

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Arlen Siegfried at 1:30 P.M. on March 5, 2008, in Room 313-S of the Capitol.

All members were present except:

Representative Judy Morrison - excused
Representative Owen Donohoe - excused

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: Jordan Austin, National Rifle Association
Ed Klumpp, Kansas Society of Chiefs of Police
John Gilmore, Business owner
Representative Dennis McKinney
Jeff Brandau, Kansas Bureau of Investigation

Others attending:

See attached list.

The meeting was called to order by Chairman Siegfried at 1:30 pm on March 5, 2008. The Chair asked for bill introductions. Hearing no requests for bill introductions, The Chairman opened the public hearing on: **HB 2742 - Sale of automatic weapons, silencers to law enforcement.**

The Chairman welcomed Jordan Austin, National Rifle Association, who spoke as a proponent to the bill. He explained that **HB 2742** entitles a class 3 firearms dealer to deal in machine guns, silencers and short barreled shot guns. The dealer has paid a special occupational federal tax to be allowed to deal in these weapons. Their possession, sale and even their movement must all be carefully documented by the federal government. The federal government already allowed for this possession by Class 3 dealers. In December of 2007, Attorney General Morrison basically reversed the previous two Attorney Generals' opinions on the matter of possession of NFA firearms. Mr. Morrison's opinion indicated that Kansas law preempts Federal law. Kansas Class 3 dealers have been shut down and their trade restricted. The passing of this bill will allow Class 3 dealers to possess and sell these weapons to law enforcement and transfer them to ordinary citizens who have gone through the necessary registration and background checks. Mr. Austin stated that it was a step in the right direction in authorizing people to possess these weapons in Kansas.

Written testimony on behalf of Aaron Einsel presented by Jordan Austin. (Attachment 1)

A Committee member asked Mr. Austin why do we need to put automatic weapons in the hands of people.

Mr. Jordan answered by saying that the first reason would be economic reasons. Currently law enforcement needs to go out of state to buy these weapons, therefore taking the sales of these weapons from Kansas firearms dealers. All states around Kansas can sell these weapons to law enforcement. Also, individuals who make a hobby of collecting these weapons would be allowed to buy them in Kansas. He stated that there are only 2 felonies on the books concerning these weapons since the 1930's.

A Committee member asked staff to examine the conceal carry law to see if that law covers machine guns. (On file in Research Department)

John Gilmore, licensed federal firearms and class 3 firearms dealer, spoke as a proponent of **HB 2742**. He recommended amending the less restrictive language of **HB 2819** into **HB 2742**. The reason is because as the bill is currently written, it excludes two specific licensed classes of class 3, manufacturing and importers. (Attachment 2)

Ed Klumpp, representing the Kansas Association of Chiefs of Police, stood in opposition to **HB 2742**.

CONTINUATION SHEET

MINUTES OF THE House Federal and State Affairs Committee at 1:30 P.M. on March 5, 2008, in Room 313-S of the Capitol.

Mr. Klumpp opposes the bill in its current form. He does not oppose allowing federally licensed firearms dealers to conduct business with law enforcement and others authorized under current statutes to possess machine guns and silencers, but the proposed language opens the door more than necessary to conduct such business. He stated that in the opinion of the Attorney General, federally licensed firearms dealers can already sell machine guns, without any change to the law, to those in the state who can legally possess them. He attached a balloon showing two possible options that he would recommend to the Committee. In summary, Mr. Klumpp stated that he would support changes that allow the federally licensed firearms dealers to conduct business with persons who are currently authorized by statute to possess machine guns and silencers in Kansas, but he will not support any changes that go beyond that. ([Attachment 3](#))

Representative McKinney spoke briefly in support of **HB 2742**. He stated that it makes no sense to leave the purchasing of these weapons by law enforcement to out of state dealers. He commented that **HB 2819** may have better language. ([Attachment 4](#))

Jeff Brandau, Kansas Bureau of Investigation, stated the department would support what Mr. Klumpp has stated in his opposition to the bill. He received a note from the Bureau's lab that said section (g) makes specific exemptions to labs for testing. He recommended exempting law enforcement forensic laboratories that would hold these weapons for testing. (No written testimony submitted)

After the Committee members asked questions of the conferees, the Chairman closed the public hearing on **HB 2742** and adjourned the meeting.

The next meeting will be March 6, 2008.

Written testimony:

Michael Desmarteau, retired Wichita police officer ([Attachment 5](#))

Darin Reiss, law enforcement officer and firearms dealer ([Attachment 6](#))