

Approved \_\_\_\_\_

Date

3/24/88

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. on March 16, 1988 in room 254-E of the Capitol.

All members were present. ~~except~~

Committee staff present:

Mary Galligan, Legislative Research  
Emalene Correll, Legislative Research  
Mary Torrence, Assistant Revisor of Statutes  
June Windscheffel, Committee Secretary

Conferees appearing before the committee:

Mr. Jerry Shelor, Fraternal Order of Police  
Mr. Kenneth M. Gorman, Fraternal Order of Police

The Chairman asked the Committee to turn its attention to the Minutes of March 14, 1988. Senator Morris moved they be approved. The motion was seconded by Senator Strick. The motion carried.

The Chairman said that representatives of the Fraternal Order of Police were present to request introduction of proposed legislation. Mr. Ken Gorman, President of Topeka Lodge #3, of the Fraternal Order of Police was welcomed by the Chairman. Mr. Gorman's prepared statement requesting legislation to provide educational benefits to depends of law enforcement officers who die in the line of duty, was before the Committee. (Attachment #1) Also part of his presentation and handout was a copy of excerpts from an article published in Kansas History, regarding law enforcement officers who have lost their lives in the line of duty since the 1970's.

Mr. Gorman stated that Mr. Jerry Shelor was present to explain the bill and the research that has been done. Mr. Shelor's presentation included what the bill would do, as well as a copy of the proposed language. (Attachment #2).

The Chairman thanked the conferees for appearing. Senator Bond moved the bill be introduced. The motion was seconded by Senator Daniels. The motion carried.

The Committee then turned its attention to SB605, increasing bingo prizes, which had been requested by Senator Mike Johnston. The Chairman stated that Senator Johnston had no desire to have this ~~passed~~ at this time. Senator Morris moved to report the bill adversely. The motion was seconded by Senator Strick. The motion carried.

The Chairman then referred the Committee to Sub. for 2707, concerning alcoholic beverages which deals with the penalties provisions, and HB2753 which had been requested by Representative James Lowther to become a part of the bill. Senator Bond moved the amendment suggested by Representative Lowther. The motion was seconded by Senator Vidricksen. The motion carried.

Senator Morris said he thought Mr. Terry Ray made a very strong point in his testimony of March 14, that the amount of the minimum fine is best left up to a judge, as all cases are different. Senator Morris moved that certain language be stricken which would put it back to not exceed \$1,000 and six months in jail and which would leave the minimum fine up to the judge. Senator Strick seconded the motion. It was pointed out that the licensee would be guilty if he allows minors to consume CMB even though the parent could legally give cereal malt beverages (CMB) to the minor. Senator Daniels made the substitute motion that a minimum fine be established at \$150.00. The motion was seconded by Senator Martin.

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 \_\_\_\_\_, Statehouse, at 11:00 a.m. ~~xxx~~ on March 16, 19 88

The substitute motion failed. The Chairman referred back to the original motion of the Senator From Sedgwick, which would leave the minimum fine to the discretion of the presiding judge. The motion carried.

Senator Morris moved conceptually that something be added to this bill to permit whomever is asking for I.D. at establishments to be covered legally. The motion was seconded by Senator Strick. Following discussion, Senator Morris withdrew his motion and Senator Strick withdrew his second.

The Committee then went on to HB2819, pertaining to minors' driving privileges for any alcohol or drug-related offenses. Because there had been no hearing on this bill, it will be scheduled for hearing on next week's agenda.

The Chairman said there were other suggestions before the Committee concerning items to be amended into Sub. for 2707. Senator Martin moved they be included: the requests by the ABC in SB559 and the proposals in SB671 dealing with retailer signs and credit cards, the concerns expressed by the owners of Sandstone regarding beneficial interest in a liquor license, and also include the amendment for the train: and include HB2753. The motion was seconded by Senator Strick. The motion carried.

Staff will prepare the balloon amendment.

The meeting was adjourned at noon.



TOPEKA, KANSAS

March 16, 1988

Dear Senators:

On behalf of the 1500 members of the Kansas Fraternal Order of Police, I ask your favorable consideration of the proposed legislation to provide educational benefits to dependents of law enforcement officers who die in the line of duty. This legislation is of top priority to the members of the F.O.P.

This legislation is not a unique concept. Many states, including Missouri, Tennessee, Kentucky, and Illinois have similar legislation that has been acted upon favorably. We ask that you do the same.

