

Approved: February 9, 2000  
Date

MINUTES OF THE SENATE WAYS & MEANS COMMITTEE.

The meeting was called to order by Chairperson Dave Kerr at 11:00 a.m. on February 8, 2000 in Room 123-S of the Capitol.

All members were present except:

Committee staff present: Alan Conroy, Chief Fiscal Analyst, KLRD  
Rae Anne Davis, KS Legislative Research Department  
Debra Hollon, KS Legislative Research Department  
Norman Furse, Revisor of Statutes  
Michael Corrigan, Asst. Revisor of Statutes  
Judy Bromich, Administrative Assistant to the Chairman  
Ronda Miller, Committee Secretary

Conferees appearing before the committee:

Lt. Col. Donald Brownlee, Kansas Highway Patrol  
Former Attorney General, Robert Stephen  
David Lake, Director, Board of Emergency Medical Services  
Connie McAdam, President of Kansas Emergency Medical Services  
Association  
Loren C. Anderson, Kansas Sheriff's Legislation Chairman  
Frank Denning, Kansas Peace Officers' Association  
Timothy J. Driscoll, St. John Chief of Police  
Pat Lehman, Kansas Fire Service Alliance  
Gale Haag, State Fire Marshal  
Larry Welch, Director, Kansas Bureau of Investigation

Others attending: See attached list

Senator Feleciano moved, Senator Lawrence seconded, that bill draft 9rs 2124 as requested by the Adjutant General be introduced. The motion carried on a voice vote.

The Chairman announced that the purpose of today's meeting would be to hear those conferees who oppose or have taken a neutral position on **SB 387** and **HB 2570**.

**SB 387:** Establishing the department of public safety

**HB 2570:** Creating a task force on consolidation of public safety agencies

Lt. Col. Donald Brownlee, Superintendent of the Kansas Highway Patrol, appeared before the Committee to review both the advantages and disadvantages of consolidation of public safety agencies. (Attachment 1) He asked that legislators consider whether the costs of this proposal would have more of an impact on service to the public and whether other state law enforcement organizations support consolidation.

Former Attorney Robert T. Stephen appeared before the Committee in opposition to **SB 387**. He reviewed his written testimony. (Attachment 2)

David Lake, Director of the Board of Emergency Medical Services, testified in opposition to **SB 387** and distributed copies of his written testimony. (Attachment 3) It was his opinion that the Board of Emergency Medical Services should be recognized as a public health agency rather than a public safety agency.

Ms. Connie McAdam, President of the Kansas Emergency Medical Services Association, reviewed her written testimony in opposition to **SB 387**. She reiterated that the focus of EMS has changed in the course of the last thirty years to health care. (Attachment 4)

CONTINUATION SHEET

SENATE WAYS & MEANS COMMITTEE MINUTES

Mr. Loren C. Anderson, Kansas Sheriff's Legislation Chairman, appeared before the Committee in opposition to **SB 387** and reviewed his written testimony. (Attachment 5) There was some Committee discussion regarding how consolidation would impact the operations of the sheriffs' departments.

Mr. Frank Denning, Kansas Peace Officers' Association, testified as an opponent of **SB 387**. He provided written testimony for the Committee to consider. (Attachment 6)

Timothy J. Driscoll, St. John Chief of Police, appeared on behalf of the Kansas Association of Chiefs of Police in opposition to **SB 387**. He reviewed his written testimony which was distributed to members. (Attachment 7)

Mr. Pat Lehman appeared before the Committee on behalf of the Kansas Fire Service Alliance and presented testimony in opposition to **SB 387** and **HB 2570**. (Attachment 8)

Mr. Gale Haag, State Fire Marshal, appeared as an opponent of **SB 387** and reviewed his written testimony. (Attachment 9) He told members that he believes consolidation will create another level of bureaucracy which will slow down the process of providing services requested by local entities.

The Chairman called upon Mr. Larry Welch, Director of the Kansas Bureau of Investigation, to address the Committee. He reviewed his written testimony in opposition to **SB 387** (Attachment 10). There was discussion regarding Director Welch's reference to "a system founded on checks and balances."

Written testimony in opposition to **SB 387** from Attorney General Carla Stovall was distributed to Committee members. (Attachment 11)

The Chairman closed the public hearings on **SB 387** and **HB 2570** and stated that action would be taken on a later date.

It was moved by Senator Salmans and seconded by Senator Lawrence that bill draft 9rs 2139 as requested by Senator Salmans be introduced. The motion carried on a voice vote.

Senator Morris moved, Senator Salmans seconded, that bill draft 9rs 2251 be introduced as requested by Senator Morris. The motion carried on a voice vote.

Copies of the Budget Analysis for FY 2001 were made available to Committee members. (Copies are kept on file in the Legislative Research Department).

The meeting was adjourned at 12:05 p.m. The next meeting is scheduled for February 9, 2000.

# SENATE WAYS & MEANS COMMITTEE GUEST LIST

DATE: February 8, 2000

NAME	REPRESENTING
Dave Sterbenz	Kansas State Firefighters Assoc
Chuck Brodahl	Adjutant General's Dept
MIKE RAMIREZ	SELF
Rick Sabel	KBI
Jeremy Bauer	<del>Commissioner</del>
<del>Mike DePue</del>	<del>Charles Brown</del>
Allen J. Weber	Love County Sheriff
Dennis Phillips	KANSAS STATE COUNCIL OF Fire Fighters
Todd Ackerman	Marysville Police Dept KACP
MIKE WILSON	K.C. Ks. FRA
BOB LONGINO	KDOR ABC
SHANNON MURPHY	KDOR/ABC
Pete Bodzik	KDOR/ABC
FRANK DENNING	KPOA/ROCKWELL PARK POLICE
Jeff Bottabone	KPOA/ KSA
Loren C. Anderson	KSA
MICHELE R. SOUTHARD	KHP
LEROY GREEN JR.	Wy. Co. Sheriff
Conice McAdam	Ks EMS Association

