

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 March 8, 2011, in Room 144-S of the Capitol.

All members were present.

Committee staff present:

Jason Long, Office of the Revisor of Statutes
Doug Taylor, Office of the Revisor of Statutes
Dennis Hodgins, Kansas Legislative Research Department
Julian Efird, Kansas Legislative Research Department
Connie Burns, Committee Assistant

Conferees appearing before the Committee:

Representative Mario Goico
Representative Tom Sloan
Pam Scott, Kansas Funeral Directors Association
Ed Pavey, Kansas Law Enforcement Training Center

Others attending:

See attached list.

HB 2060--Recognizing the primacy of decisions written by a member of the military on the federal DD form 93

Chairman Brungardt opened the hearings on **HB 2060**

Staff provided an overview of the bill.

Representative Mario Goico spoke in favor of the bill. (Attachment 1) The passage of the bill will make the laws of the state conform with DOD rules on disposal of remains by recognizing the DD Form 93 in KSA 65-1734. This form is filed by the military member before each deployment and at a minimum, once a year. The service member can change this form at any time to ensure the direct disposition of their remains and to designate the beneficiaries of their Service Members Group Life Insurance. This form usually represents the last wishes of the service member and is updated on a regular basis so as to be more current than a durable power of attorney.

Representative Tom Sloan presented written testimony in support of the bill by: Martin L. Dempsey, Office of the Deputy Under Secretary of Defense, Military Community and Family Policy, (Attachment 2) which stated the request will ensure that the DD Form 93 is consulted and viewed as the legally sufficient document for designating a PADD; and John Armbrust, Executive Director, Governor's Military Council, (Attachment 3) to comport state laws with DoD rules on disposal of remains by recognizing DD Form 93 in KSA 65-1734.

Written testimony was provided in support of the bill by Major General Lee Tafari, Kansas Adjutant General, who stated the bill goes a long way in helping clear up questions about order of precedence regarding who actually makes decisions for the deceased. (Attachment 4)

Pam Scott, Executive Director, Kansas Funeral Directors Association, appeared neutral with an amendment. (Attachment 5) The language of the proposed amendment to the bill would keep the agent appointed pursuant to a durable power of attorney first on the priority list; and the DD Form 93 should be placed as the second priority group.

Chairman Brungardt closed the hearing on **HB 2060**

CONTINUATION SHEET

The minutes of the Federal and State Committee at 10:30 a.m. on March 8, 2011, in Room 144-S of the Capitol.

HB 2001--Local law enforcement training reimbursement fund; expenditures approved by commission on peace officers' standards and training

Chairman Brungardt opened the hearings on **HB 2001**

Staff provided an overview of the bill.

Ed H.Pavey, Director, Kansas Law Enforcement Training Center, (KLETC) spoke in favor of the bill. (Attachment 6) The bill shifts the control of the fund from the KLETC and the University of Kansas to the KSCPOST. The change of account assignment remedies an oversight from the 2006 legislation. **HB 2001** is the language that the Revisor's Office determined was necessary to give the DOA the authority to reassign the fund to the KSCPOST.

Ed Klumpp, Kansas Association of Chiefs of Police, Kansas Sheriffs Association, Kansas Peace Officers Association, provided written testimony in support of the bill. (Attachment 7)

Chairman Brungardt closed the hearing on **HB 2001**.

Final Action:

SB 201-- Bingo games; prize limits, time, location and conduct of games

Senator Longbine provided an amendment with clean up items on the bill. (Attachment 8) On page 5 line 39 add per volunteer after \$10; page 10 line 2, add "the first regular or special game of call bingo operated or conducted by the licensee for such session" inserted after to; line 3 change first to last, and line 8 change Kansas register to statute book.

Senator Longbine moved the amendment. Senator Reitz seconded the motion. The motion carried.

Senator Reitz moved to pass **SB 201** out favorably as amended. Senator Longbine seconded the motion. The motion carried.

HB 2001--Local law enforcement training reimbursement fund; expenditures approved by commission on peace officers' standards and training

Senator Abrams moved to pass **HB 2001** out favorably. Senator Owens seconded the motion. The motion carried.

The next meeting is scheduled for March 9, 2011. The meeting was adjourned at 11:15 a.m.