The line of duty death of a police officer is tragedy to not only the officer's family, but to the community as well, for it is the interests of the community that a law enforcement officer serves. In time the shock to the community lessens, but for the family members left behind the burden continues. It is true that most officers' families will receive some type of death benefit through a pension or other grant. However, I know of no monies available to survivors of law enforcement officers that specifically is designated to pay the expense of educating the officers' dependents.

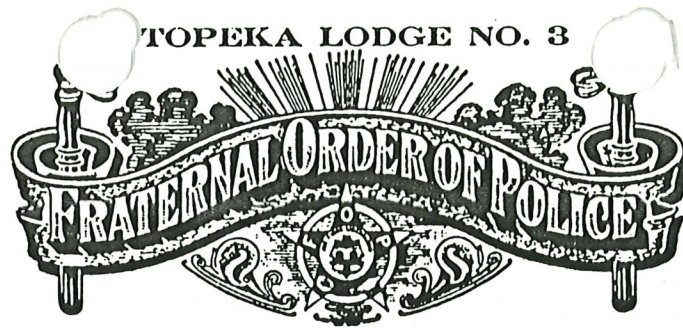
We feel this to be appropriate and needed legislation and ask for your favorable consideration.

Sincerely,

Kenneth W. Gorman  
President of Topeka Lodge #3  
Fraternal Order of Police

KG:vlb

*Senate FSA  
3/16/88  
Attachment #1*



TOPEKA, KANSAS

March 16, 1988

Dear Senator:

Attached you will find a copy of excerpts from an article prepared by Dan Holt, published in Kansas History, regarding law enforcement officers who have lost their lives in the line of duty since the 1970s.

If the proposed senate bill were adopted, there would be twenty dependent children eligible in the future for educational programs. This senate bill also proposes educational benefits for a surviving spouse if he or she enrolls in school within five years of their spouse's death. There are five surviving spouses within the past five years. However, one spouse has remarried, and one spouse has left the state. That leaves a total of three spouses who would be eligible for benefits under the proposed senate bill.

Of the twenty surviving dependent children, there are only six who would be eligible for educational benefits for FY88.

In terms of total cost for FY88, it is our belief that if all the dependent children eligible this year (6) and all the eligible spouses (3) attended an educational institution, that the fiscal note would not be overburdening.

Based on an average enrollment fee at one of the Board of Regents' Institutions with the high of K.U. at \$1,325 per year to a low of \$1,070 per year at K-State, the total cost if all dependents enrolled would range from \$11,925 to \$9,630.

Personally, we do not believe all eligible dependents will attend college in FY88. From the 1986 Building Report of High School Graduates approximately 33% of Kansas high school graduates attend college.

We kindly appreciate the opportunity to make an appearance and respectfully request that you strongly consider the proposed senate bill.

Respectfully yours,

Ken Gorman  
Fraternal Order of Police

KG:vlb

Senate FSA  
3/16/88



Officer Lucher and his partner, Howard Berry, were on patrol when they observed another officer, Robert Mackey, pursuing a suspect. The officer chased the suspect into an alley and ordered him to surrender. He complied, but as Officers Lucher and Berry approached him, he pulled a gun and opened fire, hitting and killing Lucher. The suspect was shot and killed by the other officer. It was learned later that the killer was wanted by police for other crimes.<sup>155</sup>

1970s

Gerald A. Foote  
City: Olathe County: Johnson  
Type of Officer: Sheriff Department Detective  
Date of Death: April 3, 1971  
Type of Crime: None  
Type of Death: Automobile Accident  
Age: 32

With Olathe police officer Herbert Hogue, Detective Foote was on a routine investigation in his unmarked patrol car. The car collided with another vehicle. Foote died shortly after the accident. Officer Hogue recovered.<sup>156</sup>

Kenneth M. Kennedy  
City: Hutchinson County: Reno  
Type of Officer: Police Officer  
Date of Death: September 15, 1972  
Type of Crime: Bootlegging  
Type of Death: Gunshot  
Age: 23

Officer Kennedy was making an undercover purchase of alcoholic beverages at a location suspected to

155. *Kansas City, Kansas, Police Department Memorial.*

156. *Olathe Daily News*, April 5, 1971; Johnson County Sheriff's Department files.

be bootlegging operating illegal gambling d s. After making the chase, Officer Kennedy and officer John Coldren identified themselves and attempted to make the arrest.

