

SESSION OF 2016

**CONFERENCE COMMITTEE REPORT BRIEF  
HOUSE BILL NO. 2696**

As Agreed to April 27, 2016

**Brief\***

HB 2696 would amend law related to university police officer jurisdiction and fees and surcharges imposed for various law enforcement-related funds.

***University Police Officer Jurisdiction***

The bill would amend language governing where university police officers (UPOs) may exercise their powers as UPOs to mirror similar provisions in the same statute that govern campus police officers (CPOs). The bill would allow UPOs to exercise their powers as UPOs:

- On property occupied by the state educational institution or municipal university, a board of trustees of the state educational institution, an endowment association, an affiliated corporation, an athletic association, or a fraternity, sorority, or other student group associated with the state educational institution or municipal university;
- On property owned or operated by an affiliated corporation; and
- At the site of a function or academic program sponsored by the state education institution.

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\*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

Similarly, the bill would replace language allowing UPOs to exercise their powers on streets, property, and highways immediately adjacent to the campus of the state educational institution or municipal university with language allowing the exercise of their powers on streets, property, and highways immediately adjacent to and coterminous with these properties. Again, this language would mirror that governing CPOs.

Further, the bill would allow UPOs employed by the University of Kansas Medical Center (KUMC), pursuant to a written agreement between the University of Kansas (KU) Hospital Authority and the KUMC, to exercise their powers as law enforcement officers on property owned, occupied, or operated by the University of Kansas Healthcare System or the KU Hospital Authority.

The bill would make similar amendments to the statute authorizing state educational institutions to employ UPOs.

***Municipal Court Fees — Kansas Commission on Peace Officers' Standards and Training Fund***

The bill would increase from \$20 to \$22.50 the fee assessed in cases filed in municipal courts, other than nonmoving traffic violations, where there is a finding of guilt or a plea of guilty, a plea of no contest, forfeiture of bond, or a diversion. Additionally, the bill would increase from \$2.50 to \$5 the amount of such fee that would go to the Kansas Commission on Peace Officers' Standards and Training (KS-CPOST) Fund.

Further, the bill would remove the names of funds from the statute that prohibits fees from being administered in municipal court cases except in accordance with certain statutory provisions, leaving just the statutory references to the relevant funds.

***Vehicle Registration Fee Surcharges — Kansas Highway Patrol Staffing and Training Fund, Law Enforcement Training Center Fund***

The bill would add two nonrefundable surcharges to each vehicle registration fee:

- A \$2.00 Kansas Highway Patrol (Patrol) staffing and training surcharge, to be credited to the Kansas Highway Patrol Staffing and Training Fund that would be created by the bill; expenditures from that fund would be used by the Patrol to increase employment and retain personnel at the Patrol and would be made in accordance with appropriation acts; and
- A \$1.25 Law Enforcement Training Center surcharge, to be credited to the Law Enforcement Training Center Fund.

The bill also would state it is the intent of the Legislature that the funds and moneys deposited in the Kansas Highway Patrol Staffing and Training Fund, the Law Enforcement Training Center Fund, and the Kansas Commission on Peace Officers' Standards and Training Fund be used only for the purposes set forth in law creating those funds.

**Conference Committee Action**

The conference committee agreed to the House version of HB 2696 (statute book effective date), regarding jurisdiction of UPOs. The committee further agreed to add the contents of:

- HB 2553, as passed by the House, regarding municipal court fees and the KS-CPOST Fund; and
- Sub. for SB 335, as amended by the Senate Committee of the Whole, regarding vehicle

registration fee surcharges for the Kansas Highway Patrol Staffing and Training Fund and the Law Enforcement Training Center Fund.

## **Background**

HB 2696 was introduced in the House Committee on Judiciary at the request of Representative Davis. At the House Committee hearing on the bill, the Chief of Police of KUMC appeared in support of the bill. A representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs' Association offered written testimony in support of the bill. There was no opponent or neutral testimony.

The same proponents appeared in support of the bill at the Senate Committee on Judiciary hearing. The Senate Committee amended the bill to make it effective upon publication in the *Kansas Register*.

According to the fiscal note prepared by the Division of the Budget, enactment of the bill would have no impact on KU or the Board of Regents.

## ***HB 2553 Background***

In the House Committee on Judiciary hearing on HB 2553, representatives of the KS-CPOST, Kansas Association of Chiefs of Police, Kansas Peace Officers Association, Kansas Sheriffs' Association, Kansas Bureau of Investigation, Kansas Highway Patrol, and various Kansas police departments offered testimony in support of the bill. The representative of KS-CPOST indicated the docket fee increase was needed to maintain current staffing and to update its central registry database, as well as meet other needs. There was no neutral or opponent testimony.

According to the fiscal note prepared by the Division of the Budget, enactment of HB 2553 would double the amount of revenue generated from docket fees going to KS-CPOST, resulting in increased revenue in the amount of \$474,862. Any fiscal effect associated with the bill is not reflected in *The FY 2017 Governor's Budget Report*.

