

MINUTES

JOINT COMMITTEE ON KANSAS SECURITY

October 4, 2022
Room 582-N—Statehouse

Members Present

Senator Mike Petersen, Chairperson
Representative Eric Smith, Vice-chairperson
Senator Marci Francisco (appointed substitute for Senator Jeff Pittman)
Senator Rick Kloos
Senator Virgil Peck
Senator Mary Ware
Representative Dave Baker
Representative Michael Houser
Representative Jarrod Ousley
Representative Louis Ruiz

Members Absent

All members present

Staff Present

Jill Shelley, Kansas Legislative Research Department
James Fisher, Kansas Legislative Research Department
Murl Riedel, Kansas Legislative Research Department
Charles Reimer, Office of Revisor of Statutes
Kyle Hamilton, Office of Revisor of Statutes
Connie Burns, Committee Assistant

Conferees

Major Andrew Dean, Kansas Highway Patrol
Dr. DeAngela Burns-Wallace, Secretary of Administration
Tim Carty, EMP Shield
Ken Weishaar, Adjutant General's Department
Dave Young, Kansas Homeland Security, Adjutant General's Department
John Calvert, Kansas State Department of Education
Robert Jacobs, Kansas Bureau of Investigation
Kirk Thompson, Kansas Bureau of Investigation

TUESDAY, OCTOBER 4 ALL DAY SESSION

Call to Order

Chairperson Petersen called the meeting to order at 9:05 a.m.

Approval of August 17, 2022, Minutes

Representative Ruiz moved to approve the August 17, 2022, minutes, as written. Representative Smith seconded the motion. The motion carried.

Presentation from the Kansas Highway Patrol

Major Andrew Dean, Executive Commander, Kansas Highway Patrol (KHP), provided an update on KHP staffing and Capitol Complex security procedures for large protests. ([Attachment 1](#)) He stated challenges with recruitment and retention are the same in the private and public sectors, and some state law enforcement agencies are implementing sign-on bonuses and relocation financial assistance to attract applicants. He described some of the vulnerabilities associated with reduced staffing:

- Slower response times;
- Less timely assistance to local partners and agencies when requested;
- Less than optimal numbers of troopers and officers on the roads (reduced visibility of law enforcement);
- Officer safety concerns in some instances; and
- Burnout and retention challenges.

Major Dean stated the KHP has 78 fewer sworn officers and 16 fewer civilian employees than it did in 2019. He described modifications to the hiring process for troopers, including a shortened time at the KHP academy for a class of recruits who were already certified law enforcement officers. Addressing current challenges to stay engaged with interested and qualified applicants, he said the KHP encourages all members of the agency to recruit through career fairs, military magazines, social media and publications, the cadet law academy, and the collegiate law academy. He reviewed recent pay increases for troopers and Capitol Area guards implemented as part of the Career Progression Plan.

Major Dean noted Capitol Area guards monitor 273 cameras, 109 of them at the Statehouse. Statehouse security includes screening to deter criminal activity and is used to identify and intercept unlawful firearms, weapons, explosives, and contraband entering the

Statehouse. Officers are required to adhere to all federal and state laws pertaining to concealed carry and the performance of identification checks.

Regarding preparedness for protests and rallies at the Statehouse, Major Dean stated KHP participates in state response exercises and training. It has a contingent of troopers specifically trained and equipped in mobile field force tactics that may be activated to be staged, deployed, or both by the KHP Superintendent for a civil disturbance or an event for which credible intelligence indicates a high probability for civil unrest.

Major Dean listed impacts of the pending Docking State Office Building (DSOB) renovation on Capitol Police, including the following:

- Central monitoring and dispatch staff, which should not be separated, will be temporarily relocated to the Landon State Office Building (LSOB), but there is not enough space for all of Troop K personnel and operations;
- Response times are slower from the LSOB 7th floor;
- Tunnel access to the Statehouse from the DOSB is temporarily eliminated; and
- If DSOB renovations occur, and to meet the recommendations of Burns & McDonnell, the Capitol Police would likely need approximately six additional Capitol Area guard positions (which have an annual salary of approximately \$40,000).

He stated the KHP recommends Capitol Police return to the DSOB following completion of the renovation project.

In response to questions from Committee members, Major Dean stated KHP wages are more competitive than they were with wages in nearby states but certain local agencies pay more. He believes morale within the KHP is good, the KHP is working to increase recruitment among multicultural groups, and most part-time Capitol Area guards are retired law enforcement officers who maintain their law enforcement certification. The KHP encourages its recruiters to participate in events at military bases, and the KHP maintains high standards when screening recruits. Financial assistance for relocation of new officers has been discussed by KHP executive leadership to address recruitment and retention. Further, Major Dean noted that active-shooter training can be made available to members of the Legislature and staff.

