

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE.

The meeting was called to order by Chairperson Senator Nancey Harrington at 10:30 a.m. on February 21, 2002 in Room 245-N of the Capitol.

All members were present.

Committee staff present: Russell Mills, Legislative Research Department
Dennis Hodgins, Legislative Research Department
Theresa Kiernan, Office of the Revisor
Nikki Kraus, Committee Secretary

Conferees appearing before the committee:
Lt. Col. Terry Maples, Assistant Superintendent, Highway Patrol
Ramon R. Gonzalez, Jr., Captain, Kansas Highway Patrol

Others attending: Please see attached

Chairperson Harrington stated that she had spoken with Senator Lana Oleen a few weeks earlier, and she had recommended a review of Capitol security for the committee to the Chair. Chairperson Harrington stated that she had appreciated Senator Oleen's input. She stated that the committee would begin the meeting by handling some bill introductions.

Senator Karin Brownlee asked the committee for the introduction of a bill concerning foster care. She stated that there are two main things that the bill changes, including definitions for abuse and neglect, and making it very important to have clear and convincing evidence to put people on the child abuse and neglect registry. She stated that currently, the burden of proof for that is more likely than not, and it is more of an administrative procedure. She stated that this would turn it into a situation where they would actually have a hearing in court and where there would have to be clear and convincing evidence. She stated that when people are put on that abuse registry, it can be very devastating to their careers, their future, and so on.

Senator O'Connor made a motion to introduce the bill. Senator Vratil seconded the motion. The bill was introduced.

Steve Kearney, Petroleum Marketers and Convenience Store Association of Kansas, presented testimony on behalf of Tom Palace, Petroleum Marketers and Convenience Store Association of Kansas, asking the committee for the introduction of two bills. (Attachment 1) He stated that the first bill dealt with video lottery machines, which would be controlled and regulated by the Lottery Director. He stated that revenue estimates for this in the first full year would generate twenty-two hundred to three-hundred million dollars net for the state of Kansas.

In response to a question from Senator Gooch, Mr. Kearney stated that the lottery officials had given them technical advice, but do not have a position on these machines. Chairperson Harrington stated that she had spoken with Mr. Palace and asked him to speak with the President of the Senate and leadership about whether or not these bills should even be introduced. She stated that he must have done so and felt comfortable asking for their introduction.

Senator Vratil made a motion that the bill be introduced. Senator Brungardt seconded the motion. The bill was introduced.

Mr. Kearney stated that the second bill he would like the committee to introduce dealt with the creation of a single-strength beer. (Attachment 2) He stated that the committee members had explanations of what the difference was between liquor sold in a liquor store and liquor sold in convenience grocery stores, which is called a cereal malt beverage. He stated that when they are measured, there is a comparison to apples, which are measured in terms of weight as opposed to volume in liquor stores, and if these two measurements were

CONTINUATION SHEET

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE at on February 21, 2002 in Room 245-N of the Capitol.

consistent, the difference between the two would be virtually infinitesimal. He stated that this bill would request the creation of one class of beer instead of two, which was a fiction which was created years ago on the heels of prohibition. He stated that the fiscal note on this change was a positive one of about five million dollars.

Senator Vratil made a motion to introduce the bill. Senator O'Connor seconded the motion. The bill was introduced.

Lt. Col. Terry Maples, Assistant Superintendent, Highway Patrol presented the State Trooper "Kansas Capitol Police 'Overview Video.'" He also stated that head of Capitol Security, Captain Ramon R. Gonzalez, Jr., would brief the committee after the video to answer any questions.

Captain Gonzalez presented testimony to the committee outlining the history of his organization. (Attachment 3) He also presented an organizational chart of the organization. (Attachment 4) He then presented a chart of the Capitol Police chain of command. (Attachment 6)

Mr. Gonzalez stated that parking had become a big problem, and he and Chairperson Harrington thanked Mr. Jeff Russell, Director, Legislative Services, for being in the committee meeting and for his help with the parking situation.

In response to a question from Senator O'Connor, Mr. Gonzalez stated that staff has not increased, but visibility had following the events of September 11, 2001.

