

Approved 3/27/84  
Date

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Senator Edward F. Reilly, Jr. at  
Chairperson

11:00 a.m./~~p.m.~~ on March 23, 1984 in room 254-E of the Capitol.

All members were present except:

Senators Gannon, Pomeroy, Vidricksen and Winter, who were excused.

Committee staff present:

Fred Carman, Assistant Revisor of Statutes  
Russell Mills, Legislative Research  
Emalene Correll, Legislative Research  
June Windscheffel, Secretary to the Committee

Conferees appearing before the committee:

George E. Erickson, Jr., Becker C.P.A. Review, Topeka, Kansas  
T.C. Anderson, Kansas Society of Certified Public Accountants, Topeka, Kansas  
Todd Sherlock, Kansas Association of Realtors, Topeka, Kansas

SB822 - relating to board of accountancy records of names and addresses of persons applying to take CPA examination available to certain organizations.

The Chairman introduced George Erickson, Jr., who spoke in favor of SB822. He said that the Becker C.P.A. Review Course favors disclosure of the information so that candidates for the certified public accountant examination can be given literature concerning the availability of review.

T. C. Anderson was recognized next by the Chairman. He appeared in opposition to the proposed legislation, SB822. He said that the Certified Public Accountants do not believe that any statute regulating a profession should become a vehicle for commercial enterprise. It is their contention that this is no place for commercial enterprise and it is best addressed in the open records act. However, should this Committee see fit to give favorable consideration to the bill, the CPA's have a suggested amendment, which is a part of these Minutes as Attachment #1. Mr. Anderson also furnished copies of advertisements of firms who deal in review courses for CPA's. It is Attachment #2 of these Minutes.

The Chairman introduced Todd Sherlock who appeared to ask that the Committee broaden SB822 to include the members of his organization if the bill were to be accepted.

After discussion by the Committee of SB822, the Chairman announced that this would be taken up again on Monday, March 26.

Review of Law Enforcement Training Acts.

The Chairman introduced Russell Mills to continue with his review of Law Enforcement Training. Mr. Mills distributed information for the Committee. It is Attachment #3 of these Minutes. He said that it hits the highlights of law enforcement training in Kansas. The major change was in 1978 when HB3129 was instigated. However, litigation was filed on this bill and in 1980 the Supreme Court ruled it unconstitutional. He mentioned the Governor's Commission of Law Enforcement Standards and Training, report which was submitted to the Governor in October, 1980. 1981 saw an interim study by the Committee on Federal and State Affairs. He said that SB499 in 1982 was most important. He said that the fee fund is supported by a \$3 charge on each criminal docket fee which is filed.

Mr. Mills was requested by the Committee to provide information concerning the current operation of the Law Enforcement Training Center.

The meeting was adjourned at noon.

