

Approved: 3/24/99
Date

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRS.

The meeting was called to order by Chairperson Representative Susan Wagle at 1:30 P.M. on March 23, 1999 in Room 313-S of the Capitol.

All members were present except: Reps. Burroughs, Mayans, & Ruff, all excused

Committee staff present: Theresa Kiernan, Revisor of Statutes
Russell Mills, Legislative Research
Judy Swanson, Committee Secretary

Conferees appearing before the committee: Trey Owston, State Lodge, FOP
State Senator Anthony Hensley
Pat Lehman, Kansas Fire Service Alliance
Jerry Marlett, Kansas State Council of Firefighters

Others attending: See attached list

Hearing was opened on **HB 2541**, Authorizing retired law enforcement officers to carry concealed weapons.

Steve Kearney, Fraternal of Police, introduced 40 members of various law enforcement agencies across the State who were in attendance.

Trey Owston, President of the Fraternal Order of Police, Kansas State Lodge, testified in favor of **HB 2541**. (Attachment #1) He shared several personal experiences he has had as a law enforcement officer. He said as a career police officer he was given the necessary tools to perform his job, one being a weapon. After retirement his life will still be at risk because of his actions as an officer. He supported the balloon amendment submitted by the Revisor's Office. He is in strong support of the continuing firearms training.

He answered Committee members questions. This bill would not protect a retired officer if he moved out of state. Retired officers in this bill refers to officers who retire after 20 years of service and after a certain age. He said it was not his intent to have this bill apply to retired officers from other states who retire in Kansas, however he would not have a problem including them in the bill. He said retired officer credentials usually consist of a card and/or badge. He said he did not know how many retired officers have run into problems after retirement. Rep. Faber said he has a problem making any exceptions for concealed carry. Private investigators are allowed to carry concealed weapons with proper licensing, but they would not be covered under this bill. Owston said as a law enforcement officer and as a private citizen he was in favor of concealed carry for all citizens if they qualify. He opposed a background check for officers because retired officers are trained professionals. Presently there is a requirement in most police departments that state if an officer is convicted of domestic violence, they lose their right to carry a weapon, therefore lose their job.

The hearing was closed on **HB 2541**.

Hearing on **SB 72**, memorial for Kansas firefighters on state capitol grounds, was opened.

State Senator Anthony Hensley, sponsor of **SB 72** testified in favor of the bill. (Attachment #2)

Pat Lehmann, Kansas Fire Service Alliance, testified in favor of **SB 72**. (Attachment #3) He said construction of the memorial would be paid for through grants and gifts. The fiscal note would be \$1,000 to \$2,000 annually for upkeep.

Kevin Cruse, Battalion Chief of Parsons Fire Department, testified that by tradition firefighters have a history of honoring their fallen comrades. (Attachment #4)

Jerry Marlett, Kansas State Council of Firefighters, and an active firefighter, strongly urged the Committee to pass **SB 72**.

Bill Groth, State Architect, said he is not against honoring fireman who were killed in the line of duty, however he is concerned about where the line would be drawn for future memorials on the statehouse grounds. He does not envision the statehouse grounds becoming a memorial garden. A master plan for the capitol and the grounds will be done this summer. Some restraints at some point must be made for memorials. In answer to Rep. Dahl, Groth said there had been some requests for memorials turned down. He felt it would be more appropriate to have this bill implemented under the Department of Administration rather than under Architectural Services. If this bill were passed the memorial would still need the approval of the Capital Area Plaza Authority.

The hearing was closed.

Chair Wagle announced the Committee would meet during the House lunch break tomorrow to hear two bills and to take action on **SB 238**, autopsies of persons who have died while in custody, and **SB 19**, Kansas commission on veterans affairs, state system of veterans cemeteries.

The meeting adjourned at 2:35 P.M.

