

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT.

The meeting was called to order by Chairperson Nancy Brown at 1:30 p.m. on March 9, 1994 in Room 521-S of the Capitol.

All members were present.

Committee staff present: Michael Heim, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Lois Hedrick, Committee Secretary

Conferees appearing before the committee:

Senator Gerald Karr
William T. North, Legal Counsel to the Chase County Commission
Howard Collett, Chase County Attorney
Frances Olson, Chairman, Chase County Commission
Senator Sherman Jones
Representative Patricia Pettey

Others attending: See Attachment 1.

The Chairman opened the hearing on **SB 690** (Chase county; transfer of certain property from building commission; issuance of bonds to pay for jail). Senator Jerry Karr testified in support of the bill, stating that the bill was introduced as a result of a request from the Chase County Board of Commissioners. Senator Karr stated the county has experienced some challenging problems the last few years and this proposal is an effort to regroup the financial responsibilities of the county. He said as the bill was considered in the Senate, an amendment was added that adds hardship on the county. He recommends removal of the amendment and passage of the bill.

William North, Legal Counsel to the Chase County Commission, testified in support of the original version of **SB 690**. He explained the history of the financial problems and explained the effect the Senate amendment would have on the county. He declared that if the amendment is adopted, it will cause further hardship and requested the amendment be removed. (See his testimony, Attachment 2).

Mike Heim outlined the authority of the county's Public Building Commission and stated such commissions are a vehicle for financing public bonds. They have authority to build buildings through revenue bonds and rent or lease them to other agencies. The county commission establishes the building commissions by ordinance, and abolishes them by ordinance.

Howard Collett, Chase County Attorney, outlined the county's financial problems caused mainly by decreasing property values. He reinforced the opposition to the Senate amendment and requested that the original version of the bill be passed.

Frances Olson, Chairman of the Chase County Commission, stated there is nothing in the bill that says there will be "excess funds," just that all funds "shall be used to pay the bonds issued by the county." The commission's interpretation of this is that the commission could not use any revenue of the fund to maintain the jail. The commission does not feel it can operate county government and also make expenses of the jail subject to general funding.

There being no others present to testify, the hearing on **SB 690** was closed. Chairman Brown stated the bill may be worked at tomorrow's meeting.

The Chairman opened the hearing on **SB 627** (Law enforcement authority of Wyandotte county park rangers). Senator Sherman Jones testified in support of the bill (see Attachment 3) and stated he is a member of the board of directors of the Wyandotte County Parks Commission. In response to a question from Representative Wootton, Senator Jones stated the bill would permit park rangers the right of hot pursuit and authorize the same powers as given other deputy sheriffs in Wyandotte County only.

Representative Patricia Pettey, testifying in support of **SB 627** described the reasons for having the bill introduced (see Attachment 4). She offered a copy of Attorney General's Opinion 94-5 wherein he stated that under current law, the park rangers have full authority to enforce the laws on the park but have no enforcement authority outside the limits of the park and any recreational areas (see Attachment 5).

Stephen Pokrywka, Police Chief of Wyandotte County Parks, described the authority of the park rangers and offered several reason for amending the law to give the officers the same authority as other deputy sheriffs in Wyandotte County (see Attachment 6). He stated the bill codifies what has been the practice of the park rangers for several years.

Mike Heim stated that this debate is similar to the debate on the authority of state park rangers several years back, which was resolved by giving them the same powers as those given Highway Patrolmen statewide.

There being no others present to testify, the hearing on **SB 690** was closed.

On motion of Representative Hayzlett, seconded by Representative Pettey, the minutes of the meeting held on March 8, 1994 were approved.

Meeting was adjourned at 2:45 p.m. The next meeting of the committee is scheduled for March 10, 1994, at 1:30 p.m., in Room 521-S of the Capitol.

HOUSE OF REPRESENTATIVES
COMMITTEE ON LOCAL GOVERNMENT
CONFEREES AND VISITORS
MARCH 9, 1994

[illegible]

TESTIMONY OF WILLIAM T. NORTH
COUNSEL TO COUNTY COMMISSIONERS
BEFORE HOUSE LOCAL GOVERNMENT COMMITTEE

RE: SB 690

Senate Bill 690 was introduced to allow the Board of County Commissioners of Chase County, Kansas, to refinance the outstanding indebtedness on the Chase County Jail facility. There is precedent for this bill as it was patterned after the refinancing statute passed for Shawnee County after it built its new jail. (K.S.A. 12-1765a and K.S.A. 19-15,144).

The Chase County Jail was built by the Chase County, Kansas Public Building Commission and leased to the County. The jail was financed by revenue bonds issued by the Chase County, Kansas Public Building Commission. The principal and interest on the bonds were to be paid for out of the lease payments made by the county out of the revenues generated by the jail.

Unanticipated operating expenses forced the County Commissioners to levy property taxes to meet the principal and interest payments on the revenue bonds.

At the time the revenue bonds were issued in 1991, the rate of interest on the bonds was in excess of seven percent (7%) per annum. Today's interest rates would allow the County to issue general obligation bonds at under five percent (5%) per annum, allowing a substantial debt service savings to the county and its taxpayers. (See attached projected savings)

Senate Bill No. 690, as originally drafted, provided for the Chase County, Kansas, Public Building Commission to transfer the jail facility to the County and for the County to issue general obligation bonds, outside the bonded debt limitations, to refinance the revenue bonds.