3/23/04  
Attachment #1  
T.C. Anderson

PROPOSED AMENDMENT TO SB 822  
OFFERED BY THE KANSAS SOCIETY OF CERTIFIED PUBLIC ACCOUNTANTS

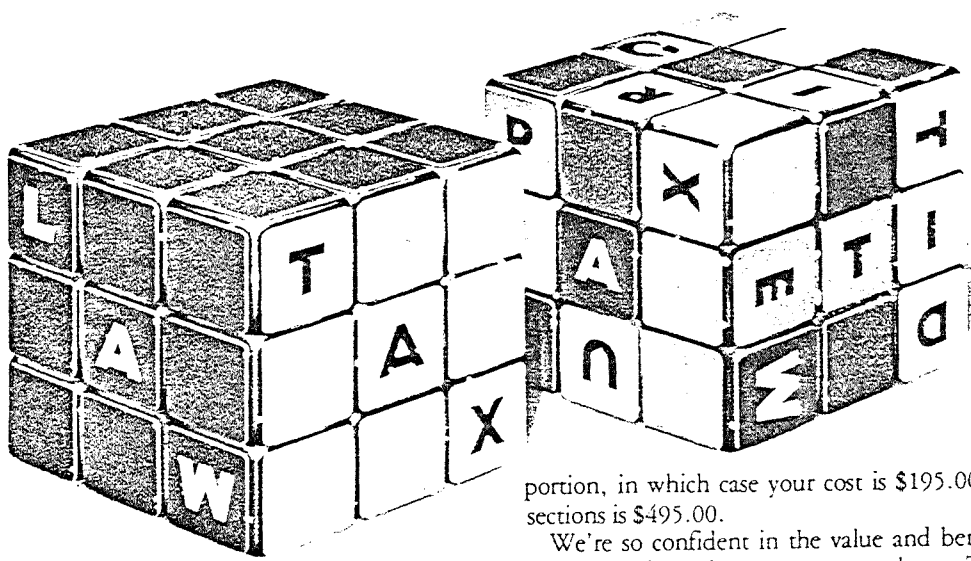
(f) The names and addresses of persons applying to take the certified public accountant examination shall be released to organizations providing professional educational materials or courses related to the examination to such persons, for the sole purpose of providing such persons with information relating to the availability of such materials or courses. The requesting organization shall pay all costs for furnishing this data and shall show evidence of compliance with the Kansas proprietary school act.

(g) Lists of names and addresses of persons issued certificates or permits to practice by the board may be sold or given to an organization of certified public accountants for membership, informational or other purposes related to the practice of public accounting.

