

MINUTES

SPECIAL COMMITTEE ON KANSAS SECURITY

November 5, 2001
Room 526-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
Paul West, Kansas Legislative Research Department
Bruce Kinzie, Revisor of Statutes Office
Lisa Montgomery, Revisor of Statutes Office
Dee Woodson, Secretary

Conferees

Dr. Jerry Jaax, Kansas State University
Harold Stones, Staff to United States Senator Pat Roberts
General Gregory Gardner, Adjutant General's Office
Clyde D. Graeber, Secretary, Kansas Department of Health and Environment

Morning Session

The Special Committee on Kansas Security was called to order by Co-Chairman, Senator Kerr at 10:07 a.m., in Room 526-S of the Statehouse. Co-Chairman Kerr announced the meeting would be chaired by Co-Chairman, Representative Krehbiel. Co-

Chairman Krehbiel recognized Robert Waller of the Kansas Legislative Research Department, who briefed the Committee on its purpose and duties ([Attachment 1](#)).

Co-Chairman Krehbiel recognized Jerry Jaax, Associate Vice Provost for Research Compliance and University Veterinarian, Kansas State University (KSU). In discussing biological and agricultural terrorism, Dr. Jaax informed the Committee of the increasing complexity, mobility, and variety of biological threats (both foreign and domestic) that occur naturally and unnaturally. Dr. Jaax noted his 26 years of experience in the Army working against biological terrorism, including biological arms control and counter-proliferation. He also discussed his involvement with the State Department and the cooperative threat reduction program undertaken by the Department and the former Soviet Union. He stated that up to 60,000 scientists and technicians from the former Soviet Union were working on offensive biological warfare programs, including hundreds of tons of anthrax, plague, and smallpox stockpiled for use against the United States and its allies. Dr. Jaax explained that biological agents can be grouped into four classifications:

- Human specific (*i.e.*, smallpox, which was heavily researched and developed by the Soviet Union);
- Animal specific (*i.e.*, foot and mouth);
- Plant specific (*i.e.*, Karnal Bunt); and
- Zoonotic (*i.e.*, anthrax).

Zoonotics can affect humans and animals and have been the most heavily researched of the four groups. This is due to the fact that zoonotics are less contagious than other biological agents allowing the targeting of specific populations with little risk that the disease will spread significantly further than planned. Dr. Jaax noted that the risk of a biological attack is dependent upon three variables: (1) the agent; (2) the target; and (3) the method of delivery. An agricultural attack could be the preferred means of attack by terrorists because of the potential political, social, and economic impact upon the citizens living in that area. For example, one gram or 1/28 of an ounce, of high grade anthrax could cause up to 10 million deaths under idealistic conditions. Dr. Jaax suggested that to improve security within the U.S., greater efforts must be made to elevate intelligence gathering, vaccines and treatments, surveillance, genetic enhancement, rapid diagnostic capabilities and incident response, consequence management, enhanced surge capacity, and better training of first responders ([Attachment 2](#)). However, he noted that there is little difference in the appearance of a legitimate facility working on a vaccine for biological agents and the appearance of a facility working on developing biological agents to be used as a weapon. This subtle differentiation makes it difficult to detect noncompliance with anti-biological weapons agreements.

In response to Senator Jordan's question regarding the delivery of agents, Dr. Jaax stated that whether an attacker desired to kill a large number of people or to only cause terror would dictate the amount of biological agent delivered for the desired effect. Water

sources are an example of a potential delivery location for biological attacks due to the ease of access and the delay in discovering the introduction of the agent.

Dr. Jaax responded to Representative Mayans' inquiry regarding the possibility of chemical agents being utilized during a terrorist attack, by stating that the most important issue is the existing stockpile of chemical agents in the Warsaw Pact countries. He remarked that it would be very difficult for individuals to produce chemical agents due to the significant industrial footprint that is necessary to create such substances. Additionally, with chemical agents, there is almost an immediate realization that an attack has occurred, therefore increasing the likelihood that those responsible will be discovered. Dr. Jaax concluded by stating that he did not view the use of chemical agents as a potential threat, as opposed to the use of biological agents. However, the use of chemical agents was still a distinct possibility.

In responding to Senator Steineger's questions regarding smallpox and foot and mouth delivery systems, Dr. Jaax remarked that due to the highly contagious nature of smallpox, an attacker traveling from location to location would make the containment of smallpox very difficult. He added that foot and mouth disease would harm the local export economy immediately and considerably due to its extremely contagious nature.

