

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 12:30 p.m. on April 1, 1998 in Room 519-S of the Capitol.

All members were present except: Representative Phill Kline, Excused
Representative Galen Weiland, Excused

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

Conferees appearing before the committee: Myron Scafe, Executive Director, Kansas Racing and Gaming Commission
Gloria Timmer, Director, Division of the Budget
John Frederico, J.D., Government Affairs
Linda Jurgensen, Kansas Cable Telecommunications Association

Others attending: See attached list

The Chairman called the meeting to order and stated hearings and final action would be on HB 2986 and HB 3022 and if time permits would also work SubSB 322 that hearing was held on March 30.

The Chairman opened the hearing on HB 2986.

HB 2986 -- Amending the Kansas parimutuel racing act; relating to certain background checks.

Jill Wolters, Revisors of Statutes Office, gave a briefing on HB 2986, stating the Division of Budget requested this, was approved by both the Senate Ways and Means Committee and the House Appropriations Committee and was one of the Governor's recommendation for 1998. The Kansas Bureau of Investigation does the criminal background checks. The law enforcement agents hired by the Commission would conduct criminal history record check and background investigations.

Myron E. Scafe, Executive Director, Kansas Racing and Gaming Commission, testified as a proponent stating the higher level backgrounds such as commissioners, executive director and security director will continue to have their backgrounds conducted by the Kansas Bureau of Investigation. The KRGC will assume responsibility for all other backgrounds to be conducted, including those called for by statute or those considered necessary by the commission. The KRGC would also be responsible for investigating the backgrounds of several members of fair associations conducting parimutuel racing and each officer and director of a non-profit horsemen's organization involved in parimutuel racing. Currently, the commission's agents conduct background investigations on certain positions at the track and this would continue to be the case. (Attachment 1)

Gloria M. Trimmer, Director, Division of Budget, testified as a proponent stating employees of the Kansas Racing and Gaming Commission and certain employees of Kansas race tracks must undergo criminal history record checks and background investigations prior to employment.

In his FY 99 budget, the Governor recommends the provision of 3.0 FTE positions and \$198,700 from the State Racing Fund for the Racing and Gaming Commission in FY 99. This change would allow the Racing and Gaming Commission to conduct necessary records checks and background investigations. Two enforcement agents, and one office specialist would be responsible for conducting the majority of criminal history record checks and background investigations related to the Kansas Parimutuel Racing Act. (Attachment 2)

Mary Galligan, Legislative Research, stated she would provide copies of the Kansas Racing and Gaming Commission Budget to the committee.

The Chairman closed the hearing on HB 2986.

Representative Cox moved and Representative Ruff seconded to move HB 2986 out of committee favorably.

CONTINUATION SHEET

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

Representative Swenson moved and Representative Dahl seconded to Table **HB 2986**. The motion carried.

A Division was called: 13 Yeas and 6 Nays - The Nays asked to be recorded -- Representatives Cox, Gilbert, Grant, Samuelson and Tanner.

The Chairman opened the hearing on **HB 3022**.

HB 3022 - Concerning delinquent payments for sale of cable television services.

Jill Wolters, Revisor of Statutes, gave a briefing stating a delinquency fee charged in a cable television transaction which is not in excess of \$7.50 and which is imposed in accordance with the procedures set forth in this section shall be valid. A fee which is not in excess of \$20 and is in addition to the delinquency fee shall also be valid in a cable television consumer service transaction if the service provider sends an employee or contractor to the customer's residence in order to collect payment or disconnect service.

John J. Federico, Federico Consulting, a proponent to **HB 3022** stated the bill was drafted incorrectly and requested a balloon amendment which deletes Section 1 (c) from the bill. (Attachment 3)

Linda Jurgensen, Wichita-area General Manager for Multimedia Cablevision, testified as a proponent for **HB 3022**. The cable industry is already regulated by local franchise agreements and the Federal Communications Commission. As an industry, they are reluctant to suggest yet another form of regulation. Our reluctance, however, is outweighed by the clear public policy needed for a clear, understandable and fair set of rules regarding fees charged to customers who are late paying their bills.

This legislation is needed -- this year -- for two reasons. First, from the cable industry perspective, it helps us avoid costly litigation resulting from the absence of a clear state policy regarding the imposition of late fees. Second, customers of the cable industry are entitled to legislative protection from potentially unfair business practices regarding the imposition of late fees. (Attachment 4)

The Chairman closed the hearing on **HB 3022**.

Representative Tanner moved and Representative Gilbert seconded to move **HB 3022** out as amended. The motion carried.

The Chairman asked what the committee's pleasure was on **SubSB 322**.

Representative Vickrey moved and Representative Ballou seconded to approved 2 amendments as one: (1) Page 6, line 16, strike "a" and replace with "an initial" and on page 15, line 10, strike "\$250" and replace with "\$100". and on page 1, line 12, add "75-7b06", on Page 6, add new Section 5 and renumber remaining sections accordingly, page 8, line 1 add "other than a firearms permit identification badge authorized by this act", page 12, line 34, add "or firearm permit badge" after "card", page 13, add new sub paragraph (I) and page 15, line 35, add "75,7b06". (Attachments 5 & 6)

Representative Crow seconded and Representative Dahl seconded a substitute motion on page 7, line 22 to strike "Notification shall not be required if such information pertains to the client of the licensee or individual". The motion carried.

Representative Ballou moved and Representative Franklin seconded to move **SubSB 322** out as amended.

The meeting adjourned at 1:50 p.m. The Chairman thanked the committee for their work and announced this might be the final meeting of the year; however, if necessary, a meeting would be called at the Rail.

TESTIMONY
HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE
REP. GARRY BOSTON, CHAIR

RE: HOUSE BILL 2986

Myron E. Scafe, Executive Director

House Bill (HB) 2986 amends the statutes regarding background investigations. The higher level backgrounds such as commissioners, executive director and security director will continue to have their backgrounds conducted by the Kansas Bureau of Investigation (KBI). The Kansas Racing and Gaming Commission (KRGCC) will assume responsibility for all other backgrounds to be conducted, including those called for by statute or those considered necessary by the commission.

The KRGCC's law enforcement agents would conduct background investigations of all remaining commission employees prior to employment. The KRGCC would also be responsible for investigating the backgrounds of several members of fair associations conducting parimutuel racing and each officer and director of a non-profit horsemen's organization involved in parimutuel racing. Currently, the commission's agents conduct background investigations on certain positions at the track and this would continue to be the case.

This bill parallels the 1999 budget, which has the approval of the Governor and both the Senate Ways and Means Committee and the House Appropriations Committee. The funds currently paid to the KBI for backgrounds conducted would remain with the KRGCC to pay for the additional personnel needed, which would include two additional enforcement agents and one office specialist.




DIVISION OF THE BUDGET
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Bill Graves
Governor

Gloria M. Timmer
Director

MEMORANDUM

TO: House Federal and State Affairs Committee

FROM: Gloria M. Timmer, Director
Division of the Budget 

DATE: March 31, 1998

SUBJECT: House Bill 2986

Mr. Chairman, members of the Committee. Thank you for the opportunity to speak to you about House Bill 2986 and the proposed changes to Kansas Parimutuel Racing Act.

