

Approved: April 1, 1994
Date

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Chairman Lana Oleen at 11:05 a.m. on February 28, 1994 in Room 254-E of the Capitol.

All members were present except:
Sen. Vidricksen was excused

Committee staff present: Mary Galligan, Legislative Research Department
Mary Ann Torrence, Revisor of Statutes
Jeanne Eudaley, Committee Secretary

Conferees appearing before the committee:
See attached agenda

Others attending: See attached list

Sen. Oleen announced continuation of the hearing for SB 658 and introduced Sen. Pat Ranson. Sen. Ranson was a member of the staff for Governor Robert Bennett in 1974 and recalled an Inaugural Committee was responsible for Gov. Bennett's inauguration. She stated the governor's office did not receive any contributions, but rather it went to the Republican party. She stated she believes there should be full disclosure, as to who contributes to an inaugural and where the money is spent. She also recommended using caps on amounts for contributions and suggested a good guide might be that utilized for contributions to candidates. In answer to a question from Sen. Gooch regarding where money left over after inaugural expenses were paid would go, Sen. Ranson stated she didn't agree with putting it into the general fund, as it might hamper some people from giving. Sen. Oleen stated the bill provides for formation of a separate committee responsible for the inaugural, with a treasurer appointed to receive funds. She stated the intent was to send a strong message to raise only the funds needed to pay for the inauguration. Sen. Hensley suggested a good guide might be to allow the amount individuals can contribute to a political party. Sen. Oleen asked Sen. Ranson if she could remember the cost of the 1974 inaugural, and Sen. Ranson answered she could not remember the amount, but did recall there was a small amount left over. Those funds went to the Republican party, as personnel from Republican headquarters were the Inaugural Committees's support staff. Sen. Oleen introduced Janice Harper, who furnished additional information (Attachment 1) to the committee. Sen. Oleen clarified the information prepared by Ms. Harper - "mandays" is really "persondays" and means in 1991, there were 130 eight hour days at a cost of \$6,980. She stated the reason the cost has gone down is due to the number of volunteers who donate their time rather than being paid for it. She also stated the Adjutant General budgets only in an inaugural year for that funding, and they have requested \$17,000 at the C level next fiscal year. She believes the maximum cost to be \$7,000 because of the volunteers who participate. Sen. Oleen asked Ms. Harper who coordinates the inaugural from the Adjutant General's office, and Ms. Harper answered it is usually a colonel. Ms. Harper did not know who coordinated the last inaugural, as she explained she has been in the department only a short time. Sen. Oleen asked her to report to the committee the last three coordinators who were in charge of the inauguration and their rank. Sen. Oleen stated she will distribute copies of her conversation with former Gov. Hayden, and that the committee has heard from former Govs. Carlin and Bennett. She stated she has issued another request to Gov. Finney to appear before the committee with information, but has not heard from her.

Sen. Oleen called attention to the confirmation hearing for Jack Janssen to the Racing Commission several days ago. Sen. Hensley made a motion Mr. Janssen be recommended favorably to the Senate for confirmation to the Racing Commission. It was seconded by Sen. Tillotson, and the motion passed.

Sen. Oleen called attention to SB 283 and the hearing on February 14. She stated copies of the fiscal note (Attachment 2) as well as a balloon (Attachment 3) of proposed amendments have been distributed to the committee. Sen. Hensley explained proposed amendments to the committee and answered questions from the committee. Ms. Torrence pointed out two errors in the proposed amendments and made recommendations for changing those. Sen. Hensley added another change - that the required report go to the House Labor

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS, Room 254-E
Statehouse, at 11:05 a.m. on February 28, 1994.

Committee, and Sen. Oleen stated she wanted to make sure the chairman and vice-chairman come from the public sector and not be state employees. Sen. Jones agreed and suggested inserting the public sector requirement. Sen. Oleen pointed out that no state funds are to be used for expenses for the council. Sen. Hensley made a motion the committee adopt amendments as proposed (Committee Report - Attachment 4). It was seconded by Sen. Praeger, and the motion passed. Sen. Hensley made a motion SB 283 be recommended favorably as amended, and it was seconded by Sen. Praeger; the motion passed.

