

STATE AFFAIRS COMMITTEE

March 16, 1965

The meeting was called to order by the Chairman, and Mr. Robert Anderson was introduced to present a proposed amendment ----- on behalf of the Mid-Continent Oil and Gas Association, which would exempt employees of such companies from coming under this bill. Mr. Jeff Robertson of the company reiterated this request.

Mr. R. S. Delamater of Wichita, introduced Mr. Ted Farmer, Butler County Engineer, and a County Commissioner, Mr. Faultner; Mr. Quinn, Clay County Engineer and his commissioner, Mr. Kreitsmeyer, and Don C. Moring of Wichita, an engineer.

These gentlemen stated that they represent some of the engineers of Kansas, and that they do not think this bill will do what it should or intends to do; that it would cause conflicts and disagreements; that it conflicts with some of the existing statutes; that the profession has attempted to build up its status and this will destroy it.

Mr. Quinn stated that they would be better off and the people would receive better surveying if it were included in the Professional Engineers' Act.

Mr. Frammer stated that he is a member of the American Society of Civil Engineers and feels that surveying is an engineering function; that it should be included in the Engineers law.

Mr. Marshall stated that no one had said specifically what is wrong with the bill. Mr. Don Moring of Wichita, said that engineering and surveying are analgous and that this would divide the pie in the wrong direction. He discussed the technical matters involved in platting an area--the utilities, sewers, etc. must be taken into consideration as well as property lines.

Mr. Ford inquired if an engineer is automatically a surveyor, and Mr. Moring advised that he is not; that all engineers get a basic taste of surveying which is just an introduction to the tools of the trade; but that experience and special study is required to make a real surveyer. Miss Jacquart inquired who should be hired if they wanted an area platted, and Mr. Delamater stated that it would probably be an engineering firm which had a surveying department, but that the firm would be responsible for the work that was done. Mr. Marshall stated that previous testimony indicated that it was incompetent work that prompted this bill, and Mr. Quinn of Clay stated that this kind of legislation won't correct it; that most errors occur with inferior equipment, and that the errors complained of occurred long ago.

Mr. Delamater acknowledged that some errors do occur, but emphasized that it is like going to a doctor--only about 11% of the patients actually need treatment by a physician and the rest could be taken care of by nurses and other technicians, but that an expert needs to decide.

The sponsors of H.B. 746 appeared to discuss their proposal, with Rep. Harder as spokesman. He stated that many employees, especially highway employees are paid for 40 hours work, and then when it is necessary for them to work longer hours, instead of getting overtime they receive compensatory time off work; that this is difficult to administer and many times certain employees are treated unfairly. He states that the anticipated cost might be somewhere around one million dollars per year. Mr. Griffith, one of the sponsors, stated that he questioned the projected cost; that in his area in the county, it was found that more care was given to job assignments and that less overtime was actually paid than time off given as a result so he suggests that the cost would not be this high. Mr. Lill stated that he introduced similar legislation two years ago; that also he introduced a bill to permit these people to be paid twice a month to help them in the staggered billing procedures that are prevalent today.

Rep. Clark was introduced to discuss HCR 522. He testified that since the launching of Tyros, a great deal of weather information is available but that it is not well disseminated; that it would be indeed helpful if the railroads with their shortwave system and the highway maintenance trucks, etc. would advise the conditions they find in their travels; not for forecasting, but actually to give full information of the conditions; that this would be helpful not only for agriculture, but for the general public.

Rep. Dempsey appeared to discuss HCR 525, stating that this resolution seeks to secure voting rights for residents on federal reservations. He introduced Senator Reilly who discussed the proposal in detail. He states the Governor is aware of this situation and that likewise the Federal Government is concerned; that there are about 100 families involved as employees at the Federal prison, Veterans Administration facilities, etc. and that these people should have a chance to at least vote in the Presidential election; that most of them are not concerned with local elections so much even though they are taxpayers both so far as personal property is concerned and income as well. Mr. Marshall inquired if this is a problem in other states, and Mr. Reilly agreed that it is; that this method has been recommended as a remedy. It was established that there is no "compact" bill in the mill as an interstate cooperation bill; that this would be a good thing to consider as such.

The Chairman read the proposed amendments to H.B. 750, stating that these amendments were prepared at the direction of Rep. Slocombe who

is the author of the bill. He asked that the Committee consider this proposal and that action would be taken later.

Meeting was adjourned.

HOUSE BILL No. 750  
by Mr. Slocombe

AN ACT relating to the solicitation of funds by charitable organizations; providing penalties for violations thereof; and providing for service of process on nonresident charitable organizations.

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

SECTION 1. Definitions. As used in this act: (1) "Person" means any individual, organization, group, association, partnership, corporation or any combination of them;

(2) "Charitable organization" means any person who claims an exemption from taxation under the provisions of section 1 of article 11 of the constitution of the state of Kansas other than household goods and personal effects used for the production of income.

(3) "Contribution" means the promise or grant of any money or property of any kind or value; and

(4) "Director" means the state director of revenue.

Sec. 2. The director of revenue may require the following information, on forms provided by said director, from any charitable organization: (1) the gross amount of the contributions pledged or collected; (2) the amount thereof given or to be given to the charitable purpose represented; (3) the aggregate amount paid and to be paid for the expenses of such solicitation; and (4) the aggregate amount paid to and to be paid to professional fund raisers and solicitors. In addition, the director may require that within ninety (90) days after the close of any special period of solicitation the charitable organization conducting such solicitation shall file a special report of the information specified in this section for such special period of solicitation.