Employees of the Kansas Racing and Gaming Commission and certain employees of Kansas race tracks must undergo criminal history record checks and background investigations prior to employment. Current law requires that these record checks and background investigations be conducted by the Kansas Bureau of Investigation (KBI). The Racing and Gaming Commission pays the KBI on a contractual basis for these services, which are financed through the State Racing Fund.

In his FY 1999 budget, the Governor recommends the provision of 3.0 FTE positions and \$198,700 from the State Racing Fund for the Racing and Gaming Commission in FY 1999. This change would allow the Racing and Gaming Commission to conduct necessary record checks and background investigations. Two enforcement agents, and one office specialist would be responsible for conducting the majority of criminal history record checks and background investigations related to the Kansas Parimutuel Racing Act. To avoid any possible conflict of interest, the KBI would still conduct criminal history record checks and background investigations for the Executive Director, Director of Security, and members of the Commission.

FedeState
4-1-98
Atch #2

Through the appropriation process, the Senate Ways and Means Committee and the House Appropriations Committee have both concurred with the Governor's recommendation. This bill would provide the statutory changes necessary to carry-out that recommendation.

Thank you for the opportunity to speak to you about this issue. I would be happy to answer any questions.

G:\ADMIN\DOCS\TESTIFY\HB2986



Memorandum

To: House Federal & State Affairs Committee Members

From: John J. Federico *JJF*

Date: March 31, 1998

Re: Revisions: HB 3022

HB 3022 was drafted incorrectly. Please find attached a balloon amendment which merely deletes Section 1.(c) from the bill. Thank you.

JJF:nh
Attachment

HOUSE BILL No. 3022

By Committee on Taxation

3-26

9 AN ACT concerning delinquent payments for sale of cable television
10 services.

11
12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. (a) Notwithstanding any other law to the contrary, no fee
14 shall be imposed upon consumers for any delinquent payment for sale of
15 cable television services unless all of the following conditions apply:

16 (1) For all contracts entered into on or after the effective date of this
17 act, at or before the time the consumer enters into the initial agreement
18 for services, the consumer is provided with written notice that it is the
19 policy of seller to impose a fee on delinquent accounts;

20 (2) at least 10 days prior to the date a fee is imposed, the consumer
21 is warned in writing on the face of the notice, of the late fee that will be
22 imposed if the delinquency is not paid and the date on or after which a
23 late fee will be charged;

24 (3) the consumer's invoice specifies a due date that is not earlier than
25 the 10th day of the service period for which the invoice is issued;

26 (4) the fee is assessed no earlier than 27 days after the due date
27 specified on the invoice; and

28 (5) the fee is assessed on a delinquent balance of more than \$10.

29 (b) A delinquency fee charged in a cable television transaction which
30 is not in excess of \$7.50 and which is imposed in accordance with the
31 procedures set forth in this section shall be valid. The delinquency fee
32 may not exceed such amount, unless the federal communications com-
33 mission expressly requires late fees to be fully included when setting
34 benchmark rates applicable to a cable television operator. If this require-
35 ment is imposed by the federal communications commission, then the
36 maximum delinquency fee charged by the cable television provider shall
37 be 1.5% of the delinquent amount in the relevant franchise areas for so
38 long as late fees are fully included in benchmark rates.

~~1 subsection (a).~~

2 Sec. 2. This act shall take effect and be in force from and after its
3 publication in the statute book.

~~39 (c) A fee which is not in excess of \$20 and is in addition to the delin-~~
~~40 quency fee shall also be valid in a cable television consumer service trans-~~
~~41 action if the service provider sends an employee or contractor to the~~
~~42 customer's residence in order to collect payment or disconnect service.~~
~~43 Such fee must be imposed in accordance with the provisions set forth in~~

} Delete

Kansas Cable Telecommunications Association

908 W. 20th Terrace

Lawrence, KS 66046

785.841.9241

Testimony of Linda Jurgensen

March 31, 1998

Mr. Chairperson, members of the committee. My name is Linda Jurgensen and I am the Wichita-area General Manager for Multimedia Cablevision. I am also a past president of the Kansas Cable Telecommunications Association and currently serve as a member of the KCTA Board of Directors. I appear today in support of HB 3022.

Thank you for taking the time to have hearings on this important bill at this late date. We appreciate your interest and willingness to consider assisting both the cable industry and its customers.

The cable industry is already regulated by local franchise agreements and the Federal Communications Commission. As an industry, we are reluctant to suggest yet another form of regulation. Our reluctance, however, is outweighed by the clear public policy need for a clear, understandable and fair set of rules regarding fees charged to customers who are late paying their bills.

In several states, where this legislation does not exist, there have been lawsuits filed by consumer groups protesting the imposition of late fees or the manner in which they have been imposed. These lawsuits essentially fill a vacuum created by the absence of a state law on this issue. The litigation is costly to the cable industry, *a charge ultimately passed on to the customers* in the form of higher cable rates. By acting now, the Kansas Legislature can prevent this needless expense of time and money.

At the same time, the Legislature can provide consumer safeguards against unfair practices by passing this legislation. The bill would impose several requirements on cable operators before a late fee can be assessed. In short a late fee **could not** be imposed unless **all** of the following requirements are met.

1. The consumer has received a written notice of the operator's late fee policy, and;
 2. The consumer has received a written warning that a fee will be imposed at least 10 days prior to the date on or after which a late fee will be charged, and;
 3. The consumer is given at least 10 days to pay the bill, and;
 4. The late fee is assessed no earlier than 27 days after the due date on the bill, and;
 5. The fee cannot be assessed on a delinquent balance of less than \$10.
- Additionally, this bill limits the amount of the late fee to not exceed \$7.50

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4-1-98
Atch #4

This legislation is needed -- this year -- for two reasons. First, from the cable industry perspective, it helps us avoid costly litigation resulting from the absence of a clear state policy regarding the imposition of late fees. Second, customers of the cable industry are entitled to legislative protection from potentially unfair business practices regarding the imposition of late fees.

The company for which I work would make a substantial change in its billing practices should this legislation pass. Multimedia, and others which bill on a similar cycle, would be effectively required under this legislation to give the consumer an additional 10 days of service prior to imposing any late fee. While the company for which I work is willing to change its practices in this regard, we seek a two way street: a clear set of rules governing the imposition of such fees.

The cable industry has done many things in recent years to upgrade its service and improve its image. Industry-wide, most companies now have "on time" guarantees for service calls; many companies have rebuilt their systems using fiber optic cable, resulting in better pictures, a greater number of channels and more reliable service. This legislation is yet another step by the cable industry to improve its services, image and practices.

I want to emphasize, Mr. Chairperson and Member of the Committee, that *no consumer protection against abusive practices* currently exists in Kansas law. We would maintain that no abusive practices are taking place. This legislation is proactive in that regard, while also being proactive in protecting the industry against needless and costly litigation promulgated in the name of consumer protection.

We submit that this legislation represents a fair and reasonable approach to this issue. It protects fairly both the consumer and cable industry, while causing a minimal invasiveness to either's interest.

We would appreciate your favorable consideration. I am available to answer any questions you may have.

Fed. Statute
4-1-98
Attch # 5

Substitute for SENATE BILL No. 322

By Committee on Federal and State Affairs

3-18

10 AN ACT concerning licensure and regulation of private detectives and
11 private detective agencies; amending K.S.A. 75-7b01, 75-7b03, 75-
12 7b04, 75-7b05, 75-7b07, 75-7b08, 75-7b10, 75-7b11, 75-7b13, 75-
13 7b15, 75-7b17 and 75-7b21 and repealing the existing sections; also
14 repealing K.S.A. 75-7b14 and 75-7b16.

