

Approved April 22, 1983  
Date

MINUTES OF THE Senate COMMITTEE ON Governmental Organization

The meeting was called to order by Senator Hein - Vice Chairperson at  
Chairperson

4:57 ~~xxx~~ p.m. on April 5, 1983 in room 531N of the Capitol.

All members were present except:  
Senator Gaines

Committee staff present:

Norm Furse - Revisor  
Julian Efird - Legislative Research

Conferees appearing before the committee:

JoAnn Klesath - Executive Director of KAPE  
Patrick Hurley - Secretary of Administration  
Johnnie Darr - Sheriff, Sedgwick County  
Ken Gorman  
Bill Simmons - Chief of Police, Mulvane  
Dave Reavis - Lawrence, Fraternal Order of Police  
Lt. Lee Sipes - Topeka Police Department  
Captain R.G. Thebo - Kansas City, Kansas Police Department  
Ernie Mosher - League of Municipalities  
Jim Flory - Attorney General's Office  
Norma Daniels - Senator, 31st District

Senator Hein explained the reason for SCR 1625 and briefly discussed some of the points in the bill.

JoAnn Klesath testified in favor of this bill, stating that there was a need for improvement in vacation leave time for employees in the classified service.

Patrick Hurley expressed concern about taking any action which had not been negotiated or agreed to in SCR 1625.

At this point, Senator Vidricksen assumed the Chair and introduced Bert Cantwell who offered a substitute bill for Senate Bill 277 relating to law enforcement and training. (Exhibit A)

Sheriff Johnnie Darr testified in support of Senate Bill 277 and explained the four points of the revised bill draft. (Exhibit B)

Ken Gorman wanted to go on record as fully supporting Senate Bill 277 as amended, stating that he would like to see it passed.

Another supporter of the bill was Bill Simmons who stated that this bill would go along way in improving law enforcement for Kansas since it would place better qualified people in control of the law enforcement function in the state. (Exhibit C) Dave Reavis echoed this support.

Lt. Sipes spoke in opposition to Senate Bill 277 stating that this bill was in direct opposition to Senate Bill 499 which was agreeable to the Topeka Police Department. He felt this bill was not a compromise because not enough organizations were involved in the drafting.

Captain Thebo also spoke in opposition of Senate Bill 277 stating that he was in favor of the compromise bill and since he found out more about the opposition and the intent he could now agree with the compromise. He felt this would take care of Senate Bill 208.

Jim Flory stated that Senate Bill 277 clarifies a number of previous problems and he and Attorney General Bob Stephan strongly support it.

Senator Daniels requested some clarification of points in the bill and these

CONTINUATION SHEET

Minutes of the Senate Committee on Governmental Organization, April 5, 1983

were answered by the Leavenworth County Sheriff, Terry Campbell and discussed briefly.

The Chairman announced that the committee would meet at 10:00 a.m. on April 6.

Senate Mulich made a motion to approve the minutes of the March 28 and 29 meetings as well as the one on April 4th. This was seconded by Senator Gaar. Motion carried.

The meeting was adjourned by the Chairman at 6:00 p.m.

GUEST LIST

COMMITTEE: Senate Governmental Organization DATE: April 5, 1983

NAME	ADDRESS	COMPANY/ORGANIZATION
BEN JANACEK	906 LAWRENCE EMPORIA KS. 66801	EMPORIA POLICE DEPT.
Barb Poiret	Topeka	KS. Women's Political Caucus
JoAnn Klesath	Topeka	KAPE
Lee Sipes	Topeka	Topeka Police Dept.
R. G. Thabo	H.C. KS.	H.C. KS. Police Dept.
Johnnie Darr	Wichita KS	Sedgewick Co Sheriff
ED PAVEY	Wichita KS	" "
WILLIAM J SIMMONS	MULVANE KS	MULVANE P.D.
Tenny CAMPBELL	Leavenworth, KS	Leav. Co Sheriff
Bert Cantwell	Topeka	Gov. off
DAVE REAVIS	Lawrence, FRATERNAL ORDER OF POLICE	
Jim Story	Lawrence	Attorney General
Patrick Sherley	Topeka	Sec. of Admin
Art Cress	"	Dept. of Adm.
Ed Harber	Lawrence KS	Neurologist

## Substitute for SENATE BILL NO. 277

By Committee on Governmental Organization

AN ACT relating to law enforcement and law enforcement training; amending K.S.A. 1982 Supp. 74-5601, 74-5604a, 74-5605 and 74-5607 and repealing the existing sections.

