

Approved \_\_\_\_\_

2/29/88  
Date

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Senator Edward F. Reilly, Jr. at \_\_\_\_\_  
Chairperson

11:00 a.m./~~p.m.~~ on February 24, 19<sup>88</sup> in room 254-E of the Capitol.

All members were present ~~except~~

Committee staff present:

Mary Galligan, Legislative Research  
Emalene Correll, Legislative Research  
Mary Torrence, Assistant Revisor of Statutes  
June Windscheffel, Committee Secretary

Conferees appearing before the committee:

Mr. John T. Torbert, Executive Director, Kansas Association of Counties  
Ms. Nancy Lindberg, Assistant Attorney General  
Ms. Shelly Gasper, Assistant Attorney General, Consumer Protection Division  
Ms. D. Jeanne Kutzley, Assistant Attorney General, Consumer Protection Division

The Minutes of February 19, 1988, were before the Committee. Senator Morris moved they be approved. The motion was seconded by Senator Martin. The motion carried.

The Chairman said that hearings had been held on SB649, assessment of costs of transporting correctional inmates to court proceedings, but had not been voted upon by the Committee until it could hear the feelings of the Kansas Association of Counties. He welcomed Mr. John T. Torbert, Executive Director of the Association, to give the Association's feelings toward the bill.

Mr. Torbert's statement in opposition to SB649 is attached. (Attachment #1) Transportation costs in bringing a person to court will not be paid by the Department of Corrections unless the Department is a direct party to the proceeding. The statement explains the reason for the opposition and requests the Committee delay any action on the legislation until there is an idea as to the cost impact. A Fiscal Note is in the process of being prepared. The Chairman thanked Mr. Torbert for appearing and stated the Committee will wait for the Fiscal Note before taking any action.

The next matter for consideration was a bill proposal, 7 RS 2602 (Attachment #2). The bill deals with alcoholic beverages and to the issuance of citations for certain violations of law concerning them. The Alcoholic Beverage Control had requested introduction of the proposal. Senator Vidricksen moved the proposed bill be introduced. The motion was seconded by Senator Bond. The motion carried.

Senator Vidricksen requested the introduction of two proposed bills: 7 RS 2552 (Attachment #3), concerning electrical wiring and examination and certification of contractors; and 7 RS 2575 (Attachment #4), concerning heating, ventilation and air conditioning and examination and certification of contractors. Senator Vidricksen moved both proposals be introduced. The motion was seconded by Senator Hoferer. The motion carried.

An Assistant Attorney General, Nancy Lindberg, was welcomed by the Chairman as the next conferee. She appeared with a request from the Attorney General that a constitutional amendment be introduced to provide for charitable lotteries. (Attachment #5) Senator Arasmith moved the proposal be introduced. The motion was seconded by Senator Hoferer. There was discussion. The motion carried.

The next conferee was Ms. Shelly Gasper, also an Assistant Attorney General. She is with the Consumer Protection Division. Ms. Gasper requested for the Attorney General proposed legislation which would regulate debt collection practices. (Attachment #6) Senator Vidricksen moved that the legislation be introduced. Senator Anderson seconded the motion. The motion carried.

## CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS,  
room 254-E, Statehouse, at 11:00 a.m./~~p.m.~~ on February 24, 19 88

The Chairman welcomed the next conferee, Assistant Attorney General D. Jeanne Kutzley, also from the Consumer Protection Division. Ms. Kutzley had a proposal from the Attorney General for the introduction of a bill to regulate telephone calls generated by automatic dialing - announcing systems. (Attachment #7) She was asked by a member how the Attorney General proposes to regulate telephone calls that are a matter of interstate commerce by our state statutory efforts. Ms. Kutzley said about thirty states have regulated these types of calls in some way or another, and the Attorney General's office will be looking at those.

Senator Anderson stated they might want to look at the Interim Committee Reports of an interim study done in 1985. There was an effort at that time to protect people from this very thing, and conferees appeared before the Interim Committee from major companies to testify. Senator Ehrlich moved the legislation be introduced. The motion was seconded by Senator Bond. The motion carried.

The Chairman stated that a copy of a Memorandum from staff dated February 19, 1988, concerning SB563, was before the Committee. (Attachment #8) It gives comparisons of existing law and SB563. Staff is going to prepare another Memorandum which will also include HB2747, which will be available for the Committee tomorrow. Tomorrow the Committee will discuss this matter and will call upon anyone who may be here who can give input into these matters for the Committee. Dr. Alan Kimmell, the Livestock Commissioner, has been asked to appear tomorrow.

The Chairman called upon Mr. Ed Schaub, who had a request for legislation that will allow the State Fair Board to accept renovations and new construction at the State Fairground in Hutchinson, Kansas, from the Fairgrounds Pari-mutuel Racing Association in connection with pari-mutuel horse racing. (Attachment #9) Senator Bond moved that the proposal be introduced. The motion was seconded by Senator Martin. The motion carried.

