



**KANSAS COMMISSION *on* PEACE OFFICERS'  
STANDARDS *and* TRAINING**  
(KS•CPOST)

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**COMMISSION MEETING MINUTES**  
June 5, 2006

**Welcome and Introduction of Guests**

Chairperson Jackie N Williams called a conference call meeting to order at 10:30AM on June 5, 2006.<sup>1</sup> The conference call meeting was arranged to discuss and take necessary action regarding the passage of HB 2122 and HB 2529.

Members present were: Chairperson Jackie N Williams, Lt Colonel Sam F Breshears, Sheriff James F Jarboe Jr, County Attorney David L Miller, Sheriff Bob G Odell, Chief Vernon A Ralston, Superintendent William R Seck, Sheriff Gary E Steed, and Sergeant Steven R Stowers. Not present were Chief Ellen Hanson, Chief William T Smith, and Director Larry D Welch.

Also present were Commission Counsel Kyle G Smith and Special Investigator Lanny K Grosland.

Representing the University of Kansas Continuing Education were Kansas Law Enforcement Training Center (KLETC) Director Ed Pavey (ex-officio Commission member), KLETC Assistant Director Dave Warry, KLETC Legal Counsel Darin L Beck, and KLETC Executive Secretary Lisa Webster.

Prior to the meeting Commission members were provided with the following documents:<sup>2</sup>

House Bill (HB) 2122;  
KS•CPOST Executive Director Position Description (Draft); and  
KS•CPOST Budget Projection.

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<sup>1</sup> The conference call was set-up by Southwestern Bell, who subsequently provided a audio CD of the call and a written transcript (Atch # 1).

<sup>2</sup> Attachments # 2, 3 & 4.

### Approval of Minutes of Last Meeting

The Chairperson entertained a motion to waive approval of the minutes of the February 15, 2006, Commission meeting, which was moved by Chief Vernon A Ralston and seconded by Sheriff Bob Odell. The motion carried.

### Problems Arising With Spending Authority — Failure to Enact Spending Authority

Chairman Williams advised House Bill 2122 was signed into law by the Governor. The bill establishes KS★CPOST as a stand-alone agency. He reported the Commission needs to take some immediate actions because the bill is effective July 1. There are certain requirements that KS★CPOST has and responsibilities that the Commission has to go through. There are some problems arising with the spending authority on it. The bill did not have an enactment for spending authority in the legislation that was passed.

Director Pavey stated during the legislative session they passed the portion of the funding for the Commission to start taking in the funds July 1, but somehow through an oversight there is no spending authority given to the Commission. He reported KS★CPOST can collect the money starting July 1, but nowhere was the authority to spend it delegated to the Commission. KLETC Legal Counsel Darin L Beck has been working with the Department of Administration and Representative Mike O'Neal, who chaired the Judiciary Committee, has been apprised of the situation and he is working with legislative research. Director Pavey advised the KLETC staff has also been working with KU. It is a very complex issue and too extensive to try and explain it all, but they hope to have some kind of resolution to, at least on a temporary basis, move forward by hiring just a couple or three staff members. It probably will not be the actual funds that are collected for the Commission that were enacted as part of HB 2122 but at least some kind of funds that will temporarily get everybody by until the next legislative session.

Pavey reported in their initial visit with the Administration at KU, KS★CPOST would try to operate with the least amount of funds and in doing so three positions in discussions that everybody felt might be critical would be the Executive Director, the

attorney and the current investigator. Then the next big critical dollar amount would be office space. Pavey has checked with KU and KLETC is in a position where the Training Center would offer at a very reasonable cost — probably nothing — office space at KLETC for the next year until the Commission could get their feet on the ground and make a smooth transition of the central registry system.

## Immediate Action(s) That Must Be Taken By KS★CPOST

### Search/Transition Committee Members

Chairman Williams reported he wanted the authority to have a search team appointed and a transition team — probably the same ones. He advised anybody can be on the committee. His suggestion for a search team was:

Chairman Williams;  
Director Larry D Welch;  
Colonel William R Seck;  
Sheriff Gary E Steed; and  
Lt Colonel Sam F Breshears

Colonel Seck advised he would be out of the country from June 20 to July 11 and for that reason thought he should be removed from the search committee. After a discussion Colonel Seck was removed and Sgt Steven R Stowers volunteered to fill that vacancy.

Chairman Williams asked that a motion be made to approve himself, Lt Colonel Breshears, Sheriff Steed, Sgt Stowers and Director Welch as members of the search committee. The motion was made by County Attorney David L Miller and seconded by Sheriff Steed. The motion carried unanimously.

Concerning delegating authority by the Commission as a whole to the Search/Transition team to make decisions, the Chairman asked for a motion to do that. Sheriff Steed made a motion to give the Search/Transition team that authority, which was seconded by Chief Vernon A Ralston. There was no discussion and the motion passed unanimously.

### Permanent Location for KS★CPOST

Chairman Jackie Williams advised, just for the purpose of discussion, it would seem the Commission should be located in Wichita or Topeka. Normally they would probably think of Topeka because that is where most of the state agencies are located. He stated in this particular case Wichita might be a better place simply because it is near Hutchinson and there is so much work that is going to have to be done this first year between KLETC and KS★CPOST.

Director Pavey reported he, KLETC Legal Counsel Darin L Beck and the KLETC staff have been discussing the logistics of the location for the next year or two of the transition and it is going to be quite extensive because the Training Center has the complete central registry system and the online reporting of continued education. That is all a Commission function and it will have to be the responsibility of KS★CPOST so KLETC's technology person is going to have to be working with the Commission's soon to be hired technology specialist after they get their feet on the ground and running. Pavey reported it just makes sense to the KLETC staff for the meetings that are going to have to be held and the close coordination that Wichita might be viable place to do it. Pavey stated the state has office buildings there in Wichita and has other organizations and it is something KS★CPOST needs to take into consideration. He reported that it is going to have to be a smooth transition so that Kansas law enforcement is not affected by this in any way, shape or form.

Chairman Williams inquired is there was any legal requirement of where the Commission office has to be located. Beck reported he could not find any statutory requirements.

Chairman Williams advised they could leave the location decision with the entire Commission or the Search Team to discuss in the further. He then inquired if there were any thoughts on that.

County Attorney David Miller asked if Hutchinson was out of the question. Sheriff Gary E Steed reported one of the things they thought about in considering Hutchinson was the difficulty in recruiting some of the office staff, which KLETC has experienced.

Chairman Williams suggested that the location question be deferred and to leave it up to the Search Team/Transition Team.

Director Pavey noted that it might be wise if the Commission is going to be making an offer to an individual for the Director's position, that individual needs to know where that job is permanently going to be located. If the Commission uses the Training Center as temporary office space for the next year, the candidate that accepts the position would want to know where the permanent office is going to be located. Director Pavey felt for that reason the full Commission should take that issue up now.

Chief Vernon A Ralston made a motion that Wichita be selected as the location for KS★CPOST. The motion was seconded by Sheriff Steed.

After a lengthy discussion a motion was made by Lt Colonel Sam Breshears to advertise the location as Topeka or Wichita in the Executive Director position announcement and leave the final decision as to location up to the Search Committee. The motion was seconded by Chief Ralston. Motion carried.

Director Pavey advised the Commission should also act on whether or not to accept KLETC's offer of temporary office space. He reported the offer was being made at no cost to KS★CPOST. Chief Ralston made a motion that the Training Center's offer be accepted. The motion was seconded by Sheriff Bob G Odell. The motion carried.

### Hiring an Executive Director

For clarification, Chairman Williams noted that he understood the Commission had delegated authority to the Search Committee to make an offer to an individual for the Director's position. He inquired if any Commission member had a different view or would like to be consulted before the final decision was made. There being no objections, the Chairman advised this committee will move forward with the Commission's authority to start the search process to hire a Director.

### Required and Preferred Qualifications for Executive Director.

After a short discussion concerning the required and preferred qualifications for the Executive Director, a motion was made by Sheriff Gary E Steed to authorize the Search Committee to finalize the qualifications for Executive Director. The motioned carried unanimously.

### Other Miscellaneous Commission Concerns

No other miscellaneous Commission concerns were discussed.

### Adjournment

The meeting was adjourned at the conclusion of business.

**House Bill 2122**  
**Kansas Law Enforcement Training Center**  
**14806734**  
**Ed Pavey**  
**June 5, 2006**  
**10:30 am Central Time**

*Operator: Bob Odell has joined.*

Lanny Grosland: Hello.

Bob Odell: Hi. Are you on board yet?

Lanny Grosland: Bob, I think just us here at KLETC and you are the only one so far.

William Seck: This is Billy. I am on from Topeka.

Lanny Grosland: Okay. I want to remind everybody that there is a verbatim recording made of this and there will be a written transcript.

Male Speaker: All right.

*Operator: Vernon Ralston has joined.*

Sam Breshears: Good morning guys. This is Sam.

Vernon Ralston: This is Sonny.

Sam Breshears: How are you doing?

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Vernon Ralston: I'm doing pretty good.

Ed Pavey: Hi Sam. Hi Sonny.

Vernon Ralston: Hi.

Ed Pavey: We got Steve Stowers\* here David Worie\*, Darren and Lisa and myself from KLETC and Lanny is on also. Billy is on from Topeka.

Male Speaker: Good. Good to see you. Billy, did you get my voice mail over the weekend?

*Operator: Pardon me, Jackie Williams has joined.*

William Seck: Yes.

Lanny Grosland: This is Lanny. I want to remind everybody that there is a recording being made of this conference call and there will be a written transcript provided later.

*Operator: Pardon me. David Miller is now connected. Jim Jarboe has joined.*

David Miller: Good morning.

Jim Jarboe: Good morning.

Ed Pavey: Morning Jim. Morning David.

David Miller: Good morning. How are you doing?

Ed Pavey: We're doing fine here at the center. We're sitting here with Dave Worie\* and Steve Stowers\* and Darrin Beck\* and Lisa and myself waiting for the Chairman. Jackie just came on. Hi Jackie.

Jackie Williams: Hi everybody.

Male Speaker: Hi Jackie.

Male Speaker: Hi Jackie.

Jackie Williams: Have we got most people here on line?

Ed Pavey: We still have registered a few more I think. Lanny is going to do roll call here in just a few minutes but we still have a few coming.

Lanny Grosland: I think we have about three more that I know of. We'll wait for them.

Male Speaker: Hey, Lanny, is Larry Welch\*...he's ill isn't he?

Lanny Grosland: The last I knew he would not be participating.

*Operator: Pardon me, Gary Steed is now connected.*

Gary Steed: Hello.

Ed Pavey: Hi Gary.



Gary Steed: Hey Ed. How are you this morning?

Ed Pavey: Doing fine.

Gary Steed: Good. (Inaudible) or Jackie on there?

Jackie Williams: I'm here Gary.

Gary Steed: Ahh, it figures. Anybody else?

Dave Miller: Your golf partner Dave Miller.

Gary Steed: Hi Dave. Looking forward to that

Dave Miller: Yes. When I saw that Kyle said he was in...

*Operator: Kyle Smith has joined.*

Kyle Smith: Aha! Caught you talking about me didn't I?

Male Speaker: Uh oh.

Kyle Smith: Didn't know what you were saying but I caught you.

Dave Miller: I e-mailed him back and I meant to e-mail everybody back saying I'm out now.

- Male Speaker: (Inaudible)...talk about now!
- Gary Steed: It's tough for me to golf with three lawyers. That's like golfing with three left-handers you know?
- Male Speaker: Gary? With three lawyers I don't know what we are going to actually golf but you're going to have the best reported score of your life.
- Gary Steed: There you go.
- Ed Pavey: Lanny, who are we missing so far?
- Lanny Grosland: Bob Odell and Bill Smith\*.
- Bob Odell: Bob Odell's here. I have been on board.
- Lanny Grosland: Well, I was thinking so, okay. Bill Smith is the only one I believe we are waiting for right now that I know is going to participate.
- Ed Pavey: Mr. Chairman? If from our perspective since we are paying the bill on this if you want to go ahead and move forward Mr. Smith can join just in as he comes on board if he comes on board.
- Jackie Williams: Okay. Well, why don't we get this conference call going then? This is a Commission conference call of June 5, 2006 to begin about 10:30 a.m. and it's around 10:30 or 10:32 I believe. Mr. Grosland, can you do a roll call of the members and the KLETC staff that's on line?

Lanny Grosland: I will do that and of course I have you and Sam Breshears.

Sam Breshears: Here

Lanny Grosland: Allan Hanson\*? Jim Jarboe?

Jim Jarboe: Here.

Lanny Grosland: Dave Miller?

Dave Miller: Here.

Lanny Grosland: Bob Odell?

Bob Odell: Here.

Lanny Grosland: Sonny Ralston?

Vernon Ralston: Here.

Lanny Grosland: Willy Seck?

William Seck: Here.

Lanny Grosland: Bill Smith? Gary Steed?

Gary Steed: Here.

Lanny Grosland: (Inaudible).

Male Speaker: Here.

Lanny Grosland: Larry Welch\*? Ed Pavey?

Ed Pavey: Here.

Lanny Grosland: Kyle Smith?

Kyle Smith: Here.

Lanny Grosland: Rick Krapp\*. At KLETC Darren Beck\*?

Male Speaker: Here.

Lanny Grosland: David Worie\*?

David Worie\*: Here.

Lanny Grosland: Lisa Webster\*?

Lisa Webster: Here.

Lanny Grosland: Is there anybody else that's online that I didn't call? I believe we're ready for Item 3.

Jackie Williams: Okay. Item 3 -- motion to waive and postpone approval of the February 15, 2006 minutes of our last meeting. I think we are ready with those minutes to approve at the moment. I wonder if we have a motion regarding that?

Male Speaker: Approved.

Jackie Williams: And whoever makes motions and seconds might identify themselves.

Vernon Ralston: This is Sonny. So approved.

Bob Odell: Odell. I will second it.

Jackie Williams: Okay, all those in favor say aye.

Male Speaker: Aye.

Male Speaker: Aye.

Male Speaker: Aye.

Jackie Williams: Those opposed? Show that as passed unanimously. The reason for this meeting today that we are doing by telephone for expediency -- because we couldn't get everybody together so quickly -- I think everyone knows is House Bill 2122, which was signed into law by the Governor. As everyone knows that the

bill establishing a stand-alone commission for the Kansas C Post. We need to take some immediate actions because we don't have a lot of time to get this done. The bill is effective July 1. There are certain requirements that we have and responsibilities that we have to go through. We have some problems arising with the spending authority on it. The bill did not have an enactment spending authority in the legislation that was passed. Our KLETC Council, Darren Beck\* and Director Pavey have done some research on that and I will turn that over to you at this time.

Ed Pavey:

What we have run into is during the legislative session they passed the portion of the funding, the \$2.50, for the Commission to start taking in the funds July 1 but somehow through an oversight there is no place to put the blame exactly. It's just one of those things that happened there was no spending authority given to the Commission. In other words you can collect the money starting July 1 but nowhere was the authority to spend it delegated to the Commission.