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

New Section 1. (a) Every police officer and law enforcement officer shall be certified to perform the function of law enforcement by the Kansas law enforcement training commission. The commission's certification shall be awarded to persons who are 21 years of age, or older, have successfully completed or satisfied the training requirements specified by subsection (a) of K.S.A. 1982 Supp. 74-5607a and amendments thereto and meet the requirements of K.S.A. 1982 Supp. 74-5605 and amendments thereto, or who are persons who received a permanent appointment as a police officer or law enforcement officer prior to July 1, 1969.

(b) The commission may suspend, revoke or deny the certification of a police officer or law enforcement officer who fails to meet the requirements of K.S.A. 1982 Supp. 74-5605 and amendments thereto or has met such requirements by falsifying documents or failing to disclose information required for certification.

(c) The commission may adopt such rules and regulations to establish the procedure for the suspension, revocation and denial of certification of a person as a police officer or law enforcement officer or an applicant for certification. A hearing shall be conducted to determine the justification for suspending, revoking or denying certification of a police officer or law enforcement officer.

New Sec. 2. (a) Every candidate for a position as a police officer or law enforcement officer shall meet the minimum

Ex. A

training criteria specified in K.S.A. 74-5605 and amendments thereto and shall have attained 21 years of age.

(b) For the purpose of determining the eligibility of an individual for certification under this act, the commission may require the submission of training and education records, and experience history, medical history, medical examination, reports and records, and interview appraisal forms.

(c) Law enforcement agencies in Kansas shall be responsible for their agency's observance of the hiring requirements of this section.

(d) No law enforcement agency head or other appointing authority shall knowingly permit the hiring of any person in violation of the requirements of this act. Two violations of the requirements of this act shall be deemed to constitute misconduct in office and shall subject the agency head or appointing authority to removal from office pursuant to K.S.A. 60-1205 and amendments thereto.

(e) The commission shall make such inquiry as necessary to determine compliance with the requirements of this section and the rules and regulations adopted under it.

(f) It shall be the responsibility of the agency head to ensure that every police officer or law enforcement officer under their supervision has the opportunity to receive the mandatory training as prescribed in K.S.A. 1982 Supp. 74-5604a and amendments thereto.

Sec. 3. K.S.A. 1982 Supp. 74-5604a is hereby amended to read as follows: 74-5604a. (a) The associate director shall establish a program for periodically extending the law enforcement training and instruction of the training center throughout the state on a regional basis. The associate director also shall certify annually the training schools of state and local law enforcement agencies providing a course of law enforcement training for full-time police officers or law enforcement officers of not less than 320 hours of instruction, and whose training programs also satisfy the qualifications and

standards promulgated by the associate director after approval of the commission. The associate director shall establish a course in basic law enforcement training of 80 hours for part-time police officers or law enforcement officers, approved by the commission, to be provided at the training center and certified state and local law enforcement training schools. In addition, on or after November 20 of each election year and prior to January 1 of the next succeeding year, and at such other times as the associate director deems necessary, the associate director shall commence a training course for persons elected to the office of sheriff at the preceding general election and for undersheriffs and deputy sheriffs.

(b) The associate director shall conduct a pretraining evaluation of applicants for admission to the course for law enforcement officers conducted by the training center or to any certified state or local law enforcement training school to assure that each applicant is qualified to serve as a law enforcement officer. The associate director shall adopt minimum standards, which shall receive prior approval by the commission, to be considered in the pretraining evaluation. The associate director shall advise the city, county or state agency authorizing the applicant to attend the training center or certified state or local law enforcement training school of the results of the pretraining evaluation. The associate director may, with approval of the commission, reject an applicant to the training center who does not meet the minimum pretraining standards.