The Chairman called upon staff, Emalene Correll, who had checked into SB614, concerning polygraphists, and the matter of rules and regulations. Ms. Correll said there should be an amendment to include language in the bill that would make it clear that any rules and regulations adopted under existing law would not go into effect May 1, 1988. Senator Arasmith moved that the bill be reported favorably with the suggested amendment by the staff. The motion was seconded by Senator Strick. The motion carried.

The Chairman said a letter will be sent to the President of the Senate, requesting Interim Study of SB614, the polygraphist matter.

The meeting was adjourned at noon.

# Kansas Association of Counties

*Serving Kansas Counties*

212 S.W. Seventh Street, Topeka, Kansas 66603

Phone (913) 233-2271

February 24, 1988

Testimony

To - Senate Federal and State Affairs Committee

From - John T. Torbert, Executive Director  
Kansas Association of Counties

Re - SB 649

The Kansas Association of Counties is opposed to SB 649.

The proposal is a fairly simple one. Transportation costs in bringing a prisoner to court will not be paid by the department of corrections unless the department is a direct party to the proceeding. The proposal further specifies that the court order shall specify "to whom the costs of transporting such person to appear before the court shall be assessed." Although counties are not mentioned specifically by reference, we are the only other unit of government involved in any significant fashion with transportation of prisoners so I don't think there is much doubt where those costs will be assessed.

I'm well aware of the budgetary problems of the corrections department this year and we are sympathetic to those problems. But, we strongly urge that you not solve those problems by transferring these costs to counties. I would remind the committee that at the local level we are facing many of these same budgetary problems due to a declining tax base, significant loss of federal aid and uncertainty due to the reappraisal process.

Although I had hoped to have some specific cost figures to give you at this time, I was not able to obtain them on such short notice. I feel fairly safe in saying though that from the indications I've received, the number of these instances where the state department of corrections is a party to the action are a definite minority. I understand that a fiscal note has been requested on the bill and is in process of being prepared. I would ask and urge that you delay action on this legislation at least until we have an idea on the potential cost impact.

*Senate FSA  
2/24/88  
Attachment #1*



PROPOSED BILL NO. \_\_\_\_\_

By

AN ACT concerning alcoholic beverages; relating to issuance of citations for certain violations of law involving such beverages; amending K.S.A. 1987 Supp. 8-2106 and 22-2202 and repealing the existing sections.

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

New Section 1. (a) A police officer may prepare and deliver to a person a written traffic citation if the police officer stops the person for a violation of K.S.A. 21-3610, 21-3610a, 41-104, 41-407, 41-715, 41-724, 41-727, 41-803, 41-804, 41-901, 41-2604, 41-2719, 41-2720 and 41-2721, and amendments thereto.

(b) The citation shall contain a notice to appear in court, the name and address of the person, the offense charged, the time and place when and where the person shall appear in court and any other pertinent information.

(c) The time specified in the notice to appear shall be at least five days after the alleged violation.

(d) The place specified in the notice to appear shall be before a judge of the district court within the county in which the offense is alleged to have been committed.

(e) In the discretion of the police officer, a person charged with a crime specified in subsection (a) may give written promise to appear in court by signing at least one copy of the written citation prepared by the police officer, in which event the police officer shall deliver a copy of the citation to the person and shall not take the person into physical custody.

(f) In the event the form of citation provided for in this section includes information required by law and is signed by the officer preparing the same, then such citation when filed with a court having jurisdiction shall be deemed to be a lawful

*Senate FSA  
2/24/88  
Attachment #2*

complaint for the purpose of prosecution for the violation specified.

Sec. 2. K.S.A. 1987 Supp. 8-2106 is hereby amended to read as follows: 8-2106. (a) A police officer may prepare and deliver to a person a written traffic citation if the police officer stops the person for a violation of:

(1) The uniform act regulating traffic on highways, which violation is a misdemeanor or a traffic infraction and is not required to be taken before a judge of the district court;

(2) K.S.A. ~~21-3610~~, ~~21-3610a~~, 21-3722, 21-3724, 21-3725, 40-3104, 40-3106, ~~41-715~~, ~~41-724~~, ~~41-804~~, ~~41-2719~~, ~~41-2720~~, ~~41-2721~~, 47-607, 66-1,111, 66-1,129, 66-1,139, 66-1,140, 66-273, 66-1314, 66-1324, 66-1325, 66-1330, 66-1331, 66-1332, 68-2104, 68-2106 or subsection (b) of K.S.A. 79-34,122, and amendments thereto;

(3) K.S.A. 31-155 and amendments thereto involving transportation of bottle rockets;

(4) K.S.A. 66-1314 or 66-1328, and amendments thereto, and any rules and regulations adopted pursuant thereto;

(5) any rules and regulations adopted pursuant to K.S.A. 2-1212, 68-2001 or 31-146, and amendments thereto; or

(6) any rules and regulations adopted pursuant to K.S.A. 31-133 and amendments thereto relating to transportation of materials or fuel.

