

## MINUTES

### SPECIAL COMMITTEE ON KANSAS SECURITY

January 7-8, 2002  
Room 514-S—Statehouse

#### Members Present

Senator Dave Kerr, Co-Chairman  
Representative Carl Krehbiel, Co-Chairman  
Senator Nick Jordan  
Senator Chris Steineger  
Representative Carlos Mayans  
Representative Joe Shriver

#### Staff Present

Robert Waller, Kansas Legislative Research Department  
Trevor Steinert, Kansas Legislative Research Department  
Bruce Kinzie, Office of the Revisor of Statutes  
Dee Woodson, Committee Secretary

#### Conferees

Eric Nordman, Director of Research, National Association of Insurance Commissioners,  
Kansas City, Missouri  
David Larson, Director, Legislative Computer Services  
Dr. Ron Hammerschmidt, Director, Division of Environment, Kansas Department  
of Health and Environment  
Don Moler, Executive Director, League of Municipalities  
Joyce Glasscock, Secretary, Department of Administration (or representative)  
Major General Gregory Gardner, Adjutant General (and appropriate representatives  
from various state agencies)

**January 7, 2002  
Morning Session**

Co-Chairman, Representative Krehbiel, called the meeting to order at 10:05 a.m., and asked Eric Nordman, National Association of Insurance Commissioners (NAIC), to present information on insurance industry policies and procedures during a terrorist event. He discussed effects of September 11 on the insurance industry, and the preliminary cost estimates based on the event. He stated there were 115 insurers that shared in the of \$35 to \$50 billion loss, (55 percent of those losses were borne by foreign-owned insurance companies) which made this an international event. He informed the Committee that a team of state insurance regulators were working with the staff of NAIC to ensure that all financial projections relating to the September 11 did not adversely affect the public. Mr. Nordman stated that NAIC assists state regulators by collecting financial data so insurers do not have to send data to each state individually. States have collectively agreed upon common financial statements so a data monitoring system and reporting system are in place to assist the state regulators to do their jobs better.

Mr. Nordman testified that a number of changes will take place with the insurance market due to the attack on September 11. He stated that insurance premiums would rise due to the following reasons: (1) low profits due to competition among property casualty insurers; (2) a declining stock market; (3) reduced investment income; and (4) property casualty companies declining underwriting income. He remarked that most increases should occur in 2002.

Mr. Nordman informed the Committee of the Congressional debate on the events of September 11, and explained how Congress bailed out the aviation industry as they realized the airlines and aviation insurers were in a critical financial position. He noted that Congress limited the liability incurred by the airlines to a specified amount which allows the tort actions to cover lawsuits.

Written testimony included a comparison chart of the various federal legislation introduced on terrorism insurance ([Attachment 1](#)). Mr. Nordman explained that Congress is attempting to find temporary federal solutions to provide a backstop for the insurance industry in case of a significant disastrous event. He remarked that unfortunately, Congress recessed at the end of December before official action was taken on bills. He stated that reinsurance companies intended to place exclusions for acts of terrorism into their policies, which affected 70 percent of the reinsurance policies. Additionally, primary insurance companies began to file total exclusions on their commercial policies.

Mr. Nordman also discussed workers compensation issues, and noted that the World Trade Center disaster had the world's largest workers compensation loss of between \$3-\$5 billion. However, under New York law damage claims for mental duress were defensible and will take years to settle.

Mr. Nordman referred the Committee to written testimony relating to a Filing Memorandum from the National Council on Compensation Insurance (NCCI), which

operates in the State of Kansas and 32 other jurisdictions. He explained that the NCCI made filings on behalf of member insurers throughout the country for workers compensation policies. Mr. Nordman discussed several federal proposals to address the terrorist exposure, but stated that none of them would eliminate the need for a catastrophe provision. He added that the insurance industry would still be required to sustain a multi-billion dollar loss before the government provided any support, with the possibility of a sunset provision or a requirement that the insurance industry pay back any losses funded by the government. He stated that Kansas employers could expect an estimated increase of \$11 million.