## SENATE WAYS & MEANS COMMITTEE GUEST LIST

DATE: February 8, 2000

NAME	REPRESENTING
Gale Haag	K. S. F. M.
Tim Driscoll	St. John Police Dept.
Michael Lopez	Emporia Police Dept.
Bob Rodriguez	KACP Pres. Emporia Police Dept
Robert T. Stephen	myself
Don Brownlee	KHP
Bill Brady	KS Gov't Consulting
Kenneth Roy	WaKeeney Police Dept
Kyle Smith	KBI
David Debenham	Attorney General
Nancy Lindberg	Attorney General
Chris Mechler	KASCO
Kathy Porter	OJA
Troy Thomas	Norton County Sheriff
David Lake	Board of EMS
Karl McNorton	KS Fire Marshal Dept
Jim Keating	K. S. A. F. C.
Pat Lehman	KS FSA
Laverne Cole	Senator Tyson's office



## TESTIMONY ON SENATE BILL 387

### SENATE WAYS AND MEANS

### KANSAS HIGHWAY PATROL

Thank you, Mr. Chairman and members of the committee. I am Don Brownlee, Superintendent of the Kansas Highway Patrol. I appear before you today to share some viewpoints about Senate Bill 387 dealing with public safety consolidation.

I appear as neither a proponent nor an opponent, but as a public safety official whose only interest is what is best for the State of Kansas. Conceptually, there are pros and cons to this legislation, which I have provided with my testimony. Additionally, for every individual pro or every individual con, supporting or opposing points can be made.

I have visited with several people within state government about the advantages and disadvantages of this legislation. Many are convinced that this is the direction that Kansas needs to go, and I respect their opinion very much. These are people that have a total overview of our state government, and if they feel this move is good for Kansas then it has merit.

On the other hand, there are two main concerns that I have. At a time when budgets are tight, there are many needs within the Highway Patrol that we could use this funding for that would have a much more direct impact on service to the public.

More importantly, however, there seems to be many law enforcement officials around the state that do not feel this concept is needed in Kansas. This issue is much bigger than consolidating five public safety agencies within state government. Public safety in Kansas is not just about state agencies. No law enforcement agency in the state has the staffing and resources necessary to provide the level of service that our citizens deserve. This means that if we want to provide safety and protection to the citizens of Kansas we must all work together whether it's state, county, or city. I have spent the last year trying to build a relationship of trust and cooperation with state and local law enforcement all over Kansas. From my perspective the working relationship of Kansas law enforcement is unmatched anywhere in the country. To have any level of success, the highway patrol must have the help of local law enforcement around the state. If there is opposition to this bill from statewide law enforcement, then the success of a public safety unit has a strike against it before it starts.

This concept can work because it exists in one form or another in several states. Through conversations with officials from other states, I can tell you that public safety departments within those states have worked well at times, and the same system in the same state has worked very poorly at other times. The key to success is not the concept, but the personalities trying to make it work.

As superintendent of the Kansas Highway Patrol I do not want to be alienated from either faction of this legislation. My job is to accept whatever direction our government chooses, and make it work for the benefit of Kansas citizens.

Senate Ways and Means Committee

Date *February 8, 2000*

Attachment # *1*

# Public Safety Consolidation Potential Effects



## PRO'S

- \* *Coordination of staffs*
- \* *Lateral movement for law enforcement personnel*
- \* *Integration of services*
  - *Training*
  - *Public Information*
  - *Information Technology*
  - *Personnel*
  - *Accounting*
- \* *Single point of contact for Governor and Legislators*
- \* *Shared resources*
  - *Fleet Operations*
  - *Equipment*
  - *Training Facilities and Instructors*
  - *Funding*
- \* *One-directional communication enhances the speed in which programs are completed*

# Public Safety Consolidation Potential Effects



## Con's

- \* *Additional level of bureaucracy*
- \* *Additional office / department which must be funded*
- \* *Existing agencies do not have staff to absorb additional responsibilities*
- \* *"State Police" perception is not received well throughout the Kansas law enforcement community*
- \* *Agency missions do not overlap*
  - *Because of difference in missions, very little training will overlap*
- \* *Legislative oversight of individual agencies diminishes*
- \* *The "Too-Large Syndrome" has recently been cited in both S.R.S. and Health and Environment agencies*
- \* *Loss of agency autonomy with the Governor and Legislators*
- \* *Inter-agency competition for public safety funding could create strained relations between state agencies*
- \* *In a public safety group, the Highway Patrol is an easy mark to shift funds away from because we are mostly pro-active rather than reactive*
- \* *System integration would take years to accomplish*

Testimony of  
Robert T. Stephan  
SB387

I have no doubt that the advocates of SB387 are well intentioned. In the same way those of us who prefer the status quo believe our position has merit.

The name of the game in the corporate world in the 90's was merger and the public relations justification was downsizing to drop the bottom line in order to create a more efficient business operation. Sometimes it worked and sometimes it didn't. I must assume that this philosophy is the impetus for SB387 since not even one public protection agency in our state has complained that our present system does not work or advocated that it should be changed.

In regard to SB387 there doesn't appear to be a cost savings to the state. As you all know, the Division of the Budget made a finding that the additional annual cost for the Secretary of Public Safety and associated staff would be at least \$614,500. Budget also said that "given the structure created in the bill, the combination of public safety agencies would not create any efficiencies or economies of scale to offset the additional cost of a cabinet secretary and associated staff."

During my sixteen years as attorney general, the Kansas Bureau of Investigation, my staff and I had the opportunity to work with the Kansas Highway Patrol, the Emergency Medical Services, the Alcoholic Beverage Control, and the State Fire Marshall. I do not remember any instance where there was any lack of cooperation between the various agencies. Each were separately constituted but worked in concert with one another to carry out their public duty.

The Kansas Bureau of Investigation is the linchpin and facilitator between local law enforcement agencies and state agencies with varying responsibilities. There was never a time when one tried to one up the other. The professionalism and cooperation was solid and dependable.

The dictionary defines tradition as the long established custom or practice that has the effect of an unwritten law. The tradition of looking to the KBI for a certain area of expertise and reliance commenced when its creation was approved by the Kansas Legislature on April 3, 1939. It was vested with the duty of acquiring, collecting, classifying, and preserving criminal identification and other crime records and the exchange of this information with other governmental agencies. The same powers and privileges given to the sheriffs of the State of Kansas were given to the KBI. The legislature in its wisdom determined that the nature of the work of the KBI would be best served if it operated under the supervision of the chief law enforcement officer of the state, the attorney general.

