

Approved February 18, 1992
Date

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by REPRESENTATIVE M. J. JOHNSON at
Chairperson

1:35 ~~XX~~ p.m. on FEBRUARY 13, 1992 in room 521-S of the Capitol.

All members were present except:

Representative George Gomez, excused
Representative Jack Sluiter, excused

Committee staff present:

Mike Heim, Legislative Research Dept.
Theresa Kiernan, Revisor of Statutes
Connie Smith, Committee Secretary

Conferees appearing before the committee:

Captain Fred Johnson, Troop Commander of the Capitol Area Security Patrol

The Chair called for a hearing on HB 2859.

HB 2859 - Relating to motor vehicles; concerning unlawful statehouse parking.

The Chair recognized Captain Fred Johnson, Troop Commander of the Capitol Area Security Patrol (CASP), who appeared on behalf of the Superintendent of the Kansas Highway Patrol who is in support of HB 2859, HB 2861 and HB 2862. Captain Johnson provided written testimony with suggested amendments to HB 2859. (Attachment 1)

Mr. Orion Jordan, Director of Facilities Management, and Mr. Emil Lutz, Director of Legislative Services were available to answer questions from the committee.

The Chair asked Captain Johnson when he referred to "secretary" who he was making a reference to. He said it was the secretary of administration.

Representative Nancy Brown expressed concern why the language in the proposed amendment was changed to "secretary or secretary's designee" instead of the "CASP may" and why they were giving authority for police power to the secretary or secretary's designee.

Captain Johnson said that in agreement with the Facilities Management Director in the Department of Administration the state parking lots are regulated by administrative regulations proposed by the secretary. He said they are trying to keep the language in the administration regulation consistent with what they are proposing. The CASP would be the secretary's designee. The Kansas Highway Patrol is not the designated police powers to police parking lots, they are the overseers or the administrators of CASP, which is an entity created in 1976 and placed under the superintendent. He said he was a troop commander and a highway patrol personnel and all of his officers are CASP and the regulations and statutes deal specifically with CASP enforcing regulations, statutes and even city ordinances.

The intent is to get the language and the administrative regulation which their officers use on state parking lots to coincide with language in the statute which is applicable to the statehouse ground.

Mr. Jordon said the Secretary of Administration has an annual contract with the highway patrol which provides security.

There was considerable discussion among Captain Johnson and committee members about the matter of removing vehicles from statehouse grounds

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT,

room 521-S, Statehouse, at 1:35 XX a.m./p.m. on FEBRUARY 13, 1992

by towing and/or putting wheel locks on vehicles and the cost to the vehicle owner if one of the above methods were used.

There were no other proponents or opponents to HB 2859 and the Chair opened a hearing on HB 2861.

HB 2861 - Concerning the regulation of traffic; relating to unlawful statehouse parking.

Captain Johnson appeared in support of HB 2861 and provided written testimony. (Attachment 2)

There were no other proponents or opponents to HB 2861. The Chair closed the hearing on HB 2859 and HB 2861.

The Chair opened the hearing on HB 2862.

HB 2862 - Relating to the capitol area security patrol; concerning the authority thereof.

Captain Johnson provided written testimony and offered amendments to HB 2862. (Attachment 3).

The Chair asked Captain Johnson what CASP jurisdiction was now. He said it was on or about state owned, leased or rented property in Shawnee county. The CASP has no authority and yet they are certified by the state of Kansas and must complete the basic law enforcement training and 40 hours in-service training yearly. The only police authority they have is on the stateground.

There were no other proponents or opponents to HB 2862. The Chair closed the hearing on HB 2862.

The meeting was adjourned at 2:37 p.m.

SUMMARY OF TESTIMONY - HB 2859
Before the House Committee on Local Government
Presented by- Captain Fred Johnson

=====
Good morning Madam Chairman and members of this committee. My name is FRED JOHNSON. I am the Troop Commander of the Capitol Area Security Patrol and I appear before you today on behalf of the Superintendent of the Kansas Highway Patrol who supports House Bill 2859

HB 2859 - Addresses the problems of enforcing parking regulations on the statehouse grounds. There are (244) parking spaces on the statehouse grounds, with (33) spaces designated as VISITOR PARKING. Parking for those authorized to park on the statehouse grounds is difficult because of repeat offenders. There is a reluctance to comply with parking regulations as there is no real deterrent for violators. The maximum allowable fine is \$5.00. HB 2859 addresses this issue by providing for the removal of any motor vehicle in violation of KSA 75-4510a.

