

Approved: February 24, 2010

Date

MINUTES OF THE HOUSE AGRICULTURE AND NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Larry Powell at 3:30 p.m. on February 15, 2010, in Room 783 of the Docking State Office Building.

All members were present except:

Representative Johnson - Excused

Committee staff present:

Jason Thompson, Office of the Revisor of Statutes

Daniel Yoza, Office of the Revisor of Statutes

Corey Carnahan, Kansas Legislative Research Department - Excused.

Raney Gilliland, Kansas Legislative Research Department

Pat Matzek, Committee Assistant

Conferees appearing before the Committee:

N/A

Others attending:

See attached list.

Chairman Powell opened the meeting with distribution of a proposed balloon amendment on **HB 2565** (Attachment 1).

Action on HB 2565 - Conservation exception for nonuse of water rights.

After Committee members discussed the proposed balloon amendment, Daniel Yoza, Office of the Revisor of Statutes, stated the the bill would read as follows:

“Section 1(d) Notwithstanding the provisions of subsection (a), a groundwater right, which has as its local supply an aquifer area that has been closed to new appropriations by rule, regulation or order of the chief engineer, shall be deemed to have due and sufficient cause for nonuse and shall not be deemed abandoned.”

Representative Hineman made a motion to adopt the balloon amendment. Representative Fund seconded the motion. The motion carried.

Chairman Powell suggested to Committee members to gut **SB 316** and insert the contents of **HB 2565** as amended. Representative Fund made a motion to take the language out of SB 316 and insert the contents of HB 2565 as amended. Representative Schroeder seconded the motion. The motion carried.

Representative Fund made a motion to pass out SB 316 favorably. Representative Wetta seconded the motion. After discussion among Committee members, Representative Fund withdrew his motion, and Representative Wetta withdrew his second.

Representative Moxley made a motion to go back to the original balloon amendment and take the language out of SB 316 and insert the contents of HB 2565 as it was originally proposed to be amended (See Attachment 1), and to pass the bill favorably out of Committee. Representative Fund seconded the motion. The motion carried.

The original balloon amendment read as follows:

“Section 1(d) Notwithstanding the provisions of subsection (a), a groundwater right, which has as its local supply an aquifer area that has been closed to new appropriations by rule, regulation or order of the chief engineer, and where means of diversion are available to put water to a beneficial use within a reasonable time, shall be deemed to have due and sufficient cause for nonuse and shall not be deemed abandoned.”

Representative Schroeder will carry the bill.

CONTINUATION SHEET

Minutes of the House Agriculture and Natural Resources Committee at 3:30 p.m. on February 15, 2010, in Room 783 of the Docking State Office Building.

Action on HB 2638 - Horse thief reservoir water district employees granted law enforcement powers; requiring trained at the law enforcement training center.

Daniel Yoza, Office of the Revisor of Statutes, explained the proposed balloon amendment on **HB 2638** to members of the Committee, explaining Sections 1 and 5 regarding law enforcement officers are replaced (Attachment 2).

Representative Tony Brown made a motion to adopt the balloon amendment. Representative Palmer seconded the motion. The motion carried.

Representative Prescott made a motion to pass the bill out favorably as amended. Representative Lukert seconded the motion. The motion carried.

Representative Pat George will carry the bill.

The next meeting is scheduled for February 16, 2010.

The meeting was adjourned at 4:45 p.m.

HOUSE BILL No. 2565

By Committee on Agriculture and Natural Resources

1-28

9 AN ACT concerning water rights; relating to abandonment and termi-
10 nation; creating a water conservation exception; amending K.S.A. 2009
11 Supp. 82a-718 and repealing the existing section.

12
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2009 Supp. 82a-718 is hereby amended to read as
15 follows: 82a-718. (a) All appropriations of water must be for some ben-
16 efiticial purpose. Every water right of every kind shall be deemed aban-
17 doned and shall terminate when without due and sufficient cause no
18 lawful, beneficial use is henceforth made of water under such right for
19 five successive years. Before any water right shall be declared abandoned
20 and terminated the chief engineer shall conduct a hearing thereon. Notice
21 shall be served on the user at least 30 days before the date of the hearing.
22 The determination of the chief engineer pursuant to this section shall be
23 subject to review in accordance with the provisions of K.S.A. 2009 Supp.
24 82a-1901, and amendments thereto.

