

Approved: 3/12/98
Date

MINUTES OF THE HOUSE COMMITTEE ON BUSINESS, COMMERCE & LABOR.

The meeting was called to order by Chairman Al Lane at 9:05 a.m. on March 6, 1998 in Room 526-S of the Capitol.

All members were present except: Rep. David Adkins - excused
Rep. Vaughn Flora - excused
Rep. Phyllis Gilmore - excused
Rep. Broderick Henderson - excused
Rep. William Mason

Committee staff present: Jerry Donaldson, Legislative Research Department
Bob Nugent, Revisor of Statutes
Bev Adams, Committee Secretary

Conferees appearing before the committee: Marc McCune, Kansas State Troopers Assn.
Paul K. Wilson, KAPE

Others attending: See attached list

Chairman Lane informed the committee that the Workers Compensation Advisory Council would not be able to meet in time to discuss **HB 2982** and make a recommendation to the committee. The committee will take possible final action on the bill Tuesday, March 10, 1998.

A committee report was not sent to the House for **HB 2864**, the Boiler Inspection Law, because the bill did not match the balloon that the committee passed out of committee. To correct these discrepancies, a new bill (**HB 3005**) has been written and introduced into the House.

Hearing on: **HB 2977 - Kansas highway patrol, professional negotiations subject to the Kansas open meetings law.**

Marc McCune, secretary for the Kansas State Trooper's Association (KSTA), appeared as a proponent of the bill. The association is the recognized bargaining unit for troopers in this state and is currently attempting to negotiate their fifth contract since 1983 when the KSTA was formed. Contract negotiations have been going on since last May. Efforts to negotiate resolutions on several issues have been stymied by the Highway Patrol and the Department of Administration. The KSTA would like to have an open forum in which to conduct these negotiations in the future. They would like to put an end to publication of false and incorrect information to their membership, the legislature and the public. They believe that open meetings would be the answer to these problems. (See Attachment 1) He concluded his testimony by answering questions from the committee.

Steve Kearney, representing KSTA, spoke from the audience about a recent news article in the Lawrence Journal World that quoted Secretary of Administration Stanley as having no objections to an open forum. He offered to bring copies of the article if the committee wanted to read it.

Paul K. Wilson, Kansas Association of Public Employees, talked about two statutes that govern negotiations for state employees, one involves open negotiations and the other is silent, neither open or closed. Typically the type of negotiations involved in this case are not open to the public.

No others were present to testify as a proponent or opponent of the bill, and Chairman Lane closed the hearing on the bill.

Action on: **HB 2977 - Kansas highway patrol, professional negotiations subject to the Kansas open meetings law.**

Rep. Swenson made a motion to pass out the bill favorably and place it on the Consent Calendar. It was seconded by Rep. Storm. The motion passed.

Chairman Lane adjourned the meeting at 9:30 a.m.

The next meeting is scheduled for March 10, 1998.

Business, Commerce & Labor Committee

Date: March 6, 1998

Re: HB 2977

Chairman Lane & members of the committee,

My name is Marc McCune, I am a master trooper with the Kansas Highway Patrol, assigned to the turnpike at Emporia, and the secretary for the Kansas State Trooper's Association, (KSTA). Thank you for the opportunity to address this committee. The KSTA represents uniformed troopers of the KHP, and is the recognized bargaining unit for troopers working for the Highway Patrol.

We are currently attempting to negotiate our fifth contract since 1983, when the KSTA was formed. Issues may cover a broad range, such as equipment, benefits, wages, working conditions and safety issues. Currently the negotiating process has faltered over issues we believe are extremely important. Working conditions such as scheduling and hours of work are among our greatest concerns. These issues are important not only to troopers and their families, but to the citizens of Kansas and visitors traveling through our state as well. These scheduling issues are safety related, and as such we believe the citizens of Kansas have a right to know under what conditions their troopers are required to work.

For example, the driver of an 85,000 pound commercial vehicle is required to have eight hours of rest after driving for ten hours. If the driver violates this rule, he is forced to stop driving or risk being arrested. Troopers are subject to work schedules that require them to work until 2:00 or 3:00 am, and return for work that same morning as early as 6:00 or 7:00 am. This practice is inherently dangerous. While the patrol maintains this is not a practice, it happens routinely. Another example is adequate rest periods between a change from night to day shifts. A sleep study solicited by the KSTA indicates that the more often you experience this rotation, the longer the rest period should be in between the change.

Our efforts to negotiate resolutions to these and other negotiable issues during Meet & Confer, have been stymied by the patrol and the Department of Administration. The KSTA is seeking to have an open forum in which to conduct these negotiations in the future. We want an end to publication of false and incorrect information to our

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membership, the legislature and the public. The secretary of administration, Mr. Stanley, was quoted in the Topeka newspaper several weeks ago as not being opposed to this open forum. Stanley said the administration had no problem with public negotiations. "We're not hiding anything" Stanley said.

Thank you for the opportunity to address you on this important issue. If I or any member of the KSTA can be of assistance to you, please let us know.

Sincerely,

Marc J. McCune
Secretary, Kansas State Trooper's Association