

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Thomas C. (Tim) Owens at 9:38 a.m. on March 20, 2009, in Room 545-N of the Capitol.

All members were present except:

Senator David Haley- excused

Committee staff present:

Jason Thompson, Office of the Revisor of Statutes

Athena Andaya, Kansas Legislative Research Department

Karen Clowers, Committee Assistant

Conferees appearing before the Committee:

Senator Mike Petersen

Senator Tim Huelskamp

Jordan Austin, National Rifle Association of America

Patricia Stoneking, President, Kansas State Rifle Association

Paul Degener

Rick Cagen, National Alliance on Mental Illness

Karen Eager, Disability Rights Center of Kansas

Jane Rhys

Amy Campbell, Kansas Mental Health Coalition

Others attending:

See attached list.

The Chairman opened the hearing on **SCR 1611 - Constitutional amendment concerning individual right to bear arms.**

Senator Mike Petersen testified as a sponsor of the bill. The Senator indicated that based on a recent ruling of the U.S. Supreme Court he found that Section 4 of the Kansas Constitution does not provide the right for an individual to bear arms. This constitutional amendment will ensure the individual right of citizens to bear arms. (Attachment 1)

Senator Tim Huelskamp spoke in support stating his shock upon learning that the Kansas Courts determined there was no constitutional protections in the Kansas Constitution for the individual right to own firearms. It is imperative to make certain that our Kansas Constitution reflects this individual right. (Attachment 2)

Jordan Austin appeared in support stating this amendment will correct a long standing problem with the Kansas State Constitution. A 1905 ruling by the Kansas Supreme Court issued a ruling that the right to bear arms was a collective right not an individual right. The language in **SCR 1611** will guarantee an individual right to keep and bear arms. (Attachment 3)

Patricia Stoneking spoke as a proponent indicating concern that our constitution does not provide the right for individuals to bear arms. Citizens are worried, disenfranchised, and scared that their right for firearm ownership is in jeopardy and encouraged enactment of the resolution. (Attachment 4)

Paul Degener testified in support stating as an individual citizen he has great concern regarding the loss of individual rights. Mr. Degener proposed the elimination to the references to hunting and recreational use and enactment of the bill. (Attachment 5)

Written testimony in support of **SCR 1611** was submitted by:

Steve Six, Kansas Attorney General (Attachment 6)

Senator Schmidt moved, Senator Lynn seconded, to recommend SCR 1611 favorably for passage. Motion carried.

The Chairman opened the hearing on **SCR 1605 - State constitutional amendment; deleting mental illness**

CONTINUATION SHEET

Minutes of the Senate Judiciary Committee at 9:38 a.m. on March 20, 2009, in Room 545-N of the Capitol.

disqualification from voting.

Rick Cagan appeared in support stating the current language in Article 5, Section 2 of the Kansas Constitution provides for limiting the right to vote for persons living with mental illnesses represents an historical blemish tracing back to the original Constitution. This stigmatizing language reflects a terribly dated view of persons with mental illness and reinforces unfounded fears about persons with mental illness. Mr. Cagan offered a balloon amendment eliminating language pertaining to any prohibition on the right to vote of persons with mental illness. The passage of **SCR 1605** will eliminate discriminatory language and send an important message to the citizens of Kansas. (Attachment 7 & 8)

Karen Eager testified in support stating the Kansas Constitution applies, without limitation, to any mental illness or mental disorder. Mental illness is an extremely broad category and could effect at least 26.6 percent of people ages 18 and older. This resolution is an opportunity to eliminate broad and sweeping discrimination. (Attachment 9)

Jane Rhys spoke in favor stating this is a simple request to remove the term mental illness from the list of those who may be disqualified to vote in Kansas. People with mental illness have endured stigma due to their illness. Ms. Rhys requested a favorable recommendation on the resolution. (Attachment 10)

Amy Campbell appeared as a proponent stating that although the Kansas Legislature has not exercised the authority to prevent someone with mental illness from voting the option is discriminatory and unacceptable. Voting is the most fundamental of rights and the Kansas Legislature should not have the power to take away the right to vote based on a disability. (Attachment 11)

Written testimony in support of **SCR 1605** was submitted by:

Michelle Sweeney, Association of Community Mental Health Centers of Kansas (Attachment 12)

Ernest Kutzley, AARP (Attachment 13)

Sally F. Fronsman-Cecil (Attachment 14)

There being no further conferees, the hearing on **SCR 1605** was closed.

Senator Vratil indicated this is a very serious matter that should be fully vetted. The election cycle will not cause any loss in time and recommended the matter be carried over to the next session.

This was the last scheduled meeting of the 2009 legislative session.

The meeting was adjourned at 10:37 a.m.