

SENATE BILL No. 567

By Committee on Federal and State Affairs

2-15

9 AN ACT concerning the Kansas law enforcement training act; amending
10 K.S.A. 74-5603, 74-5604a, 74-5606, 74-5607a, 74-5608a, 74-5611, 74-
11 5616, 74-5617, 74-5619 and 74-5620 and K.S.A. 2005 Supp. 12-4117,
12 20-362, 28-172a, 74-5602, 74-5605, 74-5607 and 74-5611a and re-
13 pealing the existing sections.
14

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

16 Section 1. K.S.A. 2005 Supp. 12-4117 is hereby amended to read as
17 follows: 12-4117. (a) In each case filed in municipal court charging a crime
18 other than a nonmoving traffic violation, where there is a finding of guilty
19 or a plea of guilty, a plea of no contest, forfeiture of bond or a diversion,
20 a sum in an amount of ~~\$9~~ \$19 shall be assessed and such assessment shall
21 be credited as follows:

22 One dollar to the local law enforcement training reimbursement fund
23 established pursuant to K.S.A. 74-5620, and amendments thereto, ~~\$4~~
24 ~~\$11.50~~ to the law enforcement training center fund established pursuant
25 to K.S.A. 74-5619, and amendments thereto, ~~\$2.50 to the Kansas com-~~
26 ~~mission on peace officers' standards and training fund established by~~
27 ~~K.S.A. 74-5619, and amendments thereto,~~ \$2 to the juvenile detention
28 facilities fund established pursuant to K.S.A. 79-4803, and amendments
29 thereto, to be expended for operational costs of facilities for the detention
30 of juveniles, \$.50 to the protection from abuse fund established pursuant
31 to K.S.A. 74-7325, and amendments thereto, \$.50 to the crime victims
32 assistance fund established pursuant to K.S.A. 74-7334, and amendments
33 thereto and \$1 to the trauma fund established pursuant to K.S.A. 2005
34 Supp. 75-5670, and amendments thereto.

35 (b) The judge or clerk of the municipal court shall remit the appro-
36 priate assessments received pursuant to this section to the state treasurer
37 in accordance with the provisions of K.S.A. 75-4215, and amendments
38 thereto. Upon receipt of each such remittance, the state treasurer shall
39 deposit the entire amount in the state treasury to the credit of the local
40 law enforcement training reimbursement fund, the law enforcement
41 training center fund, *the Kansas commission on peace officers' standards*
42 *and training fund*, the juvenile detention facilities fund, the crime victims
43 assistance fund and the trauma fund as provided in this section.

- 1 (c) For the purpose of determining the amount to be assessed ac-
2 cording to this section, if more than one complaint is filed in the municipal
3 court against one individual arising out of the same incident, all such
4 complaints shall be considered as one case.
- 5 Sec. 2. K.S.A. 2005 Supp. 20-362 is hereby amended to read as fol-
6 lows: 20-362. The clerk of the district court shall remit all revenues re-
7 ceived from docket fees as follows:
- 8 (a) At least monthly to the county treasurer, for deposit in the county
9 treasury and credit to the county general fund:
- 10 (1) A sum equal to \$10 for each docket fee paid pursuant to K.S.A.
11 60-2001 and 60-3005, and amendments thereto, during the preceding
12 calendar month;
- 13 (2) a sum equal to \$10 for each \$36.50 or \$61.50 docket fee paid
14 pursuant to K.S.A. 61-4001, or K.S.A. 61-2704 or 61-2709, and amend-
15 ments thereto; and
- 16 (3) a sum equal to \$5 for each \$19.50 docket fee paid pursuant to
17 K.S.A. 61-4001 or K.S.A. 61-2704, and amendments thereto, during the
18 preceding calendar month.
- 19 (b) At least monthly to the board of trustees of the county law library
20 fund, for deposit in the fund, a sum equal to the library fees paid during
21 the preceding calendar month for cases filed in the county.
- 22 (c) At least monthly to the county treasurer, for deposit in the county
23 treasury and credit to the prosecuting attorneys' training fund, a sum
24 equal to \$1 for each docket fee paid pursuant to K.S.A. 28-172a, and
25 amendments thereto, during the preceding calendar month for cases filed
26 in the county and for each fee paid pursuant to subsection (c) of K.S.A.
27 28-170, and amendments thereto, during the preceding calendar month
28 for cases filed in the county.
- 29 (d) To the state treasurer, in accordance with the provisions of K.S.A.
30 75-4215, and amendments thereto, for deposit in the state treasury and
31 credit to the indigents' defense services fund, a sum equal to \$.50 for
32 each docket fee paid pursuant to K.S.A. 28-172a and subsection (d) of
33 K.S.A. 28-170, and amendments thereto, during the preceding calendar
34 month.
- 35 (e) To the state treasurer, in accordance with the provisions of K.S.A.
36 75-4215, and amendments thereto, for deposit in the state treasury and
37 credit to the law enforcement training center fund, a sum equal to ~~\$9~~
38 \$15 for each docket fee paid pursuant to K.S.A. 28-172a, and amendments
39 thereto, during the preceding calendar month.
- 40 (f) To the state treasurer, in accordance with the provisions of K.S.A.
41 75-4215, and amendments thereto, for deposit in the state treasury and
42 distribution according to K.S.A. 20-367, and amendments thereto, a sum
43 equal to the balance which remains from all docket fees paid during the

1 preceding calendar month after deduction of the amounts specified in
2 subsections (a), (b), (c), (d) and (e).

3 Sec. 3. K.S.A. 2005 Supp. 28-172a is hereby amended to read as
4 follows: 28-172a. (a) Except as otherwise provided in this section, when-
5 ever the prosecuting witness or defendant is adjudged to pay the costs in
6 a criminal proceeding in any county, a docket fee shall be taxed as follows:

7	Murder or manslaughter.....	\$164.50	\$170.50
8	Other felony.....	147.00	153.00
9	Misdemeanor.....	112.00	118.00
10	Forfeited recognizance		62.50
11	Appeals from other courts.....		62.50

12 (b) (1) Except as provided in paragraph (2), in actions involving the
13 violation of any of the laws of this state regulating traffic on highways
14 (including those listed in subsection (c) of K.S.A. 8-2118, and amend-
15 ments thereto), a cigarette or tobacco infraction, any act declared a crime
16 pursuant to the statutes contained in chapter 32 of Kansas Statutes An-
17 notated and amendments thereto or any act declared a crime pursuant
18 to the statutes contained in article 8 of chapter 82a of the Kansas Statutes
19 Annotated, and amendments thereto, whenever the prosecuting witness
20 or defendant is adjudged to pay the costs in the action, a docket fee of
21 ~~\$55~~ \$61 shall be charged. When an action is disposed of under subsections
22 (a) and (b) of K.S.A. 8-2118 or subsection (f) of K.S.A. 79-3393, and
23 amendments thereto, whether by mail or in person, the docket fee to be
24 paid as court costs shall be ~~\$55~~ \$61.