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

17 Section 1. K.S.A. 75-7b01 is hereby amended to read as follows:
18 75-7b01. As used in this act:

19 (a) "Detective business" means the furnishing of, making of or agree-
20 ing to make any investigation for the purpose of obtaining information
21 with reference to:

22 (1) Crime or wrongs done or threatened against the United States or
23 any state or territory of the United States, *or any political subdivision*
24 *thereof when furnished or made by persons other than law enforcement*
25 *officers;*

26 (2) the identity, habits, conduct, business, occupation, honesty, in-
27 tegrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity,
28 movement, whereabouts, affiliations, associations, transactions, acts, rep-
29 utation or character of any person;

30 (3) the location, disposition or recovery of lost or stolen property;

(4) the cause or responsibility for fires, libels, losses, *frauds*, accidents
32 or damage or injury to persons or to property; or

33 (5) securing evidence to be used before any court, board, officer or
34 investigating committee.

35 (b) "Private detective" means any person who, for any consideration
36 whatsoever, engages in detective business.

37 (c) "Private detective agency" means a person who regularly employs
38 any other person, other than an organization, to engage in detective busi-
39 ness.

40 (d) "Private patrol operator" means a person who, for any consider-
41 ation whatsoever, agrees to furnish or furnishes a watchman, guard, pa-
42 trolman or other person to protect persons or property or to prevent the
43 theft, unlawful taking, loss, embezzlement, misappropriation or conceal-

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had a license censured, limited or conditioned two or more times in this state or in any other jurisdiction;

(7) while unlicensed, committed or aided and abetted the commission of any act for which a license is required by this act; or

(8) knowingly made any false statement in the application.

(e) The attorney general may charge a fee for initial application forms and materials in an amount fixed by the attorney general pursuant to section 13, and amendments thereto. Such fee shall be credited against the application fee of any person who subsequently submits an application.

Sec. 4. K.S.A. 75-7b05 is hereby amended to read as follows: 75-7b05. (a) ~~On and after January 1, 1999,~~ every [Every] application hereunder for an initial or a renewal license [which will be effective on and after January 1, 1999,] shall be accompanied by ~~an annual~~ a fee of \$120, except that in an amount fixed by the attorney general pursuant to section 13, and amendments thereto. [The application fee for ~~an~~ license issued during calendar year 1998, shall not exceed \$120.]

an initial

~~(a)~~ If (b) In addition to the application fee imposed pursuant to subsection (a), if the applicant is an organization and any of its officers, directors, partners or associates intends to engage in the business of such organization as a private detective, such officer, director, partner or associate shall make a separate application for a license and pay a fee of \$18; in an amount fixed by the attorney general pursuant to section 13, and amendments thereto.

(b) if the applicant is an individual who submits a verified statement by a licensee that the applicant is or will be employed by such licensee, the license fee for such applicant shall be \$18; or

(c) If a license is issued for a period of less than one year two years, the fee fees imposed pursuant to this section shall be prorated for the months, or fraction thereof, for which the license is issued.

Sec. 5. K.S.A. 75-7b07 is hereby amended to read as follows: 75-7b07. (a) Any license issued under this act shall expire on December 31 of the year of its issuance. On and after January 1, 1999, any license issued under this act shall expire on December 31 of the year following the year when issued and may be renewed every two years thereafter. Renewal of any such license shall be made in the manner prescribed for obtaining an original license, including payment of the appropriate fee required by K.S.A. 75-7b05, and amendments thereto, except that:

(1) The signing of the application by five or more citizens as required by K.S.A. 75-7b04, and amendments thereto, shall not be required if such application for renewal is verified and acknowledged by the applicant before an officer authorized to administer oaths;

(2) the application upon renewal need only provide for renewal shall

3.
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such purposes.

2 (b) After fixing such fees, the attorney general may charge and collect
3 the fees, in advance for the following purposes, subject to the following
4 limitations:

5	For initial application forms and materials, not to exceed	\$ 15	
6	For application for licensure, not to exceed	250	
7	For application by an officer, director, partner or associate of an organi-		
8	zation, if required to be licensed pursuant to K.S.A. 75-7b05, and		
9	amendments thereto, not to exceed.....	100	
10	For renewal of license, not to exceed.....	250	← \$100
11	For renewal of license of an officer, director, partner or associate of an		
12	organization, if required to be licensed by K.S.A. 75-7b05, and amend-		
13	ments thereto, not to exceed	100	
	For application for a firearm permit, not to exceed.....	50	
15	For renewal of a firearm permit, not to exceed	50	
16	For application for a firearm trainers permit, not to exceed.....	100	
17	For renewal of a firearm trainers permit, not to exceed.....	100	

18 (c) A duplicate license shall be issued upon the filing of a statement
19 covering the loss of the license and the payment of a fee of \$5 for the
20 issuance of a duplicate license. Each duplicate license shall have the word
21 "duplicate" stamped across the face thereof and shall bear the same num-
22 ber as the original.

23 New Sec. 14. The attorney general shall remit all moneys received
24 from fees or charges imposed pursuant to this act to the state treasurer
25 at least monthly. Upon receipt the entire amount shall be deposited in
26 the state treasury and credited to the private detective fee fund, which is
27 hereby created. Moneys in the private detective fee fund shall be used
28 solely for the purpose of administering and implementing K.S.A. 75-7b01
29 through 75-7b21, and amendments thereto, and any other law relating to
31 the licensure and regulation of private detectives and private detective
32 agencies. All expenditures from such fund shall be made in accordance
33 with appropriation acts upon warrants of the director of accounts and
34 reports issued pursuant to vouchers approved by the attorney general or
35 by a person or persons designated by the attorney general.

36 Sec. 15. K.S.A. 75-7b01, 75-7b03, 75-7b04, 75-7b05, 75-7b07, 75-
37 7b08, 75-7b10, 75-7b11, 75-7b13, 75-7b14, 75-7b15, 75-7b16, 75-7b17
38 and 75-7b21 are hereby repealed.

39 Sec. 16. This act shall take effect and be in force from and after its
publication in the statute book.

Fed. State
4-1-98
Atch # 6

Substitute for SENATE BILL No. 322

By Committee on Federal and State Affairs

3-18

10 AN ACT concerning licensure and regulation of private detectives and
11 private detective agencies; amending K.S.A. 75-7b01, 75-7b03, 75-
12 7b04, 75-7b05, 75-7b07, 75-7b08, 75-7b10, 75-7b11, 75-7b13, 75-
13 7b15, 75-7b17 and 75-7b21 and repealing the existing sections; also 75-7b06,
14 repealing K.S.A. 75-7b14 and 75-7b16.

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

17 Section 1. K.S.A. 75-7b01 is hereby amended to read as follows:
18 75-7b01. As used in this act:

19 (a) "Detective business" means the furnishing of, making of or agree-
20 ing to make any investigation for the purpose of obtaining information
21 with reference to:

22 (1) Crime or wrongs done or threatened against the United States or
23 any state or territory of the United States, *or any political subdivision*
24 *thereof when furnished or made by persons other than law enforcement*
25 *officers;*

26 (2) the identity, habits, conduct, business, occupation, honesty, in-
27 tegrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity,
28 movement, whereabouts, affiliations, associations, transactions, acts, rep-
29 utation or character of any person;

30 (3) the location, disposition or recovery of lost or stolen property;

31 (4) the cause or responsibility for fires, libels, losses, *frauds*, accidents
32 or damage or injury to persons or to property; or

33 (5) securing evidence to be used before any court, board, officer or
34 investigating committee.