(b) The citation shall contain a notice to appear in court, the name and address of the person, the state registration number of the person's vehicle, if any, the offense charged, the time and place when and where the person shall appear in court, and any other pertinent information.

(c) The time specified in the notice to appear shall be at least five days after the alleged violation unless the person charged with the violation demands an earlier hearing.

(d) The place specified in the notice to appear shall be before a judge of the district court within the county in which the offense is alleged to have been committed.

(e) Except in the circumstances to which subsection (d) of K.S.A. 8-2104 and amendments thereto apply, in the discretion of the police officer, a person charged with a misdemeanor may give written promise to appear in court by signing at least one copy of the written citation prepared by the police officer, in which event the police officer shall deliver a copy of the citation to the person and shall not take the person into physical custody.

(f) When a person is charged with a traffic infraction, the notice to appear shall provide a place where the person may make a written entry of appearance, waive the right to a trial and plead guilty or no contest. The notice to appear shall provide a space where the police officer shall enter the appropriate fine specified in the uniform fine schedule contained in K.S.A. 1985 Supp. 8-2118 and amendments thereto for the violation charged and court costs in the amount provided by law. If the notice to appear does not do so, the police officer shall provide a person charged with a traffic infraction a form explaining the person's right to appear and right to a trial, the person's right to pay the appropriate fine and court costs prior to the appearance date, and that failure to either pay such fine and court costs or appear at the specified time may result in suspension of the person's driver's license. The police officer shall provide the person with the address of the court to which the written entry of appearance, waiver of trial, plea of guilty or no contest and payment of fine and court costs shall be mailed.

(g) Any officer violating any of the provisions of this section is guilty of misconduct in office and shall be subject to removal from office.

(h) In the event the form of citation provided for in this section includes information required by law and is signed by the officer preparing the same, then such citation when filed with a court having jurisdiction shall be deemed to be a lawful complaint for the purpose of prosecution for the violation specified.

an arrest or the order of a court or magistrate.

(10) "Detention" means the temporary restraint of a person by a law enforcement officer.

(11) "Indictment" means a written statement, presented by a grand jury to a court, which charges the commission of a crime.

(12) "Information" means a verified written statement signed by a county attorney or other authorized representative of the state of Kansas presented to a court, which charges the commission of a crime. An information verified upon information and belief by the county attorney or other authorized representative of the state of Kansas shall be sufficient.

(13) "Law enforcement officer" means any person who by virtue of office or public employment is vested by law with a duty to maintain public order or to make arrests for violation of the laws of the state of Kansas or ordinances of any municipality thereof or with a duty to maintain or assert custody or supervision over persons accused or convicted of crime, and includes court services officers, parole officers and directors, security personnel and keepers of correctional institutions, jails or other institutions for the detention of persons accused or convicted of crime, while acting within the scope of their authority.

(14) "Magistrate" means an officer having power to issue a warrant for the arrest of a person charged with a crime and includes justices of the supreme court, judges of the court of appeals and judges of district courts.

(15) "Notice to appear" means a written request, issued by a law enforcement officer, that a person appear before a designated court at a stated time and place.

(16) "Preliminary examination" means a hearing before a magistrate on a complaint or information to determine if a felony has been committed and if there is probable cause to believe that the person charged committed it.

(17) "Prosecuting attorney" means any attorney who is authorized by law to appear for and on behalf of the state of

Kansas in a criminal case, and includes the attorney general, an assistant attorney general, the county or district attorney, an assistant county or district attorney and any special prosecutor whose appearance is approved by the court. In the case of prosecution for violation of a city ordinance, also, "prosecuting attorney" means the city attorney or any assistant city attorney.

(18) "Search warrant" means a written order made by a magistrate directed to a law enforcement officer commanding the officer to search the premises described in the search warrant and to seize property described or identified in the search warrant.

(19) "Summons" means a written order issued by a magistrate directing that a person appear before a designated court at a stated time and place and answer to a charge pending against the person.

(20) "Warrant" means a written order made by a magistrate directed to any law enforcement officer commanding the officer to arrest the person named or described in the warrant.

Sec. 4. K.S.A. 1987 Supp. 8-2106 and 22-2202 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.



SENATE BILL NO. \_\_\_\_\_

By

AN ACT relating to electrical wiring; concerning the examination and certification of electricians and electrical contractors; amending K.S.A. 1987 Supp. 12-1527 and repealing the existing section, and also repealing K.S.A. 1987 Supp. 12-1525 and 12-1526.

