

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Arlen Siegfroid at 1:30 P.M. on March 13, 2008, in Room 313-S of the Capitol.

All members were present except: Representative Mike Peterson - excused
Representative Benjamin Hodge
Representative Dale Swenson

Committee staff present:

Dennis Hodgins, Kansas Legislative Research Department
Mike Heim, Revisor of Statutes Office
Jason Long, Revisor of Statutes Office
Jeannie Dillon, Committee Assistant

Conferees:

Robert Waller, Chief Administrator of Emergency Medical Service
Representative Candy Ruff
Representative Janice Pauls
C. W. Klebe, Office of the Attorney General
Jordan Austin, National Rifle Association
Tim McGill, Business owner
Aaron Einsel, Business owner
Darin Reiss, FFL

Others attending:

See attached list.

The meeting was called to order by Chairman Siegfroid at 1:30.

The Chair opened the public hearing for **SB 514 - Emergency medical services board, authority to grant exemptions or waivers to rules and regulations in certain circumstances.**

Mr Robert Waller, Chief Administrator of Emergency Medical Services, appeared before the Committee as a proponent to the bill. In his testimony, Mr. Waller said that this bill is to allow variances in procedures in emergency conditions such as the Greensburg tornado disaster . (Attachment 1)

With no one speaking against the bill, the hearing was closed by the Chair. Representative Olson moved that SB 514 be passed out favorably and be put on the consent calendar. The motion was seconded by Representative Huebert. The motion passed.

Chairman Siegfroid opened the public hearing on **HB 2818 - Expungement; persons applying for a concealed carry permit; disclosure of criminal history.**

Mike Heim gave a briefing on **HB 2818** and **HB 2819**.

Candy Ruff stood as a proponent of **HB 2818**. She explained that when the bill was drafted through the Revisor's office, some of the Committee wanted to take another look at expunged records for permit holders and realized that important language was inadvertently omitted. She asked that a conceal carry permit be granted to a person that has been expunged for five years before the date of application for the permit. She stated that judges do not grant expungement unless the prosecuting or district attorney recommends it in the most strident terms. (Attachment 2)

C. W. Klebe, Assistant Attorney General of the Concealed Carry Unit stood in support of **HB 2818**. Mr. Klebe stated that the **HB 2818** corrects an unintended scrivener's error which accidentally omitted important language within these statutes as they pertain to concealed carry licensing. He stated that the Attorney General's Office would remain neutral on the amendment until they had time to study the balloon. (Attachment 3)

CONTINUATION SHEET

MINUTES OF THE House Federal and State Affairs Committee at 1:30 P.M. on March 13, 2008, in Room 313-S of the Capitol.

The Chairman asked if he would give his view on the bill after it was amended. After looking at the amended bill, he opined that he thought that the department would stay neutral on **HB 2818**.

Representative Pauls spoke as a proponent of the bill and offered a balloon to the bill. Representative Janice Pauls proposed an amendment to **HB 2818**. She stated that the crime in the expunged record would not have been a crime that would have affected concealed carry permit and the Attorney General's office would not have the record. If the prosecutor or district attorney has any question if a crime should be expunged, usually the record is not expunged. (Attachment 4)

The Chairman asked Representative Pauls and Representative Ruff to work with the Attorney General's office to get a solid opinion on the amendment as quickly as possible. Mr. Klebe stated that having read the amendment, he thought that the Attorney General's office would remain neutral to the bill.

Phil Journey spoke to the Committee and answered questions regarding expungement and crimes that can never be expunged.

Written testimony was submitted by Ed Klumpp, representing the Kansas Association of chiefs of Police, in opposition to **HB 2818**. (Attachment 5)

The Chairman closed the hearing on **HB 2818** and opened the hearing on **HB 2819 - Criminal use of weapons; allowing persons in compliance with the national firearms act to possess and sell silencers and automatic weapons.**

Jordan Austin, National Rifle Association of America, stood in full support of **HB 2819**. Mr. Austin stated that this important legislation, if passed, will bring Kansas in line with other states. The individual who posses these firearms are the most law abiding citizens in the country. He stated that firearms described in **HB 2819** are hardly ever used in crimes. There have been only 2 reported crimes committed with any class III firearms since the federal bill was signed into law in 1946. (Attachment 6)

Tim McGill, businessman, addressed the Committee as a proponent to **HB 2819**. He explained that under present law, motion picture and theatrical producers who possess machine guns and short barreled weapons could not come to Kansas, operate in Kansas, or even travel through Kansas as transporting these weapons in this state is illegal except "transportation to law enforcement." In conclusion, he stated that **HB 2819** would clarify Kansas law on the subject of machine guns and short-barreled shotguns and allow him to continue to base his business in the state where he lives. (Attachment 7)

Darin Reiss, Kechi Police Officer and gun dealer, came before the Committee as a proponent to **HB 2819**. Mr. Reiss stated that the law enforcement agency does not require a local class 3 dealer to purchase NFA firearms. However, they generally prefer to "demo" several models before making a purchasing decision. He explained the process of purchasing these weapons and told the Committee that the process takes about 6 months. (Attachment 8)

Aaron Einsel, owner of Aaron's Guns, stood as a proponent to **HB 2819**. He told the Committee that he had been a dealer of these firearms for 20 years. During this time, he has successfully served the special needs of a number of police departments in our state. When called upon by the chief of police, usually working with input from his firearms training staff or SWAT teams, Mr. Einsel delivered, demonstrated and sold specific automatic firearms and suppressors at their request. He urged the Committee to adopt the language of **HB 2819** which will allow him to continue to serve the needs of law enforcement agencies in Kansas. (Attachment 9)

Scott Hattrup, Johnson County attorney and resident, came before the Committee to speak as a proponent to **HB 2819**. He related that in order to function, under the Attorney General's opinion, his client could not maintain an inventory in this State. He discussed his client's dilemma trying to run his business in Kansas. (No written testimony submitted)

CONTINUATION SHEET

MINUTES OF THE House Federal and State Affairs Committee at 1:30 P.M. on March 13, 2008, in Room 313-S of the Capitol.