Mr. Nordman discussed group life insurance policies as a potential problem in relationship to a terrorist event. He stated that life insurance companies maintain that individual life insurance coverage is secure, however, the group life insurance creates the same problem as workers compensation issues. He explained that insurance companies sell the policies to the employer, employers provide life insurance to their employees, thus posing a key risk due to the large concentration of employees in one facility or in close proximity.

Mr. Nordman stated that crop insurance policies will be unaffected since they are 100 percent reinsured by the federal government in its standard reinsurance agreement which has made no overture to exclude catastrophe or terroristic crop losses. Staff inquired if the Kansas livestock industry was covered in a similar way as crops in case of a terrorist attack or an outbreak of Hoof and Mouth disease. Mr. Nordman replied that he was unsure of insurance providers covering the livestock industry, but he could provide that answer at a later date. He explained that due to the importance of the agricultural industry the federal government subsidizes crop insurance premiums at 28 percent. Therefore, the private sector does not provide this type of insurance due to their inability to compete with the federal government.

A question was posed whether Mr. Nordman could foresee companies increasing rates for people who live in a particularly high-risk area, *i.e.*, near chemical or nuclear plants. He replied that nuclear hazard insurance has been provided in another type of contract. However, an increase in individual insurance due to their proximity to a particular location was a possibility.

Co-Chairman Krehbiel inquired if Mr. Nordman was familiar with how insurance companies in other countries subjected to numerous acts of terrorism handle such issues. Mr. Nordman explained that in the early 1990s, England established a reinsurance policy that reimburses insurance companies for catastrophic losses. He added that since its inception, no company has reached that threshold, which has also added stability to the markets in Great Britain. He stated that Israel and South Africa have similar catastrophe plans.

Mr. Nordman remarked that foreign countries also allow insurance companies to set aside moneys for a rainy day. He informed the Committee that the common practice in the United States is the requirement that a loss occur before a company is allowed to set aside money for payment of a loss or place excess funds into a surplus account. Doing so would

subject the company to be taxed by the IRS. Thus, taking a third of those funds and not giving companies much incentive to set aside funding for a rainy day.

Co-Chairman Krehbiel next called upon Dave Larson, Director, Legislative Computer Services, to present testimony on legislative best practices relating to computer utilization and Internet access. He testified that security in the Capitol is the best balance between security and accessibility to information. He reminded Committee members that legislators' access to information is the highest of six priorities in the Legislative Strategic Computing Plan, due to the amount of information received and distributed.

Mr. Larson informed the Committee of the legislative security plan and policies, and the training provided to employees. He emphasized that constant evaluation of risks aid in determining how best to mitigate those issues. Mr. Larson also briefly discussed with the Committee security techniques utilized by the department within the Capitol. Mr. Larson discussed how e-mail is encrypted and virus scanned. He remarked that the virus detection is daily, and is updated automatically when a computer is re-booted. He noted that the default security mode for all new services implemented is lock down, and is loosened on an as needed basis. He provided an example of the fire wall in place, which is unlocked to allow greater communication between zones on the legislative network.

Mr. Larson informed the Committee that a backup of all server data was conducted nightly and the tapes rotated off-site, so at least three weeks of back-up data are available. He also stated computer staff is cross-trained, so one person is not relied upon solely to handle security. Mr. Larson noted that Internet browsing is not restricted due to Legislature's need of access to information and research. He added that they do not monitor or block certain words in the scanning of e-mail.

Co-Chairman Kerr pondered if our security measures were too lax, especially in light of recent events. He inquired as to why Mr. Larson felt so confident and comfortable with current security precautions and systems. Mr. Larson responded that proactive methods had been taken in weighing the risks and providing the best balance between access and security. He noted that there had never been a catastrophic breach of their systems to date. Mr. Larson commented that the freedom the Legislature has provided has enabled his department to be proactive in instituting most of the security measures and updates, thus giving him a sense of being comfortable.