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

GUEST LIST

DATE 3-8-11

NAME	REPRESENTING
Aligail Dillon	Leadership Dickinson County
Hardyn Barta	Leadership PK Co.
Joshua Kewinger	Leadership Dickinson County
Dee Gasper	Leadership NK Co
Marion Bonds	Leadership DK Co
Jessica Peiffer	Leadership Dickinson County
Alli Burns	Leadership DK County
Meredith Bechard	Leadership DK County
Pam Scott	Ks Funeral Directors Assn
Ed Pavey	KLETC
DARIN BECK	KLETC
Ed Kauffman	KMCP/KSA/KPOA
Mandy Miller	SCOKS
Ervin Ward	Dept of Aging/Health Aging Inten & Chair Sen. Brungard
TED HECKY	OS.
Mark Smith	KS ST Board of Mortuary Arts
Robert Conner	KDOR
Berend Koops	Hein Law Firm
JACK FOWLER	KCVA
Rep. Tom Sloan	DoD

STATE OF KANSAS



TOPEKA

HOUSE OF
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COMMITTEE ASSIGNMENTS
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HOMELAND SECURITY
VICE-CHAIRMAN: ELECTIONS
MEMBER: FEDERAL AND STATE AFFAIRS
TAXATION
CHAIRMAN: JOINT COMMITTEE ON KANSAS
SECURITY

March 8, 2011

HB 2060 addresses the need to make Kansas an improved military-friendly state. The requirements of this bill were brought to the attention of the Kansas Governor's Military Council by Department of Defense (DOD) officials.

The passage of this bill will make the laws of the state conform with DOD rules on disposal of remains by recognizing the DD Form 93 in K.S.A. 65-1734. This form is filed by the military member before each deployment and at a minimum, once a year. The service member can change this form at any time to ensure the direct disposition of their remains and to designate the beneficiaries of their Service Members Group Life Insurance.

This form usually represents the last wishes of the service member and is updated on a regular basis so as to be more current than a durable power of attorney.

The passage of this bill will help the state's position in the evaluation of our military bases in any forthcoming BRAC, and improve our competitive position with other states.

I urge the committee to vote this bill favorably for passage.

Respectfully,

Mario Goico, Representative
100th District

Statement of
Martin L. Dempsey
State Liaison, Western Region
DoD-State Liaison Office
Office of the Deputy Under Secretary of Defense,
Military Community and Family Policy

Kansas House Bill 2060

Introduction: Good morning Mister Chair and Committee Members. I am Martin Dempsey with the Dept of Defense State Liaison Office. Personally, I've been in service to the military community since 1975. This includes 24 years of active duty; 12 of those years working military family issues to include death notifications to next of kin. My office partners with states on certain issues to educate on quality of life concerns affecting military families. One of our top priority issues is Disposition of Remains.

Our request is simply to recognize in state statute the approach that Service members are directed to follow in designating a person to direct the disposition of their remains (what we call a PADD). Forty-eight percent of Service members are less than 25 years old. Since they are required to designate a PADD on the DD Form 93, it is highly unlikely they will research to see whether they also need to follow a different state requirement for designating an agent in the event of their untimely death. The DD Form 93 is an essential part of their military record, also designating their beneficiaries for Service members' Group Life Insurance, and Service members are required to update it annually and before any deployment. Our request will ensure that the DD Form 93 is consulted and viewed as the legally sufficient document for designating a PADD.

Let me illustrate our issue by sharing a case with you that shows what can happen when there is a lack of clarity in which rule to follow in designating a PADD:

A deceased Soldier who was married but estranged from his wife, elected his mother as the PADD on DD Form 93. The mother wanted to cremate the Soldier; however, the funeral home refused to cremate the remains without the wife's consent (based on the rules of the state). The spouse was reluctant to sign the consent for cremation and only after a military attorney intervened, did the wife eventually consent.

Eventually the wishes of the Service member to have his mother direct disposition were honored; however, this situation, and the unnecessary delay it caused, could have been avoided if the state statute in question had referred to the DD Form 93. The proposed amendment to state law on disposition removes confusion for the family and allows funeral directors to confidently refer to a single document to approach the Service member's choice for directing the disposition of his or her remains.

Thank you for your time. If I may be of any further service, please feel free to contact martin.dempsey@sbcglobal.net or phone: 785-263-1945.

Governor's Military Council

Senate Standing Committee on Federal and State Affairs
Testimony on HB 2060
(Concerning Disposal of Decedents' Remains)

March 6, 2011

Dear Chairman Brungardt,

The Governor's Military Council's supports passage of HB 2060.

In June 2010 the Council held meetings with DoD officials in Washington D.C. to discuss possible ways the State of Kansas could further its efforts to become a more military friendly state. One of the suggestions given during our meeting was to comport state laws with DoD rules on disposal of remains by recognizing DD Form 93 in K.S.A. 65-1734.

We believe HB 2060 meets the intent of DoD's suggested action, and thereby urge the Committee's support of the bill.