25 (2) In actions involving the violation of a moving traffic violation un-
26 der K.S.A. 8-2118, and amendments thereto, as defined by rules and
27 regulations adopted under K.S.A. 8-249, and amendments thereto, when-
28 ever the prosecuting witness or defendant is adjudged to pay the costs in
29 the action, a docket fee of ~~\$55~~ \$61 shall be charged. When an action is
30 disposed of under subsection (a) and (b) of K.S.A. 8-2118, and amend-
31 ments thereto, whether by mail or in person, the docket fee to be paid
32 as court costs shall be ~~\$55~~ \$61.

33 (c) If a conviction is on more than one count, the docket fee shall be
34 the highest one applicable to any one of the counts. The prosecuting
35 witness or defendant, if assessed the costs, shall pay only one fee. Multiple
36 defendants shall each pay one fee.

37 (d) Statutory charges for law library funds, the law enforcement train-
38 ing center fund, the prosecuting attorneys' training fund, the juvenile
39 detention facilities fund, the judicial branch education fund, the emer-
40 gency medical services operating fund and the judiciary technology fund
41 shall be paid from the docket fee; the family violence and child abuse and
42 neglect assistance and prevention fund fee shall be paid from criminal
43 proceedings docket fees. All other fees and expenses to be assessed as

1 additional court costs shall be approved by the court, unless specifically
2 fixed by statute. Additional fees shall include, but are not limited to, fees
3 for Kansas bureau of investigation forensic or laboratory analyses, fees for
4 detention facility processing pursuant to K.S.A. 12-16,119, and amend-
5 ments thereto, fees for the sexual assault evidence collection kit, fees for
6 conducting an examination of a sexual assault victim, fees for service of
7 process outside the state, witness fees, fees for transcripts and deposi-
8 tions, costs from other courts, doctors' fees and examination and evalu-
9 ation fees. No sheriff in this state shall charge any district court of this
10 state a fee or mileage for serving any paper or process.

11 (e) In each case charging a violation of the laws relating to parking
12 of motor vehicles on the statehouse grounds or other state-owned or
13 operated property in Shawnee county, Kansas, as specified in K.S.A. 75-
14 4510a, and amendments thereto, or as specified in K.S.A. 75-4508, and
15 amendments thereto, the clerk shall tax a fee of \$2 which shall constitute
16 the entire costs in the case, except that witness fees, mileage and expenses
17 incurred in serving a warrant shall be in addition to the fee. Appearance
18 bond for a parking violation of K.S.A. 75-4508 or 75-4510a, and amend-
19 ments thereto, shall be \$3, unless a warrant is issued. The judge may
20 order the bond forfeited upon the defendant's failure to appear, and \$2
21 of any bond so forfeited shall be regarded as court costs.

22 Sec. 4. K.S.A. 2005 Supp. 74-5602 is hereby amended to read as
23 follows: 74-5602. As used in the Kansas law enforcement training act:

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

27 (b) "Commission" means the ~~Kansas law enforcement training~~ com-
28 mission *on peace officers' standards and training*, created by K.S.A. 74-
29 5606 and amendments thereto.

30 (c) "Dean" means the dean of ~~the division of~~ continuing education
31 of the university of Kansas.

32 (d) "Director," ~~as created in K.S.A. 74-5603 and amendments~~
33 ~~thereto,~~ *of police training*" means the director of police training at the
34 law enforcement training center.

35 (e) "*Director*" means *the executive director of the Kansas commission*
36 *on peace officers' standards and training*.

37 (f) "Law enforcement" means the prevention or detection of crime
38 and the enforcement of the criminal or traffic laws of this state or of any
39 municipality thereof.

40 ~~(g)~~ (g) "Police officer" or "law enforcement officer" means a full-time
41 or part-time salaried officer or employee of the state, a county or a city,
42 whose duties include the prevention or detection of crime and the en-
43 forcement of the criminal or traffic laws of this state or of any municipality

1 thereof. Such terms shall include, but not be limited to, the sheriff, un-
2 dersheriff and full-time or part-time salaried deputies in the sheriff's of-
3 fice in each county; deputy sheriffs deputized pursuant to K.S.A. 19-2858
4 and amendments thereto; conservation officers of the Kansas department
5 of wildlife and parks; university police officers, as defined in K.S.A. 22-
6 2401a, and amendments thereto; campus police officers, as defined in
7 K.S.A. 22-2401a, and amendments thereto; law enforcement agents of
8 the director of alcoholic beverage control; law enforcement agents of the
9 Kansas lottery; law enforcement agents of the Kansas racing commission;
10 deputies and assistants of the state fire marshal having law enforcement
11 authority; capitol area security guards, existing under the authority of
12 K.S.A. 75-4503 and amendments thereto. Such terms shall also include
13 railroad policemen appointed pursuant to K.S.A. 66-524 and amendments
14 thereto; ~~and~~ school security officers designated as school law enforcement
15 officers pursuant to K.S.A. 72-8222 and amendments thereto; *and the*
16 *director of the Kansas commission on peace officers' standards and train-*
17 *ing and any other employee of such commission designated by the director*
18 *pursuant to K.S.A. 74-5603, and amendments thereto, as a law enforce-*
19 *ment officer.* Such terms shall not include any elected official, other than
20 a sheriff, serving in the capacity of a law enforcement or police officer
21 solely by virtue of such official's elected position; any attorney-at-law hav-
22 ing responsibility for law enforcement and discharging such responsibility
23 solely in the capacity of an attorney; any employee of the commissioner
24 of juvenile justice, the secretary of corrections or the secretary of social
25 and rehabilitation services; any deputy conservation officer of the Kansas
26 department of wildlife and parks; or any employee of a city or county who
27 is employed solely to perform correctional duties related to jail inmates
28 and the administration and operation of a jail; or any full-time or part-
29 time salaried officer or employee whose duties include the issuance of a
30 citation or notice to appear provided such officer or employee is not
31 vested by law with the authority to make an arrest for violation of the laws
32 of this state or any municipality thereof, and is not authorized to carry
33 firearms when discharging the duties of such person's office or employ-
34 ment. Such term shall include any officer appointed or elected on a pro-
35 visional basis.