Representative Shriver asked about a request to tie legislative email with his computer at his home. He stated that a number of emails containing a virus had been received by himself, as well as others. Representative Shriver stated that he understood the e-mails were not going through the state email system, thus not scanning for viruses at that time, and asked if there had been any changes in that regard. Mr. Larson replied that after the incidents occurred, the LCC allowed the department to place email scanning at a higher level, thus allowing for the scanning of incoming mail.

Co-Chairman Krehbiel expressed his appreciation to Computer Services in helping to reduce viruses embedded in legislative e-mail messages. He inquired if Mr. Larson believes there should be further restrictions on incoming or outgoing e-mail attachments

other than the virus screening that is now in place. Mr. Larson remarked that his first response would be to heighten training, and raise the awareness of these kinds of issues to computer users. He recommended that continuation of "brown bag" sessions, and wants to strengthen encouragement for people to attend those training sessions. Co-Chairman Krehbiel asked if it would be possible to alert users as to the different types of attachments commonly used to send viruses before a user opens the email. Mr. Larson replied Computer Services had purchased a program to provide that type of alert; however, it has not yet been received.

Co-Chairman Krehbiel thanked Mr. Larson for his presentation, and asked that he continue with the educational efforts.

Co-Chairman Kerr introduced Dr. Ron Hammerschmidt, Director of the Division of Environment for the Kansas Department of Health and Environment (KDHE). Dr. Hammerschmidt introduced and asked Bill Bider, Director of KDHE's Waste Program, to give an overview of the hazardous waste manifesting system and to offer recommendations on improving the handling of these manifests.

Mr. Bider explained to the Committee how hazardous waste shipments are tracked within the state. He stated that every shipment from a hazardous waste generator to another treatment or storage facility must be accompanied by a hazardous waste manifest (by federal regulation). He provided the Committee with an enlarged mockup of the manifest form utilized in transporting hazardous waste, and discussed the process, coding, and parties involved in completing the required manifest. He noted that the shipper must maintain the manifest copy for three years. He stated that KDHE has no one assigned to track manifests. Correspondingly, the only generators that are turning in manifests are the EPA generators (the largest category of generator at more than 2,000 kilograms per month). He explained there was another category of 4,620 Kansas generators that produce between 25 and 1,000 kilograms per month of hazardous waste. Mr. Bider remarked that KDHE inspects 200 of the 4,600 generators per year in Kansas. Mr. Bider explained there are approximately 3,000 small quantity generators in Kansas, and possibly more because they are not required to register all their activity with the state when they are below the Kansas generator cutoff mark. He displayed an enlarged flowchart which detailed the agency's tracking process of generator manifests. The manifest is utilized to ensure the correct fee is remitted, and not for the official purpose of making sure the waste is being properly managed. He noted that the mismanagement of waste could be conducted by an entity for a period of time, and the state would be unaware due to the current method of maintaining records.

Dr. Hammerschmidt defined a manifest as the documentation procedure to ensure the shipping and delivery of waste. However, it is not a real time tracking of waste. He remarked that the Division is considering options to improve the tracking of hazardous wastes, which include: (1) physical inspection of loads which would be unrealistic due to labor requirements; (2) bar code system to track shipments; or (3) regulation of the 500 national transporters, which would result in the creation of a national tracking system.

