

Approved: April 10, 1998
Date

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Garry Boston at 1:30 p.m. on March 30, 1998 in Room 519-S of the Capitol.

All members were present except: Representative Phill Kline, Excused

Committee staff present: Mary Galligan, Legislative Research Department
Jill Wolters, Revisor of Statutes
June Evans, Committee Secretary

Conferees appearing before the committee: Tracy T. Diel, Executive Director, State Gaming Agency
Michelle Havey, Holy-Field Vineyard & Winery, Basehor
Representative Kenny A. Wilk
Frances Wood, Kansas Churches of the Nazarene and The Woman's Christian Temperance Union of Kansas
Camille Nohe, Assistant Attorney General
Caroline Adams, Action Investigations Chartered
Joe Legrotte, Private Licensed Detective, Leawood
Dan Boyd, Private Detective, Wichita
Mickey Gitlan, Kansas Association of Private Investigators
John W. Ellis, Kansas Association of Private Investigators

Others attending: See attached list

The Chairman stated the committee would try to work three bills today which would take a lot of time so must keep moving to complete the work.

Representative Grant moved and Representative Ruff seconded approval of the minutes of March 19 with the change from HB 2244 to HB 2999. The motion carried. (The minutes were changed to show the correct bill number)

The Chairman opened the hearing on **SB 486**.

SB 486 - Gaming; relating to the powers and duties of certain employees of the state gaming agency.

Jill Wolters, Revisors of Statutes Office, gave a briefing on **SB 486** stating the bill was requested by the Executive Director of the State Gaming Agency. The bill changes the current title of the Director of Compliance to Director of Enforcement and Compliance and the current titles of Compliance Inspectors to Enforcement Agents. The bill would amend the Tribal Gaming Oversight Act by specifying which State Gaming Agency employees have law enforcement powers. Under current law, the Executive Director of the State Gaming Agency is authorized to designate which Agency employees have law enforcement authority. The bill would remove that discretion and statutorily designate the Director of Enforcement and Compliance and the Enforcement Agents as law enforcement officers.

Tracy T. Diel, Executive Director, State Gaming Agency, testified as a proponent to **SB 486**, stating this bill amends language contained within the Tribal Gaming Oversight Act which was passed by the 1996 legislature. The language changes are necessary for the State Gaming Agency to do a more complete job of enforcing and monitoring, as well as complying with the Tribal-State Compacts. By changing the title of director of compliance to director of enforcement and compliance, and vesting this position with statutory rather than discretionary law enforcement authority, the true nature of what the individual in this position does is communicated to those having dealings with the State Gaming Agency. Given the law enforcement responsibilities of the enforcement agents, which are conveyed through the Tribal Gaming Oversight Act, it is necessary to have an individual, in the direct supervisory position, who is knowledgeable and experienced in the law enforcement area. This change would assist in accomplishing this goal. (Attachment 1)

The Chairperson closed the hearing on **SB 486**.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE FEDERAL AND STATE AFFAIRS, Room 519-S
Statehouse, at 1:30 p.m. on March 30, 1998.

Representative Cox moved and Representative Ruff seconded to move **SB 486** out favorably. The motion carried.

The Chairperson opened the hearing on **SB 581**.

SB 581 - Sale of Liquor by the package; city option, elections.

Jill Wolters, Revisors of Statutes Office, gave a briefing on **SB 581**. Section 1 would allow more frequent possibilities for a vote on retail liquor stores as regular general city elections are held every two years. This section would not amend any prerequisites, other than the time limit, to placing the issue on the ballot. Section 2 and 3 would permit licensed farm wineries to produce and sell "domestic fortified wine" under the same conditions farm wineries are currently permitted to produce and sell domestic table wine. Domestic fortified wine would contain between 14 percent and 20 percent alcohol by volume and be made from agricultural products grown in Kansas. The definition would not include distilled products.

Michelle Havey, Holy-Field Vineyard & Winery, Basehor, testified as a proponent to **SB 581**. This is a family vineyard and Kansas grown grapes are used for their wine production. Dessert/port style wine is a type of wine that is fortified with brandy and typically has about 18-20% alcohol. Many tourists visit the winery and dessert and port wines are often requested. Fortified wine is made when a neutral grape brandy is added to wine to raise the wine's alcohol content. What sets Port apart from Sherry is when the winemaker adds the neutral brandy. It's added to Port during fermentation. The extra alcohol kills that yeast and stops the fermentation, which is why Port is relatively sweet. (Attachment 2)

Representative Kenny Wilk, a proponent for **SB 581**, testified this legislation is important to the people in Leavenworth. There are two wineries in his district. These wineries are family farms. The wineries are important to tourism; they are attractive and many tourists stop and purchase wine.