Attachment # 1

3/23/84  
Attachment #2

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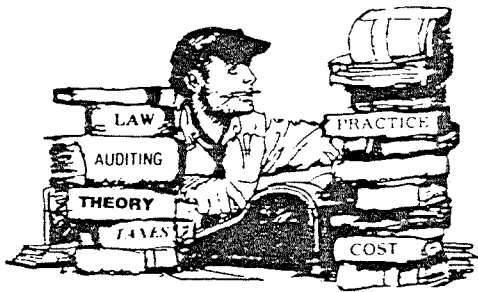
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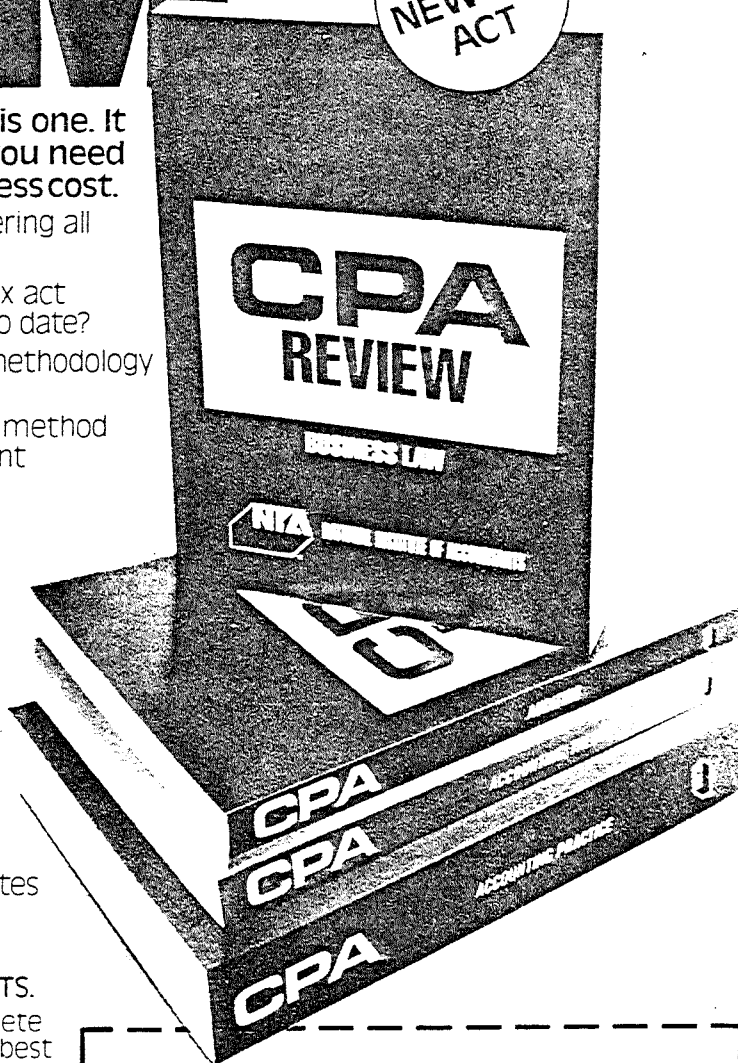
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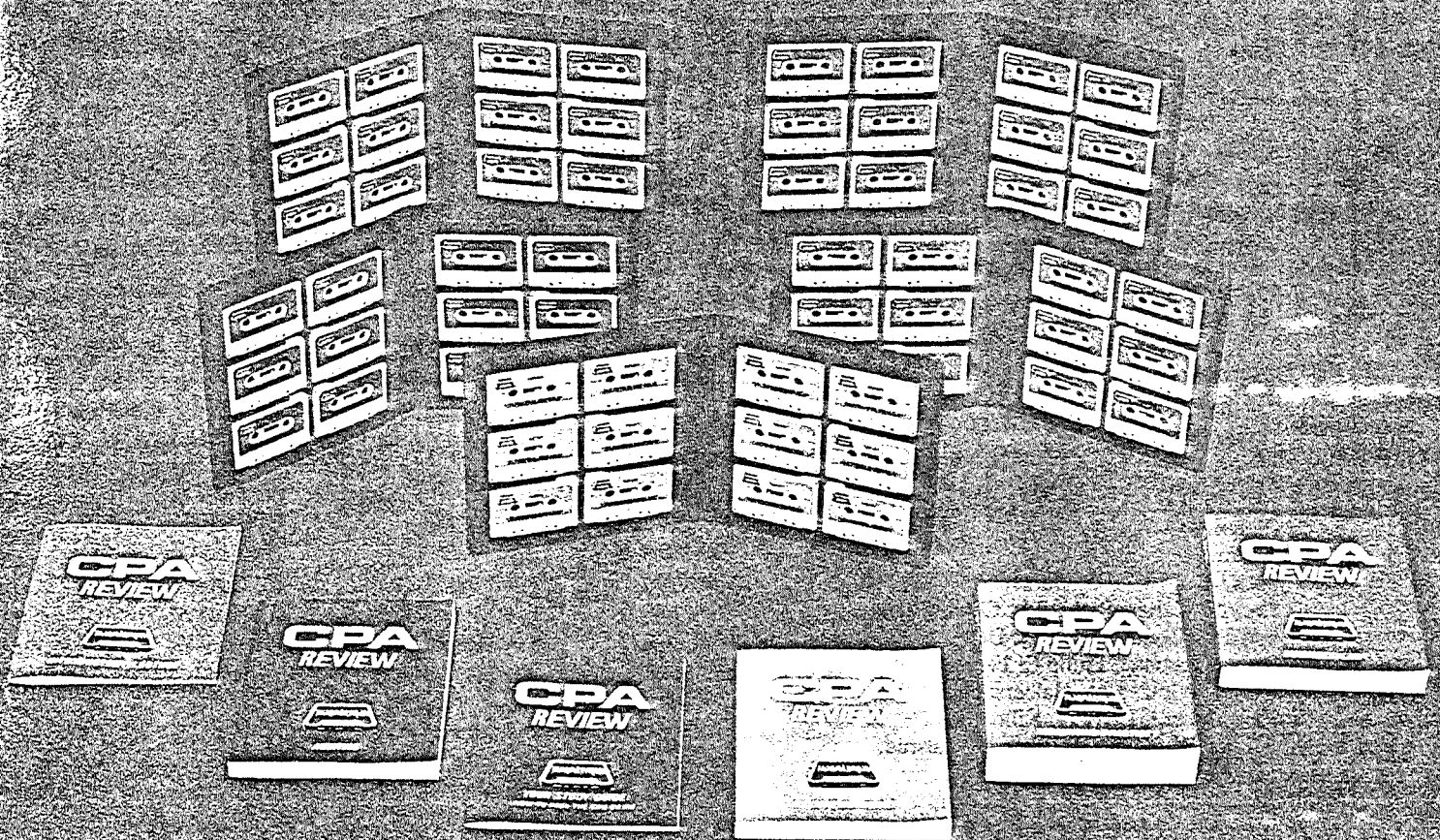
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*File Law Enforcement 1984 Kelly*