And so through the years this concept has been true as a matter of law as well as tradition. It has not been to the detriment of any other state agency but to the enhancement of the work of all.

Accountability is as important in government as it is in the private sector. The more an activity becomes enmeshed in a large bureaucracy the more difficult it is to manage and pinpoint responsibility.

As the system now exists, one person is ultimately responsible for the conduct of the KBI, the attorney general. The close working relationship between the attorney general and the director of the KBI provides for an efficient law enforcement machine. The director of the KBI is not accountable to a buffer zone between himself and the attorney general. Under SB387 a governor can evade direct responsibility for failure on the part of the KBI because the appointing authority does not go directly to the governor but to another level of the bureaucracy to be called the secretary of public safety.

All of the agencies targeted in SB387 are important in carrying out the responsibility of the state to protect the life and property of its people. Through the years dedicated men and women have carried out their responsibilities with honor and distinction.

Admittedly I am more familiar with the Kansas Bureau of Investigation than I am with the other state public safety agencies. Because of this I beg your indulgence to allow me to convey to you my thoughts in regard to what I consider to be the finest state investigative agency in all of the United States of America. It was and is the only public safety agency to be statutorily vested with the "duty of acquiring, collecting, classifying, and preserving criminal identification and other crime records, and the exchanging of said criminal identification records with duly authorized officials."

It is no accident that the Kansas Peace Officers Association, the Kansas Sheriffs' Association, the Kansas Chiefs of Police Association, the Kansas State Fire Fighters Association, The Kansas State Association of Fire Chiefs, the Kansas Professional Fire Chiefs Association, and the Kansas State Fraternal Order of Police want our present system to remain as it is. The reason for that unanimous opinion results from trust and confidence and reliance on the linchpin that assists and upholds each and every law enforcement officer in this state. As a matter of fact I know of no law enforcement officer in this state that thinks a change will better protect our citizens.

The Kansas Bureau of Investigation has carried out its responsibilities with honor and distinction for 60 years. I implore you not to experiment with a system that has worked so well and has accomplished so much.

As the late Secretary of State John Foster Dulles said, "Of all the tasks of government, the most basic is to protect its citizens against violence." Through the years you and your predecessors have carried out that task.



KANSAS SENATE  
Ways and Means Committee  
Honorable Dave Kerr, Chairperson  
February 8, 2000

Testimony on SB387  
by  
David Lake, Director  
Board of Emergency Medical Services

The Board of Emergency Medical Services does not offer this testimony in opposition to a Public Safety Agency. We do, however, respectfully request that you reconsider the decision to include our agency in this consolidation effort. From the onset, proponent's testimony and justification for the creation of a Public Safety Agency has centered on the advantages of such an agency to Law Enforcement agencies and more specifically their personnel. The Kansas Highway Patrol, Kansas Bureau of Investigation, and Division of Alcohol Beverage Control are obviously law enforcement by nature. There has been no mention of any actual or potential benefit to EMS personnel.

The Board of Emergency Medical Services is an integral part of PUBLIC HEALTH and should be recognized as such. The Board differs considerably from the other agencies being considered for consolidation in that the personnel and services the Board regulate are healthcare driven. Functions of the Board include examination and certification of attendants, certification and approval of education and training programs, training and certification of instructor-coordinators and training officers, technical support to ambulance services, and management of the 800 and 400 MHz communications system throughout the State. These and other specialized functions of the board are in no way similar to those of the other agencies. The Board is committed to improving the health of the citizens of Kansas and ensuring that emergency medical services efficiently contribute to that goal. The Board accepts the responsibility of investing the resources necessary to provide the State's population with emergency health care that is reliable, accessible, effective, subject to continuous evaluation, and integrated with the remainder of the health care system. We are, after all, a health agency not a law enforcement agency.

Of particular concern to EMS providers across the State is that the Board, currently a professional/regulatory board, would be reduced to merely an advisory role under the Secretary of Public Safety. This would not allow them to properly or efficiently carry out current activities such as: determining and monitoring the quality of educational programs; review and approval/adoption of changes in curriculum; and, monitoring the overall effectiveness of our impact on the general public.

(Continued on back.)

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Organized Emergency Medical Service is a very young public service, barely thirty years old. Kansas has a proud history in EMS and most recently the Board has effectively led us in being on the cutting edge. It is our feeling that we must remain there in order to provide the best patient care possible.

It is apparent there is a great deal of difference in the mission of each of the agencies identified for possible consolidation. In 1988, following months of study and careful review of all options, the Legislature created a new, independent state board. The purpose was to better meet the needs of Kansas citizens and their emergency medical services. We do not believe that consolidation of the Board of emergency medical services with the proposed Public Safety Agency will do anything to improve programs, reduce costs, or provide better service.

Thank You for the opportunity to offer this testimony. I will be glad to address any questions or comments you may have..



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**TO: Senator Kerr, and members of the Ways and Means Committee**

**FROM: Connie McAdam, KEMSA President**

**DATE: February 8, 2000**

**RE: SB 387, creation of a Public Safety Agency**

Thank you for the opportunity to speak with you today about the proposed creation of a Public Safety Agency in Kansas.

My name is Connie McAdam and I have been involved with emergency medical services in Kansas for the last eighteen years as a volunteer EMT, full time Paramedic and President of the Kansas Emergency Medical Services Association.

Through the history of Emergency Medical Services in Kansas there have been many entities responsible for our regulation. During most recent legislative sessions there has been some move to abolish the independent regulatory board and combine EMS with another large agency. EMS has been a unique profession born as a hybrid of public safety and health care. As health care technology advances our role becomes more closely related to health. Thirty years ago our main function was to quickly pick up a sick or injured person and drive them to the closest hospital for care. Now the closest hospital may be a few minutes or several hours away and technology has allowed us to intervene in certain situations during that time. It is becoming a routine practice now to arrive on the scene of a patient having chest pain, perform a diagnostic electrocardiogram, give medications as necessary and transport to the appropriate facility that can perform life saving procedures. The chain of survival for cardiac and other emergencies now shows EMS as a vital link in the system to improve survival rates. The public safety function we now provide centers around public education and prevention activities, although we work closely with local law enforcement on a regular basis.