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

38 ~~(h)~~ (i) "Part-time" means employment on a regular schedule or em-
39 ployment which requires a minimum number of hours each payroll pe-
40 riod, but in any case requiring less than 1,000 hours of law enforcement
41 related work per year.

42 ~~(i)~~ (j) "Misdemeanor crime of domestic violence" means a violation
43 of domestic battery as provided by K.S.A. 2005 Supp. 21-3412a and

1 amendments thereto, or any other misdemeanor under federal, municipal
2 or state law that has as an element the use or attempted use of physical
3 force, or the threatened use of a deadly weapon, committed by a current
4 or former spouse, parent, or guardian of the victim, by a person with
5 whom the victim shares a child in common, by a person who is cohabiting
6 with or has cohabited with the victim as a spouse, parent or guardian, or
7 by a person similarly situated to a spouse, parent or guardian of the victim.
8 ~~(j)~~ (k) “Auxiliary personnel” means members of organized nonsalar-
9 ied groups which operate as an adjunct to a police or sheriff’s department,
10 including reserve officers, posses and search and rescue groups.

11 (l) “Active law enforcement certificate” means a certificate which at-
12 tests to the qualification of a person to perform the duties of a law en-
13 forcement officer and which has not been suspended or revoked by action
14 of the Kansas commission on peace officers’ standards and training and
15 has not lapsed by operation of law as provided in K.S.A. 74-5622, and
16 amendments thereto.

17 Sec. 5. K.S.A. 74-5603 is hereby amended to read as follows: 74-
18 5603. (a) There is hereby created within ~~the division of~~ continuing edu-
19 cation of the university of Kansas a law enforcement training center, to
20 be located at the former site of the U. S. naval air station in Reno county.
21 The purpose and function of such training center shall be the promotion
22 and development of improved law enforcement personnel and procedu-
23 res throughout the state, and the training center shall offer to qualified
24 applicants, as defined in K.S.A. 74-5605 and amendments thereto, such
25 programs and courses of instruction designed to fulfill this end. *No person*
26 *shall enroll in a basic course of instruction at the Kansas law enforcement*
27 *training center unless the person holds a provisional law enforcement*
28 *certificate.*

29 (b) *The dean, upon consultation with and approval of the commission,*
30 *shall appoint a director of police training. The dean shall also appoint*
31 *such additional personnel as deemed necessary to carry out the law en-*
32 *forcement training programs of the training center. Such personnel,*
33 *whether administrative, instructional or research, shall be in the unclas-*
34 *sified service under the Kansas civil service act.*

35 ~~(b)~~ (c) The director of police training shall be responsible for the
36 administration of the training center and for the operation of the pro-
37 grams thereunder. The director of police training shall be responsible for
38 determining the curriculum of the program, subject to such changes and
39 modification as are directed by the ~~law enforcement training~~ commission.
40 In consultation with the ~~law enforcement training~~ commission, the direc-
41 tor of police training may prescribe a code of conduct applicable to all
42 trainees at the Kansas law enforcement training center. Upon consultation
43 with and approval of the ~~law enforcement training~~ commission, the di-

1 rector is authorized to adopt such rules and regulations as are necessary
2 for the effective operation of the law enforcement training program.

3 ~~(c) The dean, upon consultation with and the approval of the com-~~
4 ~~mission, shall appoint a director of police training. The dean shall also~~
5 ~~appoint such additional personnel as is deemed necessary to carry out the~~
6 ~~law enforcement training programs of the training center, and such per-~~
7 ~~sonnel, whether administrative, instructional or research, shall be in the~~
8 ~~unclassified service under the Kansas civil service act.~~

9 *(d) Kansas commission on peace officers' standards and training shall*
10 *appoint a director who shall be in the unclassified service under the Kan-*
11 *sas civil service act.*

12 *(1) The director shall serve at the pleasure of the Kansas commission*
13 *on peace officers' standards and training and shall be subject to removal*
14 *by vote of $\frac{3}{4}$ of the entire commission membership.*

15 *(2) The director shall enter into contracts necessary to administer the*
16 *provisions of this act.*

17 *(3) The director may appoint employees, agents and consultants as*
18 *the director considers necessary and prescribe their duties.*

19 *(4) The director shall be a law enforcement officer. The director may*
20 *designate any other employee of the Kansas commission on peace officers'*
21 *standards and training as a law enforcement officer. The director and any*
22 *employee designated as a law enforcement officer by the director shall*
23 *possess all powers and privileges which are now or may hereafter be given*
24 *to an agent of the Kansas bureau of investigation and may exercise such*
25 *powers and privileges throughout the state.*

26 Sec. 6. K.S.A. 74-5604a is hereby amended to read as follows: 74-
27 5604a. (a) The director of *police training* may establish a program for
28 ~~periodically~~ extending the law enforcement training and instruction ~~of the~~
29 ~~training center~~ throughout the state on a regional basis. The director ~~also~~
30 ~~shall~~ of *police training* also may certify annually the training schools of
31 state and local law enforcement agencies providing a course of law en-
32 forcement training for full-time police officers or law enforcement offi-
33 cers ~~of not less than 320 hours of instruction, and whose~~ *when such* train-
34 ing programs ~~also~~ satisfy the qualifications and standards promulgated by
35 the director after approval of the commission *and when such programs*
36 *satisfy a demonstrated training need not met by existing programs.* The
37 director of *police training* shall establish a course in basic law enforcement
38 training ~~of not less than 80 hours~~ for part-time police officers or law
39 enforcement officers, approved by the commission, to be provided at the
40 training center and certified state and local law enforcement training
41 schools. In addition, after the general election of each election year and
42 prior to January 1 of the next succeeding year, and at such other times
43 as the director of *police training* deems necessary, the director of *police*

1 *training* shall commence a training course for persons elected to the office
2 of sheriff at the preceding general election.

