

MINUTES OF THE ETHICS AND ELECTIONS COMMITTEE:

The meeting was called to order by Chairperson Representative Tony Powell at 3:30 p.m. on March 14, 2001 in Room 521-S of the Capitol.

All members were present except: Representative Hermes, Excused  
Representative Huff, Excused

Committee staff present: Dennis Hodgins, Kansas Legislative Research Department  
Shirley Weideman, Committee Secretary

Conferees appearing before the committee:

**SB 171** - Proponents: Senator Barbara Allen  
Natalie Haag, Governor's Representative

**SB 108** - Proponent: Natalie Haag, Governor's Representative

**SB 192** Proponent: John Webb, citizen, Lawrence

Others attending: See attached list.

Chairman Powell opened the hearing on **SB 171 - State aircraft travel by the governor.**

Senator Barbara Allen appeared before the committee in support of **Sub SB 171**. She said that the original intent and purpose for the bill is to keep the Governor safe. The bill states that if the Governor elects to travel by state-owned vehicle or aircraft for personal or political business, and the Superintendent of the Highway Patrol has not deemed such transportation be necessary for the security of the Governor or his family, the Governor may use the vehicle or aircraft and reimburse the State of Kansas for its use at a rate set by the Secretary of Administration. (attachment #1) Senator Allen directed the committee's attention to testimony from Lindsay Olsen, Mortgage Investment Trust Corporation, who is a pilot for the Governor and donates his time to fly the Governor around the state. (attachment #2) She answered questions asked by committee members.

Natalie Haag, the Governor's Representative, gave testimony before the committee in support of **SB 171**. She said that SB 171 is consistent with current law that allows the Superintendent of the Highway Patrol to transport the Governor at state expense when it is necessary to provide adequate security. This bill adds a provision to allow the Governor to reimburse the State of Kansas for use of the state-owned transportation if he or she is attending a political or personal event. She added that the FAA currently prohibits the reimbursement of such expenses based upon the type of license currently held by the State pilots. This issue would need to be resolved if the bill passes. She suggests changing the wording in Section 1, Paragraph 2 to "the superintendent or the superintendent's designee shall designate the mode of transportation deemed necessary for the purpose of providing security for the governor and the governor's family." (attachment #3) Ms. Haag answered questions asked by committee members.

Chairman Powell closed the hearing on **SB 171**.

Chair Powell opened the hearing on **SB 108 - Elections; establishing requirements for electronic reporting of campaign contributions.**

Natalie Haag, Governor's Representative, appeared before the committee in support of **SB 108**. She said that SB 108 promotes a more educated voting public by requiring large statewide campaigns to file campaign finance reports by electronic means and requiring daily reporting of campaign receipts during the 11 days immediately preceding the primary and general election. Ms. Haag said that all other reports are filed as you currently do them under current law. (attachment #4) She explained the contributions received by statewide candidates in the 11 day time period before the 1998 primary and general elections in the amount of \$500 or more. She gave some figures from the written testimony of Carol Williams, Governmental Ethics Commission Director. (attachment #5) Ms. Haag answered committee questions.

CONTINUATION SHEET

House Ethics and Elections Committee minutes for March 14, 2001

There being no further questions, Chairman Powell closed the hearing on **SB 108**.

Chairman Powell opened the hearing on **SB 192 - Campaign finance; defining party committee to include congressional district party committees.**

John Webb, citizen, Lawrence, Kansas, appeared before the committee in support of **SB 192**. He is in support of open primary elections. (attachment #6)

Carol Williams, Governmental Ethics Commission Director, clarified that **SB 192** is a bill that Trent LeDoux, chairman of the 2<sup>nd</sup> Congressional District Republican Party, asked for before the Senate Committee. Currently congressional district party committees are treated as PACs and this bill would take them out from under PAC designation and designate as party committee. SB 192 would add congressional district party committees to the list of other party committees as defined in current law. Ms. Williams answered questions asked by committee members.

The hearing on **SB 192** was closed by Chairman Powell.

**Sub for HB 2489 - State governmental ethics; limitations of gifts, food and beverages.**

Representative Ray moved and Representative Gilbert seconded the motion to remove the provisions dealing with ethics from HB 2490 and put it into Substitute bill for HB 2489 . Motion passed.