Sincerely,

John Armbrust
Executive Director
Governor's Military Council
501 Poyntz
Manhattan, KS 66502
E-mail: john@manhattan.org
Phone: 785-776-8829
Fax: 785-776-0679
Cell: 785-375-3399



(4)

KANSAS ADJUTANT GENERAL'S DEPARTMENT
2800 SOUTHWEST TOPEKA BOULEVARD
TOPEKA, KANSAS 66611

**COMMITTEE ON VETERANS, MILITARY AND HOMELAND SECURITY
TESTIMONY ON HB 2060
FEBRUARY 8, 2011**

Mr. Chairman & Members of the Committee:

Thank you for the opportunity to support HB 2060.

One of the most important functions our Department can perform is to ease the pain and confusion of families of Guard members who pay the ultimate sacrifice. We have a great family support team, chaplain corps and numerous programs to help families during these difficult times, and although we do our best to take care of our Guard family, sometimes there are complexities beyond our control.

Surviving family members and loved ones are forced to contend with funeral arrangements that are difficult under the best of circumstances. Although deploying Guardsmen are required to make legal arrangements defining their wishes if they do not return home alive, sometimes these legal documents do not address the entire spectrum of circumstances that might be encountered. Issues of divorce, split families, co-habitation and/or conflicting wishes, frequently complicate a seemingly straightforward question: "Who chooses what happens to the service member's earthly remains?"

We feel that HB 2060 goes a long way in helping clear up questions about order of precedence regarding who actually makes decisions for the deceased. For our part, we believe that this bill will better ensure that the wishes of the service member are honored, and that the pain of the surviving family members can be better assuaged.

Respectfully submitted by:
Maj Gen Lee E. Tafari
Kansas Adjutant General
08 Feb 2011

1/11/11 HS ..
Sn Fed & State
Attachment 4



KANSAS FUNERAL DIRECTORS ASSOCIATION

1200 S. Kansas Avenue Topeka, KS 66612
785-232-7789 Fax 785-232-7791 www.ksfda.org

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March 8, 2011

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PAM SCOTT
Topeka

To: Senate Federal and State Affairs Committee

From: Pam Scott, Executive Director

Re: House Bill No. 2060

Chairman Brungardt and members of the Committee, I thank you for the opportunity to appear before you today on behalf of the Kansas Funeral Association (KFDA) concerning House Bill No. 2060. The KFDA represents over 300 funeral homes across the state of Kansas.

K.S.A. 65-1734 is Kansas' right to control disposition statute. That statute prioritizes who has the right to control disposition of a decedent's remains. Much time and effort was put into the drafting of this statute in 2000. Kansas funeral directors meet with families that plan the funerals of their loved ones on a daily basis and believe they are in a unique position to know the priority order that will best meet a family's needs.

The statute has provided clear and orderly direction on who can make disposition decisions. This is important when you are dealing with a wide array of family dynamics. The amendments proposed in House Bill No. 2060 change that order of priority which has worked well by providing that a person authorized to direct disposition pursuant to DD Form 93 if the decedent died while in active military service would take precedence over all others.

K.S.A. 65-1734(a) (1) now provides that an agent appointed by the deceased pursuant to a durable power of attorney for health care decisions to make decisions concerning disposition of the body pursuant to K.S.A. 58-635 et seq. is on top of the priority list. Such a durable power of attorney for health care decisions allows a person to appoint an agent to direct disposition and may set forth specific instructions concerning disposition. The KFDA believes that agent should continue to hold the upmost authority to make such decisions since the deceased has taken steps to appoint an agent to make such decisions. It is my understanding that

Sn Fed & State
Attachment 5

3-8-11

members of the military are asked whether they wish to enter into a durable power of attorney for health care decisions before deploying.

The KFDA believes the DD Form 93 is a helpful tool but our position is that the person designated under a DD Form 93 should be listed second in the ranking of persons authorized to direct disposition. The DD Form 93 allows only a surviving spouse, adult blood relative or adoptive relative of the deceased to be named as the person authorized to direct disposition. We believe a decedent could have another individual they would prefer to direct disposition, especially in situations where family members may be estranged or the blood relative is a distant relative and not a person they would choose to make such decisions. The durable power of attorney for health care decisions allows them to list someone who may be closer and more trusted by them such as a significant other or close friend. The DD Form 93 is too restrictive to be first on the priority list. It should be listed second.

We have attached a copy of a proposed amendment to the bill which would keep the agent appointed pursuant to a durable power of attorney first on the priority list.