MEMORANDUM

*Attachment # 3*

June 22, 1981

TO: Special Committee on Federal and State Affairs  
FROM: Kansas Legislative Research Department  
RE: Law Enforcement Training Center

In reviewing Proposal No. 12 - Law Enforcement, the Committee has with its charge a "comprehensive study of standards and training of law enforcement and correctional officers in Kansas" and a review of "the recommendations of the Governor's Commission on Law Enforcement Standards and Training." While these components of the Committee's charge relate directly to the role of the Law Enforcement Training Center (LETC), the Committee is also specifically directed to "examine the funding and operation of the Law Enforcement Training Center." Thus, consideration of the role, operations, and financing of the LETC may assume a central role in Committee deliberations. This memorandum is to provide a brief background of the LETC, including statutory provisions; an overview of the training program; and staffing and financial information.

Background and Authorization

Law Enforcement Training Center Act. The Kansas Law Enforcement Training Center (LETC) was created by the Legislature in 1968 (K.S.A. 74-5601 et seq.) The LETC is under the management of the Division of Continuing Education of the University of Kansas and the Dean of Continuing Education serves as the Director, with an Associate Director serving as Director of Police Training at the Center. By statute the Center is located at the site of the former U.S. Naval Air Station in Reno County near Hutchinson.

The act which created the LETC also established the Law Enforcement Advisory Commission on Peace Officers' Standards and Training (K.S.A. 74-5606). The Commission is composed of the following ten members: Superintendent of the Kansas Highway Patrol; Director of the Kansas Bureau of Investigation; the Special Agent in charge of the Kansas district of the Federal Bureau of Investigation; and seven members with the following qualifications selected by the preceding members: one peace officer; one sheriff; two chiefs of police; one member of a city governing body; one member of a board of county commissioners; and one county attorney. The Commission is to act in an advisory capacity on Center operations, but is charged with approving the appointment of the Director of Police Training at the Center.

The act which established the LETC requires that certain classes of police or law enforcement officers (defined in K.S.A. 74-5602(e)) must complete a basic training program in law enforcement at either the Center or at a program certified by the Director (Dean of Continuing Education at the University of Kansas) prior to permanent appointment as a law enforcement officer. The length of this basic training program at the Center was set at 200 hours prior to July 1, 1979 when it was increased to 400 hours pursuant to 1978 H.B. 3129.

*Attachment # 3*



Prior to FY 1980, funding for the Law Enforcement Training Center was provided primarily through State General Fund appropriations and through tuition charged for those attending the Center's programs. The charge of tuition was authorized by K.S.A. 74-5609 and was to cover costs for room, board and instructional materials.

1978 H.B. 3129. With the enactment of 1978 H.B. 3129, the Law Enforcement Training Center Fund was created and funding for the Center shifted from the State General Fund and tuition to special revenue funds and tuition. The special revenue funds were generated by assessments on fines and forfeitures imposed by state and municipal courts with the receipts from the assessments being deposited monthly in the State Treasury and credited to the Law Enforcement Training Center Fund. In addition, 1978 H.B. 3129 mandated that not less than 15 percent of the moneys in the fund were to be used to reimburse local units for the costs of temporary law enforcement officers replacing those in attendance at the Center or another certified school. The balance of resources in the Fund were to be used to support the operations of the Center and for grants to other certified training schools to defray costs of operation. Also enacted was a provision (Sec. 8(b)) providing that any governmental unit which hires a law enforcement officer from another unit within six months of the time the officer has completed a course at the Center, must reimburse the unit which paid the tuition for the officer. Finally, as was noted above, 1978 H.B. 3129 also increased the number of hours in the basic training program from 200 to 400.