Representative Wilson moved that Sub for HB 2489 be passed favorably from committee. Representative Mayans seconded the motion. Motion carried.

**Sub for SB 192 - State officers and employees; compensation.**

Representative Alldritt moved a substitute motion that the provisions dealing with the pay commission from HB 2490 be moved to Substitute for SB 192, with the date for the commission to be appointed changed from April 2 to May 1 and the date the recommendations are to be made by the pay commission be changed from June 1 to June 15. The motion was seconded by Representative Barnes. Motion carried.

Representative Ray moved that Sub for SB 192 be passed favorably from the committee. Representative Mayans seconded the motion. Motion carried.

The meeting was adjourned at 4:45 p.m. The next scheduled meeting is March 19.



BARBARA P. ALLEN  
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TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS  
CHAIR: ELECTIONS AND LOCAL GOVERNMENT  
MEMBER: ASSESSMENT AND TAXATION  
EARLY CHILDHOOD DEVELOPMENT SERVICES  
FINANCIAL INSTITUTIONS AND INSURANCE  
REAPPORTIONMENT

March 14, 2001

**Mr. Chairman, Members of the Committee:**

I'm here today to testify in favor of **Substitute for S.B. 171.**

**S.B. 171** was brought to the Senate Elections and Local Government Committee by Senator Adkins. The original intent and purpose for introducing this bill was to keep the Governor of Kansas as safe and secure as possible, no matter where the Governor is going, by allowing him or her to use the state airplane when traveling for ANY purpose, whether it be state business, personal, or political. The idea for the bill resulted from the death of Governor Mel Carnahan last Fall. As you may know, Governor Carnahan was not traveling on a state airplane at the time of his death because he was going to a political event.

The bill says that if the Governor of Kansas elects to travel by state-owned vehicle or aircraft for personal or political business, and the Superintendent of the Highway Patrol has not deemed such transportation to be necessary for the security of the Governor or his family, the Governor

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Attachment 1

may use the vehicle or aircraft and reimburse the state of Kansas for its use at a rate set by the Secretary of Administration. Currently, this type of reimbursement is prohibited.

I have attached testimony our Committee received from Lindsay Olsen, a private pilot who is often asked to donate time to fly Governor Graves around the state to political events. He could not be here today because he is in Washington, D.C. Also, a letter he faxed to me on the Senate floor when we were debating this bill regarding items that might be considered in determining the reimbursement rate.

February 13, 2001

To: Senate Committee on Elections and Local Government

By: Lindsay Olsen, Mortgage Investment Trust Corporation

Re: **Senate Bill 171**

Madam Chair and Members of the Committee:

**Introduction:**

The purpose of Senate Bill 171 is to permit the Governor use of the Executive Aircraft for personal and political purposes. Presently, the Governor occasionally relies on chartered or donated aircraft and pilots while traveling on personal and political trips. As scheduled airline service is not always possible or practical, travel on non-state operated aircraft is frequently necessary. I believe that it is in the best interest of the citizens of the State to protect the personal safety of the Governor and those who travel with the Governor on non-state business by allowing such use of the State Executive Aircraft.

**Background:**

The State of Kansas maintains an Executive Aircraft (1985 Beechcraft King Air 300) for air transportation of the Governor, first family or other public officials on State business. The Kansas Highway Patrol provides professional pilots for the operation of the aircraft. The pilot in command receives periodic professional recurrent training.

When the Governor, family and staff travel for personal or political business, the Executive Aircraft is not used. Part of the reason is that the aircraft is operated under Federal Aviation Regulations (FAR) Part 91 as a not-for-hire operator. There may also be state regulations prohibiting or limiting the use of the Executive Aircraft for such purposes. There are definitely political reasons for the Governor to not to give an opponent any reason to criticize such use.

The loss of a sitting Governor could create chaos and disruption in state government. For that reason, the Governor should travel on the Executive Aircraft whenever possible and practical. According to the National Business Aircraft Association (NBAA) Business Aviation Fact Book, "Corporate/executive aircraft flown by two-person professional crews, have compiled in recent years a safety record that is comparable to that of FAR Part 121 airlines. In addition, during each of the last 12 years, the accident rate among corporate-executive operators has been superior to that of commuter air carriers and air taxis operating under FAR Part 135."