In the January 2000, issue of the Journal of Emergency Medical Services a listing of state EMS Directors reveals that 48 of the 56 US states and territories have EMS regulation under the Department of Health in some form. Five states have independent commissions or regulatory board for EMS. These are Kansas, Minnesota, Maryland, Delaware and the District of Columbia. Three states or territories place EMS under a department of Public Safety: Maine, Ohio and the Northern Mariana Islands.

KEMSA has worked closely with the Board of EMS to improve relations and feel like we have a good working relationship at this time. The regulatory board if made up of persons with knowledge of our unique profession and an understanding of the problems and solutions. We realize there will likely come a time when we have to combine into a larger agency but do not feel our providers or patients will be well served by inclusion in this law enforcement agency.

As I listened to the proponents' testimony last week it struck me that the proposed benefits of a combined agency for Public Safety all centered on consolidation of Law Enforcement functions and mobility of law enforcement personnel between the divisions. There was no mention of benefit for EMS attendants or personnel within such a system and no real evidence of any cost savings. I have not been involved in the law enforcement field and cannot speak to the benefit of consolidation of their functions in the Public Safety agency, but fail to see a benefit for including Emergency Medical Services in the consolidation.

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Attachment # *4*

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Testimony of Loren C. Anderson  
Kansas Sheriff's Legislation Chairman

- 35 years in law enforcement
- 11 years as Douglas County Sheriff
- Have worked with every state law enforcement agency in Kansas and many other state law enforcement agencies.

Consolidation is not a new idea for Kansas.

Comments frequently heard from other sheriffs and law enforcement personnel:

- Consolidation will be more costly. What's wrong with the current system?
- Why don't they fix the KBI Lab?
- Troopers are always out of the district.
- Make juvenile justice understandable.
- No one will be held accountable after consolidation.
- There will be no commitment.
- There will be less accountability.

Three Primary Concerns:

- I. Accountability  
Consolidation dilutes and spreads the responsibility, making it nearly impossible to identify and fix problems.
- II. Professionalism  
Professionalism is compromised simply by the expectation of rotation to something different.
- III. Commitment  
Commitment is no longer required after one loses accountability and professionalism.

The initial result of consolidation will be a surge of interest to establish the "pecking order". Then the focus will be on what the other division is doing or not doing. The long-term result will be less quality and service provided at the same or a higher cost.

Currently, the bonus for Kansas comes as a result of the balance that is provided by two separate elected officials providing leadership and accountability for the two largest agencies involved.

I ask you to oppose this legislation and let Kansas continue to receive the benefit.



DAN, President  
Riley County Police Department  
Manhattan, Kansas 66502

DOUG MURPHY, President-Elect  
Cherryvale Police Department  
Cherryvale, Kansas 67335

DAVE BURGER, Vice-President  
Lenexa Police Department  
Lenexa, Kansas 66215

ALVIN THIMMESCH  
Secretary-Treasurer  
Kansas Peace Officers' Association  
Wichita, Kansas 67201

Bill, Sergeant  
Arkansas City Police Department, Retired  
Arkansas City, KS 67005

## BOARD OF GOVERNORS

### GOVERNORS AT LARGE

RON GOULD  
Kansas Law Enforcement Training Center  
Hutchinson, Kansas 67504  
BILL SECK  
Federal Bureau of Investigation  
Wichita, Kansas 67201  
LARRY THOMAS  
Kansas Bureau of Investigation  
Topeka, Kansas 66612  
HOWARD KAHLER  
Florence Police Department  
Florence, Kansas 66851

### GOVERNORS

#### DISTRICT 1

LOREN ANDERSON  
Sheriff, Douglas County  
Lawrence, Kansas 66044  
JAMES "BUD" BURKE  
AT&SFRR Police  
Kansas City, Kansas 66101  
TIM CRONIN  
Ottawa Police Department  
Ottawa, Kansas 66067

#### DISTRICT 2

RANDY THOMAS  
Lyon County Sheriff's Office  
Emporia, Kansas 66801  
JOSH KYLE  
Riley County Police Department  
Manhattan, Kansas 66502  
NATE SPARKS  
Kansas Highway Patrol  
Junction City, Kansas 66441

#### DISTRICT 3

DAVE SMITH  
Ellsworth Police Department  
Ellsworth, Kansas 67439  
KELLY E. KEMP  
Clay County Sheriff's Office  
Clay Center, Kansas 67432  
WILEY KERR  
Kansas Bureau of Investigation  
Clay Center, Kansas 67432

#### DISTRICT 4

LAWRENCE YOUNGER  
Hays Police Department  
Hays, Kansas 67601  
TROY THOMSON  
Norton County Sheriff's Office  
Norton, Kansas 67654  
JERRY BUMP  
Ks. Dept. of Wildlife and Parks  
Hays, Kansas 67601

#### DISTRICT 5

RAY MORGAN  
Kearney County Sheriff's Office  
Lakin, Kansas 67860  
DENNIS SHARP  
KS Dept. of Wildlife and Parks  
Holcomb, Kansas 67851  
DAVID RUPP  
Garden City Police Department  
Garden City, Kansas 67846

#### DISTRICT 6

WARREN S. PETERSON  
Barton County Sheriff's Office  
Great Bend, Kansas 67530  
BOYCE MOSES  
Kansas Law Enforcement Training Center  
Hutchinson, Kansas 67504  
TIM DRISCOLL  
St. John Police Department  
St. John, Kansas 67530

#### DISTRICT 7

CRAIG KING  
Cowley County Sheriff's Office  
Winfield, Kansas 67156  
TOM PRUNIER  
Derby Police Department  
Derby, Kansas 67037  
SCOTT MAYFIELD  
Kansas Highway Patrol  
Wichita, Kansas 67226

#### DISTRICT 8

LOWELL PARKER  
Greenwood County Sheriff  
Eureka, Kansas 67045  
CHARLES D. WARD  
KS Dept. of Wildlife and Parks  
Chanute, Kansas 66720  
JAMES J. KILBY  
Iola Police Department  
Iola, Kansas 66749

# Kansas Peace Officers' Association

INCORPORATED

TELEPHONE 316-946-KPOA

FAX 316-946-0570

P.O. BOX 2592 • WICHITA, KANSAS 67201



February 8, 2000

## Testimony of KPOA before the Kansas Senate Ways and Means Committee in opposition to SB 387, an act to establish a Department of Public Safety.