We have been in touch with the Department of Administration. Darren Beck\* has been feverishly working with the Department of Administration. Legislative Research is now involved in it. Representative Mike O'Neill, who chaired the Judiciary Committee, has been apprised of the situation and he's working with legislative research.

We have also been working with KU. It's a very complex issue and too extensive to try and explain it all today. But we hope...and again I say we hope to have some kind of resolution to at least on a temporary basis move forward by hiring just a couple or three staff members and the Chairman is going to address it later here in the meeting agenda but go ahead and move forward on some things

pending some kind of resolution to the funding issue and the ability to go ahead and spend some funds. It probably won't be the actual funds that are collected for the Commission that were enacted as part of HB 2122 but at least some kind of funds that will temporarily get everybody by until the next legislative session when they go ahead and clean it up and everything will be back to the way it's supposed to be. Darren, do you have any thoughts or additional comments?

Darren Beck\*: No, I think that's a good summary of where we are.

Ed Pavey: Okay. Mr. Chairman, at that point we are hoping again for resolution to the funding issue and we'll keep you posted on that.

Jackie Williams: Thank you Mr. Pavey and Darren. There is immediate action that we need to take. Does everybody have a copy of the agenda for today? Did you have a chance to go over it? I assume everybody does. But the immediate thing is we need to hire an Executive Director. I believe that there was a draft disseminated to everyone of the Executive Director position description. Did anyone not get a copy of that?

Vernon Ralston: I did not. This is Sonny.

Jackie Williams: Anyone else?

Ed Pavey: Mr. Chairman, can I interrupt for a second? Sonny, do you have a fax number that we can send something to you right away?

Vernon Ralston: Yes. 620-549-6662.

Ed Pavey: We'll send it right to you.

Vernon Ralston: Okay.

Jackie Williams: We'll come back to that. Position description -- that's something we can do a little later. But we need to hire an Executive Director so the Executive Director can then take a look at staff and go forward hiring staff.

The other thing that we would disseminate by e-mail would be the C Post budget projection. Sonny, did you get a copy of that?

Vernon Ralston: No.

Jackie Williams: Okay, you might want to send him that too Mr. Pavey.

Ed Pavey: It's on its way.

Jackie Williams: In that it shows the personnel, the administrator, the attorney, computer tech, office manager, clerical support person, current investigator, additional investigator and then the benefits. I think everyone knows that that is the budget projection that was presented when this bill was debated and passed and it was a total of \$791,00 plus. Is that correct Ed?

Ed Pavey: Its total is \$669,662 for the fiscal year 2007, which...

Jackie Williams: Oh, I'm sorry. I was going to the 2012.



Ed Pavey: Yes, to the...it's starts in the FY 2007 year. The first.

Jackie Williams: Yes, that's my mistake. Right at \$670,000. We do have a pretty short advertising window and methods of advertising. Ed, you and Darren in particular were researching the advertising procedures and regulations that we have to follow. Is there any update on that?

Ed Pavey: It depends on how this all shakes out in terms of a resolution. If we go through KU we are going to sit down with KU human resources at the same time sitting down with somebody from the State HR and try to work it out. We can envision that this could be a temporary KU employee until the matter is resolved and then switch the person over as a State of Kansas employee and we want to work out all the details to ensure a smooth transition on that. That's where we are at now.

Jackie Williams: All right. So we are getting the advertising researched to determine whether we have to do a regulation that requires newspaper advertising or whether we can do that by sending it out to the Sheriff's Association, etc. Is that correct?

Ed Pavey: Yes. What we are envisioning because of the tight window of...the law's effective...and let me give you a nutshell just to brief in on that. The law is effective July 1 this year and it has certain responsibilities that the Commission must be responsible for. The only way to get that going is get an Executive Director on board that can start hiring at least in our mind an attorney and also moving Lanny's position over to that cost center for the Commission's investigator role because we can't here at the training center after July 1 do anything on behalf of the Commission. We have no statutory authority because

that statute was repealed with an enactment of the new HB 2122 language. So we are kind of in a fix that this Executive Director is critical to at least having the Commission on board because even Lanny can't move over on his own until this whole thing is resolved and the Executive Director appoints him as a staff member. So that's why we are in such a tight window on moving forward with that.

Jackie Williams: I think in fact that's why we had to go forward on a hearing in July, I believe, and appoint a committee on that on one of the hearings that's coming up. Is that right?

Ed Pavey: That's correct. End of June.

Jackie Williams: (Inaudible) quickly. All right. One of the things that obviously is in the hiring of the Executive Director. The other thing that we have to do is I need to appoint members of a Search Committee regarding that to make a final selection and then we need to decide things such as temporary office space, if we need to lease any, if we need to be with KLETC. Then a permanent location city for the Kansas C Post and then talk about a transition team itself

Dave Miller: Jackie, this is Dave Miller. Is it possible that an interim Director could be appointed?

Jackie Williams: Sure I think that's possible.

Dave Miller: And would that be...

Jackie Williams: Would we have the money for that?

Ed Pavey: Well, there wouldn't be any money unless the Department of Administration and KU and Legislative Research can come up with some kind of mechanism because the statute does not permit any expenditures from the K Post fund.

Kyle Smith: This is Kyle. Was there some speculation or understanding that if we could get Glen Gosen\* and Conroy\* to sign off that there was an intent, even though they forgot to specify the authority to spend that we could actually be able to do that?

Ed Pavey: According to them now the only time they do that is when there has been a mistake actually in the language...

Kyle Smith: Not an omission. It has to be an actual mistake?

Ed Pavey: That's exactly right. That avenue does not appear to be a viable threat at this point.

Male Speaker: But we are (inaudible)...

Male Speaker: Ed and Darren, if we go forward with a Search Committee...and I am just assuming for the moment we won't have an interim Director although we will come back and discuss that in a moment. But if we go forward with a Search Committee what do you project our timeframe to be as far as advertising and then reviewing and then interviewing candidates and making a selection?

Ed Pavey: Thirty (30) days at the max. There is going to be either some kind of resolution to this in this next week or so in terms of either it can't happen or it will happen and so as soon as the Commission can approve the Search Committee and the Search Committee approve the criteria for selection and for advertising and everything with that that could move forward. Just don't make a job offer to anybody until the funding is in place and ready to go.

Jackie Williams: What I have done is review the...because that was my projection -- four to six weeks on doing it from the beginning of advertising to actually hiring someone. I have done it in a couple of ways in conjunction with that timeframe I have thought about a Search Committee in terms of really just get together quickly. Each of your responsibilities where you are in the state and I have come up with a five member suggested committee. That doesn't mean that has to be who it is. If anyone wants to be on it I think that's fine.

So we have two options. We will have to form the Search Committee I think anyway. We can do it within the timeframe of a month, the six weeks and make an offer for a Director. Or we can talk about the possibility of having an interim Director and then making the timeframe longer. What would be the advantage, if any, of having an interim Director? Dave?

David Miller: The only thing I was thinking of is because we are under a time crunch. That was the only reason I thought that might be an option to give us a little more time to do whatever the legal responsibilities are to advertise and do it according to state guidelines.

Darren Beck\*: This is Darren Beck\*. When I did that initial research with the corporate administration I posed the idea of an interim Director thinking it would be easier to get somebody on board quickly. They told me that the process for appointing an interim Director was exactly the same as appointing a permanent Director so it really doesn't make the appointment process go any faster to go with an interim Director.

One thing you might want to keep in mind as you are thinking about going with an interim Director is this is somebody who is going to have to be making a lot of difficult decisions and setting a lot of policies for the Commission from now and forever. To have somebody on board whose expectation is that they will only be there for a short period for a year might not be the person you want making those decisions.

Jackie Williams: Any other thoughts on the interim Director versus a permanent Director search?

David Miller: It doesn't sound like a very good idea.

(Laughter)

Ed Pavey: It was a good idea, Dave, the short time period standpoint I think...

David Miller: (Inaudible)...of the idea was a good idea.

Jackie Williams: Yes, Darren is doing his job by anticipating our questions and having it researched. The Search Committee I think would perform a dual capacity and that would be also a transition team to give advice and counsel to the new

Director because whoever it is will not have probably the experience up front and might need some input on some of these decisions at least at the outset. Does anybody have any thoughts on that?

Kyle Smith: Do you need authority from the Commission -- this is Kyle -- to appoint that Transition/Search Committee?

Jackie Williams: We do need the authority and if we did need the authority I would want it anyway to have a search team appointed and a transition team -- probably the same ones. I am going to read some names here and again this is not anything that is set in stone. Anybody can be on the committee. I have tried to look at schedules and your location in the state and things like that and responsibility that you have. I would suggest it would be me, Larry Welch\*, Billy Seck\*, Sheriff Steed and Colonel Breshears. But again that is not set in stone and if anyone wants to take my place they certainly can do that.

(Laughter)

Male Speaker: Oh, listen to all the volunteers!

Jackie Williams: Does anybody that I have read not want to be on it? Does anybody I have not read like to be on it? We can come back to that. Why don't we think about that just for a few moments and then I will come back to that question to make sure everybody is satisfied. Sonny, have you had a chance to get the KC...?

Vernon Ralston: They just walked in and gave it to me right now.

Jackie Williams: Okay, we will come back to that again also. Is there anything else that we need to discuss while Sonny takes a look at those documents, Ed or Darren?

Ed Pavey: I think just in terms of...I want to go ahead...it's on the agenda item and take the time to discuss this. In our initial visiting with the (inaudible) Administration in KU we would try to do this with the least amount of funds out of where we come up with those funds to get this operational and in doing so again the three positions in discussions that everybody felt might be critical would be the Executive Director, the attorney and then Lanny's moved it over to that budget. Then the next big critical dollar amount would be office space. We have checked with KU and we are in a position where we would offer at a very, very, very reasonable cost -- probably nothing -- office space here at the training center for the next year until they could get their feet on the ground and make a smooth transition of the central registry system. Lanny is an investigator working with the new Executive Director so we would offer the office space here of three or four offices to pull that off if that would help you out.

Jackie Williams: I think that would and that also brings up the question of where the Kansas C Post should be located. Just for purposes of discussion it seems like it should be Wichita or Topeka. Normally we would probably think of Topeka because that is where most of these state agencies are. In this particular case Wichita might be a better place simply because it is near Hutchinson and there is so much work that is going to have to be done this first year between KLETC, the coordination, and the Kansas C Post. Ed, do you have any thoughts on that?

Ed Pavey: Darren and I and everyone here have been kicking it around and just for the logistics of it for the next year or two of the transition and it is going to be quite

extensive because we have the complete central registry system, the online reporting of continued education (inaudible). That's all a Commission function and it will have to be the responsibility of the Commission so our technology person is going to have to be working with the Commission's soon to be hired technology person, which can be later on and down the line after they get their feet on the ground and running. It just makes sense to us for the meetings that are going to have to be held and the close coordination that Wichita might be a viable place to do it. I know that the state has office buildings there in Wichita and has other organizations and I just think that is something the Commission needs to take into consideration is that it is going to have to be a smooth transition so that Kansas law enforcement is not affected by this in any way, shape or form.

Jackie Williams: Darren, is there any requirement of where the office has to be located in the state?

Darren Beck\*: No, I sure couldn't find any statutory requirements. It would be kind of an odd thing to require one particular location in the state as opposed to another location in the state. I would think that would be a controversial statute to try to pass.

Male Speaker: The KLETC statutes are the only one I know that does that actually.

Male Speaker: That's true.

Male Speaker: Darren, can I ask you a question? The provision that you mentioned -- and I tried to scan through the Bill -- where they repealed the KLETC training centers



authority to assist the Commission on the disciplinary matters. What statute was that or what part of the bill was that?

Darren Beck\*: I believe that's 5619. (Inaudible).

Male Speaker: Then not to sound doom and gloom but, Ed, given the financial situation you're in I don't think there is any way this is going to be a smooth transition. This is going to be hell. (Laughing).

Ed Pavey: True, but it's going to have to be as smooth as we can make it. Getting the Executive Director on board is the first part of smoothing things out a little bit.

Jackie Williams: And the motto of this Commission is "Rome wasn't built in a day" but we weren't on that job either. (Laughter) Right, David?

David Miller: Right.

Male Speaker: And be flexible.

Jackie Williams: That's right. As regards to the city we could say Topeka or Wichita. We could say Topeka, we could say Wichita, or we could leave that up with the thoughts of the Commission or the Search Team to discuss that further. Are there any thoughts on that?

David Miller: This is Dave. Is Hutch out of the question?

Jackie Williams: We talked about that a little bit.

Gary Steed: Gary Steed. One of the things we thought about Hutch is some of the difficulty I guess in recruiting some of the office staff and some of those folks. I think KLETC has experienced that.

Jim Jarboe: This is Jim Jarboe. I kind of like the idea of Wichita because that's a lot closer to me.

(Laughter)

Jackie Williams: Any other thoughts on Wichita? Pro or con?

Vernon Ralston: This is Sonny. I am in favor of Wichita.

Bob Odell: Odell. I'd go for Wichita.

Jackie Williams: Anybody against Wichita?

Male Speaker: Well, speaking of attorneys and since we are probably going to still be using assistant AGs for prosecution and hearings and appeals and the (inaudible) to state legislature Topeka does have certain advantages for an agency.

Male Speaker: We can still hold hearings and stuff in Topeka if that's necessary. We have had them in Topeka and we've had them in Salina.

Jackie Williams: I suggest that we defer this and leave it up to the Search Team/Transition Team. And probably another thing we need to discuss is the delegation of authority by

the Commission as a whole to the Search/Transition Team because there will be decisions coming up that it might because of the timeframe involved Ed believes about a month and certainly no more than six weeks we might need to act fairly quickly on some certain decisions. I can't tell you what those are right now but Sonny have you been able to look at those faxes yet?

Vernon Ralston: Yes, I have.

Jackie Williams: Okay. I would like to go back to the Search Committee and ask if anyone has any objection to a Search Team at this point -- Transition Team. Does anybody have any objections to the five names that I mentioned being on the committee? That being myself, Larry Welch\*, Billy Seck\*, Sheriff Steed and Colonel Brashears?

Male Speaker: Jackie, the only thing that I would submit and I would love to serve on the committee...the only issue that I may have is I will be out of the country from June 20 until July 11. So if that's going to be the hot and heavy time for doing this then I would probably not be your best person to do that. Otherwise if it's going to be after that then I would love to.

Jackie Williams: That's about a what -- three week period there?

Male Speaker: Yes.

Jackie Williams: Two and a half three weeks? Ed and Darren, how about that as far as Colonel Seck is concerned? What are your thoughts on that timeframe?

Ed Pavey: That's probably ....if we get the funding resolve that will probably be right during the heaviest part of it.

Jackie Williams: It does look like it (inaudible)...

William Seck: Okay, then I will respectfully ask that my name be taken off so the committee can move on with business.

