

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:30 a.m. on March 23, 2004 in Room 231-N of the Capitol.

All members were present.

Committee staff present:

Dennis Hodgins, Legislative Research
Theresa Kiernan, Revisor of Statutes' Office
John Beverlin, Committee Secretary

Conferees appearing before the committee:

Ron Hein, Motion Picture Association of America
Keith Wood, National Rifle Association

Others attending:

See Attached List.

Chairperson Brungardt called the meeting to order. He then opened the hearing on **HB 2835, Unlawful use of a recording device**. Chairperson Brungardt welcomed Ron Hein to the podium.

Mr. Hein presented testimony in favor of **HB 2835 (Attachment 1)**. After his testimony, he informed the committee that they had received written testimony from Dennis McIntire of the United Motion Picture Association in favor of **HB 2835 (Attachment 2)**.

Chairperson Brungardt asked the committee for questions.

Senator O' Connor expressed concern about language concerning the owner of a theater not being liable when detaining an individual who has attempted to record a movie.

Mr. Hein explained that the language was not necessarily necessary, but would give owners of theaters a level of comfort.

Chairperson Brungardt asked the committee for additional questions. None were asked. Chairperson Brungardt then asked the committee to take action on **HB 2835**.

Senator Teichman made a motion to recommend **HB 2835** favorable for passage. The motion was seconded by Senator Barnett. The bill was recommended favorable for passage.

Chairperson Brungardt asked the committee to turn its attention to **SB 41, School building construction standards; fire safety codes**. He asked the committee if there were any other concerns with the bill.

Senator Vratil asked the committee to remove the amendments he offered for the bill, except the change in date.

Chairperson Brungardt agreed with Senator Vratil. He asked the committee to take action on the bill.

Senator Vratil made a motion to recommend **SB 41** favorable for passage as amended removing his previous amendments except the change of date. The motion was seconded by Senator Teichman. The bill was recommended favorable for passage as amended.

Chairperson Brungardt asked the committee to turn its attention to action on **HB 2798, Personal and family protection act; licensing to carry concealed firearms**. He asked the committee to follow an informal group discussion format. He said he would not require a second on a motion. Chairperson Brungardt asked Theresa Kiernan to go over any proposed amendments.

Ms. Kiernan reviewed each amendment for the committee.

CONTINUATION SHEET

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE at 10:30 a.m. on March 23, 2004 in Room 231-N of the Capitol.

Chairperson Brungardt asked the committee for questions.

Senator O' Connor asked if under current law there was any prohibition for any business in the state of Kansas to post a sign prohibiting an individual to carry a concealed weapon on the premise.

Ms. Kiernan stated that businesses could post signs prohibiting concealed weapons on premises.

Senator O' Connor asked for the reason in prohibiting concealed carry in certain areas, if the business could just post a sign.

Ms. Kiernan explained that the statutes would prohibit the weapons in areas and provide penalty for breaking the law.

Chairperson Brungardt asked what the level of offense for an individual carrying a concealed weapon into a prohibited area.

Ms. Kiernan stated that it was class A misdemeanor.

Chairperson Brungardt asked for the committee's opinion on the first amendment. The amendment would change the licensing authority from the KBI to the Attorney General.

Senator O' Connor explained that the change would save money because the Attorney General has the staff and the room available for such responsibility.

Chairperson Brungardt called for action on the amendment.

Senator O' Connor made a motion to amend the bill. The bill was amended to change the licensing authority from the KBI to the Attorney General.

Chairperson Brungardt asked for the committee's opinion on the second amendment. The amendment would change the policy in the bill to authorize the concealed and unconcealed carry of tasers or stun guns.

Senator Barnett explained the amendment was a way to satisfy some opponents to the bill. He explained that it takes away the fiscal note and any administrative complications that might be associated with concealed carry.

Chairperson Brungardt asked whether tasers were regulated.

Senator Barnett explained that there were restrictions because the companies that manufacture tasers will not sell to everyone. The amendment, he explained, would limit who could and could not carry tasers.

Senator Clark asked what the purpose of the bill would be, if people can carry tasers under current law.

Ms. Kiernan explained that the bill would contain preemptive language to prevent cities or counties from prohibiting tasers.

Senator O' Connor expressed concern with the amendment. She said she would be unable to support the amendment.

