

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 21, 1985 in room 254-E of the Capitol.

All members were present ~~except~~

Committee staff present:

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

Conferees appearing before the committee:

- Colonel Bert Cantwell, Superintendent, Kansas Highway Patrol
- Jim Huff, Captain, Salina Police Department, for Kansas Peace Officers Association
- Ray Classen, Police Chief, North Newton, Chiefs of Police Association
- Eulalia Lewis, Topeka, Kansas
- Omar Stavlo, Chief of Law Enforcement, Kansas Fish & Game Division

SB220 - authorizing presidential preference elections.

The Chairman called the Committee's attention to SB220. Senator Martin moved that SB220 be reported without recommendation. 2d by Senator Vidricksen. Motion carried. Senator Ehrlich asked to be recorded as voting "no."

SB239 - centralized travel services for state officers and employees.

Senator Arasmith moved that SB239 be reported without recommendation. 2d by Senator Vidricksen. Motion carried.

HB2075 - ceding current jurisdiction over crimes in national parks.

The Chairman asked for briefing by Staff on HB2075. Staff said that by this bill the state grants the authority and the federal government accepts it. There are no other sites in Kansas that this applies to. Senator Arasmith moved that HB2075 be recommended favorably for passage. 2d by Senator Martin. Motion carried.

HB2104 - fish and game; authority of game protectors to make arrests.

Colonel Bert Cantwell appeared as a proponent of HB2104. He said he would like to refer to a document signed by Robert R. Clester, Executive Director, Kansas Sheriffs Association. The statement is Attachment #1. It spells out the support given HB2104 by the Kansas Sheriffs Association, Kansas Peace Officers Association, Kansas State Troopers Association, Fraternal Order of Police and Kansas Chiefs of Police Association. Colonel Cantwell said that the Kansas Highway Patrol also supports this bill for a number of reasons. He pointed out that the officers for Fish & Game all have had training service at the Law Enforcement Training Center.

Jimmy D. Huff, Vice President, Kansas Peace Officers Association, was the next proponent. His statement in favor of the bill is Attachment #2.

Ray D. Classen, Chief of Police, North Newton, Kansas, was the next proponent. His statement is Attachment #3.

Mrs. Eulalia Lewis, an interested citizen, was the next proponent. A copy of her statement in support of HB2104 is Attachment #4.

Omar Stavlo, Chief of Law Enforcement Division, Kansas Fish & Game Division, the next proponent submitted his written statement.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS,  
room 254-E Statehouse, at 11:00 a.m. ~~xxxx~~ on March 21, 1985

Mr. Stavlo's statement is Attachment #5, and states that they employ 71 game protectors who are required to complete law enforcement training at the Kansas Law Enforcement Training Center, as well as the 40 hours of annual law enforcement inservice training.

The Chairman stated that the Committee will request an advisory opinion from the Attorney General.

The Chairman also asked if Fish & Game would have objections as part of the legislative history that it be made a part of the Minutes that the legislative intent is that the Fish & Game will not enforce routine traffic laws, et cetera. Stavlo said they do not have any problem with that.

SB2242 - law enforcement training requirements; exemption for jail personnel.

Senator Hoferer presented testimony for Rep. Judy Runnels in support of the bill.

Following that the Chairman introduced Richard C. Kline, Director of Shawnee County Department of Corrections, who appeared as a proponent of SB2242. Mr. Kline's statement is Attachment #6, and states that passage of the bill will allow for more appropriate training for those persons whose sole job responsibility is in the administration, operation and management of jail inmates.

The Chairman stated that an Attorney General's advisory opinion will be requested for this by Staff.

HB2051 - annual renewal of requests for notice of open meetings.

Bill Curtis of the Kansas Association of School Boards presented his statement. Attachment #7. The KASB favors this bill. He said they have talked with the Kansas Press and the Kansas Broadcasters, who have no objection to this bill.

The meeting was adjourned.





## Kansas Sheriffs Association

226 Hampton  
Topeka, Kansas 66612

913-232-8310

3/21/84  
Attachment #1

TESTIMONY FOR H.B. 2104

AT A JOINT MEETING OF LAW ENFORCEMENT ASSOCIATIONS ON JANUARY 31, 1985, THE FOLLOWING ASSOCIATIONS VOTED THEIR UNANIMOUS SUPPORT OF THIS BILL:

KANSAS SHERIFFS ASSOCIATION  
KANSAS PEACE OFFICERS ASSOCIATION  
KANSAS STATE TROOPERS ASSOCIATION  
FRATERNAL ORDER OF POLICE  
KANSAS CHIEFS OF POLICE ASSOCIATION.

THE FISH AND GAME SERVICE HAS ALWAYS WORKED WITH AND BEEN COOPERATIVE WITH LOCAL LAW ENFORCEMENT. THE NATURE OF A FISH AND GAME PROTECTOR'S DUTY PLACES HIM IN THE POSITION OF OBSERVING OTHER CRIMINAL VIOLATIONS AS WELL AS VIOLATIONS OF THE FISH AND GAME LAWS. IT SEEMS PLAUSIBLE TO FURNISH THEM WITH POLICE POWERS TO BETTER SERVE THE PUBLIC.

