

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Gary Hayzlett at 1:30 P.M. on March 21, 2007 in Room 519-S of the Capitol.

All members were present except:

Representative Pat George- excused
Representative Terrie Huntington- excused

Committee staff present:

Hank Avila, Kansas Legislative Research
Bruce Kinzie, Revisor of Statutes Office
Betty Boaz, Committee Assistant

Conferees appearing before the committee:

Mark Engholm, representing Kansas State Troopers Association

Others attending:

See attached list.

Chairman Hayzlett called the meeting to order and opened the hearing on **HB 2365**.

HB 2365 - Kansas highway patrol officers; deletion of prohibition against holding elective and appointive offices.

The only proponent to testify, Mark Engholm, was recognized by the Chairman. (Attachment #1) According to Trooper Engholm the current administration of the Kansas Highway Patrol has not enforced the obsolete restriction against holding elective office or appointed commission in this statute. He said they currently have troopers serving on city councils, school boards, township boards and in other public offices across the state. Trooper Engholm concluded by saying they are concerned that future administrations could arbitrarily choose to enforce this statute. In addition as law enforcement officers they do not like to be in violation of a Kansas Statute.

The Chairman drew the Committee's attention to written testimony submitted by the Kansas Highway Patrol. Chairman Hayzlett told the Committee about a conversation he had that morning with Col. Seck, Superintendent of the Highway Patrol, and the concerns shared by Col. Seck. After questions were answered, the Chairman said they would not work the bill today but would work it next year after giving the matter further consideration. Representative Sloan suggested a letter be sent to Col. Seck with a recommendation that he and the Troopers Association try to find mutually acceptable language to address the Troopers concerns.

There being no additional proponents or opponents, the hearing on **HB 2365** was closed.

It was the Chairman's desire to work **SB 8**. Representative Menghini made a motion to amend the language in SB 8 to include amendments that would provide for a 400-pound exemption from the maximum gross weight or axle weight limits for any vehicle or combination of vehicle equipped with idle reduction technology; and an amendment defining "idle reduction technology"; and adding language to KSA 8-1911 (the gross weight limits for vehicles statute) that clarified that a tow truck only be required to be registered in accordance with the general vehicle registration statute. The motion was seconded by Representative Vickrey and the motion carried. Back on the bill. Representative Wetta made a motion to pass SB 8, as amended, the motion was seconded by Representative Humerickhouse and the motion carried.

The Chairman opened **SB 9** for discussion. The Committee was briefed on **SB 9** that it would strike language in existing law that makes it unlawful to operate a motor vehicle equipped with television-type receiving equipment so located that the equipment is visible from the driver's seat. The Committee was also briefed on the Senate amendments to **SB 9**. A motion was made by Representative Vickrey to amend this bill by repealing KSA 8-1748, seconded by Representative Humerickhouse and the motion carried. Back on the bill. A motion was made by Representative Vickrey to favorably pass SB 9, as amended, seconded by Representative King and the motion carried.

CONTINUATION SHEET

MINUTES OF THE House Transportation Committee at 1:30 P.M. on March 21, 2007 in Room 519-S of the Capitol.

The Chairman drew the Committee's attention to the Minutes of the meeting on March 20, 2007. Representative McLachlan made a motion to approve the Minutes as written, seconded by Representative Burgess and the motion carried.

Chairman Hayzlett thanked Vice-Chairman Virgil Peck, Ranking Minority Member Margaret Long and each of the other members for their dedication and hard work during the session.

There being no further business before the Committee, the meeting was adjourned.

HOUSE TRANSPORTATION COMMITTEE

DATE 3-21-07

NAME	REPRESENTING
Tom Whitaker	Ks Motor Carriers Assn.
Steve Kearney	KS STATE TROOPERS ASSN.



KANSAS STATE TROOPERS ASSOCIATION

Testimony on **HB 2365 – Troopers Holding Elective Office**
before the
House Transportation Committee
by
Mark Engholm, Troop B Director
Kansas State Troopers Association

March 21, 2007

Mister Chairman, Members of the Committee:

I appear before you today on behalf of the Kansas State Troopers Association to ask you to support **HB 2365**. This bill amends a statute enacted 70 years ago, at the formation of the Kansas Highway Patrol, which prohibits Troopers from holding elective or appointed commission or office.

This statute was enacted at a time when state law enforcement agencies were in their infancy. It originally included language which declared that Troopers be appointed to 4 year terms, half appointed from each ranking political party. The statute also originally contained language which prohibited Troopers from donating funds to political campaigns and from displaying political signs in the yards of their homes. The legislature has recognized over time that these restrictions were not necessary and amended the statute.

The current administration of the Kansas Highway Patrol has not enforced the obsolete restriction against holding elective office or appointed commission in this statute. We currently have Troopers serving their communities on city councils, school boards, township boards and in other public offices across the state. In addition, members of the Patrol working with Federal Drug and Terrorism Task Forces hold dual commissions as federal agents so that they can pursue and prosecute criminals who attempt to flee across state lines. While we applaud the Patrol's administration for recognizing that this statute is outdated, we are concerned that future administrations could arbitrarily choose to enforce this statute, blocking Troopers from serving their local communities.

The Kansas State Troopers Association asks that you favorably act on **HB 2365** and remove this obsolete restriction from the statute books.

Thank you for your consideration.

House Transportation
Date: 3-21-07
Attachment # 1