

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 2, 2005 in Room 313-S of the Capitol.

All members were present except:

Representative Tom Hawk- excused
Representative Broderick Henderson- 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:

Rep. Nile Dillmore
Lamar Shoemaker, Brown County Sheriff
Kyle Smith, KBI
Randy Rogers, Kansas Sheriffs' Association
Rose Rozmiarek, State Fire Marshall's Office
Edward Moses, Managing Director Kansas Aggregate Producers Association
Mary Torrence, Office of the Revisor

Others attending:

See attached list

Chairman Edmonds called the meeting to order and opened the floor for bill introductions.

Representative Mah was recognized requesting the introduction of a bill dealing with campaign finance law.

With no objections, this request was accepted for introduction.

The Chair opened public hearing on **HB 2177** regarding the use of forfeited firearms by law enforcement agencies to trade for other firearms or accessories and requested that Mary Torrence from the Revisor's Office give a briefing on the bill.

Mrs. Torrence explained that basically **HB 2177** would allow law enforcement agencies, in addition to other means of disposing forfeited firearms, to trade those firearms to licensed firearms dealers for other firearms or accessories. Currently the options are for the firearms to be destroyed, be used by the agency, or they can be forfeited to the KBI..

Recognized as a proponent of **HB 2177** was Brown County Sheriff Lamar Shoemaker from Hiawatha, Kansas. Sheriff Shoemaker related that with the passage of this bill they would be able to obtain duty weapons that benefit the department and yet cost taxpayers nothing. The financial benefit statewide would be a substantial savings and increase safety for officers by providing proper defense. He further stated another benefit would be the reduction in long term inventory which would help storage and help alleviate tracking problems. (Attachment 1)

Representing Kansas Peace Officers Association, was Kyle Smith a proponent for **HB 2177** stating briefly that it meant trading weapons for weapons and would be financially beneficial statewide. (No Testimony)

Randy Rogers from the Kansas Sheriffs Association delivered testimony in support of **HB 2177**. Sheriff Rogers stated that this bill would allow them to trade weapons not compatible for law enforcement use for weapons or accessories that could be utilized. (Attachment 2)

There were no further proponents of **HB 2177** and no opponents wishing to address the bill and The Chair closed public hearing on **HB 2177** and opened the hearing on **HB 2449** which places limitations on the sale,

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trade or other transfer of ownership of firearms by law enforcement. At the request of the Chair, Mary Torrence of the Revisor's Office explained that the bill is a simple prohibition against law enforcement agencies selling, trading, or otherwise transferring firearms to a person or entity other than another law enforcement agency unless the firearm was first tested by the KBI for ballistics sampling. The cost of the testing would be paid by the law enforcement agency and the results would be included in the National Integrated Ballistic Information Network (NIBIN).

Representative Dillmore presented testimony in support of **HB 2449** stating that he had requested this bill in order to address an issue of public safety and law enforcement. This bill would require a municipality to test firearms prior to them being sold or traded. The process of testing weapons before sale also gives the buyer of that weapon some sense of confidence that the weapon has not been used in crime against some other person.

Next to address **HB 2449** as a proponent was Kyle Smith of the Kansas Bureau of Investigation. Mr. Smith provided testimony relating that the bill would require that before a firearm is sold by law enforcement, the gun be submitted to the KBI for ballistic testing and entry into the NIBIN. (Attachment 4)

Randy Rogers of the Sheriffs' Association addressed the committee regarding **HB 2449** stating that they are actually neutral to the bill, however, they do have a concern about the cost and some concerns about the language as there is no allowance for weapons that are no longer serviceable. (No Testimony)

There were no other persons wishing to address the bill and the public hearing was closed on **HB 2449**.

Chairman Edmonds opened the public hearing on **HB 2266** and asked Mary Torrence of the Revisor's Office to give a briefing on the bill. Mrs. Torrence stated that this bill provides for the state fire marshal's office to administer the Kansas Explosive Act which would provide for the issuance of licenses and permits, such as a user's license which would authorize a person to purchase, possess, store and use explosive materials. It provides for licenses to be for a period of three years.

Delivering testimony as a proponent for **HB 2266** representing the Kansas State Fire Marshal's Office was Rose M. Rozmiarek. Ms. Rozmiarek related that explosives have been and are the weapons of choice of terrorists both domestic and internationally. This bill would allow them to continue to monitor, inspect, and investigate the explosives that are used, stored, and manufactured in the State of Kansas to insure the citizens and emergency responders of this state are safe and secured. (Attachment 5)

There were no other proponents to **HB 2266** and The Chair recognized Edward Moses, Managing Director Kansas Aggregate Producers Association who spoke in opposition to the bill. In his testimony, Mr. Moses stated that **HB 2266** would create unnecessary confusion between existing Federal and State authorities, lead to unnecessary costs, imposed by the addition of bureaucracy, being born by the public and private sector in Kansas, and possibly threaten national and state security. He urged the committee to carefully consider the ramifications which may result from what appears to be a well intentioned bill. (Attachment 6)

No other person wished to address the bill and Chairman Edmonds closed the public hearing on **HB 2266**.

With no other business before the committee, The Chair adjourned the meeting.