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4 **SENATE BILL No. 74**

5
6 By Joint Committee on State-Tribal Relations

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8 1-19

9
10 AN ACT concerning certain law enforcement officers of the state and
11 certain political subdivisions thereof; concerning Native American In-
12 dian tribal law enforcement officers.

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

15 Section 1. **(a)** Whenever a **request is specifically directed to a**
16 Native American Indian tribal law enforcement agency or law enforce-
17 ment officer of such tribal agency ~~is requested~~ to assist a state, county or
18 city law enforcement agency or law enforcement officer of such agency,
19 the tribal law enforcement agency or officer shall be considered to be a
20 law enforcement agency or officer of such state, county or city agency
21 and shall have the same powers, duties and immunities of such state,
22 county or city agency during the period of time in which the tribal law
23 enforcement agency or officer is providing such assistance.

24 **When used in this subsection, "tribal law enforcement officer"**
25 **shall mean a tribal law enforcement officer who has successfully**
26 **completed (1) a state, local or federal law enforcement officer**
27 **training program which has a course of instruction which is sub-**
28 **stantially equivalent to the course of instruction of law enforce-**
29 **ment training programs for full-time law enforcement officers re-**
30 **quired by K.S.A. 74-5607a, and amendments thereto, and (2)**
31 **annual training which is substantially equivalent to the annual**
32 **training required by K.S.A. 74-5607a, and amendments thereto.**

33 **(b) The provisions of this section shall be applicable only if such**
34 **Native American Indian tribe has entered into a valid and binding**
35 **agreement with an insurance carrier to provide liability insurance**
36 **to cover the acts, errors and omissions of such tribal law enforce-**
37 **ment agency or officer while providing assistance pursuant to this**
38 **section. Such insurance policy shall be in an amount not less than**
39 **\$500,000 for any one person and \$2,000,000 for any one occur-**
40 **rence for personal injury and \$1,000,000 for any one occurrence**
41 **for property damage. Such insurance policy shall be subject to ver-**
42 **ification by the attorney general. Such insurance policy shall in-**
43 **clude an endorsement providing that the insurer may not invoke**

1 **tribal sovereign immunity up to the limits of the policy set forth**
2 **herein.**

3 **(c) If a claim is brought against any tribal law enforcement**
4 **agency or officer for acts committed by such agency or officer**
5 **while providing assistance pursuant to this section and while such**
6 **agency or officer is outside the jurisdiction of such agency or of-**
7 **ficer, such claim shall be subject to disposition as if the tribe was**
8 **the state pursuant to the Kansas tort claims act, provided that such**
9 **act shall not govern the tribe's purchase of insurance. The tribe**
10 **shall waive its sovereign immunity solely to the extent necessary**
11 **to permit recovery under the liability insurance, but not to exceed**
12 **the policy limits.**

13 **(d) Nothing in this section shall be construed to grant any pow-**
14 **ers to tribal law enforcement agencies or tribal law enforcement**
15 **officers beyond those specifically provided in this section.**

16 **(e) Nothing in this section shall be construed as a mandate on**
17 **any law enforcement agency to enter into any agreement with any**
18 **state, county or city law enforcement agency or to request assis-**
19 **tance from any state, county or city law enforcement agency.**

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

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