I AM SORRY TO HAVE BEEN UNABLE TO ATTEND THIS HEARING. PLEASE ACCEPT THIS WRITTEN TESTIMONY AS WHOLE-HEARTED ENDORSEMENT BY THE KANSAS SHERIFFS ASSOCIATION.

A handwritten signature in cursive script, appearing to read "R. Clester".

ROBERT R. CLESTER  
EXECUTIVE DIRECTOR  
KANSAS SHERIFFS ASSOCIATION

3/21/85  
Attachment 2

# Kansas Peace Officers' Association

INCORPORATED



March 19, 1985

TO WHOM IT MAY CONCERN:

Dear Sir:

The Kansas Peace Officer's Association's legislative committee first discussed Police Powers for Fish and Game officers back in December of 1984. At that time we discussed the issue and came to a consensus that it was a matter that needed law enforcements full support. Fish and Game officers have actively supported law enforcement in the performance of their duties and we were of the opinion that along with the training that Fish and Game officers receive they should also have full police powers.

January 30, 1985, at a joint meeting of K.P.O.A., K.S.A. and K.A.C.P. a vote was taken by the joint membership to support this bill. By unanimous vote, the three associations of law enforcement officers voted to support this bill. I am here now asking that this committee also give their support to this bill.

Sincerely yours,

Jimmy D. Huff  
Vice President  
Kansas Peace Officers  
Association

Attachment 2

*In Unity There Is Strength*

3/21/85  
Attachment #3

department of police



# The City of North Newton 67117

2601 North Main Street

Box 87

Phone 283-3191

March 21, 1985



RAY D. CLASSEN  
Chief of Police

SUBJECT: HB-2104 Arrest Powers for Fish and Game Officers

Position of Kansas Association of Chiefs of Police:

Fish and game officers have long been recognized as law enforcement officers although their authority has been limited to fish and game laws. State requirements for training, however, are the same as those for all law enforcement officers recognized in the State of Kansas. Applicants for the position of fish and game officers must meet the same preemployment evaluation requirements as do law enforcement officers. Required ongoing training (40 hours per year) is required of them the same as law enforcement officers. Because of the preemployment and ongoing training requirements necessary to be a fish and game officer, and the assistance that could be rendered by them to all law enforcement agencies, the Kansas Association of Chiefs of Police does unanimously support the passage of HB-2104 giving them arrest powers.

Ray D. Classen  
Chief of Police, North Newton, Kansas  
Kansas Association of Chiefs of Police Legislative Committee



3/21/84<sup>s</sup>

Attachment   
#4

House Bill 2104

My name is Eulalia Lewis -

Private citizen who enjoys the Out of doors - I assumed the game protection had the same power as the police and sheriffs department when violators of laws - whether game laws or "people laws" were met. Not so - and it needs to be changed. ~~Both~~ The police and the Sheriff's men and the game protectors all attend and graduate from Police Schools in order to qualify. The game protectors go into the territories that violators of people laws - such as drug exchanges - are likely to use. For some hunting and fishing is accompanied by alcohol use and abuse - yet they will drive home - drunk. A poacher - armed for Deer - is dangerous enough - but some drug traffickers are worse - and still, with no power of arrest - the game protector is helpless - He needs more power than simply letting the air out of tires to hold them until the police or Sheriff arrives. It seems me to know that our "Friendly" game protector met <sup>on the woods</sup> the man who shot two police men in East Topeka. - Please Vote for HB 2104 - Thank you.

Attachment 4

# Kansas Fish & Game

BOX 54A, RURAL ROUTE 2, PRATT, KANSAS 67124  
(316) 672-5911

## REGIONAL OFFICES:

Northwest Regional Office  
Rt. 2, 183 Bypass  
Hays, Kansas 67601

Northeast Regional Office  
Box 489, 511 Cedar  
Concordia, Kansas 66901

Northcentral Regional Office  
3300 S.W. 29th Street  
Topeka, Kansas 66614

Southwest Regional Office  
808 Highway 56  
Dodge City, Kansas 67801

Southcentral Regional Office  
Box 764, 204 West Sixth  
Newton, Kansas 67114

Southeast Regional Office  
222 West Main Building  
Suite C & D  
Chanute, Kansas 66720

*Attachment 5*

House Bill 2104 --- Limited Arrest Authority for Game Protectors

Prepared by: Omar Stavlo, Chief of Law Enforcement Division, Kansas Fish & Game Division

### Background:

The Kansas Fish & Game Commission employs 71 Game Protectors. Each officer is required to complete law enforcement basic training through the Kansas Law Enforcement Training Center; the same course that police and sheriff's officers attend. The Game Protector is also required to complete 40 hours of annual law enforcement inservice training. This is the same requirement as all law enforcement officers in Kansas.

The Public recognizes the Game Protector as a law enforcement officer and public servant. The Public expects the Game Protector to assist and protect them during life threatening situations. Game Protectors have always responded to these situations, even though they had no legal authority to do so. Because of the lack of legal authority, Game Protectors are acting as private citizens and are not within the scope of their employment. Therefore, Game Protectors do not have the legal protection or benefits of their present employment.

