

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRS

The meeting was called to order by CHAIRMAN MILLER at _____
Chairperson

1:30 a.m./p.m. on February 23, 1987 in room 526S of the Capitol.

All members were present except:

Representatives Peterson & Long - E
Representatives Roy, Roe & Jenkins

Committee staff present:

Lynda Hutfles, Secretary
Mary Galligan, Research
Raney Gilliland, Research
Mary Torrance, Revisor's Office

Conferees appearing before the committee:

Dr. Jerry Hanna, SRS
John Wolf, University of Kansas
Dennis Moore, Overland Park

The meeting was called to order by Chairman Miller.

Representative Walker made a motion, seconded by Representative Barr, to approve the minutes of the February 18 & 19 meetings. The motion carried.

Requests for committee bills:

Representative Aylward made a motion, seconded by Representative Barr to adopt a committee bill which would be referred to Local Government which expands the role of property surplus to vehicles. The motion carried.

Representative Aylward made a motion, seconded by Representative Sughrue, to introduce a committee bill dealing with fence laws. The motion carried.

HB2174 - Security officers employed by SRS required to be certified law enforcement officers.

Dr. Jerry Hanna, SRS, explained the bill and how its passage will effect the training received by security officers employed by the Secretary of SRS. See Attachment A.

There was discussion of the jurisdiction these security officers have off-campus.

When asked if any of the security officers at Winfield had been suspended for patient abuse, Dr. Hanna said there had been no security officers suspended.

John Wolf, Assistant Dean, Division of Continuing Education, University of Kansas, explained the fiscal note they had done on this bill. There will be a significant fiscal impact to the training center. Mr. Wolf was in support of the bill, but concerned with its fiscal impact. See attachment B.

Hearings were concluded on HB2174.

HB2385 - Regulating time-share plans

Representative Hensley explained to the committee that he had asked this bill to be introduced as a committee bill because of consumer complaints about sales tactics.

Mary Torrance, Revisor's Office explained the bill which was patterned after the Missouri law and regulates time-share plans. The bill requires promotional materials to be approved by the Attorney General and provides for a 5-day cancellation period.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Federal & State Affairs,
room 526S, Statehouse, at 1:30 a.m./p.m. on February 23, 19⁸⁷

There was discussion concerning the approval by the Attorney General and concerning Kansas law dealing with contracts.

Dennis Moore, District Attorney, Johnson County, gave testimony in support of the bill. He read a letter from Russell Schulneck, who is a promoter of time-share plans and who supports this legislation. See attachment C.

Hearings were concluded on HB2385.

The Chairman announced a sub-committee to study time-share plans along with vacation promotionals and appointed Representative Aylward as Chairman with Representatives Hensley and Sifers as members.

The meeting was adjourned.

GUEST LIST

FEDERAL & STATE AFFAIRS COMMITTEE

DATE 2/23

(PLEASE PRINT)

| NAME | ADDRESS | WHO YOU REPRESENT |
|------------------------|-------------------|-------------------------|
| Linda Moore | Topeka | Div. Personnel Services |
| Vickie Thomas | Lawrence | Univ. of Kansas |
| John P. Wolf | Lawrence | Univ. of Kansas |
| Leo Elskamp | Topeka | — |
| LEO Elskamp | TOPEKA | — SELF |
| DENNIS MOORE | OLATHE | JOHNSON CO. D-A. |

Jerry Hanna
A

STATE DEPARTMENT OF SOCIAL & REHABILITATION SERVICES

Statement Regarding House Bill 2174

- 1) Title - This is a Bill concerning the type of training received by security officers employed by the Secretary of Social and Rehabilitation Services; amending K.S.A. 74-5602 and 76-12a17 and repealing the existing sections.
- 2) Purpose - K.S.A. 76-12a16 grants full law enforcement authority to SRS "Security Policemen" anywhere within the county where an agency institution is located. However, security policemen receive training as correctional officers. K.S.A. 76-12a17. Questions have been raised concerning the authority of security policemen to enforce the criminal or traffic laws of the state since they are not specifically defined as "law enforcement officers" by 74-5602 and are not required to receive their training at the Law Enforcement Training Center. In addition, SRS believes that training provided by the Law Enforcement Training Center will better prepare security policemen to fulfill the responsibility conferred by 76-12a16.
3. Background - SRS operates four psychiatric hospitals and four institutions for the mentally retarded. All of the institutions have security policemen. Since April of 1986, overall policy administration for security operations throughout the agency have been consolidated under a Chief of Security in Topeka. The Security Chief has recommended that security policemen obtain the comprehensive training necessary to enforce criminal and traffic laws which is provided at the Law Enforcement Training Center. In addition to the type of training received at KLETC, possible discrepancies between the authority of "law enforcement officers" and "SRS security policemen" would be eliminated.
4. Effect of Passage - Passage of this legislation would assure that SRS security policemen receive training designed to prepare them for their responsibilities in enforcing the criminal and traffic laws of the state on the grounds of agency institutions.
5. SRS Recommendation - The Department of Social and Rehabilitation Services supports this legislation in an effort to provide the best possible training for agency security policemen.