Jackie Williams: Okay, we'll take Billy Seck\* off of there. We probably need an odd number in case we have a different opinion so that reduces it down to four. Do we have any volunteers for the fifth member? Otherwise if you want to...

Steve Stowers\*: I'll step up if you need a fifth person.

Gary Steed: Good job, Steve.

Jackie Williams: Okay, Steve. Anyone else? We need probably a motion now to enable that committee first to establish a Search Committee and then for the members.

David Miller: Miller so moves.

Gary Steed: Steed seconds it.

Jackie Williams: We have a motion by Dave Miller to establish a Search Committee consisting of Jackie Williams, Larry Welch\*, Sam Breshears, Gary Steed and Steve Stowers\* for a Search Team and a Transition Team seconded by Sheriff Steed. All those in favor say aye.

Male Speaker: Aye.

Male Speaker: Aye.

Male Speaker: Aye.

Male Speaker: Aye.

Jackie Williams: Aye. Those against nay. Show it passing unanimously. The second part then would be concerning delegating authority by the Commission as a whole to the Search/Transition team to make decisions and to work with the incoming Director. Do we have a motion on that?

Gary Steed: This is Steed. I would move that.

Jackie Williams: We have a motion. Is there a second before we have any discussion?

Vernon Ralston: This is Sonny and I will second that.

Jackie Williams: Seconded by Sonny Ralston. Any discussion on that point? Show that passing unanimously. Just for clarification as a Commission delegating authority to the Search Committee to make an offer to an individual for the Director's position. I take it that that was the intent of the Commission. Is there anybody have a different view from that? Or would like anybody like to be consulted before the final decision is made?

Kyle Smith: This is Kyle. You could authorize the committee to make a conditional offer subject to approval of the entire Commission if you wanted to do it that way or just make the committee do it themselves just to give you a couple of options there.

Jackie Williams: Anybody want it to be a conditional offer?

Vernon Ralston: Jackie, this is Sonny. I don't need to know before you make the decision but when the decision is made I would like for the information to be sent to us.

Jackie Williams: And be sent to you so you can have input on it?

Vernon Ralston: No, no, no. Just so I would know what was going on.

Jackie Williams: Absolutely. I think it goes without saying.

Vernon Ralston: No, I have no objections whatsoever. That's a good committee and I have no objections whatsoever of that committee doing that.

Jackie Williams: The committee will quickly inform everyone on the commission of any major event as it goes through. Any other discussion or input at all of any kind? What we want to do is make sure that everybody has...anybody that wants input on this has it at any point in the process because it's very important that this be a commission decision with everybody having input. Any further discussion? At any point, here none, but at any point any Commission member should feel free to call the staff of KLETC, the Director, myself or anyone else on the Commission

selection team to ask what's going on and where you are at and to have input at that point. Is that okay with everybody?

Male Speaker: Sure.

Male Speaker: Yes, that's fine with me.

Jackie Williams: Okay, well then I think this committee will move forward with your authority to start the search process, to hire a Director and to go forward at that point. A Search Committee/Transition Team will discuss and make a final decision regarding Topeka versus Wichita whether they both should be included in an announcement or simply Wichita or Topeka. Sonny, have you had a chance to read the...you said you've read the...does anybody have any input on the draft of the Executive Director position description?

Gary Steed: This is Steed. I just have more of a comment than anything. I saw in the preferred qualifications the fifth one about experience or knowledge of the State of Kansas purchasing human resources and financial systems. I know that's a preferred qualification but it sure seems like a pretty, I guess, specialized or something that we would have an awful lot of candidates out there with not having that experience that would be good Directors.

Jackie Williams: I think that's a good point. I circled that one myself. Anybody else have comments on that?

Ed Pavey: As easily as it was put on it can be taken off. All you have to do is so direct and that can be removed.

Gary Steed: I am not too concerned about it because it's preferred but I'm not real comfortable with having that on there. If it just said knowledge of purchasing systems or human resource knowledge or something to that effect. I guess I'm really more concerned about it happening to be knowledge of the state of Kansas level.

Ed Pavey: That can be easily adjusted.

Gary Steed: That would be my request. Maybe just take out the state of Kansas apart.

Jackie Williams: Any further discussion on that?

Ed Pavey: It's already done according to Darren.

Jackie Williams: We don't need a motion on that then?

Male Speaker: I think you can mess with this for now and then when you're done tinkering with it have somebody move to adopt that or authorize the Search Committee to make any final changes.

Gary Steed: I guess I have one more consideration. I am going to assume that because of the computerization of the state's central registry and all I guess I don't recall seeing anything on here about computer technical skills or anything. Does that need to be on there?

Ed Pavey: Number 4 -- it's required.



Gary Steed: Yes, okay. Just missed it.

Ed Pavey: No, it's there. Mr. Chairman, just for a second if you might also...I don't know if a vote was taken on giving the Search Committee the authority to make a decision and make an offer. I think there was a discussion but I don't think there was a formal vote was taken.

Jackie Williams: Do we have motion on that point?

Gary Steed: I vote we had a motion.

Ed Pavey: Thanks.

Gary Steed: Seconded.

Jackie Williams: We had a motion on the Director and the general authority but I think probably it would be better if we added specific authority too on that.

Ed Pavey: I think it was Sheriff Steed with a motion and Buddy Ralston or Vernon Ralston with the second.

Gary Steed: Yes, that's with my memory. I think we just need a vote I think.

Jackie Williams: Okay. All those in favor of the motion say aye.

Male Speaker: Aye.

Male Speaker: Aye.

Male Speaker: Aye.

Male Speaker: Aye.

Jackie Williams: Show it passed unanimously. Any other discussion about the draft position description for Executive Director?

Ed Pavey: Mr. Chair, based on Kyle Smith's comments would it be appropriate for a motion that gives the Search Committee the authority to finalize this and adopt it?

Jackie Williams: I think it would.

Male Speaker: And publish it.

Jackie Williams: Good idea.

Ed Pavey: And publish it.

Male Speaker: As they deem appropriate.

Jackie Williams: Do we have anyone with a motion?

Ed Pavey: Excuse me, Mr. Chair. Subject to any modifications that your Search Committee makes to this document as presented right now.

Jackie Williams: Right. So the motion would be to delegate to the Search Committee the authority to come up with a final position description.

Male Speaker: Based upon the input that y'all have just given and to publish that and advertise the position and then hire.

Jackie Williams: Do I have a motion? Sheriff Steed did you make the motion?

Gary Steed: I would be happy to make that motion. I just can't restate it.

Male Speaker: I'll second that.

Jackie Williams: Okay. Any discussion? All those in favor say aye please.

Male Speaker: Aye.

Male Speaker: Aye.

Male Speaker: Aye.

Male Speaker: Aye.

Jackie Williams: Those against? Show that passed unanimously. I believe we have covered most of the items. Is there anything that we need to...I think we have delegated authority to the Search Committee/Transition Team to make the decisions and to...

Gary Steed: Jackie, I guess I have a question for Ed. The office space...I assume Lanny already has a computer. Are there computers and stuff available for Directors to use with that office space? I guess I am not quite sure what might be included in that.

Ed Pavey: We would take care of whatever we would need to get things up and running. And I say this not knowing what the future holds here but of what money is going to be available on a temporary basis. We'll ensure that the Director and the two staff members who would be initially brought on board would have the necessary office equipment and everything to function.

Gary Steed: And be able to hook into networks and stuff like that?

Ed Pavey: Exactly. We'll facilitate a smooth a transition as we can. Also, just a note to Mr. Chair from Darren and me here it might be wise -- and Kyle you can interject -- but if the Commission is going to be making offers to an individual that individual needs to know where that job is permanently going to be located I think for their benefit at least. If the Commission uses this temporary office space here at KLETC for up to the next year I think that candidate that accepts that position would want to know where the permanent office is going to be located. So it might be wise for the full Commission to take that issue today as you speak so that everybody knows what the end results are going to be.

Jackie Williams: The point prior to that statement was that was delegated to the Search Committee to finalize that. You're suggesting though we finalize it now?

Ed Pavey: I think it would be in the best interest of the record and everything that the full Commission supports that decision.

Male Speaker: As you said...I am going to interject. I am not sure that we have to make that decision at this point. With electronic communications and the electronic thing if you have a computer you can run this anywhere. I would hate for us to limit ourselves to candidates who are willing to work for the next year in Hutchinson because electronic records can just be transferred at a click of a button. So we could make a decision on that but I think I am more comfortable leaving that to the Selection Committee because there may be factors that we are just not aware of at this point that makes a difference. We appreciate the offer of Hutch but that doesn't necessarily mean that's where it's going to be

Jackie Williams: My thought at the moment is that I favor right now Wichita but I would prefer also I think, subject to what everybody else's majority vote is, to defer that and leave that up to the decision of the Selection Committee. Any thoughts around the table on that?

Vernon Ralston: This is Sonny. The only thing I think about is that I think what Ed said has some merit to it but I think when we are trying to find somebody I think they ought to be aware at least that it could be Wichita or Topeka. In other words when they are applying for it and they might know that they are going to be there in Hutchinson in a year that at some point they are probably going to move to an office in either Topeka or Wichita and I think that that should be knowledgeable to them so in case they don't want to make that application and waste their time.

Jackie Williams: And I agree. Before the job description is actually published that decision needs to be made.

Gary Steed: This is Steed. I guess what I am hearing is Topeka or Wichita and I am wondering if maybe it doesn't need to be narrowed down even more than that as to either Topeka or Wichita because I am not interested in the job but if I applied I would want it to be in Wichita. I wouldn't apply if I thought it was in Topeka.

Jackie Williams: And I agree with that.

Gary Steed: So I am wondering if we need to narrow it down to one of those two.

Jackie Williams: I would agree with that. Any other thoughts about that?

Sam Breshears: This is Sam. There is an upside to having it in Topeka but there is a bigger upside to having them in Wichita. If they are going to be in close proximity to Hutch, there is going to be a lot of issues that they are going to have to run back and forth from KLETC to K C Post not just the first year but for the first few years until we get the legs up and running I think they need to be in close proximity to Hutch.

Gary Steed: I agree with that Sam. This is Steed. I think there is going to be more travel between Wichita and Hutch than there is between Topeka and Hutch I guess if they are in Wichita. Less travel by lawyers and AG folks and stuff like that.

Jackie Williams: That's three members of the Search Commission. How about Steve Stowers\*. Do you have any thoughts on that?

Steve Stowers\*: I'm thinking that Wichita is probably good. We are going to need to do a lot of cross-training with KLETC staff until we get our new staff members up and running and trained on how to keep all these records and stuff that they are going to have to have.

Jackie Williams: I don't like to speak for Larry Welch\*, he's not here, but I am fairly confident that he feels that Wichita is the place so we have actually had our discussion...the one that I wanted to have right now so I think we could move forward now and have the whole Commission make a decision.

Vernon Ralston: Would you entertain the motion if I made one?

Jackie Williams: Yes, I would. Before we have the final vote we'll ask if there is any other discussion. Do we have a motion regarding the permanent location of the C Post?

Vernon Ralston: This is Sonny Ralston. I would make a motion that it be Wichita.

Jackie Williams: Second?

Gary Steed: I'd second it.

Jackie Williams: Okay, motion by Sonny Ralston and seconded by Sheriff Steed. Any discussion on that? This is a fairly significant decision.

David Miller: This is Miller. I assume there is state office space available in Wichita.

Jackie Williams: There is a state office building located downtown. I don't know how many other state offices are located but there are a lot of people located in that downtown state office building. I am not sure we are limited to the state office building and I don't know if there is space there or not. I don't know if you know that or not, Ed or Darren, but I do know there is office space there. I believe we would have the authority to go outside of that if necessary.

Ed Pavey: That's what the statute permits is the Executive Director to negotiate lease space at a location. It doesn't specify it has to be an existing state office building.

Gary Steed: Ed could rent out his basement.

(Laughter)

Male Speaker: That's always (inaudible).

Male Speaker: Let me just interject something. I have always lived by the idea that you should maximize your options. Wichita would certainly have some access for training records. But as I understand this new agency it's going to be in charge of commissions. So the Commission records, the qualifications that everybody is sending in, their training records and all that will go to this new agency. It will not go to KLETC anymore. KLETC will be a training facility but it wouldn't necessarily have a direct role after this agency gets up and running and commissioning and keeping track whether somebody is meeting their criteria for Continuing Ed or ethics or anything else.



So I am not opposed to doing it in Wichita but do we necessarily want to...is there an advantage to limiting? If we advertise it as it's either Wichita or Topeka are we opening ourselves up to more Executive Directors here in Topeka that all (inaudible) agencies already know how to do this or people who are in the Eastern part of the state may not want to go to Wichita.

Gary Steed: Well, the ones that aren't running aren't necessarily law enforcement officers either.

Kyle Smith: That's true but as we discussed that can be fixed. I am just thinking that the population center be on the Eastern side of the state. You might be more centrally located for the number of officers; you might be more centrally located for the officers who might apply for this.

William Seck: This is Billy. I think after listening to Kyle I think there is a lot of merit in considering Topeka. One of the things we wanted to do is make a firm line between KLETC, the Academy there, and the Commission. I agree that there is going to be probably a difficult transition period but to me I think it probably would be better to have it in Topeka in the long run.

Gary Steed: Oh, you state guys are all alike.

(Laughter)

Male Speaker: Mr. Chairman, I have a question about that. Would that be where the rest of our meetings would always be held?

Kyle Smith: I would assume they would be in charge of setting of the meetings but they could be just like they are now. I think you could have them in (inaudible)...because the Commission will still have a role in the operation of the training center.

Jackie Williams: Actually we could have those meetings anywhere in the state.

Male Speaker: Well, I was just going to say you take like Jarboe and some of them if it was in Topeka, they would have to spend three days going and coming back just for a meeting.

Male Speaker: And pack a lunch.

Male Speaker: In fact I have talked to Ed before about maybe having one of our quarterly meetings in a different part of the state just for (inaudible)...

Male Speaker: We used to do that, didn't we Ed?

Ed Pavey: We had one last year in Lawrence, I think, at the Bob Dole...

Male Speaker: That's right.

Male Speaker: I don't mind traveling but Sam and the others have to come to the center and Jarboe and the others have to come out from way out West. I mean it can be a big factor with the gas like it is.

Gary Steed: I think those are things that the new Director needs to work out -- whether it has office space with meeting rooms and where he can do that and what's available. So I think that's one of those tough jobs he's going to have to work out.

Kyle Smith: Yes, because he's got a nice meeting facility so does it make sense for him fiscally to rent office space that has a conference room?

Ed Pavey: Good point.

Sam Breshears: This is Sam. Is there anything that keeps us from housing this again on a temporary basis until we get our legs under it? And then if we believe that Topeka is the right location there is nothing to keep us from moving up there and trying to acquire some space at that time.

