

Approved: 4-3-09  
Date

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:30 a.m. on March 18, 2009, in Room 136-N of the Capitol.

All members were present except:

Senator Steve Morris- excused  
Senator Tim Owens- excused

Committee staff present:

Jason Long, Office of the Revisor of Statutes  
Dennis Hodgins, Kansas Legislative Research Department  
Connie Burns, Committee Assistant

Conferees appearing before the Committee:

Bruce Tomlinson, T & T Investigation  
Spencer Duncan,

Others attending:

See attached list.

**HB 2311 - Authorizing licensed private detectives to serve process statewide.**

Chairman Brungardt opened the hearing on **HB 2311**.

Staff provided an overview of the bill.

Bruce Tomlinson, T & T Investigation, appeared in favor of the bill. (Attachment 1) The bill adds licensed private detective to the list of individuals who can complete service of process statewide.

Spencer Duncan spoke in favor of the bill. (Attachment 2) The bill adds private detectives to the “automatically” approved list of individuals who can serve process.

The Chairman asked the committee their pleasure on the bill.

Senator Ostmeyer moved to pass SB 213 out favorably. Senator Abrams seconded the motion. The motion carried.

Chairman Brungardt closed the hearing on **HB 2311**.

**Final Action:**

**SB 201 - Display of U.S. flag at half-staff for veterans killed.**

Staff provided a balloon. (Attachment 3) The balloon adds language designated the first Thursday of each month as the day to honor those members of the Kansas National guard, the Kansas Air National Guard and Kansas residents serving as members of the United states armed forces or the reserve forces killed in the line of duty; and the governor shall publish a list of those individuals, unless an immediate family member of such individual has submitted a request to the governor that such name not be included in such list.

Senator Abrams moved the balloon. Senator Pyle seconded the motion. The motion carried.

Senator Abrams moved to pass SB 201 out favorably as amended. Senator Pyle seconded the motion. The motion carried.

The next meeting is scheduled for March 19, 2009. The meeting was adjourned at 10:55 am

**SENATE FEDERAL AND STATE AFFAIRS COMMITTEE**  
**GUEST LIST**

DATE 3-18-09

| NAME              | REPRESENTING          |
|-------------------|-----------------------|
| Spencer Duncan    | Kansas Assoc. of PT's |
| Nick Jordan       | Capitol Strategies.   |
| Chris Gigstad     | Federico Consulting   |
| Jesse - P         | KBWA                  |
| Genevieve Nichols | Rice Law Office       |
| Sylvia Chapman    | CWA                   |
| MIKE Taylor       | UNIFIED 600           |
| Rocky Ford        | St. Rep 50th Dist.    |
| Kevin Berone      | KPBBBA                |
| John C. Taylor    | self                  |
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# T&T INVESTIGATION

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March 18, 2009

## Legislative Testimony

Let me thank the members of this committee for allowing KALI to testify for HB 2311. The following are points that have been developed by Association that would make this part of our industry work better and more efficient that it has in the past.

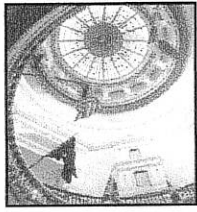
1. This bill does not cost the taxpayers any money.
2. Each year I have to send out court orders to each county in the state of Kansas to be able to serve civil process. Each court clerk has to process my order and the orders of all the other Private Detectives that make a living serving process. This would eliminate this task.
3. The Sheriff of each county serves process for a fee of \$5 per process paper. However, as a former Sheriff, there is always more process to serve than there are deputies to serve them. Also the Sheriff's office often does not have the time or the manpower to chase down difficult people that are difficult to serve.
4. With this bill attorneys need not hunt for person to serve process in their county. Any Licensed Private Detective in the State of Kansas will be authorized to serve their court papers.

5. Private Detectives are licensed and bonded as per state law. They are also accountable to the KBI. Private Detectives also are required to maintain 8 hours of in-service training per renewal cycle. Their background has already been investigated.
6. This bill will not preclude person's form obtaining permission from the court to serve process. This bill will not require persons to be Private Detectives to serve process. It will however encourage persons who wish to serve process to obtain a Private Detective License. It will also subject to the standards of the Private Detective License.
7. Although the subpoenas, summons, and other legal papers can be signed by the clerk or assistant clerk of the court, the order appointing a special process server requires a judge's signature. It is always easy to fine a clerk in the office, but judges are often busy or out of the office.
8. This will not interfere with the Sheriff's Offices in the service of process. The Sheriff can generally serve process cheaper than a Private Detective. However there are times when an attorney will want a subpoena served quicker than the Sheriff's is able to serve the paper. There are circumstances that make it difficult for a Sheriff's Office to serve papers such as person's living out of state etc. These situations are the bulk of a Private Detectives process service.