25 The verified report of the chief engineer or such engineer's authorized
26 representative shall be prima facie evidence of the abandonment and
27 termination of any water right.

28 (b) When no lawful, beneficial use of water under a water right has
29 been reported for three successive years, the chief engineer shall notify
30 the user, by certified mail, return receipt requested, that: (1) No lawful,
31 beneficial use of the water has been reported for three successive years;
32 (2) if no lawful, beneficial use is made of the water for five successive
33 years, the right may be terminated; and (3) the right will not be termi-
34 nated if the user shows that for one or more of the five consecutive years
35 the beneficial use of the water was prevented or made unnecessary by
36 circumstances that are due and sufficient cause for nonuse, which cir-
37 cumstances shall be included in the notice.

38 (c) The provisions of subsection (a) shall not apply to a water right
39 that has not been declared abandoned and terminated before the effective
40 date of this act if the five years of successive nonuse occurred exclusively
41 and entirely before January 1, 1990. However, the provisions of subsec-
42 tion (a) shall apply if the period of five successive years of nonuse began
43 before January 1, 1990, and continued after that date.

Balloon amendment prepared for
House Committee on Agriculture
and Natural Resources.
February, 15 2010

Ag & Natural Resources Committee
Date 2-24-10
Attachment 1

1 (d) Notwithstanding the provisions of subsection (a), a groundwater
2 right, which has as its local supply an aquifer area that has been closed
3 to new appropriations by the chief engineer and where ~~a well is lawfully~~
4 ~~maintained~~, shall be deemed to have due and sufficient cause for nonuse
5 and shall not be deemed abandoned.

6 Sec. 2. K.S.A. 2009 Supp. 82a-718 is hereby repealed.

7 Sec. 3. This act shall take effect and be in force from and after its
8 publication in the statute book.

means of diversion
are available to put
water to a
beneficial use
within a reasonable
time,

rule, regulation or
order of

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HOUSE BILL No. 2638

By Representatives Whitham and George

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Balloon Amendment
Prepared for the Agriculture
and Natural Resources
Committee
2/12/2010

Ag & Natural Resources Committee
Date 2-24-10
Attachment 2

9 AN ACT concerning law enforcement; relating to employees of the hor-
10 sethief reservoir benefit district; amending K.S.A. 2009 Supp. 12-
11 1,120, 74-5602 and 74-5605 and repealing the existing sections.
12

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

14 New Section 1.—(a) ~~The horsethief reservoir benefit district govern-~~
15 ~~ing board shall employ the manager and other employees, regardless of~~
16 ~~title, to exercise law enforcement authority as provided in subsection (b),~~
17 ~~if such manager and other employees successfully complete the required~~
18 ~~course of instruction for law enforcement officers approved by the Kansas~~
19 ~~law enforcement training center pursuant to K.S.A. 74-5607a, and amend-~~
20 ~~ments thereto, and employees appointed on a provisional or probationary~~
21 ~~basis for a period of not more than one year, except that such provisional~~
22 ~~or probationary employee shall meet at least the criteria on appointment~~
23 ~~specified in K.S.A. 74-5605, and amendments thereto, and shall not be~~
24 ~~issued a firearm until such employee has been instructed and trained in~~
25 ~~the use thereof by the sheriff of Hodgeman county. An employee ap-~~
26 ~~pointed on a provisional or probationary basis, who does not receive the~~
27 ~~certificate required under subsection (a) of K.S.A. 74-5607a, and amend-~~
28 ~~ments thereto, within one year following the date of the person's original~~
29 ~~appointment shall not have authority to enforce the laws of the state as~~
30 ~~provided in subsection (b).~~

31 (b) ~~The manager and other employees who have completed the~~
32 ~~course of instruction as provided in subsection (a) and provisional or pro-~~
33 ~~batinary employees who have met the requirements of subsection (a)~~
34 ~~may exercise the powers and authority of law enforcement officers~~
35 ~~anywhere.~~

