

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Representative Bob Frey at
Chairperson

3:30 ~~am~~/p.m. on January 31, 1983 in room 526-S of the Capitol.

All members were present except:

Representatives Duncan and Erne were excused.

Committee staff present:

Mark Burghart, Legislative Research Department
Mike Heim, Legislative Research Department
Mary Ann Torrence, Revisor of Statutes Office
Nedra Spingler, Secretary

Conferees appearing before the committee:

Representative Ben Foster
Representative Harold Guldner
Representative David Heinemann
Representative Frank Buehler
Bert Cantwell, Former Sheriff, Chairman of the Law Enforcement Training
Commission
Adrian Farver, Kansas Sheriffs Association
Jim Clark, Kansas County and District Attorneys Association

The minutes of the meetings of January 24, 26, and 27, 1983, were approved.

HB 2055 - An act relating to court fees for the Sedgwick County Law Library.

Representative Ben Foster, sponsor of the bill, said it affects only Sedgwick County's law library. It raises the library fees and is necessary because of the large number of attorneys using the library and the many people served. Consumers will absorb the additional costs with no fiscal impact to the state. Representative Foster objected to including any other law libraries in the bill.

HB 2056 - An act relating to law enforcement training.

Representative Guldner, a sponsor of the bill, said it was introduced because of problems county commissioners have with appointments of sheriffs and training requirements for them. His statement and the names of sheriffs who are affected by present law are attached (Attachment No.1),

Representative David Heinemann, another sponsor, furnished a letter (Attachment No.2) he had received from the recently appointed sheriff for Dickinson County and told of problems some sheriffs are experiencing in having to retake the basic police training course. HB 2056 would give the associate director of the program waiver rights for qualified persons who are appointed or elected sheriff and will place sheriffs under the same waiver provisions as other law enforcement officers. In his opinion, the associate director would not abuse his waiver rights for persons who do need the training.

There was discussion regarding the language in lines 44 through 55 concerning provisional and deputy sheriff status until training is completed. Staff was requested to determine if this language would be applicable if the training requirements are waived.

Bert Cantwell appeared as a former sheriff and as chairman of the Law Enforcement Training Commission and not as the Governor's legislative liason. He said sheriffs do need special training in certain areas that deal with the duties of sheriffs. Two weeks of special training would probably be adequate for most persons. He suggested language be added to HB 2056 to require the associate director to obtain the consent of the Law Enforcement Training Commission before waivers are granted. Mr. Cantwell had no ob-

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

room 526-S, Statehouse, at 3:30 ~~a.m.~~ p.m. on January 31, 1983.

jection to allowing a new sheriff more time to get organized before having to take the training course. A member noted this would cause a problem with pay under provisions of Section 1(c).

Adrian Farver, representing the Kansas Sheriffs Association, said this group opposes the bill as written. Its members suggest amendments to HB 2056 or introduction of a committee bill to upgrade the qualifications for sheriffs to require an associate degree or a minimum of a high school education plus 60 college hours and, at least, 5 years' experience as a fulltime, certified, law enforcement officer. All elected or appointed sheriffs should be required to attend 80 hours of training for sheriff even though they have many hours of law enforcement training. Present sheriffs should be grandfathered in. Upgrading qualifications and requirements will assure that the unqualified do not run for sheriff.

Representative Heinemann said it was critical that HB 2056 be passed without the Kansas Sheriffs Association's suggestions attached because of the deadline of March 3 with which some sheriffs are faced. He said Mr. Cantwell's suggestion concerning waiver consent of the Commission should be implemented through a separate bill.

HB 2058 - An act relating to judgments and delinquent personal property taxes.

Representative Buehler explained the reason for the bill as outlined by the Barton County Commissioners in Attachment No.3. He said counties with less than 100,000 population should be allowed the same provisions as those with more than 100,000 because there are many instances in Barton and probably other counties where wells have been plugged and owners have moved away, but the property remains on the tax base. Representative Buehler suggested changing the 20-year provision in line 115 to 10 years.

Jim Clark, representing the Kansas County and District Attorneys Association, supported the bill. In regard to language in lines 107-113, he did not believe dormancy should be allowed since dormancy assumes there can be a reviver. This contradicts K.S.A.79-2017. The language should make the judgment null and void as taxes cannot be collected if there is no lien on the real estate. He noted the Motor Vehicle Department has solved this problem by requiring taxes to be paid in advance.

The Chairman appointed Representatives Peterson and Buehler to meet with staff to recommend a plan of action for HB 2058 and to report back to the Committee on February 3.