3 (b) The director shall conduct a pretraining evaluation of applicants
4 for admission to the course for law enforcement officers conducted by
5 the training center or to any certified state or local law enforcement train-
6 ing school to assure that each applicant is qualified to serve as a law
7 enforcement officer. The director shall adopt minimum standards, which
8 shall receive prior approval by the commission, to be considered in the
9 pretraining evaluation. The director shall advise the city, county or state
10 agency, railroad, school district or community college authorizing the ap-
11 plicant to attend the training center or certified state or local law enforce-
12 ment training school of the results of the pretraining evaluation. The
13 director, with approval of the commission, may reject an applicant to the
14 training center who does not meet the minimum pretraining standards.

15 Sec. 7. K.S.A. 2005 Supp. 74-5605 is hereby amended to read as
16 follows: 74-5605. (a) Every applicant for admission to a course for police
17 ~~officers or law enforcement officers conducted by the training center~~
18 *certification* shall be an employee of a state, county or city law enforce-
19 ment agency, a municipal university police officer, a railroad policeman
20 appointed pursuant to K.S.A. 66-524, and amendments thereto; an em-
21 ployee of the tribal law enforcement agency of an Indian nation that has
22 entered into a tribal-state gaming compact with this state; or a school
23 security officer designated as a school law enforcement officer pursuant
24 to K.S.A. 72-8222, and amendments thereto. Prior to admission to a
25 course conducted at the training center or at a certified state or local law
26 enforcement agency, the applicant shall furnish to the director a state-
27 ment from the applicant's appointing authority or agency head certifying
28 the applicant's fulfillment of the following requirements. The applicant:

- 29 (1) Is a United States citizen;
- 30 (2) has been fingerprinted and a search of local, state and national
31 fingerprint files has been made to determine whether the applicant has
32 a criminal record;
- 33 (3) has not been convicted, does not have an expunged conviction,
34 and on and after July 1, 1995, has not been placed on diversion by any
35 state or the federal government for a crime which is a felony or its equiv-
36 alent under the uniform code of military justice;
- 37 (4) has not been convicted, does not have an expunged conviction,
38 has not been placed on diversion by any state or the federal government
39 for a misdemeanor crime of domestic violence or its equivalent under the
40 uniform code of military justice, when such misdemeanor crime of do-
41 mestic violence was committed on or after the effective date of this act;
- 42 (5) is the holder of a high-school diploma or furnishes evidence of
43 successful completion of an examination indicating an equivalent achieve-

1 ment;

2 (6) is of good moral character;

3 (7) has completed a psychological test approved by the commission;

4 (8) is free of any physical or mental condition which might adversely
5 affect the applicant's performance of a police officer's or law enforcement
6 officer's duties; and

7 (9) is at least 21 years of age.

8 (b) The provisions of paragraph (1) of subsection (a) shall not apply
9 to a Canadian citizen with prior law enforcement experience who resides
10 in Stevens county. This subsection shall expire on July 1, 2006.

11 (c) The provisions of paragraph (1) of subsection (a) shall not apply
12 to a citizen of the United Kingdom with prior law enforcement experience
13 who resides in Finney county. This subsection shall expire on July 1, 2007.

14 Sec. 8. K.S.A. 74-5606 is hereby amended to read as follows: 74-
15 5606. (a) There is hereby created the Kansas law enforcement training
16 commission on peace officers' standards and training which shall consist
17 of 12 members which shall include:

18 (1) The superintendent of the Kansas highway patrol, or the super-
19 intendent's designee;

20 (2) the director of the Kansas bureau of investigation, or the director's
21 designee;

22 (3) a sheriff of a county having a population of 50,000 or more, to be
23 selected by the governor who shall consider, but not be limited to, a list
24 of three nominees submitted therefor by the Kansas sheriffs' association;

25 (4) a sheriff of a county having a population of less than 50,000 and
26 more than 10,000, to be selected by the governor who shall consider, but
27 not be limited to, a list of three nominees submitted therefor by the
28 Kansas sheriffs' association;

29 (5) a sheriff of a county having a population of 10,000 or less, to be
30 selected by the governor who shall consider, but not be limited to, a list
31 of three nominees submitted therefor by the Kansas sheriffs' association;

32 (6) a chief of police of a city of the first class, to be selected by the
33 governor who shall consider, but not be limited to, a list of three nominees
34 submitted therefor by the Kansas association of chiefs of police;

35 (7) a chief of police of a city of the second class, to be selected by
36 the governor who shall consider, but not be limited to, a list of three
37 nominees submitted therefor by the Kansas association of chiefs of police;

38 (8) a chief of police of a city of the third class, to be selected by the
39 governor who shall consider, but not be limited to, a list of three nominees
40 submitted therefor by the Kansas association of chiefs of police;

41 (9) a training officer from a certified state or local law enforcement
42 training school, to be selected by the governor who shall consider, but
43 not be limited to, a list of three nominees submitted therefor by the

1 Kansas peace officers association;

2 (10) a full-time, commissioned law enforcement officer employed by
3 either a state, county or city agency, to be selected by the governor who
4 shall consider, but not be limited to, a list of three nominees submitted
5 therefor by the fraternal order of police;

6 (11) a county or district attorney, or an assistant county or district
7 attorney, to be selected by the governor who shall consider, but not be
8 limited to, a list of three nominees submitted therefor by the county and
9 district attorneys' association; and

10 (12) a member representing the public at large who is not associated
11 with law enforcement, selected by the governor to serve as chairperson.

12 (b) Each person initially appointed to a position described in subsec-
13 tion (a)(6), (a)(7), (a)(8), (a)(9) or (a)(12) shall serve for a two-year term
14 and thereafter the term of members appointed to such positions shall be
15 four years. Each person appointed to a position described in subsection
16 (a)(3), (a)(4), (a)(5), (a)(10) or (a)(11) shall serve for a four-year term. A
17 person appointed to a position on the commission shall resign such po-
18 sition upon vacating the office or position which qualified such person to
19 be appointed as a member of the commission in that position. Vacancies
20 in any position shall be filled in the same manner as original appoint-
21 ments.

