

MINUTES OF THE HOUSE SELECT SECURITY COMMITTEE.

The meeting was called to order by Chairperson Carl Krehbiel upon First Adjournment on April 3, 2002 in Room 514-S of the Capitol.

All members were present except: Bill Levinson

Committee staff present: Robert Waller, Legislative Research Department
Bruce Kinzie, Revisor of Statutes Office
Dee Ann Woodson, Committee Secretary

Conferees appearing before the committee: Adjutant General Gregory Gardner
Dr. Michael Moser, Kansas Department of Health and Environment
Helen Pedigo, Deputy Counsel and Legislative Advisor to Governor Graves
David Lake, Administrator, Kansas Board of Emergency Medical Services
Rudy Leutzinger, Kansas Department of Human Resources
Lieutenant Colonel Terry Maple, Kansas Highway Patrol
Jim Keating, President, Kansas State Firefighters Association
Jack Taylor, Chief of Emporia Fire Department/Lyon County Emergency Medical Service
Michael Selves, Governmental Affairs Committee Chairman, Kansas Emergency Management Association
(written only)

Others attending: See attached list.

Chairman Krehbiel introduced Adjutant General Gardner who gave a Power Point presentation on Kansas security issues. He explained to Committee members how the state responded to the events of September 11, and the steps that were taken to ensure the safety of Kansans especially in regard to the Wolf Creek Nuclear Plant, chemical plants, water treatment plants, and others.

Adjutant General Gardner said they identified the state's vulnerabilities and recommended legislation that would increase the state's security. He stated that Kansas was in bad shape as far as emergency planning was concerned with only 52 counties out of 105 having emergency plans, and some of them which are new are basically out of date. The General referred to **SB 629**, and explained what the proposed six regional coordinators would do which included assisting counties in writing their emergency plans. Once the plans were written, they would train the county personnel in how to do their roles, help them exercise in those roles, and then they change the plan accordingly if needed. He explained if they would actually have a disaster then those six regional coordinators would go to the Emergency Operation Center in the county, provide assistance, assess damage, coordinate the state's response to facilitate mutual aid, and advise elected officials. (Attachment 1)

The Adjutant General told the Committee that based on the National Emergency Management's (NEM) recommended Kansas should have 288 County Emergency Managers, as opposed to 70 state-wide based on population. He noted that 27% of the Emergency Management Department positions are occupied by full-time personnel. He added that within Region 7, which Kansas occupies, the average number of emergency people in the Kansas Emergency Management (KEM) agency is 1 per 667,000. This constitutes a required total number of 41, and currently Kansas has 22.5. He stated that six regional planners was a very efficient way to solve the problem. He shared the history of the state's Emergency Management planning which began in 1996, and submitted detailed written testimony in support of **SB 541**. (Attachment 2)

General Gardner explained that the Incident Management System (IMS), which is in place in seven states, provides the common organizational structure and terminology to be able to respond to disasters. It

CONTINUATION SHEET

integrates all the first responders, i.e. fire, EMS, public works, and law enforcement at the local level and it helps integrate the state level into the federal level when we respond to terrorism or to any disaster. He said it uses a common structure that focuses on four key areas: plans, operations, logistics, finance and administration. He reviewed the estimated costs of that system and what is involved with the training of all the individuals involved. General Gardner communicated that they would develop the regional teams by using their experience with building, training, and sustaining their radiological response team for Wolf Creek Nuclear Power Plant. He said they were requesting that the Legislature pass the legislation even it did not have any money, and then explained the impact of no money. He revealed they would implement the IMS, which would take some time; but without the authorization afforded with the passage of the requested legislation he cannot move forward at all.

General Gardner concluded his testimony by saying that the passage of **SB 541** would help them protect the lives and property of Kansans from acts of terrorism and limit long-term economic hardships on our citizens during recovery operations from an incident.

