

Approved: February 28, 1992
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Senator Richard Bond at
10:05 a.m. on February 6, 1992 in room 514-S of the Capitol.

All members were present except:
Senator Yost.

Committee staff present:
Mike Heim, Legislative Research Department
Jerry Donaldson, Legislative Research Department
Gordon Self, Office of Revisor of Statutes
Judy Crapser, Secretary to the Committee

Conferees appearing before the committee:
Senator Paul Bud Burke
Clifford Hacker, Kansas Peace Officers' Association
Larry Welch, Kansas Law Enforcement Training Center
Corky Wells, Kansas Association of Chiefs of Police
Sheriff J. Dean Oachs, Kansas Sheriff's Association
Larry Blomenkamp, Kansas Law Enforcement Training Commission
James Clark, Kansas County and District Attorneys Association
Anne Smith, Kansas Association of Counties
Ernie Mosher, League of Kansas Municipalities
Gary Rebenstorf, City of Wichita
Doug Boch, City of Kansas City, Kansas

Senator Bond brought the meeting to order by recognizing Senator Paul Bud Burke who presented a request on behalf of Attorney General Robert Stephan for introduction of a Victim's Rights Constitutional Amendment. (ATTACHMENT 1)

Senator Bond opened the hearing for SB 508.
SB 508 - court costs to support the law enforcement training center.

Clifford Hacker, Kansas Peace Officers' Association, testified in support of SB 508. (ATTACHMENT 2)

Larry Welch, Director of Police Training in Kansas at the Kansas Law Enforcement Training Center (KLETC), testified in support of SB 508. (ATTACHMENT 3)

Mr. Welch responded to questions by stating the KLETC has no arguments with the counties (Wyandotte, Johnson, Shawnee, Sedgwick and Douglas) that choose to conduct their own training. As the only state mandated facility, however, their training requirements can not be met without some type of additional funding.

Corky Wells, Kansas Association of Chiefs of Police, testified in support of SB 508. He stated they supported introduction of the bill and also assessing municipal court funds to support the KLETC.

Sheriff J. Dean Oachs of Trego County, testified for the Kansas Sheriff's Association in support of SB 508. (ATTACHMENT 4)

Emporia Police Chief Larry Blomenkamp, testified for the Kansas Law Enforcement Training Commission in support of SB 508. (ATTACHMENT 5)

James Clark, Kansas County and District Attorneys Association, testified in support of SB 508. (ATTACHMENT 6) Mr. Clark also presented written testimony in support of SB 508 from Nola Foulston, Sedgwick County District Attorney. (ATTACHMENT 7)

Anne Smith, Kansas Association of Counties, testified in support of SB 508. (ATTACHMENT 8) Responding to the question of the KAC's position on paying a municipal fee to the KLETC for training provided, Ms. Smith stated they would have to examine the issue prior to giving an answer.

Ernie Mosher, League of Kansas Municipalities, testified in opposition to SB 508. (ATTACHMENT 9)

Gary Rebenstorf, City of Wichita, testified in opposition to SB 508. (ATTACHMENT 10)

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,
room 514-S, Statehouse, at 10:05 a.m. on February 6, 1992.

Doug Boch, City of Kansas City, Kansas, testified in opposition of SB 508. (ATTACHMENT 11)

Written testimony in support of SB 508 was received from Saline County Sheriff Darrell Wilson on behalf of the Saline County Sheriff's Department and the Kansas Sheriffs Association. (ATTACHMENT 12)

This concluded the hearing for SB 508.

Chairman Winter turned the Committee's attention to requests for introduction of legislation.

Senator Morris moved to introduce the victim's rights amendment as requested by Senator Burke. Senator Bond seconded the motion. The motion carried.

Senator Morris made a motion to approve the minutes of January 22, January 23, January 24, January 27 and January 30 as written. Senator Oleen seconded the motion. The motion carried.

Chairman Winter presented a request on behalf of Larry Magill, Independent Insurance Agents of Kansas, to amend the required vote on merger or consolidation agreements to 2/3 of the voting members present. (ATTACHMENT 13)

Senator Bond moved to introduce the bill as requested. Senator Morris seconded the motion. The motion carried.

The meeting was adjourned at 11:05 a.m.

Date Feb 6, 1992

VISITOR SHEET
Senate Judiciary Committee

(Please sign)

Name/Company	Name/Company
Paul Shelby	OJA
Fran Nash	OJA
Davey Burk	City of KCK
David Dillam	Div. of Budget
LARRY MAGILL	IND. INS. AGENTS OF KS.
Agnes Clark	KC DAA
Carol McDowell	Kansas City
Marlene Rem	KU
Davey Potts	Intern - Moran
Kyle Smith	KBI
Al Bachelor	KND
Terry Scott	"
Nancy Kendall	League Women Voters
L.P. Wolf	KU - Continuing Education
Marion L. Cox	Pres. KAX
Pat Waters	City of Lenexa
Chris Stenege	KCRS
Jan Jossel	KU
Wally Holdeman	City of Wichita
Chita L. Marshall	Dept. of Public Safety - El Dorado, Ks.
Jack Pearson	Ks. Assoc. of Chiefs of Police

KANSAS SENATE

PAUL BUD BURKE
SENATE PRESIDENT

P.O. BOX 6867
LEAWOOD, KANSAS 66206



OFFICE OF THE PRESIDENT

STATE CAPITOL
TOPEKA, KANSAS 66612-1565
913-296-2419

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STATE FINANCE COUNCIL

Arguments from the Attorney General:

WHY A VICTIM'S RIGHTS CONSTITUTIONAL AMENDMENT?

