

Approved: February 11, 1999
Date

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Senator Lana Oleen at 4:50 p.m. on February 4, 1999 in Room 359-E of the Capitol.

All members were present:

Committee staff present: Mary Galligan, Legislative Research Department
Russell Mills, Legislative Research Department
Judy Glasgow, Committee Secretary

Conferees appearing before the committee: Colonel Gregory B. Gardner

Chairman Oleen welcomed Colonel Gregory B. Gardner, whose appointment to the Adjutant General comes before the committee for recommendation. She called attention to information provided in his resume and the appointments questionnaire which had been provided to the committee. (Attachment 1).

Colonel Gardner summarized his personal, educational and employment background. (Attachment 2). He stated that the Adjutant General's Division had three missions; federal, state, and community. There is a need to create a sense of ownership among Kansas for the National Guard in Kansas. In addressing the federal mission he believed that Governor Graves establishment of the Military Affairs Coordination Council will help raise the awareness in Kansas of the role and importance of its military. The state mission for the Adjutant General's Division will focus on the Division of Emergency Management - to make it a more customer oriented and effective organization. The third mission - adding value to Kansas communities is the real key to long term success. Colonel Gardner stated that he will be looking for ways consistent with training to help in Kansas communities.

Colonel stood for questions from the committee. Senator Oleen requested that Colonel Gardner review the state armories facilities for upgrades. She stated that there are federal dollars available to match with state or local commitments to remodel, refurbish or build these armories and a more aggressive approach should be under taken in this regard.

Senator Gooch move that the appointment of Colonel Gerald Gardner to Adjutant General be favorably recommended to the full Senate; Senator Vratil seconded the motion. The motion carried by unanimous vote.

The meeting adjourned at 5:10 p.m.; the next meeting is scheduled for February 5, 1999.

Senate Confirmation Information Summary
Prepared and Submitted by the Office of Governor Bill Graves

Appointee: Gregory B. Gardner

Position: Adjutant General

Appointment Date: Upon confirmation by Senate to serve at the pleasure of the Governor
Expiration Date: _____ Term Length: _____

Statutory Authority: KSA 48-203 Party Affiliation: Republican

- ⇒ Statutory geographic representation requirements (*indicate any that apply*):
- Congressional District: _____
 - County: _____
 - Size requirement (*if any*): _____
 - Other, specify: _____

⇒ Statutory party affiliation requirement: No more than _____ members from the same political party.

⇒ Statutory industry or occupation requirements: At least 5 years as a commissioned officer in the Kansas National Guard and shall have been an officer in the armed forces of the United States.

Salary: \$ 72,000 Predecessor: James F. Rueger

Board Composition Prior to Confirmation of New Appointee:

(SEE ATTACHED LIST)

Research and Practice Aids:

Militia = 2.

C.J.S. Militia § 1 et seq.

48-202. Staff officers; qualifications; vacancies. All staff officers of the Kansas national guard, including officers of the pay, inspection, subsistence, and medical departments, hereafter appointed shall have had previous military experience, and shall hold their positions until they shall have reached the age of sixty-four years, unless retired prior to that time by reason of resignation, disability, or for cause to be determined by a court-martial legally convened for that purpose; and all vacancies among said officers shall be filled by appointment from the officers of the militia of Kansas. Nothing in this section shall be construed or operate to limit the provisions of any federal law relative to the qualifications for appointment of officers or the filling of vacancies.

History: L. 1917, ch. 220, § 2; Feb. 8; R.S. 1923, 48-202.

Research and Practice Aids:

Militia = 7.

C.J.S. Militia §§ 10, 11.

48-203. Commander in chief; chief of staff; rank; qualifications; compensation; aides-de-camp. The governor shall be commander in chief of the militia and shall have supreme command of the military forces of the state while in the service of the state or until they are ordered or accepted into the services of the United States. While the military forces are in the service of the state, the governor, subject to the provisions of federal law, may muster out any national guard organization of the state, discharge any enlisted person who is a member of the state national guard organization or cause any commissioned officer to be summoned and discharged if the officer persists in willfully neglecting the duties of the officer's office or fails to properly account for public property or money in the officer's possession as an officer. The resignation of officers of the national guard shall be accepted by the governor's order before they are discharged from military service of the state.