Co-Chairman Kerr asked what other responses, in addition to research activities being conducted at KSU, were needed. Dr. Jaax replied that more information needs to be made available to the general public relating to terrorism. Also, those entities who respond to such incidents should be well equipped to handle such emergencies with response and contingency plans already in place. Co-Chairman Kerr commented that terrorism and the threats associated with it are rather varied and numerous, and asked if the initiation of vaccinations against particular agents should be considered. Dr. Jaax replied that the United States should re-initiate vaccinations, especially for smallpox, since a very effective vaccine already exists to help prevent the potential risk of mass casualties due to the spread of the disease.

Continuing, Dr. Jaax explained that if the United States encounters a bio-terrorist attack using weapons aimed at the agricultural capacity of the country, the type of facilities that KSU has proposed to construct would assist greatly in preventing the spread of such agents due to the University's knowledge of agricultural diseases and the current research being conducted. Additionally, he remarked that there are safety issues that need to be addressed in offering added protection to researchers from the potential threats they encounter in handling such agents. He remarked that the State of Kansas has a great responsibility in protecting the researchers or technicians who work daily with samples from sick or diseased animals that they receive for testing purposes.

Co-Chairman Krehbiel expressed the Committee's appreciation for Dr. Jaax's presentation, information, and time.

Co-Chairman Krehbiel recognized Harold Stones, staff member of United States Senator Pat Roberts, who gave a presentation on behalf of Senator Roberts (Attachment 3). Mr. Stones distributed copies of a November 1, 2001, news article entitled "Food

Industry Tightens Security,” which included statements made by Senator Roberts (Attachment 4).

Mr. Stones informed the Committee that Senator Roberts currently serves as a member of the United States Congress Senate Select Committee on Intelligence as well as the ranking member of the Armed Services Subcommittee on Emerging Threats. He noted that Senator Roberts had expressed his concerns of possible terrorist attacks within the United States, even before the tragedies that occurred in New York, the Pentagon, and the incidents of anthrax contamination. In further testimony, Mr. Stones described the events that transpired on October 15 and 16 when anthrax was discovered in Senator Tom Daschle’s office in the Hart Senate Office Building. He discussed the sequence of events that occurred leading up to the closing of the Hart Building, and noted that Senator Roberts was informed of the anthrax contamination via CNN. Mr. Stones remarked that the lack of communication and the subsequent response to the situation demonstrated how unprepared the United States is in responding to biological warfare.

Mr. Stones expressed Senator Roberts’ concern that federal research and testing facilities for the containment and prevention of diseases are extremely outdated and in need of repair. Mr. Stones stated that within the Bio-Security in Agriculture Act of 2001 (as introduced by Senator Roberts) \$700 million is available to upgrade facilities over the next six to ten years. Although, he cautioned, it is extremely crucial that we not wait for six to ten years to make that investment.

Mr. Stones informed the Committee of additional security measures being taken to curtail terrorism, including the suspension of tours at various feedlots as a security precaution. He concluded his presentation by stating that Senator Roberts is attempting to appropriate \$3.5 million to assist in the area of food security along with a potential bond issue to construct a new research facility on the campus of KSU. Additionally, funding would also be provided to assist in the study of life sciences at the University of Kansas, and to finance continued aviation research at Wichita State University.

Co-Chairman Kerr asked whether the federal government was diverting funds away from more conventional mechanisms of defense and re-directing those funds to defend against bio-terrorism. Mr. Stones remarked that due to recent events, some funding would more than likely be diverted to assist in combating terrorism. Co-Chairman Kerr commented that Kansas would benefit from the opportunity to engage in a partnership with individuals and entities in Washington, and hopes Senator Roberts will keep Kansas advised of anything that perpetuates the opportunity to leverage state funds to acquire additional federal dollars. Mr. Stones noted his comments and stated he would pass those remarks on to Senator Roberts.

Representative Shriver expressed his concern about city and county health departments and their inability to respond to emergency incidents due to understaffing. He inquired whether Congress would address this type of need in the future. Mr. Stones replied that Senator Roberts has conducted meetings with first response emergency personnel (*i.e.*, police, fire, and emergency units) relating to their needs and concerns. Representative Shriver commented that in conversations conducted with directors of local health

departments, he concluded that due to a lack of communication many of the local hospitals (particularly in the most rural parts of Kansas) do not have the capability to handle such incidents as the spread of a biological agent. He inquired as to what actions Senator Roberts was taking to assist local agencies in responding to such incidents. Mr. Stones responded that Senator Roberts has been recently appointed to the United States Congress Senate Health Committee, and this issue may be addressed at a later date. He noted that he was unaware of the amount of money which would be needed to prepare rural health facilities to respond to such incidents. Additionally, he remarked that he had no knowledge of current congressional action being taken which focused on public health agencies.