Presentation from the Department of Administration

Dr. DeAngela Burns-Wallace, Secretary of Administration, provided an update on the impacts of the renovation of the DSOB on Capitol Complex security. ([Attachment 2](#)) She stated the KHP move to a temporary location is scheduled for December 2022, and relocation costs have been built into the cost of the renovation project. A timeline was provided on the renovation of the DSOB.

Secretary Burns-Wallace stated the Capitol Complex security enhancement project includes new video surveillance and access control systems that will enable the KHP to control and monitor a holistic security operations program from multiple locations. The Department of

Administration had received five responses to its request for proposals and began interviews of five applicants in late September; the project has an estimated completion date of summer 2023.

Secretary Burns-Wallace stated additional information on the Capitol Complex security aspects would be provided in closed executive session.

Representative Smith moved, and Senator Ware seconded, that the open meeting of the Joint Committee on Kansas Security be recessed for a closed, executive meeting pursuant to KSA 75-4319(a) to discuss matters related to the security measures that protect the Kansas Capitol Complex with the appropriate individuals from the Department of Administration and the Kansas Highway Patrol, pursuant to KSA 75-4319(b)(12)(C), because discussion of such matters in an open meeting would jeopardize such security measures; that the committee resume the open meeting in room 582-N of the Statehouse at 10:13 a.m.; and to record this motion, if adopted, as a part of the committee's permanent records. The motion carried.

The motion was adopted at 10:03 a.m.

The designated essential personnel to be in the closed session in addition to Committee members were:

- KHP:
 - Major Andrew Dean; and
 - Captain Amber Harrington; and
- Department of Administration
 - Secretary Burns-Wallace;
 - Frank Burnam, Director, Office of Facilities and Property Management;
 - Jeff Maxon, Chief Information Security Officer, Kansas Information Security Office; and
 - Pat Doran, Chief Counsel.

The Committee returned to open session at 10:13 a.m.

Presentation on EMP Shield Technologies

Tim Carty, Founder and Chief Engineer, EMP Shield, presented information on the effects of high-altitude electromagnetic pulses on the United States. ([Attachment 3](#)) He stated incidents caused by an intentional electromagnetic pulse (EMP) attack (e.g., a nuclear bomb exploded above North America) or a naturally occurring geomagnetic disturbance could damage significant portions of the nation's critical infrastructure, including the electrical grid, communications equipment, water and wastewater systems, and transportation modes. Mr. Carty provided action steps and generally reviewed types of equipment to mitigate the severity of a threat, strike, or pulse.

Chairperson Petersen noted the EMP Shield advanced manufacturing facility is located in rural Kansas. The next portion of Mr. Carty's presentation was provided in closed executive session.

Representative Smith moved, and Senator Peck seconded, that the open meeting of the Joint Committee on Kansas Security be recessed for a closed, executive meeting pursuant to KSA 75-4319(a) to discuss matters related to the security measures that protect the threats associated with electromagnetic pulses, with the appropriate individuals from EMP Shield, pursuant to KSA 75-4319(b)(12)(C), because discussion of such matters in an open meeting would jeopardize such security measures; that the committee resume the open meeting in room 582-N of the Statehouse at 10:52 a.m.; and to record this motion, if adopted, as a part of the committee's permanent records. The motion carried.

The designated essential personnel to be in the closed session in addition to Committee members were Mr. Carty; Rowdy Meyer, Vice President, EMP Shield; and Dave Young, Kansas Homeland Security.

The open meeting resumed at 10:52 a.m.

Presentations from the Adjutant General's Department

Installation Energy and Water Resiliency Project

Kenneth J. Weishaar, Director, Public Works, Adjutant General's Department, presented to the Committee an update on the Installation Energy and Water Plan, which is an effort to reduce water and energy vulnerabilities among Army installations, including mission critical facilities of the Kansas National Guard. Mission critical facilities are determined using criteria such as whether the facility is a data or communications center supporting mission activities and whether it is a designated emergency shelter; geographic distribution also was considered. Using the Plan, facilities are evaluated to determine whether they could sustain operations under all operating conditions, to identify their deficiencies for meeting critical needs, and to determine what actions are needed to have those facilities meet certain standards. He reviewed the results of risk assessments and implementation plans. He noted Kansas is eligible to receive federal funding for the project. ([Attachment 4](#)) Mr. Weishaar provided additional information on these topics:

- Kansas Army National Guard resilience and conservation infrastructure;
- Energy master plans for Forbes Field and for the rest of the state that include conservation and determining the energy needed to met critical functions;
- The Energy Conservation Investment Program completed projects at Fort Riley and Forbes Field, involving the installation of energy efficient heating and cooling systems;
- Energy Resilience and Conservation Investment Program projects in Salina and planned projects at Forbes Field, Fort Riley, and Fort Leavenworth, involving the installation of solar arrays; and

- Kansas Army National Guard energy security performance in reducing energy and water use.