To the Honorable Senator Dave Kerr and members of the Committee:

Thank you for holding this hearing. We come to you in the role of the loyal opposition regarding Senate Bill 387 now before you.

The Kansas Association of Chiefs of Police (KACP), the Kansas Sheriff's Association (KSA) and the Kansas Peace Officers' Association (KPOA) have carefully studied this bill. It is our belief that the initiative, as written, will not bring about any of the efficiencies or economies so fervently hoped for by its proponents.

Conferees to this committee that you heard a week ago told you that it had taken nearly 20 years of their reorganization and consolidation effort to get to the point where they could now say they should see results in some areas soon. In our opinion, the people of Kansas, who we all serve, have an effective system now, and to disrupt that for a 20 year grand experiment is no service to them.

Our opposition to Senate Bill 387 has been dismissed as the result of paranoia and panic. The majority of our members are in the trenches, face-to-face with Kansans, day in and day out. We've been there a long time and have forged solid partnerships and bonds of trust within our respective communities. If it is paranoid to believe that the budget cuts and consolidation of service by State agencies that we have experienced in

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*In Unity There Is Strength*

the past might reoccur as a result of this massive plan, then our critics may have a point. You must know yourselves being from the towns, cities, and counties of Kansas that the pain of budget cuts are felt keenly in the fingers, and not so much in the head.

The members of KPOA have never shrunk from change if we were convinced that benefits would be derived. Look at the myriad new programs throughout the State such as :

- Community policing programs
- A new Training Commission
- Victim services
- Drug task forces
- Domestic violence programs and enforcement
- Rail crossing safety
- DUI enforcement
- New technology at every turn, and on and on.

To be sure, these are only a few examples of how law enforcement in Kansas has embraced changes that have made a difference in the lives of Kansans. How additional bureaucracy, requiring additional staff and budget commitment will advance the model system we now have, has not been demonstrated to the satisfaction of our members.

Proponents of the consolidation plan advance the claim that to work in state law enforcement now is to work with limited opportunity for advancement, and that allowing lateral transfers would bring hope to the hopeless. This simply is not accurate. Currently, the State of Kansas utilizes a system wherein incumbent employees may apply for any position, in any agency, for which they are qualified. Advancement in any organization should be based on merit and the ability to perform. There exist already opportunities for advancement for those who pursue them.

We have found general agreement throughout our ranks for this position. Through open discourse in open meetings in various parts of our state over the past several weeks we have come to consensus in our opinion. Putting one major question on the table, I am here to assure you that the 3,700 members of the KPOA are not easily told what to think or how to feel about any issue. Just like you, our organization is committed to a full hearing of the issues before we take a firm stand. Such has been the case in this instance.

Finally, in response to our alleged lack of communication and cooperation, I think that accusation flies in the face of the united, informed front we have illustrated in our response to this issue. Our goal is not to offend, and I sincerely hope we have not done that in making clear our position. Once again, I thank you, Mr. Chairman and each of you on the Committee for your kind attention while I presented my remarks. I stand for questions.

/s/Chief Frank Denning, for KPOA



**OFFICERS**

BOB RODRIGUEZ  
President  
Emporia Police Dept.

DICK HEITSCHMIDT  
Vice President  
Hutchinson Police Dept.

JOHN DOUGLASS  
Sergeant-at-Arms  
Overland Park Police Dept.

JOHN WARREN  
Treasurer  
Junction City Police Dept.

DOYLE KING  
Executive Director  
P.O. Box 780603  
Wichita, KS 67278-0603

RONALD JACKSON  
S.A.C.O.P Representative  
Newton Police Dept.

RON GOULD  
Recording Secretary  
KLETC

ALVAN JOHNSON  
Immediate Past President  
Riley Co. Police Dept.

**REGIONAL REPRESENTATIVES**

GUS RAMIREZ  
Region I  
Johnson Co. Comm. College

SAM BUDREAU  
Region II  
Chanute Police Dept.

JAMES HILL  
Region III  
Salina Police Dept.

RICHARD GRANGER  
Region IV  
Wellington Police Dept.

LYNN MENAGH  
Region V  
Norton Police Dept.

TIMOTHY DRISCOLL  
Region VI  
St. John Police Dept.

February 6, 2000

Chairman Kerr and Senate Ways  
and Means Committee Members  
Senate Chamber  
State Capital  
Topeka, Kansas 66612-1511

Re: Senate Bill 387 (S.B. 387)  
Consolidation of Public Safety Agencies

Chairman Kerr:

As Region VI Representative of the Kansas Association of Chiefs of Police (KACP) and as the Chief of Police in St. John, Kansas, I appreciate the opportunity to appear before you regarding Senate Bill 387, Consolidation of Public Safety Agencies. We respectfully request that you oppose this bill for the good of law enforcement throughout the State of Kansas. While the KACP is not directly effected by the specifics of S.B. 387, if this bill is not defeated, our police departments will be directly and negatively impacted. If passed, this bill will:

- \* Create a new layer of bureaucracy between elected officials and the agencies providing law enforcement response to our communities in Kansas.
- \* Eliminate existing checks and balances among state agencies, and create a powerful, centralized administrative control over a myriad of state specific responsibilities. This bill proposes to abolish the current checks and balances system, that our state has in place, which provides an open, honest and accountable delivery of police, fire and EMS services to our citizens.
- \* Divert funds from strengthening existing public services such as providing specialized training of agents, increasing the number of troopers assigned to rural areas of the state, supplementing the Fire Marshals Office with additional personnel, modernizing forensic services, and reinforcing our fight against the current methamphetamine epidemic in our great state.

