

Approved: 3-7-95
Date

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Senator Lana Oleen at 11:00 a.m. on February 15, 1995 in Room 254-E of the Capitol.

All members were present.

Committee staff present: Mary Galligan, Legislative Research Department
Mary Ann Torrence, Revisor of Statutes
Kim Perkins, Committee Secretary

Conferees appearing before the committee: John Ramey, Brigadier General to the National Guard
Lloyd Kruse, Brigadier General to the National Guard

Others attending: See attached list

Sen. Oleen announced that the committee would hold confirmation hearings for John Ramey and Lloyd Kruse as Brigadier General to the National Gurad. Sen. Oleen introduced Adjutant General James Rueger to give introductory remarks highly recommending the two confirmees.

Sen. Oleen stated that the committee would return to final action regarding the confirmation of Oscar Peltzer and announced that the committee had information regarding his initial resignation, his resignation acceptance by Governor Bill Graves, and his reconsideration of his resignation (Attachments 1, 2, & 3). Sen. Oleen explained that she had acquired an attorney general opinion where a similar situation occurred where a person resigned and then wanted to rescind his resignation. The attorney general opinion stated that the resignation could not be rescinded after it had been accepted. Sen. Oleen stated that Mr. Peltzer expressed his desire to go through the confirmation process and therefore his name was returned to Federal and State Affairs committee. Sen. Tillotson made a motion to send the confirmation of Oscar Peltzer to the Senate with the recommendation that committee not confirm and Sen. Parkinson seconded the motion.

Sen. Oleen called for discussion regarding the confirmation of Oscar Peltzer. Sen. Hensley stated that he had visited with Mrs. Peltzer the previous evening and that he understood that Mr. Peltzer had received a telephone call by a staff person who indicated that this committee had gone on record already in opposition to Mr. Peltzer's confirmation. Sen. Hensley continue d to say that Mr. Peltzer was later informed by a lobbyist that the vote had not occurred and that was the reason he rescinded his resignation. Sen. Oleen responded that the call to Mr. Peltzer did come from the office of the Senate Majority office and the message conveyed was that there were not sufficient votes to receive a favorable recommendation. Sen. Oleen granted that there could have been mis-communication, and in Mr. Peltzer's defense, she stated that the committee would grant his request to go through the confirmation process.

Sen. Papay questioned the legality of going through the process since the attorney general had ruled previously in a similar situation that the confirmees resignation could not be rescinded. Sen. Parkinson stated that he did not believe we should deny Mr. Peltzer the opportunity based on a possible communication error.

Sen. Tillotson stated that her motion was not based on the technicality, but instead on his previous performance and his performance before the committee. Sen. Oleen called for a voice vote on the motion and was in doubt, so therefore called for a hand vote. The vote was 6-4 to not recommend confirmation. Those requesting their vote be recorded were: Hensley, Jones, Walker, and Gooch who voted against the motion.

Sen. Oleen introduced Brigadier General Lloyd Kruse who gave brief introductory comments and asked the committee for questions. Sen. Oleen clarified that the party affiliation of Mr. Kruse was unaffiliated. Sen. Oleen asked if Mr. Kruse would reside in Topeka and Mr. Kruse answered that he would be trained at Fort Leavenworth. He would then live in Topeka. Sen. Vidricksen stated that he was very impressed with the military career of the confirnee.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS, Room 254-E
Statehouse, at 11:00 a.m. on February 15, 1995.

Sen. Oleen introduced Brigadier General John Ramey who gave brief introductory comments and asked the committee for questions. Sen. Oleen clarified that Mr. Ramey was currently a Brigadier General and Mr. Ramey stated that he was a Brigadier General Promotable. Sen. Gooch asked if Mr. Ramey was also to be confirmed at the federal level in the U.S. Senate and Mr. Ramey answered affirmatively. Sen. Vidricksen stated that he enjoyed having Mr. Ramey come before the committee as they have shared some similar experiences.

Sen. Oleen called for a motion on the confirmation of both Brigadier Generals. Sen. Vidricksen made a motion that the committee recommend to the Senate that Lloyd Krase and John Ramey be confirmed. Sen. Papay seconded the motion; the motion passed.