Senator Donald E. Biggs, a proponent for **SB 581**, Leavenworth and Jefferson Counties, provided written testimony. This bill would enable our Kansas farm wineries to produce and market so called "dessert" wines such as a port or sherry. It could increase sales by 15% for those choosing to do so. Vineyards are a relatively new, but very unique and growing farm industry in Kansas. There are seven in the state. They are small family owned and operated businesses. (Attachment 3)

Frances Wood, representing the Kansas Churches of the Nazarene and The Woman's Christian Temperance Union of Kansas, testified in opposition to **SB 581**. Originally, did not oppose this bill; in fact we might want to encourage an election in a county that was wanting to do away with liquor -- especially after they had some fatalities or domestic problems created by alcohol. Oppose allowing the sale of fortified wine. Another avenue to get people drunk is not needed. In 1996 159 people were killed on Kansas roads because of alcohol. (Attachment 4)

The Chairman closed the hearing on **SB 581**.

Representative Ruff moved and Representative Faber seconded to move **SB 581** out favorably.

Representative Mays moved and Representative Mason seconded a substitute motion to Table **SB 581**.

A Division was requested: 8 Yeas and 12 Nays. The motion failed.

The Chairman stated were back on the original motion to pass out **SB 581**.

Representative Ballou moved and Representative Tanner seconded a Substitute Motion to removed entire Section 1.

Staff clarified the statutes.

Representative Ballou and Representative Tanner withdrew their Substitute Motion.

After discussion the Chairman asked the Question for moving **SB 581** out favorably: 13 Yeas and 8 Nays. The motion carried.

The following people requested to be recorded as voting NO: Representatives Dahl, Mays, Mason, Samuelson, Swenson and Vining.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE FEDERAL AND STATE AFFAIRS, Room 519-S
Statehouse, at 1:30 p.m. on March 30, 1998.

The Chairman opened the hearing on SubSB 322.

SubSB 322 -- Concerning licensure and regulation of private detectives and private detective agencies.

Jill Wolters, Revisor of Statutes Office, gave a briefing on SubSB 322. This bill would authorize the Attorney General to establish fees for private detective licenses in rules and regulations and specify in statute the maximum allowable biennial fee for each type authorized. Fees would have to generate revenue sufficient to administer the laws governing the licensure and regulation of private detectives and detective agencies. All fees collected would be deposited in the Private Detective Fee Fund which would be created by the bill. Moneys in that fund could only be used by the Attorney General to administer the private detectives laws.

Representative Crow expressed concern about not notifying proper law enforcement if information received of crime committed in the past and their client being protected about crimes they intend to commit.

The Chairman announced there were seven proponents for this bill and would like for each of you to curtail your testimony, don't want to infringe upon anyone's right to say what they want, but if the bill would not be worked today it would have to be carried over until tomorrow and there are two bills scheduled for hearings tomorrow and it could get caught up in the process.

Assistant Attorney General Camille Nohe testified in support of SubSB 322, stating the bill represents the fruits of a collaborative review of the Private Detective Licensing Act by a representative committee of licensed private detectives and personnel from the Attorney General's Office, undertaken with the goal of addressing numerous problematic statutory provisions. SubSB 322 accomplishes this goal through many substantive, procedural and technical amendments to the licensing laws and has the full support of the Attorney General. (Attachment 5)

Caroline Adams, owner of Action Investigations Charters, in Wyandotte County, testified as a proponent for SubSB 322, stating it is not a perfect bill, but the bill has the widest support of any bill because every line was discussed and voted on by the membership of the investigative groups. This legislation is fair in that both the private detectives, KBI, and the Attorney General can live with it. It gives everyone some things that they desired and all of the benefits do not go to one group. It is not weighted in anyone's favor. It is fair, just and equitable. (Attachment 6)

Joe Legrotte, Licensed Private Detective, testified in support of SubSB 322, stating more than 200 hours has been spent in meetings since 1996 assisting in the development of this bill. It is believed this bill is fair to all the detectives that would be licensed under this Act operating in the state of Kansas. (Attachment 7)

Dan Boyd, Licensed Private Detective, Wichita, stated he supported SubSB 322. Under current legislation this is not enforceable. This legislation is needed. This bill does not address a badge and would like to have licensed private investigators with firearm permits (75) to have badges and that the badge only be used when the firearm is drawn.