Written Testimony of proponents of **HB 2819**:

Ed Klumpp (Attachment 10)

Ian Falks (Attachment 11)

Michael Desmarteau, Retired Police Officer (Attachment 12)

Nick Holzrichter - Police Officer (Attachment 13)

Brandon Hosheit (Attachment 14)

Chairman Siegfried closed the hearing on **HB 2819** and adjourned the meeting. The next meeting will be on March 17, 2008, in room 313-S at 1:30 pm.



KANSAS

DENNIS ALLIN, M.D., CHAIR
ROBERT WALLER, CHIEF ADMINISTRATOR

KATHLEEN SEBELIUS, GOVERNOR

BOARD OF EMERGENCY MEDICAL SERVICES

Testimony

Date: March 13, 2008
To: House Federal and State Affairs Committee
From: Robert Waller, Chief Administrator
RE: Senate Bill 514

Chairman Siegfried and members of the House Federal and State Affairs Committee, thank you for the opportunity to provide testimony on the Senate Bill 514, my name is Robert Waller and I am the Chief Administrator for the Kansas Board of Emergency Medical Services (KBEMS).

During the December 2007 KBEMS Board meeting, the Attorney General's (A.G.) office informed the Board that it did not have the statutory authority to issue or adopt a variance regulation. However, it was approved and in place. The AG's office advised the Board that any changes to this regulation will not be approved due to lack of statutory authority. In the past, the Board has granted variances in allowing on-line paramedic classes, recognition of education standard equivalent to Kansas standards, and rules and regulations relating to records, equipment, staffing during the Kiowa County (Greensburg) disaster. The Board believes it has utilized the regulation wisely, however is in "legal" limbo due to the lack of a statutory authority.

Amendments

None. The Board concurs with the amendments made by the Senate Committee on Federal and State Affairs.

Conclusion

The passage of Senate Bill 514 is truly a technical adjustment bill. The current rule and regulation has allowed the Board to assist EMS Services due to hardships without endangering the public. KBEMS would request favorable passage of the bill, and I will stand for any questions you may have.

House Fed and State Committee
March 13, 2008

Attachment /

STATE OF KANSAS



TOPEKA

HOUSE OF
REPRESENTATIVES

L. CANDY RUFF
REPRESENTATIVE FORTIETH DISTRICT
LEAVENWORTH COUNTY
321 ARCH
LEAVENWORTH, KANSAS 66048
(913) 682-6390

STATE CAPITOL, ROOM 278-W
TOPEKA, KANSAS 66612-1504
(785) 296-7647
E-MAIL: Ruff@house.state.ks.us

COMMITTEE ASSIGNMENTS
RANKING MINORITY MEMBER:
BUSINESS, COMMERCE & LABOR
FEDERAL AND STATE AFFAIRS
TOURISM AND PARKS
JOINT COMMITTEE ON ADMINISTRATIVE
RULES AND REGULATIONS
JOINT COMMITTEE ON ARTS AND
CULTURAL RESOURCES

To: House Committee on Federal and State Affairs

From: Rep. L. Candy Ruff

Re: HB 2818

Date: March 13, 2008

Among the many issues discussed in the years leading to passage of conceal carry in Kansas, allowing Kansans with expunged criminal records to seek permits often found its way into our discussions. Wanting to follow a more cautious path in drafting the legislation that would eventually become law, the chief sponsors and myself decided to exempt those with any type expunged record. However, in the subsequent changes that occurred just after the bill was passed, a technical error took place in the drafting sequence. It seemed unclear whether the Attorney General's office had permission to deny permits based on expunged records. Clearing up that ambiguity was the initial reason for drafting HB 2818.

Fortunate for me, Rep. Jan Pauls volunteered to steer the bill's drafting process through the Revisor's office. Because those of us who wanted to take another look at expunged records for permit holders knew our proposal would be a change in existing policy, Rep. Pauls' input was important. But no one is perfect and after the bill was in print, it was discovered that the most important language was inadvertently omitted.

Rep. Pauls' testimony will follow mine and her ability to expand on the legal aspects of this bill far exceeds mine. Attached to her testimony will be a balloon to add the expungement language and she can further explain the expungement laws and what they entail. My reason for sponsoring HB 2818 comes from a different angle.

As you consider our request to change existing state policy on who may apply for a conceal carry permit, I ask you to think about this. At the heart of my advocacy for conceal carry rests the vital concern of law-abiding citizens being able to defend themselves. When someone has committed a crime that has since been expunged, I would ask that you contemplate allowing that person the permission to apply for a conceal carry permit. We have added the provision that the expungement must have been granted five years before the date of application for the permit.

Judges do not grant expungement unless the prosecuting or district attorney recommends it in the most strident terms. A number of conditions must be met beforehand and as you will be shown the list of crimes that may be expunged is limited.

Having been closely involved in nearly all the discussions surrounding conceal carry the past 12 years, I recall this one issue generated several spirited debates. And despite the restrictive nature of the initial legislation, many of us felt that the expungement issue should be revisited. After all, when does someone who has committed a crime finally stop paying for it? With an expunged record in hand, and after five years, I believe a Kansan who has given no further cause for concern should be allowed to apply for a conceal carry permit. Please join me in showing a measure of compassion and forgiveness, all of which are carried in the amendments to HB 2818.