The Kansas Legislature has an excellent record in showing concern and compassion for victims of crime. Why then do we need a constitutional amendment that will transfer from the existing statute to the Constitution the right of the victim to be notified of public hearings and the right to be present and to be heard?

The answer is both simple and basic. Since the victim is the true aggrieved party, the victim should receive the same entitlement to be a "constitutional" person as the perpetrator of the crime. No higher right exists than one existing in the constitution. If victims' rights remain statutory, they will remain subservient to the constitutional right afforded the accused. The best and most permanent way to say that the victims deserves as much consideration as the criminal is to place the victim in the constitution.

Also, presently under Kansas statutes, a private citizen does not have enforcement power in the area of victims' rights. The amendment would provide for victims to maintain their own legal actions, not for damages, but to make sure that their rights are protected.

Eight states currently have constitutional amendments. In addition, Colorado and Missouri have passed amendments in their legislatures and will have those amendments on the ballot in November, 1992.

Senate Judiciary Committee
February 6, 1992
Attachment 1

Mr. Chairman

Members of the Senate Judiciary Committee

I am Clifford Hacker, Sheriff of Lyon County, Emporia, Kansas. I am Legislative Chairman and President-elect for the Kansas Peace Officers' Association.

I am here to testify on behalf of the Kansas Peace Officers' Association in strong support of Senate Bill No.508.

The majority of the Law Enforcement Agencies in the state of Kansas are small departments who rely on the Kansas Law Enforcement Training Center to train their officers. Most of these agencies are small enough they find it very difficult to spend much time training their new officers and rely on KLETC to meet that need. When the back log for basic officer training is such that a department can not get a new officer into the training center for one to one and a half years, the officer, the department, and the public are not being properly served.

Law enforcement believes the training is necessary and we also believe it should be available as soon as possible after an officer is hired for the safety and welfare of the public and the officer. With the complicated problems our state is now dealing with it is more important then ever to insure all law enforcement officers are promptly and properly trained.

I have a department which has ten officers including myself. I hired a new officer on January 2, 1992 and immediately contacted KLETC to schedule him in a basic officers class. Taking the earliest date possible, my officer is scheduled to attend basic officer training in March, 1993. We will spend three months with this officer in on

*Senate Judiciary Committee
February 6, 1992
Attachment 2*

the job training before he will be considered for performing his job without another officer assigned to him.

The OJT time we require is difficult on a department of our size and is almost impossible for the great number of departments which are smaller. Most smaller departments are lucky to spend one month with a new officer before he is placed on duty on his own. I am personally aware of one case where the new officer was orientated for one week before being placed on his own.

Because we are aware of the financial situation in the State of Kansas, we are proposing the use of municipal court docket fees to provide the funding to construct the necessary dormitory space to allow KLETC to eliminate the back log of officers needing basic training and to maintain the training center so officers can be sent to basic training as soon as possible after they are hired. With the use of municipal court docket fees, the municipal courts would then be providing the funding that district courts currently are and the money would be being paid by persons who violated the law which we feel is appropriate.

Thank you very much for your consideration of Senate Bill No.508 and the needs of law enforcement to properly do its job.

The Kansas Law Enforcement Training Center
(KLETC)
Hutchinson, Kansas

KANSAS LAW ENFORCEMENT SUPPORTS KLETC FEE INCREASE

Larry Welch
Director of Police Training in Kansas

Senate Bill 508 was introduced at the request of the Kansas Peace Officers' Association, the Kansas Sheriffs' Association and the Kansas Association of Chiefs of Police. The bill was introduced for the purpose of increasing revenues available to finance the capital improvements and operating costs of the Kansas Law Enforcement Training Center. The bill would establish a \$5 docket fee on municipal court cases. The proposal contained in Senate Bill 508 is similar to a legislative proposal submitted by the University of Kansas to the Kansas Board of Regents and approved by that Board for introduction in this legislative session.

The Kansas Law Enforcement Training Center (KLETC) was established by the Kansas Legislature in 1968 as the central law enforcement training facility for our state and as the headquarters for all law enforcement training in Kansas.

KLETC, a unit of the Division of Continuing Education of the University of Kansas, directly trains the overwhelming majority of municipal, county and state law enforcement officers in Kansas, and oversees, supervises and monitors the training of the remaining officers. In addition, KLETC maintains and monitors the training records of all municipal, county and state law enforcement officers in Kansas in the Central Registry, created by the Kansas Legislature for that purpose.

Moreover, no municipal, county or state law enforcement agency pays any fees or costs in connection with the training and/or room and board furnished to their officers by KLETC during the 8 weeks of mandated basic training.

KLETC trains approximately 300 new officers annually in basic training programs and last year the KLETC staff afforded in-service training to nearly 6,000 Kansas officers at KLETC, as well as across our state at other training sites.

Kansas law enforcement officers currently receive a minimum of 320 hours (8 weeks) of basic law enforcement training and 40 hours of annual in-service training to retain their law enforcement certification.

