

MINUTES OF THE HOUSE FEDERAL & STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairperson Doug Mays at 1:40 p.m. on March 14, 2001 in Room 313-S of the Capitol.

All members were present except: Representative John Edmonds, Excused
Representative Joann Freeborn, Excused
Representative Broderick Henderson, Excused

Committee staff present: Russell Mills, Legislative Research Department
Shelia Pearman, Committee Secretary

Conferees appearing before the committee:
David Brant, Securities Commissioner
Representative Candy Ruff
Cadet Rob Domitrovich, Leavenworth High ROTC
Army ROTC Cadet William Gray Chuber, University of Kansas
Doug Smith, Leavenworth High School Teacher
George Petersen, Hunter Education Instructor
Clint Riley, Department of Wildlife & Parks
Scott Hattrup, Attorney
Sandy Jacquot,, Kansas League of Municipalities
David Cooper, Lenexa Senior Assistant City Attorney

Others attending: See attached list

Chairman opened the hearing on **HB 2563 - Securities commission, fees, creating investor education fund.**

Commissioner Brant explained **HB 2563** would establish an investor education fund similar to those of 12 other states for the purpose of providing consumer education regarding securities regulation and investments. Civil penalties collected in FY2000 was \$30,949 which is transferred to the State General Fund. (Attachment #1) No negative fiscal effect is foreseen.

Chairman Mays, a former securities commissioner, commented this bill would educate the public and assist in spotting fraud.

Hearing on **HB 2563** was closed.

Representative Cox moved that Committee recommend **HB 2563** favorable for passage. Representative Burroughs seconded the motion. Motion passed.

Chairman opened the hearing on **HB 2558 - Sport shooting ranges protection.**

Representative Ruff stated the shooting in a California's high school last week caused her to revise her opening statements about this bill. In introducing members of the Leavenworth Junior Reserve Officer Training Corps (ROTC.), she emphasized the young people taking part in the ROTC rifle team are taught about the importance of handling a rifle. They understand from the beginning the responsibility they assume. These students often come to the program with a background in hunting and have been taught safety by their parents, many of whom have used shooting ranges.

Cadet Domitrovich stated the ROTC improves a person's character both with and without weapons and motivates young people to become better citizens. Above all, this programs teaches safety, self-discipline, sportsmanship, respect for firearms, attention to detail, precision and determination. (Attachment #2) Shooting ranges provide individuals the opportunity to develop their firearms skills and motivates young people to be better citizens.

Mr. Smith emphasized the Range Protection bill represents responsible citizenship and firearms safety. After traveling the United States and the world as an Army officer, he chose to settle in Kansas as an educator and has taught his family to shoot on the range. He urged the committee not to take that right away from his children and his grandchildren (Attachment #3)

Mr. Peterson discussed his unofficial poll of 1500 Hunter Education instructors. Almost 500,000 graduates have participated in Hunter Education courses since its enactment in 1972. (Attachment #4) A map of the United States shows that 42 states have similar protective legislation. (Attachment #5) He also noted Margaret Murdoc of Topeka won the silver medal at the 1976 Olympics in Montreal as well as Kim Rhodes who won the first USA gold medal in the 1996 Olympics in Atlanta in the trap shooting event.

Mr. Riley addressed the committee on behalf of Secretary Steve Williams in support of **HB 2558**. He stated the department's role to provide safe and responsible hunting opportunities via continued availability of shooting ranges for public use is critical. (Attachment #6) He cited the rising demand for recreational and competitive shooting to enable individuals to hone their shooting skills.

As an attorney, a certified firearms instructor and NRA course instructor, Mr. Hattrup expressed his support for **HB 2558**. He noted the need for this bill is due to population shift from rural to urban and the interest of individuals to learn and practice firearm safety. This bill would prohibit local governments from misusing the power of eminent domain to take an established shooting range for purposes of continuous operation as a shooting range. Often, the residential developments rise up near an already established shooting range. (Attachment #7)

Mr. Chuber believes non-protection of ranges would infringe on the Second Amendment right and expressed his personal growth resulting from his involvement with R.O.T.C. (Attachment #8)

Written testimony supporting **HB 2558** from David Lawrence, President of The First Santa Fe Trail Plainsmen Muzzleloading Club was distributed to committee members. (Attachment #9)

Ms. Jacquot opposed the bill due to the contradiction with typical nuisance and land use law. She discussed the nonconforming uses language in place since statehood which currently would not allow to rebuild the facility following a fire or natural disaster. (Attachment #10)

Mr. Cooper opposed the bill and stated any legislation that precludes the ability of local government to exercise its powers of eminent domain should be avoided. (Attachment #11) This bill also runs directly contrary to the common law doctrine that embraces the gradual elimination of nonconforming uses.

Written testimony opposing **HB 2558** from Ashley Sherard, Johnson County Administrator's Office was distributed to the committee. (Attachment #12)

The hearing on **HB 2558** was closed.

The committee meeting adjourned at 3:15 p.m. The next scheduled meeting is March 15, 2001.