36 (1) ~~On property owned, occupied or operated by the horsethief reser-~~
37 ~~voir benefit district or at the site of a function sponsored by the benefit~~
38 ~~district:~~

39 (2) ~~on the streets, property and highways immediately adjacent to and~~
40 ~~coterminous with property described in subsection (b)(1);~~

41 (3) ~~within the county where property described in subsection (b)(1)~~
42 ~~is located, as necessary to protect the health, safety and welfare of benefit~~
43 ~~district employees, board members, volunteers and visitors, with appro-~~

(a) The governing board of the horsethief reservoir benefit district is authorized to appoint a law enforcement manager and law enforcement officers to serve under the command of the law enforcement manager.
(b) Those employees of the horsethief reservoir benefit district that are appointed as law enforcement officers must meet the requirements of the Kansas law enforcement training act, K.S.A. 74-5601 through 74-5623, and amendments thereto.
(c) A law enforcement officer appointed under this section shall possess and exercise all general law enforcement powers, rights, privileges, protections and immunities in all counties where any horsethief reservoir benefit district property is located, as provided in section 5, and amendments thereto. A law enforcement officer may book an arrested person at the jail in the jurisdiction of the arrest. Such law enforcement officer shall complete any required reports, arrest affidavits and other documents associated with the arrest. These reports shall be kept on file with the office of the law enforcement manager, unless a memorandum of agreement with a local law enforcement agency specifies otherwise.
(d) While on duty, law enforcement officers appointed under this section shall wear and publicly display a badge of office and a uniform. No such badge shall be required to be worn by any plain clothes investigator or department administrator, but any such officer shall present proper credentials and identification when required in the performance of such officer's duties.

1 p~~riate~~ agreement by the local law enforcement agencies. Such agreements
2 shall include provisions defining the geographical scope of the jurisdiction
3 conferred, circumstances requiring the extended jurisdiction, scope of law
4 enforcement powers and duration of the agreement. Before any agree-
5 ment entered into pursuant to this subsection shall take effect, it shall be
6 approved by the governing body of the county having jurisdiction where
7 such property is located and the horsethief reservoir benefit district gov-
8 erning board;

9 ~~(4) with appropriate notification of and coordination with local law~~
10 ~~enforcement agencies, within the county where property described in~~
11 ~~subsection (b)(1) or (b)(2) is located, when there is reason to believe that~~
12 ~~a violation of a state law or county resolution has occurred on such prop-~~
13 ~~erty, as necessary to investigate and arrest persons for such a violation;~~

14 ~~(5) when in fresh pursuit of a person; and~~

15 ~~(6) when transporting persons in custody to an appropriate facility,~~
16 ~~wherever it may be located.~~

17 ~~(e) The horsethief reservoir benefit district manager and employees~~
18 ~~authorized to exercise law enforcement authority as provided in subsec-~~
19 ~~tion (b) shall:~~

20 ~~(1) Have the power and authority to carry firearms or weapons, con-~~
21 ~~cealed or otherwise, in the performance of their duties but only if the~~
22 ~~manager or employee has completed the required course of instruction~~
23 ~~for law enforcement officers at the Kansas law enforcement training cen-~~
24 ~~ter, unless otherwise qualified pursuant to K.S.A. 74-5608a, and amend-~~
25 ~~ments thereto, or as to a provisional or probationary employee who has~~
26 ~~met the requirements of subsection (a); and~~

27 ~~(2) be uniformed or properly identified while such manager or em-~~
28 ~~ployees are engaged in the performance of such manager or employees'~~
29 ~~duty.~~

30 ~~(d) As used in this section "fresh pursuit" means the same as in K.S.A.~~
31 ~~22-2401a, and amendments thereto.~~

32 Sec. 2. K.S.A. 2009 Supp. 12-1,120 is hereby amended to read as
33 follows: 12-1,120. (a) Each person holding office as chief of police of any
34 city in this state shall be fingerprinted as provided by this section.

35 (b) Before assuming the office of chief of police of any city in this
36 state, a person shall be fingerprinted as provided by this section.