Chairperson Brungardt asked the committee for additional concerns on the amendment. None were expressed. He then called for a vote on the amendment.

The bill was not amended to change the policy in the bill to authorize the concealed and unconcealed carry of tasers.

Chairperson Brungardt asked the committee to consider an amendment that would require an applicant for initial licensing and renewal to submit proof of liability insurance, providing coverage in an amount not less

CONTINUATION SHEET

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE at 10:30 a.m. on March 23, 2004 in Room 231-N of the Capitol.

than \$100,000.

Senator O' Connor asked how much \$100,000 of liability insurance would cost an individual.

Chairperson Brungardt stated that he was not certain of the cost for such insurance.

Senator Clark asked the audience if anybody was aware of any similar legislation in other states.

Keith Wood stated that there was no similar requirement in any other states. He observed that such insurance may be unavailable.

Chairperson Brungardt explained that the insurance may not be currently available because of the lack of market for the insurance.

Senator Vratil explained that a parallel may already exist in current law. He further explained that liability insurance is required to drive an automobile.

Chairperson Brungardt asked the committee for further discussion. None was had. He called for a vote on the amendment.

The bill was not amended to include a liability insurance requirement.

Chairperson Brungardt asked the committee to turn its attention to the proposed amendments that would amend new section ten. New section ten includes places where concealed weapons would be prohibited.

Ms. Kiernan explained that the first part of the amendment would prohibit concealed carry at any location where an activity sponsored by any private or public elementary or secondary school and any private or public institution of post-secondary education.

Senator Clark asked how it would be possible to enforce the law if there are individuals who are not involved in the event or related to the event, but are in the area of the activity.

Senator Teichman asked whether the school had to notify the business or area where the activity is to take place, so that a sign can be posted to prohibit concealed carry.

Ms. Kiernan explained that a provision like that did not exist in the amendment.

Chairperson Brungardt observed that the amendment did seem hard to enforce.

Senator Vratil explained to the committee that the beginning of page eight reads, "any elementary or secondary school building or structure used for student instruction, attendance or extra curricular activities or for administration or maintenance." He further explained that any structure, but not a park, that is used for extra curricular activities would be included on the list of prohibited areas for concealed carry.

Senator Lyon explained that because it is possible for a class to participate in an extra curricular activity at a mall, concealed carry would have to be prohibited at all times in that mall.

Senator O' Connor asked if the words "extra curricular activities" could be struck from the amendment. The amendment would be hard to define and enforce, she explained.

Chairperson Brungardt asked the committee for its opinion concerning the use of the words "extra curricular activities" in the bill.

Senator Vratil explained that he supports the amendment. He stated that it would be better to say, "any place where students are currently engaged in school sponsored activities."

Ms. Kiernan explained that it is possible to just prohibit parents and sponsors that are involved in the activity from carrying a concealed weapon.

CONTINUATION SHEET

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE at 10:30 a.m. on March 23, 2004 in Room 231-N of the Capitol.

Chairperson Brungardt asked the committee to consider whether they wanted to prohibit concealed carry at off site extra curricular activities.

The bill was not amended to prohibit concealed carry at off site extra curricular activities.

Senator O'Connor asked if the committee could remove "extra curricular activities" from page eight line three.

Chairperson Brungardt asked the committee to consider striking "extra curricular activities" from page eight, line three.

The motion to amend the bill and remove "extra curricular activities" from page eight, line three passed.

Chairperson Brungardt stated the next amendment amends page seven, line 41. The amendment would prohibit concealed carry in any portion of an establishment licensed to dispense alcohol or cereal malt beverage.

Senator O'Connor asked about how the bill was currently written. She wanted to know which part of a restaurant was considered the portion primarily devoted to consumption of alcoholic or cereal malt beverages.

Senator Clark stated primarily was more than 51 percent.

Chairperson Brungardt asked the committee to consider an amendment to the bill that would prohibit concealed carry at any location that serves alcoholic or cereal malt beverages for consumption on premise.

Senator Barnett made a motion to amend the bill. The motion to amend the bill and prohibit concealed carry in any location that serves alcoholic or cereal malt beverages for consumption on premise, passed.

Chairperson Brungardt asked the committee to consider the amendment that would prohibit concealed carry in any city or county owned or leased property including public parks and recreation facilities.