No armed military force from another state or territory shall be permitted to enter the state without the governor's permission unless the military force is part of the United States army or is acting under the authority of the United States. No independent military organization, except a corps of cadets at an educational institution, shall be permitted to bear arms without first securing

permission from the commander in chief. The governor shall appoint, subject to confirmation by the senate as provided in K.S.A. 75-4315b, one adjutant general with the rank of major general, who shall be chief of staff. The person appointed shall have served at least five years as a commissioned officer in the Kansas national guard and shall have been an officer in the armed forces of the United States. The adjutant general shall receive an annual salary fixed by the governor. The governor may promote, subject to confirmation by the senate as provided in K.S.A. 75-4315b, any adjutant general who has served at least 15 consecutive years as adjutant general in Kansas to the rank of lieutenant general.

The governor may also detail 12 aides-de-camp from among the officers of the Kansas national guard or the Kansas state guard, or appoint such aides-de-camp from among Kansas ex-service personnel, or reserve personnel of the United States army, air force, navy or marine corps, each with the simulated rank of lieutenant colonel in the Kansas national guard. While serving as aides-de-camp, such personnel may wear either the uniform and insignia of any military service to which they are entitled or the uniform and insignia of lieutenant colonel of the Kansas national guard.

The term of office of officers appointed pursuant to this section shall be during the pleasure of the governor appointing them and until their successors are appointed and qualified.

History: L. 1901, ch. 255, § 3; L. 1903, ch. 359, § 1, (3); L. 1905, ch. 303, § 1, (3); L. 1907, ch. 248, § 1, (3); L. 1921, ch. 206, § 3; R.S. 1923, 48-203; L. 1931, ch. 223, § 1; L. 1933, ch. 286, § 14; L. 1937, ch. 329, § 5; L. 1943, ch. 274, § 1; L. 1947, ch. 416, § 2; L. 1949, ch. 297, § 1; L. 1953, ch. 259, § 1; L. 1957, ch. 307, § 1; L. 1961, ch. 258, § 1; L. 1969, ch. 267, § 1; L. 1970, ch. 208, § 1; L. 1982, ch. 347, § 21; July 1.

Source or prior law:

L. 1861, ch. 49, § 4; L. 1865, ch. 49, § 3; G.S. 1868, ch. 64, § 3; L. 1885, ch. 142, § 3; L. 1899, ch. 166, § 1.

CASE ANNOTATIONS

1. Kansas army national guard is arm of state and entitled to any immunity which state possesses. *Hefley v. Textron, Inc.*, 713 F.2d 1487, 1493 (1983).

48-204. Adjutant general; powers and duties. The adjutant general shall be in control of the military department of the state and subordinate only to the governor in matters pertaining to this department. The adjutant general



KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT

STATEMENT OF SUBSTANTIAL INTERESTS FOR INDIVIDUALS WHOSE

APPOINTMENT TO STATE OFFICE IS SUBJECT TO SENATE CONFIRMATION

INSTRUCTIONS. This statement (pages 1 through 4) must be completed by each person whose appointment to a state position is subject to Senate confirmation (K.S.A. 46-247 and 46-248). Failure to complete and return this statement may result in a fine of \$10 per day for each day it remains unfiled. Also, any individual who intentionally fails to file as required by law, or intentionally files a false statement, is subject to prosecution for a class B misdemeanor.

Please read the "Guide" and "Definition" section provided with this form for additional assistance in completing sections "C" through "G". If you have questions or wish assistance, please contact the Commission office at 109 West 9th, Topeka, KS or call 913-296-4219.