9. Also a Private Detective will be able to serve subpoena in criminal cases. Often time when we are investigating criminal matters we serve subpoenas for the court case. This bill will allow us to do this throughout the State of Kansas.
  
10. Although the subpoenas, summons, and other legal papers can be signed by the clerk or assistant clerk of the court, the order appointing a special process server requires a judge's signature. It is always easy to fine a clerk in the office, but judges are often busy or out of the office.

Again thank you one and all for your consideration of this bill.

Bruce E Tomlinson  
T&T Investigation  
Legislative Committee Chair  
Kansas Association of Licensed Investigators.



**Capitol Connection, LLC**  
www.capitolconnectionkansas.com

March 18, 2009

**Senate Federal and State Affairs Committee**  
**Re: HB 2311, Adding licensed private detectives to state process service list**

HB 2311 adds licensed private detectives to the list of individuals who can complete service of process statewide. It adds private detectives to the "automatically" approved list of individuals who can serve process. As a licensed private detective in Kansas, I ask for your support in making this legislation become law.

HB 2311 passed the House Judiciary committee with no votes against it and passed the full House by a vote of 117 to 5. Duane Goosen, Director of the Budget, said this legislation will have no fiscal effect. No individual or group has publicly opposed this legislation.

This legislation removes a layer of unnecessary bureaucracy. Licensed private detectives are the third largest group in Kansas serving process, behind law enforcement and attorneys. Under current law, law enforcement officials and attorneys do not individually register with each county to serve process. As officers of the court, they are automatically approved to complete service of process.

Other individuals who serve process, including private detectives, must register with each county court on an annual basis in order to be appointed by the court to complete service of process. Eliminating this requirement for private detectives reduces administrative costs for private detectives and county courts and eases an administrative burden from private detectives and the courts.

The same legal standards and processes will apply to how service of process must be administered, while eliminating an unnecessary administrative process.

The majority of licensed private detectives serve process. The Kansas Bureau of Investigation and Kansas Attorney General issue and monitor all licenses issued to private detectives and can suspend or revoke a license when deemed necessary. Private detectives undergo background checks, fingerprinting and are required to submit updated photos upon license renewal. To have a license renewed, private detectives are required to take continuing education courses.

This licensing and regulation ensures private detectives are qualified to be included in the list of those automatically allowed to service process statewide and ensures licensed private detectives meet the standards of the court and the state of Kansas.

Please vote Yes on HB 2311.

Thank you for your consideration.

Spencer L. Duncan

**212 SW 8th St. Suite 202 \* Topeka, KS 66611 \* 785.233.2265**

Sn Fed & State  
Attachment 2

3-18-09

**SENATE BILL No. 201**

By Senators Haley, Apple, Barnett, Bruce, Faust-Goudeau, Hensley, Holland, Kelly, Kelsey, Marshall, Masterson, Petersen, D. Schmidt and Schodorf

2-4

11 AN ACT concerning the display of the flag of the United States at half-  
12 staff.

13  
14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. The flag of the United States shall be displayed at half-  
16 staff throughout the state of Kansas in accordance with federal law ~~in-~~  
17 ~~cluding on a day designated by the governor when any of the following~~  
18 ~~occurs:~~

19 ~~(a) A member of the Kansas national guard is killed in the line of~~  
20 ~~duty;~~

21 ~~(b) a member of the Kansas air national guard is killed in the line of~~  
22 ~~duty; or~~

23 ~~(c) a Kansas resident serving as a member of the United States armed~~  
24 ~~forces is killed in the line of duty;~~

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

(a)

on a day designated by the governor to honor those members of the Kansas national guard, the Kansas air national guard and Kansas residents serving as members of the United States armed forces or the reserve forces killed in the line of duty. Such day may be designated as the first Thursday of each month.

(b) On any day designated by the governor for displaying the flag of the United States at half-staff pursuant to this section, the governor shall publish a list of those individuals described in subsection (a) who were killed in the line of duty in the immediately preceding month, unless an immediate family member of such individual has submitted a request to the governor that such individual's name not be included in such list.