House Fed and State Committee

March 13, 2008

LEGISLATIVE HOTLINE 1-800-432-3924 (D)

Attachment

2



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

STEPHEN N. SIX
ATTORNEY GENERAL

120 SW 10TH AVE., 2ND FLOOR
TOPEKA, KS 66612-1597
(785) 296-2215 • FAX (785) 296-6296
WWW.KSAG.ORG

March 13, 2008

Members of the Federal and State Affairs Committee:

The Office of the Attorney General is before you today in support of H.B. 2818. HB 2818 contains an amendment to the adult expungement statutes that is necessary to comply with the Legislature's intent upon passage of the Kansas Personal and Family Protection Act (hereinafter "KPFPA"). HB 2818 corrects an unintended scrivener's error which accidentally omitted important language within these statutes as they pertain to concealed carry licensing.

The scrivener's error comes from H.B. 2798, which was the 2004 attempt to pass the KPFPA. Under H.B. 2798, the sections listed above, K.S.A. §§ 12-4516(h)(12) & 21-4619(i)(15), were modified the exact same way as they were under S.B. 418. The critical difference between the two legislations, however, was that H.B. 2798 also included proposed amendments to subsection (e)(2)(I) of § 12-4516 and subsection (f)(2)(J) of § 21-4619 which both read, in relevant part, as follows:

After the order of expungement is entered, the petitioner shall be treated as not having been arrested, convicted, or diverted of the crime, except that: . . . the petitioner shall disclose that the arrest conviction or diversion occurred if asked about previous arrests, convictions, or diversions: . . . to aid in determining the petitioner's qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act; . . .

What is critical to note here, is that when the language of § 12-4516(e)(2)(I) and § 21-4619(f)(2)(J) was added, it was not inserted in italics and therefore, not highlighted as proposed new language. The Attorney General believes that it is because of this unintentional error, that is, failing to note the additional language as new, that identical language was not added to S.B. 418. This belief is furthered by the fact that, in the several submissions of the KPFPA prior to H.B. 2798, language identical to that found under subsections (e)(2)(I) and (f)(2)(J) was found in all of the legislations which mirrored the form of H.B. 2798 and S.B. 418.¹ The one insignificant change was that up

¹ See, H.B. 2240, §§ 19 & 20 (1999)(amending §§ 12-4516(e)(2)(I) & 21-4619(f)(2)(I), respectively); H.B. 2892, §§ 18 & 20 (1998)(amending §§ 12-4516(e)(2)(H) & 21-4619(f)(2)(F), respectively); H.B. 2159, §§ 19 & 20 (1997)(amending §§ 12-4516(e)(2)(H) & 21-4619(f)(2)(F))

House Fed and State Committee
March 13, 2008

Attachment 3

until 1999 the Kansas Bureau of Investigation was noted as the licensing authority for the KPFPA.

In conclusion, the Attorney General fully believes that the 2006 Legislature, like the several before it, fully intended for expunged adult convictions and diversions for felony level offenses were to be permanently counted as disqualifying events against applicants for concealed carry licensure. That intent was partially conveyed through the addition of language added to §§ 12-4516(h)(12) & 21-4619(i)(15), specifically, that the expunged events were to be disclosed by the custodian of the record "to aid" the attorney general in determining qualifications for a concealed carry license. Unfortunately, an unintentional scrivener's error has left that intent up for debate. The Attorney General would like to end that debate with the language of H.B. 2818.

Thank you for your time and consideration of this matter.

Sincerely,



Charles W. Klebe
Assistant Attorney General
Concealed Carry Unit

1 detective agency, certification as a firearms trainer pursuant to K.S.A.
2 2007 Supp. 75-7b21, and amendments thereto, or employment as a de-
3 tective with a private detective agency, as defined by K.S.A. 75-7b01, and
4 amendments thereto; as security personnel with a private patrol operator,
5 as defined by K.S.A. 75-7b01, and amendments thereto; or with an insti-
6 tution, as defined in K.S.A. 76-12a01, and amendments thereto, of the
7 department of social and rehabilitation services;

8 (B) in any application for admission, or for an order of reinstatement,
9 to the practice of law in this state;

10 (C) to aid in determining the petitioner's qualifications for employ-
11 ment with the Kansas lottery or for work in sensitive areas within the
12 Kansas lottery as deemed appropriate by the executive director of the
13 Kansas lottery;

14 (D) to aid in determining the petitioner's qualifications for executive
15 director of the Kansas racing and gaming commission, for employment
16 with the commission or for work in sensitive areas in parimutuel racing
17 as deemed appropriate by the executive director of the commission, or
18 to aid in determining qualifications for licensure or renewal of licensure
19 by the commission;

20 (E) to aid in determining the petitioner's qualifications for the fol-
21 lowing under the Kansas expanded lottery act: (i) Lottery gaming facility
22 manager or prospective manager, racetrack gaming facility manager or
23 prospective manager, licensee or certificate holder; or (ii) an officer, di-
24 rector, employee, owner, agent or contractor thereof;

25 (F) upon application for a commercial driver's license under K.S.A.
26 8-2,125 through 8-2,142, and amendments thereto;

27 (G) to aid in determining the petitioner's qualifications to be an em-
28 ployee of the state gaming agency;

29 (H) to aid in determining the petitioner's qualifications to be an em-
30 ployee of a tribal gaming commission or to hold a license issued pursuant
31 to a tribal-state gaming compact;

32 (I) in any application for registration as a broker-dealer, agent, in-
33 vestment adviser or investment adviser representative all as defined in
34 K.S.A. 17-12a102, and amendments thereto; or