As amended by the Senate Committee, SB 690, Section 2(c) requires "Any revenue derived from the operation of the county jail and sheriff's department project and other related facilities acquired pursuant to this act shall be used to pay the bonds issued by the County pursuant to this section."

This requirement, although well intentioned, not only does not do what it is intended to do, reduce tax levies, it makes the operation of the jail nearly impossible. This language must be strictly construed and forces the county to use all revenue from the operation of the jail to retire debt. It does not make any provision for payment of the costs associated with operating and maintaining the jail or for the long term needs of the facility.

Further, by not allowing the revenue to be used for operating and maintaining the facility, it forces these costs to be paid out of the General Fund of the County, which does not have sufficient levy authority to pay the costs of the operation of the jail and continue to pay for the costs of the other county offices which are paid out of the general fund.

Also, the passage of SB 690 will make it mandatory that the County refinance the outstanding revenue bonds. Although the language to issue general obligation bonds is permissive, the reality is that once the Public Building Commission transfers the jail facility to the County, the County loses its authority to levy taxes to make the lease payments which in turn paid the principal and interest on the revenue bonds.

The County would be better off in its current situation than to have SB 690 pass in its present form. Under the financing plan which now exists, the County can lawfully levy property taxes to pay the principal and interest payments on the revenue bonds and this levy is outside the aggregate levy limitations. It can also use the revenue from the jail to operate and maintain the jail, and also pay the principal and interest on the bonds.

If passed in its present form, the County would have to use all of the revenue from the operation of the jail to pay the principal and interest on the bonds and raid the general fund to operate the jail, while jeopardizing the general governmental functions of the county. This legally and financially is not possible.

The total purpose of SB 690, as originally drafted, was to allow the refinancing of the debt on the jail facility to save the County and its taxpayers money. Section 2(c) should be removed to allow the County to accomplish that purpose.

Chase County, Kansas Public Building Commission

General Obligation Refunding Bonds

(County Jail and Sheriff's Department Project)

Series 1994

Debt Service and Savings Report

Date	Principal	Rate	Interest	Annual Debt Service	Debt Service Not Refunded	Debt Service After Refunding	Original Debt Service	Debt Service Svgs / (Cost)
09/01/94	70,000	2.850	25,886.25	95,886.25	0.00	95,886.25	94,455.00	(1,431.25) (1)
09/01/95	85,000	3.150	49,777.50	134,777.50	0.00	134,777.50	136,022.50	1,245.00
09/01/96	85,000	3.350	47,100.00	132,100.00	0.00	132,100.00	132,722.50	622.50
09/01/97	90,000	3.550	44,252.50	134,252.50	0.00	134,252.50	134,272.50	20.00
09/01/98	95,000	3.750	41,057.50	136,057.50	0.00	136,057.50	135,372.50	(685.00)
09/01/99	100,000	3.950	37,495.00	137,495.00	0.00	137,495.00	135,897.50	(1,497.50)
09/01/00	100,000	4.150	33,545.00	133,545.00	0.00	133,545.00	131,122.50	(2,422.50)
09/01/01	100,000	4.350	29,395.00	129,395.00	0.00	133,545.00	131,060.00	1,665.00
09/01/02	110,000	4.550	25,045.00	135,045.00	0.00	135,045.00	135,540.00	495.00
09/01/03	115,000	4.700	20,040.00	135,040.00	0.00	135,040.00	134,240.00	(800.00)
09/01/04	120,000	4.900	14,635.00	134,635.00	0.00	134,635.00	132,400.00	(2,235.00)
09/01/05	125,000	5.150	8,755.00	133,755.00	0.00	133,755.00	135,200.00	1,445.00
09/01/06	45,000	5.150	2,317.50	47,317.50	0.00	47,317.50	257,280.00	209,962.50
Total	1,240,000		379,301.25	1,619,301.25	0.00	1,619,301.25	1,825,685.00	206,383.75

Bond Years 8.355
 Average Life 6.738
 Average Coupon 4.540

Issue Dated 03/01/94
 Delivery Date 03/01/94
 Bond Yield & PV Rate 4.50676743

Difference in Debt Service 206,383.75
 Adjustments at Closing (117,500.00)
 Change in Reserve Fund Balance 0.00
 Net Future Value Savings 88,883.75
 PV Savings (0.192 % Refunded Par) 2,252.74
 Estimated Accrued Interest on Reserve Fund Contribution At 2.800% 39,480.00

02/01/94 11:58 AM

George K. Baum & Company

TO
HOUSE LOCAL GOVERNMENT COMMITTEE
from BOARD OF COUNTY COMMISSIONERS, CHASE COUNTY

Ladies and Gentlemen:

In 1991 Chase County, through a public building commission, issued \$1.2 million in bonds to build a 32-bed jail/law enforcement center. Chase County, through a lease-buy agreement, is obligated to pay approximately \$134,000.00 per year for 12 more years. The facility is designed to house prisoners for other jurisdictions as well as Chase County prisoners. 1993 income from housing other jurisdiction prisoners amounted to about \$456,000.00. This amount is not quite enough to pay operating expenses (\$340,000 in 1993) and lease-buy payments.