A. IDENTIFICATION:

PLEASE TYPE OR PRINT

Gardner Gregory B

Last Name

First Name

MI

Spouse's Name Kimberly N

Spouse's Name

8413 Greenbriar

Number & Street Name, Apartment Number, Rural Route, or P.O. Box Number

Wichita KS 67226

City, State, Zip Code

316**689**0240

Home Phone Number

316**687**7601

Business Phone Number

B. APPOINTED POSITION SUBJECT TO SENATE CONFIRMATION:

Kansas National Guard

List Name of Agency, Commission or Board

Adjutant General

Position

* The last four digits of your social security number will aid in identifying you from others with the same name on the computer list. This information is optional.

* 6945

OWNERSHIP INTERESTS: List any corporation, partnership, proprietorship, trust, joint venture and every other business interest, including land used for income in, which either you or your spouse has owned within the preceding 12 months a legal or equitable interest exceeding \$5,000 or 5%, whichever is less. If you or your spouse own more than 5% of a business, you must disclose the percentage held. Please insert additional page if necessary to complete this section.

If you have nothing to report in Section "C", check here .

BUSINESS NAME AND ADDRESS	TYPE OF BUSINESS	DESCRIPTION OF INTERESTS HELD	HELD BY WHOM PERCENTY OF OWNERSHIP INTERESTS
			<input type="checkbox"/> You <input type="checkbox"/> Spouse <input type="checkbox"/> Jointly
			<input type="checkbox"/> You <input type="checkbox"/> Spouse <input type="checkbox"/> Jointly
			<input type="checkbox"/> You <input type="checkbox"/> Spouse <input type="checkbox"/> Jointly
			<input type="checkbox"/> You <input type="checkbox"/> Spouse <input type="checkbox"/> Jointly
			<input type="checkbox"/> You <input type="checkbox"/> Spouse <input type="checkbox"/> Jointly
			<input type="checkbox"/> You <input type="checkbox"/> Spouse <input type="checkbox"/> Jointly
			<input type="checkbox"/> You <input type="checkbox"/> Spouse <input type="checkbox"/> Jointly

GIFTS OR HONORARIA: List any person or business from whom you or your spouse either individually or collectively, have received gifts or honoraria having an aggregate value of \$500 or more in the preceding 12 months.

If you have nothing to report in Section "D", check here .

PERSON OR BUSINESS FROM WHOM GIFT RECEIVED	ADDRESS	RECEIVED BY:
1.		
2.		
3.		

RECEIPT OF COMPENSATION: List all places of employment in the last calendar year, and any other businesses from which you or your spouse received \$2,000 or more in compensation (salary, thing of value, or economic benefit conferred on in return for services rendered, or to be rendered), which was reportable as taxable income on your federal income tax returns.

1. YOUR PLACE(S) OF EMPLOYMENT OR OTHER BUSINESS IN THE PRECEDING CALENDAR YEAR. IF SAME AS SECTION "B", CHECK HERE ____.

If you have nothing to report in Section "E"1, check here ____.

NAME OF BUSINESS	ADDRESS	TYPE OF BUSINESS
1. 184 th Bomb Wing, Kansas Air National Guard	52955 Jayhawk Dr Ste 1	Govt.
	McConnell AFB KS	67221-9000

2. SPOUSE'S PLACE(S) OF EMPLOYMENT OR OTHER BUSINESS IN THE PRECEDING CALENDAR YEAR.

If you have nothing to report in Section "E"2, check here ____.

NAME OF BUSINESS	ADDRESS	TYPE OF BUSINESS
1. Wichita Collegiate School	9115 E. 13 th St Wichita KS	School
2.	67206	

OFFICER OR DIRECTOR OF AN ORGANIZATION OR BUSINESS: List any organization or business in which you or your spouse hold a position of officer, director, associate, partner or proprietor at the time of filing, irrespective of the amount of compensation received for holding such position. Please insert additional page if necessary to complete this section. If you have nothing to report in Section "F", check here ____.