The Chairman adjourned the meeting at 4:40 p.m.

JANUARY 31, 1983

PRESENTED TO THE HOUSE JUDICIARY COMMITTEE
On H.B. 2056

By Harold Guldner

Mr. Chairman, Members of the Committee:

The reason for this bill being introduced was brought to my attention by the Kearny County Commissioners who had appointed a man who was with the Garden City police force as their sheriff. This man, Mr. James Jarboe, had attended the police academy in 1974 and has been in police work ever since. Upon checking the law they found that unless a change was made Mr. Jarboe would have to attend the academy again at considerable cost of time and money to the county as well as the state. After doing some research and finding that there were other newly appointed sheriffs that had also already attended the academy, I called my friend and colleague, Representative Dave Heinemann, who has in the past been Chairman of this Committee, to see if this should possibly have state wide application. Representative Heinemann did some research on his own and at this time, Mr. Chairman, if there are no questions, I would like to yield to Representative Heinemann.

The names of the sheriffs and the counties they serve, that this would apply to now are:

James Jarboe, Kearny County, appointed Oct. 26, 1982.
William Thompson, Rice County, appointed Sept. 7, 1982.
Hugh D. Gillen, Atchinson County, appointed Sept. 24, 1982.
Kenneth Moore, Dickenson County, appointed Nov. 22, 1982
J. Dean Ochs, Trego County, appointed Nov. 17, 1982.

STATE OF KANSAS

G. R. "JERRY" FRIEDEMAN
REPRESENTATIVE, 112TH DISTRICT
BARTON COUNTY
P. O. Box 21
GREAT BEND, KANSAS 67530



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
MEMBER LABOR AND INDUSTRY
LEGISLATIVE JUDICIAL AND
CONGRESSIONAL APPOINTMENT
PUBLIC HEALTH AND WELFARE

Testimony on House Bill 2058 to the Judicial Committee.

Legislative Statement from the present Kansas statutes as taken in K.S.A. 79-2017, 1982 Supplement of K.S.A. 79-2101 treating the dormancy and revival of tax warrant judgments differently based on the population of the taxing county. Under K.S.A. 79-2017, 1982 supplement counties over 100,000 population may allow tax judgments to become and remain dormant after 20 years if the board of the county commissioners determine that the judgment is not collectible. This is the provision of the last sentence of that statute.

Counties of less than 100,000 population are considered under K.S.A. 79-2101 and must continue to keep their judgments alive or if dormant and subject to being revived apparently attempt to revive them.

In Barton County, Kansas the tax judgment required to be executed on dates back at least to 1954 or 28 years. In my opinion almost all the judgments over 20 years are uncollectible or collection expense which would not be recoverable as court costs exceeds the amount of the judgments.

Our recommendation is that the last sentence of K.S.A. 79-2017, 1982 Supplement be added to K.S.A. 79-2101 at the least and at best or more realistically, that the judgment remaining uncollectible after 10 years be allowed to remain dormant.

William Pringle, County Attorney
Bob Hoyt, County Commissioners,
Jan Chrissman Barton County
Charles Sessler



KENNETH MOORE
SHERIFF

DICKINSON COUNTY SHERIFF DEPARTMENT

109 E. 1ST STREET
ABILENE, KANSAS 67410
913 - 263-4041



JACK MEEHAN
UNDERSHERIFF

JANUARY 18, 1983

Representative David J. Heinemann
House of Representatives, District 1, 2, & 3
State Capitol
Topeka, Kansas 66612

Dear Mr. Heinemann:

I was appointed Sheriff of Dickinson county by Governor John Carlin on November 22, 1982. I have a problem with a section of the Senate Bill 499, which took effect last summer. Section 1, (b) requires that I retake the 320 hour basic police training course.

First of all, let me explain that I am very "pro" training. Training, experience, and attitude are the key factors, along with some native ability, in producing a professional law enforcement officer. It is for this reason, that in January of 1983, I initiated a required monthly training program for our deputy's.

However, one of the problems I see with this law as it stands, is that I am required to retake a course of instruction which I have already both had in class and put in practice on the streets, resulting in successfully prosecuted court cases. Attached is the resume which I sent Governor Carlin. This shows I have completed about 714 classroom hours in law enforcement courses since I entered law enforcement in 1970. In addition, I have about 2800 hours of on-the-job training where I worked with training officers in a field training program. Of course, both classroom and field hours are far above that required by state law. The present law requires me to duplicate training already received resulting in the waste of both time and money.