Senator Gooch asked what the difference was between the Highway Patrol versus the Police. Mr. Gonzalez stated that the Capitol Police are police officers, not Troopers, but the Capitol Police are under the Highway Patrol's jurisdiction. He stated that the reason for the divisions are that they serve two different functions.

In response to another question from Senator Gooch regarding monitoring, Mr. Gonzalez stated that there is a centralized monitoring system in the Capitol complexes through cameras in the building in the most traveled areas. Mr. Gonzalez stated that the system is monitored from the Docking Building, and that runs seven days a week, twenty-four hours a day.

In response to a question from Senator Teichman, Mr. Gonzalez stated that there were requests to the Department of Administration to increasing staffing, and Senator Teichman stated that she would like to encourage him to pursue that. Chairperson Harrington thanked Mr. Gonzalez for his appearance, and for his organization's work.

Mr. Jeff Russell stated that he would respond to any questions the committee might have. He stated that the good news out of this is that the Department of Administration, the Highway Patrol, and the Legislative staff are working together as seamlessly as possible, and there haven't been any major discussions or problems. Chairperson Harrington thanked him and stated that it was worth pointing out considering 9/11.

In response to a question from Senator Gooch, Mr. Gonzalez stated that people who can access the building using card keys have the authority to be in the building. He stated that visitors without this access would be asked to sign in so that officers would know who was in the building. Mr. Gonzalez thanked the committee for allowing him to appear and instructed members to call him with any questions they might have.

The meeting was adjourned at 11:28 a.m. The next meeting will be held at 10:30 a.m. on February 22, 2002.



MEMO TO: SENATE FEDERAL AND STATE AFFAIRS COMMITTEE
FROM: TOM PALACE
DATE: FEBRUARY 21, 2001
RE: INTRODUCTION OF BILLS

Video Lottery

The Petroleum Marketers and Convenience Store Association of Kansas (PMCA), represents over 360 independent petroleum marketers and convenience store retailers in the State of Kansas.

Video Lottery is an expansion of the current Lottery program.

Video Lottery is an interactive game between the player and a machine.

There are approximately 10 games in each machine.

The Kansas Lottery Executive Director would have total control over all machines.

The Executive Director would be responsible for licensing each machine a placement of each VLT.

Players' pay-out would be no less than 87% of the money wagered.

The retailer would receive 30% of net machine income.

Revenue estimates show that Kansas would generate \$200-300 million after the first full year of operation in **entertainment dollars**.

Video Lottery machines would be placed in locations that are licensed with the Kansas Lottery.



MEMO TO: SENATE FEDERAL AND STATE AFFAIRS COMMITTEE
FROM: TOM PALACE
DATE: FEBRUARY 21, 2001
RE: INTRODUCTION OF BILLS

Single Strength

The Petroleum Marketers and Convenience Store Association of Kansas (PMCA), represents over 360 independent petroleum marketers and convenience store retailers in the State of Kansas.

Currently Kansas has two types of beer that is sold; cereal malt beverage (CMB), which is 3.2% alcohol **measured by weight**, and strong beer (sold in liquor stores and clubs) which is 5% alcohol **measured by volume**.

There is a misconception that CMB and Strong beer are vastly different, when in fact they really are not. If CMB and Strong beer are measured by weight, there is only 7/10ths of 1% difference in the actual alcohol content. If measured by weight CMB is 3.2% alcohol and strong beer is 3.9% alcohol.

Most beer in Kansas is already sold as "strong beer" at a ratio of 70% strong to 30% CMB. The beer consumer in effect would not be affected.

This bill would change the definition of CMB to include beer that has an alcohol content of 5% or less as measured by volume.

The bill would subject CMB to the 8% liquor enforcement tax and also include state sales tax and other local taxes on **packaged sales**.

The fiscal note is approximately \$5 million in new revenue.

