

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Arlen Siegfroid at 1:30 P.M. on February 20, 2007 in Room 313-S of the Capitol.

All members were present except:

Representative Ted Powers- excused

Committee staff present:

Kathie Sparks, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Mike Heim, Revisor of Statutes Office
Carol Doel, Committee Assistant

Conferees:

Phil Bradley - Kansas Fireworks Association
Daryl Marmon - Fireworks Industry
Rose Rozmireak - State Fire Marshall's Office
Senator Phil Journey
Representative Candy Ruff
Charles Sexson - Director Concealed Carry - Attorney General's Office
Kyle Smith - KBI
Rob Davis
Bill Freeman, Kansas
Paula Radcliff - Kansas State Rifle Association
Ed Klumpp - Association of Chief of Police
Eric Sartorius - City of Overland Park
Marci Knight - City of Lenexa
Dale Goter - City of Wichita
Sandy Jacquot - League of Kansas Municipalities

Others attending:

See attached list

Chairman Siegfroid opened the floor for introduction of bills. There were none.

The Chair entertained a motion to approve the minutes of February 12th, 13th, 14th, and 15th.

Representative Peterson made a motion to approve the minutes as read with a second by Representative Ruiz. Motion passed.

The Chair requested a motion on **HB 2200** - Concerning crimes; punishment and criminal procedure; relating to obscenity.

Representative Kinzer moved that **HB 2200** be passed out favorably with a second by Representative Brunk.

Representative Peterson offered a motion to amend Section 1, Line 15 and insert before recklessly knowingly, willingly, intentionally, recklessly and not by accident with a second by Representative Loganbill.

Representative Peterson made a conceptual motion that a requirement be added that in K-12 context if someone knowingly, willingly, intentionally, recklessly and not by accident promoted materials that did not have an educational value.

Representative withdrew his original amendment

Representative Peterson conceptually moved that **HB 2200** be amended by inserting language in line 8 on page 2 that adds the elements of knowingly, willfully, intentionally, recklessly and not by accident in the context of K-12. There was a second by Representative Loganbill. Motion passed.

Representative Mah made a motion to amend **HB 2200** to clarify that materials that are on an approved

CONTINUATION SHEET

MINUTES OF THE House Federal and State Affairs Committee at 1:30 P.M. on February 20, 2007 in Room 313-S of the Capitol.

reading list are not subject to obscenity charges. Representative Dillmore made a second to the motion. Motion failed.

Representative Mah wished to be recorded as voting aye.

The Chair called the question of whether to move **HB 2200** favorably as amended. Motion passed.

Representative Mah wished to be recorded as nay.

Chairman Siegfroid opened the floor for public hearing on **HB 2475** - concerning fireworks, enacting the Kansas fireworks licensing, and requested an explanation of the bill from Kathie Sparks.

Ms. Sparks, Legislative Research, explained **HB 2475** is a licensed Kansas fireworks act. It does not apply to seasonal retailers, but any other person in the business will be required to get a license from the State Fire Marshal. They will have to be at least 21 years of age. It is not transferable.

Philip Bradley, Consultant for the Kansas Fireworks Association, provided testimony in support of **HB 2475** relating that this act will provide up to date licensing in the fireworks industry and allow the Fire Marshals Office to charge a fee for said licensing. (Attachment 1)

Vice-President of Legislative Affairs, Kansas Fireworks Association, Dale Marmon addressed the Committee requesting support for passage of **HB 2475** which would allow the Fire Marshal to exempt governments and government employees, usually fire department personnel, that shoot a public display for their town or city from having to pay a licensing fee to obtain a shooters license. The bill would not regulate or charge fees for the seasonal fireworks stand operator. (Attachment 2)

Rose Rozmiarek, Kansas State Fire Marshal's Office stood as a proponent to **HB 2475**. Ms. Rozmiarek reported that this bill will provide a user based fee to support a program that has long been in existence and clarify the current statutes intent for the keeping, storage, use, safe handling, and transportation of explosives, dynamite, fireworks and firecrackers. (Attachment 3)

No other person wished to address **HB 2475**. Chairman Siegfroid closed the hearing on **HB 2475** and opened the hearing on **HB 2528** - firearms; state preemption of regulation; amendments to concealed weapon licensure law.