35 (J) in any application for employment as a law enforcement officer as
36 defined in K.S.A. 22-2202 or 74-5602, and amendments thereto; or

37 (K) for applications received on and after July 1, 2006, to aid in de-
38 termining the petitioner's qualifications for a license to carry a concealed
39 weapon pursuant to the personal and family protection act, K.S.A. 75-
40 7c01 et seq., and amendments thereto;

41 (3) the court, in the order of expungement, may specify other cir-
42 cumstances under which the conviction is to be disclosed;

43 (4) the conviction may be disclosed in a subsequent prosecution for

Pursuant to this paragraph, the petitioner shall only be required to disclose convictions, adjudications or diversions described in subsection (a)(4)(A) or (a)(6) of K.S.A. 2007 Supp. 75-7c04, and amendments thereto, during the five years immediately preceding the date the application is submitted. All other arrests, convictions, adjudications or diversions described in subsection (a)(4)(A) or (a)(6) of K.S.A. 2007 Supp. 75-7c04, and amendments thereto, shall not be required to be disclosed

Sec. 3. K.S.A. 2007 Supp. 75-7c04 is hereby amended to read as follows: 75-7c04.

(a) On and after January 1, 2007, the attorney general shall issue a license pursuant to this act if the applicant:

(1) Is a resident of the county where application for licensure is made and has been a resident of the state for six months or more immediately preceding the filing of the application, residency to be determined in accordance with K.S.A. 77-201, and amendments thereto;

(2) is 21 years or more of age;

(3) does not suffer from a physical infirmity which prevents the safe handling of a weapon;

(4) (A) has never not been, during the five years immediately preceding the date the application is submitted, convicted or placed on diversion, in this or any other jurisdiction, for an act that constitutes a felony under the laws of this state or adjudicated, in this or any other jurisdiction, of committing as a juvenile an act that would be a felony under the laws of this state if committed by an adult, if such felony may be expunged and has been expunged pursuant to K.S.A. 21-4619, and amendments thereto; or

(B) has never been convicted or placed on diversion, in this or any other jurisdiction, for an act that constitutes a felony under the laws of this state or adjudicated, in this or any other jurisdiction, of committing as a juvenile an act that would be a felony under the laws of this state if committed by an adult, if such felony can not be expunged pursuant to K.S.A. 21-4619, and amendments thereto;

(5) has never been convicted, in this or any other jurisdiction, for an act that constitutes a misdemeanor crime of domestic violence, as defined by 18 U.S.C. 921(a)(33)(A) or adjudicated, in this or any other jurisdiction, of committing as a juvenile an act that would be a misdemeanor crime of domestic violence under 18 U.S.C. 921(a)(33)(A) if committed by an adult;

(6) has not been, during the five years immediately preceding the date the application is submitted: (A) Convicted or placed on diversion, in this or any other jurisdiction, for an act that constitutes a misdemeanor under the provisions of the uniform controlled substances act or adjudicated, in this or any other jurisdiction, of committing as a juvenile an act that would be a misdemeanor under such act if committed by an adult; (B) convicted or placed on diversion, in this or any other jurisdiction, two or more times for an act that constitutes a violation of K.S.A. 8-1567, and amendments thereto; (C) convicted or placed on diversion, in this or any other jurisdiction, for an act that constitutes a domestic violence misdemeanor under any municipal ordinance or article 34 or 35 of chapter 21 of the Kansas Statutes Annotated or adjudicated, in this or any other jurisdiction, of committing as a juvenile an act that would be a domestic violence misdemeanor under article 34 or 35 of chapter 21 of the Kansas Statutes Annotated if committed by an adult; or (D) convicted or placed on diversion, in this or any other jurisdiction, for an act that constitutes a violation of K.S.A. 2007 Supp. 75-7c12, and amendments thereto, or a violation of subsection (a)(4) of K.S.A. 21-4201, and amendments thereto, or adjudicated, in this or any other jurisdiction, of committing as a juvenile an act that would be a violation of K.S.A. 2007 Supp. 75-7c12, and amendments thereto, or a violation of subsection (a)(4) of K.S.A. 21-4201, and amendments thereto, if committed by an adult;

(7) has not been charged with a crime which would render the applicant, if convicted, ineligible for a license or, if so charged, final disposition of the charge has occurred and no other charges are pending which would cause the applicant to be ineligible for a license;

(8) has not been ordered by a court to receive treatment for mental illness pursuant to K.S.A. 59-2966, and amendments thereto, or for an alcohol or substance abuse problem pursuant to K.S.A. 59-29b66, and amendments thereto, or, if a court has ordered such treatment, has not been issued a certificate of restoration pursuant to K.S.A. 2007 Supp. 75-7c26, and amendments thereto, not less than five years before the date of the application;

- (9) desires a legal means to carry a concealed weapon for lawful self-defense;
- (10) except as provided by subsection (g) of K.S.A. 2007 Supp. 75-7c05, and amendments thereto, presents evidence satisfactory to the attorney general that the applicant has satisfactorily completed a weapons safety and training course approved by the attorney general pursuant to subsection (b);
- (11) has not been adjudged a disabled person under the act for obtaining a guardian or conservator, or both, or under a similar law of another state or the District of Columbia, unless the applicant was ordered restored to capacity three or more years before the date on which the application is submitted;
- (12) has not been dishonorably discharged from military service;
- (13) is a citizen of the United States;
- (14) is not subject to a restraining order issued under the protection from abuse act, under the protection from stalking act or pursuant to K.S.A. 60-1607, K.S.A. 2007 Supp. 38-2242, 38-2243 or 38-2255, and amendments thereto, or any equivalent order entered in another state or jurisdiction which is entitled to full faith and credit in Kansas; and
- (15) is not in contempt of court in a child support proceeding.