As the officers scuffled with suspect Elmo Anderson, a Mrs. Jobe came from the kitchen with a gun and shot Coldren and Kennedy. Before he was shot, Kennedy shouted a warning at Coldren who turned, thus causing the shot to miss a vital mark. Kennedy shot Mrs. Jobe before he died.

Coldren survived his wound. Mrs. Jobe was convicted of second degree murder.<sup>157</sup>

Larry G. Beery  
City: Kingman County: Kingman  
Type of Officer: Police Captain  
Date of Death: April 15, 1973  
Type of Crime: Burglary  
Type of Death: Gunshot  
Age: 29

While making a routine building check at a drug clinic, Captain Beery, in plain clothes, was evidently ambushed by an unknown assailant or assailants. He was taken a short distance to an alley, forced to kneel, and was shot in the head with his own weapon. The night patrol had been initiated because of a large number of burglaries in the area.<sup>158</sup>

James D. Thornton  
City: Topeka County: Shawnee  
Type of Officer: Kansas Highway Patrol  
Date of Death: October 2, 1973  
Type of Crime: Routine Investigation  
Type of Death: Gunshot  
Age: 52

Trooper Thornton stopped to investigate a hitchhiker on I-70 east of Topeka, unaware that the man was wanted in New York for murder. The hitchhiker shot and killed Thornton and was himself shot and killed by other officers after he refused to surrender.<sup>159</sup>

Elmer L. Nonnast  
City: Newton County: Harvey  
Type of Officer: Game Warden  
Date of Death: May 8, 1974  
Type of Crime: Illegal Fishing  
Type of Death: Heart Attack  
Age: 37

Warden Nonnast and another game warden were patrolling the Arkansas River investigating reported illegal snagging and hand fishing. They arrested one person, and as they were leaving, they observed another group of fishermen illegally hand fishing. One member

157. *Topeka Daily Capital*, September 16, 1972; report. September 16, 1972, Hutchinson Police Department; Hutchinson Police Department files.

158. *Kingman Journal*, April 17, 1973; Kingman Police Department files.

159. Kansas Highway Patrol files.

of the group fled and Nonnast jumped on foot. Upon turning to the remaining violator, he became engaged in a violent argument. When the officers left the scene, Nonnast suffered a heart attack and he later died at a hospital.<sup>160</sup>

Roy V. Johnson  
City: Wichita County: Sedgwick  
Type of Officer: Sheriff's Detective  
Date of Death: October 31, 1974  
Type of Crime: Escape Attempt  
Type of Death: Gunshot  
Age: 43

In an attempt to escape, a county prisoner seized a police officer's gun. During the ensuing scuffle, the officer was shot and the prisoner continued his escape. Detective Johnson and another officer responded to the shooting and attempted to rescue the wounded officer and capture the prisoner. In the attempt, both Johnson and the other officer were shot. Another officer responding was also shot by the prisoner. Detective Johnson was dead on arrival at the hospital.

Detective Johnson was awarded the department's Medal of Honor.<sup>161</sup>

Marcus W. Hood  
City: Topeka County: Shawnee  
Type of Officer: Police Officer  
Date of Death: November 1, 1974  
Type of Crime: None  
Type of Death: Air Accident  
Age: 40

Officer Hood was killed while on patrol in his police helicopter. The drive shaft broke, causing the helicopter to crash. Hood purposely chose to maneuver his craft to avoid hitting an automobile loaded with passengers.<sup>162</sup>

Jerry R. Ivey  
City: Salina County: Saline  
Type of Officer: Police Officer  
Date of Death: June 13, 1975  
Type of Crime: Robbery  
Type of Death: Gunshot  
Age: 27

Officer Ivey stopped a vehicle answering the description of a car used moments earlier in a robbery at a Dillon's grocery store. The suspect jumped from the car, sprayed the officer with mace, and both men drew their weapons. Ivey fired six rounds and the suspect fired twelve. As Ivey attempted to reach his shotgun in the patrol car, the suspect shot him in the back. Following a chase and additional gunfire the suspect was captured by several police officers.<sup>163</sup>

160. Kansas Fish and Game Department files, Law Enforcement Division, Pratt, Kansas.

161. *Wichita Eagle*, October 31, November 1, 1974; Sedgwick County Sheriff's Department files.

162. Topeka Police Department files.

163. *Salina Journal*, June 14, 1975; Salina Police Department files.

