

**Testimony on HB 2491 relating to Carry Handguns
To
The Senate Committee on Natural Resources**

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HB 2491 seeks to prevent the Kansas Department of Wildlife, Parks and Tourism and the KDWP Commission from enacting any regulation that prohibits the carrying of a handgun while lawfully hunting, fishing or furharvesting. **The Department supports the provisions contained in the bill.**

This issue relates primarily to provisions in KDWP regulations related to carrying the proper equipment for big game and turkey permits in possession based on concerns about unlawful harvest. In researching the issue, 33 states responded and 23 of those states allowed some sort of firearm possession by individuals while hunting during archery or primitive weapons seasons.

The Department approached the KDWP Commission recently in regard to the topic and the Commission chose not to take action on the regulations based on concerns that removing those provisions could increase poaching. While the Department does have concerns with the topic of allowing firearms possession in primitive weapons seasons, limiting the firearms to just handguns for the purpose of self-defense does address many of those concerns and is somewhat of a compromise between the current restrictions and wide open allowance of possession of all types of firearms.

Finally, this bill would address an anomaly in the law. In a 2007 Attorney General's Opinion, the AG opined that KDWP regulations, narrowly tailored to address specific situations like primitive season equipment restrictions, took precedence over concealed carry permit holders as well as a general statute allowing concealed carry by hunters and anglers or by law enforcement officers. Last year, SB 152 was passed specifically related to concealed carry permit holders to allow carry at all times. As such, we currently have a situation where concealed carry permit holders may possess firearms in all seasons but law enforcement officers may not.

HB 2491 passed the House 113-8.

In summary, the Department appreciates the support of the Committee in passage of the bill.