Senator Clark expressed concern with having to figure out which property was city or county public parks, recreation facilities and public works buildings.

Chairperson Brungardt stated they would have to post a sign, such as they do for alcoholic beverage consumption. He then asked them to consider the amendment.

The bill was not amended to prohibit concealed carry in city and county parks, recreation facilities and public works buildings.

Senator Barnett asked the committee to consider an amendment to prohibit concealed carry in hospitals.

Chairperson Brungardt called for a vote on the amendment.

The bill was not amended to prohibit concealed carry in a hospital.

Chairperson Brungardt asked the committee to turn its attention to the amendment that would prohibit concealed carry in churches or any place of worship.

Senator Clark explained that laws used to require people to carry guns to church.

Chairperson Brungardt called for a vote on the amendment.

The bill was not amended to prohibit concealed carry in churches or places of worship.

Chairperson Brungardt asked the committee to consider the amendment that would prohibit concealed carry in child care facilities.

CONTINUATION SHEET

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE at 10:30 a.m. on March 23, 2004 in Room 231-N of the Capitol.

The bill was not amended to prohibit concealed carry in child care facilities.

Chairperson Brungardt asked the committee to consider the amendment that would prohibit concealed carry in banks.

The bill was not amended to prohibit concealed carry in banks.

Chairperson Brungardt stated the committee would pass over the amendment to prohibit concealed carry in casinos. He then asked the committee to turn its attention to the amendment that would increase the penalty for violating the provisions of section 10 to a class A misdemeanor.

Senator Clark asked for the difference between a class B misdemeanor and a class A misdemeanor.

Senator Vratil explained that a B misdemeanor resulted in a sentence of up to six months in jail and a fine of 500 dollars. A class A misdemeanor resulted in a sentence of up to one year in jail and a fine of up to 1000 dollars.

Chairperson Brungardt called for a vote on the amendment.

The bill was amended to increase the penalty for violating the provision of section 10 to a class A misdemeanor.

Chairperson Brungardt asked the committee to turn its attention to the amendment that would create a penalty for a violation of new section 11.

Senator Vratil explained that it would be worthless to allow businesses to post a sign prohibiting concealed carry, if there was no enforcement.

Chairperson Brungardt called for a vote on the amendment.

The bill was not amended to create a penalty for violation of new section 11.

Chairperson Brungardt asked the committee to consider an amendment to new section 12 that would impose stiffer penalties for repeat offenders.

Ms. Kiernan explained that the suggestion for the amendment was that for each subsequent violation, penalties would increase.

Chairperson Brungardt called for a vote on the amendment.

The bill was not amended to impose stiffer penalties for repeat offenders of new section 12.

Chairperson Brungardt asked the committee to consider an amendment to the preemption provision of the bill.

Senator O' Connor asked whether the current bill has preemption language.

Ms. Kiernan explained that the bill currently has preemption language.

Chairperson Brungardt called for a vote on the amendment to remove preemption language from the bill.

The bill was not amended, and preemption language remained part of the bill.

Chairperson Brungardt asked the committee to turn its attention toward the amendment that would prohibit individuals who are found behind in child support payments from carrying concealed weapons.

Senator O' Connor asked how long over due in child support would be considered a violation.

Senator Vratil explained that only if the court finds the individual in arrears.

CONTINUATION SHEET

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE at 10:30 a.m. on March 23, 2004 in Room 231-N of the Capitol.

Chairperson Brungardt called for a vote on the amendment.

The bill was not amended to prohibit individuals who are found in arrears by the court, for not paying child support, from carrying concealed weapons.

Chairperson Brungardt asked the committee for additional amendments.

Senator Clark stated he had an amendment to page seven, line 31. The amendment would prohibit concealed carry at a polling place, on the date of an election.

Chairperson Brungardt called for a vote on the amendment.

The bill was amended to prohibit concealed carry at a polling place on the date of an election.

Chairperson Brungardt asked for a motion on the bill as amended.

Senator Clark made a motion to recommend the **HB 2798** favorable for passage as amended. The motion was seconded by Senator O' Connor. The bill was recommended favorable for passage as amended.

Chairperson Brungardt thanked the committee.

The meeting was adjourned at 11:45 a.m. The next meeting is scheduled for March 26, 2004 at 10:30 a.m. in room 231-N.