

SESSION OF 2015

**SECOND CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2331**

As Agreed to May 30, 2015

Brief*

HB 2331 would make changes to laws regulating firearms. Specifically, the bill would make changes to statutes concerning eligibility for concealed carry licenses and to statutes concerning local regulation of firearms and ammunition.

Eligibility for Concealed Carry Licenses

The bill would amend a statute governing who is eligible for a concealed carry license by removing a provision, passed by the 2014 Legislature, that permanently prohibits persons convicted of certain crimes from qualifying for a concealed carry license. The changes made by the bill would prohibit a person from obtaining a concealed carry license for a length of time after a conviction, as specified by federal or state law, but would not necessarily place a permanent prohibition on the individual obtaining a concealed carry license.

Local Regulation of Firearms and Ammunition

The bill would add language to current law limiting local regulation of firearms and ammunition. The bill would add ordinances, resolutions, regulations, and administrative actions governing the requirement of fees, licenses, or

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

permits for commerce in or the sale of firearms or ammunition to the list of actions prohibited by local government entities. (Current law prohibits local government entities from enacting ordinances, resolutions, regulations, or administrative actions governing the purchase, transfer, ownership, storage, carrying, or transportation of firearms and ammunition.) The bill would specify that nothing would prevent cities or counties from levying and collecting any retailers' sales tax on the sale of firearms, ammunition, or both, as authorized by existing statute.

The bill also deletes language limiting local regulation of federal firearms dealers to reflect the new language proposed by the bill, which more broadly addresses issues related to regulation of federal firearms dealers.

Conference Committee Action

The second Conference Committee deleted the contents of HB 2331 and inserted some provisions of HB 2074, as introduced, and all of the provisions of HB 2087, as amended by the House Committee on Federal and State Affairs. The original contents of HB 2331 related generally to liquor laws (modified provisions of HB 2331 were inserted into the Conference Committee Report for HB 2223).

The Conference Committee did not include a provision of HB 2074 that would have repealed KSA 2014 Supp. 21-6309, concerning the crime of possessing a firearm on certain government property. This provision and conforming amendments were not included in this Conference Committee Report because a provision in SB 45, which was passed into law earlier in the 2015 legislative session, created an exemption from criminal liability in the statute for anyone possessing a firearm on certain government property if that individual was not prohibited from possessing a firearm under state or federal law. Because of the exemption created by 2015 SB 45, the Conference Committee determined that no

further change to the statute concerning possession of a firearm on certain government property was necessary.

Background

HB 2074

At the hearing on HB 2074 in the House Committee on Federal and State Affairs, Representative Couture-Lovelady and a representative from the Kansas State Rifle Association appeared in support of the bill. Written testimony in favor of the bill was submitted by a representative from the National Rifle Association of America. No neutral or opponent testimony was presented.

The fiscal note prepared by the Division of the Budget states the Office of the Attorney General (Office) indicates it is possible the bill would result in a small increase in concealed carry license applications by individuals who are ineligible for the license under the current law, but would be eligible under the provisions of the bill. The Office indicates the bill also would result in a small increase in revenue to county sheriffs who accept initial permit applications and the bill may result in fewer administrative appeals, but a precise fiscal effect cannot be determined. Any fiscal effect associated with the bill is not reflected in *The FY 2016 Governor's Budget Report*.

HB 2087

At the hearing on HB 2087 in the House Committee on Federal and State Affairs, testimony in favor of the bill was provided by representatives of the Kansas State Rifle Association, the National Rifle Association of America, and one citizen. The conferees testified the changes proposed by the bill were intended to make the exemptions from local control for federal firearms dealers the same as the more

general exemptions from local control contained elsewhere in the law.

A representative of the Kansas Association of Counties provided written neutral testimony on the bill, expressing concern about how the bill would affect cities' and counties' abilities to collect sales taxes on firearms and ammunition.

No testimony in opposition was presented.

The House Committee amended the bill by adding ordinances, resolutions, regulations, and administrative actions to the list of actions prohibited by local government entities relating to commerce in or the sale, permitting, licensing, or taxation of firearms or ammunition. The Committee also added language specifying that nothing prohibited cities and counties from levying and collecting retailers' sales tax on the sale of firearms and ammunition.

The fiscal note prepared by the Division of the Budget on the bill, as introduced, states the League of Kansas Municipalities (League) indicates the bill would remove a source of revenue from fees. The League also indicates some cities would be required to adopt new ordinances, creating costs of publication fees and additional staff time.

The Office of the Attorney General indicates if requests for formal interpretations of the effects of amendments to concealed carry law continue to grow, the Office may need an additional attorney to handle the increased work load. Any fiscal effect associated with the bill is not reflected in *The FY 2016 Governor's Budget Report*.

Firearms; concealed carry; local governments

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