Finally, we support the amendment the House made at our request, that the DD Form 93 only applies to decedent's that die during active duty. Military service was too broad of a term and would have made the provision applicable to National Guard members who are in the military service but are not on active duty. Their death may occur while they are not on active duty. We don't believe the provision was meant to apply to a National Guard member who dies in an automobile accident or due to some other event not linked to military service.

In conclusion, we believe the DD Form 93 has a place in Kansas' right to control disposition statute but should not trump the agent appointed pursuant to the durable power of attorney for health care decisions. The DD Form 93 should be placed as the second priority group.

Thank you for the opportunity to testify and I would be happy to respond to any questions.

As Amended by House Committee

Session of 2011

HOUSE BILL No. 2060

By Representative Sloan

1-24

1 AN ACT concerning disposal of decedents' remains; amending K.S.A.
2 65-1734 and repealing the existing section.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 65-1734 is hereby amended to read as follows:
6 65-1734. (a) The following persons, in order of priority stated, may
7 order any lawful manner of final disposition of a decedent's remains
8 including burial, cremation, entombment or anatomical donation:

9 ~~(1) The person authorized by the decedent to direct disposition~~
10 ~~pursuant to Public Law No. 109-163, § 564, as listed on the decedent's~~
11 ~~United States department of defense record of emergency data, DD-~~
12 ~~Form 93, or its successor form, if the decedent died during military~~
13 ~~service, as provided in 10 U.S.C. § 1481(a)(1) through (8), in any~~
14 ~~branch of the United States armed forces, United States reserve forces,~~
15 ~~or national guard.~~

16 (1) (2)(1) The agent for health care decisions established by a
17 durable power of attorney for health care decisions pursuant to K.S.A.
18 58-625, *et seq.*, and amendments thereto, if such power of attorney
19 conveys to the agent the authority to make decisions concerning
20 disposition of the decedent's remains;

21 (2) (3)(2) the spouse of the decedent;

22 (3) (4)(3) the decedent's surviving adult children. If there is more
23 than one adult child, any adult child who confirms in writing the
24 notification of all other adult children, may direct the manner of
25 disposition unless the funeral establishment or crematory authority
26 receives written objection to the manner of disposition from another
27 adult child;

28 (4) (5)(4) the decedent's surviving parents;

29 (5) (6)(5) the persons in the next degree of kinship under the laws
30 of descent and distribution to inherit the estate of the decedent. If there
31 is more than one person of the same degree, any person of that degree
32 may direct the manner of disposition;

33 (6) (7)(6) a guardian of the person of the decedent at the time of

1 such person's death;
2 ~~(7) (8)~~(7) the personal representative of the decedent; or
3 ~~(8) (9)~~(8) in the case of indigents or any other individuals whose
4 final disposition is the responsibility of the state or county, the public
5 official charged with arranging the final disposition pursuant to K.S.A.
6 2002 Supp. 22a-215, and amendments thereto.

7 **(b) If the decedent died during active military service, as**
8 **provided in 10 U.S.C. § 1481(a)(1) through (8), in any branch of the**
9 **United States armed forces, United States reserve forces or national**
10 **guard, the person authorized by the decedent to direct disposition**
11 **pursuant to Public Law No. 109-163, § 564, as listed on the**
12 **decedent's United States department of defense record of**
13 **emergency data, DD Form 93, or its successor form, shall take**
14 **priority over all other persons described in subsection (a).**

(2) through (8).

15 ~~(b)~~(c) A funeral director, funeral establishment or crematory shall
16 not be subject to criminal prosecution or civil liability for carrying out
17 the otherwise lawful instructions of the person or persons under
18 subsection (a) if the funeral director reasonably believes such person is
19 entitled to control final disposition.

20 Sec. 2. K.S.A. 65-1734 is hereby repealed.

21 Sec. 3. This act shall take effect and be in force from and after its
22 publication in the statute book.

Testimony in Support of HB No. 2001

Presented by Ed H. Pavay, Director, Kansas Law Enforcement Training Center
Appearing before the Senate Standing Committee on Federal and State Affairs

March 8, 2011

The Legislature established the Kansas Law Enforcement Training Commission, the professional regulatory agency for law enforcement officers, in 1982. At that time, the Legislature did not identify a separate funding source or staff to support the commission's licensing and disciplinary functions. The staff at the Kansas Law Enforcement Training Center (KLETC), a unit of Continuing Education at the University of Kansas, began providing limited administrative support.

