

MINUTES OF THE House COMMITTEE ON Federal and State Affairs

The meeting was called to order by Rep. Neal D. Whitaker at
Chairperson

12 Noon a.m./p.m. on April 20, 1983 in room 529-S of the Capitol.

All members were present except: Rep. Brady, who was excused.

Committee staff present:

Russ Mills, Legislative Research
Mary Torrence, Revisor of Statute's Office
Nora Crouch, Committee Secretary

Conferees appearing before the committee:

Bert Cantwell, Chairman, Law Enforcement Training Center
Sheriff Johnnie Darr, Sedgwick County Sheriff
Jim Flory, Attorney General's Office
Sheriff Terry Campbell, Leavenworth County Sheriff
Myron Scafe, Chief of Police, Overland Park, Kansas
Ed Pavey, Training Officer, Sedgwick County Sheriff's Department
Lee Sipes, Director of Police Training, Topeka, Kansas
Loren Taylor, Kansas City, Kansas, Police Department
Ernie Mosher, League of Kansas Municipalities
Paul Flower, Director, Real Estate Commission
Tim Underwood, Kansas Association of Realtors
Perl Fisher, Topeka, Kansas

Chairman Whitaker called the meeting to order and announced that Sub. for SB 277, SB 264, and a report from the Subcommittee on SB 401 were to be heard by the Committee.

Bert Cantwell, Chairman, Law Enforcement Training Center, appeared to explain the provisions of SB 277 stating that the problems with the bill have been worked out and the bill now is basically supported by the law enforcement community.

Sheriff Johnnie Darr, Sedgwick County, appeared in support of SB 277. He also spoke to the deletion of the comma following the word "examination" on Line 0052. He further stated they have talked to the small communities and they have indicated that they would support the intent of the bill.

Jim Flory, Attorney General's Office, appeared in support of SB 277 stating this would correct the problems they have run into from the bill passed last year. He stated the Attorney General fully supports the bill.

Sheriff Terry Campbell, Leavenworth, appeared in support of SB 277. He stated this is a way that the law enforcement profession is just that - a profession. This bill is a type of control that is needed.

Myron Scafe, Chief of Police, Overland Park, Kansas, appeared in support of SB 277 stating it establishes certification for law enforcement officers, authorizes rules and regulations, and establishes minimum hiring standards. (See Attachment A)

Ed Pavey, Training Officer, Sedgwick County Sheriff's Department, appeared in support of SB 277 stating they have discussed the bill and its intent with law enforcement officers in surrounding areas and have their full support. He presented a copy of a letter signed by 9 Chiefs of Police or Sheriffs in support of the bill. (See Attachment B)

Lee Sipes, Director of Police Training, Topeka, Kansas, appeared in opposition to SB 277. He stated he sees no problem with the bill passed last session and since it has only been in effect for 9 months it is too early to make judgments. This bill will have a fiscal impact and it will cost money and be another layer of bureaucracy.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Federal and State Affairs,
 room 529-S, Statehouse, at 12 ~~X~~ X a.m./p.m. on April 20, 1983.

Loren Taylor, Kansas City, Kansas, Police Department, appeared on SB 277 stating they were one of the original agencies opposing the bill but that they had changed their position. He stated there were serious problems with the bill passed last year and feel this bill is necessary as a corrective measure at this time.

Ernie Mosher, League of Kansas Municipalities, appeared on SB 277 stating they have no problem with the bill as written but would suggest some clarification of Sec. 1 on the certification issue.

Paul Flower, Director, Real Estate Commission, appeared to explain the provisions of SB 264 stating they were well pleased with the bill at the time it went through the Senate, however, the Senate Committee amended it and we now have problems with Lines 233 through 235 and 240 through 242. He would like to see the bill passed as some of the bill is critical to the agency. There was an oversight when the education amendments were made and this would correct this. Current law refers to something that doesn't exist.