Jackie Williams: I think the only thing would be if we said it was going to be in Wichita and then we decided later after we hired the Director that Topeka is a better place that would put the Director in kind of a spot unless we hired and said this is simply temporary and we don't know yet. Then that goes back to the problem of who are we going to get to apply then.

Gary Steed: Yes, I think we are getting ahead of ourselves and that one of the reasons we made that decisions was so that than applicant would know what we had in mind to start with.

Male Speaker: You're looking at your description on your Executive Director. If he's going to fill the bill for all the required and preferred qualifications, he or she is going to have

to be a very flexible person. Topeka and Wichita -- there is not that much difference really.

Jackie Williams: We could advertise it for Topeka and Wichita and leave it up to the Search Committee on who to choose. I think the same people might apply...maybe more people and then we could make the decision after we review all the applicants if it should be Wichita or Topeka.

Lanny Grosland: This is Lanny. You were talking about holding meetings and Darren can probably answer this. The current statute specifies that the Commission meets at least once a year at the training center. Was that repealed also?

Darren Beck\*: I believe it's still in there.

Jackie Williams: That's okay. We can handle that. We have the options and we have a motion on the table that we have to deal with and that's to place the position permanently in Wichita. But I think the three options are either Wichita or Topeka or both and the third option would be at the discretion of the Selection Committee/Transition Team to make that decision after the interviews.

Gary Steed: For purposes of advertising and applications can we just say it's recommended to be in Wichita? Although I am not sure it's recommended now with (inaudible)...

Jackie Williams: I'm just trying to get the options out now. If we said Topeka or Wichita when the people applied that would give us a lot of discretion at that point. I don't know...if you have somebody that's...we're going to have people...I'm guessing we're

going to know most of the people who apply and if you have someone in Topeka or if it's in Wichita they may be ready to move.

Male Speaker: Mr. Chairman, was that my motion -- the last one?

Jackie Williams: It was sir.

Male Speaker: I'll withdraw that motion.

Jackie Williams: The one for Wichita?

Male Speaker: Yes.

Jim Jarboe: This is Jim Jarboe and I just have a question. Lanny is already our staff member and if we move it to Topeka wouldn't that require him to probably move?

Male Speaker: I don't know that it requires it. I mean there is nothing that says this agency has to be all located in one facility.

Jim Jarboe: Well, if I was Executive Director I would sure want my investigator on staff most of the time.

Male Speaker: Especially if it's Lanny, you would want him there.

Male Speaker: Yes, you would want pretty tight supervision there. That's a very good point.

(Laughter)

Male Speaker: They probably are going to fire Lanny first thing.

Male Speaker: So that's a good point here Jim.

Jackie Williams: See Lanny is in trouble on this because Lanny helped put this deal together, didn't you Lanny?

Lanny Grosland: Well, not a lot. I had (inaudible)...way back when I incorporated in the bill.

Jackie Williams: Well, those are the options.

Gary Steed: I am still leaning towards Wichita. And it's not just because it's closer for me because I go to Topeka all the time anyway. But it's centrally located, everybody would have meetings or whatever there. We would be about the same distance for Sam as it is for me -- that kind of thing. I just like centrally located things.

Jackie Williams: It sounds to me like the Search Committee members...in fact I think all right now favor Wichita. So if we put it Wichita that would be good. If we left it Topeka and Wichita unless there is some very compelling person out there it's going to be Wichita anyway. So I don't think there's a lot of danger in saying Topeka or Wichita for those people who favor Wichita, which includes me.

Bob Odell: This is Odell. One of the things I think we ought to really consider is...I know Hutchinson isn't our main point but it may take more than a year for this transition to work through to where they are comfortable with the move. So I don't know that we want to put a time element on it real tight.

Jackie Williams: That's a good point.

Bob Odell: I also am leaning towards Wichita.

Jackie Williams: Any further discussion? How many people are leaning towards Topeka? Anybody? I know Kyle had some questions about it anyway.

David Miller: I think it should be left open as an option. This is Miller.

Gary Steed: I think after all the discussion I am most comfortable with either Wichita or Topeka and I am comfortable with any applicant as per the discussion should be flexible enough that they are going to want to do it in either place.

Jackie Williams: I can get a few more applicants in not that we are going to need them. I think this is an extremely good job for law enforcement. We will get a lot of applicants. Any further discussion on that point?

Sam Breshears: This is Breshears. I will make a motion that we advertise it for either/or -- either Topeka or Wichita for a location.

Jackie Williams: And leave it to the discretion of the Selection Committee to make that final decision?

Sam Breshears: Yes.

Jackie Williams: Okay. Is there a second on that motion?

Vernon Ralston: I'll second that. This is Sonny.

Jackie Williams: Any further discussion? All those in favor say aye.

Male Speaker: Aye.

Male Speaker: Aye.

Male Speaker: Aye.

Male Speaker: Aye.

Jackie Williams: Any opposed say no. Okay, it passed in that form then. Ed or Darren, is there anything else we need to cover?

Ed Pavey: One more motion, Mr. Chair, is to decide whether you want to accept our offer of office space. We are going to move forward to get some stuff ready to go and we're kind of spruced up a little bit if that's the case.

Jackie Williams: Is there a cost of that Ed? I don't remember.

Ed Pavey: No, we're going to just do it.

Bob Odell: Well, with that in mind I will make a motion we do it.

Male Speaker: Odell, I'll second it.



Male Speaker: (Laughing) He recognizes a bargain when he hears one, yeah!

Male Speaker: The person is going to need transition space regardless. They may be in Colorado but they still are going to need to be in KLETC a good deal in the foreseeable future so I think this is almost a no-brainer.

Jackie Williams: Yes, and us attorneys understand this one. (Laughter) Right Gary?

Gary Steed: That's right.

Jackie Williams: All those in favor say aye.

Male Speaker: Aye.

Male Speaker: Aye.

Male Speaker: Aye.

Male Speaker: Aye.

Jackie Williams: Okay, passed unanimously.

Male Speaker: Did we have somebody second that?

Jackie Williams: I think we had Steve or Ralston didn't we? Or did we?

Male Speaker: Yes, Sonny made the motion.

Bob Odell: Odell seconded it.

Jackie Williams: Okay. We'll take the vote again. Aye?

Male Speaker: Aye.

Male Speaker: Aye.

Male Speaker: Aye.

Male Speaker: Aye.

Jackie Williams: Show it passed unanimously. Thank you Lanny.

Ed Pavey: And that was to accept the temporary office space here at KLETC, correct?

Male Speaker: Correct.

Male Speaker: Thanks Ed.

Ed Pavey: You bet.

Jackie Williams: Any other items we need to cover as a whole?

Kyle Smith: Nothing for the Commission but Darren can you give me a call when this meeting is over?

Darren Beck\*: Yes, I will.

Kyle Smith: Okay.

Vernon Ralston: Ed, I would like to thank you and your staff over there for all you guys do for us and when we do come to meetings it's a real privilege to be able to come to the Academy and do that so thank everybody for us.

Ed Pavey: You're more than welcome Sonny and we'll convey that to everyone. Thank you for coming.

Gary Steed: And Ed I just want to say do for us and do to us. (Inaudible)...sheriff.

Jackie Williams: Ed, I would like to add that that was well said by Chief Ralston. I'm not sure about the second comment.

(Laughter)

Ed Pavey: So noted, Mr. Chair.

Jackie Williams: If there is nothing else do we have a motion to...yes sir.

Vernon Ralston: Jackie, are you where I could call you on the phone after this is over?

Jackie Williams: You could. I think I am going to ask the Selection Committee to stay on the line. We are going to probably need to discuss some of these things. It might take a little while but my phone number is 316-393-7852. That's my cell phone, Sonny, if you want to call me early afternoon.

Vernon Ralston: Okay, that will work.

Jackie Williams: Will that be okay?

Vernon Ralston: Is that your cell phone?

Jackie Williams: Yes sir.

Vernon Ralston: Yes, that will work real fine. I'm sorry for the interruption.

Jackie Williams: No problem Chief. Thank you. Do we need a motion to...I'll just close the meeting. Hearing nothing further the meeting is adjourned. I thought it was a very good meeting. We covered a lot of ground and we'll get this Commission off the ground. I would just like to say as an attorney looking in Kansas has great law enforcement. I think you are very loyal people. Probably the most loyal group I've ever worked with and I sure appreciate it too. If the Selection Committee would stay on the meeting is adjourned.

Ed Pavey: Thank you all.

Male Speaker: Bye.

Jackie Williams: Okay. Who do we have on.

Ed Pavey: We have Steve Stowers\*, Ed Pavey, Dave Worie\*, Lisa Webster\*. They're back from the training center here.

Jackie Williams: Great. So we have everybody on except Larry Welch\* on the Committee then.

Ed Pavey: Sam, are you still on there?

Sam Breshears: Yes, I'm still here.

Jackie Williams: All right. What do we do...?

Ed Pavey: Did Kyle stay on? Kyle? Okay fire ahead.

Jackie Williams: Okay, Ed, what do you think we need to cover? We need to get down to the nitty gritty of the advertising and things like that. Where are we at?

Ed Pavey: We need to look at this Executive Director position description, make any changes that you want to make to that and prove it amongst your Search Committee that this is what you want to advertise. We will hold it back here waiting until we get this funding issue resolved and then we also have to work with...it depends on how it all shakes out how we are going to advertise it in terms of it if turns out to be a university employee we may have to jump through some of the university hoops to ensure the EEO part of it and the advertising deals. But we have also been informed by the Department of Administration that whatever this Search Committee comes up with as a recommendation to make a

job offer they think it ought to have a dual approval if it turns out to be a university employee that both the university would approve of and the person in terms of the offer and also the Department of Administration through the Governor's Office would approve of it.

Jackie Williams: That's generally pretty straightforward, isn't it?

Male Speaker: Well, actually it's because of where the funding is going to come from. Initially the concern was if we were to go ahead and make this person a university employee and then next legislative session they start authorizing us to send money from the Commission fund we would technically have to rehire this person under the Commission's fund because they would no longer be a KU employee.

So the Department of Administration's recommendation was that we go ahead and get approval and that way we don't run into the embarrassing situation of whoever we would choose now through the university nine months down the road or a year down the road the Governor's Office didn't approve to. We would have somebody that we think is permanent that isn't permanent.

Ed Pavey: The Governor's Office...if this (inaudible) is normal like it should have the Governor's Office would be the one making the final approval on whatever the Commission decided or who they wanted as Executive Director. So right at this point it looks like if this thing works out at all it is going to be a university employee temporarily until the funding actually gets straightened out the next legislative session.

Jackie Williams: And whether or not we hit those snags it would have be approved by KU and/or the State. We don't anticipate any problems from either of those as to who we pick I'm sure.

Ed Pavey: No, I don't think so. It's just a formality of going...just a little different unique set of circumstances.

Jackie Williams: What we need to do at the moment is approve a position description I think.

Ed Pavey: And a salary.

Jackie Williams: I think the broad authority given us we can somewhere on or about the salary suggested in the budget. In other words the salary for the administrator's budget at \$85,000 but we have the authority to go above or below that don't we?

Ed Pavey: Only to the extent we have told the legislature that you anticipate spending \$669,672 so you could be flexible in terms of upping or lowering it as long as you kept those other salaries upper or lower just so it stayed in the same...

Jackie Williams: What's the advantage of signing a specific amount within the advertisement as versus saying a salary according to background and experience?

Male Speaker: I think since this is a new position nobody really has any expectation of what the salary is going to be.

Jackie Williams: Do we need to make it a range and then come within our discretion after that?  
Or are you suggesting a specific amount?

Male Speaker: I think you probably ought to choose a range.

Ed Pavey: I agree with that. Can we say something like it's negotiable based on experience or whatever?

Male Speaker: No, I would get more specific than that but not so specific that you give an actual dollar figure. Say up to \$80,000 or \$85,000 depending on qualifications is what I would recommend.

Male Speaker: I actually think the document that we give to the Governor has to specify a lower end and a higher end hiring range. That doesn't mean we have to put it in the advisement but we at least have to tell the Governor's office

Jackie Williams: Why don't we tell the Governor somewhere between \$80,000 and \$90,000?

Male Speaker: Do that.

Ed Pavey: Sounds good to me.

Male Speaker: I'm good with that.

Jackie Williams: What do we put in the advertisement then?

Ed Pavey: Number one, the person doesn't probably at least in my estimation wouldn't want to apply unless they knew what kind of salary the position would even entail.



- Jackie Williams: So maybe we should say range starting...put the range in there then.
- Ed Pavey: It might narrow the range down like \$82,000 to \$90,000 or \$83,000 to \$90,000 or something that just gives them a...because that person has to pay their own moving expenses and relocate their family wherever the Commission ends up putting this thing.
- Male Speaker: You have to give a ballpark range to draw the quality of individuals that we're wanting to drawn in. If this turned out to be a \$50,000 year job...and nobody knows because we are creating a position right now, they need to know the ballpark range I believe.
- Jackie Williams: All right. So we...
- Male Speaker: (Inaudible)...for the minimum requirements the medium requirements and the high requirements for this range.
- Ed Pavey: That's something you would have to...
- Male Speaker: It would be at the discretion of the committee where they would want to set it.
- Jackie Williams: We want to set it somewhere between \$80,000 and \$90,000 then I think right?
- Ed Pavey: I wouldn't set it more than...really my own personal opinion more than \$85,000 because you have told the legislature that \$85,000 is what you were going to spend. Again, I think you can be flexible. You might be able to go a little bit

higher but I would hate to see it advertised anywhere up to \$90,000 and some legislature look back on the sheet that we gave them and it said \$85,000.

Jackie Williams: Maybe we shouldn't go above \$85,000 then?

Ed Pavey: I would be real careful.

Male Speaker: You could do the same thing Jackie said. We can just make it \$75,000 to \$85,000 instead of \$80,000 to \$90,000.

Ed Pavey: I'll tell you, it's only based on experiences. If you had a short range like say \$80,000 to \$85,000 then that gives you the ability to say \$80,000 or you can do \$84,000 but it also tells the person applying this is worthwhile to come because of the...

Jackie Williams: We're probably not going to go below \$80,000 below.

Ed Pavey: I would think if you put them in charge of a...

Jackie Williams: I would suggest \$80,000 go \$85,000. I thought \$80,000 to \$90,000 but I think Ed has a good point about...if I was a legislator and I saw that I would say, "Wait a minute you guys. I did that in good faith, voted for it, and now you are upping that. I don't think I like that."

Male Speaker: I agree.

Jackie Williams: How about \$80,000 to \$85,000. Anybody object to that?

Ed Pavey: Depending on qualifications and experience you folks as determination as to what you want to offer.

Jackie Williams: Right. What else do we need to decide then? The position description itself? Do we need to do that Ed?

Ed Pavey: We need to either finalize this subject to the changes that Gary made earlier that I think everybody was ...

Jackie Williams: I tell you that looks real good to me. I think it covers everything giving the description.