In 1998, KLETC hired a retired Kansas Bureau of Investigation agent to serve the commission as a full-time investigator. Prior to this date, commission members who are unpaid volunteers investigated allegations of misconduct. The investigative caseload and the administrative support needs continued to grow. However, because the commission had no independent funding source, the operational needs of the commission continued to drain the financial and staff training resources of KLETC. Moreover, the regulatory mission began to interfere with KLETC's training mission when agencies became cautious about calling what they perceived as the regulatory staff for the advice and guidance KLETC's mission encourages.

Recognizing the need to separate the training function of KLETC from the regulatory function of the commission, The Legislature in 2006 established the Kansas Commission on Peace Officers' Standards and Training (KSCPOST) as a separate state agency with its own distinct budget and staff. The responsibility for investigations, administrative hearings, certification record maintenance, employment history tracking, and other administrative support shifted from KLETC to the new agency.

The legislation that established the KSCPOST as a separate agency did not reassign the local law enforcement training reimbursement fund. When the Legislature established the fund in 1992 to reimburse municipalities that operated satellite basic training programs, the staff of KLETC acting as staff for the commission assumed the responsibility for administering the fund. KSA 74-5620 establishes the KSCPOST's responsibility for determining the distribution formula and reviewing the programs of agencies receiving reimbursement funds. While the KSCPOST has been performing these functions, KLETC and the University of Kansas retained the responsibility for actually disbursing the funds.

HB No.2001 shifts the control of the fund from the KLETC and the University of Kansas to the KSCPOST. The change of account assignment remedies an oversight from the 2006 legislation. KLETC had previously approached the Department of Administration (DOA) to reassign the account, but the DOA after review determined that a change in the administration of the fund would require legislative approval. HB No. 2001 is the language that the Revisor's Office determined was necessary to give the DOA the authority to reassign the fund to the KSCPOST.





KLETC IN BRIEF

Established by the Kansas Legislature in 1968 as the central law enforcement training facility for our state, the Kansas Law Enforcement Training Center (KLETC) serves as the headquarters for all law enforcement training in Kansas.

KLETC, a unit of the University of Kansas Continuing Education and University Outreach is located at the former naval air station, which is situated south of the City of Hutchinson and west of the City of Yoder in Reno County, Kansas. Its mission, as expressed in the Law Enforcement Training Act, K.S.A. 74-5601 et. seq. is

"the promotion and development of improved law enforcement personnel and procedures throughout the state, and the training center shall offer to qualified applicants such programs and courses of instruction designed to fulfill this end."

KLETC directly trains the overwhelming majority of municipal, county and state law enforcement officers in Kansas, and oversees, supervises and monitors the training of the remaining officers at seven authorized and certified academy programs operated by local law enforcement agencies and the Kansas Highway Patrol.

Moreover, no municipal, county or state law enforcement agency pays any tuition in connection with the training and/or room and board furnished to their officers by KLETC during the mandated basic training.

KLETC trains, on average, over 400 officers annually in basic training-related programs. Last year, KLETC afforded continuing education, specialized training and distance learning programs to nearly 4,700 Kansas officers at KLETC as well as at other training sites across our state.

Kansas law enforcement officers must satisfactorily complete a minimum of 560 hours of basic law enforcement training to attain their law enforcement certification. Currently, the 560-hour program is conducted in a 14-week format. Additionally, to maintain law enforcement certification each officer must obtain 40-hours of continuing education annually in subjects related directly to law enforcement.

Established by K.S.A. 74-5619, and enabled by K.S.A. 20-362 and 20-362(e), funding for the training center is currently provided from the law enforcement training center fund. The law enforcement training center fund receives \$15 from the docket fee charged in criminal and traffic-related cases in state district courts. This level of remittance from the docket fee was set by the legislature in its session of 2006. The fund also receives \$11.50 from the docket fee charged in criminal and traffic - related cases in municipal courts. This

level of remittance from the docket fee was set by the legislature in its session of 2006. No monies from the general revenue of the State of Kansas are involved in the funding of the operations of the center. This funding principle may be thought of as the "user tax" concept of funding for law enforcement training. That is, the monies generated come from those individuals who violate the laws of the State of Kansas or municipalities. Law-abiding citizens do not participate in paying for law enforcement training.

KLETC has an authorized staff of 39 full-time and five part-time personnel. Additionally, KLETC employs contractual service companies for cleaning, security, laundry and cafeteria services. KLETC employees are dedicated and committed to active partnerships with the law enforcement community by providing comprehensive, progressive, quality training and support for Kansas law enforcement.

