

SESSION OF 2010

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2638

As Amended by House Committee of the Whole

Brief*

HB 2638 would enact new law allowing the governing board of the HorseThief Reservoir Benefit District (HRBD) to appoint a law enforcement manager and associated officers. The law enforcement officers would be required to meet the requirements of the Kansas Law Enforcement Training Act. In addition, the bill would permit the Kansas Law Enforcement Training Center to charge tuition for each HRBD enforcement officer enrolled in a course at the Center.

The bill would allow these officers to possess and exercise all general law enforcement powers, rights, privileges, protections and immunities in all counties where any HRBD property is located. These law enforcement officers would be permitted to book and arrest a person into the jail of the jurisdiction of the arrest. While on duty, these law enforcement officers would be required to wear and publicly display a badge of office and a uniform.

In addition, the bill would permit HRBD law enforcement officers to exercise the power and authority of law enforcement officers anywhere on property owned, occupied, or operated by the HRBD or at the site of a function sponsored by the HRBD; on the streets, property, and highways immediately adjacent to and coterminous with property owned, occupied or operated by the HRBD or at the site of a function of the HRBD; and within the city or county where property is owned, occupied, or operated by the HRBD as necessary to protect the health, safety, and welfare of the HRBD employees, board members,

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

volunteers and visitors, with appropriate agreement by local law enforcement agencies. These agreements would be required to include provisions defining the geographical scope of the jurisdiction conferred, circumstances requiring the extended jurisdiction, and the scope of law enforcement powers and duration of the agreement. The agreement would need to be approved by the governing body of the city or county, or both, having jurisdiction and by the governing board of the HRBD.

With the proper agreement in place with local law enforcement agencies, law enforcement officers from HRBD could investigate and arrest a person for violation of state law, county resolution or city ordinance. HRBD could engage in fresh pursuit of a person and transport persons in custody to an appropriate facility.

Background

This bill was introduced by Representative Whitham and Representative George. At the hearing on the bill, Representative George testified that there would be a need for law enforcement and a mechanism to ensure public safety around HorseThief Reservoir. The manager of the HRBD also appeared in support of the bill, indicating that with an anticipated annual visitor count of 150,000, there exists a need to have law enforcement in place and proper personnel trained. The Sheriff of Hodgeman County appeared before the Committee and expressed concerns with the bill in its introduced form. He indicated the most serious concern had to do with the portion of the bill where he would provide the instruction and training for the use of firearms. He stated this would create undue liability. A representative of the Kansas Association of Chiefs of Police and the Kansas Peace Officers Association appeared as a neutral party on the bill. He indicated the bill gave unusual responsibility to the Sheriff of Hodgeman County and indicated the bill should address provisions of current law dealing with other non-traditional law enforcement agencies.

During debate on the bill in the House Agriculture and Natural Resources Committee, amendments were adopted deleting the provisions which would have required the Hodgeman County Sheriff to provide firearms training to the law enforcement personnel of the HRBD, adding new language which outlines the duties and responsibilities of HRBD law enforcement officers, and adding language to the existing section of law which addresses non-traditional law enforcement officers to add language relating to law enforcement officers associated with HRBD.

The House Committee of the Whole amended the bill to clarify that the Law Enforcement Training Center would be authorized to charge tuition for each HRBD officer enrolled in a training course. The bill also was amended with technical drafting changes.

The fiscal note on the bill as introduced indicates that the University of Kansas Law Enforcement Training Center provides a 14-week, 560-hour basic law enforcement training course at a cost of \$9,083. Training is funded primarily through municipal and district court docket fees. The Center is authorized to charge tuition for the training of railroad, tribal, and school law enforcement officers; however, the bill does not make provision for payment of tuition. The Center could absorb the cost if only a small number of individuals required training. The bill does not specify the number of individuals involved. In addition, Hodgeman County has reported, through the Kansas Association of Counties, that the Sheriff's Office would control the law enforcement functions for the Benefit District. The two organizations would enter into a contract for these services. The cost of the contract would be paid by the Benefit District, but the amount has not been determined.