Maurice Gitlin, Kansas Association of Private Investigators, Overland Park, Kansas, testified as a proponent to SubSB322. Colleagues testified before the Senate Committee in opposition to SB 322 and it was modified in its current form. There are other changes that are needed: (1) The intern program would be conducted by private detective agencies at no cost to the Attorney General's office or the state of Kansas. The agency would employ individuals qualified for the program and assume the responsibility for their training and actions while in training. Insurance would be provided by the private detective agency. (2) Badges for firearms permit holders for safety reasons and would be supplied by the private detective agency. (3) A clearer definition of the term "associates" and why an "associate" who was not engaged in actual "detective" work should require a license. There is no objection to owners, partners managers, directors, and active participants in an agency's business being licensed. "Associates" is too broad a term. (4) The fee for renewal should not be as high as the original applicant fee. (Attachment 8)

John Ellis, Secretary of Kansas Private Investigators, testified in support of SubSB 322. HB 2487 was reported out favorably and is currently on the Floor of the House and our recommendation of the Private Investigators Association is that you pass that version of the amendment out of the House and report SubSB 322 unfavorably. Would like 3 or 4 amendments to SubSB 322 and report it out favorably and have the Floor choose which one they want.

The Chairman closed the hearing on SubSB 322.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE FEDERAL AND STATE AFFAIRS, Room 519-S
Statehouse, at 1:30 p.m. on March 30, 1998.

The Chairman stated that appropriations have already been approved on the three bills that just had hearings.

Representative Tanner moved and Representative Faber seconded to report **SubSB 322** out adversely.

Representative Vickrey stated he opposed the motion as some problems need to be resolved.

Representative Tanner asked if he wasn't correct that there was a bill on the Floor that had been passed out of committee?

The Chairman stated that was correct. Part of the reason this is being done this way is that the bill on the Floor would have to be passed by the Committee of the Whole over to the Senate and then would have to have hearings in the Senate and time is running out. The best and quickest way to accomplish anything this session would be to go ahead with **SubSB 322**

Representative Tanner and Representative Faber withdrew their motion and second.

Representative Ballou moved and Representative Cox seconded to move **SubSB 322** out favorably.

Representative Vickrey moved a substitute motion to amend and adopt **HB 2487**. Amendments: (1) Intern program (2) adopt language to carry a silver badge and (3) employees renewal license fee, as someone else's employee, be lowered to \$50 maximum with a two year cap of \$100. The motion failed due to no second.

Representative Klein asked why not amend into **HB 2487** and let a Conference Committee work it out.

Representative Grant stated it was too late for amendments as the Senate would not accept amendments and there would be no time for this.

Representative Ballou asked if Representative Vickrey would withdraw his substitute motion until the amendments were drafted and available for review.

Representative Ballou and Cox withdrew their motion and stated the bill could be amended on the Floor.

The Chairman stated if there were amendments they should be amended into the bill here in committee rather than on the Floor because if amendments on the Floor it probably would never get up above the line.

Representative Mays stated he would second Representative Vickrey's motion and would like to divide the amendments.

The meeting adjourned at 3:15 p.m

The next meeting is scheduled for April 1, 1998.

KANSAS
STATE GAMING AGENCY

TO: House Committee on Federal and State Affairs

FROM: Tracy T. Diel, Executive Director
State Gaming Agency

DATE: March 30, 1998

SUBJECT: Testimony regarding Senate Bill No. 486`



Racing & Gaming Commission

The purpose of Senate Bill No. 486 (SB 486) is to amend language contained within the Tribal Gaming Oversight Act which was passed by the 1996 Legislature. The proposed language changes are necessary for the State Gaming Agency to do a more complete job of enforcing and monitoring, as well as complying with the Tribal-State Compacts.

It is the responsibility of the State Gaming Agency to enforce, monitor and comply with the provisions of the Tribal-State Compacts, which were entered into by the State with the four (4) resident tribes of Kansas under the provisions of the Indian Gaming Regulatory Act. The amended language set forth in SB 486 brings the Tribal Gaming Oversight Act into line with what the agency is required to accomplish. SB 486 will provide statutory reinforcement to the agency as it interacts with other law enforcement entities within the State of Kansas and across the United States, as well as the federal government and international criminal justice agencies.

