

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Melvin Neufeld at 1:30 p.m. on February 5, 2009, in Room 143-N of the Capitol.

All members were present except:

Representative Mike Peterson- excused

Committee staff present:

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

Conferees appearing before the committee:

Jordan Austin, National Rifle Association  
Ed Brancart, Wyandotte County District Attorney  
Oren Long, Private Citizen  
Judge Richard Smith, Kansas District Judge Association  
Judge Steven Tatum, Kansas District Judge Association  
Judge James Fleetwood, Kansas District Judge Association  
Judge Blaine Carter, District Magistrate Judge, 2<sup>nd</sup> Judicial District

Others attending:

See attached list.

The meeting scheduled for February 4, 2009, was cancelled.

Chairman Neufeld opened the floor for introduction of proposed legislation and recognized Rep. Sharon Schwartz who requested a bill concerning the appropriation of water..

Rep. Swenson moved the acceptance of the conceptual bill with a second by Rep. Olson. Motion carried.

Rep. Schwartz also requested a bill concerning the use of controlled substances endangering children.

Rep. Grant moved the acceptance of the conceptual bill with a second by Rep. Benlon. Motion carried.

Rep. Bethell requested a bill concerning background checks in nursing homes.

Rep. Ruiz moved the acceptance of the conceptual bill with a second by Rep. Heubert. Motion carried.

Rep. Fund moved the introduction of bill related to private detectives with a second by Rep. Swenson. Motion carried.

Rep. Kelly requested the introduction of a bill regarding the employment security law.

Rep. Brunk moved the acceptance of the conceptual bill with a second by Rep. M. Holmes

Cindy Hermes, Kansas Insurance Department, requested the introduction of a bill regarding long term care partnership exchange.

Rep. Ruiz moved the acceptance of the conceptual bill with a second by Rep. Brunk. Motion carried.

Tony Scott, representing CPA requested a bill that would amend the Kansas Accountants statutes.

Rep. Bunk moved the acceptance of the conceptual bill with a second by Rep. Olson. Motion carried.

Rep. Swenson moved the acceptance of a bill concerning caps on worker's compensation with a second by Rep. Ruiz. Motion carried.

## CONTINUATION SHEET

Minutes of the House Federal And State Affairs Committee at 1:30 p.m. on February 5, 2009, in Room 143-N of the Capitol.

Chairman Neufeld opened the hearing on **SB 19 - Concealed weapons; U.S. attorneys, county and district attorneys and assistants.**

Mike Heim, from the Office of the Revisor, gave an overview on **SB 19.**

Ed Bankhart, addressed the committee on behalf of Jerome Gorman, office of the District Attorney, Twenty-Ninth Judicial District of Kansas, as a proponent of **SB 19.** Mr. Bankhart related that they favor the concept of authorizing prosecuting attorneys to carry concealed firearms at any place and any time. He further stated that they favor a policy statement within the law that such prosecutors have minimum mandatory firearms training and favor drafting the law to not limit a district or county attorney from establishing employment policies that further regulate the use of firearms by prosecuting attorneys. (Attachment 1)

Oren Long, retired law enforcement officer, addressed the committee in agreement with the passage of **SB 19.** Mr. Long stated that retired law enforcement personnel holding a valid concealed carry permit shall be exempt from restrictions placed upon non-retired law enforcement concealed carry permit holders. Mr. Long termed this as “the common sense approach.” He further stated that retired law enforcement are pre-trained.. experienced in the law, and know “shoot/don’t shoot” rules and can easily enhance public safety for free. (Attachment 2)

Jordan Austin representing the National Rifle Association stood before the Committee to report the NRA is neutral to the legislation proposed by **SB 19.**

The Chair recognized Richard Smith, Chief Judge of the 6<sup>th</sup> Judicial District, as an opponent of **SB 19** who asked that the committee view **SB 19** very cautiously and requested that if the legislation was passed that it be amended to reflect that none of the changes in the criminal statutes be construed to change the well stated public policy in the Personal and Family Protection Act. He further stated that as to courthouses and courtrooms, judges should maintain ultimate authority to determine who may carry a firearm. (Attachment 3)

Judge Stephen Tatum, 10<sup>th</sup> Judicial District, Johnson County, opined as an opponent of **SB 19** saying that as a former prosecutor for fifteen years and a Judge for fifteen years, he can think of no good reason for prosecutors to carry concealed weapons in the Johnson County Courthouse. He related that Johnson County has a good security system and that if this bill were to be passed, he would request that courthouses with good security and safety procedures be allowed to opt out. (Attachment 4)

Next to address the committee in opposition of **SB 19** was Chief Judge James Fleetwood, Eighteenth Judicial District, Wichita, Kansas. Judge Fleetwood is concerned with the legitimate safety concern of creating a breach in the security of the courthouse now well established and maintained by the sheriff and courthouse security if this legislation were to be passed. The Judge further stated that he feels that **SB 19** would created very real and unnecessary perils for those with legitimate business within the courthouse. (Attachment 5)

Judge Blaine Carter, District Magistrate Judge, Second Judicial District, Alma, Kansas appeared before the committee as an opponent to **SB 19.** Judge Carter stated that his concerns are the same as those voiced by the other judges appearing to testify before the committee. Judge Carter’s association requests that the committee provide for the continuation of the current rule that judges should remain in control of what firearms, if any, may be allowed in a courtroom and who may be in possession of the same while they are in court. (Attachment 6)

Written testimony as proponents of **SB 19** was submitted by Senator Derek Schmidt, (Attachment 7) and Thomas Stanton, Deputy Reno County District Attorney. (Attachment 8)

With no other person wishing to appear on **SB 19**, Chairman Neufeld closed the hearing.

The Chair appointed a subcommittee of Rep. Knox, Carlson, and Ruiz to further study **SB 19**

The next meeting will be held on Monday, February 9, 2009.

CONTINUATION SHEET

Minutes of the House Federal And State Affairs Committee at 1:30 p.m. on February 5, 2009, in Room 143-N of the Capitol.

Meeting adjourned at 2:30 p.m.