22 (c) Membership on the commission shall not constitute holding a
23 public office, and members of the commission shall not be required to
24 take and file oaths of office before serving on the commission and shall
25 not be required to be bonded. No member of the commission shall be
26 disqualified from holding any public office or employment by reason of
27 the member's appointment to or membership on the commission and no
28 such member shall forfeit any such office or employment by reason of
29 the member's appointment under this section, notwithstanding the pro-
30 vision of any law or ordinance. *Membership of members employed by a*
31 *city or county shall be deemed for all purposes a duty of the member's*
32 *employment by such city or county.*

33 Sec. 9. K.S.A. 2005 Supp. 74-5607 is hereby amended to read as
34 follows: 74-5607. (a) In addition to other powers and duties prescribed
35 by law, the commission shall adopt, in accordance with the provisions of
36 K.S.A. 77-415 et seq., and amendments thereto, rules and regulations
37 necessary to carry out the provisions of subsection (c) of K.S.A. 74-5616,
38 and amendments thereto, and such other rules and regulations as nec-
39 essary to administer this act. The commission may also adopt such rules
40 of procedure as are necessary for conducting the business of the com-
41 mission.

42 (b) In all matters pending before the commission, the commission
43 shall have the power to:

- 1 (1) Administer oaths and take testimony;
- 2 (2) issue subpoenas, compel the attendance of witnesses and the pro-
3 duction of any papers, books, accounts, documents and testimony, and to
4 cause the deposition of witnesses, either residing within or without the
5 state, to be taken in the manner prescribed by law for taking depositions
6 in civil actions in the district courts. In case of the failure of any person
7 to comply with any subpoena issued on behalf of the commission, or on
8 the refusal of any witness to testify to any matters regarding which the
9 witness may be lawfully interrogated, the district court of any county, on
10 application of a member of the commission, may require compliance by
11 proceedings for contempt, as in the case of failure to comply with a sub-
12 poena issued from such court or a refusal to testify in such court. Each
13 witness who appears before the commission by its order or subpoena,
14 other than a state officer or employee, shall receive for such attendance
15 the fees and mileage provided for witnesses in civil cases in courts of
16 record which shall be audited and paid upon presentation of proper
17 vouchers sworn to by such witnesses and approved by the chairperson of
18 the commission or by a person or persons designated by the chairperson;
- 19 (3) enter into contracts necessary to administer the provisions of this
20 act and the certification of law enforcement officers; and
- 21 (4) assess the costs of such matters pending before the commission
22 under this section against the governmental entity employing the police
23 officer or law enforcement officer.
- 24 (c) Members of the law enforcement training commission attending
25 meetings of the commission, or attending a subcommittee meeting au-
26 thorized by the commission, shall be paid amounts provided for in sub-
27 section (e) of K.S.A. 75-3223, and amendments thereto. The director ~~and~~
28 ~~the chairperson of the commission~~ shall be responsible for approving all
29 expense vouchers of members.
- 30 (d) The commission shall meet at least once each year at the training
31 center and may hold ~~special~~ *other* meetings whenever they are called by
32 the chairperson.
- 33 (e) The commission shall adopt the rules and regulations that are
34 necessary to ensure that law enforcement officers are adequately trained
35 and to enforce the provisions of this act. Such rules and regulations shall
36 include, but are not limited to, the establishment of a course of fire as a
37 standard qualification for active law enforcement officers to carry firearms
38 that may also be used for qualified retired officers to carry firearms pur-
39 suant to federal law. The director shall provide qualification opportunities
40 for qualified retired officers at least twice a year at the times and places
41 the director determines to be necessary. The training center shall charge
42 and collect a fee from retired state, local and federal officers for the
43 qualification opportunities, but these fees shall be limited to the actual

1 costs of presenting the standard qualifications course.

2 Sec. 10. K.S.A. 74-5607a is hereby amended to read as follows: 74-
3 5607a. (a) ~~No person shall receive a permanent appointment~~ *The com-*
4 *mission shall not issue a certification* as a full-time police officer or law
5 enforcement officer; unless such officer has been awarded a certificate
6 attesting to satisfactory completion of a *full-time officer basic* course ~~of~~
7 ~~not less than 320 hours~~ of accredited instruction at the training center or
8 at a certified state or local law enforcement training school or has been
9 awarded such a certificate for not less than the number of hours of in-
10 struction required by the Kansas law enforcement training act at the time
11 such certificate was issued or received a permanent appointment as a full-
12 time police officer or law enforcement officer prior to July 1, 1969, or
13 was appointed a railroad policeman pursuant to K.S.A. 66-524, and
14 amendments thereto, on or before January 1, 1982. No person shall re-
15 ceive ~~a permanent appointment~~ *certification* as a part-time police officer
16 or law enforcement officer; unless such officer has been awarded a cer-
17 tificate attesting to the satisfactory completion of ~~the basic course of not~~
18 ~~less than 80 hours of accredited~~ *a part-time officer basic course of* instruc-
19 tion in law enforcement at the training center or at a certified state or
20 local law enforcement training school.

21 (b) Beginning the second year after certification, every full-time po-
22 lice officer or law enforcement officer shall complete annually 40 hours
23 of law enforcement education or training in subjects relating directly to
24 law enforcement. Failure to complete such training shall be grounds for
25 suspension from work without pay until such training is completed. The
26 director with the approval of the commission shall adopt rules and reg-
27 ulations regarding such education or training. Every city, county and state
28 agency shall ~~annually~~ send to the director certified reports of the com-
29 pletion of such education or training. The director shall maintain a record
30 of the reports in the central registry.

31 (c) Subject to the provisions of subsection (d):

32 (1) Any person who is appointed or elected as a police officer or law
33 enforcement officer and who does not hold a certificate as required by
34 subsection (a) may be ~~elected or appointed as an officer on a provisional~~
35 ~~basis for a period of not more than one year. Any person appointed as a~~
36 ~~police officer or law enforcement officer on a provisional basis who does~~
37 ~~not receive the certificate required under subsection (a) within one year~~
38 ~~following the date of the person's original election or appointment shall~~
39 ~~forfeit such office or position at the end of such one-year period. Any~~
40 ~~person appointed as a police officer or law enforcement officer on a pro-~~
41 ~~visional basis who does not receive the certificate required under subsec-~~
42 ~~tion (a) within one year following such original appointment shall not be~~
43 ~~reappointed as a police officer or law enforcement officer on a provisional~~

1 ~~basis within one year following the date on which such person last served~~
2 ~~as a police officer or law enforcement officer issued a provisional certifi-~~
3 ~~cate for a period of one year. The director may extend the one-year period~~
4 ~~for the provisional certificate if in the director's determination the exten-~~
5 ~~sion would not constitute an intentional avoidance of the requirements of~~
6 ~~subsection (a). If a person's provisional certificate expires or is revoked,~~
7 ~~the person shall not be issued another provisional certificate within one~~
8 ~~year of the expiration or revocation. A provisional certificate shall be~~
9 ~~revoked upon dismissal from any basic training program authorized by~~
10 ~~K.S.A. 74-5604a, and amendments thereto. A provisional certificate may~~
11 ~~be revoked upon voluntary withdrawal from any basic training program~~
12 ~~authorized by K.S.A. 74-5604a, and amendments thereto.~~

13 (2) Any police officer or law enforcement officer who does not com-
14 plete the education or training required by subsection (b) by the date
15 such education or training is required to have been completed shall be
16 subject to revocation or suspension of certification and loss of the officer's
17 office or position.

