

SESSION OF 2008

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2280**

As Agreed to April 1, 2008

Brief*

HB 2280 would prohibit officials, during a declared state of emergency, from seizing firearms not otherwise prohibited by law, or from requiring registration of firearms not required to be registered under state law. An individual aggrieved by a violation of this bill could bring action in court seeking redress against a person for deprivation of rights provided by the bill, and for return of a firearm seized in violation of the bill. Reasonable attorney's fees would be awarded if the individual prevailed in court. The bill also would amend existing law by removing the Governor's specific authority to suspend or limit the sale, dispensing or transportation of firearms during a declared state of disaster emergency.

Conference Committee Action

The Conference Committee rejected the Senate amendments and eliminated the entire contents of the bill, which dealt with benefit fees for certain city services. The Conference Committee replaced the bill's contents with the contents of HB 2811, as amended by the House Committee on Elections and Governmental Organization, which dealt with the seizure of firearms during a declared state of emergency.

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/klrd>

Background

The original bill dealt with benefit fees for certain city services. State Representative Steve Huebert and a representative of the League of Kansas Municipalities testified in favor of the bill. No opponents testified.

The Senate Committee on Elections and Local Government amended the bill to add the definition of “bonds,” make changes with respect to adding authority to issue special obligation temporary notes, make technical and conforming changes, and change the bill’s effective date.

The fiscal note on the original bill indicated the effect of HB 2280, if passed, would be confined to the specified property owners who benefit from these public improvements.

With respect to the provisions of HB 2811, proponents of the bill included Representative Candy Ruff, the National Rifle Association, the Kansas State Rifle Association, the Kansas Sportsman Alliance, and two citizens from Greensburg. Opponents included the Kansas Association of Chiefs of Police, the Pratt County Sheriff, and the Kansas Bureau of Investigation.

The House Committee amended the bill to add a definition of seizure to clarify that, in the context of this bill, seizure involves forcibly dispossessing an owner of property.

The fiscal note prepared by the Division of the Budget indicates passage of the bill could increase litigation because of new violations created by the bill, but notes that any fiscal effect on the court system likely could be accommodated within existing resources.

firearms