37 (c) Fingerprinting pursuant to this section shall be done by the law
38 enforcement agency of the city in the presence of the city clerk. The city
39 clerk shall forthwith forward the fingerprints to the Kansas bureau of
40 investigation for a search of state and national fingerprint files to deter-
41 mine whether the person qualifies for admission to the law enforcement
42 training center pursuant to subsection ~~(a)(3)~~ (c) of K.S.A. 74-5605 and
43 amendments thereto. The Kansas bureau of investigation shall certify any

1 conviction record of the person, or lack thereof, found as a result of such
2 search to the city clerk and, if such a record is found, to the attorney
3 general.

4 (d) Fingerprints taken and submitted pursuant to this section shall
5 be on forms approved by the attorney general.

6 (e) The cost of a search of fingerprint files pursuant to this section
7 shall be paid by the person being fingerprinted.

8 Sec. 3. K.S.A. 2009 Supp. 74-5602 is hereby amended to read as
9 follows: 74-5602. As used in the Kansas law enforcement training act:

10 (a) "Training center" means the law enforcement training center
11 within the division of continuing education of the university of Kansas,
12 created by K.S.A. 74-5603 and amendments thereto.

13 (b) "Commission" means the Kansas commission on peace officers'
14 standards and training, created by K.S.A. 74-5606 and amendments
15 thereto.

16 (c) "Dean" means the dean of continuing education of the university
17 of Kansas.

18 (d) "Director of police training" means the director of police training
19 at the law enforcement training center.

20 (e) "Director" means the executive director of the Kansas commis-
21 sion on peace officers' standards and training.

22 (f) "Law enforcement" means the prevention or detection of crime
23 and the enforcement of the criminal or traffic laws of this state or of any
24 municipality thereof.

25 (g) "Police officer" or "law enforcement officer" means a full-time or
26 part-time salaried officer or employee of the state, a county or a city,
27 whose duties include the prevention or detection of crime and the en-
28 forcement of the criminal or traffic laws of this state or of any municipality
29 thereof. Such terms shall include, but not be limited to, the sheriff, un-
30 dersheriff and full-time or part-time salaried deputies in the sheriff's of-
31 fice in each county; deputy sheriffs deputized pursuant to K.S.A. 19-2858
32 and amendments thereto; conservation officers of the Kansas department
33 of wildlife and parks; university police officers, as defined in K.S.A. 22-
34 2401a, and amendments thereto; campus police officers, as defined in
35 K.S.A. 22-2401a, and amendments thereto; law enforcement agents of
36 the director of alcoholic beverage control; law enforcement agents des-
37 ignated by the secretary of revenue pursuant to K.S.A. 2009 Supp. 75-
38 5157, and amendments thereto; law enforcement agents of the Kansas
39 lottery; law enforcement agents of the Kansas racing commission; depu-
40 ties and assistants of the state fire marshal having law enforcement au-
41 thority; capitol police, existing under the authority of K.S.A. 75-4503 and
42 amendments thereto; and law enforcement officers appointed by the ad-
43 jutant general pursuant to K.S.A. 48-204, and amendments thereto. Such

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1 terms shall also include railroad policemen appointed pursuant to K.S.A.
2 66-524 and amendments thereto; school security officers designated as
3 school law enforcement officers pursuant to K.S.A. 72-8222 and amend-
4 ments thereto; *the manager and employees of the horsethief reservoir*
5 *benefit district pursuant to section 1, and amendments thereto*; and the
6 director of the Kansas commission on peace officers' standards and train-
7 ing and any other employee of such commission designated by the direc-
8 tor pursuant to K.S.A. 74-5603, and amendments thereto, as a law en-
9 forcement officer. Such terms shall not include any elected official, other
10 than a sheriff, serving in the capacity of a law enforcement or police
11 officer solely by virtue of such official's elected position; any attorney-at-
12 law having responsibility for law enforcement and discharging such re-
13 sponsibility solely in the capacity of an attorney; any employee of the
14 commissioner of juvenile justice, the secretary of corrections or the sec-
15 retary of social and rehabilitation services; any deputy conservation officer
16 of the Kansas department of wildlife and parks; or any employee of a city
17 or county who is employed solely to perform correctional duties related
18 to jail inmates and the administration and operation of a jail; or any full-
19 time or part-time salaried officer or employee whose duties include the
20 issuance of a citation or notice to appear provided such officer or em-
21 ployee is not vested by law with the authority to make an arrest for vio-
22 lation of the laws of this state or any municipality thereof, and is not
23 authorized to carry firearms when discharging the duties of such person's
24 office or employment. Such term shall include any officer appointed or
25 elected on a provisional basis.

