity to speak to you today. I encourage you to support this legislation and to maximize the protection of this important right. Feel free to contact me at any time on this issue. I would be happy to meet with any of you to talk about this privately, if you so desire. I stand ready to take any questions you may have.

Sedgwick County Legislative Agenda

C13 - Support for Conceal Carry in State and Local Buildings. Sedgwick County supports state legislation that creates a uniform set of rules for the state instead of a variety of laws from one location to another location. Concealed carry should be allowed in as many local government facilities as possible as well as state government buildings. (Richard Ranzau, Commissioner ext. 9300)

Sedgwick County Resolution

On August 31, 2011 the Sedgwick County Board of County Commissioners passed a resolution permitting conceal carry in 52 of 91 facilities. Some of the facilities now open to conceal carry are listed below:

1. All county fire stations
2. All EMS stations
3. EMS administration building
4. Public Safety (911) building
5. Sheriff Squad Room
6. Sheriff Offender Registration Unit
7. Sheriff Training Academy
8. Joint Firearms Training Facility (Sheriff Department and Wichita Police Department)
9. Historic County Courthouse

Suggested Readings

Connecticut Law Review: Pretend "Gun-Free" School Zones: A Deadly Legal Fiction
<http://davekopel.org/2A/LawRev/Kopel-School-Zones.pdf>

The Racist Origins of US Gun Control: Laws Designed To Disarm Slaves, Freedmen, And African-Americans
http://www.old-yankee.com/rkba/racial_laws.html

The Klan's Favorite Law: Gun control in the postwar South
<http://reason.com/archives/2005/02/15/the-klans-favorite-law>

The Racist Roots of Gun Control
<http://www.firearmsandliberty.com/cramer.racism.html>

Suggested Amendments/Considerations

1. Section 1: (a) may need to define/clarify what “facilities and premises” means. We own some buildings and lease others. What if the municipality owns the facility but it is operated by a separate Board? This needs to be very clear.
2. Section 2: (b)(2) consider removing “or city, county or political subdivision”. This phrase appears to contradict Section 1 and could lead to confusion.
3. Section 2: Couldn't most of the listed places be removed? Consider removal of 1,2,4,6,7,8,9,10,11,12,14,15,16 to help clarify and avoid confusion.
4. Section 3: consider removal of (a)1 and 4;
5. Section 3: (c) add exception for local, state, and federal elected officials in the performance of their duties
6. Consider allowing municipalities and businesses to restrict parts of buildings and not just the whole building.
7. We need protection from liability for municipalities and private businesses for action of a CC permit holder on their property or under their employment. Liability should fall on the CC permit holder if they act inappropriately.
8. Amend 75-7c03(c) to read “*A valid license, issued by any other state or the District of Columbia, to carry a firearm shall be recognized as valid in this state, but only while the holder is not a resident of Kansas.*” By omitting the rest of the current paragraph, we move closer to full reciprocity with all other states. Currently, Congress is considering whether or not to mandate this for all states but there is no guarantee it will pass. We need to get out in front of this.

9. Consider eliminating/reducing fees in 75-7c05(b)(2). Why should we have to pay a fee to the government to exercise our rights? Do we have to pay them to go to church? If the government wants to regulate this, then it should be paid for by general tax revenues.
10. Consider rescinding 75-7c04(3). Do adults aged 18-20 not have the same constitutional rights as everyone else? Many people joined the military at age 18. We let them carry guns to defend us in foreign lands but they can't carry one to defend themselves in this country?