BUSINESS NAME AND ADDRESS	POSITION HELD	HELD BY WHOM
1. Kansas Aviation Museum 3350 George Washington Blvd, Wichita KS 67210	Member of Board, Past President & Vice Pres.	Me
2. Freedom First Federal Credit Union 57915 Leavenworth St McConnell AFB KS 67203	Chairman of Board	Me
3. Kansas Starbase Inc 2800 SW Topeka Blvd, Topeka KS 66611	Secretary of Board	Me
4. Wichita Chamber of Commerce 350 W. Douglas, Wichita, KS 67202	Member of Board	Me
5. South Branch YMCA 402 N. Market Wichita KS 67202	Member Advisory Board	Me

RECEIPT OF FEES AND COMMISSIONS: List each client or customer who pays fees or commissions to a business or combination of businesses from which fees or commissions you or your spouse received an aggregate of \$2,000 or more in the preceding calendar year. *The phrase "client or customer" relates only to businesses or combination of businesses.* In the case of a partnership, it is the partner's proportionate share of the business, and hence of the fee, which is significant, without regard to expenses of the partnership. An individual who receives a salary as opposed to portions of fees or commissions is generally not required to report under this provision. Please insert additional page if necessary to complete this section.

If you have nothing to report in Section "G", check here .

	NAME OF CLIENT / CUSTOMER	ADDRESS	RECEIVED BY
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			

DECLARATION:

I, Gregory B. Gardner, declare that this statement of substantial interests (including any accompanying pages and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of all of my substantial interests and other matters required by law. I understand that the intentional failure to file this statement as required by law or intentionally filing a false statement is a class B misdemeanor.

1 Feb 99
Date

Gregory B. Gardner
Signature of Person Making Statement

NUMBER OF ADDITIONAL PAGES 0.

Return your completed statement to the Secretary of State, State House, Topeka, Kansas 66612.

4. List any positions held with a foreign, federal or local government entity along with the dates of service.

<i>Position</i>	<i>Government Entity</i>	<i>Dates</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. List any lobbying activities you have been involved in during the past five years. This includes activities as a registered lobbyist activities for which you were compensated.

<i>Group</i>	<i>Compensation (yes/no)</i>	<i>Dates</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

6. List experience or interest which qualify you for the position to which you have been appointed.

Designed Air Guard's Three Year Fighter Deployment Program & its War Planning System; Guard Advisor to Air Force Major Command; lead or served on boards of KS Aviation Museum, YMCA, Credit Union, Chambers, KS Starbase, National Guard Assoc of KS; Leadership Kansas graduate.

7. Summarize business and professional experience.

Serving, leading, and problem solving are the common threads of my experience. From incorporating a flight school & airline, through a military career at local and national levels, to leadership on non-profit boards, serving community, state & nation is the essence of my experience.

8. List any service in the United State military. Include dates of service, branch, date and type of discharge.

<i>Branch</i>	<i>Discharge</i>	<i>Dates</i>
Air National Guard	N/A	1976-Present
_____	_____	_____
_____	_____	_____

9. Provide details of any arrest, charge or questioning by a federal, state or other law enforcement authority for violation of any federal, state, county or municipal law, regulation or ordinance (excluding traffic violations for which a fine of \$100 or less was imposed).

10. List and provide details of any interests that may present a conflict of interest for this position.

I, Gregory B. Gardner, declare that this questionnaire is true, correct and complete to the best of my knowledge.


Signature

31 Jan 99
Date

*Return completed questionnaire to Judy Krueger, Secretary of Appointments, State Capitol, Rm 226-S, Topeka, Kansas 66612.
If you have questions, please call 913/296-4052.*

FACT SHEET
COLONEL GREGORY B. GARDNER



EDUCATION:

- 1994 Air War College
- 1989 Masters Degree in Human Resources Development,
- 1990 University, St Louis MO
Distinguished Graduate (GPA 4.0)
- 1985 Air Command & Staff College
- 1982 Squadron Officer School, Maxwell AFB AL
Distinguished Graduate and Outstanding Contributor Award
- 1976 Bachelors Degree in Business Management, University of Hawaii, Honolulu HI

MILITARY EXPERIENCE:

- 1997- Present Commander, 184th Bomb Wing, Kansas Air National Guard, McConnell AFB
Led Wing to achieve the highest B-1B Mission Capability rating in the nation at the lowest cost, and to earn the highest Operation Readiness Inspection rating of any conventional bomb wing in history
- 1994: Vice Commander, 184th Bomb Wing, Kansas Air National Guard, McConnell AFB KS
Led the conversion from an F-16 training unit to the nation's first Air National Guard B-1B bomber unit, an organization of over 1200 employees with an annual economic impact on Kansas of over \$92 million.
- 1991-1994: Air National Guard Advisor, Headquarters Air Combat Command, Langley AFB VA
Helped integrate 65 Air National Guard units & 85,000 airmen into the Total Air Force
- 1987-1991: Flight Commander, F-16 & F-4 Instructor, 184th Fighter Group, McConnell AFB KS
Wrote procedures to activate over 8000 Air National Guard volunteers for Desert Shield/Storm
- 1984-1987: Plans & Readiness Staff Officer, National Guard Bureau, Pentagon Washington DC
Designed Air National Guard War Planning Management Information System used nationwide
- 1982-1984: Chief, Fighter Exercises & Deployments, ANG Readiness Center, Andrews AFB MD
Developed and computerized Air National Guard's first Three Year Fighter Exercise Deployment Plan
- 1978-1982: F-4 Pilot, 199th Fighter Squadron, Hawaii Air National Guard, Hickam AFB HI
Hawaii Air National Guard 1982 Fighter Pilot of the Year, F-4 Instructor, 4 Ship Flight Lead
- 1978: F-4 Pilot Training, 62 Fighter Squadron, Mac Dill AFB FL (1978)
Distinguished Graduate, Number One in Class, Top Aircraft Commander and Academic Ace Awards
- 1977: Undergraduate Pilot Training, Reese AFB TX (1977)
Distinguished Graduate, Academic Ace and Outstanding Second Lieutenant Awards

CIVILIAN EXPERIENCE:

- 1997 - Present: Secretary of Board, Kansas Starbase Inc, Wichita, Kansas
- 1997 - Present: Member of Board, Wichita Chamber of Commerce, Wichita, Kansas
- 1997 - Present: Member of Advisory Board, South Branch YMCA, Wichita, Kansas
- 1995 - Present: Member of Board (past President), Kansas Aviation Museum, Wichita, Kansas
- 1995 - Present: Chairman of Board, Freedom First Federal Credit Union, McConnell AFB, Kansas
- 1998: Leadership Kansas
- 1998: Member of Board, Kansas National Guard Association, Topeka, Kansas
- 1982: Incorporated a Video Productions Company, Honolulu, Hawaii
- 1979-1982: Aerial Photogrammetry Pilot, R.M. Towill Corp, Honolulu, Hawaii
- 1975-1977: Incorporated FAA Certified Flight School & Cargo Airline, Honolulu, Hawaii

FLYING EXPERIENCE:

Command pilot with over 4000 hours in the B-1, F-16, F-4, T33, and 20 other military and civilian aircraft.

COMMUNITY SERVICE

- ♦ Kansas Special Olympics, Annual Softball Events
- ♦ Salvation Army Angel Tree & Christmas Gift Distribution
- ♦ United Way Allocations, evaluating agencies to ensure critical communities needs met
- ♦ Mentor Wichita Collegiate High School Students
- ♦ Sponsor annual Kansas Air National Guard Memorial Cancer Golf Tournament
- ♦ Assisted creating & running Haunted House fund raiser for Kansas Food Bank
- ♦ Race Against Hunger collecting food for Kansas Food Bank
- ♦ Wichita River Festival & Winterfest
- ♦ Intercessor & Reader at St Alban's Episcopal Church

GUEST SPEAKER FOR CIVIC ORGANIZATIONS

- ♦ Leadership Wichita & Leadership Kansas,
- ♦ Wichita and Derby Rotarays,
- ♦ World Beechcraft Society,
- ♦ Wright Brother's Celebration,
- ♦ Son's & Daughter's of the American Revolution,
- ♦ Retired Officer's Association,
- ♦ Wichita Schools
- ♦ Corporate Conferences,
- ♦ Daedalians, Optimist Club, Shriner's, etc.