History of Capital Improvements 1991-2010

In compliance with promises made to the legislature in 1986, KLETC employed an architect to develop a master plan for the facility. This plan encompassed both repairs and rehabilitation to the existing facility as well as the construction of desperately needed additional space. Construction of the multipurpose/gymnasium, locker rooms, restrooms and administrative offices was completed in 1991. Two new classroom/seminar rooms, as well as a classroom/conference room were completed in 1993. A complete remodeling of the firearms range was completed in 1995. It included the construction of a range house with a classroom, firearms cleaning area, ammunition storage area and two offices, plus the construction of a range tower building for the Range Master to control and monitor training at the range. Construction of a new, four-story, 32,650 square foot, 107-bed residential hall commenced in March 1996, and was completed in September 1997. Renovation of the kitchen/dining areas and instructor office space commenced in October 1997, and was completed in July 1998. Reconstruction of KLETC's existing parking lot at the main facility and at the firearms range commenced in the spring of 2001 and was completed in October 2001. The renovated parking facilities feature a parking capacity of over 200 vehicles and provide additional security lighting at the main facility. In October 2002 the residential hall sleeping capacity expanded from 107 to 142 beds to accommodate increased enrollments.

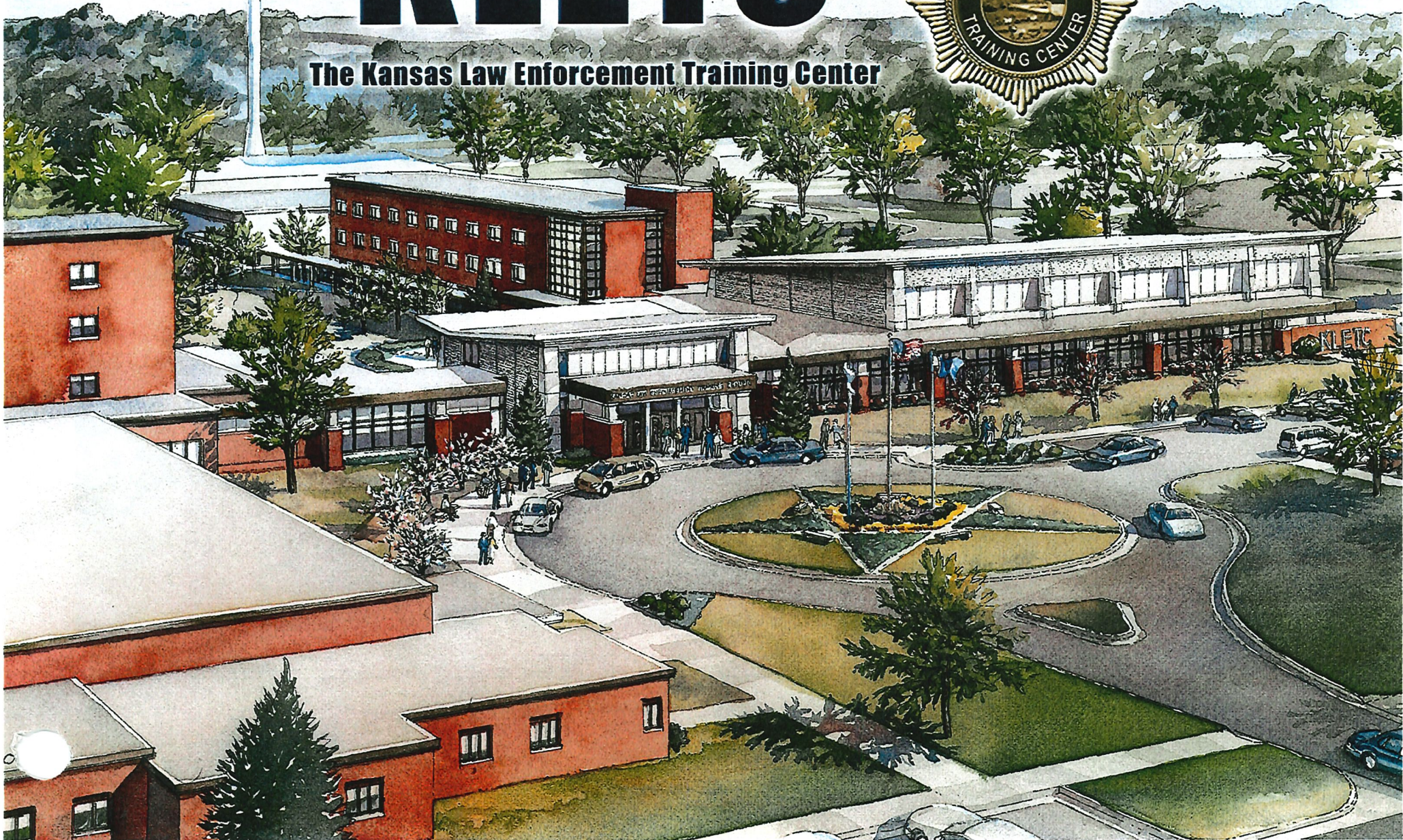
Because additional office and classroom space was needed, in late 2003 the University of Kansas purchased the former 20,000 square foot Collins Corporation office building located a short one-half block from KLETC's main campus facilities. Following completion of a renovation and construction project to create three new spacious classrooms and the revitalization of existing office space, KLETC moved all administrative and support staff functions to this building in September 2004.