HOUSE FEDERAL & STATE AFFAIRS

GUEST LIST

DATE: 03-23-99

NAME	REPRESENTING
Bill Groth	Statehouse Architect
STEVE KEARNEY	FRATERNAL ORDER OF POLICE
F.K. Tracy Dwyer	Fraternal order of Police
Will Dickey	Fraternal order of Police
BRIAN TRZOK	FRATERNAL ORDER OF POLICE
DAVID ADAM	FRATERNAL ORDER POLICE #4
Richard Kellogg	Fraternal Order of Police
Alex Kotyants	Self
BRENT BAKER	FRATERNAL ORDER of Police
Don Winkler	FRATERNAL ORDER OF POLICE
TIM MARBLE	FRATERNAL ORDER OF POLICE #42
JEFF W. HAGERMAN	FRATERNAL ORDER OF POLICE #42
KARL R. SCHUBERT	FRATERNAL ORDER OF POLICE #42
James Tavis	Fraternal order of Police #42
Jim Lubbers	Parsons Fire Dept + SE Troop KSFAA
Tim Hay	Parsons Fire Dept
SHAW REYNOLDS	FRATERNAL ORDER OF POLICE #44
PATRICK BOWCARD	FRATERNAL ORDER OF POLICE #44
CHAD RAMEY	FRATERNAL ORDER OF POLICE #44

HOUSE FEDERAL & STATE AFFAIRS
GUEST LIST

DATE: 03-23-99

NAME	REPRESENTING
Russ Van Ness	F.O.P. Lodge #44 / Olathe, KS
Todd Murrainen	FOP Lodge #44 / Olathe, KS
Derk A. Blaylock	Intern for Bill Speed
JERRY MARLATT	KSCFF
Ed Rodman	" "
RONALD D. KURTZ	KANSAS STATE TROOPERS ASSOCIATION
Kewan Lager	FOP #5 Wichita
Lenny W. Rose	F.O.P. #5 Wichita, KS
CHESTER L. PINNSTON, JR.	FOP LODGE #5 WICHITA, KS.
Ken Hanson	USD 384
Greg Hill	Federal Consulting



Fraternal Order of Police

Kansas State Lodge



Testimony of Trey Owston, President
Fraternal Order of Police, Kansas State Lodge
March 23, 1999

Prepared for the House Federal and State Affairs Committee
Concerning House Bill 2541

Madam Chair and members of the House Federal and State Affairs Committee:

Thank you for introducing House Bill 2541 and affording us this opportunity to appear and give testimony. I am Trey Owston, President of the Fraternal Order of Police, Kansas State Lodge. The State Lodge has a combined membership of over 2000 street officers across the state.

We have requested your consideration of the concept embodied in House Bill 2541 to protect law enforcement officers that have served the citizens of the State of Kansas at great personal risk for an entire career. Law enforcement officers take part in the arrest of hundreds of criminals during their career. The arrests involve the resulting incarceration of many dangerous individuals; many of which are released from prison following the arresting officer's retirement.

Most law enforcement officers have worked their entire career in one community and are readily identified by the criminals they have arrested over the course of their tenure. Many of us will be engaged in the arrest and apprehension of criminal suspects the very day before we retire. We are called upon to physically confront and apprehend an increasingly younger, stronger and more violent criminal population than ever before. The legacy we leave behind when we retire from law enforcement is one of positives for the community we have served. However, we also leave behind angry criminals who would often times love the opportunity for retribution against us.

Upon retirement, many of us still have young families at home. As active duty law enforcement officers we feel we are afforded the tools to protect them. Once we retire, and are stripped of these tools, these angry criminals can find us easy prey. We are asking you to allow us to continue the privilege to carry a concealed firearm after our retirement, for our protection and that of our families, from the element we have protected you from during our careers.

*House Fed + State
03-23-99
Attachment #1-1*

The bill as it appears before you does not contain all the elements we requested when you graciously approved its introduction. The Revisor has a balloon amendment that addresses the elements left out of the bill inadvertently that require the following safeguards for the citizens of the State:

1. Continued annual qualification by the retired officer with the department from which he or she retired to assure ongoing firearms proficiency, and;
2. Should the retired officer move to another jurisdiction in Kansas, require that he or she report to the Chief of Police and/or the Sheriff in that jurisdiction to inform local law enforcement that the retired officer does exercise use of the privilege this measure creates.

I would ask that you adopt the balloon amendment, and that you pass this measure out favorably. Please allow those who have served as the front line in the war against crime in the State of Kansas to continue to protect themselves and their families from those who would do them harm as a result of their service.