Robert C. Harder, Secretary
Social & Rehabilitation Services
296-3271

Attachment A

FISCAL NOTE

HB 2174

Prepared by:

John P. Wolf

Assistant Dean

Division of Continuing Education

The University of Kansas

THE UNIVERSITY OF KANSAS
Division of Continuing Education
Administrative Services
Continuing Education Building
Lawrence, Kansas 66045-2602
(913) 864-4873

8 February 1987

Ms. Ann Victoria Thomas
General Counsel
227 Strong Hall
Campus

Dear Vickie:

This will respond to your request of 6 February 1987 for a fiscal note for House Bill 2174 introduced by the Committee on Public Health and Welfare.

This proposed legislation deals with those individuals who are serving as security officers at the State psychiatric hospitals and mental retardation institutions. This bill would amend a section of the Kansas law enforcement training act, K.S.A. 74-5602, by removing the specific exclusion from the provisions of this act for those individuals and by inserting a specific requirement that they meet the same training standards that are required of all other law enforcement officers in the State.

There is no provision for "grandfathering" individuals who already hold such appointments. Section 3 of this bill would amend K.S.A. 76-12a17 to require that officers employed on the effective date of the bill would be required to receive the required training within the first year. Individuals employed after the date that the proposed bill would take effect, 1 July 1987, would have to meet the requirement within one year from the date of their employment.

Passage of this bill in its present form would require the University,

through the Kansas Law Enforcement Training Center, to create and maintain the records for these individuals necessary to make them a part of the central registry of law enforcement officers which is mandated by the law enforcement training act, including the records for the 320 hour basic training requirements and the annual 40 hour continuing education requirement. Further, it would require that all personnel currently employed in covered positions receive the 320 hour (eight week) basic training course during Fiscal Year 1988. Using the information which the University has obtained from Social and Rehabilitation Services, there are currently 65 individuals so employed and the agency has requested 5 additional positions for a possible total of 70 individuals.

Vickie, the fiscal impact of this proposed statute would be considerable. At present, due to limitations of space, both classroom and dormitory, the size of the basic training classes must be held to approximately 65 officers. Thus training the existing SRS officers would require us to conduct an additional 320 hour basic class during Fiscal Year 1988. We currently do not have the space to conduct this additional class at the training center. We simply cannot fit an additional eight weeks of training into our already cramped facilities. Consequently we would be forced to hold such training as regional schools which are held at other locations. We have conducted such schools in the past and the cost estimates which follow are based on the experience which we had with the most recent of these which was held in Parsons, Kansas in the spring of 1985.

Attendance at these regional schools would not, of course, be restricted exclusively to the personnel from SRS; any law enforcement agency with officers who required the training would be invited to send them. However, experience has shown us that the average size of a regional school will be approximately one-third to one-half of a school conducted at the training center. Consequently, we feel that in order to absorb the training for these additional 70 officers, we would have to conduct two such regional schools.

The estimated costs associated with these schools are as follows:

| | |
|--|--------|
| Host Institution charges (student room, board) | 33,700 |
| Staff Expenses | |
| Subsistence | 8,960 |
| Travel (mileage) | 3,634 |
| Distributed Classroom Materials | 1,470 |

| | |
|------------------------|----------|
| Photocopying | 512 |
| Driving Range Vehicles | 700 |
| Firing Range | 3,010 |
| | ===== |
| Total | \$51,886 |

We do not feel that it would be necessary to add any additional staff members in order to comply with the provisions of this proposed legislation. However, it would be necessary to have the expenditure limit for the law enforcement training center increased by the estimated amount to do it. We feel that the law enforcement training fund, as presently constituted, would provide sufficient income to accommodate such an increase in the expenditure limit.

I hope, Vickie, that this information will be adequate for your purposes. If I have omitted something or if there is something about which you have questions, please do not hesitate to contact me.