Sen. Oleen requested the committee review SB 723 and in particular, the testimony (Attachment 5) given by Gary Pettijohn, who is a special agent for the Attorney General. Sen. Oleen asked for a review of that testimony, and John Kite spoke in the absence of Gary Pettijohn. Sen. Oleen referred to testimony by a private detective opposing the bill. She also stated she wanted the committee to understand the proposed policy changes moves the licensing from direct appropriation to fee funded. Sen. Gooch asked questions regarding application fees, liability insurance and carrying guns. Sen. Parkinson questioned the registration cards, and asked why the committee should pass this bill. Mr. Kite responded the KBI spends considerable time processing and updating the licensing of detectives in the state, but does not receive funds. Camile Nohe, who is an assistant attorney general assigned to work with private detectives, explained that the private detectives met to discuss changes in the process and for recommendations. Upon a review of the statutes by Ms. Nohe, the group agreed upon the changes, which have been proposed. She stated other state boards, who are in charge of the licensing process, are all fee funded, and stated the fees are needed to cover the cost of administration. Sen. Hensley stated he has received complaints that there is no board for private detectives to offer opportunity for input for the profession. Ms. Nohe stated the group of private detectives plan on meeting again, as it is anticipated this to be an on-going process. Sen. Oleen asked the committee if it wanted to take action on the bill, and no request was made to take action.

Sen. Oleen called attention to SB 804, relating to child support enforcement, and stated there were no opponents at the hearing. She noted there are two concerns not in the bill: 1. The contracts should be awarded after a competitive bid process; 2. Collections would be for everyone, not just AFDC or 4D parent/custodians. Sen. Jones made a motion the committee adopt amendments discussed, and it was seconded by Sen. Parkinson; the motion passed (Committee Report, Attachment 6). Sen. Jones made a motion the bill be passed as amended, and it was seconded by Sen. Parkinson; the motion passed.

Sen. Oleen stated the committee should meet tomorrow for about 30 minutes, as there was a conflict with Sen. Praeger's committee meeting. Sen. Oleen announced the committee will meet on Wednesday.

Meeting adjourned at 12:10.

GUEST LIST

COMMITTEE: Senate Federal & State Affairs

DATE: Feb. 28, 1994

[illegible]

STATE ACTIVE DUTY INAUGURATION

The National Guard has been helping with the inauguration for a number of years and is proud of the success they have had. The Adjutant General's Department budgets for State Active Duty Inauguration costs only on the years an inauguration is to occur.

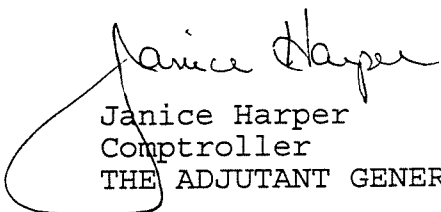
The cost of the inauguration participation is largely dependent on who is elected as governor and their wants in regard to inauguration ceremonies. If the ceremonies entirely remain in Topeka, the cost can most likely be maintained at the level of the last inauguration. In one previous inauguration there were ceremonies in Topeka and in Wichita. This type of ceremony is much more costly. In our C level budget we requested \$17,000 for inaugural costs. This request was based on the largest amount that might be spent considering the cost of previous inaugurals. I must note that the cost of the inaugurals have been kept at a bare minimum due to the use of a large number of volunteers.

Below is a breakdown of the last four inaugurations:

<u>Year</u>	<u>PERSON</u> <u>Mandays</u>	<u>Cost to the State</u>
1991	130 X 8 hr. days	\$ 6,980
1987	156	\$ 8,114
1983	197	\$ 15,385
1979	245	\$ 15,230

Thank you for your consideration and the opportunity to submit this information.

Resectfully submitted,


Janice Harper
Comptroller
THE ADJUTANT GENERAL'S DEPT.

Senate Fed. State
Feb. 28, 1994
Attachment 1

STATE OF KANSAS



DIVISION OF THE BUDGET

Room 152-E
State Capitol Building
Topeka, Kansas 66612-1504
(913) 296-2436
FAX (913) 296-0231

Joan Finney
Governor

Gloria M. Timmer
Director

March 18, 1993

The Honorable Alicia Salisbury, Chairperson
Committee on Commerce
Statehouse, Room 120-S
Topeka, Kansas 66612

Dear Senator Salisbury:

SUBJECT: Fiscal Note for **SB 283** by Senate Committee on
Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 283 is respectfully submitted to your committee.

SB 283 would create the Kansas Labor Education Center at Kansas State University. The bill establishes the objectives of the Center, which include contributing to the development of a well trained and motivated labor force; undertaking basic and applied research in the substantive issues encompassing labor studies; obtaining training, educational, and research grants; offering consultation to labor, employer, and human resource organizations; providing information through newsletters and other publications; and serving on commissions concerned with economic, educational, and social and public policy areas of work.

The Center would be directed to provide extension education to employees, labor organizations, human resource managers, and employers in such areas as occupational safety and health, workers' and unemployment compensation, employee assistance, grievance handling, arbitration techniques, drug testing, communication skills, flexible work schedules, labor law and regulations, economic dislocation, changing labor force requirements, workers' compensation and health care costs, OSHA enforcement procedures, affirmative action policies, labor-management cooperation, changing technologies, vocational-technical training, and adult literacy. The bill states that these programs must be subject to the limitations of appropriations.