35 (b) "Private detective" means any person who, for any consideration
36 whatsoever, engages in detective business.

37 (c) "Private detective agency" means a person who regularly employs
38 any other person, other than an organization, to engage in detective busi-
39 ness.

40 (d) "Private patrol operator" means a person who, for any consider-
41 ation whatsoever, agrees to furnish or furnishes a watchman, guard, pa-
42 trolman or other person to protect persons or property or to prevent the
43 theft, unlawful taking, loss, embezzlement, misappropriation or conceal-

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ent of any goods, wares, merchandise, money, bonds, stocks, notes,
documents, papers or property of any kind, or performs the service of

such watchman, guard, patrolman or other person for any such purposes.

(e) "Law enforcement officer" means a law enforcement officer as
defined by K.S.A. 21-3110, *and amendments thereto*.

(f) "Organization" means a corporation, trust, estate, partnership, co-
operative or association.

(g) "Person" means an individual or organization.

(h) "Firearm permit" means a permit for the limited authority to
carry a firearm *concealed on or about the person* by one licensed as a
private detective.

(i) "Firearm" means:

(1) A pistol or revolver which is designed to be fired by the use of a
single hand and which is designed to fire or capable of firing fixed car-
tridge ammunition; or

(2) any other weapon which will or is designed to expel a projectile
by the action of an explosive and which is designed to be fired by the use
of a single hand.

(j) "Client" means any person who engages the services of a private
detective.

(k) "*Dishonesty or fraud*" means, in addition to other acts not spe-
cifically enumerated herein:

(1) *Knowingly making a false statement relating to evidence or infor-
mation obtained in the course of employment, or knowingly publishing a
slander or a libel in the course of business;*

(2) *using illegal means in the collection or attempted collection of a
debt or obligation;*

(3) *manufacturing or producing any false evidence; and*

(4) *acceptance of employment adverse to a client or former client re-
lating to a matter with respect to which the licensee has obtained confi-
dential information by reason of or in the course of the licensee's employ-
ment by such client or former client.*

Sec. 2. K.S.A. 75-7b03 is hereby amended to read as follows: 75-
7b03. The following persons shall not be deemed to be engaging in de-
tective business:

(a) A person employed exclusively and regularly by one employer in
connection only with the *internal affairs or investigations* of such em-
ployer and where there exists an employer-employee relationship;

(b) any officer or employee of the United States, or of this state or a
political subdivision thereof while engaged in the performance of the
officer's or employee's official duties;

(c) a person engaged exclusively in the business of obtaining and fur-
nishing information as to the financial rating of persons *except that this*

xemption does not include a person preparing an investigative consumer report as defined by K.S.A. 50-702, and amendments thereto;

3 (d) a charitable philanthropic society or association duly incorporated
4 under the laws of this state which is organized and maintained for the
5 public good and not for private profit;

6 (e) an attorney performing duties as an attorney *or a person employed*
7 *exclusively and regularly by an attorney or law firm performing duties*
8 *exclusively on behalf of the attorney or law firm;*

9 (f) a licensed collection agency or an employee thereof while acting
10 within the scope of employment, while making an investigation incidental
11 to the business of the agency, including an investigation of the location
12 of a debtor or a debtor's property where the contract with an assignor
13 creditor is for the collection of claims owed or due or asserted to be owed
or due or the equivalent thereof;

15 (g) admitted insurers, agents and insurance brokers licensed by the
16 state, performing duties in connection with insurance transacted by them;

17 (h) the legal owner of personal property which has been sold under
18 a conditional sales agreement or a mortgagee under the terms of a chattel
19 mortgage in connection with the recovery of such personal property;

20 (i) any bank subject to the jurisdiction of the state bank commissioner
21 of the state of Kansas or the comptroller of currency of the United States;

22 (j) a person engaged solely in the business of securing information
23 about persons or property from public records;

24 (k) an insurance adjuster which, for the purpose of this act, means
25 any person who, for any consideration whatsoever, adjusts or otherwise
26 participates in the disposal of any claim under or in connection with a
27 policy of insurance or engages in soliciting insurance adjustment business;

28 ~~or~~

29 (l) a private patrol operator *while actually engaged in providing pri-*
30 *vate patrol services on the property to which private patrol services are*
31 *being provided; or*

32 (m) *a person engaged in market research.*

33 Sec. 3. K.S.A. 75-7b04 is hereby amended to read as follows: 75-
34 7b04. (a) Every person desiring to be licensed in Kansas as a private
35 detective or private detective agency shall make application therefor to
36 the attorney general. An application for a license under this act shall be
37 on a form prescribed by the attorney general and accompanied by the
38 required application fee. An application shall be verified and shall include:

39 (1) The full name and business address of the applicant;

40 (2) the name under which the applicant intends to do business;

(3) a statement as to the general nature of the business in which the
applicant intends to engage;

43 (4) a statement as to the classification or classifications under which

7.9

1 applicant desires to be qualified;

2 (5) if the applicant is an organization, the full name and residence
3 address of each of its partners, officers, directors or associates;

4 (6) two recent photographs of the applicant *taken within 30 days*
5 *before the date of application*, of a type prescribed by the attorney general,
6 and two classifiable sets of the applicant's fingerprints *one of which shall*
7 *be submitted to the federal bureau of investigation for a fingerprint check*
8 *for any criminal history of the applicant*;

9 (7) a ~~verified~~ statement of the applicant's ~~experience~~ *qualifications*
10 *employment history*; and

11 (8) such other information, evidence, statements or documents as
12 may be required by the attorney general.

13 (b) If an applicant is a resident of this state, the application shall be
14 approved, as to each resident person signing the application, by five or
15 more reputable citizens of the community in which the applicant resides
16 or transacts business, or in which the applicant proposes to own, conduct,
17 manage or maintain the bureau, agency, subagency, office or branch of-
18 fice for which the license is desired. If an applicant is not a resident of
19 this state, the application shall be approved, as to each nonresident person
20 signing the application, by five or more reputable citizens of the com-
21 munity in which the applicant resides and the certificate of approval shall
22 be verified and acknowledged by such nonresident citizens before an
23 officer authorized to take oaths and acknowledgment of deeds.

24 Each citizen approving an application shall subscribe and affirm as true,
25 under the penalties of perjury, that:

26 (1) The citizen has personally known the persons signing the appli-
27 cation for a period of at least five years prior to the filing of the application,
28 except that the attorney general may lessen such period if the person
29 signing the application has been honorably discharged from the military
30 service of the United States within the six-year period immediately pre-
31 ceeding the date application is submitted;

32 (2) the citizen has read such application and believes each of the
33 statements made therein to be true;

34 (3) the persons signing the application are honest, of good character
35 and competent and not related or connected by blood or marriage to the
36 citizen.

37 (b) The application shall be accompanied by a certificate of reference
38 signed by five or more reputable persons who have known the applicant
39 for a period of at least 5 years. The certificate of reference shall be verified
40 and acknowledged by such persons before an officer authorized to take
41 oaths and acknowledgment of deeds.