KANSAS HIGHWAY PATROL

Service—Courtesy—Protection

Bill Graves
Governor



Col. Donald W. Brownlee
Superintendent

Capitol Police
Docking State Office Building
915 Harrison, Room 145
Topeka, KS 66612-1505

February 20, 2002

RE: Capitol Police Overview

Senator Nancey Harrington
Capitol Building, Room 143 N
Topeka, KS 66612-1590

Attention: Senator Nancey Harrington

Dear Senator Harrington:

In the mid 1950's under the Kansas Department of Administration, the Capitol Area Security Patrol became a state law enforcement agency. Their duties were to assist in public safety, security and the protection of state office buildings and state employees in Topeka, Kansas.

This new state law enforcement agency was largely responsible for the security of four state buildings in the Capitol Complex area and two other state buildings near Fifth and Kansas Avenue and Eighth and Harrison in Topeka, Kansas.

Providing several unarmed security officers or "night watchmen" in those building to assist state workers and the public with information and public safety and after hours security were the primary duties of the Capitol Area Security Patrol.

This new agency also provided state certified law enforcement officers for area security, protection and employee assistance. These officers also provided emergency medical care to injured visitors and employees, or responded to calls for service.

During the 1960's and the mid 70's, most of the state agency's duties remained unchanged and the scope of their responsibilities were restricted to a small area of operations. Additional parking duties for state lots were added but otherwise, the responsibilities were generally the same.

Then in 1976, The Capitol Area Security Patrol was transferred from the Department of Administration, enacted and authorized by the Kansas State Legislature, to join the Kansas Highway Patrol in providing safety and security for state owned, leased and rented properties.

122 SW SEVENTH STREET
TOPEKA, KANSAS 66603-3847
(785) 296-6800 FAX (785) 296-5956

SnFed St
02/21/02
Attach #3

This new Highway Patrol Division at that time was commanded by a Highway Patrol Captain, Lieutenant and four Sergeants with a staff of seventeen Patrol Officers and twelve Security Officers. Currently, the Capitol Police is composed of one Highway Patrol Captain, one Capitol Police Lieutenant, seven Sergeants, twenty-five Police Officers, eleven part-time Police Officers, twenty-four Guards, two support staff and seven Communication Specialists.

Additionally, the Capitol Police is now responsible for the security of the Statehouse; Judicial Center; Landon State Office Building; Docking State Office Building; Kansas Museum of History as well as the Governor's residence, Cedar Crest. Services are provided to sixty-five other state leased or owned properties within Shawnee County. Capitol Police services are provided twenty-four hours a day, seven days per week. Those sixty-five properties were not included in the original responsibilities of the Capitol Police.

The Capitol Police currently have its own communication center with the capabilities to access the National Crime Information Center (NCIC), Automated Statewide Telecommunication Records Access (ASTRA), and National Law Enforcement Telecommunication System (NLETS). Our communication personnel control all radio communication; they answer the telephone to include 911 calls. These communication personnel are the police officer's and guard's lifelines for communication.

In January 2000, the Capitol Police was charged with the responsibility of staffing and monitoring a Simplex Central Monitoring Station twenty-four hours a day, seven days a week. The system is an alarm monitoring system which uses video surveillance and alarm monitors for the Capitol Complex.

Also employed by the Capitol Police are security guards that serve as static crime deterrent within State buildings within the complex. The guards provide security twenty-four hours a day and assist State employees and visitors with building access and information on agency locations. The guards are also trained to provide emergency first responder care and provide assistance during building emergencies such as fires, severe weather and bomb threats. The guards are responsible for the physical security and protection of the State's most important buildings and agencies within the Capitol complex and within Shawnee County.

Additionally, the Capitol Police provide police officers twenty-four hours a day, seven days per week. The officers provide daily security checks of sixty-five locations within Shawnee County. During the course of each shift, we provide area patrols, parking enforcement of State parking lots, DUI enforcement. We also provide officers for employee terminations, administrative and public hearings, employee protection and Agency coverage.

Capitol Police officers respond to medical emergencies and any calls for services in the Capitol complex and Shawnee County where State owned or leased property may be located. Additionally, the officers respond to hold up, panic, duress and fire alarms which are located throughout the complex in various State agencies, and to any other building emergency.

