

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT.

The meeting was called to order by Chairperson Mark Parkinson at 9:00 a.m. on January 20, 1994 in Room 531-N of the Capitol.

All members were present except: Sen. Feleciano

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

Conferees appearing before the committee:

Anne Smith, Kansas Association of Counties
Sheriff Jim Daily, Barton County
Sheriff Loren Youngers, Kansas Sheriff's Association
Kyle G. Smith, The Kansas Peace Officers' Association
Jim Clark, Kansas County and District Attorneys Association

Others attending: See attached list

The minutes of January 18 were approved.

Anne Smith, Kansas Association of Counties, requested the introduction of a bill regarding the publication of delinquent property tax notices. It would reduce the number of required publications from three to one which would result in the reduction of costs to counties.

Sen. Ramirez made a motion to introduce the bill, Sen. Langworthy seconded, and the motion carried.

The Chairman informed the committee that he had a request for the introduction of a bill by Senator Emert. The bill would allow persons to petition for the adoption of the county administrator form of government.

Sen. Tillotson made a motion to introduce the bill, Sen. Reynolds seconded, and the motion carried.

The Chairman also had a request for the introduction of a committee bill from Senator Petty. It is a bill that passed the Senate last year but not in the House. It would require seat belts on small school buses.

Sen. Langworthy made a motion to introduce the bill, Sen. Langworthy seconded, and the motion carried.

SB 469 -- Concerning sheriffs; relating to qualifications.

Staff briefly explained that SB 469 amends the section of the statute that deals with the qualifications of sheriffs. Two new qualifications are added as requirements for persons running for election.

Sheriff Jim Daily of Barton County testified in support of SB 469. (See Attachment 1)

Sheriff Daily clarified the training requirements in new subsections (4) and (5) noting that a person with the five years experience required in (4) would have had the 320 hours of basic training required (5).

The Chairman asked Mr. Daily if he had information as to how many sheriffs in Kansas have been elected in the past five years with no previous law enforcement experience. Mr. Daily said he knows of three such cases. The Chairman inquired further as to why qualifications for sheriffs are needed when qualifications for other elected officials such as the Governor do not exist. Mr. Daily responded that counties have a great

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT, Room 531-N Statehouse, at 9:00 a.m. on January 20, 1994.

liability and also the responsibility of running a jail requires special training and knowledge.

Sen. Reynolds asked who pays for the training. Mr. Daily answered that it is paid by the county through docket fees. He added that passage of the bill would not cause a financial strain on the counties and reiterated that the bill will insure that the sheriff's position is professional, and persons serving as sheriffs need to have a balance of experience and education to be properly qualified to serve the county. Sheriffs, such as in the smaller counties, who do not have these qualifications leave the county in a high liability level. Sen. Downey commented that she sees this bill as fitting in with the trend to require accountability of those in public positions.

Sheriff Loren Youngers of Morton County and President of the Kansas Sheriff's Association testified in support of SB 469. (See Attachment 2)

Sen. Reynolds asked Sheriff Youngers if insurance premiums are less for sheriff's with more training. Sheriff Youngers had no specific data on this but felt that some companies do give breaks in cases where sheriffs have had training. Sheriff Daily added that in his experience, if documentation can be shown regarding training, liability has been reduced.

Kyle G. Smith of the Kansas Peace Officers' Association followed with testimony in support of SB 469. (See Attachment 3) He added that he has witnessed legal problems in smaller counties caused by lack of knowledge on the part of sheriffs. Mr. Smith agreed with Sen. Gooch who commented that the bill would not totally solve the problem of corrupt persons, however, he feels five years experience is a good barometer to be used as a requirement for the chief law enforcement officer of a county.

Also, Mr. Smith was in agreement with a statement by Sen. Ramirez that the bill involves another mandate on local governments, however, he said the schooling requirement is current law for those who are elected as sheriffs. Mr. Smith saw no major change in the funding of the training.

Sen. Ranson questioned if the qualifications were for an elected sheriff or for the hiring of a qualified law enforcement officer. Mr. Smith reiterated that he feels there is a need for professionalism on the part of sheriffs to insure that the public is served properly.

Jim Clark, Kansas County and District Attorneys Association, gave final testimony in support of SB 469. He stated his support for previous testimony and agrees that a more professional person is required to administer jails and carry out statutory duties.