42 Each person signing the certificate of reference shall subscribe and af-
43 firm as true, under the penalties of perjury, that:

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1 (1) *The person has known the applicant personally for a period of at*
2 *least five years prior to the filing of the application. The attorney general*
3 *may lessen such period if the applicant has been discharged honorably*
4 *from the military service of the United States within the six-year period*
5 *immediately preceding the date the application is submitted;*

6 (2) *the person has read such application and believes each of the*
7 *statements made therein to be true;*

8 (3) *the applicant is honest, of good character and competent and not*
9 *related or connected by blood or marriage to such person.*

10 (c) Before an application for a license may be granted, the applicant
11 or, if the applicant is an organization, all of the officers, directors, partners
12 or associates shall:

13 (1) Be at least 21 years of age;

14 (2) be a citizen of the United States;

15 (3) be of good moral character; and

16 (4) comply with such other qualifications as the attorney general
17 adopts by rules and regulations.

18 (d) ~~After a hearing conducted~~ In accordance with the *summary pro-*
19 *ceedings* provisions of the Kansas administrative procedure act, the at-
20 torney general may deny a license ~~unless the applicant makes a showing~~
21 ~~satisfactory to the attorney general that the applicant or, if the applicant~~
22 ~~is an organization, that each of its officers, directors, partners or associates~~
23 ~~has not if the applicant has:~~

24 (1) Committed any act which, if committed by a licensee, would be
25 grounds for the suspension or revocation of a license under this act;

26 (2) committed any act constituting dishonesty or fraud;

27 (3) a bad moral character or a bad reputation for truth, honesty, and
28 integrity;

29 (4) been convicted of a felony or, *within 10 years immediately prior*
30 *to the date of application, been convicted of any crime involving moral*
31 *turpitude, dishonesty, vehicular homicide, assault, battery, assault of a*
32 *law enforcement officer, misdemeanor battery against a law enforcement*
33 *officer, criminal restraint, sexual battery, endangering a child, intimidat-*
34 *ion of a witness or victim or illegally using, carrying, or possessing a*
35 *dangerous weapon within 10 years immediately prior to the date of ap-*
36 *plication;*

37 (5) been refused a license under this act or had a license *suspended*
38 *or revoked in this state or in any other jurisdiction or had a license cen-*
39 *sured, limited or conditioned two or more times in this state or in any*
40 *other jurisdiction;*

41 (6) been an officer, director, partner, or associate or manager of any
42 person who has been refused a license under this act or whose license
43 has been *suspended or revoked in this state or in any other jurisdiction*

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1 had a license censured, limited or conditioned two or more times in
2 this state or in any other jurisdiction;

3 (7) while unlicensed, committed or aided and abetted the commis-
4 sion of any act for which a license is required by this act; or

5 (8) knowingly made any false statement in the application.

6 (e) *The attorney general may charge a fee for initial application forms*
7 *and materials in an amount fixed by the attorney general pursuant to*
8 *section 13, and amendments thereto. Such fee shall be credited against*
9 *the application fee of any person who subsequently submits an applica-*
10 *tion.*

11 Sec. 4. K.S.A. 75-7b05 is hereby amended to read as follows: 75-
12 7b05. (a) ~~On and after January 1, 1999, every~~ **[Every]** application here-
13 ~~under for an initial or a renewal license [which will be effective on and~~
14 ~~after January 1, 1999,]~~ shall be accompanied by ~~an annual~~ a fee of
15 \$120, ~~except that: in an amount fixed by the attorney general pursuant~~
16 ~~to section 13, and amendments thereto. [The application fee for a li-~~
17 ~~cence issued during calendar year 1998, shall not exceed \$120.]~~

18 (a) ~~If~~ (b) *In addition to the application fee imposed pursuant to*
19 *subsection (a), if the applicant is an organization and any of its officers,*
20 *directors, partners or associates intends to engage in the business of such*
21 *organization as a private detective, such officer, director, partner or as-*
22 *sociate shall make a separate application for a license and pay a fee of*
23 *\$18; in an amount fixed by the attorney general pursuant to section 13,*
24 *and amendments thereto.*

25 (b) ~~if the applicant is an individual who submits a verified statement~~
26 ~~by a licensee that the applicant is or will be employed by such licensee,~~
27 ~~the license fee for such applicant shall be \$18; or~~

28 (c) ~~If a license is issued for a period of less than one year two years,~~
29 ~~the fee fees imposed pursuant to this section shall be prorated for the~~
30 ~~months, or fraction thereof, for which the license is issued.~~

31 Sec. 5. K.S.A. 75-7b07 is hereby amended to read as follows: 75-
32 7b07. (a) Any license issued under this act shall expire on December 31
33 of the year of its issuance. ~~On and after January 1, 1999, any license~~
34 ~~issued under this act shall expire on December 31 of the year following~~
35 ~~the year when issued and may be renewed every two years thereafter.~~
36 Renewal of any such license shall be made in the manner prescribed for
37 obtaining an original license, including payment of the appropriate fee
38 required by K.S.A. 75-7b05, and amendments thereto, except that:

39 (1) The signing of the application by five or more citizens as required
40 by K.S.A. 75-7b04, and amendments thereto, shall not be required if such
41 application for renewal is verified and acknowledged by the applicant
42 before an officer authorized to administer oaths;

43 (2) the application ~~upon renewal need only provide for renewal shall~~

Insert attached section

Sec. 5. K.S.A. 75-7b06 is hereby amended to read as follows: 75-

3 7b06. (a) The license, when issued, shall be in such form as may be
4 determined by the attorney general and shall include the:

- 5 (1) Name of the licensee;
6 (2) name under which the licensee is to operate; and
7 (3) number and date of the license.

8 (b) The license at all times shall be posted in a conspicuous place in
9 the principal place of business of the licensee. Upon the
10 issuance of a license, a pocket card of such size, design and content as
11 determined by the attorney general shall be issued without charge to each
12 licensee or, if the licensee is an organization, to each of its officers, di-
13 rectors, partners or associates. Such card shall be evidence that the li-
14 censee is duly licensed pursuant to this act. When any person to whom a
15 card is issued terminates such person's position, office or association with
16 the licensee, the card shall be surrendered to the licensee and, within five
17 days thereafter, shall be mailed or delivered by the licensee to the attor-
18 ney general for cancellation. Within 30 days after any change of address
19 or of any change in its officers, directors, partners or associates,
20 a licensee shall notify the attorney general thereof.

21 The principal place of business or employment may be at a resi-
22 dence or at a business address, but it shall be the place at which the
23 licensee maintains a permanent office.

24 (c) Applications, on forms prescribed by the attorney general, shall
25 be submitted by all new officers or partners. The attorney
26 general may suspend or revoke a license issued under this act if the at-
27 torney general determines that, at the time such person became an officer
28 or partner of a licensee, such person did not meet the require-
29 ments of K.S.A. 75-7b04 and amendments thereto.

30 (d) Every licensee possessing a valid firearm permit shall report to
31 the attorney general any loss of the badge within 72 hours.

Renumber remaining sections accordingly.

1 *vide* the information required of original applicants if the information
2 shown on the original application or any renewal thereof on file with the
3 attorney general is no longer accurate;

4 (3) a new photograph shall be submitted with the application for re-
5 newal only if the photograph on file with the attorney general has been
6 on file more than two years; and

7 (4) additional information may be required by rules and regulations
8 adopted by the attorney general.