Threats to Kansas and Threats Associated with Foreign Company Contracting

Dave Young, Deputy Director, Kansas Homeland Security, stated his presentation on security threats to the state of Kansas would be presented in a closed executive session.

Representative Smith moved, and Senator Kloos seconded, that the open meeting of the Joint Committee on Kansas Security be recessed for a closed, executive meeting pursuant to KSA 75-4319(a) to discuss matters related to the security measures that concern threats to the State of Kansas with the appropriate individuals from the Adjutant General's Department, pursuant to KSA 75-4319(b)(12)(C), because discussion of such matters in an open meeting would jeopardize such security measures; that the committee resume the open meeting in room 582-N of the Statehouse at 12:10 p.m.; and to record this motion, if adopted, as a part of the committee's permanent records. The motion carried.

The motion was adopted at 11:16 a.m.

The designated essential personnel to be in the closed session in addition to Committee members were Mr. Young and Major Kari Beth Neuhold, Chief, Legislative Affairs, Adjutant General's Department.

The Committee returned to open session at 12:10 p.m.

Chairperson Petersen recessed the Committee for lunch at 12:11 p.m.

Chairperson Petersen called the meeting to order at 1:47 p.m.

Presentation on K-12 School Safety

John Calvert, Director, Safe and Secure Schools Unit, Kansas State Department of Education (KSDE), provided an update on the Safe and Secure Schools program. ([Attachment 5](#)) State funding specifically for the State Board of Education, through KSDE, to develop and adopt statewide safety and security standards for schools was provided in 2018 SB 106, Section 76. In consultation with school officials and other state agencies, nine school safety standards have been adopted:

- Infrastructure protection;
- Security technology system, such as cameras;
- Interoperable communication matrix with law enforcement and first responders;
- Communication network (outside of school);
- Up-to-date crisis plans;

- Training and exercises;
- Crisis drills;
- Procedures for ensuring accountability for adopting and implementing school safety and security plans in accordance with standards adopted by the State Board of Education; and
- Firearm safety education programs:
 - K-5 Eddie Eagle gun safe program (National Rifle Association);
 - 6-12 Hunters Education program (Kansas Department of Wildlife and Parks); and
 - Other evidence-based programs.

Mr. Calvert noted 2019 SB 128 as enacted changed requirements regarding drills, to reduce the number of fire and tornado drills and to add requirements for three crisis drills during the school year. He also noted 22 types of hazards have been identified in Kansas, such as earthquakes, major disease outbreaks, terrorism, wildfires, and winter storms.

Mr. Calvert stated the Safe and Secure Schools Unit has partnerships with the KHP, Adjutant General's Department and its Division of Emergency Management, Kansas Bureau of Investigation (KBI), Kansas Department of Health and Environment, Kansas Department of Wildlife and Parks, the Attorney General, and the State Fire Marshal.

Grant moneys of \$5.0 million a year have been provided for the past three years, including in 2022 HB 2567, for school district acquisition and installation of systems necessary for security monitoring, securing entrances, and salaries and wages for school resource officers, at a dollar-for-dollar match with the local school district. Mr. Calvert stated each year KSDE has received requests for more than \$11.0 million in projects, and he noted communications equipment, such as 800 megahertz radios with a dedicated channel to law enforcement or to first responders, and training are not among the types of items for which grant moneys may be expended.

Mr. Calvert described the activities of the Safe and Secure Schools Unit, which include presentations to school and community groups as well as providing a school safety hotline, providing virtual conferences, overseeing the grants, and developing and leading tabletop exercises.

Mr. Calvert addressed questions from Committee members about drills in schools and the cost estimates for the purchase of radios.

Presentation on Threats to Kansas Security

Robert Jacobs, Executive Officer, KBI, provided an overview of criminal activity and threats to public safety in Kansas. ([Attachment 6](#)) He noted the mission of the KBI is to provide professional investigative, laboratory, and criminal justice information services to Kansas criminal justice agencies for the purpose of promoting public safety and preventing crime.

