

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 13, 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:

Maj. General Greg Gardner, Adjutant General, State of Kansas
Helen Pedigo, Deputy Counsel/Legislative Advisor, Governor's Office
Dr. Michael Moser, KDHE
Mike Selves, Kansas Emergency Management Association
David Lake, Board of Emergency Medical Services

Others attending: Please see attached

Chairperson Harrington opened the hearing on:

SB 541—Relating to emergency management; terrorism preparedness

Major General Greg Gardner, Adjutant General, State of Kansas, presented testimony in favor of the bill. **(Attachment 1)**

In response to a question from Senator Gooch, Maj. General Gardner stated that he did not mean to mislead the Senator, and that the funds coming for the federal government for emergency management and response to terrorism will cover all areas of the state. He stated that when he said the plan was to build six teams, it referred to having one team in each of the four EMS areas of the state, which covers rural areas, and two more as extras to focus on the high population areas. He stated that, in regard to federal monies, he thought Dr. Moser could confirm that HHS has no money specified for this matter. He stated that it has limits to where it can go which do not include this area. He stated that DOJ grants help first responders a little bit, but do not help in this area; however, he stated, he certainly would continue to look in every nook and cranny for federal dollars to help Kansas. He emphasized that although right now there is no money that he knows of to help in this area, he is still going to look for it.

Senator Lyon asked about the content of the terrorism preparedness class in terms of skills taught. Maj. General Gardner stated that he did not have one of his training people with him, but that they have one class focused on terrorism only and another class which concerns multi hazards in schools. He stated that they were teaching how to prevent and react to Columbine a year before it occurred. He stated that the second class had terrorism training in it also quite heavily. The Maj. General stated that the training concerns: beginning with an awareness level, talking about chemical, biological, radiological, nuclear explosives, anthrax, onset of biological events and their course. He also stated that there was another in-depth course which gives real things that people can do for first responders, EMS, fire, and law enforcement.

Chairperson Harrington stated that if it is the will of the committee to pass the bill on, it would be subject to appropriations because Federal and State Affairs does not appropriate; however, she stated that she would like to make an aside that even with the position the state is in fiscally, she would ask if the state can afford not to do this at this time.

Helen Pedigo, Deputy Counsel/Legislative Advisor, Governor's Office, presented testimony in favor of the bill. **(Attachment 2)**

In response to a question from Senator O'Connor, Ms. Pedigo stated that Kansas has one level three

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biolaboratory with Health and Environment. She stated that when the anthrax cases increased this fall, this lab noticed a significant case load. She stated that one of the issues that has surrounded that is that if there is too much work for that lab to handle, it would be nice to have another one to help; also, she stated, there was difficulty getting materials from Wichita to Topeka, so it might be helpful to have a lab in another region of Kansas. She stated that from a security standpoint, it would be best to have two labs in case one should be attacked or disabled in some way.

Senator Vratil stated that he would like to follow up on Senator O'Connor's question and ask Ms. Pedigo if it is possible to use a level three biolaboratory to deal with methamphetamine cases. She stated that she would have to defer to Dr. Michael Moser.

Dr. Moser stated that he would preface his comments by stating that he is not laboratorian, but that the following information may be of use to the committee. Dr. Moser stated that a biosafety level number three designation describes the level of protections that are there for the people who work in the facilities and the surrounding area, but do not describe the complexity of the analysis which are performed in the laboratory. He stated that most of the analysis which are contemplated or performed under the biosafety level three designation are tests for biological organisms, living things such as anthrax or small pox, organisms such as this. He stated that methamphetamine and the tests related to it are chemical and toxicologic tests. He stated that yes, it would be possible to perform those tests in a biosafety level three facility, as long as there was a bigger facility which had an area for the biological tests and in addition had an additional area and additional trained staff to perform the chemical and toxicologic tests. He stated that the individuals who perform biological or microbiological analyses are different in training and certification from the individuals who perform toxicologic analyses. He stated that there may be some opportunity for economies of scale, but there would undoubtedly be a significant fiscal note for the addition of methamphetamine testing in such a building.