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

New Section 1. As used in this act, unless the context otherwise requires:

(a) "Electrical contractor" means any person, firm, copartnership, corporation, association or combination thereof, who undertakes or offers to undertake for another, for hire, the planning, laying out, supervising and installing or making of additions, alterations and repairs in the installation of electrical wiring and electrical systems;

(b) "certified master electrician" means any person having the necessary qualifications, training, experience and technical knowledge to properly plan, lay out and supervise the installation and repair of electrical wiring and electrical systems;

(c) "certified journeyman electrician" means any person having the necessary qualifications, training, experience and technical knowledge to install and repair electrical wiring and electrical systems;

(d) "certified" means a person who possesses a current certificate of competency as prescribed in this act; and

(e) "certificate of competency" means a document issued to a person who has successfully passed an examination as designated in section 2, within the state of Kansas, for journeyman or master electrician.

*Senate FSA  
2/24/88  
Attachment #3*

New Sec. 2. (a) Standard examinations for determining the qualification or competency of persons seeking licensure as electrical contractors and master and journeyman electricians shall be designated by the electrical, mechanical and plumbing trades certification board established pursuant to section 3 of 1988 Senate Bill No. 663, and amendments thereto. For the purposes of such designation such board shall select a nationally recognized examination, with reference to the current edition of the uniform electrical code, which will determine the competency of applicants for certification. For the purposes of this act the examinations prepared and published by Block and Associates, Florida Farm Bureau Building, 5700 S.W. 34th St., #1303, Gainesville, Florida 32608, shall constitute examples of nationally recognized examinations.

New Sec. 3. The board shall meet not less than once each year for the purpose of designating examinations for the determination of the competency of applicants for certification pursuant to this act and for the fixing of the fees to be charged by counties and cities and paid to the director of architectural services for the payment of expenses incurred by the board. Such fee shall be fixed annually in an amount not to exceed \$10. Designation of examinations shall be made on or before June 1 of each year and the examinations so designated shall be used for the determination of the competence of applicants for certification during the twelve-month period commencing on July 1 of such year. Moneys received by the director of architectural services under the provisions of this act shall be remitted to the treasurer upon receipt and shall be deposited by the state treasurer in the state treasury. The state treasurer shall credit such moneys to the electrical, mechanical and plumbing trades certification fund created by section 3 of 1988 Senate Bill No. 663, and amendments thereto.

New Sec. 4. (a) Certificates of competency shall bear the seal of the county or city which issues it, as well as the notation that the standard examination designated in section 2

was given and passed in accordance with subsection (b) of this section; the name of the person awarded the certificate; the category of the test taken; the date of the examination; and the written or stamped signature of the official granting the certificate. The county or city giving the examination on which the certificate of competency is based shall issue such certificate within 30 days of the date of the examination. Each certificate shall be renewable annually for state recognition, and a fee at the current rate assessed for such renewal.

(b) Any county or city requiring the certification or licensure or certification and licensure of persons practicing in the categories defined in section 1 above, within the county or city may conduct examinations designated by section 2 for the purpose of determining the competency of applicants for such certification or licensure or certification and licensure. The county or city shall adopt rules and regulations:

(1) Fixing a uniform fee to be charged all applicants taking such examinations. Of the fee so fixed, a charge in the amount fixed by the board for such year shall be made to each applicant by the county or city conducting the examination and paid to the director of architectural services for the purpose of paying all expenses incurred by the board in designating examinations;

(2) providing for three years documentable electrical work experience in the trade prior to taking the examination for journeyman, and a minimum of six years documentable electrical work experience in the trade prior to taking the examination for master; and

(3) prescribing a minimum score of 75% for passage of examinations.

(c) The certificate of competency received by any person who successfully passes an examination within the state of Kansas designated by section 2 shall be valid proof of competency for certification or licensure or certification and licensure, without additional examination in any county or city of the state

which requires certification or licensure or certification and licensure of electricians practicing within such county or city.

(d) Any person who possesses a valid certificate of competency as described in section 1 for a certified master electrician or electrical contractor as defined in section 1 who is or has a certified master electrician who possesses a valid certificate of competency under this act in such person's full-time employment shall not be required to take additional testing for the issuance of a local contractor's certificate or license or certificate and license, and the county or city shall, within two working days, issue the appropriate local certificate or license or certificate and license to such applicant without additional examination.

(e) The county or city shall fix a uniform fee to be charged all applicants for local licensure and certification and renewals.

(f) Any person certified prior to July 1, 1988, under the provisions of K.S.A. 1987 Supp. 12-1526, who received certification by any county or city prescribing a minimum score of 70% or more for passage of the examination for determination of competency shall not be required to be reexamined for renewal of certification pursuant to this act.