9 (b) A licensee shall at all times be legally responsible for the good
10 conduct of each of the licensee's employees or agents while engaged in
11 the business of the licensee, and the licensee is legally responsible for any
12 acts committed by such licensee's employees or agents which are in vio-
13 lation of this act.

14 (c) A license issued under this act shall not be assignable.

15 Sec. 6. K.S.A. 75-7b08 is hereby amended to read as follows: 75-
16 7b08. (a) Any licensee or *individual who is an* officer, director, partner
17 or associate thereof shall ~~divulge to the attorney general, any law enforce-~~
18 ~~ment officer or county attorney, or his or her representative, any infor-~~
19 ~~mation he or she may acquire as to any criminal offense, but he or she~~
20 ~~shall not divulge~~ notify the appropriate law enforcement agency with ju-
21 risdiction over the matter of any information the licensee or individual
22 may acquire as to any criminal offense. Notification shall not be required
23 if such information pertains to the client of the licensee or individual. The
24 licensee or individual shall not disclose to any other person, except as he
25 or she the licensee or individual may be required by law so to do, any
26 information acquired by him or her the licensee or individual except at
27 the direction of the employer or client for whom the information was
28 obtained.

29 (b) No licensee or *individual who is an* officer, director, partner, as-
30 sociate or employee thereof shall:

31 (1) Knowingly make any false report to his or her the licensee's or
32 individual's employer or client for whom information was being obtained;

33 (2) cause any written report to be submitted to a client except by the
34 licensee or a designee of the licensee, and the person submitting the report
35 shall exercise diligence in ascertaining whether or not the facts and in-
36 formation in such report are true and correct;

37 (3) ~~Furnish or perform any services on a contingent or percentage~~
38 ~~basis, or make or enter into any agreement for furnishing services of any~~
39 ~~kind or character, by the terms or conditions of which agreement the~~
40 ~~compensation to be paid for such services to the licensee is partially or~~
41 ~~wholly contingent, or based upon a percentage of the amount of money~~
42 ~~or property recovered, or dependent in any way upon the result achieved.~~

43 (4) use a badge in connection with the activities of the licensee's busi-

ess;

~~(5)~~ (4) use a title, wear a uniform, use an insignia or an identification card or make any statement with the intent to give an impression that ~~he~~ ~~or she~~ ~~the licensee or individual~~ is connected in any way with the federal government, a state government or any political subdivision of a state government;

~~(6)~~ (5) use an alias in connection with the activities of the licensee's business *except for covert or undercover investigative activities*;

~~(7)~~ (6) enter any private building or portion thereof without the consent of the owner or of the person in legal possession thereof *unless such private property is normally accessible to the public*;

~~(8)~~ (7) appear as an assignee party in any proceeding involving claim and delivery, replevin or other possessory action, action to foreclose a chattel mortgage, mechanic's lien, materialman's lien, or any other lien;

~~(9)~~ (8) permit an unlicensed employee or agent in ~~his or her~~ ~~the employee's or agent's~~ own name to advertise, engage clients, furnish reports or present bills to clients, or in any manner whatever conduct business for which a license is required under this act; ~~and all or conduct~~ business of the licensee ~~shall be conducted~~ *other than* in the name of and under the control of the licensee; or

~~(10)~~ (9) manufacture or produce any false evidence.

Sec. 7. K.S.A. 75-7b10 is hereby amended to read as follows: 75-7b10. ~~Every~~ An advertisement by a licensee soliciting or advertising business shall ~~contain his or her name and address as they appear in the records of the attorney general not contain any false, misleading or deceptive information~~. A licensee shall not advertise or conduct business from any location other than that shown on the records of the attorney general as ~~his or her~~ ~~the licensee's~~ principal place of business unless ~~he~~ ~~or she~~ ~~the licensee~~ has received a branch office certificate for such location after compliance with the provisions of this act and such additional requirements necessary for the protection of the public as the attorney general may prescribe by ~~regulation rules and regulations~~. A licensee shall notify the attorney general in writing within ~~ten~~ ~~(10)~~ 10 days after closing or changing the location of a branch office.

Sec. 8. K.S.A. 75-7b11 is hereby amended to read as follows: 75-7b11. (a) Except as provided in subsection (b), no license shall be issued under this act unless the applicant: (1) Files with the attorney general a corporate surety bond executed by a company authorized to do business in this state in ~~the sum of \$10,000, or an amount of \$100,000 or more~~; (2) files with the attorney general a certificate of insurance showing that he applicant has general liability insurance providing coverage in ~~an amount of \$100,000 or more~~ for bodily injury or property damage caused by negligence; ~~and errors or omissions; or intentional acts (including as-~~

other than a firearms permit identification badge authorized by this act

alt and battery) and for personal injury caused by libel, slander, false
rest, false imprisonment, invasion of privacy, wrongful entry, wrongful
eviction or malicious prosecution; or (3) deposits \$10,000 \$100,000 or
more in cash with the state treasurer. The bond or return of the deposit
shall be conditioned on the faithful and honest conduct of business by
such the applicant.

(b) No applicant who is or will be employed by a licensee to engage
in the business of the licensee shall be required to obtain such the bond
or certificate of insurance or make such the deposit provided for by this
section.

(c) The attorney general shall approve each bond filed under this
section as to form, execution and sufficiency of the sureties. Such bond
shall be taken in the name of the people of this state and may be contin-
uing in nature. The attorney general shall approve any certificate of in-
surance filed under this section as to form, execution and sufficiency of
coverage evidenced thereby.

(d) Any person injured by any unlawful act of an applicant or an
applicant's employees or agents, whether licensed or not, may bring an
action on the applicant's bond or deposit in such person's own name to
recover damages suffered by reason of such unlawful act.

Sec. 9. K.S.A. 75-7b13 is hereby amended to read as follows: 75-
7b13. (a) The attorney general may *censure, limit, condition*, suspend or
revoke a license issued under this act if, after notice and opportunity for
hearing in accordance with the provisions of the Kansas administrative
procedure act, the attorney general determines that the licensee or, if the
licensee is an organization, any of its officers, directors, partners or as-
sociates has:

(1) Made any false statement or given any false information in con-
nection with an application for a license or a renewal or reinstatement
thereof;

(2) violated any provisions of this act;

(3) violated any ~~rule~~ *rules and regulations* of the attorney general
adopted pursuant to the authority contained in this act;

(4) been convicted of a felony, *vehicular homicide, assault, battery,*
assault of a law enforcement officer, misdemeanor battery against a law
enforcement officer, criminal restraint, sexual battery, endangering a
child, intimidation of a witness or victim or any crime involving moral
turpitude or illegally using, carrying, or possessing a dangerous weapon
subsequent to ~~or within ten (10) years prior to~~ the issuance of the license;

(5) impersonated, or permitted or aided and abetted an employee to
impersonate, a law enforcement officer or employee of the United States
of America, or of any state or political subdivision thereof;

(6) committed or permitted any employee to commit any act, while

1 e license was expired, which would be cause for the suspension or
2 revocation of a license, or grounds for the denial of an application for a
3 license;

4 (7) willfully failed or refused to render to a client services or a report
5 as agreed between the parties, and for which compensation has been paid
6 or tendered in accordance with the agreement of the parties;

7 (8) committed assault, battery or kidnapping; or used force or vio-
8 lence on any person without proper justification;

9 (9) knowingly violated; or advised, encouraged or assisted the viola-
10 tion of, any court order or injunction in the course of business as a li-
11 censee;

12 (10) acted as a runner or capper for any attorney; or

13 (11) committed any act which is a ground for denial of an application
14 for a license under this act;

15 (12) *used any letterhead, advertisement or other printed matter, or*
16 *in any manner whatever represented that such person is an instrumen-*
17 *tality of the federal government, a state or any political subdivision*
18 *thereof;*

19 (13) *used false, misleading or deceptive information in any advertise-*
20 *ment, solicitation or contract for business; or*

21 (14) *has committed any act in the course of the licensee's business*
22 *constituting dishonesty or fraud.*

23 (b) The record of conviction, or a certified copy thereof, shall be
24 conclusive evidence of such conviction as that term is used in this section
25 or in K.S.A. 75-7b04, *and amendments thereto*, and a plea or verdict of
26 guilty or a conviction following a plea of *nolo contendere* is deemed to be
27 a conviction within the meaning thereof.