KLETC is funded exclusively through criminal court docket fees in the state district courts and receives no financial support from tax monies or the general funds of the state or the university.

Senate Judiciary Committee
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Attachment 3

Funding for the training center and its operations is currently provided from the law enforcement training center fund, as established by K.S.A. 74-5619, and enabled by K.S.A. 20-362 and K.S.A. 28-172a. Currently, in accordance with the provisions of K.S.A. 20-362(e), the law enforcement training center fund receives \$5 from the docket fee charged in criminal and traffic-related cases in state district courts. This level of remittance from the docket fee was set by the legislature in its session of 1986. As pointed out above, no monies from the general revenue of the State of Kansas are involved in the funding of the operations of the center. This funding principle may be thought of as the "user tax" concept of funding for law enforcement training. That is, the monies generated come from those individuals who violate the laws of the State of Kansas. Law-abiding citizens do not participate in paying for law enforcement training provided at the Kansas Law Enforcement Training Center.

In compliance with the promises made to the legislature in 1986, KLETC did employ an architect to develop a master plan for the facility. This plan encompasses both repairs and rehabilitation to the existing facility as well as the construction of desperately needed additional space. The construction of the multipurpose/gymnasium, lockers and restrooms and administrative office addition has been completed. Construction has begun on the classroom/seminar room addition. These two projects are anticipated to cost \$1,350,000 to \$1,400,000. All of the funding for these two additions has come from the docket fee income in two ways: first, all of the difference between the income generated by the docket fee and the authorized operating portion of the budget has been applied to new construction; second, for several years certain positions were left unfilled and equipment purchases were postponed in order that the savings in the operating budget could be applied to the new construction. However, operating costs have risen almost to the point to eliminate any difference between it and the income generated and the training load has risen sufficiently that it is no longer possible to leave positions unfilled or equipment unreplaced.

In fact, the lack of sufficient dormitory and cafeteria space at KLETC has created a delay and backlog in the training center's ability to provide the mandated basic training for Kansas law enforcement officers.

It should be noted that approximately 62% of all officers trained at KLETC are municipal law enforcement officers, yet no support from municipal court docket fees is being received by KLETC.

Thus, the Kansas Peace Officers' Association, the Kansas Sheriffs' Association and the Kansas Association of Chiefs of Police join with the Kansas Law Enforcement Training Commission in recommending the initiation of a \$5.00 docket fee from municipal court cases.

The increased funding provided through Senate Bill 508 will enable the Kansas Law Enforcement Training Center to complete the final phase of the current ambitious construction program, doubling the current dormitory and cafeteria capabilities, thereby eliminating the current training delay and backlog. It should be noted, that on the

basis of more recent information regarding the number of municipal court actions, the \$5 fee on municipal cases would only be necessary for a three year period, after which the fee could be reduced to \$2. Once construction of the planned capital improvements is completed, on-going operating costs of the Kansas Law Enforcement Training Center could be sustained by this lesser level of income.



Kansas Sheriffs Association

P.O. Box 1853
Salina, Kansas 67402-1853

913-827-2222

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February 6, 1992

Senate Judiciary
State Capitol Building
Topeka, Ks.

Dear Committee Members:

The Kansas Law Enforcement Training Center (KLETC) is asking for the \$5.00 docket fee to be added to the municipal courts dockets fee. This income is needed to complete the last phase of construction at KLETC. The Kansas Sheriff's Association request.

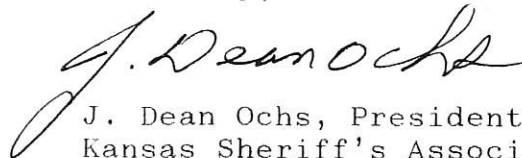
The Kansas Sheriffs depend on KLETC for basic training of their Deputy's. Then once every four years the newly elected sheriff's required attend the Orientation Class. KLETC conducts several training classes each year, at a motel in South Hutchinson. This is because they do not have enough dormitory and cafeteria space available.

Now there is a back log, of over a year, of officers to attend the 8 week mandated basic training. By state law an officer must attend the 8 week basic training within the first year of employment.

The docket fee is the cheapest way to fund the third phase of construction. The docket fee is not an additional cost to the cities. They already are collecting a docket fee for the judges training fund.

Once again the Kansas Sheriff's Association asks for your support of this bill.

Sincerely,


J. Dean Ochs, President
Kansas Sheriff's Association

Senate Judiciary Committee
February 6, 1992
Attachment 4

Kansas Law Enforcement Training Commission

Senate Bill 508

Mr. Chairman, members of the Senate Judicial Committee:

I am Larry Blomenkamp, vice-chairman of the Kansas Law Enforcement Training Commission, and appear before you today on behalf of the commission to urge your support of Senate Bill 508.

The Law Enforcement Training Commission is a board appointed by the Governor and comprised of sheriffs, chiefs of police, the director of the Kansas Bureau of Investigation, the superintendent of the Kansas Highway Patrol, a representative of the Prosecuting Attorney's Office, and a member-at-large. Members of the commission recognize that excellent law enforcement services for the citizens of our state can only be supplied by well trained law enforcement officers. The primary responsibility of the commission is to assure the state has an adequate supply of trained officers to serve the citizens of our state and you as members of the legislature share that responsibility.

