

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman John Edmonds at 1:30 P.M. on March 9, 2006 in Room 313-S of the Capitol.

All members were present.

Committee staff present:

Athena Andaya, Kansas Legislative Research Department  
Dennis Hodgins, Kansas Legislative Research Department  
Mary Torrence, Revisor of Statutes Office  
Carol Doel, Committee Secretary

Conferees:

Others attending:

See attached list.

Chairman Edmonds opened the floor for bill introduction. There were none.

The committee's attention was directed to **HB 2754** - Miki's law; establishment of registry of persons convicted of felonies using deadly weapon.

Representative Siegfroid made a motion to pass **HB 2754** favorable for passage and placement on the consent calendar. Representative Johnson seconded the motion. Motion passed.

Committee consideration was given to **HB 2345** - Kansas state high school activities association; prohibiting the limitation of student participation in certain sports.

Representative Kinzer made a motion to substitute the language from **SB 317** into **HB 2345**. Representative Brunk seconded the motion. Motion passed.

Representative Kinzer made a motion to move bill favorable as amended. Representative Brunk seconded the motion. Bill was amended.

Representative Kinzer made a motion to pass the amended **HB 2345** favorable for passage. Representative Brunk seconded the motion.

Representative Burroughs offered a conceptual substitute motion that the amended bill would basically state that participants in non-school swimming or diving athletic training be disqualified as an athlete from competing in high school tournaments or state sanctioned events. Representative Dillmore seconded the motion. Motion failed.

Chairman Edmonds returned to the motion by Representative Kinzer to pass the amended **HB 2345** out favorable for passage. This motion was seconded by Representative Brunk. Motion passed.

Representative Burroughs wished to be recording as voting nay.

The Chairman opened the floor for discussion on **HB 2912** - promotion obscenity; deleting provisions concerning devices promoted to emphasize their sexually provocative aspects.

Representative Kelsey made a motion to move **HB 2912** favorable for passage. The motion was seconded by Representative Myers.

Representative Mah made a motion to table **HB 2912**. Representative Cox seconded the motion. Motion failed.

Returning to the original motion by Representative Kelsey to move **HB 2912** favorable for passage and seconded by Representative Myers, vote was taken and motion passed.

CONTINUATION SHEET

MINUTES OF THE House Federal and State Affairs Committee at 1:30 P.M. on March 9, 2006 in Room 313-S of the Capitol.

Chairman Edmonds opened the floor for discussion on **HB 2577** - use of deadly force to protect persons and property, when justified.

Representative Burroughs moved that **HB 2577** be passed out favorable for passage and be placed on the consent calender. Representative Brown seconded the motion.

Representative Dillmore made a substitute motion to strike the language on page 2, lines 21 through 35 from **HB 2577**. The motion was seconded by Representative Mah. Motion failed.

Representative Dillmore wished to be recorded as voting aye.

Representative Dillmore made a substitute motion to **HB 2577** page 2, lines 37-41 to return to the original statute. Representative Mah seconded the motion. Motion failed.

Representative Dillmore made a conceptual motion to entitle **HB 2577** as the "shoot first act". Representative Mah seconded the motion. Motion failed.

Representative Dahl wished to be recorded as voting nay.

Representative Brunk made a substitute motion that **HB 2577** not be placed on the consent calendar but moved out favorable for passage. Representative Siegfried seconded the motion.

Representative Brunk withdrew his substitute motion.

Representative Kinzer offered a balloon to amend **HB 2577** New Section 1, line 18-19 by striking "**in the process of**"; Page 2, New 3, line 31 by striking "**that the force used was unlawful**" and replacing with "**for the arrest**"; Page 3 Section 4 line 4 by striking "**or to prevent the imminent commission of a forcible felony**"; Page 3, Section 5, line 14 by striking "**to prevent the imminent commission of a forcible entry**"; Page 3, Section 6, line 30 by striking "**to prevent the imminent commission of a forcible felony.**" Representative Ruff seconded the motion. Motion passed.

Representative Mah made a conceptual motion to amend **HB 2577** by removing all of the language having to do with vehicles and limiting to a person's home and place of business. Representative Miller seconded the motion. Motion failed.

Representative Mah wished be recorded as voting aye.

Representative Melody Miller wished to be recorded as voting aye.

Chairman Edmonds recessed the meeting until 5:00 in Room 519 South at which time the committee would revisit **HB 2577**.

FEDERAL AND STATE AFFAIRS COMMITTEE  
THURSDAY, MARCH 9<sup>TH</sup>  
5:00 P.M. - ROOM 519-S

Chairman Edmonds opened the meeting to revisit **HB 2577** - use of deadly force to protect persons and property, when justified.

Representative Kinzer offered an amendment to **HB 2577**. with the amendment being on Page 3, Section 6, Line 30. and would remove "**to prevent the imminent commission of a forcible felony**" and replace those words with "**eminent death or great bodily harm to such person or third person**". Representative Oharah seconded the offered amendment. Motion adopted.

Representative Mah moved to strike the words "**compensation for loss of income from**" Page 2, Line 32-33 from **HB 2577**. Representative Kinzer seconded the motion. Motion adopted.

CONTINUATION SHEET

MINUTES OF THE House Federal and State Affairs Committee at 1:30 P.M. on March 9, 2006 in Room 313-S of the Capitol.

Representative Ruff moved that **HB 2577** be moved favorable for passage as amended. Representative Kinzer seconded the bill. Motion passed.

Representative Miller is recorded as voting no.  
Representative Mah is recorded as voting no.

Chairman Edmonds opened the meeting for discussion on **HCR 5040** - Eminent domain; proposed constitutional amendment restricting government authority to take property.

Representative Burroughs made a motion to table **HCR 5040**. Representative Loganbill seconded the bill. Motion failed.

Representative Myers moved that **HCR 5040** be moved out favorable for passage. Seconded by Representative Dahl.

Representative Brunk made a conceptual substitute motion to amend **HCR 5040** which would insert language which would require the entity taking property to transfer the portion that is unused back to the person from who the property was taken. Representative Siegfried seconded the motion.

Strike everything on page 1 line s22 through 27 and insert from the Castle Coalition the first full sent from the top of page 2. And then from Frank Miller's 2<sup>nd</sup> balloon

Representative Brunk withdrew his substitute motion.

Representative Kinzer made a motion to strike everything on Page 1 Lines 22 through 27 and insert from the Castle Coalition the first full sentence from the top of Page 2 as well as from Frank Miller's 2<sup>nd</sup> balloon.

Chairman Edmonds returned to the base resolution and made the decision to withdraw **HCR 5040** from further consideration until the balloon was prepared for the committee to review.

Meeting was adjourned.