Mike Selves, Kansas Emergency Management Association, presented oral testimony in favor of the bill. He stated that his association was concerned with this issue and the ability of the state to support local programs throughout the state of Kansas. He stated that his organization strongly supports this bill and any type of bill in which the state could provide any type of training to them. He also stated that the President had recently made a proposal concerning federal monies for first responders, and his organization was doing its best also to support this issue and keep it on track. Chairman Harrington stated that she would look into that further. She stated that considering where we are as a nation and where we have come from since September 11 and what the Legislature is trying to do at the state level, she would think that the President's intention is that states would be able to protect themselves under these types of terrorist attacks and have funding available. She also stated that the committee could send a letter of recommendation to the Ways and Means committee concerning the bill in terms of appropriations. Mr. Selves stated that this bill is intended to help people like those he represents, and they are very much for it.

In response to a question from Senator Gooch, Adjutant General Gardner stated that once the government declares a disaster, then there is tort liability coverage for those people. He stated that, in regard to what Mr. Selves said, while there are no known federal funds now, they are going to continue to look for them.

Senator Vratil clarified for Senator Gooch regarding liability that if the Governor declares an emergency and volunteers go to help, the state would provide the defender under the tort claims act. He stated that if the volunteer is prosecuted or fined, the state must pay the fine. He stated that it is the best insurance policy a person could have.

In response to an earlier question from Senator Lyon, Frank Moussa, Adjutant General Department, briefly covered more of the topics covered in the terrorism preparedness training.

David Lake, Board of Emergency Medical Services, presented testimony in favor of the bill. **(Attachment 3)** Mr. Lake stated that in response to an earlier question from Senator Gooch, both Wichita and Sedgwick have well-trained responders, but in rural areas, dedicated EMS volunteers will jump at the chance training for disasters. He also stated that it is important to remember that most of these fire departments have mutual aid agreements and that from the time he went on duty, he always felt protected by workmen's compensation provided by the city of Great Bend, and the knowledge that he would be protected in the event that he would unintentionally mistreat someone as a medical attendant. He stated that it is important to get more people trained because in a disaster, the number of injured and sick people might be overwhelming. He stated that his organization would do everything in its power to get this passed.

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Robert Waller, Legislative Research Department, stated that in the case of a state or presidential disaster, volunteers are covered under tort claims.

Dr. Michael Moser, KDHE presented testimony in favor of the bill. **(Attachment 4)**

In response to a question from Senator O'Connor, Mr. Moser stated that if she was referring to DNA testing, it is about as far from microbiology as toxicology. He stated that he did not want to mislead the committee because these are laboratory activities, but there is no need for a biosafety level three laboratory to do DNA typing or toxicology.

Chairman Harrington stated that she would subcommittee this bill so that such questions can be answered in more detail and then bring that information back to the committee. She stated that the subcommittee would include Senators Brungardt, Barnett, and Gooch.

Chairman Harrington opened the hearing on:

SB 511--Kansas National Guard; creating position of deputy adjutant general

Adjutant General Greg Gardner presented testimony in favor of the bill. **(Attachment 5)**

Senator Vratil stated that he understood that the bill's intent is to authorize a deputy adjutant general, but this bill shows that the position would be unauthorized.

Theresa Kiernan stated that Senator Vratil may be correct, and she may need to add another amendment into the bill.

Chairman Harrington stated that the committee had a technical amendment to the bill anyway, so they could address that today. She stated that the technical amendment was on page two, line 13 to strike "appointment" and put in "a" deputy.

Theresa Kiernan stated that the committee could specify where necessary to give the adjutant general the authority to appoint the deputy in the appropriate section. Senator Vratil asked if they had a problem of having two subjects in one bill. Ms. Kiernan stated that she could change the title, and that it would be a conforming amendment to give the authority and make it an unclassified position, so the two subjects were related, not different problems.

Senator O'Connor made a motion to make the technical and conceptual amendment. Senator Teichman seconded the motion. The bill was amended.

Senator Vratil made a motion to recommend the bill favorable for passage as amended. Senator Gooch seconded that motion. The motion passed.

Chairman Harrington asked Senator Teichman to carry the bill on the floor.

The committee adjourned at 11:50 a.m. The next meeting will be at 10:30 a.m. on February 14, 2002.