Tim Underwood, Kansas Association of Realtors, appeared in support of SB 264 with the suggested changes recommended by Mr. Flower. They do want some assurance given that people coming back into the industry keep current. The Association agrees that if they meet the continuing education requirement they should not have to take the test.

Perl Fisher appeared in support of the concepts of SB 264 and spoke to revision of Sec. 3(c) regarding the reinstatement of a license based on continuing education. (See Attachment C)

The Chairman called for discussion of Sub. for SB 429. He stated that if the Committee is interested in raising more money they could put the 10% on CMB in clubs and take the sales tax off which would raise 2.3 million dollars less the tax which would raise approximately 1.6 million dollars.

Rep. Smith moved, Rep. Sallee seconding, that SB 429 be reported adversely. Rep. Vancrum made a substitute motion, Rep. Ramierz seconding, that SB 429 be amended to exempt cereal malt beverages from sales tax and to adopt the 10% on cereal malt beverages in clubs and to strike delivery. The motion carried. After considerable discussion, Rep. Roe called for the question. Rep. Ott moved, Rep. Ediger seconding, that SB 429 be amended to include delivery. Rep. Matlack made a substitute motion, Rep. Smith seconding, that a House Substitute for Sub SB 429 be introduced with the proposed amendment on sales tax exemption and 10% on gross receipts of CMB sold in clubs. The motion carried.

Rep. Eckert advised the Committee of the Subcommittee's deliberations on SB 401 (See Attachment D). They raised the price of the bingo card back to \$1 per card. Rep. Eckert moved, Rep. Grotewiel seconding, the adoption of the amendments. The motion carried. Rep. Ott moved, Rep. Smith seconding, that SB 401 as amended be reported favorably for passage. The motion carried.

Rep. Smith moved, Rep. Vancrum seconding, that the proposed amendments to SB 264 be adopted, on Page 7 by striking lines 239 through 242, on Page 8, by striking lines 288 through 304, by striking all of Page 9, and on Page 10, by striking lines 342 through 355 and adding language regarding trust accounts for real estate transactions. The motion carried. Rep. Vancrum moved, Rep. Smith seconding, that SB 264 be reported favorably for passage as amended. The motion carried.

Rep. Peterson moved, Rep. Ramirez seconding, that Sub. for SB 277 be reported favorably for passage. Rep. Sallee made a substitute motion, Rep. Murphy seconding, that Sub. for SB 277 be tabled. After Committee discussion on clarification of the bill, the Chairman adjourned the meeting with instructions to the Committee that the bill would be the first topic of business at the meeting on Thursday.

The meeting adjourned.

GUEST LIST

FEDERAL & STATE AFFAIRS COMMITTEE

DATE 4-20-83

(PLEASE PRINT)

NAME	ADDRESS	WHO YOU REPRESENT
MYRON E. SCAFE	8500 ANTIUCH, O.P.K.s	POLICE DEPT. & PACP
Terry CAMPBELL	503 S 3rd Leavenworth, Ks	Sheriff Dept & TRAINING Commission
Bert Cantwell	Gov. off	
Lee Sipes	204 W 5 TH	Topoka Police Dept.
Ken Renter	Topoka	Sunflower Club Ass'n
Tim Underwood	Topoka	KAR
ED PAVEY	1015 Stillwell Wichita	Sedg. Co. Sheriff
Johnnie Darr	525 no main Wichita	Sedg Co Sheriff
Jim Story	Lawrence	Attorney General
Barbara Hoyer	Topoka	Sharon Co Sheriff
Jennie M. Shockly	Kansas City	City of KCK
Ed Fisher	Topoka	Legislatve Budget

Attach A

HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS

Testimony of Myron E. Scafe, Chief of Police of Overland Park and member of the Kansas Law Enforcement Training Committee to the House Committee on Federal and State Affairs on Wednesday, April 20, 1983.