Dr. Hammerschmidt explained what documentation would be required in order to track 100 percent of hazardous materials shipments from the starting point to final delivery. He said currently it takes four to six weeks from the departure to delivery to acquire the manifest. The plan would require the generator to send a copy of the manifest to the state on the same day the shipment originates. Implementing the plan would provide KDHE with 100 percent of the manifests from the treatment storage disposal facilities and match them to the out-of-state facilities. Dr. Hammerschmidt noted that the system would mean processing about 50,000 pieces of paper coming from the generators and treatment disposal facilities a year. He stated that KDHE would need \$400,000 a year including a total of six additional technical personnel and two employees for data entry work. He also explained that companies shipping hazardous materials would be required to have equipment to run the bar codes and track the shipment through the Internet or use other tracking technology (a transaction transponder system and GIS system) which would also increase the cost of development. He added that the Department of Transportation estimates a hazardous materials tracking system would cost as much as \$5 to \$6 million to implement and provide the data necessary to track transactions and modes of transportation.

Dr. Hammerschmidt stated that the preferred option would entail a multi-agency coordination of a GIS tracking system with the Internet based or the bar code reading option. He further stated that in order to ensure a company complies, it would be required to carry a performance bond that is subject to forfeiture.

Senator Kerr inquired if there was a better utilization of existing paper, or would it be possible to only track large shipments, which would dictate tracking all gasoline tanker trucks. Dr. Hammerschmidt responded that the "flammability" of material is one factor that constitutes a label of hazardous waste or hazardous material. Although a tanker full of gasoline would be categorized as hazardous, a tanker of acid would not be labeled "hazardous" because it could be readily neutralized.

Co-Chairman Krehbiel commented that terrorists seized common objects and flew them into buildings, and he believes the focus should be on items that could be weaponized. He also stated that the emphasis should be on substantial quantities of materials that could be turned into weapons of mass destruction. Co-Chairman Krehbiel thought it unwise to provide a "flight plan" for those shipments thus allowing individuals easy access to those materials while in route.

Co-Chairman Krehbiel recessed the Committee at 12:10 p.m., for a lunch break, to reconvene at 1:30 p.m.

### **Afternoon Session**

Co-Chairman Krehbiel called the meeting to order at 1:35 p.m.

Don Moler, Executive Director of the League of Kansas Municipalities (LKM), testified before the Committee on the Open Meetings Act, its potential impact on local governments, and their ability to respond to emergencies. Mr. Moler explained how Kansas statutes relate to the three types of cities in Kansas, and concerns relating to the notification being presented when a governing body is asked to respond to an emergency situation.

Mr. Moler remarked that in case of a disaster or emergency, the statutes prevented the governing body from instantaneously responding because of limitations relating to a notice of meetings being provided. He stated that LKM has suggested that the creation of a third category of meetings which would fall under the general heading of emergency meetings. Mr. Moler emphasized that this is not meant to avoid the Open Meetings Act, but rather to provide an exception for those rare instances where emergencies arise and decisions need to be made immediately (Attachment 2).

Committee discussion followed noting concerns from several county commissioners relating to making quick decisions in response to an emergency situation without providing advance notice of a meeting. The Committee examined the merits of local entities drafting legislative language with an exception to meeting notices when responding to an emergency situation.

The Committee inquired as to whether the League was investigating the issue on a statewide basis. Mr. Moler responded that a statewide task force at the local level (made up of city and county officials) was being formed and would have its first meeting within the next two to three weeks. He stated the meeting would focus on the coordination and sharing of information at the local and state level.

Co-Chairman Krehbiel asked staff to review the draft of the interim report. Staff explained the details of the report, and proposed legislation that would be requested for introduction to the 2002 Legislature (Attachment 3). Representative Shriver stated that he believed the report would be the closure of the interim, and that the conclusions do not give any indication that the Committee should continue. He stated that the Committee had not received the Governor's Threat Vulnerability Assessment Study and that was one of the reasons used to request an extension of the authority for the Committee to continue to work on the uncompleted tasks. Staff responded that upon review of the Threat Assessment Study, there could be additional Committee conclusions made and recommendations submitted for inclusion in the final interim report. Committee discussion continued as to what to include in the interim report.