Male Speaker: It's a real good job description. I agree with Gary. Just strike the State of Kansas under number five, preferred qualifications, I think you're good to go.

Jackie Williams: I do too. Any other changes?

Ed Pavey: The next issue, Mr. Chair, is the issue of whatever the university or the Department of Administration is saying is the actual hiring process. We talked about if they would permit, since this is such a tight window, is just to advertise this by sending it out from the Commission on Commission letterhead in a Commission envelope to every law and enforcement agency in the state and also the e-mail network of the Kansas Association of Chiefs of Police and the Kansas Sheriff's Association and let the application window be a real tight window unless again the university and the Department of Administration say otherwise that it has to be longer than that.

But only have a couple weeks window of getting apps in and then moving forward to review them. Do your interviews of the two, three, four or five candidates that you want to do real quickly and to get this offer made so that person can get on board because technically July 1 we here at KLETC cannot do anything on behalf of the Commission. Really we don't have any statutory authority. You have no authority to take any money out of our funds to further commission activities.

I have already told Lanny he can answer the phone and keep the paperwork going but he can't initiate any investigations, he can't call a meeting of the Investigative Committee, he can't conduct any hearings with the Attorney General's Office. He can't do anything because he has no statutory authority to do such.

Jackie Williams: That sounds like a real good plan to me. Has that been checked out? Is that the process we can use for sure?

Ed Pavey: Well, we don't know. We're just saying we have to wait until the Department of Administration and KU make a final decision on this but that's the plan that we think would be the most expedient.

Jackie Williams: Assuming that we hear back from KU and that's okay to do it that way anybody have any objections to that or are in favor of that? Any discussion?

Male Speaker: I'm in support of it.

Ed Pavey: When I advertise it in the paper it's going to be strictly within the law enforcement community.

Gary Steed: You know I think we need to...and I approve of what we just discussed. I think we need to find some way to note in the advertising some way to let people know just what a short time window this is to them because I hate to see a bunch of candidates thinking this is normal process and not getting their apps right in.

Male Speaker: Good point.

Ed Pavey: Okay.

Jackie Williams: We can do that, can't we Ed?

Ed Pavey: I am making a note of it right now.

Jackie Williams: Good point.

Ed Pavey: Good point Gary.

Jackie Williams: Any other comments or discussion on that point? We don't need a motion on that do we Ed?

Ed Pavey: I don't think so. It's just discussion amongst the Search Committee as long as you all agree to that.

Jackie Williams: Yes, we agree. Any disagreements?

Ed Pavey: You can always finalize here as the process is going have other conversations as to how you are going to conduct your interviews and where and what questions you're going to ask.

Jackie Williams: The next step would be waiting to find out what KU says right?

Ed Pavey: That's right. KU and the Department of Administration. As of this morning representative Mike O'Neill, who Chaired the Judiciary Committee and he was the key legislature that got the bill moved through both houses he's been in touch with legislative research asking them to review the matter and to advise him on what direction is available too. So we have kind of another twist added to it.

Male Speaker: Are we in a position when we put this advertisement out there the anticipated date of hire or are we in a position where we have to walk through like we have been discussing and find out what KU has got to say about it?

Ed Pavey: We probably won't put the ad out at all until everything has been finalized with KU and the Department of Administration because we don't want to put something out where apps are coming in and we don't even have a source of funding or anything.

Male Speaker: We may have to use the KU system.

Ed Pavey: Yes, we may have to use the KU system to advertise this.

Jackie Williams: Is there anything wrong with us having another telephone conference call once Ku makes that decision?

Ed Pavey: No, we can put that together. That's the nice thing about it. Just five of you here we can do it the same way we're doing it right now.

Jackie Williams: Would that be okay with the committee?

Male Speaker: Yes, I'm good with that. I think if we are going to wait until we find out what KU is going to allow or not allow we can put an anticipated date on there don't you think Ed and Jackie?

Ed Pavey: Yes, we could put in the language that Darren's going to put in there and it would give everybody the indication that this is moving forward very quickly.

Jackie Williams: Yes, I think we can. I think we can cover it.

Ed Pavey: Our only concern, and I share this with Jackie and I was sharing it during the actual Commission meeting, is that if you identify an individual to be the new Executive Director that he is going to do one of two things. He is either going to relocate down somewhere in this area so that he can work out of these offices down here or he is going to have to rent an apartment or something, some kind of living space, unless he just happens to be living in the Wichita area or around this area where he could commute. That would in itself take care of the issue. But if a person relocates down here and then you turn around and move the office back to Topeka you have two moves.

Sam Breshears: Yes. You could put them temporarily in Welch's alley over there.

Ed Pavey: Yes, there you go! Sam, that's a good idea except the plumbing fixtures are in there but there is no running water.

Sam Breshears: I still say it's a good idea.

Male Speaker: (Inaudible)...for me.

Male Speaker: He's also going to get his house searched a couple times a week.

(Laughter)

Ed Pavey: And have a couple of (inaudible)...

Male Speaker: It would definitely be an EPA disaster (inaudible).

Ed Pavey: Yes. Other than that Mr. Chair, I think we have our sense of direction and we'll get busy and finalize this and have it all ready for you and send it out via e-mail for one final review by each of you.

Jackie Williams: You're going to send what out by e-mail?

Ed Pavey: The finalized Executive Director position description with the changes that you have asked for.



Jackie Williams: Okay. Then at that point we can go forward and prior to...okay, we can regroup at that point and see what we need to do then.

Ed Pavey: Yes. As soon as we find out something too about what KU and the Department of Administration is saying it may entail taking a couple of you folks with us to Lawrence or Topeka for a meeting with representatives of all those different places to sit down and say here are all the issues and how we are going to fix it and resolve it.

Jackie Williams: Well, we'll do whatever needs to be done.

Male Speaker: Absolutely.

Jackie Williams: Okay, anything else by anyone? Ed, we'll look forward to getting that from you and deciding at that point if we need any telephone conference or need to meet or whatever we need to do.

Ed Pavey: Sam, could you call me later in the office this afternoon if you get a chance?

Sam Breshears: I would be glad to.

Ed Pavey: All right.

Jackie Williams: All right. Well, this meeting is adjourned.

Ed Pavey: All right. Thank you Mr. Chair,

Jackie Williams:           Bye-bye.

\*Please Note: Proper names/organizations spelling not verified.

## HOUSE BILL No. 2122

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LKG/lkg  
7/19/06  
[P:hb 2122/contents]

ATCH # 2  
KS-CPOST MEETING  
6/5/06

## HOUSE BILL No. 2122

AN ACT concerning the Kansas law enforcement training act; relating to the Kansas commission on peace officers' standards and training; relating to docket fees; income tax credits; amending K.S.A. 12-1,120, 74-5603, 74-5604a, 74-5606, 74-5607a, 74-5608a, 74-5611, 74-5616, 74-5617, 74-5619 and 74-5620 and K.S.A. 2005 Supp. 12-4117, 20362, 21-4619, as amended by section 21 of 2006 Senate Bill No. 418, 22-4604, 28-172a, 74-5602, as amended by section 5 of 2006 House Bill No. 2329, 74-5605, 74-5607 and 74-5611a and repealing the existing sections.

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

Section 1. K.S.A. 2005 Supp. 12-4117 is hereby amended to read as follows: 12-4117.

(a) In each case filed in municipal court charging a crime other than a nonmoving traffic violation, where there is a finding of guilty or a plea of guilty, a plea of no contest, forfeiture of bond or a diversion, a sum in an amount of ~~9~~ \$19 shall be assessed and such assessment shall be credited as follows:

One dollar to the local law enforcement training reimbursement fund established pursuant to K.S.A. 74-5620, and amendments thereto, ~~\$4~~ \$11.50 to the law enforcement training center fund established pursuant to K.S.A. 74-5619, and amendments thereto, \$2.50 to the *Kansas commission on peace officers' standards and training fund established by K.S.A. 74-5619, and amendments thereto*, \$2 to the juvenile detention facilities fund established pursuant to K.S.A. 79-4803, and amendments thereto, to be expended for operational costs of facilities for the detention of juveniles, \$.50 to the protection from abuse fund established pursuant to K.S.A. 74-7325, and amendments thereto, \$.50 to the crime victims assistance fund established pursuant to K.S.A. 74-7334, and amendments thereto and \$1 to the trauma fund established pursuant to K.S.A. 2005 Supp. 75-5670, and amendments thereto.

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

(c) For the purpose of determining the amount to be assessed according to this section, if more than one complaint is filed in the municipal court against one individual arising out of the same incident, all such complaints shall be considered as one case.

Sec. 2. K.S.A. 2005 Supp. 20-362 is hereby amended to read as follows: 20-362. The clerk of the district court shall remit all revenues received from docket fees as follows:

(a) At least monthly to the county treasurer, for deposit in the county treasury and credit to the county general fund:

(1) A sum equal to \$10 for each docket fee paid pursuant to K.S.A. 60-2001 and 60-3005, and amendments thereto, during the preceding calendar month;

(2) a sum equal to \$10 for each ~~\$36.50~~ \$46 or ~~\$61.50~~ \$76 docket fee paid pursuant to K.S.A. 61-4001, or K.S.A. 61-2704 or 61-2709, and amendments thereto; and

(3) a sum equal to \$5 for each ~~\$19.50~~ \$26 docket fee paid pursuant to K.S.A. 61-4001 or K.S.A. 61-2704, and amendments thereto, during the preceding calendar month.

(b) At least monthly to the board of trustees of the county law library fund, for deposit in the fund, a sum equal to the library fees paid during the preceding calendar month for cases filed in the county.

(c) At least monthly to the county treasurer, for deposit in the county treasury and credit to the prosecuting attorneys' training fund, a sum equal to \$1 for each docket fee paid pursuant to K.S.A. 28-172a, and amendments thereto, during the preceding calendar month for cases filed in the county and for each fee paid pursuant to subsection (c) of K.S.A. 28-170, and amendments thereto, during the preceding calendar month for cases filed in the county.

(d) To the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, for deposit in the state treasury and credit to the indigents' defense services fund, a sum equal to \$.50 for each docket fee paid pursuant to K.S.A. 28-172a and subsection (d) of K.S.A. 28-170, and amendments thereto, during the preceding calendar month.

(e) To the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, for deposit in the state treasury and credit to the law enforcement training center fund a sum equal to ~~\$9~~ \$15 for each docket fee paid pursuant to K.S.A. 28-172a, and amendments thereto, during the preceding calendar month.

(f) To the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, for deposit in the state treasury and distribution according to K.S.A. 20-367, and amendments thereto, a sum equal to the balance which remains from all docket fees paid during the preceding calendar month after deduction of the amounts specified in subsections (a), (b), (c), (d) and (e).

Sec. 3. K.S.A. 2005 Supp. 28-172a is hereby amended to read as follows: 28-172a.

(a) Except as otherwise provided in this section, whenever the prosecuting witness or defendant is adjudged to pay the costs in a criminal proceeding in any county, a docket fee shall be taxed as follows:

Murder or manslaughter .....	<del>\$164.50</del>	\$170.50
Other felony .....	<del>147.00</del>	153.00
Misdemeanor .....	<del>112.00</del>	118.00
Forfeited recognizance .....		62.50
Appeals from other courts .....		62.50

(b)

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

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

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

(d) Statutory charges for law library funds, the law enforcement training center fund, the prosecuting attorneys' training fund, the juvenile detention facilities fund, the judicial branch education fund, the emergency medical services operating fund and the judiciary technology fund shall be paid from the docket fee; the family violence and child abuse and neglect assistance and prevention fund fee shall be paid from criminal proceedings docket fees. All other fees and expenses to be assessed as additional court costs shall be approved by the court, unless specifically fixed by statute. Additional fees shall include, but are not limited to, fees for Kansas bureau of investigation forensic or laboratory analyses, fees for detention facility processing pursuant to K.S.A. 12-16,119, and amendments thereto, fees for the sexual assault evidence collection kit, fees for conducting an examination of a sexual assault victim, fees for service of process outside the state, witness fees, fees for transcripts and depositions, costs from other courts, doctors' fees and examination and evaluation fees. No sheriff in this state shall charge any district court of this state a fee or mileage for serving any paper or process.

(e) In each case charging a violation of the laws relating to parking of motor vehicles on the statehouse grounds or other state-owned or operated property in Shawnee county, Kansas, as specified in K.S.A. 754510a, and amendments thereto, or as specified in K.S.A. 75-4508, and amendments thereto, the clerk shall tax a fee of \$2 which shall constitute the entire costs in the case, except that witness fees, mileage and expenses incurred in serving a warrant shall be in addition to the fee. Appearance bond for a parking violation of K.S.A. 75-4508 or 75-4510a, and amendments thereto, shall be \$3, unless a warrant is issued. The judge may order the bond forfeited upon the defendant's failure to appear, and \$2 of any bond so forfeited shall be regarded as court costs.

Sec. 4. K.S.A. 12-1,120 is hereby amended to read as follows: 12-1,120.

(a) ~~Before January 1, 1988,~~ Each person holding office as chief of police of any city in this state ~~on the effective date of this act~~ shall be fingerprinted as provided by this section.

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

(c) Fingerprinting pursuant to this section shall be done by the law enforcement agency of the city in the presence of the city clerk. The city clerk shall forthwith forward the fingerprints to the Kansas bureau of investigation for a search of state and national fingerprint files to determine whether the person qualifies for admission to the law enforcement training center pursuant to subsection (c) (a)(3) of K.S.A. 74-5605 and amendments thereto. The Kansas bureau of investigation shall certify any conviction record of the person, or lack thereof, found as a result of such search to the city clerk and, if such a record is found, to the attorney general.

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

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

Sec. 5. K.S.A. 2005 Supp. 21-4619, as amended by section 21 of 2006 Senate Bill No. 418, is hereby amended to read as follows: 21-4619.

(a)

(1) Except as provided in subsections (b) and (c), any person convicted in this state of a traffic infraction, cigarette or tobacco infraction, misdemeanor or a class D or E felony, or for crimes committed on or after July 1, 1993, nondrug crimes ranked in severity levels 6 through 10 or any felony ranked in severity level 4 of the drug grid, may petition the convicting court for the expungement of such conviction or related arrest records if three or more years have elapsed since the person: (A) Satisfied the sentence imposed; or (B) was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence.

(2) Except as provided in subsections (b) and (c), any person who has fulfilled the terms of a diversion agreement may petition the district court for the expungement of such diversion agreement and related arrest records if three or more years have elapsed since the terms of the diversion agreement were fulfilled.