18 (d) The director may ~~extend the one-year time period for the 320~~
19 ~~hour basic reciprocity school or 80 hour part-time school and may extend,~~
20 waive or modify the annual continuing education requirement, when it is
21 shown that the failure to comply with the requirements of subsection (a)
22 or (b) was not due to the intentional avoidance of the law.

23 Sec. 11. K.S.A. 74-5608a is hereby amended to read as follows: 74-
24 5608a. (a) The director may, in the exercise of discretion, award a certifi-
25 cate ~~attesting to the satisfactory completion of a basic course of instruc-~~
26 ~~tion~~ to any person who has been duly certified under the laws of another
27 state or territory if, in the opinion of the director, the requirements for
28 certification in such other jurisdiction equal or exceed the qualifications
29 required to complete satisfactorily the basic course of instruction at the
30 training center.

31 (b) The director may waive any number of the hours or courses re-
32 quired to complete the basic course of instruction at the training center,
33 ~~80 hour~~ part-time school, reciprocity school or for the hours required for
34 annual continuing education for any person who, in the opinion of the
35 director, has received sufficient training or experience that such hours of
36 instruction at the training center would be, unless waived, unduly bur-
37 densome or duplicitous.

38 Sec. 12. K.S.A. 74-5611 is hereby amended to read as follows: 74-
39 5611. The director of ~~the law enforcement academy~~ *police training* shall
40 annually report to the attorney general of the state of Kansas the names
41 of all persons who attended ~~said academy~~ *law enforcement training center*
42 during each training year.

43 Sec. 13. K.S.A. 2005 Supp. 74-5611a is hereby amended to read as

1 follows: 74-5611a. (a) The ~~director~~ *commission* shall establish and main-
 2 tain a central registry of all Kansas police officers or law enforcement
 3 officers. The purpose of the registry is to be a resource for all agencies
 4 who appoint or elect police or law enforcement officers to use when
 5 reviewing employment applications of such officers. The registry shall be
 6 made available only to those agencies who appoint or elect police or law
 7 enforcement officers.

8 (b) The director shall provide forms for registration and shall refuse
 9 any registration not submitted on such form in full detail.

10 (c) Within 30 days of appointment, election or termination, every city,
 11 county and state agency, every school district and every community col-
 12 lege shall submit the name of any person appointed or elected to or
 13 terminated from the position of police officer or law enforcement officer
 14 within its jurisdiction.

15 (d) Upon termination, the agency head shall include a report explain-
 16 ing the circumstances under which the officer resigned or was terminated.
 17 Such termination report shall be available to the terminated officer and
 18 any law enforcement agency to which the terminated officer later applies
 19 for a position as a police officer or law enforcement officer. The termi-
 20 nated officer may submit a written statement in response to the termi-
 21 nation and any such statement shall be included in the registry file con-
 22 cerning such officer. The director shall adopt a format for the termination
 23 report.

24 (e) The agency, agency head and any officer or employee of the
 25 agency shall be absolutely immune from civil liability:

26 (1) For the report made in accordance with subsection (d); and

27 (2) when responding in writing to a written request concerning a
 28 current or former officer from a prospective law enforcement agency of
 29 that officer for the report made in accordance with subsection (d) and
 30 for the disclosure of such report.

31 Sec. 14. K.S.A. 74-5616 is hereby amended to read as follows: 74-
 32 5616. (a) ~~To be eligible for permanent appointment as a police officer or~~
 33 ~~law enforcement officer, a person must first be certified to perform the~~
 34 ~~function of law enforcement by the Kansas law enforcement training com-~~
 35 ~~mission~~ *No person shall be appointed as a full-time law enforcement of-*
 36 *ficer unless the person holds a full-time active law enforcement certificate*
 37 *or a provisional law enforcement certificate. No person shall be appointed*
 38 *as a part-time officer unless the person holds a full-time active law en-*
 39 *forcement certificate, a part-time active law enforcement certificate or a*
 40 *provisional certificate. The commission's certification shall be awarded to*
 41 *persons who:*

42 (1) ~~Are at least 21 years of age, have successfully completed or sat-~~
 43 ~~isfied the training requirements specified by subsection (a) of K.S.A. 74-~~

1 ~~5607a and amendments thereto and meet the requirements of K.S.A. 74-~~
2 ~~5605 and amendments thereto, (2) Received a permanent appointment~~
3 ~~as a police officer or law enforcement officer prior to July 1, 1969; or (3)~~
4 (2) hold a permanent appointment as a police officer or law enforce-
5 ment officer on July 1, 1983.

6 (b) The commission may suspend, revoke, *reprimand*, *censure* or
7 deny the certification of a police officer or law enforcement officer who:
8 (1) Fails to meet the requirements of K.S.A. 74-5605 or 74-5607a,
9 and amendments thereto, or has met such requirements by falsifying
10 documents or failing to disclose information required for certification;
11 (2) *fails to meet and maintain the minimum standards for certification*
12 *adopted by the commission;*
13 (3) *provides false information or otherwise fails to cooperate in a com-*
14 *mission investigation to determine a person's suitability for law enforce-*
15 *ment certification;*
16 (4) *fails to complete the annual continuing education required by*
17 *K.S.A. 74-5607a, and amendments thereto, and implementing rules and*
18 *regulations or otherwise fails to comply with the requirements of this act;*
19 *or*
20 (5) *fails to maintain the requirements for initial certification as set*
21 *forth in K.S.A. 74-5605, and amendments thereto, and any implementing*
22 *rules and regulations.*

23 (c) The commission shall immediately institute proceedings to revoke
24 the certification of any police officer or law enforcement officer convicted
25 of, or on or after July 1, 1995, diverted for a felony under the laws of this
26 state, another state or the United States or of its equivalent under the
27 uniform code of military justice or convicted of or diverted for a misde-
28 meanor crime of domestic violence under the laws of this state, another
29 state or the United States or of its equivalent under the uniform code of
30 military justice, when such misdemeanor crime of domestic violence was
31 committed on or after the effective date of this act.