Sincerely,

John P. Wolf
Assistant Dean

cc: Dean Senecal
Vice Chancellor Brinkman

JPW:me

87-025

C
STATE OF KANSAS
Tenth Judicial District

OFFICE OF DISTRICT ATTORNEY

DENNIS W. MOORE
DISTRICT ATTORNEY

JOHNSON COUNTY COURTHOUSE
P.O. Box 728, 6TH FLOOR TOWER
OLATHE, KANSAS 66061
913-782-5000, EXT. 333

February 23, 1987

The Honorable Bob Miller
Chairman, Federal and State Affairs
Kansas House of Representatives
Statehouse
Topeka, Kansas 66612

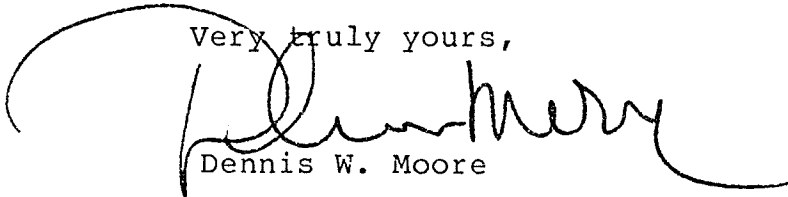
Dear Chairman Miller:

I appreciate the opportunity to appear before this Committee and testify in support of House Bill 2385 which would regulate the sale of timeshare periods, usually in vacation or resort property. Our office receives frequent complaints from consumers who feel they may have been "deceived" or "pressured" into purchasing a timeshare in some vacation property.

House Bill 2385, which is patterned after the Missouri Act regulating timeshare plans, offers important protections to consumers. While many of the individuals and companies selling timeshares attempt to operate honestly and forthrightly with the consumer, some persons take advantage of the consumer and use unscrupulous tactics to complete a sale and then leave the area.

I hope this Committee will give favorable consideration to House Bill 2385. Again, thank you for letting me appear.

Very truly yours,



Dennis W. Moore

DWM:JH

Attachment C

TIMESHARE FACTS

A. The nature of consumer complaints the Johnson County District Attorney's Office receives concerning timeshare programs are the following:

1. No disclosure on prize offers. Consumers have to listen to the entire presentation (usually at least two hours in length) before receipt of the prize;

2. High pressure sales pitch by timeshare salesman;

3. Consumers receive no cooling off period after purchase of timeshare (minimum timeshare costs average \$2,000.00 for membership);

4. Consumer does not receive prize at time of site visit/presentation. Prizes are generally of little or no value. (E.g.,: free week at timeshare location does not include transportation costs; vacation certificate involves the purchase of one airline ticket to obtain a second one free, however, the consumer must purchase a designated class of ticket, in most cases, the most expensive class fare);

5. The marketing company soliciting timeshare memberships has not disclosed to consumers other business organizations having an interest in the timeshare being offered. (Marketing company generally has an interest in selling the membership and is not contractually involved with resorts, thus the consumer is not aware they are contracting with another business. Once the marketing company sells all of the units, the marketing company leaves town; and

6. Some timeshare resorts are outside of the State or country and the consumer does not know what he/she is getting into until after travelling to the resort in person.

B. Proposed Modifications of HB 2385

1. Require the timeshare company to post a bond or place funds in a trust account in the event of a business failure;

2. Complete detailed disclosure to Attorney General of all parties holding an interest or who will receive benefit in sale of memberships.

3. Allow for civil penalties under the Kansas Consumer Protection Act, K.S.A. 50-623 et seq., in addition to making violation of the statute a misdemeanor. Most timeshares offered in Kansas are solicited by parties outside of the area. (Because Kansas has no regulations in the area). They could not be extradited on a misdemeanor warrant. Also, the Attorney General should have the power to make regulations governing timeshares.

4. All encompassing definitions...owner/purchaser, developer, affiliate, participating/participant, and interest. In the alternative, the language of the KCPA ("consumer" and "supplier" could be used).

5. Include with information to be supplied to the Attorney General for approval the written version of the sales pitch that will be presented to consumers.

6. In sales of timeshare where property is conveyed, the sales people should be required to hold a realtors license with the State of Kansas.

7. In the event resort amenities are misrepresented, the consumer should have some sort of redress, perhaps the option to rescind the contract within a certain period or after first disappointing visit to resort. (If resort in not in close proximity.)

C. Complaints

1. When the timeshare company begins soliciting in the Johnson County area, the District Attorney's Office receives numerous inquiries and complaints, at least two phone calls a day and one complaint a week is received.