Sec. 5. K.S.A. 1987 Supp. 12-1527 is hereby amended to read as follows: 12-1527. Within their respective jurisdictions and subject to the provisions of ~~K.S.A.-1986-Supp.-12-1526~~ sections 2 and 4 and amendments thereto, any city or county may:

(a) Utilize examinations other than those designated by ~~K.S.A.-1986-Supp.-12-1525~~ section 2 and amendments thereto for the examination of electricians for licensure to practice only within the jurisdiction of such city or county;

(b) adopt and enforce such electrical codes, standards and regulations as the board of county commissioners or governing body of the city deem appropriate; and

(c) conduct such inspections and fix such reasonable fees therefor as the board of county commissioners or governing body

of the city may prescribe.

Except when authorized by reciprocal agreement between the political subdivisions involved, licenses granted upon the basis of examinations other than those designated by ~~K.S.A. 1986 Supp.~~ ~~12-1525~~ pursuant to section 2 and amendments thereto shall not authorize an electrician to practice outside of the jurisdiction of the city or county granting such license.

Sec. 6. K.S.A. 1987 Supp. 12-525, 12-526 and 12-527 are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the statute book.



SENATE BILL NO. \_\_\_\_\_

By

AN ACT relating to heating, ventilation and air conditioning; concerning the examination and certification of heating, ventilation and air conditioning mechanics and contractors.

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

Section 1. As used in this act, unless the context otherwise requires:

(a) "Mechanical heating, ventilation and air conditioning contractor" means any person, firm, copartnership, corporation, association or combination thereof, who undertakes or offers to undertake for another, for hire, the planning, laying out, supervising and installing or making of additions, alterations and repairs in the installation of mechanical heating, ventilation and air conditioning systems;

(b) "certified master heating, ventilation and air conditioning mechanic" means any person having the necessary qualifications, training, experience and technical knowledge to properly plan, lay out and supervise the installation and repair of mechanical heating, ventilation and air conditioning systems;

(c) "certified journeyman heating, ventilation and air conditioning mechanic" means any person having the necessary qualifications, training, experience and technical knowledge to install and repair mechanical heating, ventilation and air conditioning systems;

(d) "certified" means a person who possesses a current certificate of competency as prescribed in this act; and

(e) "certificate of competency" means a document issued to a person who has successfully passed an examination as designated in section 2, within the state of Kansas, for journeyman or master heating, ventilation and air conditioning mechanics.

*Senate FSA  
2/24/88  
Attachment #4*

Sec. 2. (a) Standard examinations for determining the qualification or competency of persons seeking licensure as mechanical heating, ventilation and air conditioning contractors and master and journeyman heating, ventilation and air conditioning mechanics shall be designated by the electrical, mechanical and plumbing trades certification board established pursuant to section 3 of 1988 Senate Bill No. 663, and amendments thereto. For the purposes of such designation such board shall select a nationally recognized examination, with reference to the current edition of the uniform mechanical heating, ventilation and air conditioning code, which will determine the competency of applicants for certification. For the purposes of this act the examinations prepared and published by Block and Associates, Florida Farm Bureau Building, 5700 S.W. 34th St., #1303, Gainesville, Florida 32608, shall constitute examples of nationally recognized examinations.

Sec. 3. The board shall meet not less than once each year for the purpose of designating examinations for the determination of the competency of applicants for certification pursuant to this act and for the fixing of the fees to be charged by counties and cities and paid to the director of architectural services for the payment of expenses incurred by the board. Such fee shall be fixed annually in an amount not to exceed \$10. Designation of examinations shall be made on or before June 1 of each year and the examinations so designated shall be used for the determination of the competence of applicants for certification during the twelve-month period commencing on July 1 of such year. Moneys received by the director of architectural services under the provisions of this act shall be remitted to the treasurer upon receipt and shall be deposited by the state treasurer in the state treasury. The state treasurer shall credit such moneys to the electrical, mechanical and plumbing trades certification fund created by section 3 of 1988 Senate Bill No. 663, and amendments thereto.

Sec. 4. (a) Certificates of competency shall bear the seal

of the county or city which issues it, as well as the notation that the standard examination designated in section 2 was given and passed in accordance with subsection (b) of this section; the name of the person awarded the certificate; the category of the test taken; the date of the examination; and the written or stamped signature of the official granting the certificate. The county or city giving the examination on which the certificate of competency is based shall issue such certificate within 30 days of the date of the examination. Each certificate shall be renewable annually for state recognition, and a fee at the current rate assessed for such renewal.

(b) Any county or city requiring the certification or licensure or certification and licensure of persons practicing in the categories defined in section 1 above, within the county or city may conduct examinations designated by section 2 for the purpose of determining the competency of applicants for such certification or licensure or certification and licensure. The county or city shall adopt rules and regulations:

(1) Fixing a uniform fee to be charged all applicants taking such examinations. Of the fee so fixed, a charge in the amount fixed by the board for such year shall be made to each applicant by the county or city conducting the examination and paid to the director of architectural services for the purpose of paying all expenses incurred by the board in designating examinations;

(2) providing for three years documentable mechanical heating, ventilation and air conditioning work experience in the trade prior to taking the examination for journeyman, and a minimum of six years documentable mechanical heating, ventilation and air conditioning work experience in the trade prior to taking the examination for master; and

(3) prescribing a minimum score of 75% for passage of examinations.

