

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE.

The meeting was called to order by Chairperson Barbara P. Allen at 1:30 p.m. on February 19, 2001 in Room 245-N of the Capitol.

All members were present except:

Committee staff present: Mike Heim, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Ken Wilke, Office of the Revisor of Statutes
Nancy Kirkwood, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list.

Discussion of bills

SB 89 - concerning local units of government; relating to rent control

Senator Clark moved to pass SB 89 favorable, seconded by Senator Jackson. The motion carried.

SB 171 - Governor use of aircraft travel

Natalie Haag, Chief Legal Counsel, Director of Governmental Affairs, appeared before the committee with additional information on **SB 171** (Attachment 1). Natalie briefed the committee on the proposal the Governor's office had Ken Wilke, Revisor of Statutes, draft (Attachment 2).

Senator Gooch moved to adopt the amendment striking "section 1 entirely and making a new section 1", and moved favorably as a substitute bill. Senator Schmidt seconded the motion. A division was requested and the motion passed with 5 aye and 4 nay.

A motion was made to reconsider the action on Sub SB 171 by Senator Jackson, seconded by Senator O'Connor, requesting adopting the language on Natalie's amendment, proposed in (a) and (b) and in (c) and on line 21 strike policies and add rules and regulations.

Senator Brownlee moved to table SB 171 seconded by Senator Jackson. The motion carried

Continued discussion on SB 108 - campaign finance; requirements for electronic filing of reporting campaign contributions

The meeting adjourned at 2:30 p.m.

The next meeting is scheduled for February 20

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OFFICE OF THE GOVERNOR

**Before the Senate Elections and Local Government Committee
February 19, 2001**

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

Madam Chairman and members of the committee:

Thank you for the opportunity to provide additional information to the committee regarding Senate Bill 171. Senator Adkins has raised an excellent concern regarding the safety of our State's governor. The proposed statutory language in Senate Bill 171 would address the issues of travel for Governor Graves. However, requiring our governor to reimburse the State of Kansas for expenses of travel when the governor engages in a political or personal activity during the trip has the potential to restrict use of the aircraft to governor's with personal wealth sufficient to cover these expenses.

Obviously, Senator Adkins did not intend such a consequence. After discussions with Senator Adkins and Governor Graves, the Governor's office is proposing a substitute bill that would amend K.S.A. 74-2105(a) by clarifying the duties of the superintendent of the Kansas Highway Patrol regarding the travel of the governor.

K.S.A. 74-2105 provides that the superintendent may designate members of the Highway Patrol to perform security duties for public officials. The proposed substitute bill would insert the language:

The superintendent shall provide such transportation deemed necessary by the superintendent or his designee for the purpose of providing security for the governor and the governor's family. When the governor elects to travel by state owned vehicle or aircraft for political or personal business and the superintendent has not deemed such transportation necessary for the security of the governor or the governor's family, the governor may use such vehicle or aircraft and reimburse the State of Kansas for its use in an amount determined by the Secretary of Administration.

The first sentence of the proposed language codifies current laws and practices. The Highway Patrol follows this practice based upon Governmental Ethics Commission Opinion No. 1997-35. The second sentence would address those circumstances discussed by Senator Adkins and Lindsay Olsen in their testimony before this committee.

Senate Elec + Loc. Gov
2-19-01
Attachment 1

K.S.A. 74-2105(a) The principal function of the Kansas highway patrol shall be enforcement of the traffic and other laws of the state relating to highways . . . The superintendent may designate members to perform security duties for public officials and other duties as directed by the superintendent. The superintendent may perform duties under this act whether or not wearing a badge and uniform. Such members may serve without uniform and without open display of badges. *The superintendent shall provide such transportation deemed necessary by the superintendent or his designee for the purpose of providing security for the governor and the governor's family. When the governor elects to travel by state owned vehicle or aircraft for political or personal business and the superintendent has not deemed such transportation necessary for the security of the governor or the governor's family, the governor may use such vehicle or aircraft and reimburse the State of Kansas for its use in an amount determined by the Secretary of Administration.*

; amending K.S.A. 74-2105 and repealing the existing section

Session of 2001

SENATE BILL No. 171

By Senator Adkins

1-31

9 AN ACT concerning the governor; relating to travel on state aircraft.

10 Be it enacted by the Legislature of the State of Kansas:

11 Section 1. ~~(a) The governor may use any aircraft owned by the state~~
12 ~~for personal use including campaigning in support or in opposition to any~~
13 ~~candidate for national, state or local office. The governor shall reimburse~~
14 ~~the state for personal use of such aircraft owned by the state at a rate~~
15 ~~fixed by the secretary of administration.~~

16 (b) If the governor uses an aircraft owned by the state for a trip made
17 in part for a public purpose and in part for a personal purpose, the gov-
18 ernor shall reimburse the state for the portion of the trip attributable to
19 personal use.

20 (c) The secretary of administration shall adopt policies necessary to
21 implement the provisions of this section and shall fix, charge and collect
22 fees for travel by the governor authorized under this section.

23 Sec. 2. This act shall take effect and be in force from and after its
24 publication in the statute book.
25

section 1.

Sec.3. K.S.A. 74-2105 is hereby repealed.

K.S.A. 74-2105 is hereby amended to read as follows:

~~74-2105. Principal function of highway patrol; uniforms required, exceptions; security for public officials; superintendent to supervise and manage capitol area security patrol; advise with legislative coordinating council; management functions for bureau of emergency medical services.~~ (a) The principal

function of the Kansas highway patrol shall be enforcement of the traffic and other laws of this state relating to highways, vehicles and drivers of vehicles except as otherwise provided in this subsection (a). The superintendent and members of the highway patrol in performing their duties under this act shall wear badges and uniforms of office. The superintendent may designate members to perform security duties for public officials and other duties as directed by the superintendent. The superintendent may perform duties under this act whether or not wearing a badge and uniform. Such members may serve without uniform and without open display of badges. Officers and employees of the bureau of emergency medical services shall not wear badges and uniforms of office.

(b) In addition to the duties otherwise prescribed by law, the superintendent of the highway patrol shall supervise and manage the capitol area security patrol. In the supervision and management of the duties of the capitol area security patrol in and around the state capitol building, the superintendent of the highway patrol shall advise with the legislative coordinating council.

(c) In addition to other duties, the superintendent of the highway patrol shall provide budgeting, purchasing and related management functions for the bureau of emergency medical services of the Kansas highway patrol as may be provided by law and shall perform other functions and duties pertaining to emergency medical services as may be specified by law.

Sec. 2

(1)

(2) The superintendent shall provide such transportation deemed necessary by the superintendent or his designee for the purpose of providing security for the governor and the governor's family. When the governor elects to travel by state owned vehicle or aircraft for political or personal business and the superintendent has not deemed such transportation necessary for the security of the governor or the governor's family, the governor may use such vehicle or aircraft and reimburse the State of Kansas for its use in an amount determined by the Secretary of Administration.

Senate Elec + Loc Gov
2-19-01
Attachment 2