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Attachment 2

The Honorable Alicia Salisbury, Chairperson

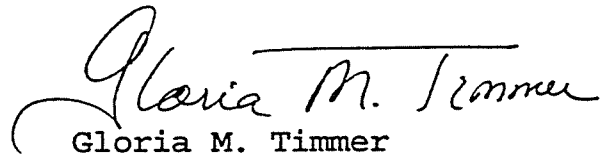
March 18, 1993

Page 2

The bill would establish an advisory board composed of 12 members. Six of these members would be appointed by the Governor and four would be appointed by the leadership of the Kansas Senate and House of Representatives. The other two members would be the Secretary of Human Resources, or the Secretary's designee, and the Dean of the College of Arts and Sciences at Kansas State University or the Dean's designee. The Board would appoint a director for the Center.

The fiscal impact of this bill would be subject to appropriations. The FY 1994 Governor's Budget Report includes \$35,000 from the State General Fund for establishment of the Center.

Sincerely,

A handwritten signature in cursive script that reads "Gloria M. Timmer". The signature is written in dark ink and is positioned above the printed name and title.

Gloria M. Timmer
Director of the Budget

cc: Dr. Tom Rawson, Kansas State University

283.fn

SENATE BILL No. 283

By Committee on Federal and State Affairs

2-10

8 AN ACT creating the Kansas labor education center at Kansas state
9 university; establishing an advisory council and the office of di-
10 rector of the center; prescribing powers, duties and functions
11 therefor.

12
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. (a) This act shall be known and may be cited as the
15 labor education center act.

16 (b) The provisions of this act shall expire on July 1, 1997.

17 Sec. 2. (a) There is hereby created the Kansas labor education
18 center which is associated with the institute for social and behavioral
19 research at Kansas state university. ~~The activities of the center shall~~
20 ~~be subject to the provisions of appropriations acts.~~

21 (b) The objectives of the center shall include, but shall not be
22 limited to: (1) Contributing to the development of a well trained
23 and motivated labor force, and, therefore, to economic growth, by
24 providing continuing education programs in labor studies to workers,
25 managers and employers; (2) undertaking basic and applied research
26 in the substantive issues encompassing labor studies, including the
27 changing nature of work, the relationship between work and society
28 and phenomena outside of the workplace which either influence or
29 are influenced by work; (3) obtaining training, educational and re-
30 search grants and contracts in cooperation with labor organizations,
31 employers, federal and state agencies, or other appropriate organi-
32 zations; (4) offering consultation to labor, employer and human re-
33 source organizations on the development of educational and research
34 programs and on the utilization of manpower resources; (5) main-
35 taining informational and technical services through periodic reprints,
36 working papers, newsletters, news releases and other publications;
37 (6) developing and providing educational materials, including films,
38 charts, audiovisual aids and library resources; and (7) serving on
39 commissions, advisory boards, and civic and governmental bodies
40 concerned with economic, educational, and social and public policy
aspects of work.

41 (c) ~~Within the limitations of appropriations,~~ the center shall co-
42 operate with existing state agencies and private organizations to pro-

1998

work

human

(strike)

, institutions under the state board of regents,
community colleges, area vocational-technical
schools

*Senate Fed. State
Feb. 28, 1994
Attachment 3*

vide education and develop basic and applied research on workplace issues. The functions of the center shall include but not be limited to providing extension education to employees, labor organizations, human resources managers and employers in such areas as occupational safety and health, workers' and unemployment compensation, employee assistance including substance abuse programs, grievance handling, arbitration techniques, drug testing, communication skills, flexible work schedules, labor law and regulations, economic dislocation, developing research on such issues as changing labor force requirements, workers' compensation and health care costs, OSHA enforcement procedures, affirmative action policies, labor-management cooperation, changing technologies, vocational-technical training and adult literacy.

(d) The activities of the center may be conducted ~~at~~ or offered at Kansas state university or ~~at~~ other appropriate locations in the state.

when mutually agreed upon by the parties involved

Sec. 3. (a) There is hereby created the labor education center advisory council consisting of ~~12~~ members as follows:

11

(1) The president of the senate, the minority leader of the senate, the speaker of the house of representatives and the minority leader of the house of representatives shall each appoint one member to the council;

(2) the dean of the college of arts and sciences at Kansas state university or the dean's designee;

(3) the secretary of human resources, or the secretary's designee;

five

(4) the governor shall appoint ~~six~~ members who represent employees and employers of the state.