26 (h) "Full-time" means employment requiring at least 1,000 hours of
27 law enforcement related work per year.

28 (i) "Part-time" means employment on a regular schedule or employ-
29 ment which requires a minimum number of hours each payroll period,
30 but in any case requiring less than 1,000 hours of law enforcement related
31 work per year.

32 (j) "Misdemeanor crime of domestic violence" means a violation of
33 domestic battery as provided by K.S.A. 21-3412a and amendments
34 thereto, or any other misdemeanor under federal, municipal or state law
35 that has as an element the use or attempted use of physical force, or the
36 threatened use of a deadly weapon, committed by a current or former
37 spouse, parent, or guardian of the victim, by a person with whom the
38 victim shares a child in common, by a person who is cohabiting with or
39 has cohabited with the victim as a spouse, parent or guardian, or by a
40 person similarly situated to a spouse, parent or guardian of the victim.

41 (k) "Auxiliary personnel" means members of organized nonsalaried
42 groups which operate as an adjunct to a police or sheriff's department,
43 including reserve officers, posses and search and rescue groups.

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1 (l) "Active law enforcement certificate" means a certificate which at-
 2 tests to the qualification of a person to perform the duties of a law en-
 3 forcement officer and which has not been suspended or revoked by action
 4 of the Kansas commission on peace officers' standards and training and
 5 has not lapsed by operation of law as provided in K.S.A. 74-5622, and
 6 amendments thereto.

7 Sec. 4. K.S.A. 2009 Supp. 74-5605 is hereby amended to read as
 8 follows: 74-5605. ~~(a)~~ Every applicant for certification shall be an employee
 9 of a state, county or city law enforcement agency, a municipal university
 10 police officer, a railroad policeman appointed pursuant to K.S.A. 66-524,
 11 and amendments thereto; an employee of the tribal law enforcement
 12 agency of an Indian nation that has entered into a tribal-state gaming
 13 compact with this state; *a manager or employee of the horsethief reservoir*
 14 *benefit district pursuant to section 1, and amendments thereto*; or a school
 15 security officer designated as a school law enforcement officer pursuant
 16 to K.S.A. 72-8222, and amendments thereto. Prior to admission to a
 17 course conducted at the training center or at a certified state or local law
 18 enforcement agency, the applicant shall furnish to the director of police
 19 training a statement from the applicant's appointing authority or agency
 20 head certifying the applicant's fulfillment of the following requirements.

21 The applicant:

- 22 ~~(1)~~ (a) Is a United States citizen;
- 23 ~~(2)~~ (b) has been fingerprinted and a search of local, state and national
 24 fingerprint files has been made to determine whether the applicant has
 25 a criminal record;
- 26 ~~(3)~~ (c) has not been convicted, does not have an expunged conviction,
 27 and on and after July 1, 1995, has not been placed on diversion by any
 28 state or the federal government for a crime which is a felony or its equiv-
 29 alent under the uniform code of military justice;
- 30 ~~(4)~~ (d) has not been convicted, does not have an expunged conviction,
 31 has not been placed on diversion by any state or the federal government
 32 for a misdemeanor crime of domestic violence or its equivalent under the
 33 uniform code of military justice, when such misdemeanor crime of do-
 34 mestic violence was committed on or after the effective date of this act;
- 35 ~~(5)~~ (e) is the holder of a high-school diploma or furnishes evidence
 36 of successful completion of an examination indicating an equivalent
 37 achievement;
- 38 ~~(6)~~ (f) is of good moral character;
- 39 ~~(7)~~ (g) has completed a psychological test approved by the
 40 commission;
- 41 ~~(8)~~ (h) is free of any physical or mental condition which might ad-
 42 versely affect the applicant's performance of a police officer's or law en-
 43 forcement officer's duties; and

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1 (9) (i) is at least 21 years of age.