Sen. Downey stated that she feels voters want to be assured that those they vote for are qualified persons. However, Sen. Ranson expressed her concern that perhaps there would not be persons who are qualified to run in the smaller counties if the bill were enacted.

There being no further time, the meeting was adjourned at 10:00 a.m.

Written testimony in support of SB 469 had been submitted by Sheriff Lynn Fields of Crawford County and on behalf of the Kansas Sheriff's Association. (See Attachment 4)

The next meeting is scheduled for January 25, 1994.

Date: January 20, 1994

GUEST REGISTER

**SENATE
LOCAL GOVERNMENT**

[illegible]

Mr. Chairman, members of the committee,

I am Jim Daily, I am the Sheriff of Barton county.

Thank you very much for your time today. My comments will be short but to the point. I'm speaking today on a subject that I feel is vitally important to all Sheriff's in the State of Kansas.

Since 1972 it has been provided in the statutes that to be eligible for the position of Sheriff a person needed to be a citizen of the United States a qualified elector of the county, possess a high school diploma or GED and be free of any felony convictions, or have plead guilty or nolo contendere to any federal or state laws or city ordinances relating to gambling or liquor or narcotics violations.

At that time, those qualifications were probably fair and adequate. But, since that time, the position of Sheriff has evolved. No longer should the Sheriff be looked upon as being a job for the good ol boy. Sheriff's are, by statute, the chief law enforcement officer of the county and with that comes a tremendous amount of responsibility. From maintaining a jail to serving civil and criminal process issued by the district courts to taking the reports from the citizen who's neighbor drove through their fence to the homicide of a unsuspecting victim. All of this and much much more have dictated that a Sheriff must be a professional law enforcement officer, well trained and educated.

The need to update the qualifications has been recognized by the Sheriff's of this state, and they, through the efforts of the Kansas Sheriff's Association and the Kansas Law Enforcement Training Center have drafted the bill you have before you. Although the change being proposed may not seem like a significant one, it is certainly a positive step toward professionalizing a career that is often times looked upon as being one that anyone can do. I support the Association and the changes requiring prior law enforcement experience before an individual is eligible for the position of Sheriff, and I respectfully ask you to do the same.

Thank you very much for your time today, and if you have any questions of me, please feel free to ask.

Senate Local Gov't
1-20-94
Attachment 1

TO: Senate Committee

FROM: Sheriff Loren W. Youngers
President Kansas Sheriff's Association

REF: Testimony on Senate Bill 469, Increased Qualifications
for Sheriffs Amending K.S.A. 19-801 (b)

Greetings,

In regards to Senate Bill 469 it is our intent to bring a higher standard to the office of the Kansas Sheriff. It is my feeling that as the world becomes more complex so goes the area of Law Enforcement. The Sheriffs Office is one that takes on a multiple of jobs. The jail and its continued problems involving civil liability is but one of many. Problems of juveniles, gangs, drugs, domestic violence, and violent crimes brings unending burdens to the Sheriff.

As these problem areas continue to get worse it is our desire to seek out experience in the electing of Kansas Sheriffs. Counties would be benefiting from this bill in that they would reduce the propensity for liability due to the lack of experience. A higher qualified Sheriff would bring credibility to his Office.

It is through the Kansas Sheriff's Association that this Bill has come about. We are looking to build up the Office of Sheriff, bringing about more professionalism within it.

Senate Local Gov't
1-20-94
Attachment 2



ROBERT B. DAVENPORT
DIRECTOR

KANSAS BUREAU OF INVESTIGATION

DIVISION OF THE OFFICE OF ATTORNEY GENERAL

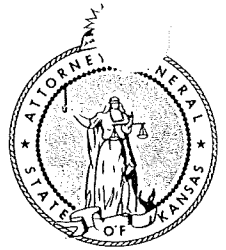
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ROBERT T. STEPHAN
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TESTIMONY
KYLE G. SMITH
ON BEHALF OF THE KANSAS PEACE OFFICERS' ASSOCIATION
BEFORE THE SENATE AND LOCAL GOVERNMENT COMMITTEE
IN SUPPORT OF SENATE BILL 469
January 20, 1994

Mr. Chairman and Members of the Committee:

I am Kyle G. Smith, Assistant Attorney General and Special Agent with the Kansas Bureau of Investigation. However, today I appear as a representative of the Kansas Peace Officers' Association (KPOA) in support of SB 469.