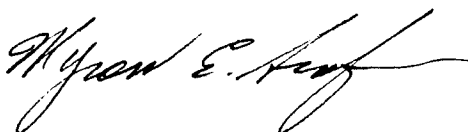
I address you today in the matter of substitute for Senate Bill 277.

I speak to you as a Chief of Police, as a member of the Kansas Law Enforcement Training Commission, and as representative of the Kansas Association of Chiefs of Police.

As a Chief of Police and as a member of the Training Commission, I strongly support substitute for Senate Bill 277. This legislation establishes a certification for law enforcement officers; authorizes the commission to adopt rules and regulations to administer the training requirements; establishes minimum hiring standards for law enforcement officers; authorizes the commission to adopt rules and regulations for suspension, revocation, and so forth; establishes appeal procedures and prohibits the hiring of anyone as a law enforcement officer in violation of the standards for certification.

The legislation before you is a compromise following meetings of the commission or representatives of the commission with the various law enforcement associations and law enforcement agencies and the League of Kansas Municipalities. The great majority supports this bill.

I respectfully request you to vote favorably on this legislation.



Myron E. Scafe
Chief of Police

Attach A

Attachment B

April 18, 1983

The Honorable Neal Whitaker, Chairman
House Committee on Federal and State Affairs
State Capitol Building
Topeka, Kansas

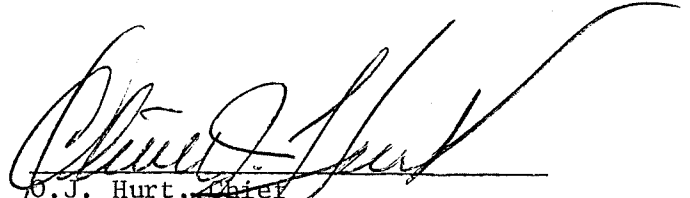
Dear Chairman Whitaker and Committee Members:

We, the undersigned, being chief administrators of law enforcement agencies within Sedgwick County, would like to take this opportunity to inform you of our support for Substitute Senate Bill No. 277 which will be before your committee on Wednesday, April 20, 1983. We urge your passage of Substitute Senate Bill No. 277 as we feel this bill will be of great benefit to the law enforcement profession.

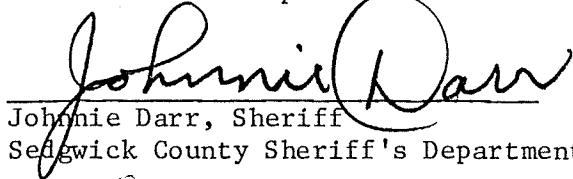
Thank you for your consideration.



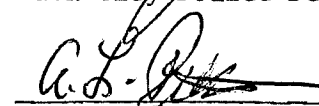
Richard LaMunyon, Chief
Wichita Police Department



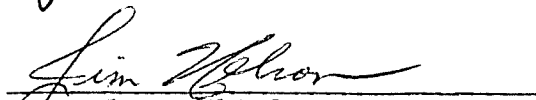
O.J. Hurt, Chief
Park City Police Department




Johnnie Darr, Sheriff
Sedgwick County Sheriff's Department



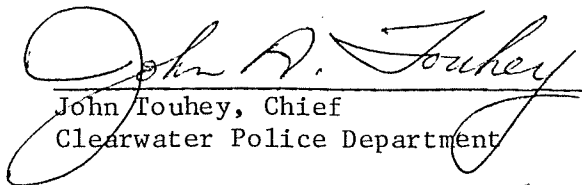
Al Pitts, Chief
Valley Center Police Department



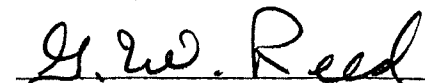
Jim Nelson, Chief
Goddard Police Department



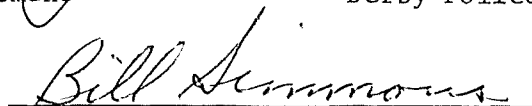
Earl Kitchings, Chief
Haysville Police Department