However, after consultation with Mr. Orion Jordan, Director of Facilities Management and Mr. Emil Lutz, Director of Legislative Services, the following amendments are recommended to HB 2859:

Line 16 - Strike...capitol area security patrol shall..
Add...secretary or secretary's designee may..

(This language is more consistent with that contained in recently drafted administrative regulations governing parking on state parking lots. The word may instead of shall provides more discretion.)

Line 17 - Strike...and for...Add.....by causing.

Line 18 - Strike...abating...Add.....abatement..this term
being more appropriate.

HB 2859 provides the authority to remove a vehicle parked in violation, however a vehicle would not automatically be towed away as certain guidelines will be used in determining WHEN a vehicle should be towed, ie.; upon the 4th violation within 12 months or, for a more serious violation such as blocking of other vehicles or, obstructing driveways, archways or the firelane on the statehouse grounds.

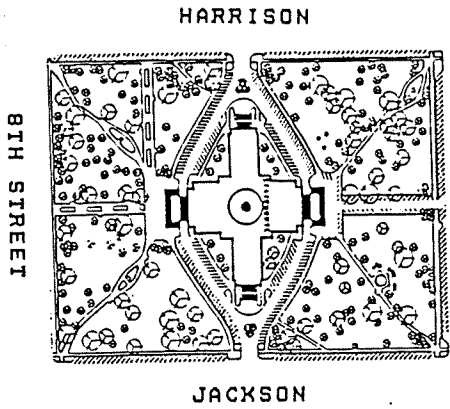
LJ
2-13-92
Attachment 1

HB 2859
Summary of Testimony
Page Two

Further, we believe the provisions of this bill will provide a deterrent for repeat violators and therefore, urge the members of this committee to consider favorably the provisions of House Bill 2859.

