

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:30 a.m. on February 3, 2009, in Room 136-N of the Capitol.

All members were present except:  
Senator Steve Morris- excused

Committee staff present:  
Jason Long, Office of the Revisor of Statutes  
Julian Efird, Kansas Legislative Research Department  
Connie Burns, Committee Assistant

Conferees appearing before the committee:  
Michael Hutfles, Southwestern Association  
Jeffery Brandau, Kansas Bureau Investigation  
Chris Joseph, Bail Bondsmen Association  
Charlie Estes, AERIES  
Susan Riley, Emporia Senior Center  
LeRoy Bailey, VFW - Holton  
Debbie Kreutzman, Positive Directions, Wichita  
Charles Yunker, American Legion , Topeka

Others attending:  
See attached list.

**Introduction of Bills**

Senator Faust-Goudeau, requested a bill introduction to amend Article 15 of the Constitution of the State of Kansas by adding a new section concerning equal rights for men and women.

Senator Faust-Goudeau moved that this request should be introduced as a committee bill. Senator Francisco seconded the motion. The motion carried.

Senator Ostmeyer requested a bill introduction that concerns exceptions for amusement ride operation requirements for home owned amusement rides.

Senator Ostmeyer moved that this request should be introduced as a committee bill. Senator Owens seconded the motion. The motion carried.

Senator Owens introduced Michael Hutfles, Southwestern Association, who requested a bill introduction that exempts non-highway vehicle titling requirements for heavy construction equipment. (Attachment 1)

Senator Owens moved that this request should be introduced as a committee bill. Senator Ostmeyer seconded the motion. The motion carried.

**Final Action:**

**SB 1 - William Inge Theatre Festival designated as the official theatre festival of the state.**

Senator Reitz moved to pass SB 1 out favorably and placed on the Consent Calendar. Senator Owens seconded the motion. The motion carried.

Secretary Roger Werholtz, Department of Corrections, provided the committee with an update on the Department of Corrections. (Attachment 2) Part of the budget cuts for FY 2009 is the closing of three facilities; Osawatomie a 70 bed unit, which is part of the Lansing Correctional Facility on February 6, Toronto on February 26, which is part of the El Dorado Correctional Facility; and Stockton on April 1. Update does not reflect the boot camps that were operated under contract in Oswego, the women's camp that is already closed and the men's camp is scheduled to close on July 1; and the two residential programs in Johnson County and Sedgwick County Community Corrections set to cease receiving state funding effective July 1.

Secretary Werholtz provided the committee an update on the Crumbling Prisons Projects, the Capacity

## CONTINUATION SHEET

Minutes of the Senate Federal And State Affairs Committee at 10:30 a.m. on February 3, 2009, in Room 136-N of the Capitol.

Expansion Projects, and turnover rates on both uniformed staff and overall turnovers.

Also provided was a per diem chart requested on the average cost per day of incarceration per facility. (Attachment 3)

### **SB 116 - Private detectives; permit to carry a concealed firearm.**

Chairman Brungardt opened the hearing on **SB 116**.

Staff provided an overview bill. (Attachment 4)

Jeffery Brandau, Kansas Bureau Investigation, appeared in favor of the bill. (Attachment 5) The bill makes amendment to various statutes regarding permitting a private detective to carry a concealed firearm, which would require the disclosure of arrests, convictions and diversions of individuals to the Attorney General's office if the individual is applying for a permit to carry a concealed weapon as a private detective. In addition, the bill defines a "Bounty Hunter" and requires that those "involved in locating any person who has been released on bail," commonly referred to as "bounty hunting" is required by this bill to have a PI license and conform to those requirements.

Chris Joseph, Kansas Professional Bail Bond Association, (KPBBBA) appeared in opposition to the bill. (Attachment 6) The KPBBBA is opposed to Section 3 of the bill, which attempts to bring "bounty hunters" under the umbrella of persons required to be licensed private investigators:

1. This language would result in regulating all bondsmen, not just "boundy hunters"
2. The Insurance Commissioner and the courts already regulate bondsmen
3. Would prohibit bondsmen, who are not licensed private investigators, from "obtaining information" about the "movement" and "whereabouts" of persons who post bonds in criminal cases
4. Runs afoul of federal and Kansas law
5. When read in conjunction with KSA 75-7b03, would result in licensing for only a fration of all bondsmen

Section 3 would limit only bondsmen who are not insurance agents writing bonds backed by insurance, and would limit only bondsmen writing bonds secured by Kansas real estate.

Dennis Berndt, B&K Bonding, LLC, Salina, (Attachment 7) and Doug Smith, Kansas Professional Sureties, provided written testimony in opposition to the bill. (Attachment 8)

Chairman Brungardt closed the hearing on **SB 116**

### **SB 107 - Bingo games; increasing the prize limits, time and location for conducting games.**

Chairman Brungardt opened the hearing on **SB 107**

Charlie Estes, AERIES, appeared in favor of the bill. (Attachment 9) Mr. Estes stated that through bingo workshops throughout the state that the top issues and changes needed were:

- raise payouts - higher game limits, higher nightly limits, higher drawing limit, more drawings, and raise starting limit for progressives
- volunteers - need more avenues to get volunteers, would like to compensate volunteers, and need more and better callers
- open up the limits - more than two nights per week, more than one hour for pull tabs before regular session, and more than one hour for mini bingo

Susan Riley, Emporia Senior Center, spoke as a proponent of the bill. (Attachment 10) Ms. Riley stated that much of the deficit in the operating expense is made up from the profits made by hosting Bingo. The local 7<sup>th</sup> grade class operates the snack bar cash box; this give the students an opportunity to learn how to make change as well as become more comfortable meeting the seniors of their community. Bingo (other than casinos) in the State of Kansas is only operated by non-profit organizations.

LeRoy Bailey, VFW - Holton, appeared in favor or the bill. (Attachment 11) In section 79-4706 (B) at the end of the paragraph the words were added, "or the beneficiary organization"; the VFW; like most

## CONTINUATION SHEET

Minutes of the Senate Federal And State Affairs Committee at 10:30 a.m. on February 3, 2009, in Room 136-N of the Capitol.

organization have trouble getting volunteers, due to age and abilities. This sentence was added in hope of broadening the base of people that can be used to help run games of Bingo.

Debbie Kreutzman, Positive Directions, Wichita, spoke in favor of the bill. (Attachment 12) Ms. Kreutzman stated that as a member of Kansas Charities Cooperative, a group of non-profit organizations in Sedgwick County that holds Charitable Gaming licenses to conduct Bingo in leased facilities. The groups represent a variety of charities including Abstinence Education, Knights of Columbus, Optimists and Youths Sports to name a few, and stand united in support of the proposed changes to the Bingo Statutes. The proposed changes to bingo regulations will expand their ability to continue the charitable work within their communities.

Charles Yunker, American Legion , Topeka, spoke in opposition to the bill. (Attachment 13) The American Legion opposes the bill and urges the committee to not promote the passage of the bill.

Ken Stodgell, Kansas VFW, provided the committee with written testimony in opposition of the bill. (Attachment 14)

Chairman Brungardt closed the hearing on **SB 107**.

The Chairman requested staff to review other states' Bingo laws and best practices.

The next meeting is scheduled for February 4, 2009. The meeting was adjourned at 12:02 pm