John Touhey, Chief
Clearwater Police Department



Wayne Reed, Acting Chief
Derby Police Department



Bill Simmons, Chief
Mulvane Police Department

Atch. B

Room 1125

PERL F. FISHER, P. E.
3318 ROCHESTER ROAD
TOPEKA, KANSAS 66617

Attach C

4-18-83

Rep. Neal Whitaker, Chairman

R. F. H. B. 2450

S. B. 264

Dear Neal,

The attached marked in yellow is the item I would like to see removed.

I have written on the attached too, some of my reasoning for same.

If it could be arranged I'd be honored to appear before your Committee to further amplify my position on the request

Sincerely

Perl F. Fisher

Atch. C

PERL F. FISHER, P. E.
3318 ROCHESTER ROAD
TOPEKA, KANSAS 66617

Federal & State Affairs Committee

Rep. Neil Whitaker Chairman
All Members of Committee
RE: H.B. 2450
S.B. 264

My request to you and the Committee Members concerns
H.B. 2450, Sec. 3 item "C" be revised: or Sec. 3 item (C)
S.B. 264 be revised.

The reasoning for this request

- (A) Academic requirement: There is presently statutory educational requirement that all renewal of licenses must furnish certification that they have spent a minimum of eight (8) hours in a seminar approved by the Real Estate Commission.
- (B) The way the law presently reads does not give any credence to condition of person putting license on : deactivated status. I feel certain each person having a license deactivated and still pays their dues and meets educational requirements, probably has good reasoning for such actions.

Compare with other License or Certification:

Professional Engineer License: I have been a registered Professional Engineer since 1947 and have not practiced since 1976 and as long as I pay my registration fee no one feels (that I know) that my registration should be taken away from me.

Too, I'm certified to teach school and as long as I renew my Life Certificate each three year period (Providing I'm not Teaching) by furnishing the Department of Education three credit hours of a College Course.

The academic requirements for Engineering and Teaching are much greater than for Real Estate License. I understand the educational requirements for Real Estate Licensing is High School Graduation.

Respectfully Submitted


Perl F. Fisher

PFF/aw

0231 out the applicant's compliance with the requirements of K.S.A.
0232 1980 Supp. 58-3046 for the immediately preceding license
0233 period and compliance with the requirements of K.S.A. 58-3046a
0234 and amendments thereto for the immediately preceding license
0235 period and payment of the fee for reinstatement prescribed by
0236 K.S.A. 1982 Supp. 58-3063 and amendments thereto. Any license
0237 that has been deactivated for a continuous period of more than
0238 two (2) years shall be reinstated only if the licensee has met the
0239 examination requirement for an original applicant. Any license
0240 that has been deactivated for a continuous period of more than
0241 two years shall be reinstated only if the licensee has met the
0242 examination requirement for an original applicant.

0243 (d) A broker whose license is deactivated need not maintain
0244 the place of business required by K.S.A. 1982 Supp. 58-3060 and
0245 amendments thereto.

0246 (e) A licensee whose license is deactivated shall not be
0247 entitled to act in any capacity for which a license is required
0248 until his or her such person's license has been reinstated.

0249 Sec. 6 4. K.S.A. 1982 Supp. 58-3052 is hereby amended to
0250 read as follows: 58-3052. Except as otherwise provided in this
0251 act, the commission shall give a licensee a hearing before cen-
0252 suring the licensee or restricting, revoking or suspending the
0253 licensee's license. The hearing shall be held within one hundred
0254 twenty (120) 120 days after receipt of a complaint, at a time and
0255 place prescribed by the commission. At least thirty (30) 20 days
0256 prior to the date set for the hearing, the commission shall send
0257 notice of the hearing to the licensee by registered certified mail
0258 to the licensee's last known business or residence address,
0259 whichever is applicable. The notice shall contain a statement of
0260 the charges against the licensee and the date and place of the
0261 hearing. If the licensee is a salesperson or associate broker, the
0262 commission shall also notify the broker by whom the salesperson
0263 or associate broker is employed or with whom the salesperson or
0264 associate broker is associated by mailing a copy of the notice to
0265 the broker's last known business address. If the hearing is not
0266 held within one hundred twenty (120) 120 days, the complaint
0267 shall be deemed dismissed with prejudice unless the matter has