Finally, the present law requires me to complete this course no later than the second class after appointment. This is the worst time I could be required to go to school. At the beginning of my administration is when I am establishing goals, programs, procedures, etc., and it will be a tremendous interference with my work to be gone then.

Any help you can give to modify the present law will be appreciated.

Yours truly,

Kenneth Moore
Kenneth Moore

RESUME OF KENNETH B. MOORE

I. EDUCATION

1. Graduate, Central High School, Memphis, Tennessee
2. Graduate, B.A. in Philosophy, Barrington College, Barrington, RI
3. Graduate, B.A. in Bible-Theology, Mid-South Bible College, Memphis, TN
4. Graduate, Masters in Religious Education, Conservative Baptist Theological Seminary, Denver, Colorado

II. LAW ENFORCEMENT TRAINING

MILITARY-CID

1. Completed the U.S. Army Criminal Investigation Correspondence Course
2. Completed the Reserve Component Criminal Investigation Course, Ft. McClellan, Alabama
3. Received 16 hours per month and two weeks per year OJT with CID Agents conducting criminal investigations at the Ft. Riley, KS, CID District Office from Fall, 1975 until Fall, 1980. Presently in a reserve CID Unit which still trains two weeks annually plus some monthly training periods at the Ft. Riley CID Office.

CIVILIAN

1. Basic Police School, Junction City, Kansas - 100 hours
2. State Required Basic Law Enforcement training, Manhattan, Ks. - 160 hrs.
3. Bomb School by the FBI - 8 hours
4. Bomb School by the U.S. Army EOD Team - 8 hours
5. Legal Topics Course by the FBI - 20 hours
6. Interviews and Interrogations by the FBI - 8 hours
7. Police Field Supervision Course - 30 hours
8. Extremist-Terrorist Seminar by the FBI - 3 hours
9. Riot Control and Counter Sniper Action by the Kansas Law Enforcement Academy - 4 hours
10. Advanced Police Seminar (Rape; Hostages) jointly given by the FBI, the Kansas Bureau of Investigation, and the Kansas Law Enforcement Academy - 16 hours
11. Advanced Individual Pistol Training by an NRA Firearms Instructor - 6 hrs.
12. Federally sponsored Drug Abuse Seminar at the University of Minnesota - 80 hours
13. Drug Enforcement Seminar by the Drug Enforcement Administration - 16 hrs.
14. Crime Scene Seminar by the FBI - 3 hours
15. Criminal Investigation Course by the Kansas Law Enforcement Academy - 40 hours
16. Criminal Investigation School by the Kansas Bureau of Investigation - 32 hours
17. Rape Investigation by Kansas State University and Kansas Sexual Assault Centers - 12 hours
18. Crime Scene Investigation by the Chicago Police Department Laboratory - 88 hours

III. WORK EXPERIENCE

1. A Law Enforcement Officer from September 1970 to the present. Duties have included: uniform officer; field sergeant; training officer; administrative duties; public relations; investigations. Presently am an investigator for the Dickinson County Sheriff Department, Abilene, Kansas.
2. Two years active duty, U.S. Army - Honorable Discharge as an E-5.
3. While in my last semester of undergraduate work, filled in as full-time Dean of Students at the Rhode Island School for the Deaf, Providence, Rhode Island.

IV. PERSONAL DATA

Kenneth B (IO) Moore, WM, DOB 01/11/41, 5'10", 165 lbs., 20/100 vision corrected to 20/20, no color blindness, excellent health. Married to Nettie N. Bergman in July 1965, twin boys born November, 1969.

V. AWARDS

1. First Place Annual Philosophy Paper, Barrington College, 1967
2. Silver Star for Bravery by the American Federation of Police, 1972

74-5608a. Certification of persons completing training in other jurisdictions; waiver of courses. (a) The associate director may, in the exercise of discretion, award a certificate attesting to the satisfactory completion of a basic course of instruction to any person who has been duly certified under the laws of another state or territory if, in the opinion of the associate director, the requirements for certification in such other jurisdiction equal or exceed the qualifications required to complete satisfactorily the basic course of instruction at the training center.

(b) The associate director may waive any number of the hours or courses required to complete the basic course of instruction at the training center for any person who, in the opinion of the associate director, has received sufficient training or experience that such hours of instruction at the training center would be, unless waived, unduly burdensome or duplicitous.

History: L. 1976, ch. 351, § 3; July 1.