

MINUTES

JOINT COMMITTEE ON KANSAS SECURITY

September 25-26, 2007
Room 123-S—Statehouse

Members Present

Representative Mario Goico, Chairperson
Senator Jay Emler, Vice-Chairperson
Representative Judith Loganbill, Ranking Minority Member
Senator Jim Barone
Senator Chris Steineger
Representative Pat George
Representative Julie Menghini
Representative Lee Tafanelli

Members Absent

Senator Nick Jordan (excused)
Senator Carolyn McGinn (excused)

Staff

Bruce Kinzie, Office of the Revisor of Statutes
Amy VanHouse, Kansas Legislative Research Department
Jill Shelley, Kansas Legislative Research Department
Ann McMorris, Committee Secretary

Conferees

Captain Mark Bruce, Kansas Highway Patrol
Barry Greis, Statehouse Architect
Don Heiman, Legislative Chief Information Technology Officer
George Werth, Chief Engineer, Department of Administration
Eldon Rightmeier, Deputy Director, Bureau of Telecommunications, Department of Administration
Senator Dennis Pyle
Colonel Bruce Woolpert, Legal Advisor to Adjutant General Tod Bunting
Colonel Byers Coleman, Executive Director, State Guard Association of the United States
Major General Charles Rowe, Commanding General, Alabama State Defense Force

Colonel Paul LaValle, President, State Guard Association of the United States and
Member of the Texas State Guard
Major John Stone, President, U.S. Freedom Foundation, and Member of the Virginia
State Defense Force
Texas Representative Dan Flynn
Dr. Lorne Phillips, State Registrar and Director, Office of Vital Statistics, Kansas
Department of Health and Environment
Secretary Joan Wagnon, Kansas Department of Revenue
Carmen Alldritt, Director of Vehicles, Kansas Department of Revenue

Tuesday, September 25 Morning Session

Chairperson Goico called the meeting to order at 9:00 a.m.

Moved by Senator Emler, seconded by Representative Tafanelli, that the minutes of the April 27, 2007, meeting of the Joint Committee on Kansas Security be approved. Motion carried.

Moved by Senator Emler, seconded by Representative Tafanelli, the meeting be recessed for a closed executive meeting. Joint Rules were cited and the purpose stated (Attachment 1), with the open meeting to resume at 11:10 a.m. Motion carried.

Vice-Chairperson Emler read the list of designated individuals for the closed meeting as follows:

- Eric Pippin, Eric Sauer, Tony Prideaux, and Derrel Pressnel of the Kansas Highway Patrol;
- Mark Savage, Colorado Highway Patrol;
- John Suebert, Owen Hammett, and Chuck Green of the Secret Service;
- Mike Miller, Federal Bureau of Investigation;
- Lon Biasco, Department of Homeland Security; and
- Jeff Russell, Legislative Administrative Services.

The meeting was reopened at 11:10 a.m.

Moved by Senator Emler, seconded by Representative Tafanelli, the meeting be recessed for a closed executive meeting. Joint Rules were cited and the purpose stated (Attachment 2), with the open meeting to resume at 12:30 p.m. Motion carried.

Vice-Chairperson Emler read the list of designated individuals for the closed meeting as follows:

- Eric Pippin, Eric Sauer, Tony Prideaux, and Derrel Pressnel of the Kansas Highway Patrol;
- Mark Savage, Colorado Highway Patrol;
- John Suebert, Owen Hammett, and Chuck Green of the Secret Service;
- Mike Miller, Federal Bureau of Investigation;
- Lon Biasco, Department of Homeland Security; and
- Jeff Russell, Legislative Administrative Services.

The meeting was reopened at 12:30 p.m., and the Committee recessed for lunch until 1:30 p.m.

Afternoon Session

Chairperson Goico opened the meeting for **review of Capitol complex back-up electric power and infrastructure redundancy.**

Barry Greis, Statehouse Architect and Project Manager, Division of Facilities Management, reviewed the Statehouse electrical services provided by Westar Energy. He explained the emergency event sequence ([Attachment 3](#)).

Committee members questioned the voltage requirements, the battery power, and layout of lines into the building.

Don Heiman, Legislative Chief Information Technology Officer, noted the goal is for highly secure systems that allow for 99.9 percent uptime, managed intrusion detection, and change control with full system recovery. He reviewed various topics:

- **Topic 1—Legislative Information Technology (IT) governance structure:**
 - Chart of the members and their placement;
 - System review team membership; and
 - Additional legislative IT governance features.
- **Topic 2—IT Security Infrastructure, including application-level access to various databases.**
- **Topic 3—Future Kansas Legislative Information Systems Strategic (KLISS) Plan development and security timeliness.** The KLISS Plan begins with a “0” year to set detailed requirements and five implementation years. He discussed additional security features, the wireless network, security confirmation, disaster recovery, and patch management.
- **Topic 4—the various “things that he worries about,” such as the need for an off-site data recovery center ([Attachment 4](#)).**

George Werth, Chief Engineer, Department of Administration, discussed the Capitol Complex back-up electric power systems. The Capitol Complex has a total of four sites where backup power is generated. He summarized each site’s generating capacity and specified the buildings and systems served by each site ([Attachment 5](#)).