0083 compliance under K.S.A. ~~1980 Supp. 58-3046~~ 1982 Supp. 58-
0084 3046a and amendments thereto or advise the applicant that the
0085 applicant's right to operate under the prior license will expire
0086 ~~twenty five (25)~~ 25 days from the date such notice is mailed or on
0087 the date the license would normally expire, whichever is later.
0088 The commission, in its discretion, may extend the expiration date
0089 whenever a hearing is requested.

0090 Sec. 3. K.S.A. 1982 Supp. 58-3049 is hereby amended to read
0091 as follows: 58-3049. (a) The license of a broker or salesperson may
0092 be deactivated upon request of such broker or salesperson and
0093 return of the license to the commission. Such license shall be held
0094 in the office of the commission for the period that it remains
0095 deactivated.

0096 (b) A license which is deactivated and which is not suspended
0097 or revoked may be reinstated at any time during the period for
0098 which the license is issued and may be renewed upon an appli-
0099 cation therefor and the payment of the renewal fee. Compliance
0100 with K.S.A. ~~1980 Supp. 58-3046~~ 1982 Supp. 58-3046a and
0101 amendments thereto is not required for renewal of a license which
0102 is deactivated.

0103 (c) No license which is deactivated shall be reinstated without
0104 the applicant's compliance with the requirements of K.S.A. ~~1980~~
0105 ~~Supp. 58-3046~~ 1982 Supp. 58-3046a and amendments thereto for
0106 the immediately preceding license period and payment of the fee
0107 for reinstatement prescribed by K.S.A. 1982 Supp. 58-3063 and
0108 amendments thereto. Any license that has been deactivated for a
0109 continuous period of more than two (2) years shall be reinstated
0110 only if the licensee has met the examination requirement for an
0111 original applicant.

0112 (d) A broker whose license is deactivated need not maintain
0113 the place of business required by K.S.A. 1982 Supp. 58-3060 and
0114 amendments thereto.

0115 (e) A licensee whose license is deactivated shall not be en-
0116 titled to act in any capacity for which a license is required until
0117 his or her the licensee's license has been reinstated.

0118 Sec. 4. K.S.A. 1982 Supp. 58-3052 is hereby amended to read
0119 as follows: 58-3052. Except as otherwise provided in this act, the

0196 jackpot or special game shall not exceed \$500 in cash or its
0197 equivalent. The retail value of any merchandise received by a
0198 winner of a bingo game shall be considered as the cash value for
0199 the purposes of determining the value of the prize;

0200 (i) The charge made for a single card to play in games other
0201 than jackpot or special games shall ~~not exceed be \$1-\$1.50~~ and \$1
0202 such card shall be valid for all regular games conducted or
0203 operated by the licensee on ~~such a particular day~~; the charge
0204 made for a single card to play in any single jackpot or special
0205 game shall ~~not exceed be \$1-\$1.50~~; ~~the use of~~ Paper game \$1
0206 program booklets with multiple bingo cards printed on the pages
0207 thereof ~~shall be allowed are permitted~~ so long as the charge
0208 made for a regular game program booklet ~~does not exceed is \$1~~
0209 ~~\$.50~~, except that the charge for such game program booklet may \$1
0210 be increased by an amount ~~not exceeding of \$1-\$1.50~~ for each \$1
0211 single jackpot or special game in the game program booklet;

