

HOUSE BILL No. 2687

By Select Committee on Kansas Security

2-3

9 AN ACT concerning the office of the adjutant general; relating to the
10 duties of the division of emergency management; amending K.S.A.
11 2003 Supp. 48-904 and 48-928 and repealing the existing sections.
12

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

14 Section 1. K.S.A. 2003 Supp. 48-904 is hereby amended to read as
15 follows: 48-904. As used in this act:

16 (a) "Emergency management" means the preparation for and the
17 carrying out of all emergency functions, other than functions for which
18 military forces or other federal agencies are primarily responsible, to pre-
19 vent, minimize and repair injury and damage resulting from disasters;

20 (b) "adjutant general" means the adjutant general of the state of
21 Kansas;

22 (c) "division of emergency management" means the division of emer-
23 gency management created in the office of the adjutant general by K.S.A.
24 48-905, and amendments thereto;

25 (d) "disaster" means the occurrence or imminent threat of wide-
26 spread or severe damage, injury or loss of life or property resulting from
27 any natural or manmade cause, including, but not limited to, fire, flood,
28 earthquake, wind, storm, epidemics, contagious or infectious disease, air
29 contamination, blight, drought, infestation, explosion, riot, terrorism or
30 hostile military or paramilitary action;

31 (e) "unorganized militia" means all able-bodied male and female per-
32 sons between the ages of 16 and 50 years;

33 (f) "state disaster emergency plan" means the plan prepared and
34 maintained by the division of emergency management pursuant to K.S.A.
35 48-926, and amendments thereto;

36 (g) "local and interjurisdictional disaster emergency plans" means all
37 disaster emergency plans developed and promulgated by county, city and
38 interjurisdictional disaster agencies pursuant to K.S.A. 48-929, and
39 amendments thereto; ~~and~~

40 (h) "hazardous material" means any substance or material in a quan-
41 tity or form which may be harmful or injurious to the health and safety
42 of humans, animals, crops or property when released into the environ-
43 ment. Hazardous material includes, but is not limited to, explosives, ra-

1 dioactive materials, disease-causing agents, flammable liquids, solids or
2 gases, combustible liquids, poisons, poisonous gases, oxidizing materials,
3 corrosive materials, irritants, nonflammable gases, cryogenics and blasting
4 agents; and

5 (i) *“Kansas homeland security funds” means federal funds received*
6 *by a state agency, as defined in K.S.A. 75-3701, and amendments thereto,*
7 *for the purpose of sustaining, enhancing or improving the safety and se-*
8 *curity of the state.*

9 Sec. 2. K.S.A. 2003 Supp. 48-928 is hereby amended to read as fol-
10 lows: 48-928. In addition to other duties imposed under this act, the
11 division of emergency management shall:

12 (a) Determine the requirements of the state and the counties and
13 cities thereof for food, clothing and other necessities in event of a disaster;

14 (b) procure and distribute about the state, such supplies, medicines,
15 materials and equipment which are deemed necessary for use during a
16 disaster;

17 (c) promulgate standards and requirements for local and interjurisd-
18 ictional disaster emergency plans including adequate provisions for the
19 rendering and receipt of mutual aid;

20 (d) periodically examine or review and approve local and interjurisd-
21 ictional disaster emergency plans which are in accordance with the stan-
22 dards and requirements promulgated therefor;

23 (e) establish and operate training or public information programs re-
24 lating to emergency management, and assist counties and cities, the dis-
25 aster agencies of such counties or cities and interjurisdictional disaster
26 agencies, in the establishment and operation of such programs;

27 (f) make surveys of industries, resources and facilities within the state,
28 both public and private, as are necessary to carry out the purposes of this
29 act;

30 (g) plan and make arrangements for the availability and use of any
31 private facilities, services and property for emergency management activ-
32 ities and, if necessary and if in fact used, provide for payment for such
33 use under terms and conditions agreed upon;

34 (h) establish a register of persons with types of training and skills
35 important in emergency management activities;

36 (i) establish a register of mobile and construction equipment and
37 temporary housing available for use in a disaster;

38 (j) prepare drafts of orders or proclamations for the governor as nec-
39 essary or appropriate in coping with disasters;

40 (k) serve, for all those agencies which regulate any matter affecting
41 the transportation of hazardous materials:

42 (1) As the coordinating and supervising state agency; and

43 (2) to provide continuing liaison between such state agencies;

- 1 (l) establish an informational system under which state agencies shall
2 notify the division of emergency management;
- 3 (m) cooperate with the federal government and any public or private
4 agency or entity in achieving any purpose of this act and in implementing
5 programs for disaster prevention, preparation response and recovery;
- 6 (n) under the direction of the adjutant general, develop a regional
7 emergency management system which includes the use of regional co-
8 ordinatorators that provide training and preparation of state, county, city and
9 interjurisdictional disaster agencies to prevent, respond to, mitigate and
10 recover from emergency and disaster situations;
- 11 (o) under the direction of the adjutant general, implement the use of
12 an incident management system during emergency and disaster situations
13 by all state, county, city and interjurisdictional disaster agencies which
14 respond to such emergency or disaster situations;
- 15 (p) develop and administer a program to provide financial assistance
16 to cities, counties or interjurisdictional disaster agencies for the devel-
17 opment and implementation of a terrorism preparedness program. Such
18 program shall provide criteria for receiving such financial assistance and
19 such other conditions as the division may deem necessary; ~~and~~
- 20 (q) develop, implement and administer, with the assistance and ad-
21 vice of the commission on emergency planning and response, a plan for
22 regional emergency medical response teams; *and*
- 23 (r) *develop and administer a program to review, approve and coor-*
24 *ordinate grant applications for Kansas homeland security funds and coor-*
25 *ordinate the distribution of such funds. Notwithstanding other provisions*
26 *of law, any state agency, as defined in K.S.A. 75-3701, and amendments*
27 *thereto, making application for or receiving any Kansas homeland secu-*
28 *rity grant funds, shall cooperate and coordinate with the division to im-*
29 *plement any program developed by the division under this subsection.*
- 30 Sec. 3. K.S.A. 2003 Supp. 48-904 and 48-928 are hereby repealed.
- 31 Sec. 4. This act shall take effect and be in force from and after its
32 publication in the statute book.