As the State Gaming Agency has sought to interact with other criminal justice agencies, it has found the present language contained in the Tribal Gaming Oversight Act to be a hindrance to accomplishing its mission. This includes dealing with the FBI and other gaming commissions throughout the United States. When the titles of compliance inspectors were used, this agency was seen as a group of accountants and auditors who traveled to the different casinos to inspect the profit and loss sheets. It was not viewed as an agency which needed criminal history information or access to criminal intelligence information. As time has moved forward, the State Gaming Agency through the use of the terminology which has been proposed in SB 486, has been able to gain access to the information it has needed to perform its duties and responsibilities. However, this access has been gained through constant explaining rather than through statutory recognition.

It has taken well over a year for the State Gaming Agency to "convince" the FBI that it was a criminal justice agency. Without their approval, the agency would not be entitled to apply for an ASTRA terminal link. Access to this terminal is the heart of the criminal information network in Kansas and the United States. Finally, the FBI was convinced that this agency met the requirements contained in their regulations, even though the statutes did not specify the law enforcement language which is being proposed. Part of the agency's ability to persuade the FBI, was the plan to seek the language modification which is before you for consideration. This

acquiescence by the FBI has become important. Recently, we have had to be in contact with the Missouri Gaming Commission. Under Missouri law there commission can only disclose information which they term "closed information" to another law enforcement agency. Closed information is considered sensitive criminal investigation material. If you are not a law enforcement agency, then there is no access to this information. Again, through an explanation of what the agency does, its responsibilities, powers and the subsequent FBI approval, the Missouri Gaming Commission has agreed to provide this type of information when requested. However, if in the future Missouri, along with other states, or the FBI should change their minds, the State Gaming Agency would not be able to do anything about it. However, with this language change this would not be an issue. This proposed language change will also be beneficial in the agency's effort to obtain approval for an ASTRA terminal. The agency's application was received and approved in February. We are presently attempting to gain access through our own agency terminal. Every day we encounter a new requirement to deal with in order to gain access to the information which we need to perform our job. In the interim we have used other agencies to gain the information we need. This requires more time and resources. It makes the State Gaming Agency less efficient and less effective.

The enforcement agents of the State Gaming Agency are certified law enforcement officers. They are required to have undergone the Kansas Law Enforcement training courses just like any other police officer in this State and are required to maintain that certification. Under the State personnel code, individuals in this employment category are involved in the enforcement of laws, rules and regulations. They monitor security procedures and investigate a variety of crimes. These are the same types of job responsibilities enforcement agents of the State Gaming Agency carry out everyday. In addition, pursuant to the Tribal Gaming Oversight Act these individuals are vested with arrest authority, search warrant authority and carry firearms. These individuals do perform these duties and they do so professionally and with due regard for the laws of this State. The proposed language changes in SB 486 will serve to solidify this position.

By changing the title of director of compliance to director of enforcement and compliance, and vesting this position with statutory rather than discretionary law enforcement authority, the true nature of what the individual in this position does is communicated to those having dealings with the State Gaming Agency. Given the law enforcement responsibilities of the enforcement agents, which are conveyed through the Tribal Gaming Oversight Act, it is necessary to have an individual, in the direct supervisory position, who is knowledgeable and experienced in the law enforcement area. This change will assist in accomplishing this goal.

The Tribal-State Compacts place upon the State Gaming Agency, on behalf of the State, the responsibility to make sure that the appropriate individuals are working in the tribal casinos. It further requires the State Gaming Agency to make sure the tribes and the casinos are meeting their responsibilities under the Tribal-State Compacts. Finally, the Tribal Gaming Oversight Act places upon the agency the requirement to enforce the laws of the State and all of its prohibitions. SB 486 would enable the State Gaming Agency to do a better and more complete job of meeting these responsibilities. I would encourage the committee to act favorably on this proposed legislation.

I will be glad to answer any questions the Committee may have regarding this proposed legislation.

March 30, 1998
Michelle Havey



Holy-Field Vineyard & Winery
18807 158th Street
Basehor, Kansas 66007

Hello, My Name is Michelle Havey from Holy-Field Vineyard & Winery in Basehor, KS. We are located in southeast Leavenworth County. My father, Les Meyer, and I have established a 12 acre vineyard. We use our Kansas grown grapes for wine production at Holy-Field Winery. Unfortunately dad can't be here today as we are planting about 1000 new vines today. We have many varieties already established that we planted for the purpose of making a dessert/port style wine. This is a type of wine that is fortified with brandy and typically has about 18-20% alcohol. We have many visitors from all over the country as well as international visitors. Dessert & port wines are often requested. Many visitors have a preference for this type of wine because it is often served with dessert as a special touch or before dinner as an aperitif. Collectors also like to purchase dessert wines as they are known for improving with age.