Many years ago, when I first began a career in law enforcement, it was generally believed that small communities or less populated areas of our state did not require a law enforcement officer who possessed the same skill level as the officer who worked in a more metropolitan area. If there was any truth to that thought, and I do not believe there was, times have certainly changed. A law enforcement officer who serves a population of 400 encounters many of the same problems as one who serve 4,000 or 400,000 people. The officer who serves a small population must maintain the same skill level as his counterpart who serves a metropolitan area. The citizens of a small community deserve and should expect quality service.

The Kansas Law Enforcement Training Center strives to provide the opportunity for all law enforcement officers in the state of Kansas to acquire and maintain the skills needed to provide quality service, regardless of the size of the population that officer serves. The Training Center is not funded by tax monies but by a docket fee, something similar to a user fee, and we are asking that you expand that docket fee to include municipal courts throughout the state of Kansas. This legislation not only provides a means of generating revenues from a source which uses over fifty percent of the Center's resources, municipalities, but also will assure that sufficient revenues exist in the future to allow the Center to provide more timely and improved training for all law enforcement officers in the state of Kansas.

On behalf of the commission, please accept our sincere appreciation for allowing me to appear before you today to urge your support of Senate Bill 508.

Senate Judiciary Committee
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Attachment 5

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EXECUTIVE DIRECTOR, JAMES W. CLARK, CAE • CLE ADMINISTRATOR, DIANA C. STAFFORD

Testimony in Support of

SENATE BILL NO. 508

Presented by James W. Clark, KCDAAs Executive Director

The Kansas County and District Attorneys Association appears in support of Senate Bill 508 for two reasons.

1. As members of the law enforcement community, KCDAAs strives to support improvements in law enforcement. This bill, which provides funding for the Kansas Law Enforcement Training Center, is one such an improvement, as it furthers the goal of providing better training for law enforcement officers. Most criminal cases are determined by the investigation of law enforcement officers, which involves the application of scientific principles in the collection of evidence as well as a proficiency in areas of constitutional law, particularly in conducting interrogations and searches. Training provided by KLETC, as mandated by this Legislature, directly benefits investigations in criminal cases, and thereby provides a direct benefit to the people of Kansas.

2. A second reason concerns the issue of civil liability. Besides a general concern over liability issues for police and other government entities, KCDAAs has a more specific concern: in most of the counties in this state, the county attorney serves as the civil lawyer for the county, as well as the prosecuting attorney. In the area of civil liability of local governments for actions taken by law enforcement officers, the issue of failure to train has become an increasing subject of litigation. Canton v. Harris, 489 U.S. 378 (1989) A backlog at the Law Enforcement Training Center results in a high number of working officers who lack even the basic requisite training, and increases the likelihood of such litigation in Kansas.

For these reasons, KCDAAs urges the committee to report the bill favorably.

Senate Judiciary Committee
February 6, 1992
Attachment 6

OFFICE OF THE DISTRICT ATTORNEY

EIGHTEENTH JUDICIAL DISTRICT

SEDGWICK COUNTY COURTHOUSE

535 N. MAIN

WICHITA, KANSAS 67203



NOLA FOULSTON
District Attorney

(316) 383-7281

TESTIMONY OF DISTRICT ATTORNEY NOLA FOULSTON
IN SUPPORT OF SENATE BILL 508:
AN ACT CONCERNING COSTS ASSESSED BY MUNICIPAL COURTS
February 6, 1992

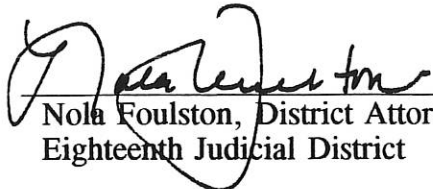
Chairman Winter, ladies and gentlemen of the Senate Judiciary Committee:

I apologize for not appearing in person before you and would hope that you would accept my written testimony in support of Senate Bill 508 with regard to the disposition of costs assessed by municipal courts to assist the Kansas Law Enforcement Training Center.

The Kansas Law Enforcement Training Center represents an integral part of the state law enforcement system where officers from municipal, county, and state agencies are trained both in basic and specialized skills. It is of the utmost importance to maintain high standards of education for those individuals whose responsibilities are of such magnitude. In the smaller communities of our State, it is not always practical to provide up to date training necessary to equip rural officers with the knowledge necessary to perform at peak levels. Therefore, it is critical that we have a statewide training system that is adequately funded to provide these services. It is my understanding that due to insufficient physical accommodations at the training center, officers are delayed in receiving this critical training -- often for periods in excess of one (1) year. Unfortunately, we do not have the luxury of placing untrained officers on the streets in hopes that "on the job" training will be sufficient to protect the citizens of our communities.

I urge the passage of Senate Bill 508 so that funds may be made available to the training center to continue its good work and excellent reputation in law enforcement education.

Respectfully submitted,


Nola Foulston, District Attorney
Eighteenth Judicial District

Senate Judiciary Committee
February 6, 1992
Attachment 7



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February 6, 1992

TO: Senate Judiciary Committee

FROM: Anne Smith, Director of Legislation

RE: SB 508

The Kansas Association of Counties and the Kansas Sheriffs Association support SB 508.