#### ***Sub. for SB 335 Background***

The substitute bill modifies provisions of SB 335 and inserts provisions of SB 350 (as introduced by the Senate Committee on Transportation). The Senate Committee of the Whole amended the bill to state the intent of the Legislature regarding the use of the moneys in the named funds.

#### ***SB 335 Background***

As introduced, SB 335 would have increased the registration fee for a passenger vehicle with a gross weight of 4,500 pounds or less from \$30 to \$32 and would have directed \$2 from each registration to the Law Enforcement Training Center Fund.

Senator Bruce; the Executive Director of the Kansas Law Enforcement Training Center (KLETC); a representative of the Kansas Association of Chiefs of Police, the Kansas Sheriffs' Association, and the Kansas Peace Officers Association; the Shawnee County Sheriff; the chiefs of the Andover and Salina police departments; and the director of the Riley County Police Department spoke in support of the bill. The Patrol and the Sheriff of Wyandotte County submitted written proponent testimony. The KLETC Executive Director provided information on the operations of the KLETC, historical funding, current needs, and downward trends in other moneys directed to the KLETC. He stated new funding would allow the center to maintain programs and facilities. Other conferees cited the high-quality initial training and

continuing education provided by the KLETC and its positive contributions to professional law enforcement in Kansas.

The President of the Kansas County Treasurers Association and the Johnson County Treasurer and Finance Director provided neutral testimony, asking legislators to also consider increasing payments to the county treasurers for work related to motor vehicle transactions to cover increased costs and workload.

There was no opponent testimony.

The Senate Committee on Transportation amended the bill to add a surcharge to each vehicle registration, not just to each passenger vehicle registration; to change the amount of the fee from \$2 to \$1.25; to add the contents of SB 350; and to place those contents into a substitute bill.

According to the fiscal note prepared by the Division of the Budget on the original bill, the Department of Revenue indicates 1,683,495 passenger vehicles of 4,500 pounds or less were registered in 2015. The additional \$2 fee would generate approximately \$3.4 million (1.7 million vehicles times the \$2 fee) in FY 2017. The Department of Revenue also estimates the bill would require \$4,960 from the Vehicle Operating Fund to modify the motor vehicle processing system. The fiscal note states the KLETC's primary funding is from district and municipal court docket fees, which have been trending down by more than 20.0 percent in recent years, and the KLETC estimates it will spend all of its reserve funds after it makes its required bond payments on June 1, 2016. Any fiscal effect associated with the bill is not reflected in *The FY 2017 Governor's Budget Report*.

According to information provided by the Department of Revenue for SB 350, there were 2,697,486 vehicle registrations in calendar year 2015. [Note: the \$1.25 fee would generate approximately \$3.37 million (1.7 million vehicles times the \$1.25 fee) in FY 2017.]

### ***SB 350 Background***

The provisions of SB 350, as introduced, would be included in the substitute bill, without modification.

Proponent testimony from the Superintendent of the Patrol to the Senate Committee on Transportation included information on the steady decline in the number of troopers since 2006 even though greater numbers are authorized, steps the Patrol has taken to stabilize or increase the number of troopers, the types of law enforcement activities troopers provide across the state, and the numbers of troopers in neighboring states. The Superintendent said enactment of the bill would allow the Patrol to increase the number of troopers by as many as 75 by the end of FY 2018.

A representative of the Kansas Association of Chiefs of Police also provided proponent testimony. He provided information on cooperation among the Patrol, the Kansas Bureau of Investigation, and local law enforcement agencies and on how the Patrol assists local law enforcement agencies.

Written proponent testimony was submitted by the President of the Kansas State Troopers Association and the Jefferson County Sheriff on behalf of the Kansas Sheriffs' Association. They stated the decrease in staffing means troopers are not available to assist local law enforcement when needed and consistent funding to support the Patrol's pay progression plan is essential.

The President of the Kansas County Treasurers Association and the Johnson County Treasurer and Finance Director provided written neutral testimony, asking legislators to also consider increasing fees and payments to the county treasurers for work related to motor vehicle transactions to cover increased costs and workload.

There was no opponent testimony.

According to the fiscal note prepared by the Division of the Budget, there were 2,697,486 vehicle registrations in calendar year 2015, which would have generated \$5,394,972 if the surcharge had been in place. The fiscal note also states the Department of Revenue estimates additional expenditures of \$7,360 from agency fee funds for administrative costs and setting up the surcharge in the Motor Vehicle Registration System. Any fiscal effect is not reflected in *The FY 2017 Governor's Budget Report*.

University of Kansas Medical Center; university police officer jurisdiction; municipal courts; assessments; Kansas Commission on Peace Officers' Standards and Training Fund; vehicle registration fee surcharges; Kansas Highway Patrol Staffing and Training Fund; Law Enforcement Training Center Fund

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