

MINUTES OF THE HOUSE COMMITTEE ON VETERANS, MILITARY AND HOMELAND
SECURITY

The meeting was called to order by Chairman Don Myers at 1:30 P.M. on January 24, 2007 in Room 241-N of the Capitol.

All members were present except:

Representative Bob Bethell- excused
Representative Bill Light- excused
Representative Kenny Wilk- excused

Committee staff present:

Art Griggs, Revisor of Statutes Office
Athena Andaya, Kansas Legislative Research
Heather O'Hara, Kansas Legislative Research
Betty Caruthers, Committee Assistant

Conferees appearing before the committee:

Bill Chornyak, Deputy Director, Kansas Division of Emergency Management
Ian Staples, University of Kansas

Others attending:

See attached list.

Moved by Representative Kelsey, seconded by Representative Craft for approval of Minutes of the House Committee on Veterans, Military and Homeland Security held on January 22, 2007 be approved.

Motion carried.

Chairman Myers asked for any bill introductions and recognized Ian Staples, student at the University of Kansas. He presented a bill to create the Kansas Returning Heroes Education Act which would establish an education assistance program for payment, tuition and fees charged for enrollment in Kansas educational institutions. This would include vocational, vocational technical, community colleges, and State institutions. This would include veterans honorably discharged after 9/11/01 without more than 10 years of active duty.

Moved by Representative Ruff, seconded by Representative Goico that the above be accepted and introduced as a Committee bill.

Motion carried.

Chairman Myers recognized Representative Ruff who presented a bill introduction which would update the current statute of the Commission working with Persian Gulf Veterans.

Representative Ruff moved, seconded by Representative Craft that the above be accepted and introduced as a Committee bill.

Motion carried.

Chairman Myers opened hearings on **HB 2068 - Adjutant General, Security Officers.**

Chairman Myers recognized Bill Chornyak who spoke as a proponent for the bill. (Attachment 1) He pointed out a number of advantages he sees with this bill which would allow the Adjutant General to designate security officers as law enforcement officers to carry out their responsibilities while on duty for the Kansas National Guard.

Two pieces of written testimony only were received on this bill with some concerns shared. The first is from Steven Culp, Executive Director of the Kansas Commission on Peace Officers' Standards & Training (Attachment 2) and the next is from Ed Pavey, Director of the KU Kansas Law Enforcement Training Center. (Attachment 3)

CONTINUATION SHEET

MINUTES OF THE House Committee on Veterans, Military and Homeland Security at 1:30 P.M. on January 24, 2007 in Room 241-N of the Capitol.

Chairman Myers closed hearings on **HB 2068** stating that it would be worked at the next Committee meeting.

Chairman Myers adjourned the Committee at 2:10.

Next meeting scheduled for Thursday, January 25.



KANSAS

ADJUTANT GENERAL'S DEPARTMENT
Major General Tod M Bunting

KATHLEEN SEBELIUS, GOVERNOR

Testimony on House Bill 2068

To the House Committee on Veterans, Military and Homeland
Security

Major General Tod Bunting
The Adjutant General of Kansas

Wednesday, January 24, 2007

Mr. Chairman and members of the committee:

I am Bill Chornyak, the Deputy Director of The Division of Emergency Management of the Adjutant General's Department and speaking on MG Buntings behalf. Thank you for allowing me to testify and support HB 2068 which allows the Adjutant Generals Department Security Officers and Resource Protection Officers to be certified Law enforcement officers with all the powers of a law enforcement officer including the powers of arrest.

HB 2068 has been discussed since 2003 and the inception of the Resource Protection Officer (RPO) Program with the Kansas National Guard, as a means of incorporating much of the Department of Army Civilian Police and Security Guard Program. Previously, and post 9-11, Military Police were utilized to secure the perimeter and interior of the National Guard Headquarters Complex. However, with the world situations becoming hostile, many Guard units, including Kansas, were activated and were deployed. The RPO program began to fill the void with additional Security Officers being stationed at the South Armory at Forbes Field as well as the Joint Forces Headquarters..

In order to ensure minimum experience and training in law enforcement practices and procedures of employees, qualifications were developed for applications requiring a background in law enforcement, military police, or one year as an armed private security officer. Certification through the Kansas Law Enforcement Training Center or military police training facility was required. As a result, the majority of the program has certified or formerly certified law enforcement officers.

