

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Bill Mason at 1:35 p.m. on February 12, 2003 in Room 313-S of the Capitol.

All members were present except: Representative John Edmonds - E

Committee staff present: Russell Mills, Legislative Research Department
Mary Torrence, Office of Revisor of Statutes
Rose Marie Glatt, Committee Secretary

Conferees appearing before the committee: Randy Allen, Executive Director
Kansas Association of Counties
Kyle Smith, Director of Public Governmental Affairs, KBI
Walter Markley, Chairman of the Board
Kansas Association of License Investigators
Mary Feighny, Attorney General's Office
Sandy Meier, Kansas Bureau of Investigation
John W. Ellis, B.S., M.A.J. (written testimony only)

Others attending: See Attached

Without objection, a bill was introduced as requested by Randy Allen, Executive Director, Kansas Association of Counties that would provide, following establishment of county commission districts by a board of county commissioners, no county election officer may alter precinct boundaries that would change commission districts unless there is unanimous approval by the board of county commissioners.

HB 2101 - Private detective license and firearm permit become anniversary biennial process.

Kyle Smith, Director of Public and Governmental Affairs, KBI appeared in support of **HB 2101** (Attachment 1). The bill would update language and allow for the licenses of private investigators to be renewed on the anniversary date of when they were licensed. This would spread out the workload, so that license renewal may be conducted throughout the year rather than having a massive backlog occurring every January 1st.

Mary Feighny from the Attorney General's office and Sandy Meier from Kansas Bureau of Investigation responded to questions regarding the process and responsibilities of the authorizing agent of licenses.

It was noted that on page 1, line 36 of the bill, the word *on* should be omitted.

The hearing was closed on **HB 2101**.

HB 2163 - Continuing education requirement for licensure as a private detective.

Walter Markley, Chairman of the Board of Directors for the Kansas Association of Licensed Investigators, spoke in support of **HB 2163** (Attachment 2). The bill has no fiscal impact to the state and the emphasis for this bill comes from within the industry.

Mr. Markley explained three key points of the bill:

- It establishes a continuing education requirement of 24 hours during the two year license period.
- Provides that Attorney General rule and regulation authority to establish the requirements for these programs
- Provides for the Attorney General to contract for the administration of these new provisions.

Discussion followed regarding the current standards, definition and training necessary to fulfill the 24 hours of continuing education requirement. The Committee asked for clarification on whether they are credit or clock hours.

A Committee member called attention to written testimony, distributed to the committee, from John W. Ellis, B.S. M.A.J., an opponent to **HB 2163** (Attachment 3). Mr. Ellis states that the low demand for these courses does not merit expensive curriculums offered at community colleges and technical schools and the bill requires that the attorney general approve the training, thus significantly increasing that agencies work load and costs. He knew of no instance where misfeasance or poor performance could be traced to lack of knowledge. After discussion it was suggested that Mr. Markley review the concerns raised in Mr. Ellis' testimony and offer an explanation of the conflicting information.

In response to a question about the Attorney General's position on the bill, Mary Feighny, Attorney General's office, stated that since that agency would oversee the program he believed he should remain neutral.

The hearing was closed on **HB 2163**.

The meeting adjourned at 2:20 p.m. with the next meeting scheduled for February 17, 2003 at 1:30 p.m. in room 313-S.

HOUSE FEDERAL & STATE AFFAIRS COMMITTEE GUEST LIST

DATE February 12, 2003

<u>NAME</u>	<u>REPRESENTING</u>
Kyle Smith	KBI
✓ Mary Feighny	AG's office
PATRICK ATKINS	KS. ASSOC. OF LICENSED INVESTIGATORS
GARY SCHOLTZ	KS. ASSOC. OF LICENSED INVESTIGATORS
MIKE GARRETT	" " " "
Andy Shaw	" " " "
Vaughn Bradford	Inter-Faith Ministries
Glenn Thompson	Stand Up For Us.
PETE HINZE	KALI
Bruce Tomlinson	KALI
Becky Tomlinson	KALI - Ks Assoc Lic Investigators
Walter Markley	KALI
Rick Swank	KALI
✓ Sandy Meier	KBI
Randall Allen	ks. Assn. of Counties
Kyle Smith	K.B.T.



Kansas Bureau of Investigation

Larry Welch
Director

Before the House Federal and State Affairs Committee
In Support of HB 2101
Kyle G. Smith
Director of Public and Governmental Affairs
Kansas Bureau of Investigation
February 2, 2003

Phill Kline
Attorney General

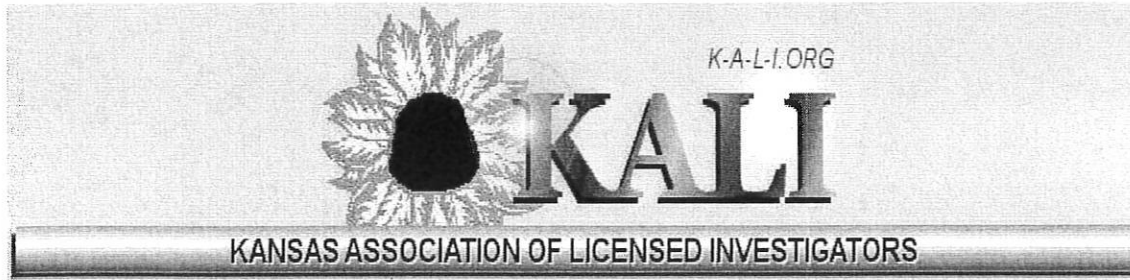
Dear Chairman Mason and Members of the Committee:

I appear today on behalf of the Kansas Bureau of Investigation (KBI) in support of HB 2101. This is a very simple amendment to the Kansas Private Detective Licensing Act, and other than cleaning up some antiquated language, it merely allows for the licenses of private investigators to be renewed on the anniversary date of when they were licensed.

The purpose of this change is to spread out the workload, so license renewal may be conducted throughout the year rather than having a massive backlog occurring every January 1st. I believe this could well be set on the consent calendar as it is not making any major policy changes of substance.

I would be happy to answer any questions.

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February 12, 2003

To: House Federal & State Affairs Committee
RE: HB 2163

Chairman Mason and members of the Federal and State Affairs Committee.

I am Walter Markley, Chairman of the Board of Directors for the Kansas Association of Licensed Investigators. Thank you for the opportunity to appear today in support of House Bill 2163. KALI supports establishment of continuing education for Private Investigators.

The key points of House Bill 2163 are very straight forward as follows:

- It establishes a continuing education requirement of 24 hours during the two year license period.
- Provides the Attorney General rule and regulation authority to establish the requirements for these programs, and
- Provides for the Attorney General to contract for the administration of these new provisions.

KALI appreciates your time and attention to this matter. I am happy to answer any questions.

Kansas Association of Licensed Investigators
1200 W. 10th Street ▪ Topeka, KS 66604
(785) 233-5255 ▪ FAX: (785) 234-2433
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House Federal and State Affairs Committee
Kansas Legislature
State Capitol
Topeka, KS

RE: HB 2163 to Amend KS Private Detective Licensing Act

I am a licensed private detective and firearms trainer doing business as PMO Security Services in Kansas City, KS. In February 2002, I was activated by the US Army and am currently on active duty as a Military Police Major and am stationed in Florida. Recently I was advised of proposed amendments to the Private Detective Licensing Act by HB 2163 and also HB 2101. I have reviewed both and am strongly opposed to HB 2163. I would appear to testify in person if I could.

At the time of my activation, I held a Kansas teaching certificate as an Emergency substitute teacher in both the Shawnee Mission and Turner School districts. In addition, I was an adjunct criminal justice instructor at Park University in Parkville, MO.

The proposed 24 hours of continuing education for private detectives in Kansas is not workable. As a member and officer of the Kansas Association of Private Investigators, I have researched and proposed curriculums for private detectives in community colleges and technical schools in Kansas. The answer is always the same; no, there is not enough demand for the courses. This is an accurate statement; the demographics of the existing Kansas licensees shows this clearly. In addition to teaching a state firearm certification course, I also designed and presented a one week course on private investigations for an SRS client. The experience I have had as a trainer of private detectives has clearly shown me that the demand and support for private detective training in Kansas is not there in either the profession or the public. I believe that it would be supported by less than 10% of the licensed detectives in the state. Even if supported, the costs will be extraordinarily high due to the limited demand. The firearm training that I have provided has typically lost money; the private detectives in the state will not pay a break-even fee. They typically underestimate both the time and costs of presenting quality training. An annual fee of \$1500 - \$2000 dollars for a 1-2 day seminar is typical; I would expect these fees to be higher than that under this bill.

Additionally, the bill proposes that the attorney general approve the training. This will significantly increase the regulating agency's work load and increase their costs at a time of tight budgets while providing no increase in revenue. The bill includes a proposal to solve this by contracting the administration to the private sector. This will drive the cost even higher for the private detective, particularly since the bill also allows the private contractor to set the fee (no limit included).

There are no known problems being solved by this bill. I know of no instance where any misfeasance or poor performance of a private detective in the state could be traced to a lack of knowledge that would be solved by continuing education. Most members of the public never ask what your training and education background is; they usually hire you based on personal reference.

There is some indication that the group backing this bill believes that its 'social standing' will improve (professionalize) by mandatory continuing education. I understand that is unlikely to happen, besides, I'm comfortable with my social identity as it is. I don't need any more societal validation. There is also some indication that at least part of the group supporting the bill intends to make money on training by obtaining a monopoly on the 'administration' and provision of mandatory training.

I urge the committee to reject the amendments in this bill. The solutions proposed create many more problems that they could possibly solve.

I have also reviewed HB 2101. I believe that the change is probably not in the best interest of the regulating agency and is of no consequence to the private detectives. It should probably be rejected as well.

Thanks for your consideration.

John W. Ellis, B.S., M.A.J.
Licensed Private Detective
Certified Firearms Instructor
Author: "Police Analysis and Planning for Vehicular Bombings" and "Police Analysis of Biological and Radiological Attacks"

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