(b) The members of the advisory council appointed under subsection (a)(1) shall be appointed for a term ending on the first day of the regular session of the legislature in odd-numbered years. The members of the advisory council appointed by the governor under subsection (a)(4) shall be appointed for terms as follows: (1) Three members shall be appointed for terms ending on ~~June 30, 1995~~, and (2) three members shall be appointed for terms ending on ~~June 30, 1996~~. After the expiration of the initial terms of such members appointed by the governor, members shall be appointed by the governor for terms of two years. All vacancies in the office of appointed members shall be filled by appointment by the officer or council making the original appointment for the remainder of the unexpired term of the member creating the vacancy.

In making appointments to the advisory council, the appointing authorities shall cooperate with the governor in making the membership of the advisory council representative of the diversity of the Kansas work force.

December
January 31, 1996⁵

January 31, 1996⁶

(c) The advisory council shall organize annually by the election from its membership of a chairperson and a vice-chairperson. The advisory council shall adopt such rules of procedure as it deems

1 necessary for conducting its business.

2 Sec. 4. (a) The advisory council shall appoint the director of the
3 labor education center. The director shall be selected by the advisory
4 council from personnel employed by Kansas state university. ~~The~~
5 ~~director shall receive compensation from appropriations made for the~~
6 ~~labor education center.~~ The director shall be located in the office
7 of the institute of social and behavioral research at Kansas state
8 university.

(strike)

9 (b) The director shall be responsible for publishing a formal strat-
10 egy and set of goals adopted by the advisory council for the labor
11 education center. ~~At the direction of the advisory council, the di-~~
12 ~~rector shall prepare a preliminary budget proposal for fiscal year~~
13 ~~1993 and present such budget proposal to the board of regents and~~
14 ~~the legislature. Each year, the advisory council shall submit a pro-~~
15 ~~posed budget for the labor education center within the budget es-~~
16 ~~timate prepared and submitted to the division of the budget pursuant~~
17 ~~to K.S.A. 75-3717 and amendments thereto.~~

The director shall report to the senate committee
on commerce and the house committee on economic
development.

18 (c) The advisory council shall develop and adopt a formal strategy
19 and set of goals for such labor education center and shall revise and
20 update such strategy and goals as deemed necessary by the council.
21 The advisory council may recommend such legislation as the council
22 deems appropriate for the purposes of the labor education center.

23 Sec. 5. This act shall take effect and be in force from and after
24 its publication in the Kansas register.

statute book

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

Your Committee on Federal and State Affairs

Recommends that Senate Bill No. 283

"AN ACT creating the Kansas labor education center at Kansas state university; establishing an advisory council and the office of director of the center; prescribing powers, duties and functions therefor."

Be amended:

On page 1, in line 16, by striking "1997" and inserting "1998"; in line 19, by striking all after the period; by striking all of line 20; in line 23, by striking "labor" and inserting "work"; in line 34, by striking "manpower" and inserting "human"; in line 42, by striking "Within the limitations of appropriations, the" and inserting "The"; in line 43, after "agencies", by inserting ", institutions under the state board of regents, community colleges, area vocational-technical schools";

On page 2, in line 14, by striking "at"; in line 15, by striking the second "at"; in line 16, after "state", by inserting "when mutually agreed upon by the parties involved"; in line 18, by striking "12" and inserting "11"; in line 26, by striking "six" and inserting "five"; after line 27, by inserting:

"In making appointments to the advisory council, the appointing authorities shall cooperate with the governor in making the membership of the advisory council representative of the diversity of the Kansas work force.";

Also on page 2, in line 33, by striking "June 30" and inserting "December 31"; in line 34, by striking "three" and inserting "two"; also in line 34, by striking "June 30" and inserting "December 31"; in line 42, after "vice-chairperson", by inserting ", who shall not be state employees or elected state officials";

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Attachment 4

On page 3, in line 4, by striking "The", by striking all of line 5; in line 6, by striking all before "The"; in line 11, by striking all after the period; by striking all of lines 12 through 17; after line 22, by inserting:

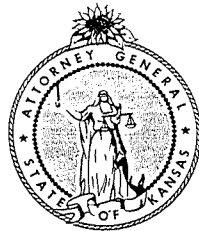
"(d) The director shall report annually on or before January 20 to the senate committee on commerce, the house committee on economic development and the house committee on labor and industry regarding the activities of the center and the advisory council during the preceding calendar year.";

Also on page 3, in line 24, by striking "Kansas register" and inserting "statute book";

And the bill be passed as amended.

Chairperson

Attach 5



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612-1597

ROBERT T. STEPHAN
ATTORNEY GENERAL

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751
TELECOPIER: 296-6296

Testimony on Behalf of Attorney General Robert R. Stephan
Presented by Special Agent Gary Pettijohn

Senate Committee on Federal and State Affairs
Re: Senate Bill 723
February 17, 1994

On behalf of the Attorney General, I am here to present
testimony in support of S.B. 723.