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**SB171**

February 13, 2001

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When the Governor uses an aircraft whether chartered or donated, the State has no operational control over the flight. No maintenance requirements are checked nor are the credentials of the pilot. While the Highway Patrol provides a Trooper as part of the crew and security detail, the Trooper may also be put in a compromising position with respect to the operation of the aircraft. The unfortunate tragedy that occurred last October in Missouri with Governor Carnahan is exactly the situation that this bill seeks to prevent.

**Recommendations:**

As written, **SB 171** lists only the Governor's use of the Executive Aircraft. Family and staff frequently accompany the Governor on such trips. The bill should clarify that such use includes family and political staff members.

Consideration should also be given to the rate of reimbursement. The rate should compensate the State for such additional incremental use of the aircraft, but not so high that it becomes a personal financial burden and as a result, cheaper less safe means of transportation is selected.

**Implementation:**

The Executive Aircraft being operated under FAR Part 91. As a result, the FAA determines what reimbursement is acceptable. A Petition for Exemption will need to be prepared and submitted to the FAA for approval. Passage of **SB 171** will add additional weight to such a petition.

As mentioned above, consideration should be given to providing the Secretary of Administration some guidance in the setting of the reimbursement rate. There are fixed and variable costs associated with the operation of an aircraft. I believe that a rate equal to the incremental cost of flying such additional hours would be fair to both the Governor and the taxpayer.

**Conclusion:**

The State of Kansas provides security for the Governor throughout his or her term not only for official state business but also for political and personal activities. There is no reason for that security not to encompass air travel.

Thank you for the opportunity to appear in support of **SB171**.



## Make state aircraft available

The tragic death of Missouri Governor Mel Carnahan in an aircraft piloted by his son this week brings to light a potentially dangerous problem in the personal and political travel of the governor of Kansas. While the accident investigation is not yet complete, doubt will no less be cast on why the governor was not traveling on the official State of Missouri aircraft. The answer is, like Kansas, Missouri prohibits the Governor from using the state aircraft for personal or political travel purposes. Kansas Governor Bill Graves operates under the same constraints. Kansas is geographically a large state and the job of governor requires extensive travel on a tight schedule. The use of private aircraft is frequently the only way that the state's top officials can meet the demands on their time. The lines of distinction between personal and state business should not be a barrier to the safety of the governor, his staff and family. The Kansas Legislature should take immediate steps to allow the use of official state aircraft for the governor's personal and political travel. The governor should be required to pay a reasonable share of the expense, but should have complete access to the state aircraft for such purposes.

While 99.9% of all pilots and their aircraft operate safely, there is no reason to place the governor, his staff and family members in unfamiliar aircraft or flown by unfamiliar pilots when the State of Kansas operates a very capable aircraft flown by very experienced state pilots. The legislature must put aside any partisan concerns and realize this is first and foremost an issue of safety. The President of the United States travels on Air Force One for that very reason. A simple and fair reimbursement program

will eliminate this risk not for Governor Graves, his staff and family, but for all future governors of Kansas as well.

Unfortunately, the citizens of Missouri and South Dakota learned tragically that this is a matter of safety, not an executive perk. Kansas should act on this issue in the next legislative session.

Lindsay Olsen  
Learwood



URGENT

\February 22, 2001

**To:** Senator Barbara Allen  
**Fax:** 785-296-6718  
**From:** Lindsay Olsen  
**Re:** **SB171**

Senator Allen:

The following is some language that I have put together that might help is setting a reasonable guide for the reimbursement for the personal and political use of the Executive Aircraft.

- (1) Fuel, oil, lubricants, and other additives.
- (2) Travel expenses of the crew, including food, lodging, and ground transportation.
- (3) Hangar and tie-down costs away from the aircraft's base of operation.
- (4) Insurance obtained for the specific flight.
- (5) Landing fees, airport taxes, and similar assessments.
- (6) Customs, foreign permit, and similar fees directly related to the flight.
- (7) In flight food and beverages.
- (8) Passenger ground transportation.
- (9) Flight planning and weather contract services.

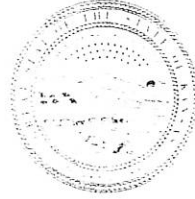
In my opinion, all other costs associated with the operation of the Executive Aircraft are fixed in nature and would be incurred by the State regardless of the amount of actual usage. The above costs would total the additional cost associated with such personal and political travel.