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While the KACP stands firmly on the premise that an additional layer of bureaucracy is not healthy for law enforcement in Kansas, as a Chief of Police in rural Western Kansas, I feel the current system is exemplary and has proven to be an efficient system, especially for smaller law enforcement agencies. Proponents of S.B. 387 suggest that the creation of a Department of Public Safety will encourage cross training, inter-agency mobility, and additional cooperation between state and local agencies. I disagree. It is my contention, that specialized agents are more beneficial to smaller agencies which cannot themselves financially support specialized training. During my sixteen years of law enforcement in Western Kansas, I have also found that Kansas law enforcement employees conscientiously choose to specifically enter the profession which they currently endeavor and inter-agency mobility is not a valid concern. It is also important to note, that communication and cooperation between state and local law enforcement agencies has been superb in areas where I have been employed.

I strongly urge you to defeat this public safety agency consolidation bill. We are proud of our unique and highly efficient system that provides quality public services to the citizens of Kansas and we find no merit for the consolidation of our state public service agencies.

Sincerely,

A handwritten signature in blue ink that reads "Timothy J. Driscoll". The signature is written in a cursive, flowing style.

Timothy J. Driscoll  
KACP Region VI Rep.  
St. John Chief of Police



# *Kansas Fire Service Alliance*

☞ **Kansas State Fire Fighters Association**

☞ **Kansas State Fire Chiefs Association**

☞ **Kansas Professional Fire Chiefs Association**

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c/o LEHMAN COMMUNICATIONS, INC., P. O. BOX 3510, LAWRENCE, KANSAS 66046  
Phone (785) 832-9400 Fax (785) 832-9494 [plehman@sunflower.com](mailto:plehman@sunflower.com)

February 8, 2000

## **Testimony Presented to the Senate Ways and Means Committee**

### **SB 387**

We are pleased today to present testimony on behalf of thousands of Kansas Fire Fighters and Emergency Responders. The Kansas Fire Service Alliance takes a position in strong opposition to Senate Bill 387.

Consolidation of public safety agencies is a concept that is certainly not new to our associations as there have been numerous surveys, studies, committee reviews, and legislative committee hearings over the past several years. Through these many endeavors, the fact remains that no gain has been clearly demonstrated to justify the implementation of one large Public Safety Agency in Kansas. As it pertains to the State Fire Marshal's Office, Senate Bill 387 is ambiguous in many areas. Some major areas of concern are:

- ▶ **Agency funding is not addressed.** Currently the State Fire Marshal's Office is fee-funded agency. Is this now to become tax-supported agency and thus an additional burden to the state system? If this continues as a fee-funded agency, what is the mechanism to ensure that these funds are used solely for the purpose collected and not partially diverted to help cover the administration costs of the Department of Public Safety?
- ▶ **The language states there shall be a State Fire Marshal and the office shall be in Topeka.** There is no mention of the programs provided by the office or plans for their continuation.
- ▶ **The requirements for appointment to the position of State Fire Marshal are completely inadequate for a position of this importance** - one that deals with life, health, property preservation and safety.

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- ▶ **Adding a new layer of bureaucracy over an agency that has worked diligently in recent years to become more responsive and interactive to local government and private industry would only compromise those important strides.** We have been told repeatedly by many government officials that we must work towards less government involvement and more private participation, resulting in doing more for less. If this statement really has true meaning, we are very concerned this proposed consolidation would not result in significant cost savings to Kansas taxpayers and make the vital services this agency provide less readily available to Kansans.

In summary, the Kansas Fire Service Alliance urges your opposition to SB-387. The creation of a mega Public Safety Agency certainly is not the answer in providing better fire, emergency medical and law enforcement services to the citizens of this state.

Testimony presented by:

Pat Lehman  
for the Kansas Fire Service Alliance

# *Kansas Fire Service Alliance*

☞ **Kansas State Fire Fighters Association**

☞ **Kansas State Fire Chiefs Association**

☞ **Kansas Professional Fire Chiefs Association**

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February 8, 2000

## **Testimony Presented to the Senate Ways and Means Committee**

### **HB 2570**

We present testimony to this committee today in opposition to House Bill 2570. We appreciate the Committee's time and consideration of our testimony.

Public Safety Agency Consolidation is not a new issue. The issue has been the direct or indirect topic of summer interim committees over the past several years in the Kansas Legislature. None of the committee discussions or studies has ever yielded substantial evidence that such consolidation would show beneficial economic or administrative benefits to Kansas.

Additionally, testimonies thus far on SB-387 Public Safety Consolidation, have failed to show any substantial benefits and it appears to actually be an additional cost burden to the residents of Kansas.

The Kansas Fire Service Alliance opposes HB 2570. The Alliance views this as a duplication of past efforts and a needless cost burden to the Kansas taxpayer, as well as a needless expense of administrative time for agencies under consideration for possible consolidation in the preparation of records, reports, etc., for a study task force.

Testimony presented by:

Pat Lehman  
for the Kansas Fire Service Alliance



OFFICE OF THE  
**KANSAS STATE FIRE MARSHAL**

Gale Haag  
Fire Marshal

700 SW JACKSON, SUITE 600, TOPEKA, KS 66603-3714  
PHONE (785) 296-3401 / FAX (785) 296-0151

Bill Graves  
Governor

**Testimony of State Fire Marshal Gale Haag  
before the Senate Ways & Means Committee  
February 8, 2000  
SB 387**

Thank you Mr. Chairman and members of the Committee for the opportunity to come before you regarding Senate Bill 387.

Senate Bill 387 consolidates my agency, Kansas State Fire Marshal's Department, with the Kansas Bureau of Investigation, the Kansas Highway Patrol, the Board of Emergency Medical Services and the Department of Revenue's Division of Alcohol Beverage Control. Although I am listed as an opponent to this bill, I could have just as easily gone on record as neutral because whatever is decided will not affect me personally as I am of retirement age. When I leave the State Fire Marshal's office I will be able to retire to the family farm and enjoy watching my grandchildren grow up. Instead I come before you even more opposed than before I heard the proponent testimony. I am opposed because I care about the fire service and law enforcement issues in Kansas and because I care about the public safety of the people in this Great State.