State, ex rel., Stephan v. Thiessen. On June 14, 1980, the State Supreme Court ruled that 1978 H.B. 3129 (enacted as L. 1978 Ch. 323) was unconstitutional. The ruling was based on the determination by the Court that the bill was in violation of Article 2, Section 16, of the Kansas Constitution due to the inclusion of two subjects in the legislation (Sections 1-4 deal with supervised release programs and sections 5-15 with the LETC). As a result of the Court's action, the provisions of 1978 H.B. 3129 which amended and supplemented the Law Enforcement Training Center and Advisory Commission Act became null and void and statutory authorization for the LETC reverted to those in K.S.A. 74-5601 et seq., prior to amendment. Thus, basic training requirements reverted from 400 to 200 hours; interagency tuition reimbursements within six months of an officer's certification were eliminated; the fine assessments were repealed; reimbursements to local units were discontinued; and the Law Enforcement Training Center Fund lost its statutory authorization (although it has been continued by appropriations act).

Appendix I attached to this memorandum contains the Law Enforcement Training Center and Advisory Commission Act; Appendix II illustrates the pertinent provisions of H.B. 3129 declared invalid by the Kansas Supreme Court.

### Center Operations

Curriculum and Enrollments. Because of the Supreme Court decision on 1978 H.B. 3129, the Center in the summer of 1980 was forced to revise its basic training curriculum from 400 to 200 hours. Shown below, by general category, are the hour allotments under the 200 and 400 hour curricula.

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MEMORANDUM

June 24, 1981

TO: Special Committee on Federal and State Affairs  
FROM: Kansas Legislative Research Department  
RE: Governor's Commission on Law Enforcement Standards and Training

Introduction

The Governor's Commission on Law Enforcement Standards and Training was created to investigate the training of law enforcement officers throughout the state and to formulate recommendations regarding future law enforcement training. The Commission was composed of 19 members, including legislators, law enforcement officials, state officers, and private citizens. The Commission reviewed previous studies on law enforcement training, toured training centers in the state, and held public hearings in four locations to receive testimony from law enforcement officials and other interested parties. A summary of the testimony received by the Commission may be found on pages 1-4 of the Commission's final report. This report was submitted to the Governor on October 28, 1980.

Summary of Recommendations

In its final report, the Governor's Commission on Law Enforcement Standards and Training recommended that the state implement the following:

1. Establish statutory minimum requirements for employment as a law enforcement officer and establish and maintain a central registry of such officers and jail personnel.
2. Mandate minimum basic training for and certification of all law enforcement officers and jail personnel.
3. Require state certification of basic training programs and instructors.
4. Establish an independent commission to administer training and certification.
5. Reinstate a court collected fee for funding the program.
6. Assist in the development and fiscally support the maintenance of satellite basic training programs.
7. Construct a new state facility to provide basic, specialized and advanced training and serve the operational needs of the Kansas Bureau of Investigation and the Highway Patrol.

A more complete discussion of these recommendations may be found on pages 8-15 of the final report.

RE: PROPOSAL NO. 12 - LAW ENFORCEMENT\*

The Special Committee on Federal and State Affairs was directed to conduct a:

comprehensive study of standards and training of law enforcement and correctional officers in Kansas; review the recommendations of the Governor's Commission on Law Enforcement Standards and Training; assess the feasibility of centralization of law enforcement activities of state colleges, universities, and institutions under the Highway Patrol; examine the funding and operation of the Law Enforcement Training Center; and analyze the authority and responsibilities of campus security officers, the Capitol Area Security Patrol, fish and game protectors, and others granted police powers.