PROFESSIONAL ASSOCIATION - LIFE MEMBERSHIPS

- ♦ Air National Guard Association of Kansas
- ♦ Air National Guard Association of United States
- ♦ Air Force Association
- ♦ National Association of Uniformed Services
- ♦ Air National Guard Association of Hawaii
- ♦ Daedalians (pilots association sponsors scholarships for deserving aviation students)

AWARDS & DECORATIONS:

- ♦ Air Force Meritorious Service Medal - two oak leaf clusters
- ♦ Air Force Commendation Medal - one oak leaf cluster
- ♦ Army Commendation Medal
- ♦ Air Force Achievement Medal
- ♦ Air Force Outstanding Unit Award - two oak leaf clusters
- ♦ Air Force Organizational Excellence Award - one oak leaf cluster
- ♦ Combat Readiness Medal
- ♦ National Defense Service Medal
- ♦ Air Force Longevity Service Award Ribbon - four oak leaf clusters
- ♦ Armed Forces Reserve Medal - one hour glass
- ♦ Small Arms Expert Marksmanship Ribbon
- ♦ Air Force Training Ribbon
- ♦ Kansas National Guard Meritorious Service Ribbon
- ♦ Kansas National Guard Service Medal - one device

EFFECTIVE DATES OF PROMOTION:

Second Lieutenant	Jun 1, 1976	Major	Nov 19, 1986
First Lieutenant	Mar 2, 1979	Lieutenant Colonel	Feb 7, 1991
Captain	Nov 19, 1982	Colonel	Jun 15, 1994

Current: Jan-99

**Kansas Senate Federal & State Affairs Committee
Confirmation Hearing, February 4, 1999, 3:30pm
Testimony of Colonel Gregory B. Gardner**

Madame Chairperson, Senators, I am Colonel Greg Gardner, Adjutant General Designee.

Our founding fathers believed every citizen should be a part of the nation's defense.

However, since the all-volunteer military began over 25 years ago, Americans as a whole have less and less military experience each year. In a free nation where the military is governed by the people, it is very important that all Americans and especially our elected leaders understand and trust the military. As we downsize, exposure of most Americans to the military is through the National Guard in our communities.

We have three missions in the Adjutant Generals Division: federal, state, and community. We defend the nation when needed, support civil authority for the state, and add value to our communities. Let me address each of these for a moment.

In our Federal mission, over the next four years, I believe Kansas will struggle to maintain force structure (our people, equipment, and bases). The relationship between the Active Army and the Army Guard is strained and a new Base Realignment and Closure Commission or BRAC is expected in 2001. The Governor made a very smart move establishing his Military Affairs Coordination Council. Led by Mr. John Montgomery, the Council will help raise the awareness in Kansas of the role and importance of its military. We need to create a sense of "ownership" among Kansans for their National Guard and the military in our state.

In our State mission, we will focus hard on the Division of Emergency Management – to make it a more customer oriented, effective organization. We will work more cooperatively with other departments, taking the state where Governor Graves and you, our elected leaders, want it to go. Toward that end, I will be spending more time with you and the Governor.

Our third mission, "adding value to our communities" is the real key to our long term success. I will look for innovative ways to use the National Guard, consistent with training, to help in our communities. We have three Starbase programs in the state (our math and science program for 4-6th graders) with plans for more. However, I want to be careful not to outgrow our ability to do the job right. We have many other programs that help our communities you have probably never heard about, for example, our "B-1 Pilot for a Day" program for critically ill children that is funded by donations from Guard members, employers, and private citizens. We will continue to add value to our communities. It is that relationship with family, employers, and community that will sustain us.

I come ready to serve you with all my energy as the next Adjutant General of the Great State of Kansas.

Sen. Federal & State Affairs Comm
Date: 2-4-99
Attachment: # 2-1