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We and the Kansas Grape Growers
and Winemakers Association are very
much in favor of introducing this style
of Kansas wine to our visitors.

DEFINITIONS

FORTIFIED WINES

These wines are so named because at some stage during their vinification they are 'fortified' by the addition of either brandy or rectified alcohol. This has the effect of stopping the fermentation before all the sugar has been converted into alcohol, so most are sweet - and hence often regarded as synonymous with 'dessert wines'. They are usually between 16 and 20 per cent alcohol.

THE WINE HANDBOOK by
Serena Sutcliffe, 1987,
p. 75

The two greatest fortified wines in the world are Port and Sherry. These wines have much in common; although the end result is two very different styles.

What exactly is fortified wine?

Fortified wine is made when a neutral grape brandy is added to wine to raise the wine's alcohol content. What sets Port apart from Sherry is *when* the winemaker adds the neutral brandy. It's added to Port *during* fermentation. The extra alcohol kills that yeast and stops the fermentation, which is why Port is relatively sweet.

WINDOWS ON THE WORLD COMPLETE WINE COURSE by
Kevin Zraly, 1995, p. 148

And then there are the fortified sweet wines, which are called dessert wines

These derive their alcoholic content partly by fermentation and partly by the addition of spirit, and they usually contain notable amounts of sugar. Their precise alcoholic content is determined by the quantity of spirit poured into them by the winemaker and in practice ranges from 18 to 20 per cent.

GRAPES INTO WINE-THE ART OF WINEMAKING IN AMERICA by Philip M. Wagner, 1987, p. 234

Wine. When used without qualification, the term includes every kind (class and type) of product produced on bonded wine premises from grapes, other fruit (including berries), or other suitable agricultural products and containing not more than 24 per cent of alcohol by volume.

27 CFR Ch. I (4-1-93 Edition)

Bureau of Alcohol, Tobacco and Firearms, Treasury

CODE OF FEDERAL REGULATIONS, Alcohol, Tobacco Products and Firearms, 27CFR, Subpart B-Definitions, 24.10, p. 460

STATE OF KANSAS

DONALD E. BIGGS
SENATOR, 3RD DISTRICT
LEAVENWORTH & JEFFERSON COUNTIES



COMMITTEE ASSIGNMENTS
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ENERGY AND NATURAL RESOURCES
MEMBER:
AGRICULTURE
ARTS AND CULTURAL RESOURCES
FEDERAL AND STATE AFFAIRS
FINANCIAL INSTITUTIONS AND
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TOPEKA

SENATE CHAMBER

March 30, 1998

TO: HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

EXPLANATION OF SUBSTITUTE FOR SB610 (amended into SB581)

This bill concerns family farm wineries in Kansas. It defines domestic wine as that which contains more than 14%, but not more than 20% alcohol by volume and which is manufactured from agriculture products grown in the state.

Domestic table wine remains with a 14% limit.

This bill would enable our Kansas farm wineries to produce and market so called "dessert" wines such as a port or sherry. It could increase sales by 15% for those choosing to do so. They usually range from 16 to 20% - understand federal limit is 24% - this bill would hold Kansas to 20% which is acceptable to our Kansas producers.

Vineyards are a relatively new, but very unique and growing farm industry in Kansas. My latest information shows seven in the state. They are small businesses that are family owned and operated. They are also a definite tourist attraction to our state.

Kansas has the proper climate, soils, and grapes to produce some very good port type dessert wines.

Thank you for your favorable consideration.

A handwritten signature in dark ink, appearing to read "Don Biggs". The signature is fluid and cursive.

Donald E. Biggs,
State Senator, Third District

Chairman Boston, members of the committee

I am Frances Wood, Topeka, representing the Kansas Churches of the Nazarene and The Woman's Christian Temperance Union of Kansas. Dave Schneider of Kansans For Life At Its Best, wanted me to speak for him as it is not convenient for him to appear today.

We are in opposition to SB 581. To be real truthful, we did not oppose this bill when it was originally presented. Our thinking was that we might want to encourage an election in a county that was wanting to do away with liquor - especially after they had some fatalities or domestic problems created by alcohol.