General questions and discussion followed regarding the low cost of training by using volunteer trainers. Discussion followed relating to the dissemination of information and instructions to the communities and public, inter-hospital agreements, a 1-800 number to report suspicious activity, and possibly making emergency information available in different languages. Vice Chairman Tafanelli asked General Gardner to share with the Committee members the various committees involved in state-wide emergency plans and coverage. General Gardner showed a list from his Power Point presentation that gave the major state-wide plans and committees that are in place. These included the Wolf Creek Response Plan, which General Gardner said was the biggest and best that has been prepared; the Public Assistance Plan, which covers such things as the recent ice storms; Human Services Plan, which has currently approximately 10,000 registrations; State Hazard Mitigation Plan, put together by 37 agencies and involves terrorism; the Foreign Animal Plan, which is on its second edition and will be exercised this summer; the Bio-Terrorism Plan; and the Pharmaceutical Stockpile Plan. The Vice Chairman requested a copy of the list of members that comprise those major committees or plans, and the General stated that it would be furnished to the Committee.

SB 541 - Division of emergency management, terrorism preparedness programs and emergency medical response teams

Chairman Krehbiel opened the hearing on **SB 541**, and called upon Helen Pedigo, Deputy Counsel and Legislative Advisor to the Governor, to testify in support of this proposed legislation. (Attachment 3) She said that the Governor's Terrorism Threat and Vulnerability assessment, which was completed in January, recommended the provisions in this bill. Ms. Pedigo added that the Governor included them in his State of the State address as examples of Homeland Security Measures he supports should revenue become available. She offered three amendments, the first of which was contingent upon availability of federal funding for implementation of the programs. She explained that when **SB 541** was proposed, \$2 million was included in the State of the State enhancement proposal for anti-terrorism measures, and that funding was not included in the Governor's most recent budget recommendation. (Attachment 4)

Ms. Pedigo explained the second amendment which provided for tort claims coverage for state employees while training or those activated for emergency response. (Attachment 5) She said the third amendment provides workers compensation coverage amendments by the State of Kansas for those team members who otherwise would not be covered when training or activated for response. (Attachment 6) She stated that the reason behind these amendments was to protect a lot of volunteers from local communities who may not have been regular state employees at the time of a disaster and who may or may not be employees of a local government. Ms. Pedigo and Mr. Phil Harness, Director of the Division of Workers Compensation, clarified what protection the third amendment would afford volunteer members of a regional emergency medical response team.

Committee questions related to coverage when the workers are coming to or going back from an emergency job or event, what were the possibilities of getting federal funding, and the problem of obtaining matching funds from the state.

CONTINUATION SHEET

Dr. Michael Moser, Kansas State Health Officer and Director of the Division of Health, Kansas Department of Health and Environment (KDHE), addressed the Committee in support of **SB 541**. He said this bill would foster improvements in Kansas preparedness for more effective response to disasters and emergencies, and it was complementary to the efforts being undertaken by KDHE. He also included with his written testimony a copy of the Governor's Executive Order No. 02-02, Establishing the Kansas Bio-terrorism Coordinating Council and The Kansas Hospital Preparedness Planning Committee. (Attachment 7)

Representative Freeborn inquired about any inter-hospital agreements, and Dr. Moser replied there were areas of the state where there were local cooperation plans, but at this time there was no state-wide plan for that type of cooperation. He said that Kansas did not have a centralized health planning authority or activity. He stated that in the wake of September 11, they now have access to some federal funds which will assist them to remedy that deficiency. Dr. Moser revealed that the Department of Health and Human Services through the Health Resources and Services Administration has created a new Hospital Bio-terrorism Preparedness Program. He said that Kansas was eligible during federal fiscal year 2002 for \$1,291,000 through this program. He explained that according to the federal guidelines that govern the program, an essential pre-condition for the expenditure of these funds was the conduct of a state-wide needs assessment and the development of an integrated state plan. He stated that the program was not completed, but it will be as soon as Kansas receives the program funding.

Questions were raised about how the public health facility or county health departments participate in the planning of the Homeland Security measures, cooperation agreements between the states, explanation of the 2000 Emergency Management Assistance Compact (EMAC) in regards to emergency preparedness before September 11 and then after September 11. Dr. Moser explained in detail what has been taking place after the events of September 11, and gave the example of the anthrax problem and detailed how that situation was handled. He also illustrated how their turn-around time and accessibility to files and records have been expedited by electronic means versus the old paper system and manual handling.

Chairman Krehbiel noted to the Committee members that written testimony had been submitted by David Lake, Director of the Board of Emergency Medical Services. (Attachment 8)

The Chairman called for any opponents to the bill, and seeing none he closed the hearing on **SB 541**.

SB 629 - Adjutant general and the division of emergency management; regional emergency management coordinators; incident management system

The Chairman opened the hearing on **SB 629**. Rudy Leutzinger, Administrator of the Industrial Safety and Health Section, Kansas Department of Human Resources, spoke in support of this bill and requested that it be passed. (Attachment 9)

Lt. Colonel Terry Maple, Assistant Superintendent of the Kansas Highway Patrol, testified as a proponent on **SB 629**. He stated that the standardization of training and implementation of a coordinated Incident Management System (IMS) would provide all responders a basic structure, terminology, and unity of command necessary to effectively plan for and to respond to a situation once a disaster strikes. He said that assistance and coordination will aid local areas by helping counties build their emergency plans, training local representatives in their roles, and in designing and conducting exercises that test those plans and roles. He articulated that the Highway Patrol respectfully requested the Committee's favorable consideration on **SB 629**. (Attachment 10)

Jim Keating, President of the Kansas State Firefighters Association, and testified on behalf of the Kansas Fire Service Alliance in strong support of **SB 629**. He explained that developing a plan and having the resources necessary to rework the current state-wide Emergency Management System effected emergency service workers in the successful performance of their work. Mr. Keating added that the use of an Incident Management System during emergencies and disasters which requires the individual to organize the plan, communicate the plan, and coordinate with multiple disciplines if necessary, such as law enforcement, fire, EMS, haz-mat teams, state and federal authorities, private industry and others. (Attachment 11)

CONTINUATION SHEET

Chairman Krehbiel pointed out to Committee members that written testimony had been submitted in support of **SB 629** by Jack Taylor, Chief of the Emporia Fire Department and Lyon County Emergency Medical Services, and Michael Selves, Governmental Affairs Committee Chairman, Kansas Emergency Management Association.

The Chair asked if there were any opponents appearing to testify, and seeing none he closed the hearing on **SB 629**.

The Chair opened the floor for questions and discussion. Representative Mayans expressed concern over the fiscal implication of section (n) in the bill relating to the development of a regional emergency management system and the use of regional coordinators, and inquired if General Gardner would agree to eliminating section (n). General Gardner replied that if they were fortunate enough to get 100% federal funding, the elimination of that section would not authorize the agency to implement it. He stated that after three years of heading the department, and with the Task Force studies that it was the most efficient way to do it. He added that he knew that Kansas did not have the money to do it now, but having it approved and available would be the best thing for them.

Committee discussion continued regarding concern that the State of Kansas does not have a state-wide coordinated plan to deal with emergencies, and General Gardner clarified that the state does have a plan. However, the problem is that within the 105 counties in Kansas only about half have a local plan. He added that half of the counties have plans that are handled by volunteers, and the state does not have the manpower to create the plan for those counties that currently do not have one. He said they were prepared to add the six regional coordinators to assist the counties in their regions in building their plans, training people and volunteers, and covering the area during times of emergencies or disasters. The Chair requested staff to clarify whether there is a valid fiscal note on the bill. Mr. Waller explained that when Committee members look at a bill there are two different issues which is an appropriations bill as opposed to an enacting bill. He said that basically this bill was authorizing the ability to establish (1) the Incident Management System, and (2) the response teams. However, the bill does not refer to the appropriation money. He stated that a fiscal note says a bill will cost a certain amount of money, but it does not appropriate that money.

Representative Tafanelli asked for clarification on 53 counties not having emergency plans when they are required to, and whether there were state or federal funds provided for the counties to develop their plans. General Gardner responded that all the counties that have approved plans are getting federal money, but there were several requirements for getting that federal money. He said that one of the requirements was that the county has to provide some matching money, which is the problem in 52 of the counties (run by volunteers) which did not have any county funds for this purpose. General Gardner asked his Controller, Geneva Tucker, to share with the Committee members the other various requirements and the assistance his Department gives the counties.

Chairman Krehbiel adjourned the meeting at 2:20 p.m. in order to go back into the House session at 2:30 p.m.. He announced that the Committee would reconvene upon second adjournment today.

Chairman Krehbiel reconvened the House Select Security Committee meeting at 5:45 p.m. in Room 526-S, and referred the Committee members to **SB 629** for discussion and possible action.

Representative Johnson made a motion to move the bill out favorably for passage, seconded by Representative Owens.

Committee discussion involved clarification of the Incident Management System, what it does, and how it coordinates multiple agencies to respond to incidents of emergency or disaster. Representative Shriver explained how this system works between the different local levels and groups within the affected areas and what actions that they have to take to handle the incident.

Representative Goering inquired as to who makes the designation on the regional coordinators, how would they be selected, and would they be classified or unclassified positions. Col. Adam King, representing General Gardner, responded that these positions would be classified and fall under the Division of Emergency Management, but would not work for the Adjutant General as such.

CONTINUATION SHEET

Representative Loganbill inquired if this committee would have a chance to eventually see the Incident Management System language or review the job descriptions of the regional coordinators at some point in time. Chairman Krehbiel replied that it depended on whether this committee would continue to meet, and if it did he certainly would invite the Adjutant General and his Emergency Management team to come in and address to the Committee. He added if an interim committee on Kansas Security would be allowed, it could also be addressed then.

Representative Freeborn expressed her concern about section (n) regarding Representative Mayans' suggestion to eliminate it, and stated she did not support it and did not want it removed.

Representative Johnson closed on his motion. The Chair called for a vote on the motion, and the motion passed unanimously.

Chairman Krehbiel referred the Committee members to **SB 541** and the three amendments suggested by Helen Pedigo of the Governor's office for discussion and consideration. He asked Helen Pedigo in reference to her first proposed amendment concerning the implementation of the program and the dependance upon the availability of funding, and whenever it would limit the Legislature in execution of the proposed bill. He also inquired if she thought this amendment would prevent the state from implementing the provisions of the bill if state money became available. Ms. Pedigo responded that it depended on how it was interpreted, and it was not her intention to do that. She said it was based on the Governor's earlier recommendations, which were later pulled out of the State's General Fund recommendations.

Chairman Krehbiel asked Mr. Kinzie to clarify the language of the proposed amendment relating to the funding portion. Mr. Kinzie explained that the wording says you have to have some type of federal match, and if there was no federal money available and you don't have state funds, then it would not be implemented. He said it was basically the same as the discussion the Committee had on **SB 629** in that it is similar to the implementation language; therefore, if there is no money to implement then it will not be implemented.

Committee discussion continued with members expressing their concerns that the language was too restrictive, and if the language was left out then whatever money became available could be used to implement this program. Chairman Krehbiel stated that in the absence of a motion to adopt this first proposed amendment the Committee would move on to the second proposed amendment.

The Chairman called the Committee's attention to the second amendment concerning tort claims for consideration and possible action. Representative Hermes made a motion to adopt the proposed amendment, and it was seconded by Representative Holmes. Committee discussion regarded the clarification of section (c), and Ms. Pedigo explained that it did include volunteers and employees, but that most employees would already be covered under the tort claims act. She gave further explanation on the differences of tort claims and who they covered.

There being no further discussion, Representative Hermes moved her motion to adopt. Chairman Krehbiel called for a vote on the motion to adopt the second proposed amendment, and the motion carried unanimously.

The Chair referred the Committee to the third proposed amendment concerning workers compensation for consideration and possible action.

Representative Morrison made a motion to adopt this amendment, seconded by Representative Hermes. There being no further discussion, Representative Morrison moved his amendment. The Chair called for the vote, and the motion carried unanimously.

Representative Hermes made a motion that **SB 541** be passed out favorably as amended, seconded by Representative Wells, and the motion carried.

Chairman Krehbiel announced that the next meeting of the House Select Security Committee would be on call of the Chair. He adjourned the meeting at 6:40 p.m.

CONTINUATION SHEET

CONTINUATION SHEET