*Co-Chairman Kerr moved that the open meeting of the Special Committee on Kansas Security be recessed for a closed, executive meeting pursuant to Joint Rule 5 of the Joint Rules of the Senate and House of Representatives and subsection (b)(13) of KSA 2000 Supp. 75-4319, as amended by section 2 of chapter 190 of the 2001 Session Laws of Kansas, for the purpose of consulting with the Secretary of the Department of Administration, Joyce Glasscock, and other members of the staff of the Department of Administration regarding matters (1) relating to the security of state officers or employees, or both, or the security of buildings and property under the ownership or control of the State of Kansas, or (2) matters relating to the security of a public body or agency, public building or facility or the*

*information system of a public body or agency, which matters if discussed at an open meeting would jeopardize the security of such individuals, buildings or facilities, public body or agency, property or information system, that the Special Committee on Kansas Security resume the open meeting in this room, Room 514 South, at 3:00 p.m., and that this motion, if adopted, be recorded in the minutes of the Special Committee on Kansas Security and be maintained as a part of the permanent records of the Committee; seconded by Representative Shriver. Motion passed at 1:55 p.m. (Attachment 4).*

The Committee designated Joe DeLa Torre (representing the Governor), Jeff Russell, Director of Legislative Services, and two staff members from Secretary Glasscock's office, Department of Administration, as essential personnel to attend the presentation along with staff members, Robert Waller and Bruce Kinzie.

### **Closed Meeting**

Co-Chairman Krehbiel reopened the meeting to the public at 3:00 p.m. Committee discussion continued on the format and what to include in the interim report after the completion of the two day meeting. Co-Chairman Kerr discussed Senator Adkins' recent report regarding security proposals for consideration by the 2002 Legislature which included adding terrorism and weapons of mass destruction to 11 different statutes. He distributed copies of the report to the Committee, and suggested that staff review and research the report, thus providing information to the Committee in recommending that terrorism and weapons of mass destruction be added to the Emergency Management Act. In addition, he noted that Senator Adkins recommended drafting bills to cover the aforementioned topic and to promote better coordination among state agencies involved in handling terrorist acts and threats (Attachment 5). He inquired as a matter of Committee discussion how to ensure multi-agency cooperation and sharing of information. Staff responded that the Consolidation of Public Agency Task Force did address that issue in some small fashion, and the Committee found that agencies cooperated effectively. However, the Committee could request further information on this topic.

Committee discussion continued relating to the attacks on September 11 and the coordination, sharing of information, and cooperation demonstrated by agencies at the federal level could have possibly prevented some of the tragic events of that day. Senator Jordan discussed the problems local and state governments face relating to communication systems and the need to investigate the subject in more detail. Co-Chairman Kerr commented that he had spoken with the Law Enforcement Training Center at Yoder, Kansas, before September 11, regarding training sessions on terrorism. He offered the Director the opportunity to present testimony on additional training needed and how to maximize cooperation between the agencies. Senator Jordan expressed the desire to address the problem of background checks due to frustration exhibited by entities at the local level.



Co-Chairman Krehbiel adjourned the meeting at 3:20 p.m.

**January 8  
Morning Session**

Co-Chairman Krehbiel called the meeting to order at 9:00 a.m., and called on Major General Gregory Gardner, Adjutant General of Kansas, to give an overview of the Emergency Management Assistance Compact (EMAC). General Gardner informed the Committee that EMAC was an Interstate Mutual Aid Agreement which was authorized by Congress in 1996 and provides mutual assistance in times of emergency disaster declared by the Governor. He stated that the compact has 13 articles, with the major purpose to provide interstate cooperation for the various states in offering emergency assistance for natural or man-made events, planning, training, and exercising (Attachment 6).

General Gardner informed the Committee that currently, states do not have all the equipment and personnel needed to respond to a disaster, and going to other states for help and resources offers a faster response time for protecting life and property. He explained that Article I covered the purpose and authorities, and Article II clarified the general implementation. Article III explained how the compact assists other states in reviewing potential hazards, identifying the gaps in their emergency procedures, developing interstate procedures to fill the gaps, and setting up procedures for reimbursement. The determination is made on-line with EMAC, and needs are connected with those states that offer the assistance. Under Article III, the receiving state must identify their needs as they relate to the type/amount of personnel and equipment, estimated duration of the need, and provide a specific place/time of staging.