2 (b) ~~The provisions of paragraph (1) of subsection (a) shall not apply~~
3 ~~to a citizen of the United Kingdom with prior law enforcement experience~~
4 ~~who resides in Finney county. This subsection shall expire on July 1, 2007.~~

5 Sec. 5. K.S.A. 2009 Supp. 12-1,120, 74-5602 and 74-5605 are hereby
6 repealed.

See attached Sec. 5;

7 Sec. 6. This act shall take effect and be in force from and after its
8 publication in the statute book.

Renumber accordingly

Sec. 5. K.S.A. 22-2401a is hereby amended to read as follows: 22-2401a. (1) Law enforcement officers employed by consolidated county law enforcement agencies or departments and sheriffs and their deputies may exercise their powers as law enforcement officers:

(a) Anywhere within their county; and

(b) in any other place when a request for assistance has been made by law enforcement officers from that place or when in fresh pursuit of a person.

(2) Law enforcement officers employed by any city may exercise their powers as law enforcement officers:

(a) Anywhere within the city limits of the city employing them and outside of such city when on property owned or under the control of such city; and

(b) in any other place when a request for assistance has been made by law enforcement officers from that place or when in fresh pursuit of a person.

(3) (a) Law enforcement officers employed by a Native American Indian Tribe may exercise powers of law enforcement officers anywhere within the exterior limits of the reservation of the tribe employing such tribal law enforcement officer, subject to the following:

(i) The provisions of subsection (3)(a) shall be applicable only as long as such Native American Indian Tribe maintains in force a valid and binding agreement with an insurance carrier to provide liability insurance coverage for damages arising from the

acts, errors or omissions of such tribal law enforcement agency or officer while acting pursuant to this section and waives its tribal immunity, as provided in paragraph (b) of subsection (3), for any liability for damages arising from the acts, errors or omissions of such tribal law enforcement agency or officer while acting pursuant to this section. Such insurance policy shall: (A) (1) Be in an amount not less than \$500,000 for any one person and \$2,000,000 for any one occurrence for personal injury and \$1,000,000 for any one occurrence for property damage; (2) be in an amount not less than \$2,000,000 aggregate loss limit; and (3) carry an endorsement to provide coverage for mutual aid assistance; and (B) include an endorsement providing that the insurer may not invoke tribal sovereign immunity up to the limits of the policy set forth herein. Any insurance carrier providing to a tribe the liability insurance coverage described in this subsection shall certify to the attorney general that the tribe has in effect coverage which complies with the requirements of this subsection. Such carrier shall notify the attorney general immediately by first class mail if for any reason such coverage terminates or no longer complies with the requirements of this subsection.

(ii) The provisions of subsection (3)(a) shall be applicable only if such Native American Indian Tribe has filed with the county clerk a map clearly showing the boundaries of the Tribe's reservation as defined in this section.

(b) If a claim is brought against any tribal law enforcement

agency or officer for acts committed by such agency or officer while acting pursuant to this section, such claim shall be subject to disposition as if the tribe was the state pursuant to the Kansas tort claims act, provided that such act shall not govern the tribe's purchase of insurance. The tribe shall waive its sovereign immunity solely to the extent necessary to permit recovery under the liability insurance, but not to exceed the policy limits.

(c) Nothing in this subsection (3) shall be construed to prohibit any agreement between any state, county or city law enforcement agency and any Native American Indian Tribe.

(d) Nothing in this subsection (3) shall be construed to affect the provision of law enforcement services outside the exterior boundaries of reservations so as to affect in any way the criteria by which the United States department of the interior makes a determination regarding placement of land into trust.

(e) Neither the state nor any political subdivision of the state shall be liable for any act or failure to act by any tribal law enforcement officer.