In 1976 when the Capitol Police was transferred under the control of the Highway Patrol, their duties were limited to "on or about State property." Over the years as the Capitol Police responsibilities grew, as increasingly State offices moved to outlying areas in the city and county, new changes needed to be made.

During patrol activities, Capitol Police officers moved from one State property location to another dressed in uniform and in marked patrol vehicles. If our officers, between these locations observed any violation of the law, they were powerless to act. Many times, officers of the Topeka Police Department, deputies of the Shawnee County Sheriff Department and State Troopers would be called to respond to a call from our officers who were witnessing a crime taking place. To complicate things further, a Capitol Police officer investigating a crime, which occurred on

State property, was unable to interview a suspect, interview witnesses, or make an arrest. They had no lawful authority to serve warrants or make arrests off State property.

Finally, in 1995, with the efforts of Governor Bill Graves, Colonel Lonnie McCollum and the Kansas Legislature, Senate Bill #296 was introduced to correct this problem. This piece of legislation gave the Capitol Police full law enforcement powers within Shawnee County. The Capitol Police were able to move ahead with this new authority to make many theft and criminal arrests, serve warrants and make felony arrests within our jurisdiction. The changes allowed the Capitol Police to provide additional professional law enforcement services to our community.

The Capitol Police, in cooperation with the Division of Facilities Management, saw the need to develop classes to address safety issues in the workplace and workplace violence. Classes were implemented that addresses emergency building evacuation whether due to severe weather, bomb threats or building emergencies. Since their inception, over 600 Floor Captains and Floor Monitors within the Capitol Complex have taken the "train the trainer" concept to instruct state employees on the safest methods to act in any building emergency. Instruction is provided by the Capitol Police with classes four hours long and with refresher courses offered monthly.

Managing difficult clients is an issue with which the State employee has to deal with more and more. Addressing this problem, the Capitol Police developed a class specifically directed to managing difficult clients. Often front line employees are the brunt of verbal and occasionally physical abuse. With instruction, the front line employee is able to use techniques to redirect stress and anger in hostile individuals.

As the potential for anger directed at individuals increased, the potential for violence directed at larger groups increased. To overcome this potential for group damage, the Capitol Police needed different methods to form plans that would ensure the highest degree of safety to State employees, and State owned property. Two officers were sent to specialized training at the Crime Prevention Institute in Louisville, Kentucky. Once trained, the officers were certified to conduct building security surveys for threat assessments, office and building, target hardening and various prevention programs.

Since that time, the following locations have been assessed:

- Insurance Commission
- Kansas Highway Patrol Fleet Garage
- Kansas Rehabilitation Center for the Blind
- Kansas Department of Education
- The Board of Indigents Defense
- The Kansas Highway Patrol General Headquarters
- The Governor's residence; Cedar Crest
- Landon State Office Building
- Statehouse
- The Docking State Office Building
- Social Rehabilitation Services
- Kansas Department of Health and Environment (Forbes Field)
- Kansas Museum of History
- Statehouse grounds
- Judicial Center
- Logistics/Procurement Office
- Board of Healing Arts

These locations and others have benefited from the expertise and training of the Capitol Police Officers who are trained in threat assessments.

To further insure the safety of State employees and properties within the Capitol Complex, in 1998 the Capitol Police acquired a bomb detection/patrol K9 to supplement security and patrol activities already in place. Trained to detect over ten different types of explosives, the K9 assists officers by verifying explosive materials. Additionally, he has the ability to track the human scent, to detect ground disturbance and locate tossed items or weapons. Daily he enhances our effectiveness by working in conjunction with our officers to accomplish the Agency's duties.

Advancing technology has allowed us the opportunity to enhance security through the installation and use of two x-ray machines located within the Statehouse and Judicial Center. Their principal use has been to assist Officers in locating, combating mail and weapon violations by screening parcels, bags and packages brought into the building. With a higher potential of threat, a walk through magnetometer has been placed in the Judicial Center.