One of the more unusual statutory functions granted the Attorney General is licensing private detectives, authorizing firearm permits and certifying firearm trainers. A comprehensive review of the private investigative act was undertaken by the Attorney General's office in consultation with the licensing program administrators from the Kansas Bureau of Investigation (who administer the act on behalf of the Attorney General) and representatives from the private detective community. The proposed amendments which appear in S.B. 723 resulted from that review. I would like to address the major changes.

Licensing is changed from the present scheme of licensing private detective agencies as well as individuals to a scheme of licensing individual private detectives only. Not only would the new approach be consistent with other professional licensing acts, implementation and record keeping would be greatly simplified. The present arrangement of licensing some private detectives as "agencies," others as "individuals" employed at an agency and still others as "independents" is cumbersome, confusing and time consuming. As long as a person meets the licensing requirements established for protection of the public, the licensing entity (in this case the Attorney General) is not concerned with whether the persons has an ownership interest in a private detective business, is employed by such a business or is self-employed. Numerous amendments throughout S.B. 723 reflect this philosophy.

The present requirement of a \$10,000 bond, insurance policy or deposit for all private detectives is eliminated. In its stead is a \$100,000 liability insurance requirement for those private detectives who also have been issued a permit to carry a

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Attachment 5

concealed gun and for those who are certified as a firearms trainer. It is the position of the Attorney General that those private detectives who are authorized to carry a concealed firearm pose a measure to risk of physical injury to the public. Financial protection to a person injured the negligent discharge of a gun is afforded by this liability insurance requirement.

Since 1972 the Attorney General's budget (through the KBI) has absorbed the cost of implementing the licensing of private detectives because license fees have been paid into the general fund. To move towards a fee funded program, S.B. 723 raises license fee ceilings and establishes a private detective fee fund. The higher license fee for private detectives will cover a two year license term in place of the present one year term; the license term for firearm permit holders and firearm trainers will continue to be one year.

Other amendments within S.B. 723 would accomplish the following:

- *Clarify, strengthen and simplify initial and renewal license requirements.
- *Authorize 120 day temporary private detective permits.
- *Eliminate the requirement for licensed private detectives to register their car in Kansas.
- *Add authority to censure, limit or condition a private detective license.
- *Eliminate the requirement of a hearing prior to denying a license. (However, pursuant to the Kansas administrative procedure act, an applicant who is denied a license retains the right to request a hearing.)
- *Add authority to define unprofessional conduct by rules and regulations.
- *Language and intent is clarified.
- *Responsibilities of licensees are modified.

Following the introduction of S.B. 723, representatives from the KBI, the private detective community and the attorney general's office met to discuss some points of dispute. Agreement was reached on three of the four issues which are reflected in the attached proposed amendments to the bill.

The remaining point of dispute concerns the prohibition against private detectives using a badge in connection with the

activities of his or her business. (S.B. 723, p. 9, lines 7-8). Despite the rationale expected to be presented by the Kansas Association of Private Investigators, the Attorney General strongly believes that the potential for the public to mistake a private detective with a law enforcement officer and the potential for misuse or abuse of the apparent authority indicated by a badge is too great to authorize the use of a badge by private detectives.

We urge your support of S.B. 723 which will result in placing the licensing of private detectives on a more sound financial basis, simplifying the licensing process, elimination of burdensome requirements and clarification of language, intent and responsibilities. Ultimately, these changes are consistent with the policy of protecting the public who is served by this profession.

1 business in this state unless such person is licensed as a private
2 detective under this act.

3 ~~(b) It shall be unlawful for any person to engage in business~~
4 ~~in this state as a private detective agency unless such person~~
5 ~~is licensed therefor.~~

6 ~~(e) (b) No law enforcement officer or any person who holds a~~
7 ~~special commission or any form of law enforcement commission from~~
8 ~~any law enforcement agency of the federal government or of the~~
9 ~~state or any political subdivision thereof may be licensed as a private~~
10 ~~detective or private detective agency.~~

11 Sec. 3. K.S.A. 75-7b03 is hereby amended to read as follows:
12 75-7b03. The following persons shall not be deemed to be engaging
13 in detective business:

14 (a) A person employed exclusively and regularly by one employer
15 in connection only with the *internal affairs or investigations* of such
16 employer and where there exists an employer-employee relationship;

17 (b) any officer or employee of the United States, or of this state
18 or a political subdivision thereof while engaged in the performance
19 of the officer's or employee's official duties;

20 (c) a person engaged exclusively in the business of obtaining and
21 furnishing information as to the financial rating of persons;

22 (d) a charitable philanthropic society or association duly incor-
23 porated under the laws of this state which is organized and main-
24 tained for the public good and not for private profit;

