

MINUTES OF THE HOUSE FEDERAL & STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairperson Doug Mays at 1:40 p.m. on February 26, 2002 in Room 313-S of the Capitol.

All members were present except: Representative John Edmonds, Excused
Representative Tony Powell, Excused

Committee staff present: Mary Torrence, Revisor of Statutes
Russell Mills, Legislative Research Analyst
Shelia Pearman, Committee Secretary

Conferees appearing before the committee: Representative Mary Cook
Carla Mahany, Planned Parenthood, Kansas & Mid-Missouri
Barbara Duke, Kansas Choice Alliance
Representative David Huff
Representative Gerry Ray
Joan Bowman, Lenexa Mayor
Sue Wiens, President of Whispering Hills Home Association
Clint Riley, Kansas Department of Wildlife & Parks (KDWP)
Debbie Bielanski, Selective Service System, Region III
Colonel Adam King, Adjutant General's Office

Others attending: See attached list

Without objection, bill was introduced as requested by Representative Ruff revising Open Records Act to correspondence between members of the governing body of a political or taxing subdivision. [HB 3005]

Chairman Mays re-opened the hearing on HB 2797 - Unborn victims of violence act.

Representative Cook emphasized the Unborn Victims of Violence Act is necessary because a pregnant woman presents two living human beings who can be crime victims. (Attachment #1) In March 2001, the Journal of American Medical Association revealed that pregnant women are often the targets of violence specifically because they are pregnant.

Ms. Duke opposed **HB 2797** citing it is an attempt to undermine women's reproductive freedom. (Attachment #2) She also requested her opposition to **HB 3000** be noted and referenced her submitted testimony. (See February 25, Attachment #?)

Ms. Mahany opposed **HB 2797** citing Kansas's attempt to redefine conception is unrecognized by the American Medical Association or the American College of Obstetricians and Gynecologists (ACOG). She referenced a statement in the ACOG dictionary: "The standardization of terms and definition is essential to communication and reporting in all branches of medicine." She also emphasized the Supreme Court's decision in *Roe v. Wade* ruled the word "person" as used in the Fourteenth Amendment does not include the unborn. She submitted supporting testimony which opposed S.480/H.R. 503 (Attachment #3) **The hearing on HB 2797 was closed.**

Chairman Mays opened the hearing on HB 2816 - Sport shooting ranges; regulation of.

Representative Huff sponsored this bill which would restore local control to a city or county. He urged the committee to support **HB 2816** because this statute causes cities particular concern by establishing special treatment for a special land use, exempting it from the city's exercise of its police powers in regulating inherently dangerous and harsh land use and departed from the basic foundation of local home rule. (Attachment #4)

Representative Ray expressed her concern that 2001's legislation permits shooting ranges to be unregulated by local governments and urged the committee to provide local regulatory power for protection of its residents and their property. (Attachment #5)

Mayor Bowman expressed opposition to **HB 2816** due to this new legislation effectively permits many gun clubs to operate without any noise, regulation, and while doing so, be immune from suit. (Attachment #6) She also cited a prohibition on the use of eminent domain on property that has a permanently located shooting range when such use for which the property to be taken would be used fro shooting related activities, recreational activities, or for private or commercial development.

Ms. Jacquot clarified the legislation's history which was heard as **HB 2558** but was amended as **SB 180** before signed as law. (Attachment #7) She stated this repeal is provides return to local governance the ability to deal with specific business that cause a safety or health issue. She views this as unnecessary legislation and urged the committee to remove a law which permits nuisances that may adversely affect the health, safety or welfare of the public.

Ms. Wiens expressed her support for **HB 2816** as representative fore 200+ residents in the association because of the long term coexistence no local control over their operation. No rules and regulations have been provided to the association. Her primary concern is with removal of local authority and controls due to the 2001 revision to K.A.R. 115-22-1, the peaceful coexistence which has existed for numerous years could easily change with a potential change in the shooting range's administration. (Attachment #8)

Mr. Riley rose in opposition of **HB 2816** due to supporting last year's legislation however he emphasized the issue of home rule is not being addressed by his agency. (Attachment #9) He expressed the need to provide shooting ranges and hunting opportunities for public recreation. Following three public meetings, Wildlife and Parks Department drafted regulations which were adopted and published in the Kansas Register and news releases as with all other notifications. Mr. Riley informed the committee of the complaint process and the Department's review of generally accepted operating practices. Because the Department was unaware this legislation was specifically addressing the Lenexa situation, he will forward the regulations to both the Mayor's office and the Home Association.

Representative Wilson informed the committee a shooting range in the City of Pittsburg was closed due to zoning issues. He asked for clarification regarding hunting preserves which Mr. Riley stated are not clearly defined in relation to this proposed legislation.

Representative Ruff provided operating hours to the committee Tuesdays 10 a.m.-10 p.m. Friday 10 a.m.-9 p.m. and Saturday/Sunday 10 a.m. - 5 p.m. Representative Cox noted that during the past 10 years no one has appeared from a shooting range to testify and emphasized that local control is vital important to maintain. The hearing on HB 2816 was closed.

Chairman Mays opened the hearing on HB 2823 - Driver's licenses or identification cards, selective service requirements. Representative Cook stated the National Guard requested this legislation and acknowledged Mr. Ernest Garcia, National Guard State Director in the audience.

Ms. Bielanski urged the committee to support this legislation so that our military remains strong and prepared. When registration was instituted by President Carter in 1980, the Selective Service System has been registering. She clarified all males between 18 and 26 are required to register with no additional windows of opportunity to register later in life, thus would not qualify for federal educational funding, job training and other programs. She stated only 74 percent of Kansas males currently register by their within 30 days of their eighteenth birthday. Similar legislation has already been passed by fifteen states with other states currently reviewing this legislation. She clarified that federal law does not require females to register. (Attachment #10)

Colonel King clarified that the Adjutant General's office did not sponsor this bill because it will have no statutory responsibility upon the department. A three-person detachment within the State is charged with implementing the draft should it ever be required.

Ms. Walker stated her department already has cooperative agreement to provide bi-annual updates to the Selective Service, therefore she expects a minimal amount of additional time/costs in order to meet requirements. (Attachment #11)

The hearing on HB 2823 was closed.

Representative Cook moved that the committee recommend HB 2823 favorable for passage. Representative Williams seconded the motion. The motion passed with Representative Cox requested to be recorded in opposition.

Chairman Mays requested attention to **HB 2195 - Cereal malt beverages; sale of, Sundays.**
Representative Benlon moved that the committee recommend HB 2195 favorable for passage. Representative Cox seconded the motion. The motion failed.

The committee meeting adjourned at 3:08 p.m. The next scheduled meeting is March 6, 2002.