***** END *****

OVERVIEW OF CAPITOL GROUNDS

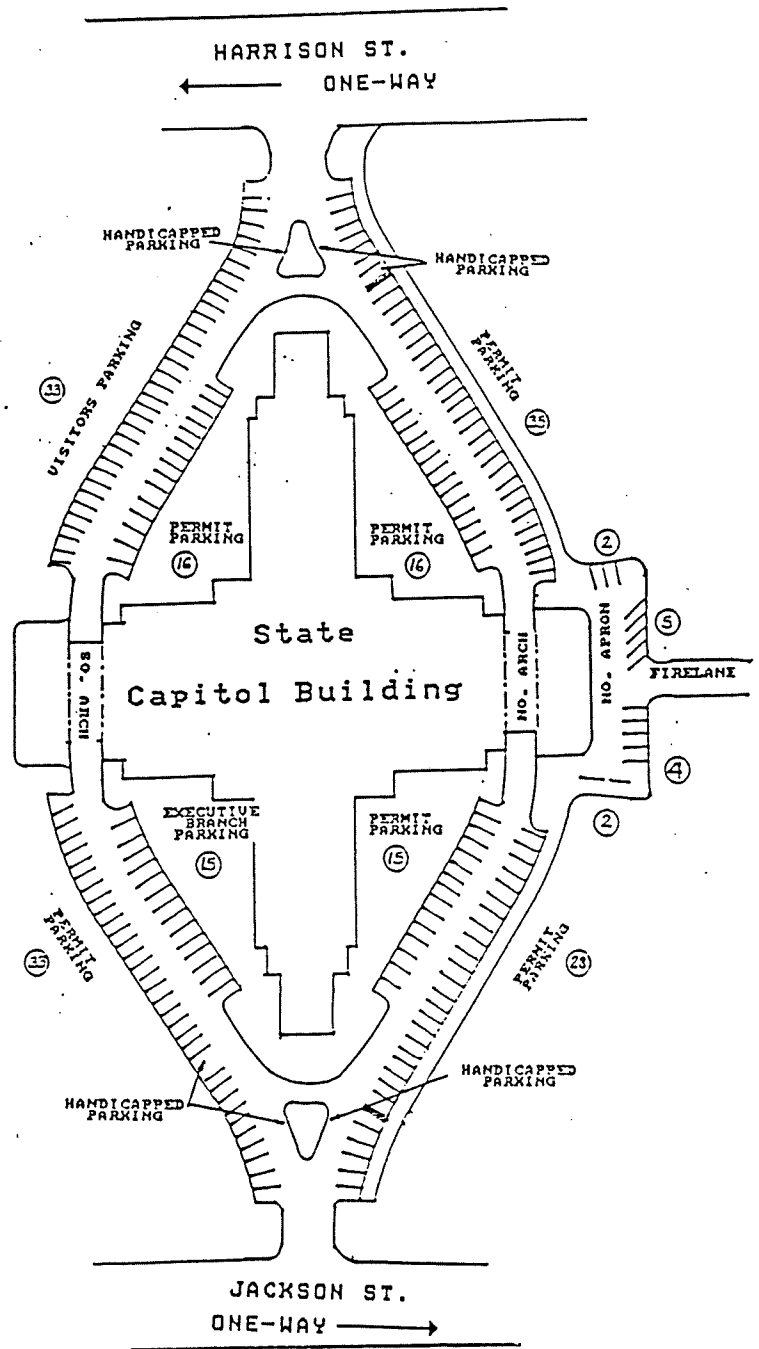


10TH STREET

SO. APRON

PARKING RESTRICTIONS STATEHOUSE GROUNDS

EXECUTIVE SPACES	=	20
LEGISLATIVE SPACES	=	184
VISITOR & HANDICAP	=	40
TOTAL PARKING SPACES	=	244



SUMMARY OF TESTIMONY - HB 2861
Before the House Committee on Local Government
Presented by- Captain Fred Johnson

=====

HB 2861 - amends the Uniform Fine Schedule in KSA 8-2118 by providing a progressive fine schedule for unlawful statehouse parking. Further, it removes the maximum fine of \$5. The progressive fine schedule provides that upon.....

A 1st conviction	Fine of \$10
A second conviction	Fine of \$20
3rd or subsequent conviction	Fine of \$50

In addition, HB 2861 amends KSA 75-4510a by striking five dollars (\$5) and adding the above progressive fine table. Past experience reflects typical fines of \$3 - \$4 for parking violations occurring on statehouse grounds.

We believe HB 2861 will provide a strong deterrent to those who would repeatedly violate statehouse parking regulations, such as parking in reserved stalls or exceeding the 2-hour time limit in VISITORS PARKING stalls, by increasing the fine for the first and subsequent violations.

The provisions of this bill will also provide the citizens of Kansas with more convenient access to the statehouse and will provide legislators and employees parking to which they are entitled. Therefore, we ask that the members of this committee consider favorably the provisions of HB 2861.

***** END *****

Lj
2-B-92
Attach. 2

SUMMARY OF TESTIMONY - HB 2862
Before the House Committee on Local Government
Presented by- Captain Fred Johnson

=====

HB 2862 - Amends KSA 75-4503 and addresses a very important issue by granting police officers of the capitol area security patrol with the same lawful authority to investigate crimes or make arrests as given university police officers.

As written, this bill gives C.A.S.P. police officers the authority to travel off of state owned, leased or rented property, when there is reason to believe a violation of law has occurred on such property, and investigate and arrest persons for such a violation, anywhere within the city. In that regard, the following amendments are recommended:

Line 33 - Strike...the city where such property, streets and highways...Add...Shawnee county.

Line 34 - Strike...are located..

Line 33 will then read..anywhere within Shawnee county.

As amended, capitol area security patrol officers may continue investigations or make arrests anywhere in Shawnee county for crimes committed on state owned, lease or rented property. There have been several instances within the past 12 months which have necessitated an officer to travel outside the city to interview witnesses and possible suspects. That officer was acting as a private citizen only and with no authority as a police officer.

This bill will provide officers of the capitol area security patrol with only that authority needed to perform the tasks expected of them. Therefore we request the members of this committee to consider favorably the provisions of HB 2862, as amended.

***** END *****

PL
2-13-92
Attach. 3