Carl A. Simons  
City: Leoti County: Wichita  
Type of Officer: Chief of Police  
Date of Death: May 25, 1976  
Type of Crime: Parole Violation  
Type of Death: Gunshot  
Age: 42

North of Leoti, Chief Carl Simons stopped a car driven by Richard McCowan, who was in violation of parole. A general request for McCowan's arrest had been circulated, and Simons stopped McCowan on that charge. McCowan, who had his children with him in the car, was handcuffed by Officer Simons and was taken to the officer's car, but McCowan returned to his car to check on his children.

At his car, McCowan retrieved his gun (probably given to him by one of his children) and walked back to the police car. While still handcuffed, McCowan engaged in a struggle with Simons, and Simons was shot and killed.

When Simons did not report in from duty, his wife went to look for him and found him.

McCowan was captured in Eads, Colorado, three hours after the incident.<sup>164</sup>

Paul J. Weber  
City: Kansas City County: Wyandotte  
Type of Officer: Parole Officer  
Date of Death: October 19, 1976  
Type of Crime: Parole Violation  
Type of Death: Stabbing  
Age: 26

Parole Officer Weber went to the home of a parolee at the mother's request to have her son move out. As Weber followed the parolee into the kitchen, the man seized a butcher knife and stabbed Officer Weber to death. The parolee was convicted of assault on a law enforcement officer and first degree murder.<sup>165</sup>

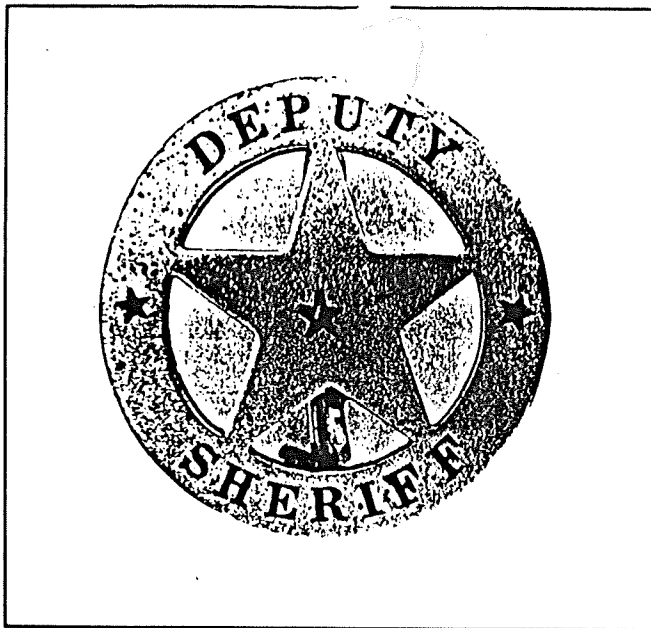
Archie K. Jacobs  
City: Elkhart County: Morton  
Type of Officer: Deputy Sheriff  
Date of Death: November 26, 1976  
Type of Crime: None  
Type of Death: Automobile Accident  
Age: 22

On patrol in a zero visibility blizzard, Jacobs' car and another vehicle collided at a rural intersection. Jacobs had been on the force for two years and was only twenty-two years old when he died.<sup>166</sup>

164. *Hutchinson News*, May 26, 1976; *Garden City Telegram*, May 26, 1976; *Salina Journal*, January 6, 1977; Wichita County Sheriff's Department files. *The Kansas Peace Officer* (June 1976) and *Leoti Standard* (clippings) and death certificate, scrapbook, Carlissa Simons Bishop.

165. *Topeka State Journal*, October 20, 1976; Kansas State Department of Corrections files.

166. *Southwest Daily Times*, Liberal, November 27, 1976; Morton County Sheriff's Department files.



David L. VanMeter  
City: Minneapolis County: Ottawa  
Type of Officer: Police Officer  
Date of Death: August 11, 1977  
Type of Crime: None  
Type of Death: Automobile Accident  
Age: 27

Officer VanMeter was probably on his way to check the city-county airport when his car careened off the highway in a heavy rain. He was killed instantly in the accident. VanMeter was the first officer in Ottawa County to die in the line of duty.<sup>167</sup>

Conroy G. O'Brien  
City: Matfield Green County: Chase  
Type of Officer: Kansas Highway Patrol  
Date of Death: May 24, 1978  
Type of Crime: Traffic  
Type of Death: Gunshot  
Age: 26

