

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 8, 2005 in Room 313-S of the Capitol.

All members were present except: Representative Ray Cox- excused

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: Governor Michael Hayden, Secretary of Wildlife and Parks
Representative Candy Ruff
Joan Wagnon, Secretary of Revenue
Jacob Henry
Jeremiah Van Doren
Acott Hatstrup
Dan Ward, City of Topeka
Scott Schneider
Kimberly Gulley, Kansas League of Municipalities
Major Ed Salazar - City of Overland Park
John Ellis - PMO Security Service

Others attending:

See attached list

Chairman Edmonds called the meeting together and opened the floor for bill introduction. There were no bill introductions and the Chair opened the public hearing on **SB 195**.

Secretary of Revenue, Joan Wagnon, was recognized as a proponent of **SB 195**. Secretary Wagnon presented testimony stating that the bill provides the Department of Revenue needed additional options for disposing of firearms seized during the course of drug tax assessments executed by agents during drug busts. It also gives the Department the flexibility to transfer seized weapons to the Kansas State Historical Society, the Secretary of Wildlife and Parks to be used in hunter safety training, the Kansas Bureau of Investigation or to local law enforcement where the weapon was seized. The Secretary stated that on page 7, lines 33 through 43, and page 8, lines 1 through 8, there is an error in the bill that needs to be corrected. (Attachment 1)

Information was provided by Mary Galligan, Principal Analyst for the Kansas Legislative Research Department. This information was the result of a city gun ordinance survey taken in 124 first and second class cities in the state with 40% responding. This survey asked about ordinances that regulate the sale, possession, and use of guns. (Attachment 2)

Also addressing the bill as a proponent of **SB 195** was Governor Michael Hayden, Secretary of Wildlife and Parks who related that they have a strong interest in the disposition of firearms possessed by the Kansas Department of Revenue (KDOR) They feel that many of those firearms could be used within the hunter education program for live fire exercises or permanently disabled for use as training aids for classrooms and safety scenarios. (Attachment 3)

With no other person wishing to address **SB 195**, the Chairman closed the hearing and opened the public hearing on **HB 2439** a bill concerning firearms and ammunition, and components or combinations thereof; prohibiting cities and counties from taking certain actions with regard thereto.

Representative Ruff was recognized as a proponent of **HB 2439**. In her testimony Representative Ruff stated that as far as crime and accident reduction, none of the local gun ordinances have accomplished anything that statewide laws would not and the only fair system is one where people can follow and easily understand the law. She further stated that we are trying to help people stay out of trouble while they are trying to spend money in Kansas. (Attachment 4)

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Kevin Graham, Office of the Attorney General, presented testimony supporting **HB 2439** relating that this bill seeks to simplify and clarify Kansas law regarding the purchase, possession, transfer, ownership, carrying, storage or transportation of firearms or ammunition. He also stated that this bill would eliminate the confusion that exists under current law. On behalf of Attorney General Phill Kline, he encouraged the support and recommended favorable passage of **HB 2439**. (Attachment 5)

Representing the Washburn University College Republicans, Jacob Henry, appeared before the committee to give testimony favorable to **HB 2439**. Mr. Henry is in favor of the bill as it is his opinion that the state need some regulation is area of firearm regulations. (Attachment 6)

Jeremiah Van Doren, President of the Coalition of Libertarian Activists came before the committee stating that their organization is dedicated to preserving freedoms and resisting current infringements on freedom and that is the reason that he presented testimony in favor of **HB 2439**. Mr. Van Doren states the primary reason for passing this bill is that as Kansas citizens, we deserve the same protection by the state from local abuses in authority just as the state provides to other. (Attachment 7) Included in his testimony was a copy of the deadly weapon code for the City of Topeka as well as the City of Wichita. (Attachment 8)

Scott Hattrup, an attorney practicing in Johnson County, Kansas delivered testimony in support of **HB 2439** relating that in its current form the bill would unify most firearm laws in Kansas to a state standard. He made a further statement that this legislation is needed to conform often conflicting city codes to a single set of laws that anyone can understand by reference to Kansas Statutes Annotate, instead of hundreds of city codes that sometimes overlap, and other times directly conflict with the common understanding of Kansas law. (Attachment 9)

Representing the Kansas Wildlife Federation was Dan Ward, Executive Director who presented testimony supporting **HB 2439**. Mr. Ward contends that the bill is necessary to create a mechanism for transporting firearms in Kansas that is legal. (Attachment 10)

John Ellis of PMO Security Service support **HB 2439** as it helps resolve the incredibly complex operating environment for the private security industry in the Kansas City area. He further relates that standardizing the weapons law statewide would be of enormous benefit. (Attachment 11)

There were no other proponents for **HB 2439** and the Chairman recognized Scott Schneider, J.D., Government Relations Director for the city of Wichita, presented testimony that this bill would invalidate their existing ordinances impacting all aspect of local firearms control. The City of Wichita believes that government closest to the people governs best. (Attachment 12)

Next to stand in opposition to **HB 2439**, was Kim Gulley, Director of Policy Development & Communications for the League of Kansas Municipalities (LKM). The LKM takes the stand that this bill is a direct attack on cities and their Constitutional Home Rule authority to govern their communities. They also feel that if enacted, this legislation would be the most sweeping preemption of local control ever passed by the Kansas Legislature. (Attachment 13) Ms. Gulley also submitted a copy of an ordinance relating to nuisances in the City of Lawrence date 1866. (Attachment 14)

Testimony in opposition to **HB 2439** was presented on behalf of the City of Overland Park by Police Major Ed Salazar. They strongly oppose the bill as they opined that it would have a significant adverse impact on the Police Department's control. It would also have a significant and adverse impact on ordinances currently in place and those which might be necessary in the future. They strongly oppose the bill. (Attachment 15)

There were no other persons which to address the bill and Chairman Edmonds closed the public hearing on HB 2439.

With no further business before the committee, the meeting was adjourned.

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