In 2006, the Kansas Legislature and Kansas Board of Regents approved an architectural program for KLETC. The architectural program was divided into two construction phases. Phase I included a new 63-room residence hall with 126 sleeping beds, a multipurpose training facility capable of being divided into three separate training spaces, and expansion of the existing dining facility to accommodate additional student officers. Phase I was completed in June 2009. Phase II, a 1.78 mile emergency vehicle driver training course w/skid pad, training classroom and vehicle storage buildings, a tactical shooting training building and other associated facilities improvements was completed in late spring of 2010. Total legislative authorization for both Phases: \$16.4 million. The 2006 Legislature increased the municipal and district court docket fee remittance levels to fund the architectural plan and provide additional operations funding for the Center. *Rev. 8/10*

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KLETC

The Kansas Law Enforcement Training Center





KLETC



Driving Course



KLETC Lobby & Integrity Auditorium



East Dormitory



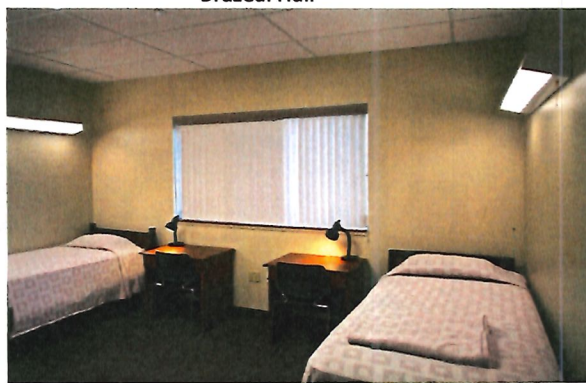
Brazeal Hall



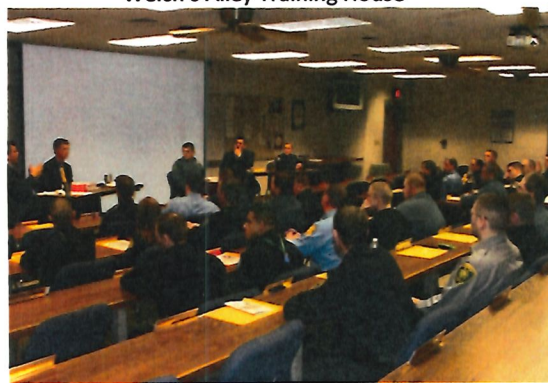
Welch's Alley Training House



Integrity Auditorium



Dormitory Room



Classroom



**Kansas Association of
Chiefs of Police**

PO Box 780603
Wichita, KS 67278
(316)733-7301



**Kansas Sheriffs
Association**

PO Box 1853
Salina, KS 67402
(785)827-2222



**Kansas Peace Officers
Association**

PO Box 2592
Wichita, KS 67201
(316)722-8433

**Testimony to the Senate Federal and State Affairs Committee
In Support of HB2001
March 8, 2011**

Chairman Brungardt and Committee Members,

The Kansas Sheriffs Association, the Kansas Association of Chiefs of Police, and the Kansas Peace Officers Association strongly supports the passage of HB2001.

This bill is simple and straight forward. It is merely clean up of KSA 74-5620 which provides funds distributed to local law enforcement recruit training programs. These responsibility of these distributions rests with the Kansas Commission on Police Officer Training and Standards (KS-CPOST).

We urge you to recommend this bill favorably for passage.

Ed Klumpp
Kansas Association of Chiefs of Police, Legislative Committee Chair
Kansas Sheriffs Association. Legislative Liaison
Kansas Peace Officers Association, Legislative Liaison
E-mail: eklumpp@cox.net
Phone: (785) 235-5619
Cell: (785) 640-1102

SENATE BILL No. 201

By Committee on Federal and State Affairs

2-14

AN ACT concerning bingo games; relating to the operation thereof and prizes awarded; amending K.S.A. 2010 Supp. 79-4701 and 79-4706 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2010 Supp. 79-4701 is hereby amended to read as follows: 79-4701. As used in this act:

(a) "Act" means the bingo act.