(b) (1) The attorney general shall adopt rules and regulations establishing procedures and standards as authorized by this act for an eight-hour weapons safety and training course required by this section. Such standards shall include: (A) A requirement that trainees receive training in the safe storage of weapons, actual firing of weapons and instruction in the laws of this state governing the carrying of a concealed weapon and the use of deadly force; (B) general guidelines for courses which are compatible with the industry standard for basic firearms training for civilians; (C) qualifications of instructors; and (D) a requirement that the course be: (i) A weapons course certified or sponsored by the attorney general; or (ii) a weapons course certified or sponsored by the national rifle association or by a law enforcement agency, college, private or public institution or organization or weapons training school, if the attorney general determines that such course meets or exceeds the standards required by rules and regulations adopted by the attorney general and is taught by instructors certified by the attorney general or by the national rifle association, if the attorney general determines that the requirements for certification of instructors by such association meet or exceed the standards required by rules and regulations adopted by the attorney general. Any person wanting to be certified by the attorney general as an instructor shall submit to the attorney general an application in the form required by the attorney general and a fee not to exceed \$150.

(2) The cost of the weapons safety and training course required by this section shall be paid by the applicant. The following shall constitute satisfactory evidence of satisfactory completion of an approved weapons safety and training course: (A) Evidence of completion of the course, in the form provided by rules and regulations adopted by the attorney general; or (B) an affidavit from the instructor, school, club, organization or group that conducted or taught such course attesting to the completion of the course by the applicant.

(c) In addition to the requirements of subsection (a), a person holding a license pursuant to this act, prior to renewal of the license provided herein, shall submit evidence satisfactory to the attorney general that the licensee has requalified by completion of an approved course given by an instructor of an approved weapons safety and training course under subsection (b).

(d) If an applicant has had a conviction, adjudication or diversion described in subsection (a)(4)(A) or (a)(6) expunged pursuant to K.S.A. 12-4516 or 21-4619, and amendments thereto, five years or more preceding the date the application is submitted, the applicant shall not be disqualified from being issued a license if the applicant is otherwise qualified for licensure pursuant to this section.



OFFICERS

Bob Sage
President
Rose Hill Police Dept.

Jay Reyes
Vice President
Derby Police Dept.

Todd Ackerman
Sergeant at Arms
Marysville Police Dept.

Mike Keller
Treasurer
Andover Police Dept.

Janet Thiessen
Recording Secretary
Olathe Police Dept.

James Hill
SACOP Representative
Salina Police Dept.

William "Mike" Watson
Immediate Past President
Riley County Police Dept.-Ret

Doyle King
Executive Director
KACP

REGIONAL REPRESENTATIVES

Gus Ramirez
Region I
Johnson Co Comm. College

Sam Budreau
Region II
Chanute Police Dept.

Ronnie Grice
Region III
KSU Public Safety Dept.

Jim Daily
Region IV
Newton Police Dept.

Frank Gent
Region V
Beloit Police Dept.

Vernon Ralston
Region VI
St. John Police Dept.

**WRITTEN TESTIMONY TO THE HOUSE FEDERAL
AND STATE AFFAIRS COMMITTEE
IN SUPPORT OF HB 2818
Presented by Ed Klumpp**

March 12, 2008

This testimony is in support of HB 2818 on behalf of the Kansas Association of Chiefs of Police. The ability for the Attorney General to access expunged records in determining suitability for licensure for concealed carry will serve the interest of Kansas. It will also serve to protect the privilege granted to law abiding citizens to possess concealed carry permits.

Current law (KSA 21-4619) allows for expungement of the conviction record of several serious crimes that are relevant to approval of applications for concealed carry permits. For example, a conviction of aggravated battery or aggravated robbery can be expunged after five years. Misdemeanor batteries or even domestic battery or stalking can be expunged after 3 years.

It is our belief that it is important to consider a person's past history of criminal activity, including expungements, as persons are considered for state authority to carry a concealed firearm. The need to look at expungements is even higher when considering convictions for person crimes, crimes committed with firearms, or the distribution or manufacturing of drugs which may have been expunged.

A few bad apples getting concealed carry licenses can jeopardize the continuance of concealed carry or result in additional restrictions on law abiding citizens who possess permits. Not to mention the additional intimidation and harm a stalker or domestic batterer could inflict if allowed to be armed through a state approved permit.

We encourage you to recommend this bill to pass and to allow the required criminal history check for permits to carry a concealed firearm to include all expunged records.

Ed Klumpp
Chief of Police-Retired, Topeka Police Department
Legislative Committee Chair, Kansas Association of Chiefs of Police
E-mail: eklumpp@cox.net
Phone: (785) 235-5619
Cell: (785) 640-1102

House Fed and State Committee
March 13, 2008



NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
11250 WAPLES MILL ROAD
FAIRFAX, VIRGINIA 22030-7400

Chairman Arlen Siegfried
Committee on Federal and State Affairs
Room 313 South
Kansas State Capitol
Topeka, KS 66612

March 13, 2008

Chairman Siegfried,

Thank you for the opportunity to come before the committee today. My name is Jordan Austin and I am a registered lobbyist speaking on behalf of the National Rifle Association. I am here to speak in support of HB 2819. This important legislation if passed and implemented will bring Kansas into line with federal law as well as all surrounding states that currently trust and allow their citizens to possess, buy, and sell Class III firearms.

The individuals who possess these firearms are the most law-abiding citizens in the country, because they voluntarily allow the federal government to track and monitor their actions. The amount of time and money spent, not only on locating and acquiring the firearm itself, but the entire process of filling out and processing the necessary paperwork, stamps, photographs, fingerprinting, as well as the taxes paid on the firearm and ammunition, should greatly exceed any problems one might have with authorizing Kansas' citizens a right already guaranteed to them by federal law.