Eldon Rightmeier, Deputy Director, Bureau of Telecommunications, Division of Information Systems and Communications (DISC), Department of Administration, discussed infrastructure redundancy in state government facilities. DISC is responsible for multiple systems that are critical to the ongoing operations of State government. To give the Committee an understanding of how business continuity in Kansas government works, he discussed the current status of business continuity, by major system and facility; plans for improving business continuity; and recommendations for Kansas government business continuity ([Attachment 6](#)).

Committee members questioned the various conferees regarding alternate sites, testing, number of hacking incidents, and redundancy.

Chairperson Goico opened for **Update on Homeland Security Funding.**

Captain Mark Bruce, Kansas Highway Patrol, reviewed historical Homeland Security grant funding, the State's Federal Fiscal Year (FFY) 2007 application, how Kansas ranked against other state and territory applicants, the federal funding allocation process, how much Kansas received, distribution of funding within Kansas, and Kansas program efficiency and effectiveness in distributing and spending grant funds. He noted that FFY 2007 funding is lower than that in former years, and that communications interoperability needs some discussion and could be a topic at a future meeting. He provided the Committee with a Department of Homeland Security audit on distributing and spending "first responder" grant funds (March 2004) and a report from the U.S. Homeland Security Advisory Council's Task Force on State and Local Homeland Security Funding (June 2004) ([Attachment 7](#)).

Chairperson Goico recessed the meeting until 9:00 a.m. on September 26, 2007.

Wednesday, September 26 Morning Session

Chairperson Goico opened the meeting for **Informational hearing on 2007 SB 328 – Creation of a State Defense Force.**

Senator Dennis Pyle testified that SB 328 as proposed is an important, necessary step toward addressing Kansas safety and preparedness. This bill calls for the formation and training of a voluntary state defense force. A state defense force would serve solely under the Governor's command and cannot be federalized. It would be supplemental to both the National Guard and the State. He noted that because the assignment to the Joint Committee on Kansas Security is to review the powers, duties, and functions of a state defense force, he had invited individuals from states with state defense forces to bring information on their actions ([Attachment 8](#)).

Colonel Bruce Woolpert, Legal Advisor to the Adjutant General, said it is the Adjutant General's judgment that authorizing, funding, and staffing the State Guard is neither necessary nor practical at this time. He stated that the Kansas National Guard has sufficient manpower to meet the State's foreseeable needs for defense and disaster relief ([Attachment 9](#)).

Chairperson Goico called on Bruce Kinzie, Office of the Revisor of Statutes, to explain SB 328, which was introduced in the 2007 Session. Mr. Kinzie explained the language in each new section and noted the current statute concerning state guard needs to be updated. There was much discussion on the reference to male citizens in Section 5. He noted that, in new Section 3, the language is "citizens of this state who are 18 years of age or older." The fiscal note prepared by the Director of the Budget also was discussed ([Attachment 10](#)).

Colonel Byers Coleman, Executive Director, State Guard Association of the United States; former Chief of Staff, Georgia State Defense Force; and retired U.S. Army Lieutenant Colonel and Logistics Staff Officer, advocated passage of SB 328. He discussed the history of state defense forces, the legal environment affecting the Kansas State Guard (KSG), and some recommendations for funding and modifications of existing statutes ([Attachment 11](#)).

The briefing on state defense force history included Kansas involvement and actions since 1859, the National Guard's beginnings and current status, action taken by Kansas during World War I to creating the Home Guard (which evolved into the Kansas State Guard), and the enactment of the State Guard Act of 1941.

Colonel Coleman testified that the KSG's current legal foundation is Article 8 of the Kansas State Constitution and that Chapter 48 of the Kansas Statutes includes statutes relevant to a KSG. Colonel Coleman also referred to United States code authorization for state defense forces. He also mentioned National Guard Regulation 10-4, which specifically deals with the organization and missions of state defense forces.

Mayor General Charles Rowe, Commanding General, Alabama State Defense Force, and Principal, Franklin Resources, gave background on the Alabama State Defense Force. Its current status includes a cadre group and 1,000 members, to assist the National Guard.

Major John Stone, President, U.S. Freedom Foundation, and Member of the Virginia State Defense Force, said the U.S. Freedom Foundation has chosen to engage in the state defense force issue and seek enhanced homeland security solutions that are effective and affordable. He said two dozen states have passed legislation to maintain these military reserve forces and SB 328 passage in Kansas would provide authorization to build a state defense force. He listed differences in state defense forces as developed in Alaska, Maryland, and Virginia, and he explained how the Department of Defense has approached deployment of National Guard troops. Current National Guard policy is never to deploy more than 50 percent of any state's National Guard to federal service. He referred to the missions of the Virginia Defense Force and the training for these various missions.