25 (e) an attorney performing duties as an attorney or an ~~agent of~~ employee
26 ~~an attorney performing duties on behalf of the attorney;~~ or law firm
27 ~~exclusively~~ or law firm

28 (f) a licensed collection agency or an employee thereof while
29 acting within the scope of employment, while making an investigation
30 incidental to the business of the agency, including an investigation
31 of the location of a debtor or a debtor's property where the contract
32 with an assignor creditor is for the collection of claims owed or due
33 or asserted to be owed or due or the equivalent thereof;

34 (g) admitted insurers, agents and insurance brokers licensed by
35 the state, performing duties in connection with insurance transacted
36 by them;

37 (h) the legal owner of personal property which has been sold
38 under a conditional sales agreement or a mortgagee under the terms
39 of a chattel mortgage in connection with the recovery of such personal
40 property;

41 (i) any bank subject to the jurisdiction of the state bank com-
42 missioner of the state of Kansas or the comptroller of currency of
43 the United States;

(j) a person engaged solely in the business of securing information

(i.e. "or an employee of an attorney or
law firm performing duties
exclusively on behalf of the
attorney or law firm."

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1 or conduct business from any location other than that shown on the
 2 records of the attorney general as his or her *such licensee's* principal
 3 place of business unless he or she *the licensee* has received a branch
 4 office certificate for such location after compliance with the provisions
 5 of this act and such additional requirements necessary for the pro-
 6 tection of the public as the attorney general may prescribe by reg-
 7 ulation. A licensee shall notify the attorney general in writing within
 8 ~~ten (10)~~ 10 days after closing or changing the location of a branch
 9 office.

10 Sec. 11. K.S.A. 75-7b11 is hereby amended to read as follows:
 11 75-7b11. (a) Except as provided in subsection (b), no license
 12 shall be issued under this act unless the applicant (1) files with
 13 the attorney general a corporate surety bond executed by a
 14 company authorized to do business in this state in the sum of
 15 \$10,000, or (2) files with the attorney general a certificate of
 16 insurance showing that the applicant has general liability in-
 17 surance providing coverage for bodily injury or property dam-
 18 age caused by negligence, errors or omissions, or intentional
 19 acts (including assault and battery) and for personal injury
 20 caused by libel, slander, false arrest, false imprisonment, in-
 21 vasion of privacy, wrongful entry, wrongful eviction or mali-
 22 cious prosecution, or (3) deposits \$10,000 in cash with the state
 23 treasurer. The bond or return of the deposit shall be condi-
 24 tioned on the faithful and honest conduct of business by such
 25 applicant.

26 (b) No applicant who is or will be employed by a licensee
 27 to engage in the business of the licensee shall be required to
 28 obtain such bond or certificate of insurance or make such de-
 29 posit. (a) No firearm permit nor any firearm trainer certificate
 30 shall be issued under this act unless the applicant files with the
 31 attorney general a certificate of insurance showing that the applicant
 32 has general liability insurance providing coverage at the limits of
 33 \$500,000 for bodily injury or property damage caused by negligence,
 34 errors or omissions.

or licensee demonstrates

\$100,000

Proof of such coverage may be demonstrated
 by (1) a certificate of insurance issued in
 the applicant's or licensee's name, or (2)
 a certificate of insurance issued in the name
 of the employer of the applicant or licensee
 which provides such coverage on behalf of
 applicant or licensee.

35 (c) The attorney general shall approve each bond filed un-
 36 der this section as to form, execution and sufficiency of the
 37 sureties. Such bond shall be taken in the name of the people
 38 of this state and may be continuing in nature. (b) The attorney
 39 general shall approve any certificate of insurance filed under this
 40 section as to form, execution and sufficiency of coverage evidenced
 41 thereby.

42 (d) Any person injured by any unlawful act of an applicant
 43 or an applicant's employees or agents, whether licensed or not,

5-5

1 information obtained in the course of employment, or knowingly
2 publishing a *libel or pronouncing a slander or a libel* in the course
3 of business;

4 (2) *using committing an illegal means act* in the collection or
5 attempted collection of a debt or obligation;

6 (3) manufacturing evidence; and

7 (4) acceptance of employment adverse to a client or former client
8 relating to a matter with respect to which the licensee has obtained
9 confidential information by reason of or in the course of the licensee's
10 employment by such client or former client.