State of Kansas

Senate Chamber

ANTHONY HENSLEY
STATE SENATOR, NINETEENTH DISTRICT
SHAWNEE, DOUGLAS & OSAGE COUNTIES

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LEGIS. POST AUDIT
STATE FINANCE COUNCIL
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WORKERS COMPENSATION
FUND OVERSIGHT

House Committee on Federal & State Affairs

Senate Bill No. 72

March 23, 1999

Representative Wagle and Committee Members:

I testify today in support of Senate Bill No. 72, a bill which would authorize a memorial to Kansas firefighters who were killed in the line of duty.

As you know, located on the grounds of our state capitol is a law enforcement memorial honoring those who have lost their lives in the line of duty. This bill authorizes the placement of a firefighters memorial on the northeast section of the grounds at a site to be selected by the Director of Architectural Services.

The firefighters memorial shall be approved and maintained by the Director with the assistance of the State Fire Marshal. Because the memorial will have inscribed upon it the names of firefighters who were killed in the line of duty, the State Fire Marshal must notify the Secretary of Administration no later than March 15th of each year of firefighters who were killed during the preceding year.

This bill establishes the Kansas Firefighters Memorial Fund and allows the Secretary of Administration to receive any grants, gifts, contributions, or bequests made to assist in the funding of the construction and upkeep of the memorial. All expenditures from this fund must be authorized by the eight-member Kansas Firefighters Memorial Advisory Committee.

*House Fed + State
03-23-99
Attachment #2-1*

The Advisory Committee shall be comprised of the State Fire Marshal and seven appointments by the Governor, each of which would represent the following organizations:

Kansas State Firefighters Association
Kansas State Association of Fire Chiefs
Kansas Professional Fire Chiefs Association
Kansas Council of Firefighters
Fire Education Association of Kansas
Kansas Chapter of the International Association of Arson Investigators
Fire Marshal's Association of Kansas

I urge you to support Senate Bill No. 72, and help us memorialize the many Kansas firefighters who have made the ultimate sacrifice to ensure the safety of our citizens. I thank you for allowing me the time to testify and I am open to answer any of your questions.

TESTIMONY BEFORE THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

March 23, 1999

by Patrick Lehman, representing the Kansas Fire Service Alliance

By tradition, fire fighters have a history of honoring fallen comrades. The impact of losing a fire fighter is devastating to the fire department members and their communities. A memorial would recognize the sacrifice of these individuals, a place where the individual can be remembered and the proud heritage of the Fire Service can be recalled. The families and friends of the fallen fire fighter would have a sense of comfort knowing that respect was shown for their sacrifice.

The State of Kansas needs to take its rightful place in honoring the fallen Kansas fire fighters. Senate Bill 72 would do this.

Senate Bill 72 allows for the design and construction of a memorial on the Capital Grounds to the Kansas fire fighters who have lost their lives in the line of duty. It allows for a nine-member advisory committee to be appointed by the Governor. The members of the committee will be chosen from eight established fire groups and the executive director of the state historical society. The committee shall be advisory to the director of architectural services and the secretary of administration. The advisory committee may solicit grants, gifts, contributions and bequests for the memorial.

The impact fire fighters have on our daily lives is often not thought of until tragedy affects us. We need to honor those who answered their final call. The Kansas Fire Service Alliance supports SB 72 and ask that you pass this bill out favorably.

Pat Lehman

Pat Lehman

*House Fed + State
03-23-99
Attachment #3*

Written Testimony to the
House of Representatives

Senate Bill 72 Firefighter Memorial

By tradition, firefighters have a history of honoring fallen comrades. The National Fire Academy in Emmitsburg, Maryland, hosts the National Fallen Fire Fighters Memorial.

The State of Kansas needs to take its rightful place in honoring the fallen Kansas firefighters.

The impact of losing a firefighter is devastating not only to fire department members, but members of their community as well. Our department and community has just endured such a loss.

A memorial would recognize the sacrifice of these individuals, a place where those persons can be remembered and the proud heritage of the fire service can be recalled. The Parsons Fire Department would consider it a privilege to have Norman Almond and Craig Brown listed on such a memorial.

The families and friends of the fallen firefighters would have a sense of comfort knowing that respect was shown for the firefighters sacrifice that went above and beyond the call of duty.

The impact firefighters have on our daily lives is often not thought of until tragedy affects us. We are here to support Senate Bill 72 and honor not only our two firefighters, but all who have answered their final call.

Kevin Cruse, Battalion Chief
Parsons Fire Department

*House Fed + State
03-23-99
Attachment #4*