The Kansas Law Enforcement Training Center (KLETC) was established by the Kansas Legislature in 1968 as the central law enforcement training facility for our state and as the headquarters for all law enforcement training in Kansas.

KLETC, a unit of the Division of Continuing Education of the University of Kansas, directly trains the overwhelming majority of municipal, county and state law enforcement officers in Kansas, and oversees, supervises and monitors the training of the remaining officers.

The KAC and the Kansas Sheriffs Association join in recommending an increase from \$5.00 to \$9.00 in the docket fee assessment for KLETC from all state district courts as well as the \$9.00 docket fee from municipal court cases that is being proposed. It should be noted that approximately 62% of all officers trained at KLETC are municipal law enforcement officers, yet no support from municipal court docket fees is being received by KLETC.

We urge your favorable consideration of SB 508.

Senate Judiciary Committee
February 6, 1992
Attachment 8



**League
of Kansas
Municipalities**

**MUNICIPAL
LEGISLATIVE
TESTIMONY**

PUBLISHERS OF KANSAS GOVERNMENT JOURNAL 112 W. 7TH TOPEKA, KS 66603 (913) 354-9565 FAX (913) 354-4186

TO: Senate Committee on Judiciary
FROM: E.A. Mosher, Research Counsel, League of Kansas Municipalities
RE: SB 508--Mandated \$5 Fee on Municipal Court Cases
DATE: February 6, 1992

On behalf of the League and its member cities, I appear in opposition, as a matter of principle, to SB 508, which would levy a state charge of \$5 on most municipal court cases, excluding non-moving traffic violations. The League's convention-adopted "Statement of Municipal Policy" provides: "All fines and costs for ordinance violations should be paid to the city general fund and fees or assessments should not be levied by the state for driver education, law libraries, indigent defense, law enforcement training or other purposes."

Over the years, there have been a number of bills promoted to finance some special program from an additional fee on municipal ordinance violations. In response to these kinds of initiatives, our city voting delegates have taken the position, in principle, of opposition to all such proposals, notwithstanding their meritorious purposes.

The bill before you effectively states that the Kansas Legislature believes that the level of fines, forfeitures and court costs (in some cities) imposed by cities and municipal courts are not now adequate. Instead, municipal court cases should be subject to an additional \$5 amount, notwithstanding present levels. The bill also implicitly suggests that this needed additional \$5 should not be paid to the city general fund, to pay salaries, buy equipment, provide local training, or for any other of the many purposes for which city general fund moneys are used. Instead, it should be paid to the state, and used to finance law enforcement training.

We had been advised, repeatedly, as to the financial needs of the law enforcement training center, including its need for capital funds for the construction of dormitories. We do not dispute this need! Improvement of the facilities, and the quality and comprehensiveness of training at the center is of importance to cities generally, even though the basic training requirement is clearly a state mandate on local governments.

The issue we call to your attention is simply whether \$5 municipal court fees are the fair way to finance this program. We would suggest to you that the state of Kansas has a legitimate interest in assuring the adequate training of city and county government employees providing law enforcement services, and that it is a proper state general fund expenditure to achieve this state mandated objective.

Assuming SB 508 is likely to pass, in some form, we would suggest the Committee review the reasonableness and permanency of the fee. The municipal judges training docket fee had at least some statutory controls as to its amount. The original maximum fee of \$1 per case has been reduced by the Kansas Supreme Court, because the revenue that \$1 fee generated was not needed for its statutory purpose. I am advised that the present 50¢ per case fee may be further reduced in the future. (Revenue from this source in FY 1991 was \$282,419.) There is no mechanism in SB 508 to discontinue or reduce the fee, once its purported purpose of dormitory construction has been completed.

*Senate Judiciary Committee
February 6, 1992
Attachment 9*

Finally, I would restate that the League's opposition to docket fees on city ordinance violations is a matter of principle. However, since a \$5 charge under SB 508 is the same thing as an extra \$5 charge which could go to the city general fund, the Committee may wish to explore who pays and who benefits, and whether some accommodation can be made for those cities which fully finance their own in-house law enforcement training programs.

**Municipal Court Cases in FY 1991 which would
be subject to \$5.00 Court Costs under SB508**

STATE TOTALS

	<u>Total Gross</u>	<u>Less Dismissals</u>	<u>Trials Less 50%</u>	<u>Total Net</u>	<u>Contribution at \$5.00 per case</u>
<u>DUI Cases</u>	13,503	1,722	1,786/893	10,888	
<u>All Other Cases</u>	335,182	48,912	15,075/7,537	278,733	
<u>Total Net Cases</u>				289,621	\$1,448,105