However, things have changed. Because of the amendment to allow for the sale of fortified wine, we are very much in opposition to this bill. What we don't need is another avenue to get people drunk. We don't need another avenue to have impaired drivers on the road. You know the statistics - One hundred fifty nine people killed on our Kansas roads in 1996 because of alcohol.

The wineries have already infringed on our sobriety. Little by little they have made their wishes a part of our society. Why is it necessary to create an even stronger drink?

I urge you - implore you - beg you- start drawing the line on expanding more ways to dull the senses of our Kansas citizens and of those travelers who stop at the wineries. Please vote NO on SB 581.

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State of Kansas

Office of the Attorney General

301 S.W. 10th Avenue, Topeka 66612-1597

CARLA J. STOVALL
ATTORNEY GENERAL

March 30, 1998

MAIN PHONE: (785) 296-2215
FAX: 296-6296
TTY: 291-3767

**Before the House Committee on Federal and State Affairs
Re: Substitute Senate Bill 322**

**Testimony on behalf of Attorney General Carla Stovall
Presented by Assistant Attorney General Camille Nohe**

Thank you for this opportunity to testify in support of Substitute Senate Bill 322. This bill represents the fruits of a collaborative review of the Private Detective Licensing Act by a representative committee of licensed private detectives and personnel from the Attorney General's office, undertaken with the goal of addressing numerous problematic statutory provisions. Substitute Senate Bill No. 322 accomplishes this goal through many substantive, procedural and technical amendments to the licensing laws and has the full support of the Attorney General.

From the Attorney General's administrative perspective, the following are of particular significance:

- (1) An increase in fees for private detective licenses, private detective agency licenses, concealed weapon permits and firearm trainer certificates, coupled with the establishment of a private detective fee fund. These changes will allow the licensing function to become self-supporting like all other professional and occupational licensing programs in Kansas. Since its inception in 1972, all fees collected have been required to be deposited in the general fund and thus have been unavailable for use by the Attorney General in the administration and enforcement of this licensing program. *See* sections 4, 11(b), 12(c) 13 and 14.
- (2) A change in the term of private detective licenses, private detective agency licenses, concealed weapon permits and firearm trainer certificates from one year to two years. This change will reduce both the administrative burden in relation to license, permit and certificate renewals and the burden to licensees, permit and certificate holders. *See* sections 5(a), 11(h) and 12 (e).
- (3) Elimination of the current requirement that a Kansas applicant submit references from Kansas residents who have known the applicant for 5 years which, in its effect, establishes a 5 year residency requirement. This is replaced with the simpler requirement that the references have known the applicant for 5 years regardless of the residency of the applicant or the references. *See* section 3(b).
- (4) Elimination of the requirement of a hearing prior to the denial of a license. However, pursuant

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to the proposed language and the Kansas Administrative Procedures Act, and like most other professional and occupational licensing acts, an applicant who is denied a license on the grounds specified retains the right to a hearing upon request. *See* section 3(d).

(5) Elimination of the requirement that a licensee obtain insurance to cover intentional acts (but retention of the requirement for insurance to cover negligence and errors or omissions) and establishment of the requisite amount of insurance coverage. Insurance companies wisely do not write policies to cover intentional acts. *See* section 8(a).

(6) Addition of authority to take disciplinary measures which are less severe than revocation or suspension of a license, i.e. to censure, limit or condition a license. Currently, the only options available are suspension and revocation of a license. *See* section 9(a).

(7) Elimination of the requirement that all licensed private detectives register their vehicle in Kansas. The Private Detective Licensing Law permits out-of-state residents to be licensed; however, under vehicle registration laws of the various states, such persons are required to register their vehicles in their state of residence.

The Attorney General is charged with the responsibility of administering and enforcing the Private Detective Licensing Act. The changes contained in Substitute Senate Bill No. 322 will enable the Attorney General to carry out her statutory charge in a manner which is fiscally responsible and consistent with good public policy. The Attorney General respectfully requests the Committee to act favorably on the amendments proposed in Substitute Senate Bill No. 322.

My name is Caroline Adams. I own a medium sized detective agency, Action Investigations Chartered, in Wyandotte County, Kansas and live in Johnson County Kansas. My agency and all detectives are licensed and insured in Kansas.

I received my undergraduate degree from Avila College in 1977 in sociology, and have one year towards a Master's degree from the University of Kansas Medical Center in social work.