Major Stone cited recommendations for State Defense Force national standards made by the U.S. Freedom Foundation's Homeland Security Military Advisory Board for voluntary standardization between the states, as set out in a May 1, 2006, letter to Lieutenant General Steven Blum, Chief of the National Guard Bureau ([Attachment 12](#)).

Colonel Paul LaValle, president, State Guard Association of the United States, member of the Texas State Guard and attorney at law, Houston, Texas, urged passage of SB 328. He listed the various forces maintained in Texas and their missions. He noted these trained forces allow the National Guard to complete its missions and keep the citizens of Texas secure. He said volunteers for these forces come from all walks of life and provide a high caliber of expertise in all areas ([Attachment 13](#)).

Representative Dan Flynn, Texas House of Representatives, provided additional information on the Texas State Guard. He reported on the history of the Texas State Guard, its early activities, its functions and purpose, its structure and organization, and its recent and current missions and activities. Funding originally was provided out of the Adjutant General's budget, but a separate budget for the State Guard was created in Texas' last legislative session.

Representative Flynn cited principles to consider: (1) leadership should be tied to a state's national guard; (2) missions should not compete with those of the National Guard; and (3) continual growth and transformation are necessary to adapt to needs of the state. State guard components throughout the state could provide the following services in times of emergency: (1) shelter management; (2) shelter control; (3) shelter operations; (4) medical services; (5) assistance to local authorities for mass feedings; (6) volunteer coordination; (7) legal support; (8) communications; and (9) chaplain services ([Attachment 14](#)).

A white paper on a complete reserve forces plan for providing volunteer military support across the nation and within the states was distributed to the Committee ([Attachment 15](#)).

The Committee questioned conferees on use of heavy equipment, mechanisms used by other states, liability coverage, compensation for members of the state defense force, and laws of other states. Colonel Woolpert will check with the Kansas Adjutant General on his contact with Adjutant Generals of other states on this issue and report back. Colonel Coleman will provide a list of the 24 states that have state defense forces.

Afternoon Session

Chairperson Goico opened for **Update on the Implementation of the Additional Requirements of the Real ID Act.**

Lorne Phillips, Ph.D., State Registrar and Director, Office of Vital Statistics, Kansas Department of Health and Environment, briefed the Committee on the implementation of the requirements of the REAL ID Act and their impact on the Kansas Vital Statistics System. He said the main impact on the Office of Vital Statistics is the requirement that applicants for a driver's license provide verification of identity and lawful presence in the United States before a driver's license is issued, for these reasons:

- Each applicant is required to provide a certified copy of his or her birth certificate, and that certificate must be verified by the state of birth. To implement the REAL ID requirements during the proposed five-year phase-in period, identity and lawful presence documentation will be required for all drivers' licenses issued, including renewals. This may result in a substantial increase in birth certificate issuances.
- The proposed regulations have added the full middle name as a verification field. Kansas had entered either no middle name or entered only the middle initial in its database from 1935 through 1982. From 1983 through 1988, either the middle initial or full middle name was entered. The first year all birth certificate data were entered was 1989. The full middle name issue affects 2.8 million records. The cost to update the records by the compliance date of December 31, 2009, would be approximately \$905,000 for staff and software. Some federal funding is expected, but no information on that has been released.

The National Association for Public Health Statistics and Information Systems recommended to the U.S. Department of Health and Human Services that, for births occurring before 2010, only the middle initial of the name on the birth certificate be required for verification ([Attachment 16](#)).

Secretary Joan Wagon, Kansas Department of Revenue, talked about SB 9, passed during the 2007 Session, which gives the Department of Revenue the authority and tools necessary to uncover, prevent, and decrease fraud. She noted the federal government is working on the regulations for REAL ID which are scheduled to be available to their department soon.

Carmen Alldritt, Director of Vehicles, Kansas Department of Revenue, provided an update on the REAL ID Act, which requires all U.S. jurisdictions to follow new issuance and document standards for drivers' licenses and personal identification cards. She noted the Division will be required to electronically retain for ten years the source documents presented by applicants for

drivers' licenses and ID cards. Cost factors in the conversion to REAL ID were discussed but no actual costs could be determined until the final regulations are available. A case study from Digimarc Corporation, titled "Kansas Citizens Benefit from Increased Security," was provided to the Committee. This study gives information on implementation of security procedures in issuing drivers' licenses (Attachment 17).

Dates for future meetings of the Kansas Security Committee were set for November 1 and 2, 2007, and December 13 and 14, 2007.

Senator Emler proposed that a letter be sent to the Legislative Coordinating Council (LCC) recommending assignment of an advisory committee for the Capitol Complex project consisting of representation from the judiciary, legislative, and executive branches. After hearing the briefing on the status of the Capitol Complex project, consensus was that it would be expedient to establish an advisory committee. Chairperson Goico will prepare the letter to LCC with the Committee recommendation.

The meeting was adjourned.

Prepared by Ann McMorris
Edited by Jill Shelley
and Amy VanHouse

Approved by Committee on:

November 1, 2007
(Date)