Mr. Jacobs presented crime statistics showing by year the numbers of crimes by category and the ten-year average number of crimes in the categories of violent crime, murders, rape, robbery, and assault and battery. He noted that, although there were fewer violent crimes, murders, and aggravated assaults in 2021 than in 2020, the numbers of crimes in those categories in Kansas remain significantly above the ten-year averages. He also noted the number of robberies has declined, with the exception of motor vehicle theft. Mr. Jacobs stated 87 agent positions are filled and 104 are authorized. He described the caseload for those working on violent crimes and crime scene response team activations and reported increasing requests for KBI investigations. Further, Mr. Jacobs discussed the increasingly complex nature of investigations, largely due to availability of electronic records and recordings.

Crimes Against Children

Mr. Jacobs reviewed national and KBI efforts to investigate crimes against children. He stated the KBI is committed to intervening and investigating when cases of physical or sexual abuse of children occur in Kansas and has made the response to child maltreatment a top priority. He explained the services of the National Center for Missing and Exploited Children (NCMEC), and he reviewed the sharp increases in child sexual abuse material available on the internet and cyber-tips from NCMEC referred to Kansas officials. He stated the KBI has the resources to investigate only the most serious crimes. He described activities of the Northeast Kansas Child Victim Task Force established in 2018 to specifically address crimes against children in the northeast region of the state. The KBI hopes to expand this effort to the western and southeastern regions of the state. The KBI continues to support collaboration among the KBI, other investigating agencies, and Department for Children and Families to quicken the identification and investigation of criminal offenses committed against children.

Illicit Narcotics in Kansas

Mr. Jacobs stated the U.S. Drug Enforcement Agency operates a federal program called the High Intensity Drug Trafficking Area (HIDTA), which provides assistance to federal, state, local, and tribal law enforcement agencies operating in areas determined to be critical drug trafficking regions of the United States. The HIDTA annual threat assessment report again identifies marijuana, methamphetamine, heroin, and synthetic opioids as the most widely available and used illegal drugs in the region. The three most prevalent drugs submitted to the KBI laboratory in FY 2021 were marijuana (7,003), methamphetamine (6,951), and cocaine (520). This excludes drug submissions from Johnson and Sedgwick counties, which operate their own laboratories. The KBI laboratory has observed a dramatic increase in fentanyl submissions, from 81 in 2020 to 463 in 2021. He discussed the very small amount of fentanyl needed to cause an overdose, its use in counterfeit pharmaceuticals, and how mapping overdose cases in partnership with the Emergency Medical Services Board assists law enforcement in targeting areas for enforcement.

Cyber Crime

Mr. Jacobs described the Internet Crime Complaint Center (IC3) as a program administered by the Federal Bureau of Investigation that receives complaints of internet-related crime. IC3 has received more than 6.5 million complaints nationally since its inception in 2000. Five of the most common types of cybercrime are extortion, identity theft, personal data breaches, non-payment and non-delivery of services, and phishing type activity. Kansans reported 2,693 complaints to IC3 in 2021. Mr. Jacobs stated the KBI Cyber Crime Unit

established through support of the Legislature in 2019 has six special agents and one supervisor; two of the special agents serve on federal cybercrime task forces that recovered \$4.5 million for Kansas from fraudulent unemployment claims. In FY 2022, the Cyber Crime Unit reviewed 448 cases and initiated 23 criminal investigations. He noted cybercrime cases require much manpower and time. He stated additional resources are needed to adequately address this rapidly growing and under-reported crime.

Committee members asked various questions during the presentation. Mr. Jacobs addressed questions and stated he will provide additional information that was requested regarding fentanyl and use of testing strips.

Kirk Thompson, Director, KBI, made a few comments to the Committee, including on needs for additional resources to expand child victim crime investigation efforts and modernize the Kansas Incident Based Reporting System.

Discussion and Recommendations

Committee members discussed funding and needs regarding school safety.

Senator Petersen moved the Committee recommend the Legislature review funding for school safety and ensure moneys can be used for interoperable communications with first responders. Representative Baker seconded the motion. The motion carried. Kansas Legislative Research Department staff were directed to work with members who spoke on this topic regarding final wording of the recommendation.

After discussion and by consensus, the Committee recommended replicating the Northeast Child Victim Task Force in southeast and western Kansas, and the Committee recognizes appropriations will be needed to make this happen.

Also after discussion and by consensus, the Committee agreed to include in its report that the Committee recognizes the KHP's concerns related to its relocation during the renovation of the DSOB and it appreciates the efforts of the Department of Administration to provide appropriate temporary facilities.

The Chairperson thanked the Committee members and staff. The meeting was adjourned at 3:46 p.m.

Prepared by Connie Burns

Edited by Jill Shelley and Murl Riedel

Approved by the Committee on:

December 2, 2022

(Date)