General Gardner further explained that Article IV set out the limitations for both the providing state and the receiving state. The receiving state being the location in which the disaster occurred and entity that has "operational control" of out-of-state workers. The receiving state affords out-of-state workers the same powers as in-state except the ability to make arrests. The providing state may withhold resources for their own protection and has "command and control" of workers being sent to help other states.

Article V related to licenses and permits, and the acceptance of licenses or professional qualifications by the receiving state of out-of-state workers. He added that this was subject to limitations and conditions as prescribed by the Governor.

Article VI determined liability and designates the receiving state as accepting tort liability for out-of-state workers who act in good faith. He stated that this does not include gross negligence, willful misconduct, or recklessness.

Article VII mandated the supplemental agreements, but there is no preclusion for those agreements.

Article VIII covered compensation from the receiving state for the injury or death of out-of-state workers if the incident occurred within the residing state.

Article IX addressed reimbursement by the receiving state. The receiving state has to reimburse the providing state for any loss, damage to equipment, or operating expenses. However, the providing state may donate the services without charge.

Article X covered evacuation. General Gardner added that the receiving state must include the number of estimated evacuees, where they are to be picked up, delivered, and transported, the amount of food, clothing, additional needed shelter, medical care, registration, and the notification of family/friends. He stated that the return of those evacuees is the responsibility of the requesting state.

Article XI involved the time between the disposition of a verbal order into a written document. Originally, it was 30 days and has been changed to ten days. The other change was the removal of civil disturbance from the statute, meaning Kansas will not help other states in case of civil disturbances. He informed the Committee that Kansas could withdraw from EMAC under this article, but it would require repealing the statute and notification by the Governor to all the other states in the compact.

Article XII concerned the validity of the compact, and determined that if any provision of the compact was declared unconstitutional, that the remainder was not affected.

Article XIII concerned the authorization of military force by the National Guard outside our own state. General Gardner discussed the advantages of EMAC, which included expediting the process of responding to an incident, reduction of paperwork, does not negatively impact a request for federal disaster assistance, and provides cheaper assistance and is more readily available in case of an emergency.

Co-Chairman Krehbiel inquired as to whether the Legislature needed to pass additional legislation to assist EMAC in light of the September 11 events. General Gardner stated that there were no changes necessary to enhance EMAC. Co-Chairman Krehbiel inquired about Kansas recognizing the credentials of professional personnel, and if previous provisions included medical personnel. General Gardner responded that EMAC included all licenses, with the only limitations being those mandated by the Governor.

Committee questions were posed regarding the national pharmaceutical stockpile and quantities to be disbursed during disasters or outbreak of disease. General Gardner stated that when the stockpile arrives on-site, it must be broken down into prescriptions to be administered to individuals. However, only pharmacists and registered nurses have the authority to distribute. The Committee expressed concern relating to the calling of National Guard troops during a major epidemic and the number of medical personnel authorized to distribute the stockpile. General Gardner replied that during the afternoon session, KDHE would be in attendance and could provide an answer at that time.

Co-Chairman Krehbiel commented on the Committee's previous day's discussion with LKM, and the concern raised relating to the Open Meetings Act and the effect upon a mayor

or city council making emergency decisions without serving notice that the meeting was taking place. His concern related to the ability of state officials, in coping with a disaster, to be confronted with laws that are intended for normal circumstances. However, officials are placed in a situation in which a decision to violate law or comply is made in responding to an emergency. He requested the General or his staff provide possible amendments to Kansas law enacting an emergency clause that would allow officials, in coping with a disaster, to respond effectively without the possibility of facing legal consequences at a later date.

