

Approved: 4-9-97  
Date

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Senator Lana Oleen at 11:00 a.m. on February 18, 1997 in Room 254-E of the Capitol.

All members were present.

Committee staff present: Mary Galligan, Legislative Research Department  
Theresa Kiernan, Revisor of Statutes  
Midge Donohue, Committee Secretary

Conferees appearing before the committee:  
Lieutenant Terry L. Maple, Kansas Highway Patrol

Others attending: See attached list

Senator Vidricksen requested introduction of a bill concerning the Sports Hall of Fame in Abilene and athletic events.

Senator Jones moved for introduction of the bill. Senator Becker seconded the motion, and the motion carried.

Senator Oleen advised that the information Senator Gooch had requested from the Kansas Lottery in regard to its composition had been received and provided to Senator Gooch. In addition, she said similar information was provided to him on the makeup of GTECH and a copy would be made available to committee members if they have an interest. She pointed out that Senator Gooch had not inferred by his request that a racial issue was involved.

Senator Oleen told the committee a balloon version of **SB 28** had been drafted with amendments to address the concerns expressed during hearings on the bill, and she indicated she would like to work the bill following the hearing today on **SB 173**.

**SB 173: An Act relating to the Kansas Highway Patrol; concerning the sale of personal sidearms**

Lieutenant Terry L. Maple, Kansas Highway Patrol, appeared before the committee on behalf of Superintendent Lonnie McCollum in support of **SB 173 (Attachment #1)**. Lieutenant Maple explained that, in past years, the Patrol offered troopers who retire the option of purchasing their sidearm. He told the committee this may be a questionable practice under the State Surplus Property Act and, to avoid potential problems, the agency was requesting legislation to clearly authorize the Patrol to sell issued sidearms to Troopers and other sworn officers under certain circumstances. Lieutenant Maple asked for favorable consideration of the bill so the Patrol could continue this long standing tradition.

Senator Jones asked if the bill would apply only to one weapon, the issue weapon, and Lieutenant Maple said that it would apply to that weapon only.

Senator Jones moved that **SB 173** be reported favorably to the full Senate and be placed on the Consent Calendar. Senator Becker seconded the motion. The motion carried.

Staff explained the balloon version of **SB 28** regarding recoupment of expenditures for indigent defense services. The committee was reminded that Section 1 of bill, pertaining to bail bonds, had been deleted previously because it was a separate issue and was now contained in **SB 158**.

CONTINUATION SHEET

MINUTES OF THE SENATE FEDERAL & STATE AFFAIRS COMMITTEE, Room 254-E-Statehouse, at 11:00 a.m. on February 18, 1997.

Senator Harrington moved that New Sec. 2 of the bill be amended to provide for an amount equal to 40% of bail forfeitures received in a county during the preceding calendar month be credited to that county's general fund. Senator Becker seconded the motion. The motion carried.

Senator Gooch moved for a technical language amendment, changing the word "table" to "tables". Senator Schraad seconded the motion. The motion carried.

Senator Jones moved that an administrative fee in the amount of \$35 be imposed against the defendant, with discretion to waive the fee remaining with the judge. Senator Vidricksen seconded the motion. The motion carried.

Senator Gooch offered a substitute motion that would provide for collection of any purchased bond on any defendant who is able to pay the \$35 administrative fee.

Staff advised that the administrative fee and bonding were separate issues; that bonds should be considered apart from administrative fees. It was explained by staff that an administrative fee is personal to the individual defendant, and the discretion of the judge must be included to prevent a due process conflict.

Following discussion, Senator Gooch withdrew his substitute motion.

Senator Oleen pointed out there was a need for a technical amendment on page 22 pertaining to language for internal cross reference.

Senator Jones moved that the technical amendment be adopted. Senator Biggs seconded the motion. The motion carried.

Senator Harrington moved that **SB 28**, as amended, be reported favorably to the full Senate. Senator Bleeker seconded the motion. The motion carried.

Senator Becker moved that the minutes from the February 4 meeting be approved. Senator Bleeker seconded the motion. The motion carried.

Senator Oleen reminded committee members that the committee would meet tomorrow at 11:00 a.m. in Room 313-S to hear **SB 21**, concerning licensure to carry concealed weapons, and a number of conferees were scheduled.

The meeting adjourned at 12:00 noon. The next meeting is scheduled for February 19, 1997.

SENATE FEDERAL & STATE AFFAIRS COMMITTEE  
GUEST LIST

DATE: 2/18/97

| NAME             | REPRESENTING |
|------------------|--------------|
| <i>J. Miller</i> | KBA          |
| <i>J. Maple</i>  | KHP          |
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**Kansas Highway Patrol  
Summary of Testimony  
1997 Senate Bill 173  
before the  
Senate Federal & State Affairs Committee  
presented by  
Lieutenant Terry L. Maple  
February 18, 1997**

Good morning Madam Chair and members of the committee. My name is Terry Maple and I appear before you today on behalf of Superintendent Lonnie McCollum to express our support for Senate Bill 173.

Historically, the Patrol has offered troopers who retire the option of purchasing their sidearm. Recently, we have discovered that this may be a questionable practice under the state surplus property act. To avoid any potential problems, the patrol requested and was granted a proviso in our budget to allow continued transfer of sidearms until legislation which would clearly authorize such transfers could be obtained. As a result, the Patrol requested introduction of Senate Bill 173.

Specifically, the bill would allow the Superintendent to sell Patrol issued sidearms to Troopers and other sworn officers under the following circumstances:

- (1) Upon the retirement of a trooper or other officer; or
- (2) To a member of the immediate family of a trooper or other officer who dies while a member of the Patrol.

Any sale of a sidearm must be for an amount of not less than the replacement cost of the sidearm. The proceeds from the sales of any sidearms must be placed in the state treasury and credited to the Kansas Highway Patrol general fees fund.

Senate Bill 173 would clearly authorize a trooper to purchase their issued sidearm when they retire and provide for the same transfer when a trooper or officer dies while a member of the Patrol. We respectfully request your favorable consideration of the bill so the Patrol may continue this long standing tradition.

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