Please contact me if I can provide additional information.

  
Lindsay Olsen

# STATE OF KANSAS

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



(785) 296-3232  
1-800-748-4408  
FAX: (785) 296-7973

## OFFICE OF THE GOVERNOR

### Before the House Ethics and Elections Committee

March 14, 2001

**Testimony by Natalie G. Haag  
Chief Legal Counsel  
Director of Governmental Affairs  
Senate Bill 171**

Thank you for the opportunity to testify in support of Senate Bill 171. Senator Adkins has raised an excellent concern regarding the safety of our State's Governor. Pursuant to K.S.A. 74-2015 and Governmental Ethics Commission Opinion No. 1997-35, the Superintendent of the Highway Patrol can transport the Governor at state expense when it is necessary to provide adequate security for the Governor. The proposed statutory language in Senate Bill 171 is consistent with current law.

Senate Bill 171 also adds a provision to current law to allow the Governor to reimburse the State of Kansas for use of the state-owned transportation if he or she is attending a political or personal event. The Secretary of Administration is required to establish rules and regulations for reimbursement consistent with the Federal Aviation Administration's requirements.

As a matter of background information, the FAA currently prohibits the reimbursement of such expenses based upon the type of license currently held by the State pilots. Consequently, Governor Graves has used privately-owned aircraft when traveling for personal or political business. The death of Governor Mel Carnahan has raised a number of concerns regarding the wisdom of the Governor's practice of using unfamiliar aircraft to travel. This bill would resolve some of the issues leading to the use of private aircraft and provide support for a modification in the State's license. The remaining issues will need to be addressed with the FAA.

SB 171 is a step in the right direction. Governor Graves supports this effort.

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Attachment 3

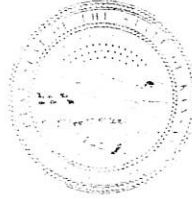
Substitute for Senate Bill No. 171

Delete lines 26-28 and substitute:

*The superintendent ~~shall provide such~~ or the superintendent's designee shall designate the mode of transportation deemed necessary by the superintendent or the superintendent's designee for the purpose of providing security for the governor and the governor's family.*

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## OFFICE OF THE GOVERNOR

### Before the House Ethics and Elections Committee

March 14, 2001

Testimony by Natalie G. Haag, Chief Legal Counsel and  
Director of Governmental Affairs

### Senate Bill 108

Thank you for the opportunity to testify on behalf of Governor Graves in support of Senate Bill 108. Senate Bill 108 promotes a more educated voting public by requiring large statewide campaigns to file campaign finance reports by electronic means and requiring daily reporting of campaign receipts during the 11 days immediately preceding the primary and general election.

As you know, one of the primary purposes for reporting campaign receipts and expenditures is public access to this information for purposes of making informed voting decisions. Currently, information reported in paper form has to be retyped before it can be posted on the internet for purposes of public consumption, thereby significantly delaying its accessibility to the general public. Submitting campaign receipts and expenditures electronically would more readily allow the immediate posting of the information on the internet for purposes of public consumption.

It is also important for the general public to have access to information regarding those people making contributions during the last days before both the primary and general elections. This information should be accessible at a time when it is significant and relevant to Kansas' citizens making voting decisions.

Under current law, the information for the last few days before the election is not accessible to the public until the next reporting deadline, several months later. Senate Bill 108 would require daily reporting of campaign contributions in statewide races for the eleven-day period prior to the primary and general elections.

The intent of this bill is to promote a better and more informed voting public. The Governor requests your support of Senate Bill 108.

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**GOVERNMENTAL ETHICS COMMISSION**

**Testimony before House Ethics and Elections  
on Senate Bill 108  
by Carol Williams, Executive Director  
March 14, 2001**

The Commission does not take a position on this bill. My written testimony is being provided to clarify existing law.

Historically, many contributions have been received by statewide candidates in the final days before an election. Under current law, any contribution which is received during the time period from eleven days before the primary election through the date of the primary election is not disclosed on a receipts and expenditures report until eight days before the **general** election. Any contribution received during the time period from eleven days before the general election through the date of the general election is not disclosed until the January 10 Receipts and Expenditures Report is filed.