(b) Except as provided in subsection (c), no person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed, the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a class A, B or C felony, or for crimes committed on or after July 1, 1993, if convicted of an off-grid felony or any nondrug crime ranked in severity levels 1 through 5 or any felony ranked in severity levels 1 through 3 of the drug grid, or:

(1) Vehicular homicide, as defined by K.S.A. 21-3405, and amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute;

(2) a violation of K.S.A. 8-1567, and amendments thereto, or a violation of any law of another state, which declares to be unlawful the acts prohibited by that statute;

(3) driving while the privilege to operate a motor vehicle on the public highways of this state has been canceled, suspended or revoked, as prohibited by K.S.A. 8-262, and amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute;

(4) perjury resulting from a violation of K.S.A. 8-261a, and amendments thereto, or resulting from the violation of a law of another state which is in substantial conformity with that statute;

(5) violating the provisions of the fifth clause of K.S.A. 8-142, and amendments thereto, relating to fraudulent applications or violating the provisions of a law of another state which is in substantial conformity with that statute;

(6) any crime punishable as a felony wherein a motor vehicle was used in the perpetration of such crime;

(7) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1602, 8-1603 or 8-1604, and amendments thereto, or required by a law of another state which is in substantial conformity with those statutes;

(8) violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage; or

(9) a violation of K.S.A. 21-3405b, prior to its repeal.

(c) There shall be no expungement of convictions for the following offenses or of convictions for an attempt to commit any of the following offenses: (1) Rape as defined in K.S.A. 21-3502, and amendments thereto; (2) indecent liberties with a child as defined in K.S.A. 21-3503, and amendments thereto; (3) aggravated indecent liberties with a child as defined in K.S.A. 21-3504, and amendments thereto; (4) criminal sodomy as defined in subsection (a)(2) or (a)(3) of K.S.A. 21-3505, and amendments thereto; (5) aggravated criminal sodomy as defined in K.S.A. 21-3506, and amendments thereto; (6) indecent solicitation of a child as defined in K.S.A. 21-3510, and amendments thereto; (7) aggravated indecent solicitation of a child as defined in K.S.A. 21-3511, and amendments thereto; (8) sexual exploitation of a child as defined in K.S.A. 21-3516, and amendments thereto; (9) aggravated incest as defined in K.S.A. 21-3603, and amendments thereto; (10) endangering a child as defined in K.S.A. 21-3608, and amendments thereto; (11) abuse of a child as defined in K.S.A. 21-3609, and amendments thereto; (12) capital murder as defined in K.S.A. 21-3439, and amendments thereto; (13) murder in the first degree as defined in K.S.A. 21-3401, and amendments thereto; (14) murder in the second degree as defined in K.S.A. 21-3402, and amendments thereto; (15) voluntary manslaughter as defined in K.S.A. 21-3403, and amendments thereto; (16) involuntary manslaughter as defined in K.S.A. 21-3404, and amendments thereto; (17) involuntary manslaughter while driving under the influence of alcohol or drugs as defined in K.S.A. 2005 Supp. 21-3442, and amendments thereto; (18) sexual battery as defined in K.S.A. 21-3517, and amendments thereto, when the victim was less than 18 years of age at the time the crime was committed; (19) aggravated sexual battery as defined in K.S.A. 21-3518, and amendments thereto; or (20) any conviction for any offense in effect at any time prior to the effective date of this act, that is comparable to any offense as provided in this subsection.

(d) When a petition for expungement is filed, the court shall set a date for a hearing of such petition and shall cause notice of such hearing to be given to the prosecuting attorney and the arresting law enforcement agency. The petition shall state:

(1) The defendant's full name;

(2) the full name of the defendant at the time of arrest, conviction or diversion, if different than the defendant's current name;

(3) the defendant's sex, race and date of birth;

(4) the crime for which the defendant was arrested, convicted or diverted;

(5) the date of the defendant's arrest, conviction or diversion; and

(6) the identity of the convicting court, arresting law enforcement authority or diverting authority. There shall be no docket fee for filing a petition pursuant to this section. All petitions for expungement shall be docketed in the original criminal action. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with the secretary of corrections or the Kansas parole board.



(e) At the hearing on the petition, the court shall order the petitioner's arrest record, conviction or diversion expunged if the court finds that:

- (1) The petitioner has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the petitioner;
- (2) the circumstances and behavior of the petitioner warrant the expungement; and
- (3) the expungement is consistent with the public welfare.

(f) When the court has ordered an arrest record, conviction or diversion expunged, the order of expungement shall state the information required to be contained in the petition. The clerk of the court shall send a certified copy of the order of expungement to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest, conviction or diversion. After the order of expungement is entered, the petitioner shall be treated as not having been arrested, convicted or diverted of the crime, except that:

- (1) Upon conviction for any subsequent crime, the conviction that was expunged may be considered as a prior conviction in determining the sentence to be imposed;
- (2) the petitioner shall disclose that the arrest, conviction or diversion occurred if asked about previous arrests, convictions or diversions:
  - (A) In any application for licensure as a private detective, private detective agency, certification as a firearms trainer pursuant to K.S.A. 2005 Supp. 75-7b21, and amendments thereto, or employment as a detective with a private detective agency, as defined by K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services;
  - (B) in any application for admission, or for an order of reinstatement, to the practice of law in this state;
  - (C) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;
  - (D) to aid in determining the petitioner's qualifications for executive director of the Kansas racing commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;
  - (E) upon application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;
  - (F) to aid in determining the petitioner's qualifications to be an employee of the state gaming agency;
  - (G) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;

(H) in any application for registration as a broker-dealer, agent, investment adviser or investment adviser representative all as defined in K.S.A. 2005 Supp. 17-12a102, and amendments thereto; or

(I) in any application for employment as a law enforcement officer as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto;

(3) the court, in the order of expungement, may specify other circumstances under which the conviction is to be disclosed;

(4) the conviction may be disclosed in a subsequent prosecution for an offense which requires as an element of such offense a prior conviction of the type expunged; and

(5) upon commitment to the custody of the secretary of corrections, any previously expunged record in the possession of the secretary of corrections may be reinstated and the expungement disregarded, and the record continued for the purpose of the new commitment.

(g) Whenever a person is convicted of a crime, pleads guilty and pays a fine for a crime, is placed on parole, postrelease supervision or probation, is assigned to a community correctional services program, is granted a suspended sentence or is released on conditional release, the person shall be informed of the ability to expunge the arrest records or conviction. Whenever a person enters into a diversion agreement, the person shall be informed of the ability to expunge the diversion.

(h) Subject to the disclosures required pursuant to subsection (f), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records, conviction or diversion of a crime has been expunged under this statute may state that such person has never been arrested, convicted or diverted of such crime, but the expungement of a felony conviction does not relieve an individual of complying with any state or federal law relating to the use or possession of firearms by persons convicted of a felony.

(i) Whenever the record of any arrest, conviction or diversion has been expunged under the provisions of this section or under the provisions of any other existing or former statute, the custodian of the records of arrest, conviction, diversion and incarceration relating to that crime shall not disclose the existence of such records, except when requested by:

(1) The person whose record was expunged;

(2) a private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;

(3) a court, upon a showing of a subsequent conviction of the person whose record has been expunged;

(4) the secretary of social and rehabilitation services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services of any person whose record has been expunged;

(5) a person entitled to such information pursuant to the terms of the expungement order;

- (6) a prosecuting attorney, and such request is accompanied by a statement that the request is being made in conjunction with a prosecution of an offense that requires a prior conviction as one of the elements of such offense;
- (7) the supreme court, the clerk or disciplinary administrator thereof, the state board for admission of attorneys or the state board for discipline of attorneys, and the request is accompanied by a statement that the request is being made in conjunction with an application for admission, or for an order of reinstatement, to the practice of law in this state by the person whose record has been expunged;
- (8) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;
- (9) the governor or the Kansas racing commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission;
- (10) the Kansas sentencing commission;
- (11) the state gaming agency, and the request is accompanied by a statement that the request is being made to aid in determining qualifications: (A) To be an employee of the state gaming agency; or (B) to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-gaming compact;
- (12) the Kansas securities commissioner or a designee of the commissioner, and the request is accompanied by a statement that the request is being made in conjunction with an application for registration as a broker-dealer, agent, investment adviser or investment adviser representative by such agency and the application was submitted by the person whose record has been expunged;
- (13) the Kansas ~~law enforcement training~~ commission *on peace officers' standards and training* and the request is accompanied by a statement that the request is being made to aid in determining certification eligibility as a law enforcement officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto;
- (14) a law enforcement agency and the request is accompanied by a statement that the request is being made to aid in determining eligibility for employment as a law enforcement officer as defined by K.S.A. 22-2202, and amendments thereto; or
- (15) the attorney general and the request is accompanied by a statement that the request is being made to aid in determining qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act.

Sec. 6. K.S.A. 2005 Supp. 22-4604 is hereby amended to read as follows: 22-4604.

- (a) The governor, with the assistance of the attorney general and the Kansas ~~law enforcement training~~ commission *on peace officers' standards and training*, shall develop a request for a proposal for a system to collect and report statistics relating to the race, ethnicity, gender, age and residency by county and state of those who come in contact with law enforcement activities.

- (b) Proposals submitted pursuant to the request shall contain, at a minimum:
- (1) A system to collect data on a statistically significant sample of those persons who:
    - (A) Are arrested;
    - (B) while operating a motor vehicle, are stopped by a law enforcement officer; and
    - (C) while a pedestrian, are stopped by a law enforcement officer;
  - (2) which contains the race, ethnicity, gender, age and residency by county and state of such persons;
  - (3) which has a schedule and plan of implementation, including training;
  - (4) other factors which may be relevant to law enforcement officers in stopping or arresting individuals;
  - (5) civilian complaints received by law enforcement agencies alleging bias based on race, ethnicity, gender, age or residency by county or state; and
  - (6) a survey of policies of law enforcement agencies relating to the investigation of complaints based on alleged race, ethnicity, gender, age or residency bias.
- (c) Data acquired pursuant to this proposal shall not contain any information that may reveal the identity of any individual.
- (d) The governor, with the assistance of the attorney general, shall select the most comprehensive proposal and implement such proposal, subject to the availability of any grant or grants for such purpose from the United States department of justice or any other governmental or private agency.
- (e) The results of such study shall be submitted to the governor and attorney general within 90 days after conclusion of such study. The governor shall submit the study to the legislature with one or more of the following:
- (1) An evaluation of the study;
  - (2) an implementation plan to expand the data collection and reporting system to other law enforcement agencies and whether such system should be made permanent; and
  - (3) recommendations to improve law enforcement training and operations to address racial, ethnic, gender, age or residency bias.

Sec. 7. K.S.A. 2005 Supp. 74-5602, as amended by section 5 of 2006 House Bill No. 2329, is hereby amended to read as follows: 74-5602. As used in the Kansas law enforcement training act:

- (a) "Training center" means the law enforcement training center within the division of continuing education of the university of Kansas, created by K.S.A. 74-5603 and amendments thereto.
- (b) "Commission" means the Kansas ~~law enforcement training~~ *commission on peace officers' standards and training*, created by K.S.A. 745606 and amendments thereto.
- (c) "Dean" means the dean of ~~the division of~~ continuing education of the university of Kansas.

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

(e) “*Director*” means the executive director of the Kansas commission on peace officers’ standards and training.

(f) “Law enforcement” means the prevention or detection of crime and the enforcement of the criminal or traffic laws of this state or of any municipality thereof.

~~(f)~~ (g) “Police officer” or “law enforcement officer” means 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. Such terms shall include, but not be limited to, the sheriff, undersheriff and full-time or part-time salaried deputies in the sheriff’s office in each county; deputy sheriffs deputized pursuant to K.S.A. 19-2858 and amendments thereto; conservation officers of the Kansas department of wildlife and parks; university police officers, as defined in K.S.A. 22-2401a, and amendments thereto; campus police officers, as defined in K.S.A. 22-2401a, and amendments thereto; law enforcement agents of the director of alcoholic beverage control; law enforcement agents of the Kansas lottery; law enforcement agents of the Kansas racing commission; deputies and assistants of the state fire marshal having law enforcement authority; capitol police, existing under the authority of K.S.A. 75-4503 and amendments thereto. Such terms shall also include railroad policemen appointed pursuant to K.S.A. 66-524 and amendments thereto; and school security officers designated as school law enforcement officers pursuant to K.S.A. 72-8222 and amendments thereto; *and the director of the Kansas commission on peace officers’ standards and training and any other employee of such commission designated by the director pursuant to K.S.A. 74-5603, and amendments thereto, as a law enforcement officer.* Such terms shall not include any elected official, other than a sheriff, serving in the capacity of a law enforcement or police officer solely by virtue of such official’s elected position; any attorney-at-law having responsibility for law enforcement and discharging such responsibility solely in the capacity of an attorney; any employee of the commissioner of juvenile justice, the secretary of corrections or the secretary of social and rehabilitation services; any deputy conservation officer of the Kansas department of wildlife and parks; or any employee of a city or county who is employed solely to perform correctional duties related to jail inmates and the administration and operation of a jail; or any full-time or part-time salaried officer or employee whose duties include the issuance of a citation or notice to appear provided such officer or employee is not vested by law with the authority to make an arrest for violation of the laws of this state or any municipality thereof, and is not authorized to carry firearms when discharging the duties of such person’s office or employment. Such term shall include any officer appointed or elected on a provisional basis.

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

~~(h)~~ (i) “Part-time” means employment on a regular schedule or employment which requires a minimum number of hours each payroll period, but in any case requiring less than 1,000 hours of law enforcement related work per year.

~~(i)~~ (j) “Misdemeanor crime of domestic violence” means a violation of domestic battery as provided by K.S.A. 2005 Supp. 21-3412a and amendments thereto, or any other misdemeanor under federal, municipal or state law that has as an element the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with

the victim as a spouse, parent or guardian, or by a person similarly situated to a spouse, parent or guardian of the victim.

~~(j)~~(k) “Auxiliary personnel” means members of organized nonsalaried groups which operate as an adjunct to a police or sheriff’s department, including reserve officers, posses and search and rescue groups.

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

Sec. 8. K.S.A. 74-5603 is hereby amended to read as follows: 74-5603.

(a) There is hereby created within ~~the division of~~ continuing education of the university of Kansas a law enforcement training center, to be located at the former site of the U. S. naval air station in Reno county. The purpose and function of such training center shall be the promotion and development of improved law enforcement personnel and procedures throughout the state, and the training center shall offer to qualified applicants, as defined in K.S.A. 74-5605 and amendments thereto, such programs and courses of instruction designed to fulfill this end. *No person shall enroll in a basic course of instruction at the Kansas law enforcement training center unless the person holds a provisional law enforcement certificate.*

(b) *The dean, upon consultation with and approval of the commission, shall appoint a director of police training. The dean shall also appoint such additional personnel as deemed necessary to carry out the law enforcement training programs of the training center. Such personnel, whether administrative, instructional or research, shall be in the unclassified service under the Kansas civil service act.*

~~(b)~~(c) The director of *police training* shall be responsible for the administration of the training center and for the operation of the programs thereunder. The director of *police training* shall be responsible for determining the curriculum of the program, subject to such changes and modification as are directed by the ~~law enforcement training~~ commission. In consultation with the ~~law enforcement training~~ commission, the director of *police training* may prescribe a code of conduct applicable to all trainees *at the Kansas law enforcement training center*. Upon consultation with and approval of the ~~law enforcement training~~ commission, the director of *police training* is authorized to adopt such rules and regulations as are necessary for the effective operation of the law enforcement training program.