Sec. 4. K.S.A. 1982 Supp. 74-5605 is hereby amended to read as follows: 74-5605. Every applicant for admission to a course for police officers or law enforcement officers conducted by the training center shall be ~~a police officer or law enforcement officer as defined in subsection (e) of K.S.A. 74-5602 and amendments thereto~~ an employee of a state, county or city law enforcement agency or a railroad policeman appointed pursuant to K.S.A. 66-524 and amendments thereto. Prior to admission to a

course conducted at the training center or at a certified state or local law enforcement agency, the applicant shall furnish to the associate director a statement from the applicant's department head certifying the applicant's fulfillment of the following requirements. The applicant:

(a) Is a United States citizenship citizen.;

~~(b) --is-at-least-21-years-of-age.~~

~~(c) (b) Fingerprinting-and~~ has been fingerprinted and a search of local, state and national fingerprint files has been made to determine whether the applicant has a criminal record.;

~~(d) (c) Shall~~ has not have been convicted, and does not have an expunged conviction, by any state or the federal government of a crime which is a felony or its equivalent under the uniform code of military justice.;

~~(e) (d) Be~~ is the holder of a high-school diploma or ~~furnish~~ furnishes evidence of successful completion of an examination indicating an equivalent achievement.;

~~(f) (e) is~~ of good moral character.; and

~~(g) (f) is~~ free of any condition which might adversely affect the applicant's performance ~~or--duty--as-a~~ of a police officer's or law enforcement officer's duties.

Sec. 5. K.S.A. 1982 Supp. 74-5607 is hereby amended to read as follows: 74-5607. (a) In addition to other powers and duties prescribed by law, ~~it shall be the duty of~~ the commission ~~to advise and counsel in the operation of the law enforcement training center~~ shall adopt rules and regulations necessary for the administration of the Kansas law enforcement training act. The commission may also adopt such rules of procedure as are necessary for conducting the business of the commission.

(b) Members of the law enforcement training commission attending meetings of such commission, or attending a subcommittee meeting thereof authorized by such commission, shall be paid amounts provided in subsection (e) of K.S.A. 75-3223 and amendments thereto. The director and the chairperson of the commission shall be responsible for approving all expense

vouchers of members.

(c) The commission shall meet at least once each year at the training center and may hold special meetings whenever such are called by the chairperson.

Sec. 6. K.S.A. 1982 Supp 74-5601 is hereby amended to read as follows: 74-5601. The provisions of K.S.A. 74-5601 to 74-5611, inclusive, and amendments thereto, and K.S.A. 1982 Supp. 74-5604a, 74-5607a, 74-5609a and 74-5611a and sections 1 and 2 shall be known and be cited as the Kansas law enforcement training act.

Sec. 7. K.S.A. 1982 Supp. 74-5601, 74-5604a, 74-5605 and 74-5607 are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its publication in the statute book.



Testimony Before the Senate Governmental  
Organizations Committee Supporting  
1983 Senate Bill 277  
Johnnie Darr, Sheriff  
Sedgwick County  
April 5, 1983

In the past, I have testified in support of increasing the training requirements for law enforcement officers in the state of Kansas. In July of 1982, Senate Bill 499 became effective. This Bill mandated 320 hours of basic training, 40 hours of in-service training or continuing education annually for all full time law enforcement officers, as well as 80 hours of training for part-time officers.

I am not here today asking for any changes in the training hours that were passed last year. I am here today to voice my support for Senate Bill 277. This revised Bill is another step in the continuing effort to upgrade law enforcement in Kansas.

Last month, several individuals, representing various agencies, testified in opposition to Senate Bill 277. With the help of several of those individuals, a revised Bill was drafted. Senate Bill 277 would:

- (1) Establish a law enforcement certification program
- (2) Allow the Kansas Law Enforcement Training Commission to adopt rules and regulations which would establish procedures for the suspension, revocation, or denial of certification and appeal hearings for law enforcement officers.
- (3) Establish minimum hiring standards for law enforcement officers. The minimum hiring standards, with the exception of age, would be identical to those specified in the training act (KSA 74-5605).
- (4) Allow the Kansas Law Enforcement Training Commission to adopt rules and regulations necessary for the administration of the training act.