Chase County 1994 budget includes a 6.01 mill levy (raising \$133,910) outside the aggregate ad valorem tax levy limitation for the lease-buy payments to the public building commission. This, after paying all expenses, should leave no other jail expenses for the county to fund from the general fund, and possibly a small carryover. A 15% reduction in rates received for federal prisoners for 1994 will reduce prisoner-housing income for 1994 sufficiently that carryover funds will be slight.

Senate Bill 690 was designed to allow us to issue General Obligation Bonds to refinance the building commission bonds at the lower rates of interest now available, for a savings in total bond and interest payments. Unfortunately it was amended in the Senate Committee by the addition of Sec. 2 (c). This amendment appears to require Chase County to pay all operating costs of the facility out of funds other than prisoner-housing fees now collected from other jurisdictions. Operating costs, other than lease/buy payments, totaled approximately \$340,000 in 1993. These operating costs cannot be absorbed by the other funds of the county.

The bill as it comes to this committee is unacceptable. We ask that Section 2 (c) be deleted and that efforts be continued to pass the bill through both houses as originally written.

Attachment: 1994 budget for detention facility
1993 Chase County Tax levy rates

1993 CHASE COUNTY TAX LEVY RATES

COUNTY VALUATION..... 22,281,891
COUNTY POPULATION..... 3,021
Levy Rates Expressed per \$1,000 Valuation

STATE LEVY RATES

Kansas Educational Bldg. Fund.... 1.000
State Institutions Bldg. Fund.... .500
TOTAL STATE LEVY 1.500

COUNTY LEVY RATES

General.....11.263
Sheriff..... 6.967
Liability Insurance..... .711
Mental Health..... .711
County Health..... .931
Election..... .776
Services for Elderly..... .868
Historical Society..... .111
Ambulance..... .819
Employee Benefit.....11.746
Reappraisal..... .927
Road & Bridge.....11.723
Special Road..... 1.854
Noxious Weed..... 1.497
County Fair..... .201
Extension Council..... 1.690
Junior College..... 1.303
Detention Facility..... 6.010
TOTAL COUNTY LEVY 60.108

CITY LEVY RATES

CEDAR POINT
General.....11.260
City Levy.....11.260
TOTAL CITY LEVY (Inc. State, County, Twp,
School, Fire and Library)..... 114.913

COTTONWOOD FALLS

General.....18.884
Bond & Interest.....20.498
Employee Benefit.....11.749
Industrial Development..... 1.000
Street & Alley Repair.....10.000
Liability Expense..... 2.059
City Levy.....64.190
TOTAL CITY LEVY (Inc. State, County, Twp,
School)..... 163.381

ELMDALE

General.....27.737
Bond & Interest.....45.182
City Levy.....72.919
TOTAL CITY LEVY (Inc. State, County, Twp,
School, Fire and Library)..... 171.733

MATFIELD GREEN

General.....16.777
City Levy.....16.777
TOTAL CITY LEVY (Inc. State, County, Twp,
School, Fire and Library)..... 116.746

STRONG CITY

General.....17.312
Bond & Interest.....41.138
City Levy.....58.450
TOTAL CITY LEVY (Inc. State, County, Twp,
School, and Library)..... 155.694

WATERSHED LEVY RATES

No. 21-Jt. Fall River..... 1.972
No. 24-Jt. Upper Verdigris..... .983
No. 25 Silver Creek..... 1.116
No. 33-Jt. Upper Walnut..... .496
No. 61-Jt. Diamond Creek..... 2.462
No. 62-Jt. Middle Creek..... 2.761
No. 71 Peyton Creek..... 2.006
No. 76-Jt. South Fork..... 3.944
No. 94-Jt. Jacobs Creek..... .963

TOWNSHIP LEVY RATES

BAZAAR-General..... .482
Cemetery..... .652
Total Levy..... 1.134
CEDAR- General..... .928
Cemetery..... .467
Total Levy..... 1.395
COTTONWOOD-General..... 1.101
Cemetery..... 2.637
Building..... 1.101
Total Levy..... 4.839
DIAMOND-General..... -0-
Total Levy..... -0-
FALLS- General..... .317
Cemetery..... .914
Library..... 2.380
Total Levy..... 3.611
HOMESTEAD-General..... 1.204
Township Hall..... .475
Total Levy..... 1.679
MATFIELD-General..... .271
Cemetery..... .884
Total Levy..... 1.155
STRONG-Cemetery..... .715
Total Levy..... .715
TOLEDO-Cemetery..... .470
Building..... .466
Total Levy..... .936

SCHOOL DISTRICT LEVY RATES

USD 284
General..... 33.000
Recreation..... .972
Total Levy..... 33.972
USD 397
General..... 33.000
Capital Outlay..... 4.000
Supplemental General..... 1.963
Total Levy..... 38.963
USD 398
General..... 33.000
Capital Outlay..... 4.000
Recreation..... 1.892
Total Levy..... 38.892
USD 408
General..... 33.000
Capital Outlay..... 4.000
Total Levy..... 37.000

LIBRARY LEVY RATES

NORTH CENTRAL KANSAS LIBRARY
General..... .805
Retirement..... .144
Total Levy..... .949

FIRE DISTRICT LEVY RATES

FIRE DISTRICT NO. 1
General..... 2.285
Total Levy..... 2.285

DRAINAGE DISTRICT LEVY RATES

DRAINAGE DISTRICT NO. 2
General..... 4.383
Bond & Interest..... 11.379
Total Levy..... 15.762

SPECIAL ASSESSMENT TAXES ARE IN ADDITION
TO THE ABOVE LEVIES

I, Sharon L. Cahoon, County Clerk of Chase County,
Kansas, do hereby certify the foregoing to be the
correct statement of levies for the year 1993.
Witness my hand and official seal this 1st day of
November, 1993.