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

(d) *Kansas commission on peace officers’ standards and training shall appoint a director who shall be in the unclassified service under the Kansas civil service act.*

(1) *The director shall serve at the pleasure of the Kansas commission on peace officers’ standards and training and shall be subject to removal by vote of 3/4 of the entire commission membership.*

(2) *The director shall enter into contracts necessary to administer the provisions of the Kansas law enforcement training act.*

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

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

Sec. 9. K.S.A. 74-5604a is hereby amended to read as follows: 74-5604a.

(a) The director *of police training* may establish a program for periodically extending the law enforcement training and instruction ~~of the training center~~ throughout the state on a regional basis. The director ~~also shall~~ *of police training also may* certify annually the training schools of state and local law enforcement agencies providing a course of law enforcement training for full-time police officers or law enforcement officers ~~of not less than 320 hours of instruction, and whose~~ *when such* training programs also satisfy the qualifications and standards promulgated by the director *of police training* after approval of the commission *and when such programs satisfy a demonstrated training need not met by existing programs.* The director *of police training* shall establish a course in basic law enforcement training ~~of not less than 80 hours~~ for part-time police officers or law enforcement officers, approved by the commission, to be provided at the training center and certified state and local law enforcement training schools. In addition, after the general election of each election year and prior to January 1 of the next succeeding year, and at such other times as the director *of police training* deems necessary, the director *of police training* shall commence a training course for persons elected to the office of sheriff at the preceding general election.

(b) The director *of police training* shall conduct a pretraining evaluation of applicants for admission to the course for law enforcement officers conducted by the training center or to any certified state or local law enforcement training school to assure that each applicant is qualified to serve as a law enforcement officer. The director *of police training* shall adopt minimum standards, which shall receive prior approval by the commission, to be considered in the pretraining evaluation. The director *of police training* shall advise the city, county or state agency, railroad, school district or community college authorizing the applicant to attend the training center or certified state or local law enforcement training school of the results of the pretraining evaluation. The director *of police training*, with approval of the commission, may reject an applicant to the training center who does not meet the minimum pretraining standards.

Sec. 10. K.S.A. 2005 Supp. 74-5605 is hereby amended to read as follows: 74-5605.

(a) Every applicant for ~~admission to a course for police officers or law enforcement officers conducted by the training center certification~~ shall be an employee of a state, county or city law enforcement agency, a municipal university police officer, a railroad policeman appointed pursuant to K.S.A. 66-524, and amendments thereto; an employee of the tribal law enforcement agency of an Indian nation that has entered into a tribal-state gaming compact with this state; or a school security officer designated as a school law enforcement officer pursuant to K.S.A. 72-8222, and amendments thereto. Prior to admission to a course conducted at the training center or at a certified state or local law enforcement agency, the applicant shall furnish to the director *of police training* a statement from the applicant's

appointing authority or agency head certifying the applicant's fulfillment of the following requirements. The applicant:

- (1) Is a United States citizen;
- (2) has been fingerprinted and a search of local, state and national fingerprint files has been made to determine whether the applicant has a criminal record;
- (3) has not been convicted, does not have an expunged conviction, and on and after July 1, 1995, has not been placed on diversion by any state or the federal government for a crime which is a felony or its equivalent under the uniform code of military justice;
- (4) has not been convicted, does not have an expunged conviction, has not been placed on diversion by any state or the federal government for a misdemeanor crime of domestic violence or its equivalent under the uniform code of military justice, when such misdemeanor crime of domestic violence was committed on or after the effective date of this act;
- (5) is the holder of a high-school diploma or furnishes evidence of successful completion of an examination indicating an equivalent achievement;
- (6) is of good moral character;
- (7) has completed a psychological test approved by the commission;
- (8) is free of any physical or mental condition which might adversely affect the applicant's performance of a police officer's or law enforcement officer's duties; and
- (9) is at least 21 years of age.

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

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

Sec. 11. K.S.A. 74-5606 is hereby amended to read as follows: 74-5606.

(a) There is hereby created the ~~Kansas law enforcement training~~ commission on peace officers' standards and training which shall consist of 12 members which shall include:

- (1) The superintendent of the Kansas highway patrol, or the superintendent's designee;
- (2) the director of the Kansas bureau of investigation, or the director's designee;
- (3) a sheriff of a county having a population of 50,000 or more, to be selected by the governor who shall consider, but not be limited to, a list of three nominees submitted therefor by the Kansas sheriffs' association;
- (4) a sheriff of a county having a population of less than 50,000 and more than 10,000, to be selected by the governor who shall consider, but not be limited to, a list of three nominees submitted therefor by the Kansas sheriffs' association;
- (5) a sheriff of a county having a population of 10,000 or less, to be selected by the governor who shall consider, but not be limited to, a list of three nominees submitted therefor by the Kansas sheriffs' association;



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

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

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

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

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

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

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

(b) Each person initially appointed to a position described in subsection (a)(6), (a)(7), (a)(8), (a)(9) or (a)(12) shall serve for a two-year term and thereafter the term of members appointed to such positions shall be four years. Each person appointed to a position described in subsection (a)(3), (a)(4), (a)(5), (a)(10) or (a)(11) shall serve for a four-year term. A person appointed to a position on the commission shall resign such position upon vacating the office or position which qualified such person to be appointed as a member of the commission in that position. Vacancies in any position shall be filled in the same manner as original appointments.

(c) Membership on the commission shall not constitute holding a public office, and members of the commission shall not be required to take and file oaths of office before serving on the commission and shall not be required to be bonded. No member of the commission shall be disqualified from holding any public office or employment by reason of the member's appointment to or membership on the commission and no such member shall forfeit any such office or employment by reason of the member's appointment under this section, notwithstanding the provision of any law or ordinance. *Membership of members employed by a city or county shall be deemed for all purposes a duty of the member's employment by such city or county.*

Sec. 12. K.S.A. 2005 Supp. 74-5607 is hereby amended to read as follows: 74-5607.

(a) In addition to other powers and duties prescribed by law, the commission shall adopt, in accordance with the provisions of K.S.A. 77-415 et seq., and amendments thereto, rules and regulations necessary to carry out the provisions of subsection (c) of K.S.A. 74-5616, and amendments thereto, and such other rules and regulations as necessary to administer this act. The commission may also adopt such rules of procedure as are necessary for conducting the business of the commission.

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

(1) Administer oaths and take testimony;

(2) issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony, and to cause the deposition of witnesses, either residing within or without the state, to be taken in the manner prescribed by law for taking depositions in civil actions in the district courts. In case of the failure of any person to comply with any subpoena issued on behalf of the commission, or on the refusal of any witness to testify to any matters regarding which the witness may be lawfully interrogated, the district court of any county, on application of a member of the commission, may require compliance by proceedings for contempt, as in the case of failure to comply with a subpoena issued from such court or a refusal to testify in such court. Each witness who appears before the commission by its order or subpoena, other than a state officer or employee, shall receive for such attendance the fees and mileage provided for witnesses in civil cases in courts of record which shall be audited and paid upon presentation of proper vouchers sworn to by such witnesses and approved by the chairperson of the commission or by a person or persons designated by the chairperson;

(3) enter into contracts necessary to administer the provisions of this act and the certification of law enforcement officers; and

(4) assess the costs of such matters pending before the commission under this section against the governmental entity employing the police officer or law enforcement officer.

(c) Members of the ~~law enforcement training~~ commission attending meetings of the commission, or attending a subcommittee meeting authorized by the commission, shall be paid amounts provided for in subsection (e) of K.S.A. 75-3223, and amendments thereto. The director ~~and the chairperson of the commission~~ shall be responsible for approving all expense vouchers of members.

(d) The commission shall meet at least once each year at the training center and may hold ~~special~~ *other* meetings whenever they are called by the chairperson.

(e) The commission shall adopt the rules and regulations that are necessary to ensure that law enforcement officers are adequately trained and to enforce the provisions of this act. Such rules and regulations shall include, but are not limited to, the establishment of a course of fire as a standard qualification for active law enforcement officers to carry firearms that may also be used for qualified retired officers to carry firearms pursuant to federal law. The director shall provide qualification opportunities for qualified retired officers at least twice a year at the times and places the director determines to be necessary. The training center shall charge and collect a fee from retired state, local and federal officers for the qualification opportunities, but these fees shall be limited to the actual costs of presenting the standard qualifications course.

Sec. 13. K.S.A. 74-5607a is hereby amended to read as follows: 74-5607a.

(a) ~~No person shall receive a permanent appointment.~~ *The commission shall not issue a certification* as a full-time police officer or law enforcement officer, unless such officer has been awarded a certificate attesting to satisfactory completion of a *full-time officer basic* course of ~~not less than 320 hours~~ of accredited instruction at the training center or at a certified state or local law enforcement training school or has been awarded such a certificate for not less than the number of hours of instruction required by the Kansas law

enforcement training act at the time such certificate was issued or received a permanent appointment as a full-time police officer or law enforcement officer prior to July 1, 1969, or was appointed a railroad policeman pursuant to K.S.A. 66-524, and amendments thereto, on or before January 1, 1982. No person shall receive ~~a permanent appointment~~ *certification* as a part-time police officer or law enforcement officer, unless such officer has been awarded a certificate attesting to the satisfactory completion of ~~the basic course of not less than 80 hours of accredited~~ *a part-time officer basic course of instruction* in law enforcement at the training center or at a certified state or local law enforcement training school.

(b) Beginning the second year after certification, every full-time police officer or law enforcement officer shall complete annually 40 hours of law enforcement education or training in subjects relating directly to law enforcement. Failure to complete such training shall be grounds for suspension from work without pay until such training is completed. The director with the approval of the commission shall adopt rules and regulations regarding such education or training. Every city, county and state agency shall annually send to the director certified reports of the completion of such education or training. The director shall maintain a record of the reports in the central registry.

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

(1) Any person who is appointed or elected as a police officer or law enforcement officer and who does not hold a certificate as required by subsection (a) may be ~~elected or appointed as an officer on a provisional basis for a period of not more than one year. Any person appointed as a police officer or law enforcement officer on a provisional basis who does not receive the certificate required under subsection (a) within one year following the date of the person's original election or appointment shall forfeit such office or position at the end of such one-year period. Any person appointed as a police officer or law enforcement officer on a provisional basis who does not receive the certificate required under subsection (a) within one year following such original appointment shall not be reappointed as a police officer or law enforcement officer on a provisional basis within one year following the date on which such person last served as a police officer or law enforcement officer~~ *issued a provisional certificate for a period of one year. The director may extend the one-year period for the provisional certificate if in the director's determination the extension would not constitute an intentional avoidance of the requirements of subsection (a). If a person's provisional certificate expires or is revoked, the person shall not be issued another provisional certificate within one year of the expiration or revocation. A provisional certificate shall be revoked upon dismissal from any basic training program authorized by K.S.A. 74-5604a, and amendments thereto. A provisional certificate may be revoked upon voluntary withdrawal from any basic training program authorized by K.S.A. 74-5604a, and amendments thereto.*

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

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

Sec. 14. K.S.A. 74-5608a is hereby amended to read as follows: 74-5608a.

(a) The director may, in the exercise of discretion, award a certificate ~~attesting to the satisfactory completion of a basic course of instruction~~ to any person who has been duly certified under the laws of another state or territory if, in the opinion of the director, the requirements for certification in such other jurisdiction equal or exceed the qualifications required to complete satisfactorily the basic course of instruction at the training center.

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

Sec. 15. K.S.A. 74-5611 is hereby amended to read as follows: 74-5611. The director of ~~the law enforcement academy~~ *police training* shall annually report to the attorney general of the state of Kansas the names of all persons who attended ~~said academy~~ *law enforcement training center* during each training year.

Sec. 16. K.S.A. 2005 Supp. 74-5611a is hereby amended to read as follows: 74-5611a.

(a) The ~~director~~ *commission* shall establish and maintain a central registry of all Kansas police officers or law enforcement officers. The purpose of the registry is to be a resource for all agencies who appoint or elect police or law enforcement officers to use when reviewing employment applications of such officers. The registry shall be made available only to those agencies who appoint or elect police or law enforcement officers.

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

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

(d) Upon termination, the agency head shall include a report explaining the circumstances under which the officer resigned or was terminated. Such termination report shall be available to the terminated officer and any law enforcement agency to which the terminated officer later applies for a position as a police officer or law enforcement officer. The terminated officer may submit a written statement in response to the termination and any such statement shall be included in the registry file concerning such officer. The director shall adopt a format for the termination report.

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

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

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

Sec. 17. K.S.A. 74-5616 is hereby amended to read as follows: 74-5616.

(a) ~~To be eligible for permanent appointment as a police officer or law enforcement officer, a person must first be certified to perform the function of law enforcement by the Kansas~~

~~law enforcement training commission~~ No person shall be appointed as a full-time law enforcement officer unless the person holds a full-time active law enforcement certificate or a provisional law enforcement certificate. No person shall be appointed as a part-time officer unless the person holds a full-time active law enforcement certificate, a part-time active law enforcement certificate or a provisional certificate. The commission's certification shall be awarded to persons who:

(1) ~~Are at least 21 years of age, have successfully completed or satisfied the training requirements specified by subsection (a) of K.S.A. 74-5607a and amendments thereto and meet the requirements of K.S.A. 74-5605 and amendments thereto;~~ (2) Received a permanent appointment as a police officer or law enforcement officer prior to July 1, 1969; or (3)

(2) hold a permanent appointment as a police officer or law enforcement officer on July 1, 1983.

(b) The commission may suspend, revoke, *reprimand*, *censure* or deny the certification of a police officer or law enforcement officer who:

(1) Fails to meet the requirements of K.S.A. 74-5605 or 74-5607a, and amendments thereto, or has met such requirements by falsifying documents or failing to disclose information required for certification;

(2) *fails to meet and maintain the minimum standards for certification adopted by the commission;*

(3) *provides false information or otherwise fails to cooperate in a commission investigation to determine a person's suitability for law enforcement certification;*

(4) *fails to complete the annual continuing education required by K.S.A. 74-5607a, and amendments thereto, and implementing rules and regulations or otherwise fails to comply with the requirements of this act; or*

(5) *fails to maintain the requirements for initial certification as set forth in K.S.A. 74-5605, and amendments thereto, and any implementing rules and regulations.*

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

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

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

Sec. 18. K.S.A. 74-5617 is hereby amended to read as follows: 74-5617.