32 (d) The procedure for the public or private censure, reprimand, prob-
33 ation, suspension, revocation and denial of certification of a person as a
34 police officer or law enforcement officer or an applicant for certification
35 shall be in accordance with the Kansas administrative procedure act.

36 (e) Any action of the commission pursuant to subsection (d) is subject
37 to review in accordance with the act for judicial review and civil enforce-
38 ment of agency actions. *Upon request of the commission*, the attorney
39 general shall prosecute or defend any action for review on behalf of the
40 state, but the county or district attorney of the county where the police
41 or law enforcement officer has been employed as such shall appear and
42 prosecute or defend such action upon request of the attorney general or
43 *commission. The commission may elect to retain the services of a private*

1 *attorney to appear and prosecute or defend any action on behalf of the*
2 *commission.*

3 Sec. 15. K.S.A. 74-5617 is hereby amended to read as follows: 74-
4 5617. (a) Every candidate for ~~permanent~~ appointment to a position as a
5 police officer or law enforcement officer shall ~~meet the minimum training~~
6 ~~criteria specified in K.S.A. 74-5605 and amendments thereto and shall~~
7 ~~have attained 21 years of age~~ *hold permanent or provisional certification.*

8 (b) For the purpose of determining the eligibility of an individual for
9 certification under this act, the commission may require the submission
10 of training and education records, and experience history, medical history,
11 medical examination reports and records, and interview appraisal forms.

12 (c) Law enforcement agencies in Kansas shall be responsible for their
13 agency's observance of the hiring requirements of this section.

14 (d) No law enforcement agency head or other appointing authority
15 shall knowingly permit the hiring of any person in violation of the require-
16 ments of this act, or knowingly permit the continued employment of any
17 person as a law enforcement officer after receiving written notice from
18 the commission that the person ~~has had such person's certification re-~~
19 ~~voked as provided for under this act~~ *does not hold an active law enforce-*
20 *ment certificate.* No law enforcement agency head or other appointing
21 authority shall knowingly permit any auxiliary personnel who have been
22 convicted of a felony offense under the laws of Kansas or any other ju-
23 risdiction access to law enforcement records or communication systems
24 that are restricted under state or federal law or appoint as ~~a reserve officer~~
25 *auxiliary personnel* any person who does not meet the requirements of
26 K.S.A. 74-5605 and amendments thereto. Any violation of the require-
27 ments of this act shall be deemed to constitute misconduct in office and
28 shall subject the agency head or appointing authority to:

29 (1) Removal from office pursuant to K.S.A. 60-1205 and amendments
30 thereto; or (2) a civil penalty in a sum set by the court of not to exceed
31 \$500 for each occurrence of noncompliance in an action brought in the
32 district court ~~by the attorney general or by the county or district attorney,~~
33 which penalty shall be paid to the state treasurer for deposit in the state
34 treasury and credit to the ~~state general fund, if the action is brought by~~
35 ~~the attorney general, or paid to the county treasurer for deposit in the~~
36 ~~county treasury and credit to the county general fund, if the action is~~
37 ~~brought by the county or district attorney~~ *Kansas commission on peace*
38 *officers' standards and training fund.*

39 (e) Whenever in the judgment of the commission any person has
40 engaged in any acts or practices which constitute a violation of this act,
41 or any rules and regulations of the commission, the commission may make
42 application to the district court, without giving bond, for civil enforcement
43 of this act or rules and regulations in accordance with the act for judicial

1 review and civil enforcement of agency actions. The district or county
2 attorney of any county shall at the request of the commission render such
3 legal assistance as necessary in carrying out the provisions of this act.
4 Upon the request of the commission, the district or county attorney of
5 the proper county shall institute in the name of the state or commission
6 proceedings for appropriate relief, whether mandatory, injunctive or de-
7 claratory, preliminary or final, temporary or permanent, equitable or le-
8 gal, against any person regarding whom a complaint has been made charg-
9 ing such person with the violation of any provision of this act.

10 (f) The commission shall make such inquiry as necessary to determine
11 compliance with the requirements of this section and the rules and reg-
12 ulations adopted under it.

13 (g) It shall be the responsibility of the agency head to ensure that
14 every police officer or law enforcement officer under their supervision
15 has the opportunity to receive the mandatory training as prescribed in
16 K.S.A. 74-5604a and amendments thereto.

17 Sec. 16. K.S.A. 74-5619 is hereby amended to read as follows: 74-
18 5619. (a) (1) There is hereby created in the state treasury the law en-
19 forcement training center fund. All moneys credited to such fund under
20 the provisions of this act or any other law shall be expended only for the
21 purpose and in the manner prescribed by law, ~~including the expenditures~~
22 ~~for the operation of the Kansas law enforcement training commission to~~
23 ~~carry out its powers and duties as mandated by law.~~

24 ~~(b)~~ (2) All moneys received for assessments as provided pursuant to
25 K.S.A. 74-5607, and amendments thereto, shall be remitted to the state
26 treasurer in accordance with the provisions of K.S.A. 75-4215, and
27 amendments thereto. Upon receipt of each such remittance, the state
28 treasurer shall deposit the entire amount in the state treasury to the credit
29 of the law enforcement training center fund.

30 (b) *There is hereby created in the state treasury the Kansas commis-*
31 *sion on peace officers' standards and training fund. All moneys credited*
32 *to such fund under the provisions of this act or any other law shall be*
33 *expended only for the purpose of the operation of the commission to carry*
34 *out its powers and duties as mandated by law. The director may apply*
35 *for and receive public or private grants, gifts and donations of money for*
36 *the commission. All moneys received from grants, gifts and donations shall*
37 *be remitted to the state treasurer in accordance with the provisions of*
38 *K.S.A. 75-4215, and amendments thereto. Upon receipt of each such re-*
39 *mittance, the state treasurer shall deposit the entire amount in the state*
40 *treasury to the credit of the Kansas commission on peace officers' stan-*
41 *dards and training fund.*

42 (c) This section shall be part of and supplemental to the Kansas law
43 enforcement training act.