Two examples of serious criminal situations where our Game Protectors have acted:

1. One Regional Law Enforcement Supervisor stopped at a bridge over an isolated creek area in Southern Kansas because a car was parked there. As he started to go under the bridge to check what he thought was a fisherman, a small boy ran to him begging for help. This child had been taken from a playground, brought to this bridge and sodomized by an adult male. The Game Protector (acting with only civilian authority) arrested the man and turned the subject over to the local sheriff.
2. Our Game Protector in Wichita was working around a lake checking fishermen when a lady ran toward him screaming, "help me, he's going to kill me", a man was chasing her with a knife. He intervened (again with only civilian authority) got the situation under control and turned it over to local authorities.

There are numerous other situations where Game Protectors are asked to assist other law enforcement agencies.



Example: Assisting another law enforcement officer in making an arrest. The Game Protector may be the closest officer available to help an officer in need of assistance.

House Bill 2104 will not be depriving sportsmen of their dollars invested for Fish and Game purposes. Police departments and Sheriff's officers now provide us with free dispatching services. Some of these agencies provide our Game Protectors with free office space and they all provide our officers with back up services. We get more assistance from these agencies than we provide in return.

House Bill 2104 is intended to provide legal protection for Game Protectors and provide better protection for the public. The Game Protector's main responsibility is still with Fish and Game enforcement. They will not become traffic officers enforcing routine traffic violations. The following policy was adopted by the Kansas Fish & Game Commission on 3-5-85 at its regular meeting.

#### POLICY OF KANSAS FISH AND GAME COMMISSION

In the event House Bill 2104 is enacted into law, it will be the policy of the Commission that the enforcement officers of the Commission will not enforce routine traffic laws, except Commission regulations upon Commission lands; traffic charges outside Commission regulations will be brought only in cases where the traffic violation is committed pursuant to a fish or game violation (ex: attempt to elude an officer); Rare instances of arrests for DUI when the subject is a clear and present threat to life or property.





# Department of Corrections

Richard C. Kline  
Director

1000 S.E. Hancock Topeka, Kansas 66607 Ph. 295-4477  
DEPUTY DIRECTORS

TOM MAGERKURTH  
Administration  
EARL HINDMAN  
Jail

KEVEN PELLANT  
SCYC  
J. KENNETH HALES  
W.R.C.

## TESTIMONY REGARDING HOUSE BILL 2242

Representative Runnels was to testify on behalf of HB 2242 this morning but was unable to leave the floor of the House and asked if Mr. Main and myself could present to this committee. As was mentioned, this Bill has the full support of the Shawnee County Legislative Delegation.

House Bill 2242 relates to those persons exempted from attending law enforcement training as established in the Kansas Law Enforcement Training Act (K.S.A. 74-5602). Specifically, a section has been added which exempts the law enforcement training for "...any employee of a city or county who is employed solely to perform duties related to jail inmates and the administration and operation of a jail and who has completed a training course of not less than 80 hours in administration and operation of a jail."

This exemption section relates directly to Shawnee County. In Shawnee County the jail is administered and operated by the Shawnee County Department of Corrections. The employees of the jail are solely responsible for administration of the jail and management of the inmates in the facility.

Training provided to the jail correctional staff needs to be directed to jail administration, operations and management of inmates in the jail. The Shawnee County Department of Corrections has established an 80 hour (minimum level) accredited training course. This training is designed to provide each staff with the necessary education to perform all their job functions.

Under the existing law, the jail personnel are required to attend the training course at the law enforcement academy. This 320 hour State funded training course provides training specifically related to law enforcement oriented functions. The courses are not applicable to the training needed to perform jail and detention oriented functions.

Passage of HB 2242 will allow for more appropriate training for those persons whose sole job responsibility is in the administration, operation and management of jail inmates.

Richard C. Kline  
Director  
Shawnee County Department of Corrections  
March 21, 1985





TESTIMONY ON H.B. 2051

by

Bill Curtis, Assistant Executive Director  
Kansas Association of School Boards

March 21, 1985

Mr. Chairman and members of the committee, we appreciate this opportunity to testify today on behalf of the 300 member boards of the Kansas Association of School Boards. H.B. 2051 was introduced by the House Federal and State Affairs Committee at our request. H.B. 2051 amends the Kansas Open Meetings Act by requiring the person requesting meeting notices to do so on an annual basis.

Attorneys for the Kansas Association of School Boards received several inquiries last summer from boards of education who were seeking a way to remove names from meeting notice lists. Our attorneys advised those boards that there was no statutory authority to do so unless the person requested such discontinuation. In all cases, those names that boards were attempting to remove from the list, were people who were deceased or had moved from the school district. As a practical matter, it seems to us that public bodies need some authority to discontinue sending meeting notices.

H.B. 2051 was amended by the House Federal and State Affairs Committee to require that a discontinuation notice be sent to the person before a public body removes them from the list. Anyone may then resubmit a request to be noticed. It should also be pointed out that H.B. 2051 is permissive in nature. It does not require a public body to annually review the meeting notice list. Thank you for allowing us the time to present our concerns.