I have attached for your review statistical information concerning the number and total amount of political contributions \$500 or more that were received the last eleven days before the primary and general elections in 1998 by statewide candidates.

**CONTRIBUTIONS RECEIVED BY STATEWIDE CANDIDATES  
IN THE ELEVEN DAY TIME PERIOD BEFORE THE  
1998 PRIMARY AND GENERAL ELECTIONS  
IN THE AMOUNT OF \$500 OR MORE**

**Contributions from July 24, 1998 through August 4, 1998**

| <b>OFFICE</b>          | <b>CANDIDATE</b>   | <b>NUMBER OF CONTRIBUTIONS</b> | <b>TOTAL DOLLAR AMOUNT OF CONTRIBUTIONS</b> |
|------------------------|--------------------|--------------------------------|---|
| Governor               | Graves, Bill       | 56                             | \$48,073.00                                 |
| Governor               | Miller, David      | 32                             | 43,501.00                                   |
| Governor               | Sawyer, Tom        | 10                             | 26,472.00                                   |
| Attorney General       | Carla Stovall      | 24                             | 20,215.00                                   |
| Attorney General       | Lykins, Dan        | 3                              | 5,000.00                                    |
| Insurance Commissioner | Sebelius, Kathleen | 34                             | 31,000.00                                   |
| Secretary of State     | Thornburgh, Ron    | 2                              | 1,000.00                                    |
| State Treasurer        | Shallenburger, Tim | 5                              | 6,500.00                                    |
| <b>TOTAL</b>           |                    | 166                            | 181,761.00                                  |

**Contributions From October 23, 1998 Through November 3, 1998**

| <b>OFFICE</b>          | <b>CANDIDATE</b>   | <b>NUMBER OF CONTRIBUTIONS</b> | <b>TOTAL DOLLAR AMOUNT OF CONTRIBUTIONS</b> |
|------------------------|--------------------|--------------------------------|---|
| Governor               | Graves, Bill       | 54                             | \$51,000.00                                 |
| Governor               | King, Darrel       | 1                              | 786.00                                      |
| Governor               | Sawyer, Tom        | 51                             | 56,252.00                                   |
| Attorney General       | Stovall, Carla     | 12                             | 17,070.00                                   |
| Insurance Commissioner | Sebelius, Kathleen | 10                             | 10,802.00                                   |
| Insurance Commissioner | Riley, Bryan       | 3                              | 10,069.00                                   |
| Secretary of State     | Thornburgh, Ron    | 7                              | 4,500.00                                    |
| State Treasurer        | Cline, Rita        | 1                              | 1,000.00                                    |
| State Treasurer        | Shallenburger, Tim | 6                              | 2,000.00                                    |
| <b>TOTAL</b>           |                    | 110                            | \$153,479.00                                |

Kansas House Ethics & Elections Committee  
Room 521 South  
14 March 2001  
3:30 pm

Mr. Chairman & Members of the Committee:

With regard to voter registration, campaign finance, two-party primaries, and the media coverage of these activities: The "If it ain't broke don't fix it" approach is no longer acceptable. There are many recent examples, both in The Country and The State that would deem it prudent to review existing policy and recommend future policy.

Voter registration and the electoral process must be accurate and verifiable to promote Kansans' confidence in the election process. Modern technology should guarantee the accomplishment of this goal.

The two party domination of the election process does not promote the confidence of citizens. i.e.: Registration, Voter, Campaign Finance, and Election - distortion, manipulation & fraud.

- Party Fund-Raising
- Party Selection of Candidates
- Party Support & Control of Candidates
- Media Power & Influence of Candidates
- Media Influence of the Electoral Process
- Freedom of Speech? (Public Airwaves?)

The two parties pay influential media interests to get their candidates elected. These candidates make decisions regarding Licensing & Administration of the Communication & Advertising Industry. i.e.: General Electric, ABC, CBS, NBC, PBS and Fox.

- Voter Registration – Accurate & Verifiable
- Open Primaries – Public Perception
- Campaign Finance – Real Reform – Total Transparency
- Media Election Law – True Reform
- Elections – Straightforward, Standardized Ballots

Respectfully submitted,

John Webb  
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Attachment 6