Sharon L. Cahoon

HOUSE LOCAL GOVERNMENT

Attachment # 2-5

3 / 9 / 94

STATE OF KANSAS
Budget Form E1
1994

Adopted Budget

DETENTION FACILITY

	1992 Code Actual	1993 Budget or Estimate	BUDGET 1994
Unreserved Fund Balance January 1	0	0	(15,159)
Ad Valorem Tax			
Prisoner Care		456,000	403,984
No Fund warrants		0	
Miscellaneous			
Total Receipts	0	456,000	403,984
RESOURCES AVAILABLE:	0	456,000	388,825
Administration			
Personal		40,961	43,500
Contractual		4,672	4,800
Commodities		317	0
Capital Outlay		0	1,300
Maintenance and Operations			
Personal			
Contractual		11,801	11,800
Commodities		1,547	1,545
Capital Outlay		823	5,409
Medical and Hygiene			
Personal			
Contractual		7,369	7,500
Commodities		1,915	2,500
Capital Outlay			
Food Service			
Personal		31,039	31,200
Commodities		58,270	57,750
Contractual		1,633	1,750
Capital Outlay			1500
Security			
Personal		153,843	155,000
Contractual		8,204	5,000
Commodities		4,665	11,000
Capital Outlay		11,368	16,509
Laundry			
Personal			
Contractual			
Commodities		1,172	1,560
Capital Outlay			5,000
Transportation			
Personal			
Contractual		150	250
Commodities			
Capital Outlay			
Lease Purchase -PAID TO PUBLIC BUILDING COMMISSIO		131,410	133,910
TOTAL EXPENDITURES	0	471,159	498,783
Unreserved Fund Balance, December 31	0	(15,159)	XXXXXXXXXXXX
Non-Appropriated Balance			23,952
Total Expenditures and Non-Appropriated Balance			522,735
TAX REQUIRED			133,910
Delinquency			0
AMT OF TAX TO BE LEVIED			133,910

FUND EXEMPT FROM TAX LID PER KSA 70-5028(a)

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HOUSE LOCAL GOVERNMENT
Attachment # 2-6
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SHERMAN J. JONES
SENATOR, 4TH DISTRICT

3736 WEAVER DRIVE
KANSAS CITY, KANSAS 66104
(913) 342-5728



TOPEKA

SENATE CHAMBER
STATE CAPITOL BUILDING
TOPEKA, KANSAS 66612-1504
(913) 296-7376

COMMITTEE ASSIGNMENTS
MEMBER FEDERAL AND STATE AFFAIRS
RANKING MINORITY
TRANSPORTATION & UTILITIES
PUBLIC HEALTH & WELFARE
EDUCATION
JOINT COMMITTEES
CHILDREN AND FAMILIES
CLAIMS AGAINST THE STATE
CHAIRMAN LEGIS. BLACK CAUCUS

TESTIMONY OF SENATOR SHERMAN JONES
HOUSE LOCAL GOVERNMENT COMMITTEE
MARCH 9, 1994

Madam chairperson, and members of the committee: I am Sherman Jones of the Kansas Senate and I am here to address SB 627.

The legislation, if enacted, would give the Wyandotte County Park Rangers the authority to act in the capacity of law enforcement officers throughout the county.

The Park Rangers hold the same commission as deputy sheriffs of the county and are sworn in with that authority. Unfortunately, current state law prohibits them from any law enforcement activity outside the park(s) in which they work.

Currently, should park rangers observe a criminal act taking place while going from one to any of the three parks, any action they take would be as private citizens, not as law enforcers. This is the case, even though they would be wearing a side weapon.

The rangers are required to receive the same law enforcement training as all other law enforcement officers of the state plus 40 hours of annual training.

This bill would correct a simple problem and provide a good solution to increase the efficiency of these officers.

I encourage your support of the bill.

Thank You. Are there any questions?

HOUSE LOCAL GOVERNMENT
Attachment # 3
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PAT HUGGINS PETTEY
 REPRESENTATIVE, THIRTY-FIRST DISTRICT
 WYANDOTTE COUNTY
 3500 GIBBS
 KANSAS CITY, KANSAS 66106
 (913) 236-7463

STATE CAPITOL—RM. 281-W
 TOPEKA, KANSAS 66612-1504
 (913) 296-7669



TOPEKA

HOUSE OF
 REPRESENTATIVES

TESTIMONY

Pat Huggins Pettey
 Before the Senate Federal & State Affairs Committee
 on Senate Bill 627

COMMITTEE ASSIGNMENTS
 MEMBER EDUCATION
 LOCAL GOVERNMENT
 JOINT COMMITTEE ON CHILDREN
 AND FAMILIES

Thank you for considering Senate Bill 627 on behalf of the Wyandotte County Delegation. I represent the Argentine and Turner areas of Wyandotte County.