Background

Governor's Commission on Law Enforcement  
Standards and Training

The Governor's Commission on Law Enforcement Standards and Training was created to investigate the training of law enforcement officers throughout the state and to formulate recommendations regarding future law enforcement training. The Commission was composed of 19 members, including legislators, law enforcement officials, state officers, and private citizens. The Commission reviewed previous studies on law enforcement training, toured training centers in the state, and held public hearings in four locations to receive testimony from law enforcement officials and other interested

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\* S.B. 499, S.B. 500, and S.B. 501 accompany this report.

1982

Law Enforcement Standards and Training

S.B. 499 concerns law enforcement standards and training and the Law Enforcement Training Center (LETC). The bill requires that full-time law enforcement officers complete an approved training course of not less than 320 hours; part-time law enforcement officers are required to complete an 80-hour basic course of approved training. A new provision requires that every full-time officer must annually complete approved training of 40 hours of law enforcement education or training in subjects directly related to law enforcement. Officers who do not complete the required training within one year of their appointment or election will forfeit their positions. Certain railroad policemen are also required to complete the training course.

SB 499 The bill also re-enacts a provision that requires an agency which employs an officer within one year of the time such officer completed the required training to reimburse the agency which paid for training the officer. The LETC is directed to establish and maintain a central registry of all Kansas police and law enforcement officers. All law enforcement officers must register by March 1, 1983.

S.B. 499 also abolishes the 10-member Law Enforcement Advisory Commission and establishes a 12-member Kansas Law Enforcement Training Commission on Peace Officers' Standards and Training. The new Commission will have approval authority for standards for training or education courses, minimum standards for pretraining evaluations, and the annual certification of training schools operated by state or local law enforcement agencies. The bill also repeals an existing provision which authorized the LETC to charge tuition for city, county, or state police officers attending the training courses.

300 of each  
criminal justice  
900 to training

Law Enforcement Certification

Substitute for S.B. 277 establishes certification and hiring standards for law enforcement personnel. In order to be eligible for a permanent appointment as a police officer or law enforcement officer, a person must be certified by the Kansas Law Enforcement Training Commission as having met one of the following conditions:

1. be at least 21 years old and successfully completed or satisfied the minimum pretraining criteria of K.S.A. 1982 Supp. 74-5605 as amended and the training requirements of K.S.A. 1982 Supp. 74-5607a as amended;
2. received a permanent appointment as a police officer or law enforcement officer prior to July 1, 1969; and
3. held a permanent appointment as a police officer or law enforcement officer on July 1, 1983.

The Commission is authorized to suspend, revoke or deny certification if an officer fails to meet the requirements of K.S.A. 1982 Supp. 74-5605 or has met the requirements by either falsifying documents or failing to disclose information required for certification. Procedures for suspension, revocation or denial of certification must be established by rules and regulations of the Commission and must include a hearing.

In order to be eligible for a permanent appointment as a police officer or law enforcement officer, candidates must meet the minimum pretraining criteria of K.S.A. 1982 Supp. 74-5605 as amended and be at least 21 years old. The Commission may require the submission of training and education records, experience history, medical records, and interview appraisal forms for the purpose of determining eligibility for certification.

Another provision of the bill charges the head of any law enforcement agency with responsibility to ensure that every officer has an opportunity to receive the mandatory training prescribed by K.S.A. 1982 Supp. 74-5604a as amended. In addition, K.S.A. 1982 Supp. 74-5604a is amended to allow the Associate Director of the Law Enforcement Training Center, with approval of the Commission, to reject an applicant to the Center who does not meet the minimum pretraining criteria of K.S.A. 1982 Supp. 74-5605 as amended.

Law Enforcement Officers -  
Minimum Age

S.B. 208 amends the Law Enforcement Training Act to delete the requirement that a person be at least 21 years of age prior to admission to the Law Enforcement Training Center or a certified training program. The amendment creates a new section which requires that every police officer or law enforcement officer shall have attained at least 21 years of age.

*be 21 at time of appointment*