(a) Every candidate for permanent appointment to a position as a police officer or law enforcement officer shall meet the minimum training criteria specified in K.S.A. 74-5605 and amendments thereto and shall have attained 21 years of age *hold permanent or provisional certification.*

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

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

(d) No law enforcement agency head or other appointing authority shall knowingly permit the hiring of any person in violation of the requirements of this act, or knowingly permit the continued employment of any person as a law enforcement officer after receiving written notice from the commission that the person ~~has had such person's certification revoked as provided for under this act~~ *does not hold an active law enforcement certificate.* No law enforcement agency head or other appointing authority shall knowingly permit any auxiliary personnel who have been convicted of a felony offense under the laws of Kansas or any other jurisdiction access to law enforcement records or communication systems that are restricted under state or federal law or appoint as ~~a reserve officer~~ *auxiliary personnel* any person who does not meet the requirements of K.S.A. 74-5605 and amendments thereto. Any violation of the requirements of this act shall be deemed to constitute misconduct in office and shall subject the agency head or appointing authority to:

(1) Removal from office pursuant to K.S.A. 60-1205 and amendments thereto; or

(2) a civil penalty in a sum set by the court of not to exceed \$500 for each occurrence of noncompliance in an action brought in the district court ~~by the attorney general or by the county or district attorney,~~ which penalty shall be paid to the state treasurer for deposit in the state treasury and credit to the ~~state general fund, if the action is brought by the attorney general, or paid to the county treasurer for deposit in the county treasury and credit to the county general fund, if the action is brought by the county or district attorney~~ *Kansas commission on peace officers' standards and training fund.*

(e) Whenever in the judgment of the commission any person has engaged in any acts or practices which constitute a violation of this act, or any rules and regulations of the commission, the commission may make application to the district court, without giving bond, for civil enforcement of this act or rules and regulations in accordance with the act for judicial review and civil enforcement of agency actions. The district or county attorney of any county shall at the request of the commission render such legal assistance as necessary in carrying out the provisions of this act. Upon the request of the commission, the district or county attorney of the proper county shall institute in the name of the state or commission proceedings for appropriate relief, whether mandatory, injunctive or declaratory, preliminary or final, temporary or permanent, equitable or legal, against any person regarding whom a complaint has been made charging such person with the violation of any provision of this act.

(f) The commission shall make such inquiry as necessary to determine compliance with the requirements of this section and the rules and regulations adopted under it.

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

Sec. 19. K.S.A. 74-5619 is hereby amended to read as follows: 74-5619.

(a)

(1) There is hereby created in the state treasury the law enforcement training center fund. All moneys credited to such fund under the provisions of this act or any other law shall be expended only for the purpose and in the manner prescribed by law, ~~including the expenditures for the operation of the Kansas law enforcement training commission to carry out its powers and duties as mandated by law.~~

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

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

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

Sec. 20. K.S.A. 74-5620 is hereby amended to read as follows: 74-5620.

(a) There is hereby created in the state treasury the local law enforcement training reimbursement fund. All expenditures from the local law enforcement training fund shall: ~~(a)~~ (1) Be distributed to municipalities which participated in local law enforcement training programs, certified by the ~~law enforcement training commission~~, which existed prior to January 1, 1992, in accordance with a distribution formula developed by the commission; ~~(b)~~ (2) not exceed more than 100% of the actual training costs incurred by the municipality in participating in the local law enforcement training program; and ~~(c)~~ (3) be distributed for basic law enforcement training and not be for any type of continuing law enforcement training education programs. No money shall be expended from this fund prior to January 1, 1993. Such distribution formula shall provide that distribution be based on the number of individuals trained and the cost per individual trained of each such municipality. Any such distributions shall be reviewed on a year-to-year basis and adjusted accordingly pursuant to the criteria specified in this section. The ~~law enforcement training commission~~ shall conduct a review of all local law enforcement training programs in which municipalities receiving expenditures pursuant to this act are participating and shall require that all such law enforcement training programs report their costs in a standardized format prescribed by the commission.

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

New Sec. 21.

(a)

(1) Notwithstanding the provisions of K.S.A. 74-4971, and amendments thereto, on or after the effective date of this act, the Kansas commission on peace officers' standards and training shall affiliate with the Kansas police and firemen's retirement system established under the provisions of K.S.A. 74-4951 et seq., and amendments thereto, pursuant to the provisions of this act for membership in the system of members of the staff of the Kansas commission on peace officers' standards and training who have been designated as law enforcement officers by the executive director pursuant to K.S.A. 74-5603, and amendments thereto, and successfully completed the required course of instruction for law enforcement officers approved by the Kansas law enforcement training center or are certified pursuant to the provisions of K.S.A. 74-5607a, and amendments thereto. For purposes of such affiliation for membership in the system of such members, the Kansas commission on peace officers' standards and training shall be considered a new participating employer. The Kansas commission on peace officers' standards and training shall make application for affiliation with such system in the manner provided by K.S.A. 74-4954, and amendments thereto, to be effective on July 1 next following application. The Kansas commission on peace officers' standards and training shall affiliate for membership in the system of such members for participating service credit.

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

(b)

(1) Each such member of the staff employed by the Kansas commission on peace officers' standards and training on the date of affiliation, may become a member of the Kansas police and firemen's retirement system on the first day of the payroll period of such member, coinciding with or following the entry date of the Kansas commission on peace officers' standards and training as provided in this section, only by filing with the board of trustees of the system, on or before the entry date of the Kansas commission on peace officers' standards and training as provided in this section, a written election to become a member of the system. Failure to file such written election shall be presumed to be an election not to become a member of the system. Such election, whether to become or not to become a member, shall be irrevocable.

(2) Each such member of the staff of the Kansas commission on peace officers' standards and training who is on an authorized leave of absence or is in the military service on the entry date of the Kansas commission on peace officers' standards and training as provided in this section may become a member of the Kansas police and firemen's retirement system on the first day of the first payroll period of such member, coinciding with such member's return to active employment and payroll of the Kansas commission on peace officers' standards and training, only by filing with the board of trustees of the system within 10 days after such return to active employment a written election to become a member of the system. Failure to file such written election shall



be presumed to be an election not to become a member of the system. Such election, whether to become a member or not to become a member, shall be irrevocable.

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

(d) If the Kansas commission on peace officers' standards and training affiliates as provided in this act, the Kansas commission on peace officers' standards and training and each member of the staff who elects to become a member shall be subject to the provisions of K.S.A. 74-4951 et seq., and amendments thereto, as applicable.

(e) The division of the budget of the department of administration and the governor shall include in the budget and in the budget request for appropriations for personnel services the amount required to satisfy the employer's obligation under this act as certified by the board of trustees of the system, and shall present the same to the legislature for allowance and appropriations.

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

New Sec. 22. For tax years commencing after December 31, 2005, any business firm which contributes, gifts or donates to the Kansas law enforcement training center to be used by the center for the purpose of providing programs and courses of instruction for full-time police officers and law enforcement officers designed to fulfill the continuing education and training requirements of such officers pursuant to K.S.A. 74-5607a, and amendments thereto, shall be allowed a credit against the tax imposed by the Kansas income tax act. The amount of such credit shall not exceed 50% of the total amount contributed, gifted or donated during the taxable year by the business firm pursuant to this section. In no event shall the total amount of credits allowed under this section in any one tax year exceed the amount of money that the director of police training at the Kansas law enforcement training center has certified is necessary to provide such continuing education and training programs and courses of instruction for the fiscal year following such tax year. Such certification shall be submitted to the secretary of revenue prior to the commencement of the applicable tax year. The credit allowed by this section shall be deducted from the taxpayer's income tax liability imposed by the Kansas income tax act for the taxable year in which the contributions are made by the taxpayer. If the amount of the credit allowed by this section exceeds the taxpayers' income tax liability imposed by the Kansas income tax act for such taxable year, such excess may be carried over for credit in the same manner in the succeeding taxable years until the total amount of such credit is used. As used in this section, "business firm" means any business entity authorized to do business in the state of Kansas which is subject to the state income tax imposed by the Kansas income tax act and any individual subject to the state income tax imposed by the Kansas income tax act.

Sec. 23. K.S.A. 12-1,120, 74-5603, 74-5604a, 74-5606, 74-5607a, 74-5608a, 74-5611, 74-5616, 74-5617, 74-5619 and 74-5620 and K.S.A. 2005 Supp. 12-4117, 20-362, 21-4619, as amended by section 21 of 2006 Senate Bill No. 418, 22-4604, 28-172a, 74-5602, as amended by section 5 of 2006 House Bill No. 2329, 74-5605, 74-5607 and 74-5611a are hereby repealed.

Sec. 24. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and passed that body

\_\_\_\_\_

HOUSE adopted  
Conference Committee Report \_\_\_\_\_

\_\_\_\_\_  
*Speaker of the House.*

\_\_\_\_\_  
*Chief Clerk of the House.*

Passed the SENATE  
as amended \_\_\_\_\_

SENATE adopted  
Conference Committee Report \_\_\_\_\_

\_\_\_\_\_  
*President of the Senate.*

\_\_\_\_\_  
*Secretary of the Senate.*

APPROVED \_\_\_\_\_

\_\_\_\_\_  
*Governor.*

**KANSAS COMMISSION *on* PEACE  
OFFICERS' STANDARDS *and* TRAINING  
(KS•CPOST)**

**DRAFT**

**DRAFT**

**EXECUTIVE DIRECTOR  
POSITION DESCRIPTION**

SUMMARY: Created in KSA 74-5603 during the 2006 legislative session, the Executive Director of the Kansas Commission on Peace Officers' Standards and Training functions as the agency head and reports directly to the Commission. In this capacity the incumbent is responsible for implementation of regulations and policies set by the Kansas Commission on Peace Officers' Standards and Training as well as objectives, budget, program, and administrative management of the agency. Guidance is provided by the Chairman and various committees of the Commission.

ESSENTIAL DUTIES AND RESPONSIBILITIES include the following. Other duties may be assigned.

- Responsible for overall leadership of staff in the development and implementation of short and long range plans and policies and other activities.
- Responsible for the financial management, including the development and implementation of the annual budget.
- Responsible for the development and implementation of policies, procedures and regulations subject to the approval of the Commission.
- Responsible for liaison with law enforcement and other criminal justice agencies throughout the state, including the law enforcement professional associations. Close working relationship must be established with the Kansas Law Enforcement Training Center to coordinate training requirements.
- Responsible for the oversight of the certification and decertification process for law enforcement officers throughout the State of Kansas, including the supervision of administrative disciplinary investigations.
- Responsible for support of all activities associated with the Commission, including staffing for all Commission and committee meetings, meeting schedules, locations, development of agenda, meeting materials and minutes.
- Responsible for the operation of the Central Registry of law enforcement officers created pursuant to KSA 74-5611a.
- Responsible for supervision of all Commission staff. Responsibilities include appointing and training employees; planning, assigning and directing of work; appraising performance; rewarding and disciplining employees; addressing complaints and resolving problems.
- All other duties assigned by the Commission or as required by Kansas law for a senior agency official.

REQUIRED QUALIFICATIONS:

1. Baccalaureate degree from an institution accredited by one of the six regional accreditation associations in the United States.
2. Demonstrated experience in the supervision of employees.
3. Demonstrated experience in the development and management of budgets in a public agency.
4. Experience and knowledge of office computer software applications;
5. Excellent verbal and written communications skills.
6. Holder of or ability to obtain a valid and current Kansas driver's license.
7. Certification as a Kansas law enforcement officer or the ability to become certified within one year of appointment.

PREFERRED QUALIFICATIONS

1. An advanced degree in an academic discipline related to education or law enforcement from an institution accredited by one of the six regional accreditation associations in the United States.
2. At least 10 years of progressively responsible experience in law enforcement with at least 5 years of management experience.
3. Knowledge of and a demonstrated ability to work with other members of the Kansas law enforcement community.
4. A graduate of the Federal Bureau of Investigation National Academy, Southern Police Institute or other nationally recognized law enforcement leadership program.
5. Experience with or knowledge of the State of Kansas purchasing, human resources, and financial systems.

# KS•CPOST Budget Projection\*

	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012
	July 1, 2005 through June 30, 2006	July 1, 2006 through June 30, 2007	July 1, 2007 through June 30, 2008	July 1, 2008 through June 30, 2009	July 1, 2009 through June 30, 2010	July 1, 2010 through June 30, 2011	July 1, 2011 through June 30, 2012
<b>CPOST Expenditures</b>							
Growth Rate							
3.00%							
Personnel							
Administrator		\$85,000	\$87,550	\$90,177	\$92,882	\$95,668	\$98,538
Attorney		\$75,000	\$77,250	\$79,568	\$81,955	\$84,413	\$86,946
Computer Technician		\$45,000	\$46,350	\$47,741	\$49,173	\$50,648	\$52,167
Office Manager		\$35,000	\$36,050	\$37,132	\$38,245	\$39,393	\$40,575
Clerical Support Person		\$25,000	\$25,750	\$26,523	\$27,318	\$28,138	\$28,982
Current Investigator	\$41,200	\$41,200	\$42,436	\$43,709	\$45,020	\$46,371	\$47,762
Additional Investigator		\$41,200	\$42,436	\$43,709	\$45,020	\$46,371	\$47,762
Benefits		\$97,272	\$100,190	\$103,196	\$106,292	\$109,480	\$112,765
Total CPOST Personnel Expense	\$41,200	\$444,672	\$458,012	\$471,753	\$485,905	\$500,482	\$515,497
Other Operating Expenses:		\$95,000	\$97,850	\$102,743	\$107,880	\$113,274	\$118,937
Includes rent and utilities							
Travel Related Expenses		\$40,000	\$41,200	\$42,436	\$43,709	\$45,020	\$46,371
Contractual Services							
Investigations		\$50,000	\$52,500	\$55,125	\$57,881	\$60,775	\$63,814
Prosecutions		\$30,000	\$31,500	\$32,445	\$33,418	\$34,421	\$35,454
Hearings Expense	\$5,150	\$10,000	\$10,300	\$10,609	\$10,927	\$11,255	\$11,593
Total Expenses less Salary and Fringe	\$5,150	\$225,000	\$233,350	\$243,358	\$253,816	\$264,745	\$276,169
<b>Total Expenditures</b>	<b>\$46,350</b>	<b>\$669,672</b>	<b>\$691,362</b>	<b>\$715,110</b>	<b>\$739,721</b>	<b>\$765,228</b>	<b>\$791,665</b>
Available Funds							
Beginning Balance		\$0	\$42,828	\$63,966	\$61,356	\$34,135	-\$18,592
Revenue							
Docket Fee	\$2.50	\$712,500	\$712,500	\$712,500	\$712,500	\$712,500	\$712,500
Total Available Funds		\$712,500	\$755,328	\$776,466	\$773,856	\$746,635	\$693,908
Carry Forward: Available Funds less Expense	0	\$42,828	\$63,966	\$61,356	\$34,135	-\$18,592	-\$97,758

**ATCH # 4**  
**KS-CPOST MEETING**  
**6/5/06**

\*This budget is contingent upon legislative approval of the KS•CPOST becoming a stand-alone entity. This document represents KLETC staff's best estimate of staffing and budgetary needs at the time this document is submitted.