Trooper O'Brien of the Highway Patrol had stopped a car, occupied by three people, for speeding near Matfield Green. He was killed by gunshot during the stop.<sup>168</sup>

Michael Haen  
City: Kansas City County: Wyandotte  
Type of Officer: Reserve Police Officer  
Date of Death: July 28, 1978  
Type of Crime: Traffic  
Type of Death: Gunshot

Reserve Officer Haen was sent to assist with traffic control at an accident scene. During the investigation a

167. Newspaper clippings, August 11, 1977, scrapbook, city clerk, Minneapolis, Kansas.

168. *Topeka State Journal*, May 24, 1978; Kansas Highway Patrol files.

police officer attempted to make an arrest. A disturbance began, shots were exchanged between the officer and the suspect, and one man was hit. He died at the hospital a short time later.<sup>169</sup>

Donald R. Martin  
City: Lansing County: Leavenworth  
Type of Officer: Corrections Officer  
Date of Injury: August 14, 1978  
Date of Death: August 19, 1978  
Type of Crime: Escape Attempt, Penitentiary  
Type of Death: Beating  
Age: 42

Corrections Officer Martin had been assigned to the state penitentiary hospital unit. He was attacked and fatally beaten by an inmate who was holding a female hostage during an escape attempt. Martin resided in Leavenworth.<sup>170</sup>

Stephen L. Hopper  
City: El Dorado County: Butler  
Type of Officer: Sheriff's Patrol Sergeant  
Date of Death: May 19, 1979  
Type of Crime: Civil Disturbance  
Type of Death: Automobile Accident  
Age: 26

Sergeant Hopper, a former Andover chief of police, was responding to a civil disturbance call. En route, he was killed in an automobile accident.<sup>171</sup>

John T. Morgan  
City: Goessel County: Marion  
Type of Officer: Reserve Deputy Sheriff  
Date of Death: May 22, 1979  
Type of Crime: Civil Disturbance  
Type of Death: Gunshot  
Age: 47

Reserve Deputy Sheriff Morgan answered a family disturbance call in the town of Goessel. His son was with him at the time. As Morgan exited his car he was shot with a rifle and killed. As a result of the civil disturbance, the assailant also killed his ex-wife and wounded her boyfriend.<sup>172</sup>

#### 1980s

Paul Garofalo  
City: Wichita County: Sedgwick  
Type of Officer: Police Officer  
Date of Death: November 8, 1980  
Type of Crime: Routine Stop  
Type of Death: Gunshot

169. *Kansas City, Kansas, Police Department Memorial*.

170. *Topeka State Journal*, August 13, 15, 1978; Kansas State Department of Corrections files.

171. Butler County Sheriff's Department files and compilations from the *Augusta Daily Gazette*, *El Dorado Times*, and *Wichita Eagle-Beacon*.

172. *Marion County Record*, Marion, May 30, 1979; Marion County Sheriff's Department files.

Officer Garofalo was on [redacted] when he stopped to question two women on the [redacted]. As he stopped his car, a man emerged and approached his car on the driver's side. The man fired a shotgun through the car window and killed the officer instantly.<sup>173</sup>

Ferdinand F. Pribbenow  
City: El Dorado County: Butler  
Type of Officer: Kansas Highway Patrol  
Date of Death: July 7, 1981  
Type of Crime: Traffic  
Type of Death: Gunshot  
Age: 46

Trooper Pribbenow was shot and fatally wounded after a traffic stop on the Kansas Turnpike north of El Dorado.<sup>174</sup>

Robert D. Hurd  
City: Lansing County: Leavenworth  
Type of Officer: Corrections Officer  
Date of Death: October 11, 1981  
Type of Crime: None  
Type of Death: Stabbing  
Age: 41

Corrections Officer Hurd was stabbed to death by an inmate at the state penitentiary. The inmate was angered by a disciplinary report that Hurd was about to file. Officer Hurd lived in Olathe.<sup>175</sup>

Danny Laffey  
City: Wichita County: Sedgwick  
Type of Officer: Police Officer  
Date of Death: January 5, 1982  
Type of Crime: Public Disturbance  
Type of Death: Accident

Officer Laffey was investigating a disturbance call at the Zanzibar Club. He had stopped a suspect vehicle in the street and was in the process of removing the occupants when a passing vehicle, traveling at a high rate of speed and having defective brakes, jumped the curb and struck Officer Laffey.<sup>176</sup>