In August of 1993 I was contacted by Chief Ranger Steve Pokrywka of the Wyandotte County Parks. He had received differing opinions on the authority of the "rangers" when they are not on park property. The district attorney of Kansas City, Kansas, Nick Tomasic believed that KSA 19-2858 controlled the enforcement authority of the Park Rangers to the parks. This section of the statute allows the board of park commissioners to recommend park rangers to become deputy sheriffs but limits their enforcement authority to the park areas. The legal counselor for the county, Wayne Lampson, had advised the sheriff, Bill Dillon, that KSA 74-5602 and KSA 22-2401 granted the rangers authority within Wyandotte County. KSA 74-5602 defines police officer or law enforcement officer to include deputy sheriff and statute KSA 22-2401 speaks to the law enforcement officer's authority being to anywhere within the county.

After further conversations with the sheriff, the district attorney, Secretary Ted Ensley and his chief counsel, Omar Stavlo, I asked for an opinion from the state's attorney general. The attorney general's opinion agreed with the Kansas City's district attorney. I then proceeded with legislation to remedy this local need. SB 627 amends KSA 19-2858 to grant park rangers, when recommended by the county park commissioners and trained as training is defined under the Kansas law enforcement training act to have law enforcement authority throughout the county.

Along with my testimony I have provided you with a letter from the Wyandotte County District Attorney, Nick Tomasic. He also supports this legislation and clarifies clearly how this bill will improve the use of our trained park rangers. With that, I ask for your support of this legislation and I stand for questions.



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612-1597

ROBERT T. STEPHAN
ATTORNEY GENERAL

January 21, 1994

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751
TELECOPIER: 296-6296

ATTORNEY GENERAL OPINION NO. 94- 5

The Honorable Pat Huggins Pettey
State Representative, 31st District
State Capitol, Room 281-W
Topeka, Kansas 66612

Re: Counties and County Officers -- Parks, Museums,
Lakes and Recreational Grounds; Wyandotte County
-- Deputy Sheriffs for Enforcement of Park
Regulations; Park Rangers' Authority Outside the
Park Grounds

Synopsis: Park rangers deputized by the county sheriff have
full authority to enforce the laws inside the park
grounds, but they have no enforcement authority
outside the limits of the park and any recreational
areas. Cited herein: K.S.A. 19-805; 19-2858; K.S.A.
1992 Supp. 22-2202; K.S.A. 74-5602.

* * *

Dear Representative Pettey:

As representative for the thirty-first district, you request
our opinion regarding the authority of Wyandotte county park
rangers, appointed pursuant to K.S.A. 19-2855, outside the
park grounds.

K.S.A. 1992 Supp. 22-2202(13) defines "law enforcement
officer" broadly as:

"any person who by virtue of office or
public employment is vested by law with a

HOUSE LOCAL GOVERNMENT
Attachment # 5-1
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duty to maintain public order or to make arrests for violation of the laws of the state of Kansas or ordinances of any municipality thereof or with a duty to maintain or assert custody or supervision over persons accused or convicted of crime, and includes court services officers, parole officers and directors, security personnel and keepers of correctional institutions, jails or other institutions for the detention of persons accused or convicted of crime, while acting within the scope of their authority."

K.S.A. 74-5602(e) defines "law enforcement officer" as:

"a full-time or part-time salaried officer or employee of the state, a county or a city, whose duties include the prevention or detection of crime and the enforcement of the criminal or traffic laws of this state or of any municipality thereof."

However, all law enforcement officers within the definition of the above statutes do not necessarily have the same authority. For example, members of capitol area security patrol are law enforcement officers under those statutes, but they may exercise their law enforcement powers only on or about property or buildings owned by the state with limited exceptions pursuant to K.S.A. 75-4503(b). Attorney General Opinion No. 90-24.

K.S.A. 19-2858 provides:

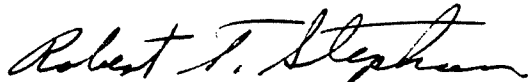
"The manager of the county board of park commissioners shall recommend to the county sheriff such number of employees as he deems necessary to become deputy sheriffs of the county, and the duly elected and qualified sheriff of the county shall deputize such employees as deputy sheriffs with full authority to enforce the rules and regulations of the county board of park commissioners as recommended to and by resolution adopted by the board of county commissioners:
Provided, That the deputy sheriffs

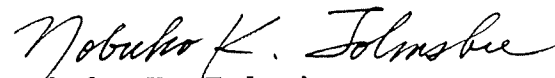
herein created shall have no enforcement authority outside the limits of the park and any recreational areas: Provided further, The deputy sheriffs herein created shall receive no compensation as such deputy sheriffs."

We find this statute controls the authority of the park rangers. They may have the same law enforcement training and be qualified as law enforcement officers, however, their authority is restricted to the park and recreational areas.