(c) The certificate of competency received by any person who successfully passes an examination within the state of Kansas

designated by section 2 shall be valid proof of competency for certification or licensure or certification and licensure, without additional examination in any county or city of the state which requires certification or licensure or certification and licensure of heating, ventilation and air conditioning mechanics practicing within such county or city.

(d) Any person who possesses a valid certificate of competency as described in section 1 for a certified master heating, ventilation and air conditioning mechanic or mechanical heating, ventilation and air conditioning contractor as defined in section 1 who is or has a certified master heating, ventilation and air conditioning mechanic who possesses a valid certificate of competency under this act in such person's full-time employment shall not be required to take additional testing for the issuance of a local contractor's certificate or license or certificate and license, and the county or city shall, within two working days, issue the appropriate local certificate or license or certificate and license to such applicant without additional examination.

(e) The county or city shall fix a uniform fee to be charged all applicants for local licensure and certification and renewals.

Sec. 5. Within their respective jurisdictions and subject to the provisions of sections 2 and 4 and amendments thereto, any city or county may:

(a) Utilize examinations other than those designated by section 2 and amendments thereto for the examination of heating, ventilation and air conditioning mechanics for licensure to practice only within the jurisdiction of such city or county;

(b) adopt and enforce such mechanical heating, ventilation and air conditioning codes, standards and regulations as the board of county commissioners or governing body of the city deem appropriate; and

(c) conduct such inspections and fix such reasonable fees therefor as the board of county commissioners or governing body

of the city may prescribe.

Except when authorized by reciprocal agreement between the political subdivisions involved, licenses granted upon the basis of examinations other than those designated pursuant to section 2 and amendments thereto shall not authorize a heating, ventilation and air conditioning mechanic to practice outside of the jurisdiction of the city or county granting such license.

Sec. 6. This act shall take effect and be in force from and after its publication in the statute book.





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

CONSTITUTIONAL AMENDMENT  
Proposed by Attorney General  
Robert T. Stephan  
to provide for  
Charitable Lotteries  
February 24, 1988

Notwithstanding the provisions of Section 3 of Article 15 of the constitution of the state of Kansas, the legislature may provide for the operation of lotteries prescribed by law by bona fide nonprofit organizations as defined by law. No nonprofit organization shall contract with a professional lottery vendor to operate such a lottery.

*Senate FSA  
2/24/88  
Attachment #5*

Statement by Nancy Lindberg  
Assistant to the Attorney General  
before the  
Senate Federal and State Affairs  
February 24, 1988

Attorney General Stephan asks that you introduce a resolution which would authorize a vote on a constitutional amendment for charitable lotteries.

I have passed out his proposal to you. It is inconsistent for the state to run a lottery when a women's aid society cannot legally raffle a quilt that they have made or the scouts cannot sell chances for a prize in order to make money for a project they are working on.

Right now people are calling our office asking for ways to get around the law in order to raise money for their charity. We have church groups, committees for the handicapped, schools, little league baseball teams and other nonprofit organizations breaking the law -- not intending to -- but breaking the law by holding raffles or other lotteries.

We have included the last sentence on not allowing contracts with professional lottery vendors in order to keep out the professionals who use non-profit fronts to get a large portion of the take like they have in the past with bingo.

Attorney General Stephan believes that we should legalize what many Kansans are already doing -- or at least give them the chance to vote on this constitutional amendment.



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

FOR IMMEDIATE RELEASE  
Wednesday, February 24, 1988

Contact: Neil A. Woerman  
Chief of Staff

Attorney General Robert T. Stephan today asked the Senate Federal and State Affairs Committee to introduce a resolution to place on the ballot a constitutional amendment that would authorize charitable raffles, cake walks and other such fundraisers by nonprofit organizations.

Stephan said the Kansas Constitution now prohibits even a local scout troop or church group from selling chances on a bicycle or hand-made quilt. He said not a week goes by in which his office does not receive at least a dozen calls or letters from groups wanting to learn how to skirt the law and make their fundraiser legal.

"Kansans find it highly hypocritical for the state to run a lottery with high-stake prizes when a local church ladies aid society cannot legally sell chances on a quilt they have made," Stephan said. "I agree and believe there is nothing inherently evil in either form of lottery; nor do I believe Kansans require protection from such games and raffles."

Stephan said he currently must advise charitable groups that they must eliminate one of the elements of a lottery -- prize, chance or consideration -- to make their raffle or game legal.