General Gardner's testimony continued with information relating to Local Emergency Management Plans. He discussed the State Emergency Operations Plan, the Wolf Creek Response Plan (updated each year) and the revision of the Public Assistance Plan because of federally mandated changes in the law. General Gardner also discussed the Foreign Animal Disease Plan and explained how the plan would be implemented during an emergency incident. He also stated that the Bio-Terrorism Plan has been revised in conjunction with KDHE and been tested and exercised to ensure its operational effect.

General Gardner testified that before 1996, the emergency management plans across the nation used only the FEMA template of "filling in the blanks" to create a plan. However, in 1996, DEM met with state, federal, and county agencies to develop new standards. Currently, 52 of 105 counties have plans, although only 21 of the 52 have been reviewed. Additionally, the Governor put together an Emergency Management Task Force to review emergency management procedures. The Task Force recommended the creation of six regional planners. The planners would be trained to the Hazmat Technician level which would allow them to help build complex plans for the counties and to train county emergency managers and other first responders on designed local training exercises to help with the planning process. Six full-time regional planner positions would cost \$275,000 in salaries and benefits and \$50,000 for travel and equipment, for a total of \$325,000. He suggested the funding sources would be a 50-50 state/federal project with \$162,500 coming from the State General Fund and \$162,500 from FEMA's Emergency Management Preparedness Grant, but none were approved by the Legislature. He stated that many departments contract out to have plans built, due to the complexity and time it takes to build a plan. He added that the agency had requested planners in previous budget years, and due to its importance the agency's legislative assistant position was transferred to the Kansas Department of Emergency Management to help with county emergency plans.

Senator Jordan expressed his concerns over the length of time it takes to get submitted county emergency plans approved. General Gardner agreed and stated that for those reasons, he gave up his legislative assistant position. He explained that due to the technical aspect of the plans and requirements, some counties do not have the ability to produce a plan. Senator Jordan stated that in conversations with various counties, it is believed that the system was not working and local emergency plans must have a greater priority because the counties are the first responders. However, many counties do not have personnel qualified to write a plan or the expertise to implement it.

Co-Chairman Krehbiel recessed the Committee at 9:50 a.m., and reconvened at 10:10 a.m. He announced, at General Gardner's request, that his designated personnel,

and Helen Pedigo (representing the Governor), were deemed essential personnel to attend the closed portion of General Gardner's presentation along with staff members, Robert Waller and Bruce Kinzie.

*Representative Shriver moved that the open meeting of the Special Committee on Kansas Security be recessed for a closed, executive meeting pursuant to Joint Rule 5 of the Joint Rules of the Senate and House of Representatives and subsection (b)(13) of KSA 2000 Supp. 75-4319, as amended by section 2 of chapter 190 of the 2001 Session Laws of Kansas, for the purpose of consulting with Major General Gregory Gardner, Adjutant General and other members of the staff of the Adjutant General regarding matters (1) relating to the security of state officers or employees, or both, or the security of buildings and property under the ownership or control of the state of Kansas, or (2) matters relating to the security of a public body or agency, public building or facility or the information system of a public body or agency, which matters if discussed at an open meeting would jeopardize the security of such individuals, buildings or facilities, public body or agency, property or information system, that the Special Committee on Kansas Security resume the open meeting in this room, Room 514 South, at 12:15 p.m., and that this motion, if adopted, be recorded in the minutes of the Special Committee on Kansas Security and be maintained as a part of the permanent records of the Committee; seconded by Representative Mayans. Motion passed at 10:12 a.m. (Attachment 7).*

### **Closed Meeting**

Co-Chairman Krehbiel reopened the meeting to the public at 12:15 p.m., and recessed for a lunch break. The meeting was to reconvene at 1:30 p.m.