I take exception to Senator Bond's comments when he suggests that my motives and those of my counterparts are that of "politically motivated bureaucrats", more concerned about our own turf than about the people of Kansas. I would point out to the Senator and to each of you that the proposed legislation does not change the turf, so none of us has anything to worry about. This isn't a turf issue, this is an issue of good government. To use you own example, Colorado, it has taken them 15 years of "ups and downs" and only now are they experiencing an "upswing" that they attribute to their newest Executive Director who has only been there for a year. They have worked for 15 years to provide career mobility but as the Colorado Deputy Director Pam Sillars told us, not one person has actually moved. The reality is, that in Kansas even if all the management levels positions, in all the impacted agencies became vacant the year this proposed legislation took effect, there would only be 15-20 supervisory positions for more than 1000 possible staff to move up. This is not mobility. If what you are trying to accomplish are "incentives" for our employees why not ask the Division of Personnel Services to cooperate with agencies when they propose natural career paths that reward training, education, initiative, and technical competencies. Upward mobility and enhanced advancement levels with salary incentives should not all be based on supervision of subordinates, rather on achieving more efficiencies, more training, certification or education.

Colorado admits that centralized staffing was a big problem and that just now, after 15 years, are they at the staffing level of other like agencies in their state. They have saved no money. Just the reason Colorado consolidated should be a convincing reason **not** to consolidate in Kansas. They indicated it was because law enforcement was not being treated well in their state so they needed to have a centralized focus. That certainly is not the case in Kansas, we have a centralized focus to work cooperatively to enforce the law in our state and support local jurisdictions. The men and women, who work in the trenches, the people of Kansas have been speaking to you. Please listen. It is just too bad these good Kansas citizens continue to be chastised for their positions. During the video-conference last summer the other states' Secretaries told all of you that the most important ingredient in consolidation was to get every local group involved. Count the calls you have received, for and against, and listen to the grass roots people.

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*"Where fire safety is a way of life."*

I would strongly encourage each of you to think carefully about how this will impact the people in your district before you vote. In my agency alone the bill does not address firefighter certification, hazardous materials training, regional response for hazmat incidents, or the public education programs we provide local Kansas folks nor does it provide for the fire investigation division's response to calls for help from local jurisdictions. In addition, you will be eliminating the natural checks and balances that the current system affords in terms of protections to Kansans. You are considering making law enforcement more political by placing all of it under only one branch of government. You are also ensuring that in order to make any decisions or get anything done you will have to travel through another layer of bureaucracy before even the simplest decisions can be rendered. Today, Kansas citizens can come to my office with their problems and I can help fix them or guide them through the process without waiting weeks or months before a decision comes down from a Secretary, if indeed it ever does.

It is truly unfortunate that for some the answer to "fixing what isn't even broken" is creating more bureaucracy for the people of Kansas to deal with. The appointed heads of the involved agencies have provided their input, as have the people through the many very vital public safety organizations and associations who have written letters and made phone calls. If I were a legislator charged with doing what is in the best interest of the people of Kansas I would ask myself what is the real motivation behind this piece of legislation. I would ask myself why we are proposing to spend money to fix something that clearly is the envy of other states, when we have so many other vital pressing issues before us.

Please have the integrity and the fortitude to kill SB 387 and HB 2570 right here in this committee and let all of the agencies involved return to their statutory duties of service to the citizens of Kansas. Note that **not one** Kansan came forward to support this bill.

Thank you for your time. I will be happy to answer questions.



## Kansas Bureau of Investigation

Larry Welch  
*Director*

Carla J. Stovall  
*Attorney General*

February 8, 2000

Senate Ways and Means Committee:

Senator Dave Kerr, chair;  
Senator Alicia Salisbury, vice chair;  
Senator Christine Downey;  
Senator Paul Feleciano;  
Senator Mark Gilstrap;  
Senator Nick Jordan;  
Senator Barbara Lawrence;  
Senator Steve Morris;  
Senator Marge Petty;  
Senator Pat Ranson, and  
Senator Larry Salmans

Dear Senators:

The authors of Senate Bill 387 ask, why not? Why not create a Kansas State Department of Public Safety?

I respectfully submit that the relevant, appropriate question within this proposed legislation is not, why not? The logical question is why? Why create a Department of Public Safety? Why change a state law enforcement system that has served, and does serve, our citizens and our state very well?

For economy? The January 31 fiscal note of Director Duane Goossen, Division of the Budget, estimates the additional annual cost, at "... a minimum staffing level ...", would be "... at least \$614,500." Director Goossen concluded, "Given the structure created in the bill, the combination of public safety agencies would not create any efficiencies or economies of scale to offset the additional cost of a cabinet secretary and associated staff."

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Given these next austere budget years, why superimpose an extra, expensive level of bureaucracy on top of effective, respected, independent, responsible, dedicated, professional public safety agencies?

Why change a system which enjoys a reputation, a tradition and a history remarkably free of any hint of public abuse, graft, corruption or scandal?

Why change a system characterized by coordination, cooperation, teamwork, commitment, integrity and mutual respect? A system which, most importantly, enjoys the public's trust and confidence.


Why change a system founded on checks and balances, and vital separation of authority and responsibility and freedom from politics and political influence?

Respectfully, the question is not, why not change? The question is, why change?

In my opinion, the wisest advice given to the Kansas Legislature regarding the feasibility and/or necessity of Senate Bill 387 came from the Executive Director of the Colorado Department of Public Safety to the Legislative Budget Committee last summer, i.e., "Gather information from the Chiefs of Police and the Sheriffs' Associations prior to considering consolidation."

I could not agree more and I join with the Kansas Association of Chiefs of Police, the Kansas Sheriffs' Association, the Kansas Peace Officers' Association, the Kansas State Fraternal Order of Police, the U.S. District Attorney for the District of Kansas, the Wichita Crime Commission, the Kansas State Fire Fighters Association, the Kansas State Fire Chiefs Association, the Kansas Professional Fire Chiefs Association, and many, many more, in respectfully urging the defeat of Senate Bill 387.

Thank you,

A handwritten signature in blue ink, appearing to read "Larry Welch".

