

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION.

The meeting was called to order by Chairman Rex Crowell at 1:30 p.m. on March 22, 1993 in Room 519-S of the Capitol.

All members were present except: Rep. Jim Garner, Excused

Committee staff present: Tom Severn, Legislative Research Department
Hank Avila, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Donna Luttjohann, Committee Secretary

Conferees appearing before the committee: Ann Smith, KAC

Others attending: See attached list

Chairman Crowell brought the committee's attention to the minutes of February 18, 1993, that were distributed. There were no corrections, additions or deletions and the minutes stand approved.

The Chairman opened the hearing on SB 390 allowing a city or county law enforcement officer to utilize a publicly owned vehicle for personal use.

A letter had been submitted by Steve Entz to the Chairman prior to the hearing. Chairman Crowell read the letter aloud to the committee and submitted it as part of the official record. See Attachment 1.

Ann Smith, KAC, was recognized by the Chairman. She gave background data of the bill.

Chairman Crowell closed the hearing on SB 390.

The committee's attention was brought to SB 401 regarding the motor vehicle fuel or special fuel exemption permit. Rep. Shore gave a verbal report from the Subcommittee.

Rep. Shore made a motion to amend the bill as written in the balloon. It was seconded by Rep. Lawrence. Rep. Shore withdrew the motion with the consent of his second. Rep. Shore made a motion to adopt the subcommittee's report. It was seconded by Rep. Lawrence.

After committee discussion, Chairman Crowell held action on the bill until the written report of the subcommittee was finalized.

The Chairman called the committee's attention to SB 295 regarding the removal of crossbucks and signals at abandoned railroad crossings. The Chairman recognized Rep. Pauls who made a report for the subcommittee.

Rep. Smith made a motion to pass the bill favorably out of committee. It was seconded by Rep. McClure. The motion carried.

The committee's attention was called toward SB 368 regarding traffic offenses for which a law enforcement officer may issue a written traffic citation. Rep. Dillon made a motion to pass the bill favorably. It was seconded by Rep. Smith. The motion carried.

Chairman Crowell brought the committee's attention to SB 361 regarding the regulation of traffic offenses and infractions involving juveniles. Rep. Pauls offered the report of the subcommittee. Rep. Hendrix made a motion to amend the bill as in balloon. It was seconded by Rep. Lawrence. The motion carried.

Rep. Hendrix made a motion to pass the bill out favorably as amended. It was seconded by Rep. Lawrence. The motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION, Room 519-S Statehouse, at 1:30 p.m. on March 22, 1993.

Chairman Crowell adjourned the meeting at 2:20 p.m. with the next meeting scheduled for March 23, 1993, at 1:30 p.m. in Room 519-S of the Capitol.

HOUSE TRANSPORTATION COMMITTEE

Name	Address	Representing
KEN MENDEL	PEORIA	HQ STATE OF KS
DEBRA PLATT	TOPEKA, KS	KS Dept. of Revenue
Joe Lieber	TOPEKA	KS County Council
JACK TIERIE	TOPEKA	KCC
John W. Smith	Topeka	KDOR
Anne Smith	Topeka	KS Assoc. of Counties
Tom WHITAKER	TOPEKA	KS MOTOR CARRIERS ASSN.
Betty McBride	Topeka	KDOR
Jim KEENE	PAOLA	BLE
Pat Hubbell	Topeka	KS Railroad Assn.
Nancy Boggins	Topeka	KDOT
Bill Watts	Topeka	KDOT
Christine Andrade	Topeka	KDOT

LAW OFFICES
ENTZ & CHANAY
3300 SW VAN BUREN STREET
TOPEKA, KANSAS 66611

STEWART L. ENTZ
JEFFREY A. CHANAY
CARLA J. STOVALL

TELEPHONE
AREA CODE 913
267-5004
FAX: 267-7106

March 22, 1993

Representative Rex Crowell
Statehouse, Room 431-N
Topeka, Kansas 66612

Re: Senate Bill 390

Dear Representative Crowell:

Senate Bill 390 seeks to amend K.S.A. 8-301 to permit a deputy sheriff to moonlight as a private security guards with full use of the county's vehicle. A group of deputies could set up their own private guard business.

The taxpayer is providing the vehicle (possibly the fuel), the police radio network, the weapon, the permit to carry the gun, the insurance for one authorized to carry a gun and all of the other attributes of a security guard force for the private gain of the deputy or the private security service by which he is employed. Taxpayers should not be required to fund private business in this way.

Under the law of agency I believe that a deputy, using the county's patrol vehicle will be deemed an "apparent" agent of the county when someone is hurt or killed while operating the vehicle. I would respectfully submit that the taxpayers (the County) are going to be sued if vehicles are used in this fashion.

I believe Mr. Meneley is trying to change the law because his own County Commissioners told him he could not do the very thing this bill permits. He already allows his deputies to use their uniform in private business because the union representing the deputies demanded it. As a taxpayer of Shawnee County, I would ask that the bill be killed.

Very truly yours,


Stewart L. Entz

sle/sja

HOUSE TRANSPORTATION
Attachment 1
3/22/93