The meeting adjourned at 11:35 a.m.

The next meeting is scheduled for February 16, 1995.

FEB 7 1995

STATE OF KANSAS



KANSAS RACING COMMISSION

3400 Van Buren
Topeka, Kansas 66611-2228
(913) 296-5800
FAX (913) 296-0900

February 4, 1995

Ms. Judy Krueger
OFFICE OF THE GOVERNOR
Secretary of Appointments
2d Floor, Room 226-S
State Capitol
Topeka, KS 66612-1519

Dear Ms. Krueger:

By this letter I hereby give notice of my resignation from the Kansas Racing Commission effective Monday, February 13, 1995 and consent to the withdrawal of my name from Senate consideration for confirmation of my appointment to the Kansas Racing Commission for the term expiring June 30, 1997; provided however, that it is my intention to remain on the commission and to continue to serve as chairman thereof until such time as the governor names my replacement pursuant to K.S.A. 74-8803(e).

Sincerely,

A handwritten signature in cursive script, appearing to read "Oscar H. Peltzer".

Oscar H. Peltzer, Chairman
Kansas Racing Commission

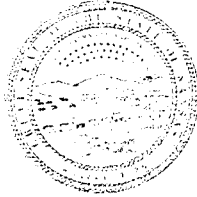
cc: ✓ Senator Lana Oleen, Chair
Senate Federal & State Affairs Committee

Senator Jerry Moran, Chair
Senate Confirmations Oversight Committee

Sen. Fed & State
2-13-95
Attachment 1

STATE OF KANSAS

BILL GRAVES, Governor
State Capitol, 2nd Floor
Topeka, Kansas 66612-1590



(913) 296-3232
1-800-432-2487
TDD: 1-800-992-0152
FAX: (913) 296-7973

OFFICE OF THE GOVERNOR

February 21, 1995

Terry Hamblin
General Counsel
Kansas Racing Commission
3400 Van Buren
Topeka, Kansas 66611-2228

Dear Mr. Neudehel:

Due to the action of the Kansas Senate today to not confirm the reappointment of Oscar H. Pelzer as a member of the Racing Commission, Denise E. Kobuszewski, Vice Chair, will immediately assume the duties and office of Chairman of the Racing Commission.

Terry Hamblin, General Counsel of the Racing Commission, is hereby directed to immediately reappropriate any and all properties in the possession or control of Mr. Pelzer that belong to the State of Kansas and return them to the Racing Commission.

Thank you for your cooperation in abiding with the laws of Kansas.

Sincerely,

COPY

BILL GRAVES
Governor

Terry Hamblin
General Counsel

*Senator Cleen -
This was delivered at 4:10 p.m. 2/21/
by the KHPS Rick F
Sen. Fed & State
2-15-95
Attachment 2*

FEB 13 1995

STATE OF KANSAS



KANSAS RACING COMMISSION

3400 Van Buren
Topeka, Kansas 66611-2228
(913) 296-5800
FAX (913) 296-0900

February 10, 1995

The Honorable Bill Graves
Governor
State of Kansas
State Capitol
Topeka, KS 66612-1594

Dear Governor Graves:

Upon further consideration I hereby rescind and withdraw my letter of resignation and withdrawal from Senate confirmation dated February 4, 1995. I am taking this action because I believe that I was given erroneous information regarding my pending Senate confirmation proceedings by Greg Hill of Senator Moran's office.

I was led to believe that the Senate Federal and State Affairs Committee had voted to not confirm my appointment. I have subsequently discovered that this was not so.

Therefore, it is now my intention to remain on the commission as chairman pending an up or down vote on my confirmation on the floor of the Kansas Senate.

Sincerely,

A handwritten signature in cursive script, appearing to read "Oscar H. Peltzer".

Oscar H. Peltzer, Chairman
Kansas Racing Commission

95OHP1-cd

cc: Ms. Judy Krueger
Secretary of Appointments
Office of the Governor

✓ Senator Lana Oleen, Chair
Senate Federal & State Affairs Committee

Senator Jerry Moran, Majority Leader and
Chair, Senate Confirmations Oversight Committee

Sen. Fed & State
2-15-95
Attachment 3