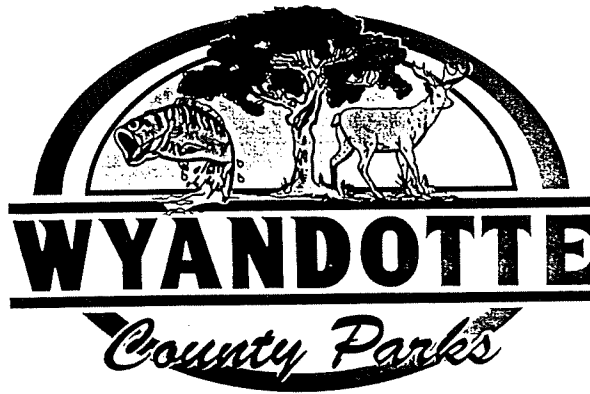
In conclusion, park rangers deputized by the county sheriff have full authority to enforce the laws on the park, but they have no enforcement authority outside the limits of the park and any recreational areas.

Very truly yours,


ROBERT T. STEPHAN
ATTORNEY GENERAL OF KANSAS


Nobuko K. Folmsbee
Assistant Attorney General

RTS:JLM:NKF:bas



House and Local Government Committee:

I am Chief Ranger Stephen Pokrywka, I am the Police Chief of Wyandotte County Parks, located in Kansas City, Kansas. I am also President of the Kansas Park Law Enforcement Association (KPLEA). I am here today as a proponent to proposed House Bill #627. The statute KSA 19-2858, which I hope will be amended by your vote, limits the deputies described in the statute, as having authority only inside the park boundaries. Statute KSA 74-5602, in part describes who is a law enforcement officer. This proposal will amend that part to include deputies as named in KSA 19-2858.

I will try to explain my situation and how this all came about. In the State Statutes, in Chapter 19 there is a Article that specifically deals with Parks, Museums, Lakes and Recreational Grounds, Article 28. In this Article's first heading it denotes the title heading "all counties." Further in the Article it specifically spells out two separate counties governed by park boards and county commissioners. These two counties are Wyandotte Counties, and Johnson Counties. These are the only two counties in the State of Kansas, that have separate statutes governing their actions. Furthermore, Wyandotte County is the only County in the State that has a specific statute which spells out where they will get their police protection, and what jurisdiction they may have. Unlike every other county who have park police, park rangers, or sheriff deputies patrolling their parks without any restraint on their jurisdiction, Wyandotte County does.

Herein lies the problem, Statute KSA 19-2855 has a sentence that limits the powers of these sheriff deputies, which patrols Wyandotte County Parks, to only that inside the park boundaries. For years we have been operating this police department under the assumption that we had proper jurisdiction outside the park. It was brought to my attention by the County District Attorney, County Counselor, and my Park Executive Manager, that we should try to change this statute. The reason being that if someday something should happen outside the park boundaries, we would be legally covered to perform are jobs as we were trained. The liability that the park now bears is alarming, and this is why we propose a amended version. I will describe the deputies in the House Bill, and read to you a few of the reasons why this House Bill needs your support.

Michael J. Connor, Executive Manager

Let me describe the Deputy Sheriffs in statute KSA 19-2858.

These Deputies, more commonly known as Park Rangers are state certified law enforcement personnel in Wyandotte County. They meet and exceed the necessary training required by the State of Kansas in statute KSA 74-5607. We make arrest, preform traffic stops, and have criminal investigations. We are our own police department. We are deputized by the sheriff, and carry commission cards to enforce the laws of the state and county. We carry a firearm to protect the public and ourselves. Here are several problems that I am up against.

1. There are three county parks that exist in Wyandotte County. They are some distance from each other. As the statute reads now, the deputies are not able to carry their firearm outside the park boundaries, because they have no jurisdiction outside the boundaries of the park. Thus, when they leave one park and go to another park, they are carrying their weapons illegally. They also have no authority to prevent or make arrest if they should see a crime in progress while driving through the city to another park.
2. These deputies have no authority to help at a accident scene should they be needed to do so.
3. When asked to assist outside agencies on calls they cannot do so because of the statute preventing them from leaving the park. There have been numerous situations when we have helped area police agencies, and now we cannot assist when a emergency arises.
4. As any other law enforcement agency would attest to, it is hard to conduct an investigation and stay in your jurisdiction. The Park Rangers are really confined by only having that authority to investigate inside the park boundaries. Investigating an assault in the park, in which the people involved have left the crime scene would end up in hours of paperwork just trying to interview the people through an outside agency. Plus, another agency has enough to do without conducting an investigation for our department.
5. Try investigating an applicant who has applied for a deputies position, and stay in the park boundaries. It becomes impossible to stay in the park when I need to conduct a thorough background investigation on a person in which I am about to hire, and give a gun.

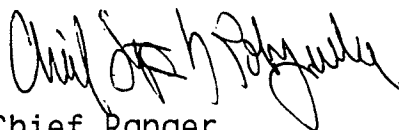
6. Going to the schools in our communities, participating in the parades and in the county fair are things we have done for years that will have to cease.
7. As a law enforcement officer, protecting your parks and making them safe for your family and friends, I feel that after I get off duty I should be able to take my gun home, not just leave it in my locker. As the statute is now, I cannot take my gun out of the park because my authority is vanquished. I cannot protect myself or my family from the criminals I arrest, unless I am in the park boundaries. I can carry a gun as a private citizen, but not as the law enforcement officer that I worked all day as. We are the only park law enforcement agency in this state asked to do this.