1 Sec. 17. K.S.A. 74-5620 is hereby amended to read as follows: 74-
2 5620. (a) There is hereby created in the state treasury the local law en-
3 forcement training reimbursement fund. All expenditures from the local
4 law enforcement training fund shall: (a) Be distributed to municipalities
5 which participated in local law enforcement training programs, certified
6 by the ~~law enforcement training~~ commission, which existed prior to Jan-
7 uary 1, 1992, in accordance with a distribution formula developed by the
8 commission; (b) not exceed more than 100% of the actual training costs
9 incurred by the municipality in participating in the local law enforcement
10 training program; and (c) be distributed for basic law enforcement train-
11 ing and not be for any type of continuing law enforcement training ed-
12 ucation programs. No money shall be expended from this fund prior to
13 January 1, 1993. Such distribution formula shall provide that distribution
14 be based on the number of individuals trained and the cost per individual
15 trained of each such municipality. Any such distributions shall be re-
16 viewed on a year-to-year basis and adjusted accordingly pursuant to the
17 criteria specified in this section. The ~~law enforcement training~~ commis-
18 sion shall conduct a review of all local law enforcement training programs
19 in which municipalities receiving expenditures pursuant to this act are
20 participating and shall require that all such law enforcement training pro-
21 grams report their costs in a standardized format prescribed by the com-
22 mission.

23 (b) *This section shall be part of and supplemental to the Kansas law*
24 *enforcement training center act.*

25 New Sec. 18. (a) (1) Notwithstanding the provisions of K.S.A. 74-
26 4971, and amendments thereto, on or after the effective date of this act,
27 the Kansas commission on peace officers' standards and training shall
28 affiliate with the Kansas police and firemen's retirement system estab-
29 lished under the provisions of K.S.A. 74-4951 et seq., and amendments
30 thereto, pursuant to the provisions of this act for membership in the
31 system of members of the staff of the Kansas commission on peace offi-
32 cers' standards and training who have been designated as law enforce-
33 ment officers by the executive director pursuant to K.S.A. 74-5603, and
34 amendments thereto, and successfully completed the required course of
35 instruction for law enforcement officers approved by the Kansas law en-
36 forcement training center or are certified pursuant to the provisions of
37 K.S.A. 74-5607a, and amendments thereto. For purposes of such affilia-
38 tion for membership in the system of such members, the Kansas com-
39 mission on peace officers' standards and training shall be considered a
40 new participating employer. The Kansas commission on peace officers'
41 standards and training shall make application for affiliation with such sys-
42 tem in the manner provided by K.S.A. 74-4954, and amendments thereto,
43 to be effective on July 1 next following application. The Kansas commis-

1 sion on peace officers' standards and training shall affiliate for member-
2 ship in the system of such members for participating service credit.

3 (2) The Kansas commission on peace officers' standards and training
4 shall pay a sum sufficient to satisfy any obligations as certified by the
5 board of trustees of the retirement system and the employer contributions
6 of the Kansas commission on peace officers' standards and training shall
7 be as provided in subsection (1) of K.S.A. 74-4967, and amendments
8 thereto.

9 (b) (1) Each such member of the staff employed by the Kansas com-
10 mission on peace officers' standards and training on the date of affiliation,
11 may become a member of the Kansas police and firemen's retirement
12 system on the first day of the payroll period of such member, coinciding
13 with or following the entry date of the Kansas commission on peace of-
14 ficers' standards and training as provided in this section, only by filing
15 with the board of trustees of the system, on or before the entry date of
16 the Kansas commission on peace officers' standards and training as pro-
17 vided in this section, a written election to become a member of the sys-
18 tem. Failure to file such written election shall be presumed to be an
19 election not to become a member of the system. Such election, whether
20 to become or not to become a member, shall be irrevocable.

21 (2) Each such member of the staff of the Kansas commission on
22 peace officers' standards and training who is on an authorized leave of
23 absence or is in the military service on the entry date of the Kansas com-
24 mission on peace officers' standards and training as provided in this sec-
25 tion may become a member of the Kansas police and firemen's retirement
26 system on the first day of the first payroll period of such member, coin-
27 ciding with such member's return to active employment and payroll of
28 the Kansas commission on peace officers' standards and training, only by
29 filing with the board of trustees of the system within 10 days after such
30 return to active employment a written election to become a member of
31 the system. Failure to file such written election shall be presumed to be
32 an election not to become a member of the system. Such election,
33 whether to become a member or not to become a member, shall be
34 irrevocable.

35 (c) Each such member who is employed as a member of the staff of
36 the Kansas commission on peace officers' standards and training on or
37 after the entry date of the Kansas commission on peace officers' standards
38 and training into the Kansas police and firemen's retirement system as
39 provided in this section shall become a member of the Kansas police and
40 firemen's retirement system on the first day of such employment.

41 (d) If the Kansas commission on peace officers' standards and train-
42 ing affiliates as provided in this act, the Kansas commission on peace
43 officers' standards and training and each member of the staff who elects

1 to become a member shall be subject to the provisions of K.S.A. 74-4951
2 et seq., and amendments thereto, as applicable.

3 (e) The division of the budget of the department of administration
4 and the governor shall include in the budget and in the budget request
5 for appropriations for personnel services the amount required to satisfy
6 the employer's obligation under this act as certified by the board of trus-
7 tees of the system, and shall present the same to the legislature for allow-
8 ance and appropriations.

9 (f) The determination of retirement, death or disability benefits shall
10 be computed upon the basis of "credited service" as used in K.S.A. 74-
11 4951 et seq., and amendments thereto, but shall include only participating
12 service with the person's participating employer, commencing on and
13 after the effective date of affiliation by the participating employer with
14 the Kansas police and firemen's retirement system.

15 Sec. 19. K.S.A. 74-5603, 74-5604a, 74-5606, 74-5607a, 74-5608a, 74-
16 5611, 74-5616, 74-5617, 74-5619 and 74-5620 and K.S.A. 2005 Supp. 12-
17 4117, 20-362, 28-172a, 74-5602, 74-5605, 74-5607 and 74-5611a are
18 hereby repealed.

19 Sec. 20. This act shall take effect and be in force from and after its
20 publication in the statute book.