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Approved: March 25, 2008

Date

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 Olsen moved that the bill 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)

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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)