My experience includes five years as a deputy sheriff in California, assigned to juvenile division, a one year practicum with Kansas City, Missouri Police Department in the Operations Resource Unit. I am a certified polygraph examiner with a specialty in sex offender testing. I recently completed the Behavioral Measures and Forensic Services Course in advanced sex offender testing, which is currently the highest certification available.

I am a member of the World Association of Detectives and am or have been a member of the four Investigative groups in the metro Kansas City area. I have worked for the last five years on various legislative committees.

I am here today in support of Senate bill 322 regarding licensure and regulation of Kansas private investigators. This bill is the fairest, most comprehensive legislation of any bills proposed. It is not a perfect bill, but it has the widest support of any bill because every line was discussed and voted on by the membership of the investigative groups.

During last years legislative sessions all groups in Kansas City and Wichita were working on it. There are 57 changes proposed, of those 57 changes the Wichita group agreed with 54 of them and the other Kansas City Group agreed with 52 of them. This is somewhat amazing in that investigators tend to be very opinionated.

This legislation is fair in that both the private detectives, KBI, and the Attorney General can live with it. It gives everyone some things that they desired and all of the benefits do not go to one group. It is not weighted in anyone's favor. It is fair, just and equitable.

It allows an disciplinary policy for both minor and major violations of the act, it has a built in appeal process, it funds the program, detectives are granted a number of privileges that they were not in the past.

At the same time it does not create extra work for either the detectives, the KBI, or the Attorney General. It is an act that could be amended, modified or changed should the need arise.

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You will hear proponents of house bill 2487 tell you that we need semi-automatic guns, shotguns, badges, unlicensed interns, and a firearms review board. This is utter nonsense.

If we are in a situation where shotguns and semi-automatic weapons are needed this detective is calling 911, and letting the proper authorities handle the situation. There is no justification for private detectives being better armed than the police departments. Rather than putting semi-automatic weapons on the street, put a second investigator on the assignment. Do not put one lone person out to empty ATM machines.

I shudder to think of unlicensed interns working a case alone. Every detective in Kansas needs a Kansas license. The potential for abuse of an internship program is enormous.

A firearm's review board is extraneous. There is a perfectly good procedure in place right now with the KBI and the local police investigating any shooting incidents. A firearms review board places a lot of power in the hands of a very few people and sets a dangerous precedent. It opens the way for an enormous amount of abuse and liability.

I would like to thank you for your time and attention to this legislation and urge you to vote favorably for it is reasonable, fair, just and equitable.

GOOD MORNING AND THANK YOU FOR THE OPPORTUNITY TO SPEAK HERE TODAY IN FAVOR OF SUBSTITUTE SENATE BILL 322.

MY NAME IS JOE LEGROTTE - I LIVE IN LEAWOOD KANSAS - I AM A LICENSED PRIVATE DETECTIVE IN THE STATE OF KANSAS AND I AM ALSO A LICENSED PRIVATE DETECTIVE IN KANSAS CITY MISSOURI. I OWN AND OPERATE METRO INVESTIGATIONS IN LEAWOOD, KANSAS

IN FEBRUARY OF 1996, SEVERAL DETECTIVES THRU-OUT THE STATE RECEIVED AN INVITATION FROM ATTORNEY GENERAL, CARLA STOVALL TO ATTEND A MEETING WITH HER HERE IN TOPEKA. THE PURPOSE OF THE MEETING WAS TO DISCUSS NEEDED CHANGES TO THE PRIVATE DETECTIVE LICENSING ACT.

ALONG WITH SEVERAL COLLEAGUES, SOME THAT ARE PRESENT HERE TODAY, WE HAVE SPENT MORE THAN 200 HOURS SINCE THAT MEETING IN 1996 ASSISTING IN THE DEVELOPMENT OF THE BILL YOU HAVE BEFORE YOU NOW

WHAT WE HAVE ACCOMPLISHED WITH SENATE BILL 322 IS TO MEET, ALMOST 100% OF THE REQUESTED CHANGES SET FORTH BY THE ATTORNEY GENERAL, IN ADDITION TO SEVERAL CHANGES THAT MANY PRIVATE DETECTIVES IN THE STATE REQUESTED.

THE OFFICE OF THE ATTORNEY GENERAL AND SUBSEQUENTLY THE KANSAS BUREAU OF INVESTIGATION ENDORSE THIS BILL IN THE FORM YOU HAVE BEFORE YOU.