The KPOA supports improved professionalism in law enforcement and certainly at the level of sheriff in the State of Kansas. SB 469 creates for the first time some minimum qualification for sheriff beyond that of a rookie police officer. We believe that the demands of the office certainly support such a requirement.

The duties and responsibilities of sheriffs have increased with the complexities of our litigious society. The citizens of Kansas deserve that we ensure the person in charge of law enforcement in a county be able to handle these demands.

I would be happy to stand for any questions.

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*Senate Local Gov't
1-20-94
Attachment 3*

Kansas Legislature
Topeka, Kansas

RE: Qualifications of Sheriff

I, Lynn Fields, Sheriff of Crawford County, and legislative chairman for the Kansas Sheriff's Association, submit my testimony to be read in my absence to the Legislature by our most qualified designee.

Kansas Sheriffs, through their organization, "The Kansas Sheriff's Association", asks that we submit for legislation in 1994 the following revisions to the act concerning the qualifications for the office of Sheriff.

Senate Local Gov't
1-20-94
Attachment 4

Our intent is to improve the quality of individual that will be eligible for nominations, elections or appointments to the office of Sheriff.

No peace officer in America stands more committed to the public good, tax payers interest, and victims rights than the elected Sheriff. It has become very apparent that every person elected to the office of Sheriff today faces a higher degree of liability, both personally and professionally, than ever before in the history of this office; therefore, we believe the complexity of today's criminal justice system dictates the need for mandatory minimum requirements be established for an individual to be eligible for the office of Sheriff.

The challenge to adopt through legislation a mandatory minimum requirements bill, has been met head on by Kansas Sheriffs. The proposed minimum requirements for the office of Sheriff establishes that each county will have an experienced law enforcement officer as a qualified elector to hold the office of Sheriff.

Therefore, be it resolved that the Kansas Sheriff's Association does hereby recommend the adoption of the stated requirements.

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

Section 1. K.S.A. 19-801b is hereby amended to read as follows: 19-801b. (a) No person shall be eligible for nomination, election or appointment to the office of sheriff unless such person:

- (1) Is a citizen of the United States and a qualified elector of the county;
- (2) possesses a high school education or its recognized equivalent; ~~has five years' experience as a full-time police officer or full-time law enforcement officer as defined in K.S.A. 74-5602(e) and meets the requirements for permanent appointment as a full-time police officer or full-time law enforcement officer as set forth in K.S.A. 74-5607a and amendments thereto and 74-5616 and amendments thereto or K.S.A. 75-5608a and amendments thereto. For the purposes of this section, the term "full-time" shall have the meaning prescribed for it in K.S.A. 74-5602(f) and amendments thereto.~~

- (3) Has never been convicted of or pleaded guilty or entered a plea of *nolo contendere* to any felony charge or to any violation of any federal or state laws or city ordinances relating to gambling, liquor or narcotics.

(b) Every person elected to the office of sheriff for the first time, or anyone reelected or appointed to the office after having been out of the office for two years or more shall be required to attend the law enforcement training academy as established by K.S.A. 74-5601 *et seq.*, and amendments thereto, and satisfactorily complete the required training course of not less than 320 hours, unless such person has satisfactorily completed such training course within the two years prior to election or appointment or unless the associate director, as defined in subsection (d) of K.S.A. 74-5602, with the consent of the law enforcement training commission, waives the requirements of this subsection as provided in K.S.A. 74-5608a and amendments thereto. Unless the requirements are waived, any person elected to the office of sheriff who has not attended the law enforcement training academy shall hold office on a provisional basis, and such person shall attend the next scheduled training program at the law enforcement training academy and satisfactorily complete such training program or the one subsequent to it, or shall forfeit such office.

(c) Each newly elected sheriff of each county who is required to attend the law enforcement training academy shall be hired as a deputy sheriff and shall be paid a salary as deputy sheriff while attending the law enforcement training center and the tuition, board, room and travel expense for the sheriff-elect at the law enforcement training center shall be paid by the county.

New Section 2. Any person serving as sheriff on the effective date of this act shall be and forever remain eligible for nomination, election, or appointment to the office of sheriff.

Section 3. K.S.A. 19-801b is hereby repealed.

Section 4. This act shall take effect and be in force from and after its publication in the statute book.