"Normally, groups claim to eliminate consideration by 'giving away' raffle tickets and 'requesting donations,'" Stephan said. "While this may get around the technical elements of the law, such verbal gymnastics should not be necessary to raffle a quilt."

The constitutional amendment Stephan proposed would allow the legislature to define what charitable groups could legally operate such lotteries, prescribe the types of games and raffles which would be allowed and place limitations on such games and raffles. Further, Stephan's amendment would prohibit nonprofit groups from contracting with professional lottery vendors to operate raffles and games for them.

"The amendment would legalize raffles and games now being conducted in every Kansas community, but would prohibit the operation of such lotteries by for-profit vendors from becoming big business in Kansas as once was the case with bingo," Stephan said.





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

PROPOSED LEGISLATION OF ROBERT T. STEPHAN  
PRESENTED BY ASSISTANT ATTORNEY GENERAL SHELLY GASPER  
CONSUMER PROTECTION DIVISION  
BEFORE THE SENATE FEDERAL & STATE AFFAIRS COMMITTEE

February 24, 1988

Attorney General Stephan supports the introduction of legislation which would regulate debt collection practices.

Currently, Kansas does not regulate debt collectors in any way unless they violate the Consumer Protection Act. Debt collectors engage in many unsavory practices that are not "deceptive" or "unconscionable" as the Kansas Consumer Protection Act defines them, but which the Attorney General believes ought to be prohibited.

Federally, there is the Fair Debt Collection Practices Act. However, Kansas has no corresponding act, nor enforcement power of the federal act. Other states have enacted laws designed to protect their residents from unscrupulous collection practices. The Attorney General would like to be able to respond adequately when a consumer comes to him for assistance in this area. Therefore, he requests that the committee introduce this bill.

*Senate FSA  
2/24/88  
Attachment #6*



STATE OF KANSAS

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ROBERT T. STEPHAN  
ATTORNEY GENERAL

MAIN PHONE: (913) 296-2215  
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PROPOSAL BY ATTORNEY GENERAL STEPHAN  
TO THE SENATE COMMITTEE ON FEDERAL & STATE AFFAIRS  
PRESENTED BY D. JEANNE KUTZLEY, ASSISTANT ATTORNEY GENERAL  
CONSUMER PROTECTION DIVISION

February 24, 1988

Mr. Chairman & Members of the Committee:

Attorney General Stephan strongly supports a proposal to regulate phone calls generated by automatic dialing - announcing systems. These calls have become a too-frequent intrusion in the privacy of individual's homes. These devices generate calls randomly, disregarding even the privacy of an unlisted phone number. Some don't allow you to disconnect for several seconds even if you hang up.

Kansas currently regulates telephone calls only to the extent that they are intentionally harassing.

Attorney General Stephan urges your support on this proposal. Thank you for your consideration.

*Senate FSA  
2/24/88  
Attachment #7*

KANSAS LEGISLATIVE RESEARCH DEPARTMENT

Room 545-N - Statehouse

Phone 296-3181

February 19, 1988


TO: SENATOR EDWARD REILLY

Office No. 255-E

RE: SENATE BILL NO. 563

Attached is a table that provides a comparison of S.B. 563 with existing law (K.S.A. 47-1701, et seq.) regarding the licensure of animal dealers in Kansas. For the most part, the table is limited to illustrating the changes that would be made by the bill. The Livestock Commission of the Kansas Animal Health Department is responsible for administering the current law and would retain responsibility under the proposed legislation.

I hope this information is useful to you. If you have any questions, please feel free to call.

  
Mary K. Galligan  
Principal Analyst

MKG/pb

Enclosure

Senate FSA  
2/24/88  
Attachment #8

S.B. 563

The following table displays the major provisions of S.B. 563 and provides a comparison with existing law.

Provision	Existing Law	S.B. 563
<u>Licensure and Certification</u>		
Animal Dealers	Animal dealers licensed by the USDA are not required to have a state license.	After January 1, 1989, all animal dealers, including those with residential dog or cat raising operations if more than five litters or 24 or more animals are sold per year, must have a state license for each animal dealer premises. (Sec. 2) The licensure requirement for wholesalers of animals other than dogs and cats would be deleted.
Pet Shops	All pet shops must be licensed by the state unless the Commissioner grants a person a license to operate pet shops at more than one location.	Includes in the definition those residential dog and cat raising operations where more than five litters or 24 or more animals are sold per year. (Sec. 3)
Pounds and Animal Shelters	Cities of the first class operating a pound or any corporate entity operating an animal shelter must have a state certification of registration. The certificates are valid for five years. No fee is charged for the certificate.	The same entities would have to obtain state licenses to operate. The licenses would be valid for one year. (Sec. 4)
Hobby Kennel Operator	Not included as a separate class in current law.	Must have a state certificate of registration on and after January 1, 1989. (Sec. 5)
Research Facilities	Defined, but not required to be registered or licensed. Schools and colleges are not defined as research facilities.	Definition remains the same. [Sec. 1(v)] All required to be licensed on and after January 1, 1989. (Sec. 6)