(4) University police officers employed by the chief executive officer of any state educational institution or municipal university may exercise their powers as university police officers anywhere:

(a) On property owned or operated by the state educational institution or municipal university, by a board of trustees of

the state educational institution, an endowment association, an athletic association, a fraternity, sorority or other student group associated with the state educational institution or municipal university;

(b) on the streets, property and highways immediately adjacent to the campus of the state educational institution or municipal university;

(c) within the city where such property as described in this subsection is located, as necessary to protect the health, safety and welfare of students and faculty of the state educational institution or municipal university, with appropriate agreement by the local law enforcement agencies. Such agreements shall include provisions defining the geographical scope of the jurisdiction conferred, circumstances requiring the extended jurisdiction, scope of law enforcement powers and duration of the agreement. Any agreement entered into pursuant to this provision shall be approved by the governing body of the city or county, or both, having jurisdiction where such property is located, and the chief executive officer of the state educational institution or municipal university involved before such agreement may take effect; and

(d) additionally, when there is reason to believe that a violation of a state law, a county resolution, or a city ordinance has occurred on property described in subsection (4)(a) or (b), such officers with appropriate notification of, and coordination with, local law enforcement agencies or departments,

may investigate and arrest persons for such a violation anywhere within the city where such property, streets and highways are located. Such officers also may exercise such powers in any other place when in fresh pursuit of a person. University police officers shall also have authority to transport persons in custody to an appropriate facility, wherever it may be located. University police officers at the university of Kansas medical center may provide emergency transportation of medical supplies and transplant organs.

(5) In addition to the areas where law enforcement officers may exercise their powers pursuant to subsection (2), law enforcement officers of any jurisdiction within Johnson or Sedgwick county may exercise their powers as law enforcement officers in any area within the respective county when executing a valid arrest warrant or search warrant, to the extent necessary to execute such warrants.

(6) In addition to the areas where university police officers may exercise their powers pursuant to subsection (4), university police officers may exercise the powers of law enforcement officers in any area outside their normal jurisdiction when a request for assistance has been made by law enforcement officers from the area for which assistance is requested.

(7) In addition to the areas where law enforcement officers may exercise their powers pursuant to subsection (2), law enforcement officers of any jurisdiction within Johnson county

may exercise their powers as law enforcement officers in any adjoining city within Johnson county when any crime, including a traffic infraction, has been or is being committed by a person in view of the law enforcement officer. A law enforcement officer shall be considered to be exercising such officer's powers pursuant to subsection (2), when such officer is responding to the scene of a crime, even if such officer exits the city limits of the city employing the officer and further reenters the city limits of the city employing the officer to respond to such scene.

(8) Campus police officers employed by a community college or school district may exercise the power and authority of law enforcement officers anywhere:

(a) On property owned, occupied or operated by the school district or community college or at the site of a function sponsored by the school district or community college;

(b) on the streets, property and highways immediately adjacent to and coterminous with property described in subsection (8)(a);

(c) within the city or county where property described in subsection (8)(a) is located, as necessary to protect the health, safety and welfare of students and faculty of the school district or community college, with appropriate agreement by local law enforcement agencies. Such agreements shall include provisions, defining the geographical scope of the jurisdiction conferred, circumstances requiring the extended jurisdiction, scope of law

enforcement powers and duration of the agreement. Before any agreement entered into pursuant to this section shall take effect, it shall be approved by the governing body of the city or county, or both, having jurisdiction where such property is located, and the board of education or board of trustees involved;

(d) with appropriate notification of and coordination with local law enforcement agencies, within the city or county where property described in subsection (8)(a) or (8)(b) is located, when there is reason to believe that a violation of a state law, county resolution or city ordinance has occurred on such property, as necessary to investigate and arrest persons for such a violation;

(e) when in fresh pursuit of a person; and

(f) when transporting persons in custody to an appropriate facility, wherever it may be located.

(9) TAG law enforcement officers employed by the adjutant general may exercise their powers as police officers anywhere:

(a) On property owned or under the control of the Kansas national guard or any component under the command of the adjutant general;

(b) on the streets, property and highways immediately adjacent to property owned or under the control of the Kansas national guard; within the city or county where such property as described in subsection (9)(a) or (b) is located, as necessary to protect such property; or to protect the health, safety and

welfare of members of the national guard, reserve or employees of the United States department of defense, the United States department of homeland security or any branch of the United States military with appropriate agreement by the local law enforcement agencies. Such agreements shall include provisions defining the geographical scope of the jurisdiction conferred, circumstances requiring the extended jurisdiction, scope of law enforcement powers and duration of the agreement. Any agreement entered into pursuant to this provision shall be approved by the governing body of the city or county, or both, having jurisdiction where such property is located, and the adjutant general before such agreement may take effect. In addition, when there is reason to believe that a violation of a state law, a county resolution or a city ordinance has occurred on property described in subsection (9)(a) or (b), after providing appropriate notification to, and coordination with, local law enforcement agencies or departments, such officers may investigate and arrest persons for such a violation anywhere within the city or county where such property, streets and highways are located. Such officers also may exercise such powers in any other place when in fresh pursuit of a person. TAG law enforcement officers shall also have authority to transport persons in custody to an appropriate facility, wherever it may be located.