15 CITIES WITH OVER 5,000 CASES (GROSS)

<u>City</u>	<u>Total Gross</u>	<u>Less Dismissals</u>	<u>Trials Less 50%</u>	<u>Total Net</u>	<u>Contribution at \$5.00 per case</u>	
Emporia	<u>DUI Cases</u>	285	10	4/2	273	
	<u>All Other Cases</u>	5,101	1,085	135/68	3,948	
	<u>Total Net Cases</u>				4,221	\$21,105
Hutchinson	<u>DUI Cases</u>	402	47	54/27	328	
	<u>All Other Cases</u>	6,273	1,203	680/340	4,730	
	<u>Total Net Cases</u>				5,058	\$25,290
Kansas City	<u>DUI Cases</u>	470	164	13/7	299	
	<u>All Other Cases</u>	24,253	7,951	621/311	15,991	
	<u>Total Net Cases</u>				16,290	\$81,450
Lawrence	<u>DUI Cases</u>	341	12	9/5	324	
	<u>All Other Cases</u>	13,119	1,082	25/13	12,024	
	<u>Total Net Cases</u>				12,348	\$61,740
Leavenworth	<u>DUI Cases</u>	136	16	9/5	115	
	<u>All Other Cases</u>	5,520	945	288/144	4,431	
	<u>Total Net Cases</u>				4,546	\$22,730
Leawood	<u>DUI Cases</u>	145	8	2/1	136	
	<u>All Other Cases</u>	5,922	561	16/8	5,353	
	<u>Total Net Cases</u>				5,489	\$27,445
Lenexa	<u>DUI Cases</u>	250	31	64/32	187	
	<u>All Other Cases</u>	10,965	2,151	797/399	8,415	
	<u>Total Net Cases</u>				8,602	\$43,010
Manhattan	<u>DUI Cases</u>	334	9	12/6	319	
	<u>All Other Cases</u>	6,632	928	192/96	5,608	
	<u>Total Net Cases</u>				5,927	\$29,635

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<u>City</u>		<u>Total Gross</u>	<u>Less Dismissals</u>	<u>Trials Less 50%</u>	<u>Total Net</u>	<u>Contribution at \$5.00 per case</u>
Olathe	<u>DUI Cases</u>	413	44	31/16	353	
	<u>All Other Cases</u>	11,368	1,935	315/158	9,275	
	<u>Total Net Cases</u>				9,628	\$48,140
Overland Park	<u>DUI Cases</u>	2,066	518	659/330	1,218	
	<u>All Other Cases</u>	48,864	6,029	5,036/2,518	40,317	
	<u>Total Net Cases</u>				41,535	\$207,675
Prairie Village	<u>DUI Cases</u>	152	20	4/2	130	
	<u>All Other Cases</u>	6,422	1,055	41/21	5,346	
	<u>Total Net Cases</u>				5,476	\$27,380
Salina	<u>DUI Cases</u>	221	10	54/2	209	
	<u>All Other Cases</u>	9,348	1,268	82/41	8,039	
	<u>Total Net Cases</u>				8,248	\$41,240
Shawnee	<u>DUI Cases</u>	158	66	18/9	83	
	<u>All Other Cases</u>	11,627	1,945	196/98	9,584	
	<u>Total Net Cases</u>				9,667	\$48,335
Topeka	<u>DUI Cases</u>	1,424	130	32/16	1,278	
	<u>All Other Cases</u>	36,292	3,617	521/261	32,414	
	<u>Total Net Cases</u>				33,692	\$168,460
Wichita	<u>DUI Cases</u>	1,938	194	10/5	1,739	
	<u>All Other Cases</u>	25,200	5,152	251/126	19,922	
	<u>Total Net Cases</u>				21,661	\$108,305
TOTAL, 15 CITIES WITH OVER 5,000 CASES (GROSS)					192,388	\$961,940 (66.4%)
TOTAL, 336 OTHER CITIES WITH LESS THAN 5,000 CASES (GROSS)					97,233	\$486,165 (33.6%)

Calculations by the League of Kansas Municipalities, based on data from "Kansas Municipal Courts Caseload Report, FY 1991", published by Office of Judicial Administration, Kansas Supreme Court

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SENATE JUDICIARY COMMITTEE
ROOM 514-S
TESTIMONY REGARDING SENATE BILL 508
WEDNESDAY, FEBRUARY 6, 1992

INTRODUCTION

I am Gary Rebenstorf, City Attorney for the City of Wichita. Thank you for the opportunity to appear before the committee. I am here to testify in opposition to Senate Bill No. 508. We are certainly not opposed to police officer training or the Kansas Law Enforcement Training Center. We are, however, opposed to the bill as it would apply to the City of Wichita.

BACKGROUND

Wichita is one of the few cities in Kansas that has its own training center. (The Kansas Highway Patrol has its own training center also.) Citizen tax dollars pay for the operation of the training center in Wichita. The City's cost for the operation of the training is approximately \$440,000 per year.

The training center in Wichita is operated in cooperation with the Sedgwick County Sheriff. Approximately 45 Wichita police office recruits, 12 sheriff deputy recruits and 2 airport safety officer recruits are trained yearly (59 persons total).

Each recruit for the police department receives 681.5 hours of training. In contrast, the amount of training hours provided by the Kansas Law Enforcement Training Center (KLETC) is 343 hours. The difference in the number of training hours is primarily attributable to the size of the Wichita Police Department and the unique requirements for policing a large urban area.

In addition to the recruit training, each of the 460 Wichita commissioned police officers and 149 sheriff deputies receive 40 hours of continuing training each year at the training center.

FAIRNESS

One issue involved with this legislation is fairness to the citizens of the City of Wichita.