HB 2068 allows the Adjutant General to designate security officers who have completed certification in the training program of KSA 74-5607a, and amendments thereto, as law enforcement officers, (LEO) for the purpose of performing their responsibilities while on duty for the Kansas National Guard.

The advantages of passage of this bill are:

- Law Enforcement Officer (LEO) status would establish uniform standards concerning the establishment of policy and procedures for all Security Officers.
- LEO status would allow officers a state certified power of arrest within a designated area of jurisdiction which includes any State recognized or Department of Defense (DOD) property or routes between such jurisdictions. This would require the Security Officers to have knowledge of state statutes and DOD regulations and the proper procedures for enforcing same.
- Certification would provide a uniform standard of annually mandated training using state certified standards, i.e. 40 hours of training per officer per year. The training must be certified by the Kansas Law Enforcement Training Center (KLETC).
- LEO certification would provide an opportunity for inter-agency coordination of emergency response to major disasters providing a possible dual role with regard to both state and DOD jurisdiction concerns.
- LEO certification would provide for open channels of information and intelligence dissemination between Security Officers and local law enforcement by means of the National Crime Information Network (NCIC) and Interstate Information Index (III).
- LEO certification would reduce the Joint Forces Headquarters dependency on local law enforcement officers to assist in areas of traffic regulation, loitering on Complex property, accident investigation, repeat trespassers, etc, all of which currently require assistance of a local law enforcement agency.
- As a law enforcement agency (LEA) the Security Officers would have access to background records kept by the Kansas Law Enforcement Training Center (KLETC) on all previous and current certified law enforcement officers. This would allow us to make better educated decisions on potential employees. These records are only available to LEAs.

- LEO certification would increase the pool of qualified candidates for Security positions.
- LEO certification would allow Security Officers to attend training in areas presently closed to non-law enforcement units.
- LEO certification would allow for the inclusion in law enforcement only related grants and “piggy back” purchases with other law enforcement agencies.
- LEO certification would allow for collaboration with Washburn University’s Criminal Justice Department by providing internship opportunities.
- LEO certification would allow the Adjutant General to develop similar programs, as he deemed appropriate, at other property under his control, including Salina, the 190th Air Refueling Wing and Fort Leavenworth.
- This program is supported by a Cooperative Funding Agreement with the National Guard Bureau and is 100 % federally funded.

Thank you and I would be glad to answer questions.



K A N S A S

STEVEN R. CULP
Executive Director

KATHLEEN SEBELIUS
Governor

COMMISSION ON PEACE OFFICERS' STANDARDS & TRAINING
(KS•CPOST)

COMMISSIONERS:

Jackie N. Williams
Chairperson

January 24, 2007

Larry D. Welch
Chairperson Pro Tem
Director - KBI

Rep. Don Meyers, Chairman
Committee on Veterans, Military and Homeland Security
State Capitol Building
Topeka Kansas

Samuel F. Breshears
Chief - Kansas City PD

Ellen T. Hanson
Chief - Lenexa PD

James F. Jarboe, Jr.
Sheriff - Kearny County

Dear Chairman Meyers:

As the executive director of the KSCPOST, I appreciate the opportunity to express my concerns about HB 2068 as written.

David L. Miller
Miami County Attorney

HB 2068 would amend KSA 74-5602 to bring security officers appointed by the Adjutant General into the definition of law enforcement officers. The bill also states that any officer who completes the training required by KSA 74-5607a is "deemed" to meet the qualifications for certification as a law enforcement officer.

Bob G. Odell
Sheriff - Cowley County

Vernon A. Ralston
Chief - St. John PD

I respectfully request that HB 2068 be amended to strike the first sentence of section c(1). Specifically, I request that you strike, "Any security officer appointed pursuant to the provisions of subsection (b)(4) who successfully completes a training program in law enforcement as provided in K.S.A. 74-5607a, and amendments thereto, shall be deemed to have met all the requirements for certification as a law enforcement officer."

William R. Seck
Superintendent - KHP

William T. Smith
Chief - Harper PD

Gary E. Steed,
Sheriff - Sedgwick County

Steven R. Stowers
Sergeant - Hutchinson PD

The language "shall be deemed to have met all the requirements for certification" exempts those security officers appointed by the Adjutant General from the minimum qualifications for certification for all other law enforcement officers listed in KSA 74-5605. It is doubtful that the drafter intended to exempt the Adjutant General's officers from the prohibition against felons serving as law enforcement officers, but the current language would have exactly that effect. This example is one of many reasons why the minimum requirements set by the Legislature for certification as a law enforcement officer should not be exempted.

Ex-Officio
Ed H. Pavey
Director - KLETC

Commission Counsel
Kyle G. Smith
Deputy Director - KBI

Commission Counsel
Darin L. Beck
Legal Counsel - KLETC

Attorney General
Representative
Glenn "Rick" Trapp - AAG

Special Investigator
Lanny Grosland

Not only does HB 2068 create a double standard for certification, it usurps the authority of the Kansas Commission on Peace Officers' Standards and Training (KSCPOST) to determine who meets the minimum qualifications to serve as a law enforcement officer in Kansas. The KSCPOST is a 12 member body, appointed by the Governor and legislatively mandated to regulate law enforcement officers in the state of Kansas. This Commission works to ensure the integrity of the law enforcement

Rep. Don Meyers, Chairman
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profession just as the Board of Healing Arts regulates doctors and the Board of Accountancy regulates accountants.

The "deems" language also creates confusion in the interpretation of the Kansas Law Enforcement Training Act as applied to security officers. While it is clear that the language would exempt these officers from the initial certification requirements, it is unclear whether the intent is that these officers would be exempted from all other requirements for the duration of their service to the Adjutant General. The language deems these officers eligible for certification but it does not deem them eligible for admission to the Training Center (see KSA 74-5605(a)) nor does it deem them eligible for hiring (see KSA 74-5617(d)). The easiest solution to correct these inconsistencies and the best policy determination is to eliminate the language found in the first sentence of section c(1).

The consequence of this proposed amendment is that the Kansas Law Enforcement Training Act would apply to the Adjutant General's security officers in the same way it applies to every other Kansas law enforcement officer. By including these officers in the definition of a "law enforcement officer," the bill requires these officers to meet the standards established by the legislature in KSA 74-5605.

Thank you for your consideration.

Respectfully,



Steven Culp
Executive Director

January 23, 2007

Rep. Don Meyers, Chairman
Committee on Veterans, Military and Homeland Security
State Capitol Building, Room 241 N
Topeka Kansas

Dear Chairman Meyers, Vice Chair Goico and Committee Members:

Thank you for this opportunity to share our concerns about HB 2068.

HB 2068 would grant law enforcement authority to any security officer appointed by the Adjutant General who has completed the training required in KSA 74-5607a of the Kansas Law Enforcement Training Act. KSA 74-5607a requires every law enforcement officer employed on a full-time basis to complete a full-time basic course of instruction before being granted certification as a law enforcement officer. The current curriculum of the full-time basic training program requires 14 weeks to complete.

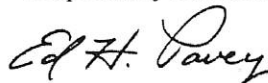
Training an additional pool of law enforcement officers is not a simple matter of adding to the enrollments in the basic training course offerings. KLETC is currently operating beyond full capacity. To keep up with the number of officers that local agencies around the state need to have trained, KLETC has been housing three officers in dormitory rooms designed for two. In fact, during the 2006 Legislative Session, KLETC presented these concerns to the Legislature and received funding and approval to construct a new student dormitory. That project is underway, but it is not scheduled to be completed until FY09. KLETC training also is staff intensive. Training additional officers would require hiring additional instructional staff.

Without the time to increase facilities and staff to accommodate the increased enrollments, any increase in the number of officers requiring training results in a training delay. Statewide in 2006, existing agencies created 130 new full-time officer positions. This increase continues a trend that does not show any signs of changing. As a result, an agency hiring an officer today would not be able to have that officer enrolled for training until July. KLETC is working to eliminate that delay, and the Legislature has supported those efforts.

Training delays are devastating to local law enforcement. A training delay either requires agencies to delay hiring or to utilize untrained officers. Either option is unacceptable. Given that the majority of agencies in the state employ 5 or fewer law enforcement officers, the delay of hiring even one officer is detrimental to public safety.

I applaud the training efforts of the Adjutant General. However, KLETC is not in a position at this time to absorb the increased enrollment and fiscal impact that HB 2068 would require.

Respectfully Submitted,



Ed H. Pavey, Director



Kansas Law Enforcement Training Center is a unit of University of Kansas Continuing Education
PO. Box 647 | Hutchinson, Kansas 67504-0647 | 620-694-1400 | Fax 620

House Committee on Veterans, Military
and Homeland Security

1/24/07

Attachment 3