The Kansas Capitol Police became one of the first five law enforcement agencies in the United States who sought training in the utilization of a computer generated profiling system referred to as "MOSAIC." The programming is used in cases of threats to state agencies as well as state and local government officials. This hardware, software and additional threat assessment team training has greatly assisted the Capitol Police in the categorization and prosecution of suspects. The potential for violent action against the threatened agencies or officials was also gauged through this program. Since MOSAIC's inception, Capitol Police Officers have used the program in over fifty-five cases within their jurisdiction.

Physical assaults within the workplace increased, and to help combat their growing numbers the Capitol Police again developed a comprehensive course to specifically address the self defense skills needed to assist women, who make up the majority of State personnel within the Capitol Complex. To date, over one thousand individuals have received the hands-on proactive training.

As a proactive approach to community policing within the Capitol Complex, in 1996 the Capitol Police introduced their four-officer bike patrol detail. With their increased visibility, and better advantage point they have been an effective deterrent to criminal activities. As an added bonus, they are more approachable for the average citizen with a question, thereby improving public relations at the same time.

In response to the terrorist attacks in New York City, and Washington, D.C. on September 11, 2001, the responsibilities and duties of the Capitol Police have again increased. Our efforts are now concentrating primarily within the Capitol Complex and specifically the Statehouse and adjacent grounds.

Additional Capitol Police Officers were assigned to enhance the security of the interior of the Statehouse and a static post located at Ninth and Jackson Streets was added to screen permitted vehicles that are allowed to enter the Statehouse grounds. The static post is required to be manned twenty-four hours a day, seven days a week. The adjacent driveway located at Ninth and Harrison Street is closed except for the hours of 6am to 6pm, Monday through Friday. More manpower is requested to provide improved protocol and more efficient security measures necessary to ensure the determined minimum level of safety at the Statehouse.

Due to the upcoming 2002 Legislative session and construction work in the North quadrant of the Statehouse grounds will require that the entrance at Ninth and Harrison be opened during the session and also while construction is going on. This would require additional personnel to man another static post, sixteen hours daily until May 2002. Compounding this increased demand for manpower is the continuing vacancy of two Guard positions within the Capitol Complex. Currently we are under contract by Facilities Management and the Kansas Museum of History to provide designated services. Those contracts require that we fulfill our obligations to those entities. At this time, we are struggling under the additional load to locate, and shuffle adequate personnel to fill the primary and additional duties assigned to us since the September 11th attacks upon the United States.

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Capitol Police Overview
February 20, 2002

I propose that the security staffing be increased by two police officers during public hours at the Statehouse and by one officer during non-public hours. As a visible deterrent during the Legislative session, their highly visible presence would enhance the mental perception of total building safety. Should there be an actual incident, these certified law enforcement officers would already be on site to provide immediate response to crime or threats of violence.

The Governor's residence at Cedar Crest is protected by Capitol Police officers who provide internal security with three shifts, twenty-four hours daily and seven days per week. I would also recommend that an additional officer be assigned to the residence to provide grounds security twenty-four hours daily, seven days a week.

Since September 11, 2001, the Capitol Police have responded to thirty suspicious packages, letters or parcels within the Capitol Complex. The K9 unit has investigated ten suspicious articles within Shawnee County for other law enforcement agencies and military units assigned to the National Defense Building. Additionally, officers were dispatched to two suspicious powder calls within the Capitol Complex.

The Capitol Police Investigator assigned to look into these calls has spent approximately twenty to thirty hours reviewing and concluding each investigation. As of this date, all suspicious articles, parcels, packages and powders have been found to be non-threatening. Not only has the investigator been busy with the increased load of investigations, she has worked closely with the Federal Bureau of Investigation and the Kansas Bureau of Investigation developing information and intelligence and prospective terrorist activities that could interrupt strategic Federal and State functions.

Up until now, the Capitol Police through increased technological aids, ingenuity and Officer training have been able to provide a minimum level of required security for all of its assigned areas. However, with the more stringent security measures now needed to provide that level of security, simple ingenuity and training would not be enough. Plainly stated, we will need more personnel such as police officers, guards and support staff within the Capitol Police to accomplish that goal.