28 Sec. 10. K.S.A. 75-7b15 is hereby amended to read as follows: 75-
29 7b15. (a) Each private detective or detective agency operating as provided
30 in this act, shall be required to keep a complete record of the business
31 transactions of such detective or detective agency, and *shall retain such*
32 *records for at least three years.*

33 (b) Upon the *service of a subpoena order* or ~~order~~ issued by the attorney
34 general; or court order of a court of competent jurisdiction which is based
35 on the complaint, supported by oath or affirmation and particularly de-
36 scribing the records and reports, any licensed private detective who is the
37 owner, partner, director, corporate officer or custodian of records of busi-
38 ness transactions shall give free and full opportunity to inspect the same
39 and to inspect reports made; ~~but~~ Any information obtained by the attor-
40 ney general shall be kept confidential, except as may be necessary to
41 commence and prosecute any legal proceedings. ~~When any detective or~~
42 ~~detective agency requires any report of an agent or employee to be made~~
43 ~~verbally, a digest shall be made of such verbal report and this digest;~~

1 ~~ther with the written reports, shall be kept on file in the office of the~~
2 ~~private detective or detective agency. The subpoenas issued by the attor-~~
3 ~~ney general to private detective licensees shall comply with any confiden-~~
4 ~~tiality standards or legal limitations imposed by privacy acts, fair credit~~
5 ~~reporting acts, polygraph acts, judicially-recognized privileged commu-~~
6 ~~nications and the bill of rights of both the United States and Kansas con-~~
7 ~~stitutions.~~

8 (b) (c) For the purpose of enforcing the provisions of this act, and in
9 making investigations relating to any violation thereof or to the character,
10 competency and integrity of the applicants or licensees hereunder, and
11 for the purpose of investigating the business, business practices and busi-
12 ness methods of any applicant or licensee, ~~or of the officers, directors,~~
13 ~~partners or associates thereof,~~ the attorney general shall have the limited
14 power to subpoena *as heretofore defined*, and bring before ~~him or her~~
15 *the attorney general* any person in this state and require the production
16 of any books, records or papers which ~~he or she~~ *the attorney general*
17 deems relevant to the inquiry.

18 (d) The attorney general also may administer an oath to and take the
19 testimony of any person, or cause ~~his or her~~ *such person's* deposition to
20 be taken; ~~except that any applicant or licensee or officer, director, partner~~
21 ~~or associate thereof shall not be entitled to any fees or mileage.~~

22 (e) A subpoena issued under this section shall be governed by the
23 code of civil procedure. Any person duly subpoenaed, who fails to obey
24 such subpoena without reasonable cause or *objection* or without such
25 cause refuses to be examined or to answer any legal or pertinent question
26 as to the character or qualification of such applicant or licensee or such
27 applicant's or licensee's business, business practices and methods or such
28 violations, *upon conviction by a court of competent jurisdiction* shall be
29 guilty of a class A *nonperson* misdemeanor.

30 (f) The testimony of witnesses in any investigative proceeding shall
31 be under oath, and willful false swearing in any such proceeding shall be
32 perjury.

33 Sec. 11. K.S.A. 75-7b17 is hereby amended to read as follows: 75-
34 7b17. (a) No licensee may carry a firearm *concealed on or about the*
35 *licensee's person* unless the licensee obtains a permit therefor, upon ap-
36 plication to the attorney general. No permit shall be issued to any licensee
37 unless such licensee:

38 (1) Demonstrates to the attorney general the need to carry a firearm
39 in order to protect the licensee's life or property or to protect the life or
40 property of a client of licensee and submits such proof as required by the
41 attorney general to establish the necessity for the issuance of a firearm
42 permit; and

43 (2) has received training in the handling of firearms and the lawful

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6

1 e of force from a trainer certified pursuant to K.S.A. ~~75-7b20~~ 75-7b21,
2 and amendments thereto, and submits such proof as required by the
3 attorney general to show satisfactory completion of such training.

4 (b) An application for a firearm permit *[which will be effective on*
5 *and after January 1, 1999,]* by a licensee shall be made in the manner
6 and form prescribed by the attorney general and shall be accompanied
7 by a fee of \$10. ~~Each such~~ *in an amount fixed by the attorney general*
8 *pursuant to section 13, and amendments thereto. [The application fee*
9 *for a firearm permit issued during calendar year 1998, shall not*
10 *exceed \$10.]* Such application shall be made a part of and supplemental
11 to such licensee's application for a license under this act. The application
12 shall contain:

- 13 (1) The applicant's name and business and residence addresses;
- 14 (2) the make or manufacturer's name, model, serial number, caliber,
15 gauge and any other identifying information concerning the firearm or
16 firearms to be carried by the applicant;
- 17 (3) a full set of the applicant's fingerprints;
- 18 (4) a color photograph of the applicant taken within 30 days prior to
19 date of application and suitable for identification purposes;
- 20 (5) such other information as deemed necessary by the attorney gen-
21 eral.

22 (c) If the attorney general is satisfied that it is necessary for an ap-
23 plicant under this section to carry a firearm, the attorney general shall
24 issue to such licensee a firearm permit identification card, the form of
25 which shall be approved by the attorney general. Such card shall bear the
26 licensee's color photograph, thumb prints and signature and a description
27 of the firearm or firearms to be carried. ~~Such permit shall be valid only~~
28 ~~for the calendar year in which it is issued, and the~~ *The licensee shall have*
29 *such permit in the licensee's possession when carrying a firearm. Identifi-*
30 *cation cards and firearm permits shall be numbered consecutively, and*
31 *the attorney general shall maintain a current file of all valid firearm per-*
32 *mits.*

33 (d) Any licensee granted a firearm permit ~~must~~ *shall* present the per-
34 mit identification card ~~upon request by a proper authority, including pri-~~
35 ~~ate persons upon private property law enforcement officer acting within~~
36 ~~the officer's jurisdictional authority, or by a private person upon private~~
37 ~~property if the person owns or has legal control of the private property,~~
38 ~~to demonstrate the licensee's permit to carry a firearm. Every licensee~~
39 ~~possessing a valid firearm permit shall report to the attorney general any~~
40 ~~change of employment status, change of firearm or firearms to be carried,~~
41 ~~change of identification card or change of personal or business address. Every~~
42 ~~licensee who discharges a firearm for any reason other than test firing,~~
43 ~~firearm training or target practice shall report the discharge to the attor-~~

or firearm permit badge

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1 general within 24 hours, together with a written report giving full
2 particulars and reason for such discharge.