Kathie Sparks, Legislative Research, presented an overview of **HB 2528**. (Attachment 4)

Representative Candy Ruff presented testimony supporting **HB 2528**. Rep. Ruff stated that cities and counties were not supposed to impose restrictions beyond what the state imposed in the 2006 legislation. **HB 2528** leaves no doubt of the legislative intent when it comes to concealed carry and the cities and counties. From now on, the state handles all the provisions of the concealed carry statutes in Kansas. (Attachment 5)

Charles Sexson, Director Concealed Carry Handgun Licensing Unit appeared before the Committee on behalf of the Attorney General in support of **HB 2528**. Mr. Sexson's testimony focused primarily on the proposed amendments in Section 4, however, they also support the amendments found in Sections 2,3 and 8 which support the repository at the Kansas Bureau of Investigation for court orders relating to involuntary commitments for mental and substance abuse treatment. (Attachment 6)

Kyle Smith, Deputy Director Kansas Bureau of Investigation, appeared on behalf of the KBI supporting portions of **HB 2528**. Mr. Smith related that the KBI has no official position on much of the bill, but passage of sections 2, 3, and section 8, particularly with KBI's balloon amendment, would make meaningful the law that was passed last year. (Attachment 7) (copy of the proposed balloon Attachment 8)

Robert Davis is a concerned business man who owns and operates a concession business for which at times he has to carry a considerable amount of cash. He applied for a concealed carry permit to protect him and his wife. Mr. Davis states that to pass **HB 2528** would keep the spirit and intent of the law uniform and consistent throughout the State of Kansas. (Attachment 9)

CONTINUATION SHEET

MINUTES OF THE House Federal and State Affairs Committee at 1:30 P.M. on February 20, 2007 in Room 313-S of the Capitol.

Paula Radcliff addressed the Committee on behalf of the Kansas State Rifle Association in support of **HB 2528**. Ms. Radcliff stated that she had worked closely with Rep. Ruff and Rep. Hayzlett on the right to carry legislation and it has been very clear from the beginning that the legislature wanted to create uniformity throughout the state with regard to carrying concealed firearms. She asked that the Committee vote favorably for **HB 2528**. ([Attachment 10](#))

Bill Freeman appeared before the Committee representing Kansas Sportsmen's Alliance who supports the passage of **HB 2528**. Mr. Freeman opined that the passage of this bill would strengthen the protection of the rights of law abiding Kansans that have spent considerable time, effort and money to become licensed for concealed carry. ([Attachment 11](#))

There were no other proponents of the bill.

Chairman Siegfroid recognized Ed Klumpp who testified on behalf of the Kansas Association of Chiefs of Police. Mr. Klumpp related that they have some specific concerns regarding **HB 2528** and submitted a copy of their recommended amendments. ([Attachment 12](#))

The City of Overland Park was represented by Erik Sartorius in opposition to **HB 2528** as it would remove the City's ability to prohibit the carrying of concealed handguns on its own property and to prosecute violations of the concealed carry regulations. The City submits that the current statutory language strikes the appropriate balance between State and local involvement. ([Attachment 13](#))

Marcy Knight, Assistant City Attorney for Lenexa, Kansas addressed the Committee opposing **HB 2528**. Ms. Knight opined that the City of Lenexa has several concerns with language in the bill. It is their opinion that the goal of uniformity can still be accomplished without stripping the cities of the ability to prosecute offenders in municipal court. Ms. Knight addressed several sections of the bill which they oppose. She further stated that if the bill does move forward, the City strongly urges the committee to consider amendments to the bill consistent with the recommendations made in her written testimony. ([Attachment 14](#))

Dale Goter, who represents the City of Wichita, addressed the Committee in opposition to **HB 2528**. Mr. Goter related that the bill sweeps away the balanced approach that combines state law and city ordinances to allow responsible concealed carrying privileges, yet provide for law enforcement officer safety and protection of the public from irresponsible and criminal acts. The bill also creates extensive, new liability for employers, both public and private, and also unintentionally void fundamental city zoning powers that will disrupt urban planning for decades. ([Attachment 15](#))

Sandy Jacquot of the League of Kansas Municipalities related that they also oppose the passage of **HB 2528**. Ms. Jacquot stated that they believe that cities should have the right to act as employers and as property owners regarding the concealed carry of firearms. They also believe that those who violate the provisions of last year's act should be prosecuted in municipal court, the same way that other misdemeanor offenses are prosecuted. ([Attachment 16](#))

There were no other opponents to **HB 2528** and Chairman Siegfroid recognized Senator Phil Journey who wished to express his support of the bill.

Senator Journey requested that the Committee adopt the language of **HB 2528** and insert it into **SB 185** and refer it out. ([Attachment 17](#)) Senator Journey also presented copies of City Ordinances from various cities in the State of Kansas. ([Attachment 18](#))

Chairman Siegfroid closed the hearing on **HB 2528**.

With no further business before the Committee, the Chair adjourned the meeting.

CONTINUATION SHEET

MINUTES OF THE House Federal and State Affairs Committee at 1:30 P.M. on February 20, 2007 in Room 313-S of the Capitol.