Mr. Stones concluded his comments by asking the Committee to contact Senator Roberts with suggestions regarding any issues or opportunities for a partnership between the federal government and the State of Kansas that may arise. Co-Chairman Krehbiel commented that cooperation between federal and state governments and agencies in combating terrorism would be essential. He added that it was important to maintain communication with Washington, so the State of Kansas would have access to additional federal funds and information relating to measures currently being conducted.

Co-Chairman Krehbiel thanked Mr. Stones for his presentation and time in responding to questions by the Committee.

Co-Chairman Krehbiel recognized Mr. Waller, who distributed copies of Joint Rule 5, on the closure of meetings to consider matters relating to security (Attachment 5). Mr. Waller explained that when the Committee reconvenes after lunch, the meeting would be closed to the public with only Committee members, Bruce Kinzie of the Revisor of Statutes Office, and himself present to hear General Gardner's presentation.

Co-Chairman Kerr advised the Committee of a letter received from Natalie Haag, General Counsel and Chief of Staff for the Governor, requesting that Helen Pedigo, Deputy Counsel for the Governor's Office, be included in the closed meetings. Co-Chairman Kerr asked Bruce Kinzie of the Revisor of Statutes Office to explain what would be needed to allow Ms. Pedigo to participate during the closed meetings. Mr. Kinzie stated that the Committee must designate those individuals who have been determined to be "essential personnel," and then he proceeded to clarify what the designation entailed. Committee discussion followed relating to other possible individuals that could qualify as "essential personnel."

Co-Chairman Krehbiel adjourned the meeting at 12:00 p.m., to reconvene at 1:30 p.m.

Afternoon Session

Co-Chairman Krehbiel called the meeting to order at 1:30 p.m., and announced he had been advised by staff that the "essential personnel" designation is granted by the Committee, and no official formalities are required.

Senator Jordan 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 General Gregory Gardner 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 526, at 3:00 p.m., and that his 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 1:36 p.m. (Attachment 6).

The Committee designated Helen Pedigo (representing the Governor) 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 3:10 p.m, to be closed at 3:15 p.m.

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 the Secretary of the Kansas Department of Health and Environment 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 526, at 4:15 p.m., and that his 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 3:15 p.m. (Attachment 7).

The Committee designated Helen Pedigo (representing the Governor), as essential personnel to attend the presentation, along with staff members, Robert Waller and Bruce Kinzie. The meeting was closed to the public at 3:15 p.m.

Closed Meeting

Co-Chairman Krehbiel reopened the meeting to the public at 4:14 p.m.

Co-Chairman Krehbiel called for discussion of possible meeting dates and suggestions of future conferees. Committee members suggested having a report from the State Fire Marshal's Office updating the Committee on rules and regulations relating to the Hazardous Materials Program and the Hazardous Materials Emergency Fund approved by the 2001 Legislature. Other suggested conferees included:

- Highway Patrol and Kansas Corporation Commission relating to the licensure and enforcement efforts pertaining to individuals transporting hazardous materials;
- Testimony from the Agriculture Department relating to agricultural security, along with the Kansas Livestock Association;
- Kansas driver's license or identification card requirements and the procedures necessary to acquire such documents through the Department of Revenue;
- Presentations by local law enforcement personnel and first responders regarding their needs, concerns, and opinions relating to the state's role in responding to a terrorist incident; and
- Presentation by staff on the Kansas Emergency Preparedness Act.

Co-Chairman Kerr stated that it might be necessary for the Committee to delegate some of the suggested topics to other committees (such as Agriculture or the Joint Committee on Information Technology) due to the complexity and enormity of the issues.

The Committee discussed possible future meeting dates, and selected December 17 and 18 as the next meeting dates, with other possible meeting dates to be scheduled the first week in January. Co-Chairman Kerr commented that the Committee needed to define

the scope of topics it was charged to investigate and determine whether an immediate response (which would entail an accelerated preparation time), or a more delayed, detail oriented report was necessary.

Co-Chairman Krehbiel expressed his appreciation to Committee members for their participation and attention, and staff for their efforts in organizing the meeting.

Upon the completion of business, the meeting was adjourned at 4:40 p.m. The next meeting of the Special Committee on Kansas Security is scheduled for December 17, 2001, at 10:00 a.m. in Room 531-N of the Statehouse, with the subsequent meeting scheduled for December 18, 2001 at 9:00 a.m., in Room 514-S of the Statehouse.

Prepared by Dee Woodson, Secretary
Edited by Trevor Steinert and Robert Waller

Approved by Committee on:

December 17, 2001