

MINUTES OF THE MEETING
HOUSE COMMITTEE ON LEGISLATIVE ADMINISTRATION
MONTANA STATE LEGISLATURE

February 15, 1985

The meeting of the Legislative Administration Committee was called to order by Chairman Menahan at 4:05 p.m., Friday, February 15, in Room 437 of the State Capitol Building.

ROLL CALL: Members present were Menahan, Keyser, J. Brown, Donaldson, and Zabrocki. Others present at the meeting were Ellen Feaver, Director, Department of Revenue; H. Deane Blanton, Administrator, Department of Administration; Brian Cockhill, Administrative Officer, Historical Society; and Jim Jensen, lobbyist.

The purpose of the meeting was to discuss House Bill 782, allowing Capitol security guards to issue parking citations within the confines of the Capitol complex.

Rep. Menahan explained that there has been a problem with parking in the Capitol area, particularly with double parking or blocking access to doors in the circle area.

Ellen Feaver stated that the bill may be futile because the city managers have promised the City of Helena will not enter into such an agreement. The reason is that the Capitol is 900 spaces short of having adequate parking during sessions, and it is their feeling that it isn't good government to ticket people who are not given an option of parking legally. They would consider an agreement at other times, but not during sessions.

Discussion followed on the extent of City jurisdiction. It was agreed that the City has total jurisdiction on the street, but not in the parking lots. Ellen Feaver added that if the State were given authority to issue tickets on the Capitol complex, as is done at the universities, it could prove expensive, and there would be the necessity of establishing a due process mechanism.

Menahan suggested that the Committee could talk with the City Manager regarding honoring tickets for the front and horseshoe areas only. Ellen Feaver added that she saw no problem with talking to the City Manager, but that at this point he was probably not too sympathetic because he has parking tickets on his desk that legislators are asking to have written off.

Zabrocki stated that he was opposed to any parking tickets being given on Capitol property and that he felt he had a right to let any of his constituents use his place if he was not using it. Rep. Donaldson replied that that was not the issue this bill was addressing.

Rep. Donaldson stated that the problem went beyond Capitol security not having authority within the ovals. He added that he felt uncomfortable with the total security of the complex and added that at some point it would cause problems. He wondered if the Committee shouldn't have discussions with local law enforcement people, since Capitol security are limited in what they can do.

Blanton explained that when a parking violator is discovered the process is to first call the Highway Patrol and determine who owns the car, then find out where that person works. If it is a State employee, they call that individual and ask him to move the car, and usually that is done. When it is a repeat offender, the second time the employee's supervisor is called, and the third time the Director. That is the extent of their authority. If the person is not a State employee, there is no authority and nothing can be done.

Rep. Donaldson asked if it would be possible to have the Highway Patrol as the enforcement agency for the Capitol complex. Blanton answered that in some states the Justice Department is involved in some security operations, although he did not know to what degree.

Brian Cockhill stated that the Historical Society has been battling the security problem for several years, and added that their problems exist not just during legislative sessions. Their two main concerns are lack of adequate parking for museum visitors and blocked fire lanes, which could endanger the expensive collection in case of fire. His purpose in attending the meeting is to support the concept of the bill on behalf of the Historical Society.

Rep. Donaldson asked how other states handle the problem and what degree of enforcement authority they have. He added that he thought a model was needed.

Jim Jensen asked what the implications would be for insurance rates, whether improved security would lower rates. Cockhill answered that for the Museum it does have an effect on their rates.

Menahan suggested that the Committee talk with the City people and have a researcher get information on laws in other states. Names suggested to meet with were City Manager Erickson, Mayor Ritter, Joan Duncan, Blake Wordal, and the Chairman of the City Parking Commission.


Rep. Keyser stated that Capitol security must have the authority to evict someone. In response to a question from Donaldson as to what the airport does, Ellen Feaver said they have a contract with the City. Donaldson suggested that someone from law enforcement should be included in any discussion. Menahan added that he talked to the Sheriff, who stated that if you get into security with weapons you would need to get into writing laws. In response to a question on

present policy in case of a disturbance, Blanton stated that normally the security person or someone from the Department of Administration would tactfully talk to the person and ask him to leave. If this procedure did not work, the only recourse would be to call local law enforcement authorities.

Cockhill stated that Historical Society employees are instructed in the event of theft or defacement to try to hold the person. They consider that a citizen's arrest and have coordinated it with the City Police in the past. In order to follow through, the law enforcement authorities must ultimately be called. He added that they try to minimize what they do because of the liability factor and that restraint is used only in extreme situations.

MOTION: Rep. Donaldson moved that the Committee attempt to set up an appointment with City Council members and law enforcement people, and possibly the Sheriff, to discuss with them and the Department of Administration possible avenues of providing a parking overview, and extending to security. Motion carried unanimously.

The meeting was adjourned at 4:30 p.m.



WILLIAM "RED" MENAHAN, CHAIRMAN

1
2 INTRODUCED BY Menahan House Bill No. 782
3 Malcolm Vincent

1 the provisions of this act.
2 Section 3. Effective date. This act is effective on
3 passage and approval.

-End-

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW CAPITOL
5 SECURITY GUARDS, THROUGH AGREEMENT BETWEEN THE DIRECTOR OF
6 THE DEPARTMENT OF ADMINISTRATION AND THE CITY OF HELENA,
7 MONTANA, TO ISSUE PARKING CITATIONS WITHIN THE CONFINES OF
8 THE CAPITOL COMPLEX; AND PROVIDING AN IMMEDIATE EFFECTIVE
9 DATE."
10

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Traffic citations within capitol complex.
13 The director of the department of administration may in his
14 discretion enter into an agreement with the city of Helena,
15 Montana, to authorize capitol security guards employed by
16 the department to issue citations for parking violations as
17 defined by state or municipal laws which occur within the
18 boundaries of the capitol complex or on streets or alleys
19 contiguous thereto. All such citations must be considered
20 within the jurisdiction of the city of Helena, Montana, and
21 must be handled in the same manner as citations issued by
22 peace officers thereof.

23 Section 2. Extension of authority. Any existing
24 authority of the department of administration to make rules
25 on the subject of the provisions of this act is extended to

INTRODUCED BILL
HB 782

LEGISLATIVE TELEPHONE OFFICE GUIDELINES

Legislative telephones are provided for the conduct of legislative business during the hours of 8 a.m. until 5 p.m. or one-half hour past adjournment of House or Senate if adjournment is after 5 p.m. Monday through Friday and 8 a.m. until noon or one-half hour past adjournment on Saturday.

MESSAGES: Please advise caller that messages can be taken for not more than two legislators.

Message must be brief - one or two very short remarks. Legislator can return the call to receive more information.

Caller should be specific as to whom they wish the message directed. For example, operator should not accept blanket messages to "all legislators from northeast Montana" or those that voted against Bill Number 63, etc.

Phone Tree messages cannot be accepted unless they fit the guidelines above.

You are not responsible for returning calls. Advise caller and person that is being called that you are not permitted to return calls for them.

PAGING: Do not keep call on hold while paging. Take number and name and have paged person return the call.

Inform lobbyists and others that message will be available in telephone office but that paging will be kept at the minimum.

EMERGENCIES: Take name and number and alternate numbers if necessary and specify emergency on message. Sergeant-at-Arms, Speaker's office and Republican House Leader's and Secretary of the Senate's office all have tracking systems which might facilitate location of legislators and attaches.