Alvin T. Wolf, Jr.  
City: El Dorado County: Butler  
Type of Officer: Sheriff's Patrol Sergeant  
Date of Death: April 19, 1982  
Type of Crime: Traffic, Hit-and-Run Pursuit  
Type of Death: Rammed by semi-trailor truck  
Age: 29

A semi-truck driver, involved in several hit-and-run accidents, was being pursued through Sedgwick County. As he approached the Butler County line he encountered a roadblock that had been set up by the Butler

County Sheriff's Department. The driver of the [redacted] ran the roadblock and Deputy Wolf gave chase. Wolf passed the truck hoping to get in front and slow the truck down. The offending vehicle rammed the deputy's car several times, finally locking bumpers. The truck and patrol car left the road and rammed a house, killing Wolf instantly.<sup>177</sup>

Donald R. Harbour  
City: Ogden County: Riley  
Type of Officer: Police Officer  
Date of Death: August 9, 1982  
Type of Crime: Routine Investigation and Response  
Type of Death: Gunshot  
Age: 49

Officer Harbour, assigned to patrol duty in Ogden, responded to a routine call about suspicious activity at a pawnshop. Reportedly one man was attempting to sell a rifle as two others remained in a car outside. As Harbour ordered the two to step out of the car, they attempted to drive away. Harbour shot the tires out, and one suspect fired back, hitting Harbour.

The man inside the shop was arrested, while another was arrested after he had abducted a woman and wrecked his car. The third was killed in a car crash as he attempted to run a roadblock.<sup>178</sup>

Douglas E. Bunch  
City: Kansas City County: Wyandotte  
Type of Officer: Police Officer  
Date of Death: March 29, 1983  
Type of Crime: Burglary  
Type of Death: Heart Attack  
Age: 38

While assisting with a burglary call, Bunch took part in a foot pursuit. Following the incident, Bunch, thirty-eight years old, stopped for a lunch break, was stricken with a heart attack, and died.<sup>179</sup>

James L. Reynolds  
City: Kansas City County: Wyandotte  
Type of Officer: Deputy Sheriff  
Date of Death: August 4, 1984  
Type of Crime: Traffic  
Type of Death: Accident  
Age: 41

Reynolds, a member of the motorcycle division, was assisting in the pursuit of a fleeing traffic offender. He lost control of his cycle and in the accident he received massive internal injuries. Normally a fulltime booking officer, Reynolds had voluntarily worked with officers on the motorcycle unit.<sup>180</sup>

173. *Wichita Eagle-Beacon*, August 28, 1981; Martens, *Wichita Police Department History*, 4.

174. Kansas Highway Patrol files.

175. *University Daily Kansan*, Lawrence, October 12, 1981; *Beloit Daily Call*, October 16, 1981; *Kansas City Kansan*, October 12, 1981.

176. Martens, *Wichita Police Department History*, 4.

177. Butler County Sheriff's Department files and compilations from *Augusta Daily Gazette*, *El Dorado Times*, and *Wichita Eagle-Beacon*.

178. Riley County Police Department files; *Manhattan Mercury*, August 9, 10, 11, 12, 13, 14, 15, 1982.

179. *Kansas City Kansan*, March 29, 1983; *Kansas City, Kansas, Police Department Memorial*.

180. Henry, Johnson, Owens, *Wyandotte County Sheriff's Deputies*.





Deanna Hummel Rose  
City: Overland Park County: Johnson  
Type of Officer: Police Officer  
Date of Injury: January 24, 1985  
Date of Death: January 26, 1985  
Type of Crime: Traffic  
Type of Death: Intentionally Struck by Automobile  
Age: 26

Officer Rose, the first woman officer to be killed in the line of duty in Kansas and the only city officer to be killed in Overland Park, had stopped a vehicle and was attempting to arrest the driver on suspicion of driving while intoxicated. She was fatally injured when the suspect driver knocked her to the ground and then intentionally struck her with the vehicle. She died two days later from the injuries. Prior to working for the Overland Park Police Department, she had graduated from Wichita State University in Criminal Justice, and

had been a member of the San Diego, California, County Sheriff's office.<sup>181</sup>

Maureen Gentry Murphy  
City: Bonner Springs County: Wyandotte  
Type of Officer: Police Officer  
Date of Death: January 31, 1986  
Type of Crime: None  
Type of Death: Gunshot  
Age: 28

The second, and only other, woman police officer killed in the line of duty in Kansas is Officer Murphy. At work in her patrol car filling out reports, she was killed by a sniper who shot through the window of the car with a high-powered rifle. The suspect apprehended for the murder hanged himself in his cell.