The statute was introduced in 1945 and was amended once in 1955. It is now time to take another look at this statute and pass House Bill #627, which would give us the authority outside our parks boundaries. I have worked on this change for two years and cannot find any opposition. Frankly, everyone believed we had that authority outside the parks anyway. I want to make certain that we do. We will not be initiating calls or making stops outside of the park boundaries. That is always been departmental policy, but if you now approve House Bill #627, we will be able to conduct normal business and not have to worry about the legalities of the park boundaries.

Attached I have letters from Sheriff Dillion of Wyandotte County, District Attorney Nick Tomasic of Wyandotte County, and a letter from Executive Manager of Wyandotte County Parks, who are all proponents of the House Bill. There is a copy of the existing statute, with the section about the deputies authority outside park boundaries circled.

I would like to thank Representative Petty for her hard work on this matter, and I would like to thank you for your time. If you have any question I would be happy to answer them at this time.

Stephen L. Pokrywka



Chief Ranger,
Wyandotte County Parks

President,
Kansas Park Law Enforcement Assn.



OFFICE of the SHERIFF
WYANDOTTE COUNTY
710 NORTH 7TH STREET
KANSAS CITY, KANSAS 66101
PHONE: (913) 573-2861

BILL E. DILLON
SHERIFF

August 5, 1993

Mr. Nick A. Tomasic
District Attorney
Wyandotte County Courthouse
710 North 7th
Kansas City, Kansas 66101

Re: Authority for Park Rangers- Outside of Parks

Dear Nick:

I am writing this letter at the request of Stephen Pokrywka, Chief Ranger at the Wyandotte County Parks. It has come to my attention that concerns have been raised as to the authority of the "rangers" when they are not on park property. By this letter I hope to set out the authority of the rangers.

After consultation with Wayne Lampson, County Counselor, it is my decision that the Wyandotte County Park Rangers are to be granted law enforcement authority within Wyandotte County, Kansas. Pursuant to K.S.A. 74-5602, the rangers qualify as law enforcement officers, have been given all required law enforcement training, and therefore I feel it appropriate for them to have the same jurisdiction as my deputies. Attached please find the list of the current rangers to whom this grant of authority currently applies.

If I can be of further assistance, please advise.

Respectfully,

A handwritten signature in cursive script that reads "Bill Dillon".

Bill Dillon, Sheriff

cc: Stephen Pokrywka
Mike Connor
Wayne Lampson

HOUSE LOCAL GOVERNMENT
Attachment # 6-4
3 / 9 / 94

Office of The
DISTRICT ATTORNEY
Of The 29th Judicial District of Kansas

Wyandotte County Justice Complex
710 N. 7th Kansas City, Kansas 66101
(913) 573-2851



August 6, 1993

Sheriff Bill Dillon
Sheriff's Department
Criminal Justice Complex
710 North 7th Street
Kansas City, Kansas 66101

RE: Park Rangers Authority

Dear Bill:

Your letter of August 5, 1993 is acknowledged.

K.S.A. 19-2858 is the statute controlling the activities of a Park Ranger.

The last six lines of that statute specifically provides that they "have no enforcement authority outside the limits of the park", and they "shall receive no compensation as such deputy sheriffs".

Bill, you need to have the legislature "amend the statute" if you want to expand the rangers authority.

Please let me know if I can be of any assistance.

Yours truly,

Nick A. Tomasic
NICK A. TOMASIC
District Attorney

NAT/lkf

CC: Stephen Pokrywka
Mike Connor
Wayne Lampson

HOUSE LOCAL GOVERNMENT
Attachment # 6-5
3 / 9 / 94

Office of The
DISTRICT ATTORNEY
Of The 29th Judicial District of Kansas

Wyandotte County Justice Complex
710 N. 7th Kansas City, Kansas 66101
(913) 573-2851



February 1, 1994

Representative Pat Pettey
House of Representatives
State Capitol Building
Topeka, Kansas 66612

RE: K.S.A. 74-5602
K.S.A. 19-2858

Dear Pat:

I have studied the proposed amendments to K.S.A. 74-5602 and K.S.A. 19-2858. The amendments are logical and necessary.

- (1) There are three parks in Wyandotte County, situated in three different areas of the County.
- (2) The crimes that are committed on the park grounds are not just violations of the County resolutions.
- (3) The victims, witnesses and suspects do not live on park property.
- (4) Very seldom is anyone apprehended during the commission of a crime on park property.

Under the existing law, the authority of the park ranger (who has the same law enforcement training and qualifications as other law enforcement officers), is restricted to the parks. This means that unless the rangers apprehend the suspect on park property or in hot pursuit, they are required to turn the investigation over to other sheriff's deputies.

The location of three parks also create a problem. When the rangers travel from one park to another, in uniform, carrying their service revolver, they are doing so as private citizens with no law enforcement authority. If someone committed an assault or battery,

Page Two
Letter to Representative Pettey
February 1, 1994

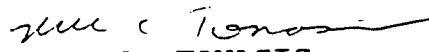
or if they came upon a crime in progress, their status would be no more than that of an ordinary citizen.

K.S.A. 74-5602(E) should be amended as proposed on lines seven and eight of the bill.

K.S.A. 19-2858 should be amended to eliminate the restrictions now existing relative to the enforcement authority.

If they are properly trained deputy sheriffs, they should have full law enforcement authority throughout the county.