Very truly yours,

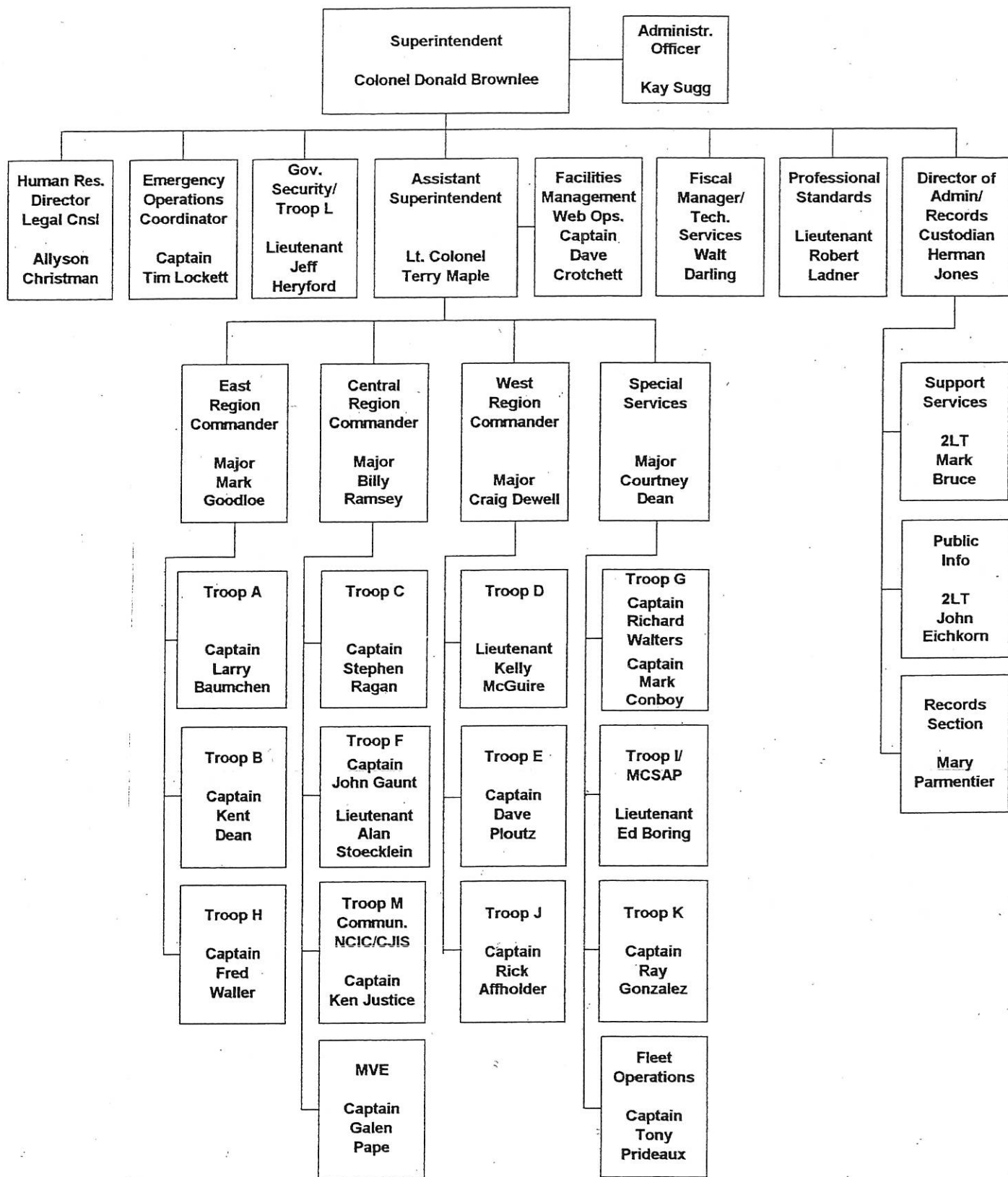
DONALD W. BROWNLEE
Superintendent



RAMON R. GONZALEZ JR., Captain
Troop K, Topeka

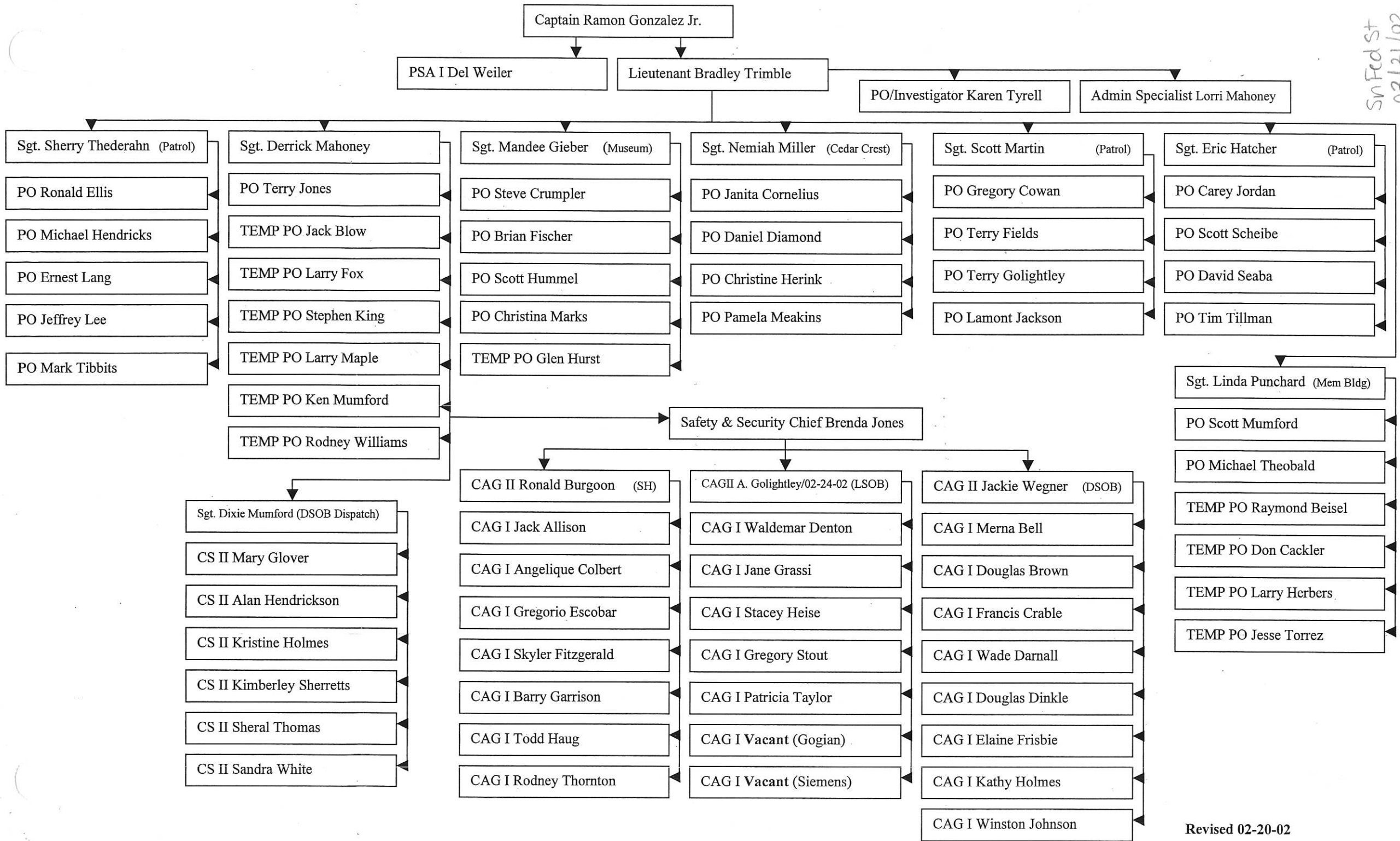
Cc: Colonel Donald W. Brownlee
Lieutenant Colonel Terry L. Maple
Major Courtney C. Dean
File

Organizational Chart



(Revised 09/01)

SnFed St
02/21/02
Attach # 4



Sn Fed St
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 Attach # 5