<u>Provision</u>	<u>Existing Law</u>	<u>S.B. 563</u>
<u>Definitions</u>		
Adequate Water	Continuously supplied or at intervals not to exceed 24 hours.	Intervals not to exceed 12 hours. (Sec. 1)
Animal Dealer	A person who is not licensed by the USDA, but who sells animals to a federally licensed dealer or a federally registered research facility. A person who exclusively sells or donates animals born and raised on the person's residence premises or which have been owned and retained on the residence for 90 days or longer is not included in the definition.	A person who operates premises where dogs, cats, or both are sold, or offered or maintained for sale at wholesale for resale to another. The definition does not include pounds, shelters, or hobby kennels. (Sec. 1)
Hobby Kennel	Not specifically defined or regulated in the law.	Premises where dogs, cats, or both are produced, raised, and sold or maintained for sale by a person who resides on the premises. The definition applies only to those entities that produce, raise, and sell the lesser of three to five litters or 23 individual animals. (Sec. 1)
Sanitize	No time interval.	Maximum interval of 24 hours. (Sec. 1)
<u>Inspections</u>		
Frequency	Requires regular inspections of state licensed and registered entities.	Inspections required prior to issuance of original licenses. Licensees must be inspected at least twice each year. Inspections, of licensees and registrants, are required upon determination by the commissioner that there are reasonable grounds to believe that a person is violating the act or rules and regulations. (Sec. 9)



<u>Provision</u>	<u>Existing Law</u>	<u>S.B. 563</u>
Inspector Training	City and county health officers designated by the Commissioner are authorized to conduct the inspections.	Health officers must be trained by the Commissioner prior to conducting any inspections. (Sec. 9)
Inspector Penalties	None	Persons authorized to make inspections and conduct investigations who knowingly falsify the results or findings of an inspection or investigation or who intentionally fail or refuse to make an inspection or conduct an investigation are guilty of a class A misdemeanor. (Sec. 9)
<u>Disposition of Confiscated Animals</u>		
	Animals euthanized or sold at Commissioner's discretion.	Animals may be returned to the owner if there is satisfactory evidence that the animals will receive adequate care by the owner. Costs of care while animals are in the custody of the Commissioner are to be paid by the owner. Animals may also be euthanized or sold at the commissioner's discretion. (Secs. 7, 8, and 11)
<u>Penalties</u>		
Criminal	Failure of licensees or registrants to adequately house, feed, and water animals is a class C misdemeanor. Animals are subject to seizure and impoundment. Violation of the act or any regulation is a class A misdemeanor. Continued operation after conviction or guilty plea constitutes separate violation for each day of operation.	Repealed. (Sec. 15)  Same. (Sec. 11)

<u>Provision</u>	<u>Existing Law</u>	<u>S.B. 563</u>
Civil	None	Maximum \$2,000 fine for each violation imposed in accordance with the Administrative Procedures Act. The commissioner may impound the animals of persons who are required to be licensed under the act but who fail to comply with the act and who endanger the health, safety, or welfare of their animals. (Sec. 8)
<u>Records</u>	General authorization to adopt rules and regulations.	Requirement that all licensees maintain records relating to the sale or transfer of any dog or cat for a period of at least 12 months. The contents of the records are specified. Records of all deaths would also be required to be kept for at least 12 months.
<u>Fees and Disposition of Fees</u>		
Licenses	\$100 for year or part thereof, not refundable. Fees deposited in Animal Disease Control Fund.	Not to exceed \$100 as fixed in rules and regulations. Deposited in same fund. (Sec. 12)
Certificates of Registration	None	Not to exceed \$25, nonrefundable, remitted to Animal Disease Control Fund. (Sec. 12)
Inspection	None	Actual cost of follow-up inspections if deficiencies have not been corrected. (Sec. 12)

February 24, 1988

TO: SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

FROM: ED SCHAUB  
PETE MCGILL AND ASSOCIATES

Mr. Chairman -

I'm requesting legislation that will allow the State Fair Board to accept renovations and new construction at the State Fairground in Hutchinson, Kansas from the Fairgrounds Pari-mutuel Racing Association in connection with pari-mutuel horse racing.

The Fairgrounds Pari-mutuel Racing Association is a non-profit corporation that is entering into a lease agreement with the State Fair Board for the purpose of conducting pari-mutuel horse racing at the Fairgrounds. The renovations and new construction will be at the expense of the non-profit corporation. It is my understanding that this acceptance by the Board must be done by statute. An example of this is K.S.A. 2-217.

Mary Torrence of your staff is now working on the necessary legislation to accomplish the above.

*Senate FSA  
2/24/88  
Attachment #9*