As with any pro-gun bill in Kansas there will be many who will oppose it, including some law enforcement. They made the same arguments during our concealed carry discussions, and not one of their claims has come to fruition. In fact, it was this time last year that an individual used his non-resident permit to thwart a robbery attempt, so that bill has actually already saved a life instead of causing anyone harm.

The same can be said for what HB 2819 will do. These firearms are never used in crimes. There have been only 2 reported crimes committed with any class III firearms since the federal bill was signed into law in 1936. It is completely illogical for one who spend the time, money, and personal resources to attain one of these firearms, to throw it all away for foolish behavior that could cost one, not only their right to keep and bear arms, but their ability to purchase and possess these amazing firearms. The minimum sentence for a crime with a class III firearm is 10 years in jail and a \$10,000 fine.

Thank you for the opportunity to speak today and I would encourage this committee to vote HB 2819 favorably out of committee and to the House floor for consideration. I would be happy to entertain any questions the committee might have.

Sincerely,

Jordan Austin

House Fed and State Committee
March 13, 2008

Attachment

6

RE: HOUSE BILL No. 2819

Dear Chairperson Siegfried, and Committee Members,

My name is R. Tim McGill and I own Ciné Specialists, located in Wichita, KS. My sole source of income is derived from the motion picture industry. For over 30 years I have been a licensed armorer and special effects person. Providing automatic firearms and short-barreled shotguns to film requires me to have a Federal Title II Manufacturers License under the National Firearms Act (NFA) of 1934. The recent Kansas AG's Opinion has had a dramatic impact upon my livelihood.

Since most film production is now done on location (outside of California), Kansas has been a convenient state to work out of due to it being "smack dab in the middle" of the country. Firearms from my company have been seen in TV shows like The Perry Mason Movies of the Week and The Father Dowling Mysteries. My guns have stared on the Discovery Channel and the History Channel. I even had to take two Thompson submachine guns to Chicago for a documentary. Imagine "Al Capone" having to import Tommy Guns from Kansas! I have trained actors such as Mathew Broderick, Charlie Sheen and Wes Studi in the use of firearms. Kansas directors Kevin Willmott, Patrick Rea, and Jonathan Dillon to name a few have used my services.

Under present law motion picture and theatrical producers who possess machine guns and short-barreled weapons could not come to Kansas, operate in Kansas, or even travel through Kansas, as transportation in this state is illegal except "transportation to law enforcement." I guess Kansas "Is as Big as You Think!" I am familiar with loss of production in Kansas because of this obstacle. Films can bring a great deal of money to any community. The AFCI (Association of Film Commissioners International) of which the Kansas Film Commission is a member, estimates that about 50 percent of money spent on a film production stays in the local community where filming takes place.

For those of you unfamiliar with operating a business under the National Firearms Act here are some pertinent facts:

I am required to pay in addition to a license fee, a Special Occupational Tax. The tax rate for Manufactures is \$1,000.00 annually.

The local Chief Law Enforcement Officer must have no objection to my being licensed.

Any employees and I must pass a FBI background check.

My business is subject to annual inspection by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (Department of Justice).

There are strict records keeping requirements.

House Fed and State Committee
March 13, 2008

Attachment 7

All NFA firearms must be registered in the National Firearms Registry.

Even though automatic firearms for movies have been converted to only fire blanks they are still legally machineguns. Therefore they are subject to all the laws concerning this type of firearm

I cannot just let a prop master take an NFA firearm out on loan. My employees or I must accompany it wherever it goes (I get paid of course). We must be on set supervising its use.

Anyone possessing automatic or short-barreled firearms must comply with all state or local laws or they will be in violation of the National Firearms Act.

I would encourage the committee to amend Section 1. K.S.A. 21-4201 to read as follows:

(i) Subsections (a)(6) and (7) shall not apply to or affect any person or entity in compliance with the national firearms act, 26 U.S.C. 5801 et seq.

The language in HB2819 would clarify Kansas Law on the subject of machineguns and short-barreled shotguns and allow me to continue to base my business in the state I have enjoyed living in for so many years. It would also allow film producers to come to Kansas and contribute to our local economies.

Thank you for considering this request.

R. Tim McGill
Ciné Specialists
PO Box 3322
Wichita, KS 67201-3322
316 267-6648

Dear Representatives,

My name is Darin Reiss. I live in Haysville, KS. In addition to working full time for Cessna Finance Corp as a CPA/Sr. Financial Analyst, I also serve as a reserve police officer in Kechi, KS and as a class 3 firearms dealer.

A law enforcement agency does not require a local class 3 dealer to purchase NFA firearms. However, they generally prefer to "demo" several models before making a purchasing decision. Passing House Bill 2819 will allow them test or "demo" these firearms inside the borders of Kansas by a local area class 3 dealer.

HB 2819 contains language that adjusts state restrictions on class 3 (NFA or National Firearms Act) firearms to be consistent with Federal restrictions. 34 of the 50 states have laws that are consistent with Federal law. I am asking that Kansas law does the same thing.

HB 2742 restricts legal ownership to class 3 dealers and prevents manufacturers and importers from basing their business in Kansas. This is not ideal for Kansas business. Manufacturers of military firearms have not even looked at relocating in Kansas due to our restrictive NFA laws.

The probing question is "Is it a good idea to modify KS law to be consistent with Federal Law concerning ownership of NFA firearms, since individuals would have the ability to purchase examples of transferable machine guns and silencers?" To answer this question, let's look at 74 years of criminal statistics since NFA restrictions were written into Federal Law. Since 1934, there are only two recorded instances of individually owned NFA firearms having been used in a crime. This is by far the most heavily regulated and crime free area of firearms ownership in the United States.