WE BELIEVE IT IS FAIR TO ALL THE DETECTIVES THAT WILL BE LICENSED UNDER THIS ACT OPERATING IN THE STATE OF KANSAS

WE FURTHER BELIEVE THAT THIS BILL IS "GOOD PUBLIC POLICY". IT'S IN THE BEST INTEREST OF THE CITIZENS OF KANSAS, AND IT IS A MUCH IMPROVED VERSION OF THE CURRENT LICENSING ACT

I ASK EACH ANY EVERYONE PRESENT TO GIVE THIS BILL STRONG CONSIDERATION AND TO VOTE TO MOVE FORWARD AND ADOPT THIS BILL AS THE NEW PRIVATE DETECTIVE LICENSING ACT FOR THE STATE OF KANSAS

THANK YOU FOR YOUR TIME AND CONSIDERATIONS

Fed+State
3-30-98
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KANSAS ASSOCIATION OF PRIVATE INVESTIGATORS

Post Office Box 2111

Overland Park, Kansas 66201-1111

House of Representatives
Committee on Federal and State Affairs
Chairman Gary Boston

Comments regarding Senate Bill Substitute 322 plus the Supplemental notes.

Chairman Boston:
Ladies and Gentlemen of the Committee:

Thank you for the opportunity to express my views and the views of KAPI in relation to Substitute Senate Bill 322 plus the Supplemental notes attached to this bill.

My name is Maurice Gitlin. I am the chairman of the board of the Kansas Association of Private Investigators. I am the vice president of the National Polygraph Association, the former vice president of the Kansas Association of Polygraph Examiners and a licensed independent Private Detective in Kansas since 1974. I have been a licensed Private Detective in many other states for over 47 years. I have served on several committees working with the Attorney General's office in an attempt to modify the Kansas Private Detective Act with one purpose in mind, and that has been to provide the best professional service to the citizens of the State of Kansas within the provisions of the Constitution of the United States and the State of Kansas.

I have been working toward this goal since 1974 in the State of Kansas. Since 1950 in other states around this great country of ours.

I submitted my views in writing along with my comments to your committee in response to House Bill 2487 at your committee's first hearing which was reported favorably by your committee.

My colleges testified before the Senate Committee on Federal and State Affairs in opposition to Senate Bill 322 in its original form, and as a result Senate Bill 322 was modified to its present form.

The issues that were expressed by my colleges were considered by the Senate Committee on Federal and State Affairs and were incorporated into the bill you now see before you almost verbatim, except for the items listed as follows:

1. The intern program which I explained to your committee would be conducted by ~~Private Detective agencies~~ at no cost to the Attorney General's office or the State of Kansas.

As I outlined, we would employ individuals qualified for the program. We would assume the responsibility for their training and actions while in training. We would provide insurance for these interns and work toward preparing them for licensing.

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If they did not meet the qualifications for licensing within a specified period of time they would be dropped from the program.

There would be absolutely no liability or responsibility on the part of the state except for the KBI to do a background check if the Attorney General's office was not satisfied with our background checks while these individuals were in training.

2. We would supply our own badges for firearms permit holders for safety reasons and have brought a prototype for your examination and the Attorney General's approval which I have with me for your examination. (Pass the badge around to the committee members.) This badge was designed following your members recommendation during your hearing on House Bill 2487.

3. A clearer definition of the term "associates" and why an "associate" who was not engaged in actual "detective" work should require a license. We have no objection to owners, partners managers, directors, and active participants in an agency's business being licensed. "Associates" is too broad a term.

4. We also take issue with why the fee for renewal should be as high as an original applicants fee, and why employees of agencies fee should be as high as an owner, partner, director or "associate."

The current fee for an employee of an agency is only \$18.00 per year and the Attorney General is requesting an increase for employees of an agency of up to \$125.00 per year. We feel that this is unreasonable.

In summary, we would support Substitute Senate Bill 322 plus the Supplemental notes if the concerns expressed and approved by this committee were added as amendments to Substitute Senate Bill 322 and the Supplemental notes as presented here today.

Thank you again for giving me this opportunity to express my views and the views of the Kansas Association of Private Investigators.

I apologize for not providing you with a copy of these comments prior to this hearing.

No one informed our organization of the fact that we would be given the opportunity to speak to you all today.

Respectfully Submitted,

Maurice Gitlin
Chairman of the Board
Kansas Association of Private Investigators