Officer Murphy's husband is a Kansas City, Kansas, police detective.<sup>182</sup>

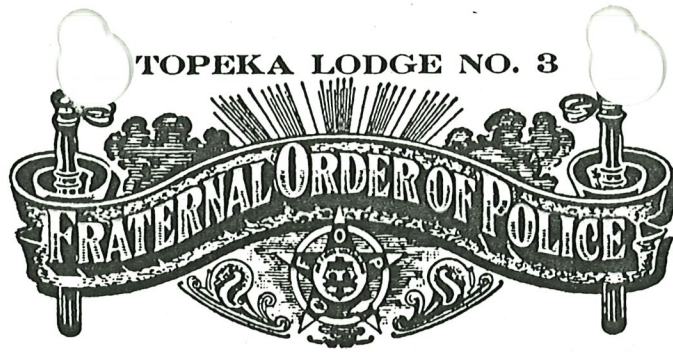
Donald Pittenger  
City: Wamego County: Pottawatomie  
Type of Officer: Deputy Sheriff  
Date of Injury: April 24, 1986  
Date of Death: April 27, 1986  
Type of Crime: Civil Disturbance  
Type of Death: Stroke  
Age: 55

Deputy Pittenger was dispatched to a residence northeast of St. George to investigate a domestic disturbance between two males and a female. Shots had been fired. With assistance of Wamego and St. George police officers, Pittenger separated the individuals and secured two weapons. While taking a statement, Deputy Pittenger complained of feeling ill, went to his car, and collapsed. He died as a result of a stroke three days later.<sup>183</sup> [KH]

181. Overland Park Police Department files; Johnson County Historical Society files.

182. *Bonner Springs-Edwardsville Chieftain*, February 6, 13, 20, 1986; *Kansas City Kansan*, February 2, 3, 4, 5, 6, 7, 1986.

183. *Topeka Capital Journal*, April 28, 1986; Pottawatomie County Sheriff's Department files.



TOPEKA, KANSAS

Dear Senator:

Attached is the proposed bill which would provide educational benefits for law enforcement dependents, if the law enforcement officer dies or is disabled as a result of performing his/her duties.

**The bill does the following:**

Limits the definition of law enforcement officer to KSA 74-5602.

Limits dependents eligible for enrollment up to the age of 21.

The dependent must attend a Kansas Board of Regents institution. No benefit for attending out of state schools.

Limits education to enrollment fees. Does not pay for books, room, board.

A surviving spouse must attend a school within 5 years of the law enforcement officer's death. The spouse is not eligible if they have re-married.

Limits education to be completed within 10 semesters once dependent has enrolled.

*Senate FSA  
3/16/88  
Attachment #2*

SENATE BILL No. \_\_\_\_\_

By Committee on Federal and State Affairs

AN ACT concerning certain educational benefits for certain dependents of deceased or disabled law enforcement officers.

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

Section 1. (a) As used in this section:

(1) "Dependent" means: (A) A spouse who has not remarried, or (B) A child by birth or adoption, who is less than 21 years of age at the time of commencement of the first semester for which enrollment without charge is sought pursuant to this section.

(2) "Disability" means inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of long-continued and indefinite duration. An individual shall not be considered to be under a disability unless the individual furnishes such proof of its existence as required by rules and regulations of the state board of regents.

(3) "Law enforcement officer" has the meaning provided by K.S.A. 74-5602 and amendments thereto.

(b) The state board of regents shall provide for enrollment at any institution under the control of the board without charge of enrollment fees, not to exceed eight semesters of instructions, for any dependent of a law enforcement officer who dies or is disabled as a result of performing duties as a law enforcement officer.

(c) A person is not entitled to enrollment without charge of tuition or fees if:

(1) Ten or more semesters, not including summer semesters, have passed since the person first enrolled without charge of tuition or fees.

(2) A surviving spouse has not enrolled within five years of the date of the Law Enforcement Officer's death or disability.

(d) The state board of regents shall adopt such rules and regulations as necessary to administer the provisions of this section.

(e) The provisions of this section shall apply regardless of whether the injury, death or disability occurred before, on or after the effective date of this act.

Section. 2. This act shall take effect and be in force from and after its publication in the statute book.