It is not easy for an individual to purchase an NFA weapon. First, they have to have the money. For example, a "transferable" (an individual can legally own) Heckler and Koch MP5 9mm submachine gun currently sells for \$17,500 to \$21,000. Most interested "shoppers" stop wishing at this point realizing they are too expensive. If an individual decides they are willing to spend that kind of money, they next have to get their Sheriff or Police Chief to sign off on it. This is required by Federal Law. The individual is next fingerprinted by their local Sheriff or Police department and original signed copies of their transfer paperwork along with a NFA transfer tax check for \$200, fingerprint cards, statement of US Citizenship and passport photos are mailed to NFA branch of the Bureau of Alcohol, Tobacco, Firearms and Explosives for approval. Part of this approval includes sending the fingerprints to the FBI for registration and a criminal background check. If the Police Chief or Sheriff, BATFE and FBI all approve the transfer application, then the individual can legally take possession of the NFA firearm after they paperwork is stamped "approved" and returned. The process from purchase to taking physical possession of the firearm typically takes about 6 months.

I would be happy to answer any questions.

Thank you,
Darin Reiss
Haysville, KS
316-554-7011

House Fed and State Committee
March 13, 2008

Attachment

8

Good Afternoon,

I regret that I am not here today to speak to you personally. I am a licensed Federal Firearms Dealer and Class 3 SOT. I operate my Kansas small business near Greensburg, Kansas. As a holder of these licenses I am engaged in the business of providing Class 3 NFA firearms to law enforcement. I have been an FFL for 30 years and an SOT for nearly 20 years. During that time I have successfully served the special needs of a number of police departments in our state. When called upon by the chief of police, usually working with input from his firearms training staff or SWAT team I would deliver, demonstrate, and sell specific automatic firearms and suppressors at their request. These firearms are used in high risk situations where the safety of the officers involved depends on the ability to deliver suppressed, accurate, rapid fire in order to neutralize multiple dangerous targets. They can make the difference between life or death for these officers. The use of suppressors is also required during entry situations in suspected drug houses where dangerous fumes may exist since the suppressor not only lessens the sound of the firearm but also reduces the normal muzzle flash that can cause dangerous explosions.

Business was normal for me until recently when the ATF began to deny law enforcement requests for Class 3 NFA weapons in our state. At this time, my business is basically shut down since the ATF is basing their decision on Mr. Paul Morrison's opinion 2007-41.

I urge you to adopt the language of House Bill 2819 which will allow dealers, manufacturers, and importers to continue to serve the needs of our law enforcement agencies in Kansas.

Aaron Einsel
Aaron's Guns
R 1 Box 112A
Greensburg, Kansas 67054
316-723-3375

House Fed and State Committee
March 13, 2008

Attachment

9



OFFICERS

Bob Sage
President
Rose Hill Police Dept.

Jay Reyes
Vice President
Derby Police Dept.

Todd Ackerman
Sergeant at Arms
Marysville Police Dept.

Mike Keller
Treasurer
Andover Police Dept.

Janet Thiessen
Recording Secretary
Olathe Police Dept.

James Hill
SACOP Representative
Salina Police Dept.

William "Mike" Watson
Immediate Past President
Riley County Police Dept.-Ret

Doyle King
Executive Director
KACP

REGIONAL REPRESENTATIVES

Gus Ramirez
Region I
Johnson Co Comm. College

Sam Budreau
Region II
Chanute Police Dept.

Ronnie Grice
Region III
KSU Public Safety Dept.

Jim Daily
Region IV
Newton Police Dept.

Frank Gent
Region V
Beloit Police Dept.

Vernon Ralston
Region VI
St. John Police Dept.

WRITTEN TESTIMONY TO THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE IN OPPOSITION TO HB 2819 Presented by Ed Klumpp

March 12, 2008

The Kansas Association of Chiefs of Police supports allowing federally licensed firearms dealers to conduct business with law enforcement and others authorized under current Kansas statutes to possess short barreled shotguns, machine guns and silencers. We also support assuring those persons and agencies the current statutes intend to allow to possess such firearms and devices can continue to do so. However, the statutory amendments proposed in this bill go beyond that necessary to accommodate such sales and continued authorization. Our preference would be HB2742 with the amendments we proposed in earlier testimony, and if necessary, any amendments to assure the continuation of the intended authorizations in current statute.

We do not support the expansion of ownership of short barreled shotguns, machine guns, and silencers in Kansas. We are not convinced such an expansion serves to increase public safety or personal protection. The statutory amendments proposed in this bill will allow such ownership.

Our priority in this area is squarely aimed at the changes needed to assure Kansas law continues to allow the possession of these devices by those persons listed in the current statute, including law enforcement agencies; and to assure Kansas law allows the sale of these devices by federally licensed firearms dealers to those the state law currently intended to authorize to own, possess and employ such weapons and devices.

In summary, we support changes necessary to carry out the intent of current Kansas statutes including allowing the federally licensed firearms dealers to conduct business with persons authorized by statute to possess short barreled shotguns, machine guns and silencers in Kansas. We do not support amendments that go beyond that.

Ed Klumpp
Chief of Police-Retired, Topeka Police Department
Legislative Committee Chair, Kansas Association of Chiefs of Police
E-mail: eklumpp@cox.net
Phone: (785) 235-5619
Cell: (785) 640-1102

House Fed and State Committee
March 13, 2008

Attachment 10

KU KANSAS LAW
ENFORCEMENT
TRAINING CENTER
The University of Kansas

I, Ian Fulks, Instructor of Police at the Kansas Law Enforcement Training Center support House Bill 2819 that adjusts Kansas law regarding NFA weapons to match federal law and the restrictions provided by the 1934 Gun Control Act. My understanding is that this will allow a Kansas resident the ability to purchase and possess an NFA restricted firearm provided they provide a signature of their Police Chief or Sheriff, pass an ATF and FBI background check and pay a \$200 transfer tax.