0212 (j) Games of bingo shall not be managed, operated or con-
0213 ducted by any ~~such~~ licensee ~~upon~~ on more than two calendar
0214 days in any one week;

0215 (k) All licenses issued under the provisions of this act shall
0216 be issued in the name of the organization licensed;

0217 (l) Each licensee shall keep a record of all bingo games
0218 managed, operated or conducted by it for a period of three years
0219 following the date the game is managed, operated or conducted;

0220 (m) No person under the age of 18 years shall participate in
0221 the management, operation or conduct of any game of bingo
0222 managed, operated or conducted by ~~any organization licensed~~
0223 under the provisions of this act;

0224 (n) A lessor of premises used for the management, operation
0225 or conduct of bingo or a licensee may not advertise bingo games
0226 except to the extent and in the manner prescribed by the rules
0227 and regulations adopted by the secretary of revenue, and any
0228 advertisement of any bingo game by or on behalf of such lessor or
0229 licensee shall specify the organization which is managing,
0230 operating or conducting the bingo game;

0231 (o) No lessor of premises used for the management, operation
0232 or conduct of any games of bingo or any licensee shall offer an

Attach D

Atch. D

0307 secretary of revenue who shall ~~have power to~~ adopt and enforce
 0308 rules and regulations to regulate, license, and tax the manage-
 0309 ment, operation and conduct of games of bingo and participants
 0310 therein and to properly administer and enforce the provisions of
 0311 this act. *Also, the secretary shall adopt rules and regulations*
 0312 *relating to the leasing of premises for the management, opera-*
 0313 *tion and conduct of games of bingo.*

0314 Sec. 5. K.S.A. 79-4710 is hereby amended to read as follows:
 0315 79-4710. (a) All amounts received by or for the secretary of
 0316 revenue from license fees pursuant to K.S.A. 79-4703 *and*
 0317 *amendments thereto* shall be remitted to the state treasurer and
 0318 the state treasurer shall deposit all of such moneys in the state
 0319 treasury and, except as otherwise ~~required in accordance with~~
 0320 *provided by K.S.A. 79-4711 and amendments thereto* for main-
 0321 tenance of the bingo refund fund, shall credit the same to the
 0322 state general fund.

0323 (b) All amounts received by or for the secretary of revenue
 0324 from the tax pursuant to K.S.A. 79-4704 *and amendments thereto*
 0325 shall be remitted to the state treasurer and the state treasurer
 0326 shall deposit all of such moneys in the state treasury. There is
 0327 hereby created ~~the county and city bingo tax fund~~. Subject to the
 0328 maintenance requirements of the bingo refund fund under
 0329 K.S.A. 79-4711 *and amendments thereto*, ~~one third ($\frac{1}{3}$)~~ $\frac{1}{3}$ of each
 0330 ~~such~~ deposit shall be credited to the state general fund, $\frac{1}{3}$ of
 0331 *each deposit to the state bingo regulation fund* and the remain-
 0332 ing ~~two-thirds ($\frac{2}{3}$)~~ $\frac{1}{3}$ of such deposit shall be credited to the
 0333 county and city bingo tax fund. *Moneys in the state bingo regula-*
 0334 *tion fund shall be expended for the enforcement of the bingo*
 0335 *statutes in article 47 of chapter 79 of Kansas Statutes Annotated*
 0336 *and rules and regulations adopted pursuant thereto. Such ex-*
 0337 *penditures shall be made upon vouchers approved by the secre-*
 0338 *tary of revenue or a person designated by the secretary. When-*
 0339 *ever any part of such deposit is credited to the bingo refund fund*
 0340 *in accordance with K.S.A. 79-4711, one third ($\frac{1}{3}$) of the balance*
 0341 *of such deposit shall be credited to the state general fund and the*
 0342 *remaining two-thirds ($\frac{2}{3}$) of such balance shall be credited to the*
 0343 *county and city bingo tax fund.*

, in the state treasury, the state bingo regulation
 fund and