Co-Chairman Krehbiel reconvened the meeting at 1:40 p.m. He read a list of General Gardner's essential staff members which included Gene Kruse, Administrator of the Kansas Emergency Management (KEM), Frank Moussa, KEM Technological Hazards, Ida Kirmse, KEM Senior Plans Officer; and the following essential conferees:

George Teagarden, Livestock Commissioner, Kansas Animal Health Department

Attorney General's staff designees:

Bob Clause, Deputy Attorney General

Kirk Thompson, KBI

Kyle Smith, Legislative Liaison, KBI

Dan Thompson, Kansas Fire Marshal

Captain Tim Lockett, Kansas Highway Patrol

Pam Scott, Executive Director, Kansas Funeral Directors and Embalmers Association

Clyde Graeber, Secretary, KDHE

Dr. Michael Moser, Director of the Division of Health, KDHE

Robert Harrison, Kansas Department of Corrections

David Lake, Administrator, Kansas Board of Emergency Medical Services

*Senator Steineger moved that the open meeting of the Special Committee on Kansas Security be recessed for a closed, executive meeting pursuant to Joint Rule 5 of the Joint Rules of the Senate and House of Representatives and subsection (b)(13) of KSA 2000 Supp. 75-4319, as amended by section 2 of chapter 190 of the 2001 Session Laws of Kansas, for the purpose of consulting with Major General Gregory Gardner, Adjutant General, other members of the staff of the Adjutant General and appropriate representatives of other state agencies regarding matters (1) relating to the security of state officers or employees, or both, or the security of buildings and property under the ownership or control of the State of Kansas, or (2) matters relating to the security of a public body or agency, public building or facility or the information system of a public body or agency, which matters if discussed at an open meeting would jeopardize the security of such individuals, buildings or facilities, public body or agency, property or information system, that the Special Committee on Kansas Security resume the open meeting in this room, Room 514 South, at 3:45 p.m., and that this motion, if adopted, be recorded in the minutes of the Special Committee on Kansas Security and be maintained as a part of the permanent records of the Committee; seconded by Representative Mayans. Motion passed at 1:45 p.m. (Attachment 8).*

### **Meeting Closed**

Co-Chairman Krehbiel reopened the meeting to the public at 3:45 p.m., and recessed for a break until 4:00 p.m. The meeting reconvened in open session, and Co-Chairman Krehbiel opened the floor for discussion by Committee members on writing the interim Rrport. Staff gave an overview of the proposed contents for the report.

Co-Chairman Kerr asked Bruce Kinzie how to proceed in requesting the Committee be changed to a Select Committee. Mr. Kinzie explained that by written request to the President of the Senate and the Speaker of the House that designation could be made. Co-Chairman Krehbiel requested that the interim report be short and concise so the information would be useful to the Legislature. He stated that there would be several agencies coming forward with requests for bill introductions, and various issues the Committee had identified that could be the subject of bills in the future or needed to be pursued further.

Co-Chairman Kerr stated that the Committee should make recommendations in certain areas where additional spending was necessary to ensure security or prevent terrorism. He remarked that agencies have been focusing on procedures instead of money and funding, and the Committee should make some funding recommendations. Co-Chairman Krehbiel discussed the six Emergency Managers that General Gardner had requested and felt the Committee should support his request. He also addressed and supported a concern of General Gardner regarding National Guard personnel being called to active duty for more than 30 days and the loss of their benefits and health insurance.

Co-Chairman Krehbiel asked when was the earliest date the Committee could meet again, and if it could possibly be sooner than the middle of February. Co-Chairman Kerr stated that scheduling joint meetings during the session was always very difficult. He recommended having short evening meetings early in the session instead of a longer meeting since it is so hard to get House and Senate members together for any length of time during the day.

The Committee agreed that having meetings earlier in the session would help with scheduling, and early evening meetings would probably work out best.

Co-Chairman Krehbiel expressed his appreciation to the staff for all their work and assistance, and he adjourned the meeting at 4:30 p.m.

Prepared by Robert Waller

Approved by Committee on:

November 21, 2002