Basically, this bill would allow the Kansas Law Enforcement Training Commission to enforce all of the mandated training requirements currently in effect. When Senate Bill 499 was passed in 1982, there were no enforcement powers contained within the legislation. To give you just one example, all full time law enforcement officers in Kansas must receive 40 hours in in-service training or continuing education annually. If an agency fails to comply with this mandated requirement, what can be done with the officer, or his or her agency? The law states, and I quote: "Failure to complete such training shall be grounds for suspension from work without pay until such training is completed." But the questions that arise are:

- (1) Who initiates the suspension?
- (2) What will be done to the agency if they fail to suspend that officer?

Senate Bill 277 would allow the training commission to establish the rules, regulations, and procedures to enforce the mandated training requirements.

This Bill would also establish minimum hiring standards for police officers and law enforcement officers within the state. These standards would relate to physical, mental, and moral fitness of applicants wanting to become law enforcement officers. We have established the training requirements, now we must address the standards for the individuals we hire to be law enforcement officers.

Senate Bill 277 would also allow the certification of law enforcement officers to perform the function of law enforcement in Kansas. At the same time, it would allow the training commission to establish the procedures for the suspension, revocation or denial of that certification. Teachers, attorneys, nurses, and other professionals are required by law to be certified in their field. With the passage of Senate Bill 277, Law Enforcement Officers would also be certified to perform the function of law enforcement under the procedures established by the Kansas Law Enforcement Training Commission.

Mr. Chairman, and Committee members, I feel that this Bill would be a great benefit to the Law Enforcement profession. I want to thank you again for the opportunity to testify here today, and I hope you will assist our profession by recommending the passage of Senate Bill 277.

Testimony by William J. Simmons Police Chief of Mulvane a Third Class City in Sedgwick/Sumner County.

In 1982 the Kansas Legislature passed Senate Bill No. 499. This law established minimum training standards, minimum training hours, minimum training hours for part-time law enforcement officers and advance training requirement. This act also established a Training Commission of Law Enforcement Professionals to consult and approve minimum standards for training, adopt rules and regulations regarding education or training for advanced training, determine curriculum, approve for adoption such rules and regulation as necessary for the operation of the law enforcement training program, approve the appointment of the Director of Police Training and advise and counsel in the operation of the Law Enforcement Training Center. As you can see the intent of 499 was to create a commission to oversee law enforcement training not as an advisory board or commission but a commission that approves or disapproves. And this is good because who knows best what law enforcement needs but law enforcement professionals. This Bill addressed training standards.

When the commission started to operate we found that there were no standards established for hiring. A man not qualified to attend the Academy could be hired for one year and be laid off because of that ineligibility. This would seem not very fair to the individual with his hopes for law enforcement and in some cases threatening to the public we serve because a felon could be working the street. The training standards are good so why not make these standards hiring standards. This would eliminate hiring unqualified people and save cities money. Unqualified people often create problems that cause law suits and cost tax payers money. Now this will not eliminate law suits.

Substitute Senate Bill 277 basically establishes minimum hiring standards, creates the certification and decertification of police officers, creates administrative hearings for decertification, places the burden on the hiring authority to insure non-qualified people are not hired and gives the Law Enforcement Training Commission the authority to establish rules and regulation for the administration of the Kansas Law Enforcement Training Act.

This Bill will go along way in improving law enforcement for Kansas now and the future. This Bill will place better qualified people that control the law enforcement function in the State, Counties, and Cities. No longer can a Government accept the liability of hiring any warm body to be a law enforcement officer. A law enforcement officer must be the most qualified person available to handle the stress, split second decisions, the public screening and realities of a multifacet society. The people's tax dollars must be spent on the best people around to possibly save money in the future.

I recommend passage of Substitute Senate Bill 277 to improve law enforcement and give the Law Enforcement Training Commission the tools it needs to ensure that the quality of Law Enforcement in Kansas is the best.