## HOUSE BILL No. 750

By Mr. Slocombe

AN ACT to regulate the solicitation of funds by charitable organizations; providing penalties for violations thereof; and providing for service of process on nonresident charitable organizations.

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

1 SECTION 1. *Definitions.* As used in this act: (1) "Person" means  
2 any individual, organization, group, association, partnership, cor-  
3 poration or any combination of them;

4 (2) "Charitable organization" means any benevolent, philan-  
5 thropic, patriotic, or eleemosynary person or one purporting to be  
6 such;

7 (3) "Contribution" means the promise or grant of any money  
8 or property of any kind or value; and

9 (4) "Department" means the state department of social welfare.

10 SEC. 2. *Charitable organizations required to file certain informa-*  
11 *tion with the department before soliciting contributions; forms; in-*  
12 *formation open to public inspection.* No charitable organization  
13 shall solicit contributions from persons in this state by any means  
14 whatsoever until such charitable organization shall have provided  
15 certain information concerning such solicitations, as required by  
16 this act, on forms to be provided by the department. The informa-  
17 tion so filed shall be available to the general public as a matter of  
18 public record. The forms containing such information shall be  
19 sworn to and shall include, but not be limited to, (1) the identity of  
20 the charitable organization by or for whom the solicitation is to  
21 be conducted; (2) the address thereof; (3) the purpose of purposes  
22 for which the contributions solicited are to be used; (4) the indi-

1 vidual or officer who will have custody of the contributions; (5) the  
2 individuals responsible for the distribution thereof; (6) the period  
3 of time during which such solicitation is to be conducted; (7) a  
4 description of the method or methods of solicitation in such detail  
5 as may from time to time be determined by the department; (8)  
6 whether such solicitation is to be conducted by voluntary unpaid  
7 solicitors, by paid solicitators, or both; and (9) if in whole or in  
8 part by paid solicitors, the name and address of each professional  
9 fund raiser supplying such solicitors, the basis of payment and the  
10 nature of the arrangement.

11 SEC. 3. *Annual and special reports by charitable organizations*  
12 *required; contents.* On or before March 31 of each year every char-  
13 itable organization subject to the provisions of this act which has  
14 received contributions during the previous calender year shall file  
15 the following information in the manner hereinbefore provided and  
16 on forms to be provided by the department: (1) the gross amount  
17 of the contributions pledged or collected; (2) the amount thereof  
18 given or to be given to the charitable purpose represented; (3) the  
19 aggregate amount paid and to be paid for the expenses of such  
20 solicitation; and (4) the aggregate amount paid to and to be paid  
21 to professional fund raisers and solicitors. In addition, the depart-  
22 ment may require that within ninety (90) days after the close of  
23 any special period of solicitation the charitable organization conduct-  
24 ing such solicitation shall file a special report of the information  
25 specified in this section for such special period of solicitation.

26 SEC. 4. *Records required to be kept by charitable organizations;*  
27 *subject to inspection by department.* Every charitable organization  
28 subject to the provisions of this act shall keep a full and true record  
29 in such form as will enable such charitable organization accurately  
30 to provide the information required by this act. All records re-  
31 quired hereunder shall be open to inspection at all times by the

1 department, and upon demand shall be presented to the department  
2 for inspection.

3 SEC. 5. *Penalties; violations may be enjoined.* Any person con-  
4 ducting a solicitation in violation of the provisions of this act or  
5 filing false information hereunder shall be punished by a fine not to  
6 exceed five hundred dollars (\$500) or by imprisonment for six  
7 (6) months in jail, or both, and every officer or agent of a charitable  
8 organization who authorizes or conducts such solicitation, shall be  
9 jointly and severally liable for such fine. The attorney general and  
10 the respective county attorneys shall enforce the provisions of this  
11 act and may enjoin a professional fund raiser or professional solicitor  
12 from employing any device, scheme or artifice to defraud or from  
13 obtaining money or property by means of any false pretense, rep-  
14 resentation or promise, by filing injunction proceedings in the district  
15 court of the proper county.

16 SEC. 6. *Service of process on nonresident charitable organiza-*  
17 *tions; procedure.* Any charitable organization which is not a resident  
18 of this state or not organized under the laws of this state and  
19 which exercises the privilege of soliciting contributions within this  
20 state, and any resident charitable organization which exercises that  
21 privilege and thereafter removes from this state, shall be deemed  
22 thereby to appoint the secretary of state as its agent and attorney  
23 for the acceptance of process and in any civil action or special pro-  
24 ceeding under this act. In instituting such an action or proceeding  
25 against any such charitable organization, the plaintiff shall cause  
26 such process or notice to be filed with the secretary of state and such  
27 service shall be sufficient service upon such charitable organization  
28 and shall be of the same force and validity as if served upon it per-  
29 sonally within this state: *Provided*, That the secretary of state shall  
30 forthwith send notice of the service of such process or notice, to-  
31 gether with a copy thereof, by registered mail, return receipt re-

1 requested, to such charitable organization at its last known address  
2 and such return receipt, the secretary of state's affidavit of com-  
3 pliance with the provisions of this section, and a copy of the notice  
4 of service, shall be appended to the original of the process filed  
5 in the court in which such civil action or special proceeding is pend-  
6 ing. The court in which the action is pending shall, upon affidavit  
7 submitted upon behalf of the defendant, grant such additional time  
8 to answer, or continuances, as shall be reasonably necessary to allow  
9 defendant full opportunity to pledge and prepare for trial.

10 SEC. 6 *Effective date.* This act shall take effect and be in force  
11 from and after July 1, 1965, and its publication in the statute book.