

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Senator Lana Oleen at 11:05 a.m. on February 1, 2000 in Room 245-N of the Capitol.

All members were present.

Committee staff present: Mary Galligan, Legislative Research Department
Russell Mills, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Judy Glasgow, Committee Secretary

Conferees appearing before the committee:

Adj. Major General Greg Gardner, National Guard
Mike Selves, Kansas Emergency Management Assoc.

Others attending: See Attached list

Chairman Oleen opened the hearing on:

SB 475- Emergency Management Assistance Compact

Chairman Oleen recognized Adj. Major General Greg Gardner, who appeared as a proponent for **SB 475**. In a power point presentation, General Gardner explained that an Interstate Mutual Aid Agreement was authorized by Congress 1996 which provides mutual assistance in times of emergency disaster declared by a Governor. (Attachment 1) He stated that as of 2000 there are 29 states and 1 territory in the Emergency Management Assistance Compact (EMAC). Major General Gardner stated that the advantages of the EMAC does not negatively impact requests for Federal disaster assistance, it speeds the process and reduces paperwork, it may be more readily available and cheaper. He ask for the committee's support of **SB 475**.

Senator Oleen ask Major General Gardner if it would affect the compact if the date for written responses was changed from 30 days to 10 days. Major General Gardner stated that he did not believe that this would be in conflict with provisions of uniform compact system.

Senator Harrington stated that she wanted to commend Major General Gardner and the Kansas National Guard for their prompt response to the disaster in Haysville. She stated that she arrived there early the next morning and the National Guard were already in place and doing a terrific job in assisting the community.

Chairman Oleen recognized Mike Selves, Kansas Emergency Management Association (KEMA) Secretary and a proponent for **SB 475**. Mr. Selves stated that the compact provides the potential to improve and expedite the giving and receiving of assistance during major emergencies from one state to another. (Attachment 2) Mr. Selves stated that in a major disaster situation, the ability of Kansas and Missouri to efficiently and effectively provide urgently needed state resources across state lines will be critical to an emergency response. On behalf of the KEMA Board of Directors and Emergency Managers throughout Kansas Mr. Selves urged the committee to favorably consider **SB 475**.

Senator Becker moved to amend SB 475 to change the written response time of a verbal request from 30 days to 10 days; Senator Harrington seconded the motion. The motion carried.

Senator Vratil moved to amend SB 475 to change the effective date to published in the Register. Senator Biggs seconded the motion. The motion carried.

Senator Gooch moved to report SB 475 as amended favorable to the full Senate. Senator Harrington seconded the motion. Motion carried.

The meeting adjourned at 11:55 a.m. The next meeting will be February 2, 2000 at 11:00 a.m.

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE
GUEST LIST

DATE: FEB 1 2000

NAME	REPRESENTING
MIKE SELVES	KS EMERG. MET. ASSN
RANDY METTWER	Adjutant General's Dept
GREG GARDNER	Adjutant General Dept
Carolyn Modindorf	KS St No Assn
Mark Goodwin	Horn & Weir
Jessica Corcoran	Sen Vratil
Robert Paulino	RBE

**Major General Greg Gardner
Director
Division of Emergency Management**

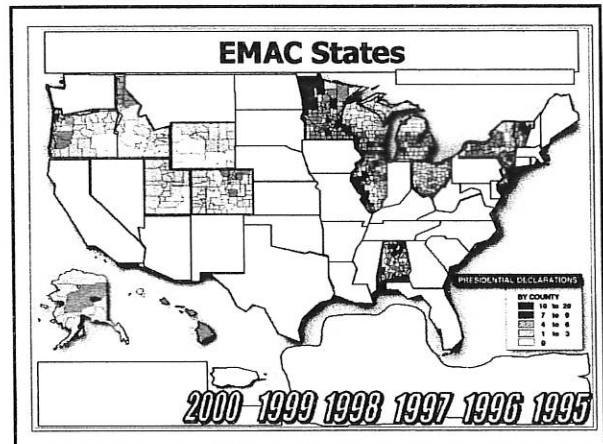
Testimony on SB 475
Senate Committee on Federal and State Affairs
Feb 1, 2000

Senate Bill 475

**Emergency Management
Assistance Compact (EMAC)**

EMAC

- ◆ An Interstate Mutual Aid Agreement
 - ▶ Authorized by Congress 1996 (PL104-321)
 - ▶ Provides Mutual Assistance in times of emergency disaster declared by Governor

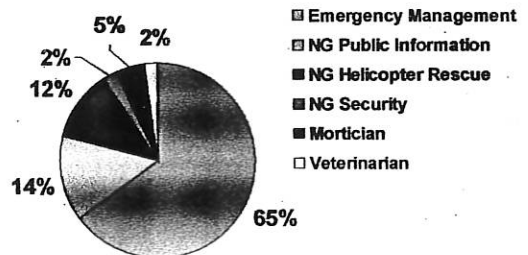


**EMAC Mutual Aid
Hurricane Floyd**



Florida: 1 state, 1 mission
Virginia: 5 states, 6 missions

**EMAC Missions
Hurricane Floyd North Carolina**



How might Kansas Benefit from EMAC?



Wichita-Haysville Tornado (May 99)

- ◆ Maxed out our 5 ton Dump Trucks



Senate Bill 475

Emergency Management Assistance Compact (EMAC)

Article	Title
I.	Purpose & Authorities
II.	General Implementation
III.	Party State Responsibilities
IV.	Limitations
V.	Licenses & