

Approved: 01/29/07  
Date

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 25, 2007 in Room 241-N of the Capitol.

All members were present except:  
Representative Barbara Craft- 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, KS Division of Emergency Management  
Carmen Aldritt, Director, Kansas Division of Vehicles Division

Others attending:  
See attached list.

Chairman Myers began working **HB 2068 - Adjutant General, security officers.** He recognized Bill Chornyak who reported on his conversation with Steven Culp from the KS Commission on Peace Officers' Standards & Training and a consensus arrived at from that conversation regarding this bill. A balloon was then presented as an amendment for **HB 2068.** (Attachment 1)

Moved by Representative Johnson, seconded by Representative Colloton to adopt the balloon for **HB 2068.**

Motion carried.

Moved by Representative Johnson, seconded by Representative Goico to report **HB 2068** as amended favorably for passage.

Motion carried. 9 Yea 0 Nay

Chairman Myers recognized Carmen Aldritt who gave a briefing on REAL ID. (Attachment 2) Kansas is well on the way with preparations towards REAL ID due to what is already being accomplished for obtaining a driver's license in this state. REAL ID passed in Congress in 2005 and becomes a reality on May 11, 2008. Each driver's license or photo ID will need to be Federally approved from that date forward. Thus far there are no rules or regulations provided by Congress as well as no funding being provided by the Federal Government which could amount to 11 billion dollars. There will be a time for states to give input for 60 days after publication. This will all have a great impact on the state of Kansas.

Chairman Myers asked for any bill introductions to which he recognized Carmen Aldritt. She presented an overview of a bill outlining 9 areas to be included. These all assist with the present system of obtaining driver's licenses and state identification cards helping in upgrading security.

Moved by Representative Johnson, seconded by Representative Wilk to accept the above as a Committee bill.

Motion carried.

Moved by Representative Kelsey, seconded by Representative Colloton for approval of the Minutes of the House Committee on Veterans, Military and Homeland Security held on January 23, 2007 be approved.

Motion carried.

Chairman Myers adjourned the meeting at 2:30. Next meeting is scheduled for Monday, January 29.

CONTINUATION SHEET

MINUTES OF THE House Committee on Veterans, Military and Homeland Security at 1:30 P.M. on January 25, 2007 in Room 241-N of the Capitol.



**HOUSE BILL No. 2068**

By Committee on Veterans, Military and Homeland Security

1-16

9 AN ACT concerning security officers appointed by the adjutant general;  
10 relating to powers as law enforcement officers; amending K.S.A. 48-  
11 204 and K.S.A. 2006 Supp. 74-5602 and repealing the existing sections.

12  
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 48-204 is hereby amended to read as follows: 48-  
15 204. (a) The adjutant general shall:

16 (1) Be in control of the military department of the state and subor-  
17 dinate only to the governor in matters pertaining to the department;

18 (2) have general supervision over all the subordinate military depart-  
19 ments, to include the department of the army national guard and the  
20 department of the air national guard;

21 (3) perform such duties as pertain to the adjutant general's depart-  
22 ment under the regulations and usage of the army of the United States;

23 (4) superintend the preparation of all returns and reports required  
24 by the United States from the state;

25 (5) require a certificate of the military service to be furnished, in  
26 accordance with K.S.A. 73-209 and amendments thereto, to any soldier  
27 who has served in the army in any of the state military organizations; and

28 (6) audit and pass upon all claims of a military character against the  
29 state, and no contract of a military nature against the state shall be valid  
30 or paid until approved by the adjutant general.

31 (b) The adjutant general is authorized to:

32 (1) Adopt regulations pertaining to the preparation and rendering of  
33 reports and returns and to the care and preservation of public property  
34 as in the adjutant general's opinion the conditions demand, which regu-  
35 lations shall be operative and in force when promulgated in the form of  
36 general orders, circulars or circular letters;

37 (2) administer oaths in matters pertaining to the duties of the office  
38 as relates to: (A) Claims against the state; (B) the organization of boards  
39 of survey, courts-martial and courts of inquiry; (C) affidavits covering loss  
40 of military property belonging to the state or the United States; (D) oaths  
41 of office of officers of the Kansas national guard; (E) statements and  
42 reports required from officers pertaining to property and money account-  
43 ability and expenditures; and (F) any other official military matters com-

Randy Matiner  
Adj. General's Office

House Committee on Veterans, Military  
and Homeland Security  
1/25/07  
Attachment 1

1 ing before the adjutant general; and

2 (3) adopt an appropriate seal for use in the office, to be affixed to all  
3 oaths that the adjutant general administers under authority of law, and to  
4 authenticate all certificates required of the adjutant general; and

5 (4) appoint such officers as necessary as security officers for the pro-  
6 tection of all national guard property and equipment, owned by or under  
7 the control of the Kansas national guard wherever located in the state of  
8 Kansas, including when transported over public roads or located on tem-  
9 porary national guard sites, and for the protection of persons and prop-  
10 erty associated with the national guard.

11 (c) (1) ~~Any security officer appointed pursuant to the provisions of~~  
12 ~~subsection (b)(4) who successfully completes a training program in law~~  
13 ~~enforcement as provided in K.S.A. 74-5607a, and amendments thereto,~~  
14 ~~shall be deemed to have met all the requirements for certification as a law~~  
15 ~~enforcement officer.]~~ Those members of the adjutant general's department

16 who are appointed as security officers and who have successfully com-  
17 pleted ~~such~~ training are hereby empowered: (A) While on duty, to make  
18 arrests on the property owned by or under the control of the Kansas  
19 national guard for any violations of the law of this state or of the United  
20 States; and (B) to cooperate with state and local authorities in detecting  
21 and apprehending any person or persons engaged in or suspected of the  
22 commission of any crime, misdemeanor or offense against the law of this  
23 state or of the United States, or of any ordinance of any municipality of  
24 this state, if such is committed or attempted to be committed on any  
25 Kansas national guard property.

pursuant to K.S.A. 74-5607a, and amendments thereto,

26 (2) A security officer engaged in the protective functions specified in  
27 subsection (b)(4) shall possess and exercise all general law enforcement  
28 powers, rights, privileges, protections and immunities in every county  
29 where there is located any Kansas national guard property. All persons  
30 arrested by a security officer shall be turned over to the appropriate local  
31 police or county sheriff in whose jurisdiction the offense was committed  
32 to be processed in the same manner as other persons turned over to such  
33 police or sheriff.

34 (3) While on duty, security officers appointed pursuant to subsection  
35 (b)(4) shall wear and display publicly a badge of office.

36 Sec. 2. K.S.A. 2006 Supp. 74-5602 is hereby amended to read as  
37 follows: 74-5602. As used in the Kansas law enforcement training act:

38 (a) "Training center" means the law enforcement training center  
39 within the division of continuing education of the university of Kansas,  
40 created by K.S.A. 74-5603 and amendments thereto.

41 (b) "Commission" means the Kansas commission on peace officers'  
42 standards and training, created by K.S.A. 74-5606 and amendments  
43 thereto.

- 1 (c) "Dean" means the dean of continuing education of the university  
2 of Kansas.
- 3 (d) "Director of police training" means the director of police training  
4 at the law enforcement training center.
- 5 (e) "Director" means the executive director of the Kansas commis-  
6 sion on peace officers' standards and training.
- 7 (f) "Law enforcement" means the prevention or detection of crime  
8 and the enforcement of the criminal or traffic laws of this state or of any  
9 municipality thereof.
- 10 (g) "Police officer" or "law enforcement officer" means a full-time or  
11 part-time salaried officer or employee of the state, a county or a city,  
12 whose duties include the prevention or detection of crime and the en-  
13 forcement of the criminal or traffic laws of this state or of any municipality  
14 thereof. Such terms shall include, but not be limited to, the sheriff, un-  
15 dersheriff and full-time or part-time salaried deputies in the sheriff's of-  
16 fice in each county; deputy sheriffs deputized pursuant to K.S.A. 19-2858  
17 and amendments thereto; conservation officers of the Kansas department  
18 of wildlife and parks; university police officers, as defined in K.S.A. 22-  
19 2401a, and amendments thereto; campus police officers, as defined in  
20 K.S.A. 22-2401a, and amendments thereto; law enforcement agents of  
21 the director of alcoholic beverage control; law enforcement agents of the  
22 Kansas lottery; law enforcement agents of the Kansas racing commission;  
23 deputies and assistants of the state fire marshal having law enforcement  
24 authority; capitol police, existing under the authority of K.S.A. 75-4503  
25 and amendments thereto; *and security officers appointed by the adjutant*  
26 *general pursuant to K.S.A. 48-204 and amendments thereto*. Such terms  
27 shall also include railroad policemen appointed pursuant to K.S.A. 66-  
28 524 and amendments thereto; school security officers designated as  
29 school law enforcement officers pursuant to K.S.A. 72-8222 and amend-  
30 ments thereto; and the director of the Kansas commission on peace of-  
31 ficers' standards and training and any other employee of such commission  
32 designated by the director pursuant to K.S.A. 74-5603, and amendments  
33 thereto, as a law enforcement officer. Such terms shall not include any  
34 elected official, other than a sheriff, serving in the capacity of a law en-  
35 forcement or police officer solely by virtue of such official's elected po-  
36 sition; any attorney-at-law having responsibility for law enforcement and  
37 discharging such responsibility solely in the capacity of an attorney; any  
38 employee of the commissioner of juvenile justice, the secretary of cor-  
39 rections or the secretary of social and rehabilitation services; any deputy  
40 conservation officer of the Kansas department of wildlife and parks; or  
41 any employee of a city or county who is employed solely to perform  
42 correctional duties related to jail inmates and the administration and op-  
43 eration of a jail; or any full-time or part-time salaried officer or employee

1 whose duties include the issuance of a citation or notice to appear pro-  
2 vided such officer or employee is not vested by law with the authority to  
3 make an arrest for violation of the laws of this state or any municipality  
4 thereof, and is not authorized to carry firearms when discharging the  
5 duties of such person's office or employment. Such term shall include  
6 any officer appointed or elected on a provisional basis.

7 (h) "Full-time" means employment requiring at least 1,000 hours of  
8 law enforcement related work per year.

9 (i) "Part-time" means employment on a regular schedule or employ-  
10 ment which requires a minimum number of hours each payroll period,  
11 but in any case requiring less than 1,000 hours of law enforcement related  
12 work per year.

13 (j) "Misdemeanor crime of domestic violence" means a violation of  
14 domestic battery as provided by K.S.A. 2006 Supp. 21-3412a and amend-  
15 ments thereto, or any other misdemeanor under federal, municipal or  
16 state law that has as an element the use or attempted use of physical  
17 force, or the threatened use of a deadly weapon, committed by a current  
18 or former spouse, parent, or guardian of the victim, by a person with  
19 whom the victim shares a child in common, by a person who is cohabiting  
20 with or has cohabited with the victim as a spouse, parent or guardian, or  
21 by a person similarly situated to a spouse, parent or guardian of the victim.

22 (k) "Auxiliary personnel" means members of organized nonsalaried  
23 groups which operate as an adjunct to a police or sheriff's department,  
24 including reserve officers, posses and search and rescue groups.

25 (l) "Active law enforcement certificate" means a certificate which at-  
26 tests to the qualification of a person to perform the duties of a law en-  
27 forcement officer and which has not been suspended or revoked by action  
28 of the Kansas commission on peace officers' standards and training and  
29 has not lapsed by operation of law as provided in K.S.A. 74-5622, and  
30 amendments thereto.

31 Sec. 3. K.S.A. 48-204 and K.S.A. 2006 Supp. 74-5602 are hereby  
32 repealed.

33 Sec. 4. This act shall take effect and be in force from and after its  
34 publication in the statute book.

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MEMORANDUM

To: Rep. Don Myers  
Veterans, Military, and Homeland Security Committee

From: Carmen Alldritt, Director  
Kansas Division of Vehicles

Subject: Overview of REAL I.D. Readiness Legislation Planning

Date: January 25, 2007

Below is a list of recommendations to prepare KDOR for implementation of the federal Real ID Act and to upgrade identity security within the issuance processes of driver's licenses and state identification cards.

1. Amend driver's license and identification card statutes to require:
  - An applicant for a driver's license or ID Card who does not have a Social Security number must provide proof from the Social Security Administration that they are not eligible for a number. Kansas law currently requires applicants to provide a valid Social Security number.
  - An applicant providing proof of age or identity issued by an entity other than a state or the United States shall also submit such proof as the division of vehicles **and federal law** may require that the applicant is lawfully present in the United States.
2. Card expiration dates:
  - Provide for driver's license and ID card expiration dates that correspond with the dates of the applicant's authorized stay in the United States. In other words, if an applicant applies for a six year license but can only be in the country legally for two more years, the license would expire after two years rather than six.
3. Definitions:
  - Define "Address of principle residence" (Real ID Act term).
  - Include a provision for masking of address in cases of domestic violence and witness protection wherein the address would not appear on the applicant's license. Note: Required by Kansas law.
  - Delete the reference exempting a person from the requirement for a color photo if the person signs a statement that they object to having their photograph taken for religious reasons.



4. New Section (no existing statutes to amend)
  - The director of vehicles shall subject all persons authorized to manufacture or produce driver's licenses and identification cards to appropriate security clearance requirements. Include language to require KBI and NCIC record check (fingerprints). Provide for the director of vehicles to have discretion to adopt additional security requirements which may include a credit check, employment verification and public records searches.
5. Amend privacy statutes to:
  - Allow the release of photo images to driver's license officials in other states as well as to federal law enforcement agencies and federal agencies that investigate identity fraud.
  - Allow the release of application information, driver's license records and driving records to driver's license officials in other states as well as to federal law enforcement agencies and federal agencies that investigate identity fraud.
  - Give the Office of Vital Statistics, Department of Health and Environment access to driver's license information including photo images to help them verify the identity of applicants seeking birth and death records. Criminals often fraudulently obtain birth certificates in order to illegally obtain a driver's license in victims' names.
6. Amend duplicate DL and ID card statutes to:
  - Allow for additional ways for applicants to document the circumstances of their DL/ID loss.
  - Allow the director of vehicles to determine what documentation is allowable.
7. Document retention:
  - Add a new section to DL and ID statutes to allow a drivers license examiner to retain documents presented by an applicant for a driver's license or ID card, for additional examination, when the examiner has reason to believe that the document or the application may be fraudulent. Note: If documents turn out to be valid, they are returned to the applicant. The alternative is to allow criminals to keep their fraudulent documents, which could then be used to commit further crimes.
8. Agency Authority:
  - Give the Director of Vehicles the authority and discretion to deny an application for a DL or ID when the applicant has committed DL or ID fraud in the past, evidenced through a criminal conviction or an administrative finding by the Director of Vehicles. Under current law, KDOR cannot deny a DL or ID to a person even though that person has previously obtained DLs/IDs in false names. As long as the applicant can prove they are who they are now claiming to be and is in the country lawfully, KDOR must issue the person a DL/ID.
9. New Sections (no existing statutes to amend)
  - Give the Secretary of Revenue the authority to issue subpoenas in the investigation of driver's license or identification card fraud.
  - Give the Secretary of Revenue authority to appoint law enforcement officers to enforce laws administered by the secretary and the directors of Vehicles and Taxation, as well as other state laws encountered through the course of investigating violations of KDOR laws.