(b) "Administrator" means the administrator of charitable gaming designated by the secretary pursuant to K.S.A. 2010 Supp. 79-4717, and amendments thereto.

(c) "Bingo" or "games of bingo" means the games of call bingo and instant bingo.

(d) "Bingo card" or "card" means a reusable card which is marked off into 25 squares arranged in five horizontal rows of five squares each and five vertical rows of five squares each, with each square being designated by a number, letter or combination of numbers and letters. Only the center square shall be designated with the word "free." No two cards in the same game shall be identical.

(e) "Bingo face" or "face" means a piece of paper which is marked off into 25 squares arranged in five horizontal rows of five squares each and five vertical rows of five squares each, with each square being designated by a number, letter or combination of numbers and letters. Only the center square shall be designated with the word "free." No two bingo faces in the same game shall be identical. Faces shall be disposable and shall not be reused after the game in which a player has used such face.

(f) "Call bingo" means a game in which: (1) Each player pays a charge; (2) a prize or prizes are awarded to the winner or winners; (3) each player receives one or more cards or faces; and (4) each player covers the squares on each card or face as the operator of such game announces a number, letter or combination of numbers and letters appearing on an object selected by chance, either manually or mechanically from a receptacle in which have been placed objects bearing numbers, letters or combinations of numbers and letters corresponding to the system used for designating the squares. The winner

Proposed Amendments

Prepared by: Jason B. Long

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1 imposed ~~under subsections (g), (h) and (j) of~~ by K.S.A. 79-4706, and
 2 amendments thereto.

3 (x) "Secretary" means the secretary of revenue or the secretary's
 4 designee.

5 (y) "Session" means a day on which a licensee conducts games of
 6 bingo.

7 Sec. 2. K.S.A. 2010 Supp. 79-4706 is hereby amended to read as
 8 follows: 79-4706. Games of bingo shall be managed, operated and
 9 conducted in accordance with the bingo act and rules and regulations
 10 adopted pursuant thereto and the following restrictions:

11 (a) The entire gross receipts received by any licensee from the
 12 operation or conduct of games of bingo, except that portion utilized for
 13 the payment of the cost of prizes and license fees and taxes on games of
 14 bingo imposed under the provisions of this act, shall be used exclusively
 15 for the lawful purposes of the licensee permitted to conduct that game.

16 (b) Games of bingo managed, conducted or operated by a licensee,
 17 shall be managed, conducted or operated only by a bona fide member or
 18 spouse of a bona fide member of the licensee or parent organization or an
 19 auxiliary unit or society of such licensee *or of the beneficiary*
 20 *organization. During each session of bingo there must be at least one*
 21 *member of the licensee organization on duty and assisting with the game.*
 22 *Such member must be listed with the office of charitable gaming.*

23 (c) No lessor, employee of such lessor or employee, officer or
 24 shareholder of a for profit corporation which is the lessor shall play any
 25 game of bingo or participate in any drawing on premises leased by any
 26 such lessor nor shall such person be responsible for or assist in the
 27 management, operation or conduct of any game of bingo or drawing on
 28 such premises.

29 (d) No person may participate in the management, conduct or
 30 operation of bingo games by a licensee if such person, within five years
 31 prior to such participation, has been convicted of or pleaded guilty or
 32 *nolo contendere* to any felony or illegal gambling activity or purchased a
 33 tax stamp for wagering or gambling activity.

34 (e) No person may receive any remuneration or profit for
 35 participating in the management, conduct or operation of any game of
 36 bingo managed, conducted or operated by a licensee. *Food offered in the*
 37 *course of a volunteer duty shift and consumed on the premises shall not*
 38 *be considered remuneration, provided the retail value of such food*
 39 *offered does not exceed \$10.*

per volunteer

40 (f) The aggregate value of all prizes including the retail value of all
 41 merchandise awarded or offered by a licensee in a single session to
 42 winners of games of regular and special call bingo shall not exceed
 43 \$1,200. The value of a prize awarded in a progressive or mini bingo

1 No mini bingo game shall be conducted by a licensee more than ~~one hour~~
2 *two hours* prior to, or *one hour* after the ~~commencement~~ termination of,
3 the ~~first~~ regular or special game of call bingo operated or conducted by
4 the licensee for such session.

the first regular or special game of call bingo operated or conducted
by the licensee for such session

5 Sec. 3. K.S.A. 2010 Supp. 79-4701 and 79-4706 are hereby
6 repealed.

last

7 Sec. 4. This act shall take effect and be in force from and after its
8 publication in the ~~Kansas register~~.

statute book