



TO: House Federal and State Affairs Committee

FROM: Eric B. Smith, Legal Counsel

DATE: February 21, 2013

RE: Opposition to HB 2055

I want to thank the Committee for allowing the League of Kansas Municipalities to testify in opposition to HB 2055. We believe that cities should have the right to control the concealed carry of firearms in our communities, but understand that the Legislature has made a policy choice to the contrary. This bill, however, would allow permit holders to carry concealed in every building and premise owned by the state, cities, and counties. This bill completely takes away the ability of local governments to regulate concealed firearms on their property unless they spend large amounts of taxpayer money. LKM certainly understands the arguments of the proponents of this bill regarding public safety, but the principles of local control should be respected to allow cities who disagree to control their own buildings and employees.

What the bill does in New Section 1 is to state that carrying a concealed weapon cannot be prohibited in state or municipal facilities or premises unless they have in place "adequate security measures," defined as the use of electronic screening equipment and personnel at all public entrances, to ensure no one has a weapon. It also stops municipalities from prohibiting employees with a concealed carry permit from carrying a weapon in the workplace, unless the workplace is likewise screened. All of the exceptions to being able to carry concealed in K.S.A. 75-7c10 are only excepted if the facility is adequately screened. Few cities in Kansas could afford the equipment and personnel to meet this mandate, depriving cities of the ability to control their own facilities.

The problem is that one needs to think about the types and numbers of buildings and other premises that are currently exempted from concealed carry. Every building owned by a city would have to be screened. Only the very largest municipalities will be able to comply and only for some of their facilities. Concealed carry could be allowed in city halls, libraries, day care centers in city facilities, any meeting of the governing body of a city, community centers, senior citizen centers, polling places if owned by the city and others too numerous to mention. Cities strongly believe that this should not be the policy of the state.

In addition, LKM is concerned with the language that was HB 2111 because it removes all ability to regulate guns including the open carry of weapons even for those without a concealed carry permit. Combined with HB 2055 this will result in local governments being unable to prevent the open carry of weapons in public buildings. It is one thing to allow additional rights to those who have gone through the background checks and training required to become licensed for a concealed carry permit but quite another to allow anyone, regardless of training or background, to carry a weapon anywhere they want.

Under current law cities can allow concealed carry on their premises by simply declining to post the facility as a no-carry facility. That is the local choice of the city, based upon what is consistent with the values and will of the citizens in that community. The decision, however, should not be dictated by onerous fiscal constraints where cities must decide whether to spend a great deal of taxpayer money to screen entrances to their facilities or simply allow the state to dictate that their buildings be open to the carrying of concealed weapons.

If some form of this bill is passed, LKM would ask that the Committee consider language similar to K.S.A. 41-2911 which allowed the citizens to choose if their community wanted to expand the sale of alcoholic liquor. The same could be done with HB 2055 by adding the following :

The governing body of any city may exempt itself from this Act by the adoption of an ordinance approved by a two-thirds vote of the members-elect of the governing body of such city.

Such ordinance shall be published at least once each week for two consecutive weeks in the official city newspaper. Such ordinance shall not become effective earlier than 60 days following publication. If, within 60 days following publication of the ordinance, a petition requesting that a proposition be submitted for approval by the voters is filed, such ordinance shall not become effective until a proposition is submitted to and approved at an election.

By using something similar to the above language the citizens of each local community can decide how open they want their public facilities to those with concealed carry permits.

Our opposition to this bill has nothing to do with the rights of gun owners. Our opposition is based on the complete removal of local control over locally owned facilities and their employees. LKM respectfully urges this Committee to **not** report HB 2055 favorably for passage.