Yours truly,


NICK A. TOMASIC
District Attorney

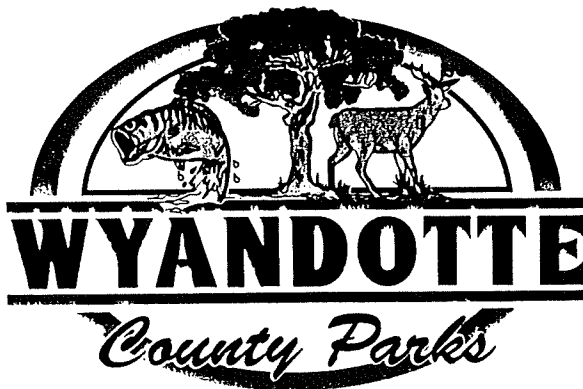
NAT/lkf

CC: Sheriff Bill Dillon

Chief Steve Pokrywka
Park Rangers

PARK BOARD

WINNIE AXE, *President*
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JOHN PETTEY, *Member*



Michael J. Connor
Executive Manager

3488 West Drive
Kansas City, Kansas 66109
913-299-0550
FAX 913-299-9051

Proponent for Proposed Bill # 627

Mike Connor, Executive Manager
Wyandotte County Parks Department

Thank you for the opportunity to appear before you today. I have come in support of the Proposed Bill # 627 regarding Park Rangers authority outside park boundaries.

As the current statutes read the Park Ranger is not considered a law enforcement officer once outside the parks. This is despite the fact they are trained alongside other Kansas Law Enforcement Officers at Hutchinson, required to receive the same 40 hours of training per year, are certified and commissioned by the Sheriff as are all other deputies and have full arrest authority for violations of state law and local ordinances and resolutions.

This proposed bill will allow the park rangers to follow up on any necessary investigations, provide more law enforcement eyes and ears when traveling from park to park and give the rangers the necessary power to assist other agencies in times of emergencies.

I think in these trying times of increasing crime on our streets any opportunity to have added deterrents should be most welcome. The primary purpose of this proposed bill is not increased police presence on the streets but that will be a secondary benefit if passed.

Thank you for your time and consideration of this bill.

L. 1970, ch. 155, § 1; L. 1970, ch. 162, § 23; L. 1979, July 1.

Practice Aids:

§ 131.

§ 131.

Manager of parks; appointments and duties; compensation of employees. The county board of commissioners shall appoint a manager of parks. He shall be the executive officer of the county park and recreation department and shall manage, superintend and control all county parks and recreational areas, roads and park drives, including grounds and other structures located within such county parks and recreational areas. He shall establish and negotiate all contracts and concessions, which contracts and concessions must be approved by the board of park commissioners. The manager, by and with the consent of the board of park commissioners, may employ such personnel as is necessary for the efficient operation of the office, the parks, parkways and recreational areas, county lakes, roads and including all buildings, grounds and structures located within such county parks and recreational areas that are under his control. The county board of park commissioners shall establish the rates of compensation of the manager and other employees. The compensation of all employees shall be paid out of the park funds. The manager shall execute a good and sufficient bond in the amount of twenty-five thousand dollars to the county for the faithful performance of his duties. Said manager shall submit a quarterly report to the county board of commissioners and the board of county commissioners of the park commission's property, including a detailed statement of its assets and liabilities, showing the financial conditions under its control, which report shall be submitted to before a notary public.

L. 1945, ch. 177, § 4; June 28.

Practice Aids:

§ 69(2), 81.

§§ 101, 109, 131.

County park and recreation budget; disbursements. There is hereby appropriated out of the county

result of contracts, leases, concessions, gifts or otherwise in the operation of the said county parks, parkways, lakes and recreational areas, shall be credited to the county park and recreation fund. The county board of park commissioners shall meet on or before the first day of June in each year for the purpose of preparing the county park and recreation budget, which budget shall be filed with the board of county commissioners on or before the fifteenth day of June in each year. The board of county commissioners shall examine such budget and if the same shall be within the limitations of the statutes the board of county commissioners shall approve the same and cause such ad valorem levy to be made as provided by law. Disbursements of the fund thus created shall be by voucher, approved by the county board of park commissioners, and signed by the president or vice-president and the manager of the county board of park commissioners, which vouchers shall be paid in the same manner as are other county vouchers, and shall be subject to the same auditing procedure as are other county vouchers.

History: L. 1945, ch. 177, § 5; June 28.

19-2858. Deputy sheriffs for enforcement of park regulations. The manager of the county board of park commissioners shall recommend to the county sheriff such number of employees as he deems necessary to become deputy sheriffs of the county, and the duly elected and qualified sheriff of the county shall deputize such employees as deputy sheriffs with full authority to enforce the rules and regulations of the county board of park commissioners as recommended to and by resolution adopted by the board of county commissioners: *Provided*, That the deputy sheriffs herein created shall have no enforcement authority outside the limits of the park and any recreational areas: *Provided further*, The deputy sheriffs herein created shall receive the same compensation as such deputy sheriffs.

History: L. 1945, ch. 177, § 6; L. 1955, ch. 166, § 3; June 30.

JOHNSON COUNTY PARK AND RECREATION DISTRICT HOUSE LOCAL GOVERNMENT

Revisor's Note:

Attachment # 6-9
3 / 9 / 94

Reasons for 1953 park district act, see preamble to L.

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