11 Sec. 15. K.S.A. 75-7b15 is hereby amended to read as follows:

12 75-7b15. (a) Each ~~private detective or detective agency licensee~~
13 operating as provided in this act, shall be required to keep a complete
14 record of the business transactions of such ~~detective or detective~~
15 ~~agency, and licensee~~. Any licensed private detective who is the
16 owner or custodian of records of business transactions shall retain
17 such records for at least three years. Each licensee, upon the order
18 of the attorney general, shall give free and full opportunity to inspect
19 the same and to inspect reports made; but any information obtained
20 by the attorney general shall be kept confidential, except as may be
21 necessary to commence and prosecute any legal proceedings. When
22 any ~~detective or detective agency licensee~~ requires any report of
23 an agent or employee to be made verbally, a digest shall be made
24 of such verbal report and this digest, together with the written
25 reports, shall be kept on file in the office of the private detective
26 or ~~detective agency licensee~~.

27 (b) For the purpose of enforcing the provisions of this act, and
28 in making investigations relating to any violation thereof or to the
29 character, competency and integrity of the applicants or licensees
30 hereunder, and for the purpose of investigating the business, busi-
31 ness practices and business methods of any applicant or licensee, or
32 of the ~~officers, directors, partners or associates thereof~~, the at-
33 torney general shall have the power to subpoena and bring before
34 ~~him or her~~ the attorney general any person in this state and require
35 the production of any books, records or papers which he or she the
36 attorney general deems relevant to the inquiry, including, but not
37 limited to, the records described in subsection (a). The attorney
38 general also may administer an oath to and take the testimony of
39 any person, or cause his or her such person's deposition to be taken,
40 except that any applicant or licensee or ~~officer, director, partner~~
41 or ~~associate thereof~~ shall not be entitled to any fees or mileage.
42 A subpoena issued under this section shall be governed by the code
43 of civil procedure. Any person duly subpoenaed, who fails to obey

upon complaint made or information received and

Article 7b Name of act changed from "Private Investigative or Security Operations" to more accurate "Private Detective Licensing and Firearm Permit Act"

75-7b01, Definitions

(a)(1) - clarify definition of "detective business" so that it does not include law enforcement activities

(a)(4) - add investigating fraud to definition of "detective business"

(a)(6) - add conducting polygraph and electronic truth verification testing to definition of "detective business"

(c) - delete definition of "private detective agency"

(d) - include specific definition of "law enforcement officer" as opposed to referencing K.S.A. 21-3110

(g) - clarify permit authority to carry concealed firearm

(h) - redefine "firearm" consistent with Kansas case law

(j) - add definition of "good moral character"

(l) - add definition of "special commission"

75-7b02, License required

(b) delete reference to private detective agency

(b) clarify prohibition against law enforcement officers from being licensed as private detectives

75-7b03, Exemptions from licensure

(a) clarify exemption which pertains to person employed by one employer

(e) clarify attorney exemption to extend to employees of attorneys and law firms (i.e. paralegals, law clerks)

75-7b04, Licensure; application; references; qualifications; hearing; grounds for denial of license

(a) delete reference to private detective agency

(a)(1) - add requirement of residence address and post office box number if any

- (a)(3) - amend regarding required statement from "general nature of detective business" to "type of private detective business"
- (a)(4) - delete reference to classifications
- (a)(4) - clarify requirement for information about applicant
- (a)(5) - amend requirement of "two recent photographs" to "two photographs taken within 60 days prior to application"
- (a)(6) - add application requirement of employment history in place of experience qualifications
- (b) - eliminate distinction between references for in-state and out-of-state applicants; eliminate specified geographic area for references; replace with requirement of "five or more reputable citizens who have known the applicant for a period of at least 5 years"
- (c) - delete reference to private detective agency
- (c)(4) - add license requirement of high school graduation or graduate equivalency examination (GED)
- (c)(5) - add license requirement: not incompetent, incapacitated or impaired by reason of mental condition, deficiency or disease
- (c)(6) - add license requirement: not dishonorably discharged from military
- (d) - delete requirement of hearing prior to denying license
- (d)(4) - include conviction of crime of violence as basis to deny license
- (d)(5) - include wider range of prior disciplinary action as basis to deny license
- (d)(6) - include wider range of prior disciplinary action as basis to deny license
- (d)(9) - include addiction, dependence or abuse of alcohol or drugs as basis to deny license
- (e) - add authority to issue 120 day temporary licenses
- (f) - add authority to charge \$15 fee for application forms and materials

75-7b05, License fees -

- (a) - amend amount for private detective license fee to \$350 (for two year license)
- (a) - delete private detective agency license fee
- (b) - delete \$18 application fee for applicant who will work for private detective agency
- (b) - add renewal fee of \$300

75-7b06, License; form; display; pocket card; license

- (b) - delete reference to private detective agency; delete requirement to "turn in" pocket card on change of employment;
- (c) - delete requirement that officers/partners of private detective agency be licensed