All of the revenue from the \$5 assessment proposed by this bill is pledged to the law enforcement training center fund. The KLETC has indicated that the additional funds would be used to double its dormitory and cafeteria capabilities. None of the money that would be collected in the Wichita Municipal Court would come back to the City of Wichita for its training center.

Under this bill, the citizens of Wichita will be paying a \$5 dollar assessment for the KLETC in Hutchinson, in addition to the

*Senate Judiciary Committee
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Attachment 10*

tax dollars paid for the training center in Wichita. However, the training at the KLETC, except for relatively limited circumstances, is not for Wichita police officers, it is for law enforcement officers from the rest of the State. This bill is not fair to these citizens or to the City of Wichita since Wichita operates its own training facility.

Once you look at the monetary figures for the City of Wichita it is easy to see why someone outside the City would want Wichita included in this bill, and one reason why the City does not want to be included. Based on 1991 experience, our estimate of the amount of revenue that would be generated in one year by the assessment in the Wichita Municipal Court is \$395,000 (approximately 79,000 cases). This amount is only \$45,000 less than the \$440,000 tax dollars paid by citizens at the present time for the yearly operation of the training center in Wichita. Thus, the citizens of Wichita would basically be paying double for police officer training, while the KLETC would receive an unfair monetary benefit from the citizens of Wichita with no proportionate amount of expenditure for training Wichita police officers.

The main justification for the bill is that 62% of all officers trained are municipal law enforcement officers and there is no monetary support from municipal court docket fees received by the KLETC. This reasoning is not applicable to Wichita. Wichita provides training for its own police officers with little or no expense to the KLETC. Wichita officers receive 681.5 hours of training. Of the 681.5 hours of training provided for each Wichita police officer, 38 or 5.5% of those hours are provided by the KLETC. There is certification and administrative oversight by the KLETC in regard to the Wichita/Sedgwick County Training Center. However, such minimal training involvement and administrative oversight does not generate a cost proportionate to \$395,000 in revenue from the assessment.

IMPROPER COURT COST

In addition to the above, another important issue is whether the assessment is a proper court cost. The Kansas courts require that there be some relationship between a court cost paid by the defendant and the cost of prosecuting the defendant, i.e., the cost charged must be an expense incurred in the prosecution of a defendant in a criminal proceeding. State v. Dean, 12 Kan.App. 2d 321, 743 P.2d 98 (1987). No such relationship would exist with the \$5 assessment for a person charged in the Wichita Municipal Court. A \$5 assessment against a defendant in Wichita would not go for the training of police officers in Wichita and would not be an expense incurred in the prosecution of the defendant. The \$5 assessment would go for the training of police officers from other parts of the State who have nothing to do with the prosecution of any defendant in Wichita. Therefore, the assessment required to be imposed and collected by the bill is subject to question as being an improper court cost.

CONCLUSION

The citizens of Wichita pay for the training of police officers through taxes. Wichita does not require its citizens to pay an extra court fee for the training of police officers. The Legislature should not require citizens of Wichita to pay an extra court fee for training police officers, particularly when the citizens of Wichita get little or nothing in return for this payment, but instead are paying for the training of police officers from the rest of the State.

Based on the above and foregoing reasons the City of Wichita opposes SB No. 508.



CITY OF KANSAS CITY, KANSAS

INTERGOVERNMENTAL & PUBLIC AFFAIRS



EXECUTIVE CHAMBER
ONE MCDOWELL PLAZA

KANSAS CITY, KANSAS 66101
PHONE (913) 573-5038

February 6, 1992

Senator Wint Winter
Members of the Senate Judiciary Committee
State Capital, Room 514-S
Topeka, KS 66612

SENATE BILL 508

Mr. Chairman and Members of the Senate Judiciary Committee,

Senate Bill 508 which addresses cost assessed by municipal courts places an additional \$5 charge on most municipal court offenses. This \$5 assessment per violation from local communities will be directed toward the law enforcement training fund. This training fund is used to support the state training facility which Kansas City, KS police officers and most other Kansas metropolitan city police officers do not use. Our city built and provides funding to operate our own training facility so we can keep our officers fully trained. The state training center does oversee our training activities and keep records of our officers, however their expense is minimal in comparison to our local cost for the actual training of officers.

Our opposition to S.B. 508 stems from the fact that we are currently looking at the possibility of adding to our local court expense to help offset the training cost for the officers in our community who actually arrest those who will be assessed the charge, as well as collect closer to the amount of our actual court operation cost, which now receives about \$180 for every \$1,000 in City cost, with our existing \$10 court cost. We feel that the over \$70,000 (This figure is based on 1990 records showing 14,469 guilty pleas paying court or trial cost in Kansas City, Kansas) which will be generated from Kansas City by the state training fund assessment is a ridiculous charge for overseeing our locally funded training facility and keeping records of our officers certifications.

Our Chief of Police has talked to other police chiefs in our area and they are in agreement with our opposition to this \$5 assessment. We feel that the state should only place this assessment on communities who use the state training facility to train their officers. If the state feels that it is necessary to assess this fee state-wide then we feel that money should be returned to communities who train their own officers based on the amount of money fined in that community.

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Attachment 11

On the fundamental side of S.B. 508, you must also realize that this bill directs local municipal courts to collect and remit this \$5 assessment. Thus, the state would again be increasing work load of local governments with no reimbursement for the cost.