(10) Horsethief reservoir benefit district law enforcement officers may exercise the power and authority of law enforcement

officers anywhere:

(a) On property owned, occupied or operated by the benefit district or at the site of a function sponsored by the benefit district;

(b) on the streets, property and highways immediately adjacent to and coterminous with property described in subsection (10)(a);

(c) within the city or county where property described in subsection (10)(a) is located, as necessary to protect the health, safety and welfare of benefit district employees, board members, volunteers and visitors, with appropriate agreement by local law enforcement agencies. Such agreements shall include provisions defining the geographical scope of the jurisdiction conferred, circumstances requiring the extended jurisdiction, scope of law enforcement powers and duration of the agreement. Before any agreement entered into pursuant to this section shall take effect, it shall be approved by the governing body of the city or county, or both, having jurisdiction where such property is located, and the governing board of the horsethief reservoir benefit district;

(d) with appropriate notification of and coordination with local law enforcement agencies, within the city or county where property described in subsection (10)(a) or (10)(b) is located, when there is reason to believe that a violation of a state law, county resolution or city ordinance has occurred on such property, as necessary to investigate and arrest persons for such

a violation;

(e) when in fresh pursuit of a person; and

(f) when transporting persons in custody to an appropriate facility, wherever it may be located.

~~(10)~~ (11) As used in this section:

(a) "Law enforcement officer" means: (1) Any law enforcement officer as defined in K.S.A. 22-2202, and amendments thereto; or (2) any tribal law enforcement officer who is employed by a Native American Indian Tribe and has completed successfully the initial and any subsequent law enforcement training required under the Kansas law enforcement training act.

(b) "University police officer" means a police officer employed by the chief executive officer of: (1) Any state educational institution under the control and supervision of the state board of regents; or (2) a municipal university.

(c) "Campus police officer" means a school security officer designated as a campus police officer pursuant to K.S.A. 72-8222, and amendments thereto.

(d) "Fresh pursuit" means pursuit, without unnecessary delay, of a person who has committed a crime, or who is reasonably suspected of having committed a crime.

(e) "Native American Indian Tribe" means the Prairie Band Potawatomi Nation, Kickapoo Tribe in Kansas, Sac and Fox Nation of Missouri and the Iowa Tribe of Kansas and Nebraska.

(f) "Reservation" means:

(i) With respect to the Iowa Tribe of Kansas and Nebraska,

the reservation established by treaties with the United States concluded May 17, 1854, and March 6, 1861;

(ii) with respect to the Kickapoo Nation, the reservation established by treaty with the United States concluded June 28, 1862;

(iii) with respect to the Prairie Band Potawatomi Nation in Kansas, the reservation established by treaties with the United States concluded June 5, 1846, November 15, 1861, and February 27, 1867; and

(iv) with respect to the Sac and Fox Nation of Missouri in Kansas and Nebraska: (A) the reservation established by treaties with the United States concluded May 18, 1854, and March 6, 1861, and by acts of Congress of June 10, 1872 (17 Stat. 391), and August 15, 1876 (19 Stat. 208), and (B) the premises of the gaming facility established pursuant to the gaming compact entered into between such nation and the state of Kansas, and the surrounding parcel of land held in trust which lies adjacent to and east of U.S. Highway 75 and adjacent to and north of Kansas Highway 20, as identified in such compact.

(g) "TAG law enforcement officer" means a police officer employed by the adjutant general pursuant to K.S.A. 48-204 and amendments thereto.

(h) "Horsethief reservoir benefit district law enforcement officer" means a police officer employed by the horsethief reservoir benefit district pursuant to Section 1 and amendments thereto.