Larry Welch  
Director

LW/pja



State of Kansas

## Office of the Attorney General

CARLA J. STOVALL  
ATTORNEY GENERAL

February 8, 2000

Senate Ways & Means Committee  
State Capitol Building  
Topeka, Kansas 66612

Re: Senate Bill 387

Dear Chairman Kerr and Members of the Committee:

As the chief law enforcement official in the state, I would like to share my strong opposition to SB 387 which would create a Department of Public Safety. I have chosen to make my views known in this letter format because I know there are many members of the law enforcement community who have traveled long distances to share their comments with you today. In deference to those individuals and to the committee's time limitations, I think this letter will be an appropriate vehicle for you to learn my perspective. Please know, however, I would be more than willing to converse with you or answer any specific questions you might have on this issue.

There are urgent problems within the state law enforcement community (e.g., the explosion of methamphetamine labs, evolving computer crimes, growing violence). Such problems create tremendous strains on our men and women who are performing the vital function of protecting the public. What do they need? What can we do? Or, more specifically in this case, what can the Legislature do to help in these challenging times? It is clear that the one thing they don't need is more bureaucracy.

I would take issue with those who suggest that law enforcement is afraid of change. New ideas and technology are embraced when shown they will help protect and better serve the public. Just look at the Criminal Justice Information System (CJIS) that will connect and allow the sharing of data from arresting officer, prosecutor, judge, probation officer, prison officials and parole supervisors. Law enforcement agencies on this continuum welcome this new technology and ability to communicate effectively and efficiently. They are embracing this positive change.

But, on the other hand, it is a serious responsibility to protect the public. A change that does not further that end, but rather diverts needed resources, is, not surprisingly, frowned upon by those who put their lives on the line to protect us.

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I would ask you to listen to the agencies, organizations and offices that are opposed to this legislation. They are represented today by men and women who work with the state agencies addressed in this bill and know firsthand what isn't working and should be fixed as well as what's working and should be left alone. These officers go to the national conferences and discuss the pros and cons of various systems throughout the nation. If they heard and saw that there was a better way out there, then they would be here requesting that legislation. However, in a unified voice, they have are opposing SB 387.

SB 387 sets out no criteria for special training and qualifications for this cabinet position. Allowing this position to be filled by any administrator - one without any law enforcement background or training - would be a serious misstep, but is one that could certainly occur under this legislation. Compare that possibility to the current situation with professionals like Superintendent Don Brownlee and Director Larry Welch in charge of their respective agencies. You can see why local law enforcement is very concerned that raising the profile of state law enforcement would also raise the level of political decision making. That is not what state law enforcement needs.

Proponents also suggest that this bill would improve mobility and flexibility in personal career developmental opportunities. In Kansas, that is already the reality. The state already treats itself as "one employer," regardless of which agency within the state an employee works. Officers in one agency are allowed to transfer to another agency under current law, if they meet minimal qualifications. This legislation adds nothing to career flexibility. Proponents have suggested that law enforcement officers leave the state because of the inability to transfer. Since 1984, KBI has had only a .025 percent turnover rate for agents who have left state service before retirement. The problem with any turnover of agents, analysts or other employees, I would suggest, is rate of pay. Diverting any monies that would fund this consolidation, and the necessary added layer of supervision and administration, to wages would be the best decision that could be made. It would garner, I predict, the support of every conferee in your committee room today.

Proponents also suggest this bill would eliminate in duplication of services. That sounds like a reasonable premise. However, the facts are that there is virtually no duplication in services. The work of the KHP, ABC, Fire Marshal, and KBI are distinct from one another and overlap is simply not a factor. The KHP patrols the state's highways and works traffic accidents. The KBI investigates crimes and processes evidence at the labs. ABC enforces laws regarding alcohol and tobacco. The Fire Marshal investigates and educates in the expert field of arson. Emergency Medical Services deals with first responders with medical training and expertise.

The other benefits touted by supporters of this bill are already in place. There is tremendous interagency cooperation and coordination between the agencies involved. The agencies attend training provided by the other agencies and provide instructors to each other's agencies. Coordinated investigations are an everyday occurrence in Kansas. Turf battles and jurisdictional fights simply do not happen in Kansas law enforcement.

On the down side, the first and biggest problem with SB 387 is the creation of an additional layer of bureaucracy on top of existing administration. The committee heard from Colorado, but did you know that their administrative staff has grown from just 7 FTE's to 34.5. The added layer of supervision that the bill envisions carries with it a price tag, prepared by Division of Budget, of

\$614,500. If the state has that kind of money to spend, let's put more agents out working meth labs or troopers on the highway, or fill any one of the other dozens of needs for these law enforcement agencies. Do it where it is needed, according to those persons who are actually in the trenches fighting.

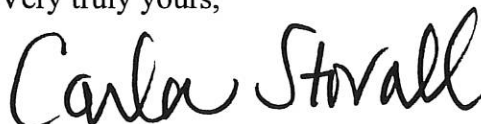
I know it is popular for those who are proponents of this legislation to deny the universal opposition by law enforcement by trying to attribute this to some grand conspiracy headed by KBI Director Larry Welch. As Attorney General, I have had the privilege and challenge of dealing with the independently elected and independently minded sheriffs of this state, as well as the chiefs and other officers - and they are not sheep! While Larry Welch may be rightfully and highly regarded by Kansas law enforcement, let me assure you that no one person could force the Kansas law enforcement community to be so unified unless they really believed SB 387 was a mistake. To say otherwise, not only insults Larry Welch but every law enforcement officer in the state.

Given the wonderful cooperation and coordination we currently enjoy between Kansas state law enforcement agencies; given the desperate need for additional resources to be applied to more pressing problems; given the lack of problems or abuses being alleged with the current system, I would urge you not to pass SB 387.

The Division of Budget concludes its analysis of SB 387 with this comment. "Given the structure created in the bill, the combination of public safety agencies would not create any efficiencies or economies of scale to offset the additional cost of a cabinet secretary and associated staff." In this year of staggering budget constraints, let us not appropriate the monies to administer, but rather appropriate it to strengthen the agencies' abilities to perform their statutory responsibilities. Nothing could be more prudent.

Thank you.

Very truly yours,



Carla J. Stovall  
Attorney General