Based on my experience as a Kansas City area police officer and police instructor I do not believe these changes will compromise Kansas law enforcement officers' safety.



Ian Fulks
Instructor of Police
Kansas Law Enforcement Training Center

House Fed and State Committee
March 13, 2008

Attachment 11



Kansas Law Enforcement Training Center is a unit of University of Kansas Continuing Education
P.O. Box 647 | Hutchinson, Kansas 67504-0647 | 620-694-1400 | Fax 620-694-1420 | www.kletc.org

To: darinreiss@hotmail.com

Subject: Re: First Draft speech for KS lawmakers - Class 3 dealers

Date: Wed, 5 Mar 2008 08:33:13 -0500

From: tm1241@aol.com

To whom it May concern,

I am presently a class 3 dealer, and trainer in Wichita Kansas .

I am a retired Wichita Police officer. In 1993 I was one of 840 officers in the country who received the Silver Star for Valor from the National Association of Chiefs of Police. The following year I was selected from those 840 officers as the National Association of Chiefs of Police Officer of the Year for the United States. I was also inducted into the American Police Hall of Fame that same year.

I have a second brother who is a full time SWAT officer for Los Angeles County Sheriff Department.

In my career I worked extensively as a gang officer and SWAT officer and trainer.

I have worked as a Civilian and Law enforcement Firearms trainer, since 1982. I have been combat wounded.

I have expertise in the lawful use of force, and firearms. I know this subject in more than the academic sense, and have the gunshot wounds to prove it.

In the early 80's agencies in the US were using over powered Deer and Elk rifles and in some cases firearms used in big game hunting in Alaska and Africa. This was a situation using dangerously mismatched weapons where better, safer equipment was available. Most departments lacked the men, money, and material to devote officers to the many aspects of SWAT let alone firearms research and development.

In 1986 I personally contacted a class 3 dealer who worked with me in a presentation to the WPD of the latest firearms technology. We were able to demonstrate firearms that provided rifle like accuracy with low powered pistol ballistics. The days of call outs with rifles that could shoot through several people with a single bullet were put to a close, and modern technology was adopted as a result of this individual dealer's, time, money, and energy on this project.

Today the Class 3 dealer is still that same educated expert, assisting departments in the best and most applicable equipment and training out there. Without the dealer/ demonstrator doing this, the time lag in getting the right equipment can take literally years for Police Departments.

House Fed and State Committee
March 13, 2008

Attachment 12

The current situation with FFL/Class 3 dealers in Kansas is a giant step backwards for Law enforcement. In the State of Kansas, individual officers may face everything from crazed active shooters in schools and public places, to criminals who are armed better than the officers are in many cases.

Today MOST agencies still do not have the time, and money to create these experts. That is the role the licensed Federal Class 3 dealer plays in demonstration, acquisition, and training for these agencies.

If you had sons and daughters in the Law enforcement community would your honest opinion be that it is safer today to be a cop than it was in 1975?

Please help us to continue helping them, by letting me have the tools I need to do my job as a demonstrator /trainer in Kansas.

Thank you,

Michael D. Desmarteau
316-214-4383

12-2

Austin, Jordan

From: Darin Reiss [darinreiss@hotmail.com]
To: Austin, Jordan
Cc:
Subject: FW: letter for HB2819
Attachments:

Sent: Wed 3/12/2008 10:51 PM

Hi Jordan,

The email below is from Officer Nick Holzrichter of the Kechi, KS Police Department.

Thanks,
Darin

> Date: Wed, 12 Mar 2008 21:07:34 -0500
> From: nickh351@gmail.com
> To: darinreiss@hotmail.com
> Subject: letter
>

> To whom it may concern,
>

> My name is Nick Holzrichter, I am a police officer in Kechi Kansas. I have been a sworn law enforcement officer for more than 10 years in the state of Kansas.

> Through out my 10 years as an officer in Kansas I have yet to find a law abiding citizen that has committed any violation involving the possession or ownership of illegal weapons. I have however found convicted felons who have committed weapons violations.

>
> I see no reason in the world why lawful citizens in the state of Kansas cannot have the same rights as other lawful citizens in other states when it comes to the ownership of fully automatic weapons or devices made to silence the report of a firearm. I feel very comfortable with knowing that a lawful person in another state can legally own these items.

> As long as a person is following the guidelines of the law that is what matters. The way Kansas law is now it restricts lawful people from owning weapons that other states would allow the same lawful person to own. It is ridiculous and needs to be changed.

Helping your favorite cause is as easy as instant messaging. You IM, we give.
http://im.live.com/Messenger/IM/Home/?source=text_hotmail_join

House Fed and State Committee
March 13, 2008

Attachment

13

March 11, 2008

To Whom It May Concern:

I am a 14 year law enforcement officer, a current FFL holder and firearm business owner. This letter is to inform you that I support House Bill 2819. As I feel Kansas Firearm Dealers are potentially losing revenue to nearby states due to Kansas' restrictive gun laws. As the laws are written now Kansas Law Enforcement Agencies must shop out of state for some of their firearms and firearm accessories.

I appreciate the time and effort that you have spent on House Bill 2819 and hope that we can resolve this matter and keep Kansas dollars in our great state.

Sincerely,



Brandon Hosheit

House Fed and State Committee
March 13, 2008

Attachment

14