3 (e) The attorney general ~~may suspend or shall revoke~~ any firearm
4 permit ~~for cause if the licensee's private detective license has been sus-~~
5 ~~suspended or revoked. The attorney general may suspend or revoke any~~
6 ~~firearm permit if the licensee has used a firearm in a manner inconsistent~~
7 ~~with the lawful use of force or if the licensee can no longer demonstrate~~
8 ~~a need to carry a firearm, pursuant to subsection (a)(1). An order of~~
9 ~~suspension or revocation, and hearing thereon, shall be subject to the~~
10 ~~provisions of the Kansas administrative procedure act. The attorney gen-~~
11 ~~eral may shall recall any suspended or revoked firearm permit identifi-~~
12 ~~cation card when in the attorney general's opinion the holder thereof no~~
13 ~~longer requires such firearm permit.~~

14 (f) A licensee to whom a firearm permit is granted ~~hereunder under~~
15 ~~this section~~ shall be deemed to have no greater justification in the use of
16 force than a private person as prescribed by the Kansas criminal code;
17 ~~and nothing~~ Nothing in this act shall be construed as limiting the civil
18 liability of any such licensee with respect to the use of force.

19 (g) No firearm permit shall be issued to any:

20 (1) Organization;

21 (2) individual who has been declared, by any court of competent ju-
22 risdiction, to be incapacitated or mentally ill and has not been restored
23 to capacity or mental health; or

24 (3) individual who suffers from alcohol or narcotics addiction or de-
25 pendence.

26 (h) A firearm permit issued under this act shall expire on December
27 31 of the year of its issuance, except that on and after January 1, 1999, a
28 firearm permit issued under this act shall expire on December 31 of the
29 year following the year when issued. Renewal of any such firearm permit
30 shall be made in a form and manner prescribed by the attorney general
31 and subject to such conditions as required by rules and regulations
32 adopted by the attorney general. Renewal of a firearm permit shall be
33 based on a demonstrated continuing need to carry a firearm in accordance
34 with subsection (a)(1).

35 Sec. 12. K.S.A. 75-7b21 is hereby amended to read as follows: 75-
36 7b21. (a) The attorney general shall certify persons who are qualified to
37 train private detectives in the handling of firearms and the lawful use of
38 force.

39 (b) In order to be certified as a trainer under this section, a ~~trainer~~
40 ~~or, if a trainer is an organization, each officer, director, partner or asso-~~
41 ~~ciate an applicant shall:~~

42 (1) ~~is~~ Be 21 or more years of age;

43 (2) ~~has~~ have a minimum of one-year supervisory experience with a

(i) Licensees issued a firearm permit under this act to carry a concealed firearm, for the purpose of safety and emergency identification, may carry a firearm permit badge. Such badge shall be silver in color and shall clearly state on such badge's face "licensed private detective." The attorney general shall develop a prototype badge which shall be used in substantially that form. Cost of the badge shall be borne by the licensee. Any misuse of this badge shall result in administrative proceedings for both the firearms permit and private detective licenses. Upon final disposition, the attorney general may recommend that criminal action be taken for misuse of the badge on the basis of impersonation of a law enforcement officer.

private detective agency, a private patrol operator, a proprietary investigative or security organization or any federal, United States military, state, county or city law enforcement agency; ~~and~~

(3) ~~is be~~ personally qualified to train private detectives in the handling of firearms and the lawful use of force; ~~and~~

(4) ~~not have been convicted of a felony or, within 10 years immediately prior to the date of application, been convicted of a misdemeanor. If the applicant is not licensed as a private detective, the applicant shall submit two classifiable sets of the applicant's fingerprints one of which shall be submitted to the federal bureau of investigation for a fingerprint check for any criminal history of the applicant.~~

(c) Persons wishing to become certified trainers shall make application to the attorney general on a form prescribed by the attorney general ~~and~~ **Applications for a firearm training certificate which will be effective on and after January 1, 1999, shall be** accompanied by a fee of \$25 in an amount fixed by the attorney general pursuant to section 13, and amendments thereto. **[The fee for a firearm training certificate issued during calendar year 1998, shall not exceed \$25.]** The application shall contain a statement of the plan of operation ~~of~~ for the training offered by the applicant and the materials and aids to be used and any other information required by the attorney general.

(d) A certificate shall be granted to a trainer if the attorney general finds that the applicant ~~or, if the applicant is an organization, each officer, director, partner or associate:~~

(1) Meets the requirements of subsection (b);

(2) is a person of good character and reputation;

(3) has sufficient knowledge of private detective business, *firearms training and the lawful use of force* to be a suitable person to train private detectives *in the handling of firearms and the lawful use of force*;

(4) has supplied all required information to the attorney general; and

(5) has paid the required fee.

(e) The certificate issued pursuant to this section shall expire on December 31 of the year ~~in which~~ following the year when issued and shall be renewable ~~annually~~ biennially upon application and payment of ~~an annual fee of \$25~~ a fee in an amount fixed by the attorney general pursuant to section 13, and amendments thereto.

New Sec. 13. (a) In each fiscal year, the attorney general shall determine the amount of funds which will be required during the next ensuing fiscal year to properly administer the laws which the attorney general is directed to enforce and administer relating to the licensure and regulation of private detectives and private detective agencies. The attorney general, by the adoption of rules and regulations, shall fix fees in accordance with this section in such reasonable sums as may be necessary

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for such purposes.

(b) After fixing such fees, the attorney general may charge and collect the fees, in advance for the following purposes, subject to the following limitations:

For initial application forms and materials, not to exceed	\$ 15
For application for licensure, not to exceed	250
For application by an officer, director, partner or associate of an organization, if required to be licensed pursuant to K.S.A. 75-7b05, and amendments thereto, not to exceed.....	100
For renewal of license, not to exceed.....	250
For renewal of license of an officer, director, partner or associate of an organization, if required to be licensed by K.S.A. 75-7b05, and amendments thereto, not to exceed	100
For application for a firearm permit, not to exceed.....	50
For renewal of a firearm permit, not to exceed	50
For application for a firearm trainers permit, not to exceed.....	100
For renewal of a firearm trainers permit, not to exceed	100

(c) A duplicate license shall be issued upon the filing of a statement covering the loss of the license and the payment of a fee of \$5 for the issuance of a duplicate license. Each duplicate license shall have the word "duplicate" stamped across the face thereof and shall bear the same number as the original.

New Sec. 14. The attorney general shall remit all moneys received from fees or charges imposed pursuant to this act to the state treasurer at least monthly. Upon receipt the entire amount shall be deposited in the state treasury and credited to the private detective fee fund, which is hereby created. Moneys in the private detective fee fund shall be used solely for the purpose of administering and implementing K.S.A. 75-7b01 through 75-7b21, and amendments thereto, and any other law relating to the licensure and regulation of private detectives and private detective agencies. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general or by a person or persons designated by the attorney general.

Sec. 15. ~~K.S.A. 75-7b01, 75-7b03, 75-7b04, 75-7b05, 75-7b07, 75-7b08, 75-7b10, 75-7b11, 75-7b13, 75-7b14, 75-7b15, 75-7b16, 75-7b17 and 75-7b21~~ are hereby repealed. 75-7b06,

Sec. 16. This act shall take effect and be in force from and after its publication in the statute book.