75-7b07, License renewal; responsibility; license not assignable -

- (a) - establishes two year license period; authorize the attorney general to establish manner, form and conditions of renewal of private detective license; add requirement of two new photographs with renewal; delete specific statutory renewal language
- (b) add license not transferable
- (c) add grandfather provision to allow private detective agency operators to renew as individual licensed private detectives

75-7b08, Information confidential -

- (a) - clarify language; delete reference to private detective agency
- (b) - delete reference to private detective agency
- (b)(3) - delete prohibition against contingency fees
- (b)(5) - allow use of alias for undercover investigative activities

75-7b09, Record of employees - technical change

75-7b10, Soliciting or advertising

Change requirement of advertising only as name and address appear in AG's records to prohibition against using any false, misleading or deceptive information in advertising

75-7b11, Surety bond, liability insurance or deposit with treasurer

- (a) eliminate requirement for private detectives
- (b) add \$100,000 liability insurance as requirement for firearms trainers and firearms permit holders
- (c) delete reference to bond requirement
- (d) delete as refers to bond or deposit requirement

75-7b12, Same; failure to maintain on file

- (a) eliminate requirement for private detectives to maintain bond/insurance/deposit; add continuing liability insurance requirement for firearms trainers and firearms permit holders
- (b) delete reference to bond requirement

75-7b13, Suspension or revocation of license; grounds; hearing

- (a) add authority to censure, limit or condition license, as well as suspend or revoke
- (a)(4) - add conviction of crime of violence as basis for disciplinary action
- (a)(10) - delete reference to "runner or capper"; add specific conduct as basis for disciplinary action
- (a)(11) - add prohibition against committing act of unprofessional conducts as defined by rules and regulations

75-7b14, Same; grounds; hearing

- (a) and (b) - add authority to censure, limit or condition license, as well as suspend or revoke

(a)(2) - change advertising requirement of using name under which licensed to prohibition against using false, misleading or deceptive information in advertising

(b)(1) - clarify language

(b)(2) - clarify language

75-7b15, Records and reports; inspection

(a) - specify three year record retention requirement; delete reference to private detective agency; tie attorney general business records inspection authority to incidents of complaints or reception of information

(b) - delete reference to private detective agency; technical change

75-7b16, Motor vehicles required to be registered in this state - Eliminate

75-7b17, Firearms permit, etc.

(a) - clarify permit authority to carry concealed firearm

(b) - amend amount of application fee from \$10 to \$50

(b)(3) - add requirement of two sets of classifiable fingerprints

(b)(4) - add requirement of two photographs taken within 60 days of application

(c) - clarify permit authority to carry concealed firearm

(d) - technical change; clarify no requirement to report firearm discharge during firearm training

(e) - add authority to revoke or suspend firearm permit upon violation of act or regulations, or when permit holder can not longer demonstrate need to carry firearm

(g)(2) - add authority to deny firearm permit to mentally impaired or incompetent person

(g)(2) - add authority to deny firearm permit to person with drug/alcohol abuse, dependence or addiction problem

(h) - add authority of attorney general to renew firearm permits annually in form, manner and on conditions of attorney general, including demonstrated continuing need to carry concealed firearm; renewal fee of \$50

75-7b18, Attorney general exclusive jurisdiction -

- (a) - eliminate reference to private detective agencies

75-7b19, Penalties - technical change

75-7b20, Licensure; examination; interview; investigation

- (a) - delete reference to private detective agencies
- (a)(1) - add licensing exam to cover law of private detectives as well as knowledge of the business
- (b) - delete reference to private detective agencies
- (a)(2) - delete requirement or pre-licensure oral interview
- (b) - delete reference to private detective agencies

75-7b21, Trainers

- (b) - delete reference to agencies
- (b)(4) - add requirement that firearm trainer be licensed private detective
- (c) - amend amount of application fee from \$25 to \$100; add requirement that trainer include written examination as part of training
- (d) - delete reference to agencies
- (d)(3) - add requirement that trainer be knowledgeable in firearms training and lawful use of force
- (e) - amend renewal fee from \$25 to \$250; add authority of attorney general to establish renewal requirements

NEW 75-7b22, Disposition of moneys

provide that private detective license fees, firearm permit fee and firearm certification fees flow to licensing entity, i.e. the AG

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

Your Committee on Federal and State Affairs

Recommends that Senate Bill No. 804

"AN ACT authorizing the secretary of social and rehabilitation services to enter into certain contracts for support enforcement services."

Be amended:

On page 1, in line 16, after the last period, by inserting "Such contracts shall be based on competitive bids in accordance with the statutes governing state agency contracts."; in line 18, by striking "statute book" and inserting "Kansas register";

And the bill be passed as amended.

Chairperson

Senate Fed + State
Feb. 28, 1994
Attachment 6