Respectfully submitted,

A handwritten signature in cursive script that reads "Douglas G. Bach".

Douglas G. Bach,
Intergovernmental Coordinator



OFFICE OF
**Saline County
Sheriff**

DARRELL WILSON
Sheriff

251 NORTH TENTH -- BOX 1606
SALINA, KANSAS 67402-1606
(913) 825-5487

To: Senate Committee on Judiciary
From: Sheriff Darrell Wilson
Saline County
Re: Senate Bill No. 508

February 6, 1992

I regret that I am unable to appear in person today as scheduled to express support for the above Senate Bill No. 508. I trust that this letter will suffice.

Please be advised that the Saline County Sheriff's Department supports this bill.

At the most recent meeting of the Board of Directors of Kansas Sheriffs Association they also voted unanimously in favor of this bill.

Respectfully yours,

Darrell Wilson *DW*

Darrell Wilson
Saline County Sheriff

DW/bjh

*Senate Judiciary Committee
February 6, 1992
Attachment 12*

Bill Request for
Trusts

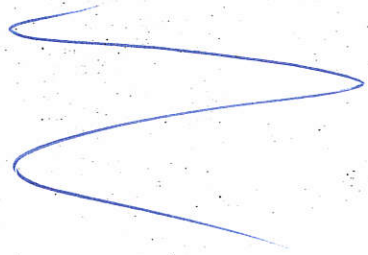
17-6705 CORPOF

C.J.S. Business Trusts § 11; Corporations § 1605 et seq.;
Joint Stock Companies § 48.

17-6705. Merger or consolidation of domestic nonstock, nonprofit corporations. (a) Any two or more nonstock, nonprofit corporations of this state may merge into a single corporation, which may be any one of the constituent corporations, or they may consolidate into a new nonstock, nonprofit corporation formed by the consolidation, pursuant to an agreement of merger or consolidation, as the case may be, complying and approved in accordance with this section.

(b) The governing body of each corporation which desires to merge or consolidate shall adopt a resolution approving an agreement of merger or consolidation. The agreement shall state: (1) The terms and conditions of the merger or consolidation; (2) the mode of carrying the same into effect; (3) such other provisions or facts required or permitted by this act to be stated in articles of incorporation for nonstock, nonprofit corporations as can be stated in the case of a merger or consolidation, stated in such altered form as the circumstances of the case require; (4) the manner of converting the memberships of each of the constituent corporations into memberships of the corporation surviving or resulting from the merger or consolidation; and (5) such other details or provisions as are deemed desirable. Any of the terms of the agreement of merger or consolidation may be made dependent upon facts ascertainable outside of such agreement, provided that the manner in which such facts shall operate upon the terms of the agreement is clearly and expressly set forth in the agreement of merger or consolidation.

(c) The agreement shall be submitted to the members of each constituent corporation who have the right to vote for the election of the members of the governing body of their corporation, at an annual or special meeting thereof for the purpose of acting on the agreement. Due notice of the time, place and purpose of the meeting shall be mailed to each member of each such corporation who has the right to vote for the election of the members of the governing body of such corporation, at the member's address as it appears on the records of the corporation, at least 20 days prior to the date of the meeting. The notice shall contain a copy of the agreement or a brief summary thereof, as the governing body shall deem advisable. At the meeting the agreement shall be considered and a vote by ballot, in

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LATIONS

person or by proxy, taken for the adoption or rejection of the agreement, each member who has the right to vote for the election of the members of the governing body of his corporation being entitled to one vote. ~~If the votes of 2/3 of the total number of members of each such corporation who have the voting power above mentioned shall be for the adoption of the agreement, then that fact shall be certified on the agreement by the officer of each such corporation performing the duties ordinarily performed by the secretary or assistant secretary of a corporation, under the seal of each such corporation. The agreement so adopted and certified shall be executed, acknowledged and filed, and shall become effective, in accordance with K.S.A. 17-6003, and amendments thereto. It shall be recorded in the office of the register of deeds of the county in this state in which the registered office of each such constituent corporation is located; or if any of the constituent corporations shall have been specially created by act of the legislature, then the agreement shall be recorded in the county where such corporation had its principal place of business in this state. The provisions set forth in the last sentence of subsection (c) of K.S.A. 17-6701, and amendments thereto, shall apply to a merger under this section, and the reference therein to "stockholder" shall be deemed to include "member" hereunder.~~

If 2/3 of the total number of members voting at an annual or special meeting for the purpose of adopting the agreement vote for the adoption of the agreement

(d) If, under the provisions of the articles of incorporation of any one or more of the constituent corporations, there shall be no members who have the right to vote for the election of the members of the governing body of the corporation other than the members of that body themselves, the agreement duly entered into as provided in subsection (b) shall be submitted to the members of the governing body of such corporation or corporations, at a meeting thereof. Notice of the meeting shall be mailed to the members of the governing body in the same manner as is provided in the case of a meeting of the members of a corporation. If at the meeting 2/3 of the total number of members of the governing body shall vote by ballot, in person, for the adoption of the agreement, that fact shall be certified on the agreement in the same manner as is provided in the case of the adoption of the agreement by the vote of the members of a corporation; thereafter, the same procedure shall be followed to consummate the merger or consolidation.

(e) The provisions of subsection (e) of