

Approved: April 5, 2000  
Date

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Representative Tony Powell at 1:30 p.m. on March 20, 2000 in Room 313-S of the Capitol.

All members were present except: Representative Findley, excused  
Representative Mayans, excused

Committee staff present: Theresa Kiernan, Revisor of Statutes  
Russell Mills, Legislative Research  
Mary Galligan, Legislative Research  
Winnie Crapson, Secretary

Conferees appearing before the committee:

**HB 2564** Proponents: Scott Hattrup  
Opponents: Sandy Jacquot, League of Kansas Municipalities

**SCR 1639** Proponents: Senator Goodwin  
Paul Davis, Kansas Bar Association  
Stephanie Rahm  
Sharon Engle  
Sherrill Weins  
To amend: Jennifer Keller, Kansas Paralegal Association  
Mary Thomas, Kansas Paralegal Association

**HB 3016** Proponents Representative Hermes  
Linda deCoursey, Kansas Insurance Department  
Sally Finney, Kansas Public Health Association  
Edward Rowe, Kansas League of Women Voters  
Darlene Whitlock, Ks Nurses Assn & Ks Emergency Nurses Assn  
Kelly Johnston, Safe State  
Lori Thomas, Grandview MO  
Phyllis Larimore  
Opponents: John Athan  
Scott Hattrup  
Paul Degener

Others attending: See attached list.

Chairman Powell opened the meeting and announced hearings will be held on three matters: **HB 2564**, **SCR 1639**, and **HB 3016**.

Hearing was opened on  
**HB 2564, Sport shooting ranges; civil immunity**

Chairman Powell explained that this bill was similar to **HB 2550** which the Committee heard February 7 and recommended favorably for passage as amended. He called the attention of the Committee to the balloon providing clarifying amendments to **HB 2564**.

Scott Hattrup presented written testimony on his own behalf in support of **HB 2564** (Attachment #1) and

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pointed out it was similar to testimony he had presented at the hearing on **HB 2550**. He pointed out Sec. 1 (a) defines "Generally accepted operation practices" as those safety practices which are not only established by nationally recognized membership organizations but specifically those adopted by the Kansas department of wildlife and parks. He noted that hunters, law enforcement officers, and sportsmen use Kansas shooting ranges to hone their skills with firearms.

Representative Cox commented he believes this is a local issue.

Sandy Jacquot presented testimony in opposition to HB 2564 on behalf of the League of Kansas Municipalities (Attachment #2). She testified the League opposes **HB 2564** because of its preemptive nature and the fact that it contradicts typical nuisance law which has been in place in Kansas since statehood. Nonconforming uses are allowed to continue when zoning is placed on a property or the property and use exist prior to modification of a zoning ordinance. The League believes prohibiting the use of nuisance law sets a very bad precedent.

Hearing on **HB 2564** was closed.

Chairman Powell moved the clarifying amendments in the balloon. Representative Ruff seconded. Motion carried 12-5.

Representative Ruff moved that the Committee recommend HB 2564 be considered favorably for passage as amended. Representative Morrison seconded. Motion carried 12-5.

Hearing was opened on  
**SCR 1639, Establishing Legal Assistants Day**

In introducing the resolution, Senator Goodwin provided the history of the Kansas Association of Legal Assistants and described the valuable they provide in the delivery of legal services (Attachment #3). Senator Goodwin said she had just been handed the amendments proposed by the Kansas Paralegal Association. Because of the time constraints she would object to the amendment of **SCR 1639** but would be glad to work separately with the KPA to provide a day when their members could be honored as well.

Paul Davis presented testimony in support of the resolution on behalf of the Kansas Bar Association (Attachment #4). The KBA is open to categories other than lawyers and the KBA Legal Assistants Committee is one of the more active committees bringing the perspective of legal assistants to the entire membership.

Sharon Engle and Stephanie Rahm testified in support of the resolution and described the history and activities of the Kansas Association of Legal Assistants.

Mary Thomas appeared on behalf of the Kansas Paralegal Association and presented written testimony suggesting amendments to the resolution (Attachment #5). While in support of the resolution, the amendments were offered to broaden the recognition to include members of the Kansas and National Federation of Paralegal Associations. The testimony outlined roles and responsibilities of paralegals.

Representative Mays inquired about days set aside to honor other professions. In response to a question from him, Mary Thomas said KPA would not request a day of their own if the amendments were not adopted because the terms are use synonymously but said they would prefer the language be inclusive.

Jennifer Keller appeared representing the Federation of Paralegal Associations at the national level.

Hearing was closed on SCR 1639.

Hearing was opened on  
**HB 3016, Illegal storage of firearms**

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Representative Hermes presented the background on the bill. She provided copies of letters addressed to her by children (Attachment #6). Samples of safety locks were circulated for examination.

Information was presented from Linda DeCoursey, Director of Government Affairs for the Kansas Insurance Department (Attachment #7), from a 1997 report of the Journal of the American Medical Association and information from studies by the American Academy of Pediatricians on deaths from firearm injuries. In 1977 twelve states had made gun owners responsible for storing firearms in a manner inaccessible to children.

Sally Finney presented testimony in support of **HB 3016** on behalf of the Kansas Public Health Association (Attachment #8). She said HB 3016 addresses the need for gun owners who have children in their homes to store their guns in such a way as to reduce the chances of unintentional injury and death to those children. She said this proposal was the result of an effort by a variety of statewide organizations, including the Kansas State Nurses' Association, the Kansas Chapter of the American Academy of Pediatrics, and the Kansas Safe Kids Coalition. Her testimony included a video presentation.

Edward Rowe, a volunteer lobbyist, testified in support of the bill on behalf of the League of Women Voters (Attachment #9). He testified **HB 3016** is consistent with the national position statement of LWV that the proliferation of handguns in the United States is a major health and safety threat to its citizens.

Kelly Johnston, Chairperson of Safe State, presented testimony in support of the bill (Attachment #10). He presented statistics from the National Safe Kids Campaign.

Testimony in support of the bill was presented by Lori Thomas, community educator with the Center for Childhood Safety of Children's Mercy Hospital in Kansas City (Attachment #11). Her testimony included information on child deaths and she reviewed Child Access prevention laws in seventeen states.

Phyllis Larimore presented oral testimony in support of the bill agreeing with testimony already given.

Chairman Powell announced that the hearing would proceed with testimony from the opponents and would be continued on March 21 to hear from the remaining proponents.

Scott Hattrup presented written testimony in opposition to **HB 3016** (Attachment #12). He opposes the bill for three reasons: the bill addresses issues already covered in Kansas law; refuses to recognize the place of firearms in self defense, and creates a strict liability felony if a juvenile uses a firearm and someone is injured.

Paul Degener presented oral testimony in opposition to the bill. He described **HB 3016** as an attempt to provide a bandaid solution to multiple problems in society.

John Athan presented oral testimony in opposition to the bill. He was accompanied by his young son and in conversation with him reviewed his training in gun safety.

Chairman Powell asked those proponents who did not have an opportunity to testify today to attend the continuation of the hearing March 21 to testify in person or they can present written testimony.

The meeting adjourned at 3:15 p.m. The next scheduled meeting is March 21.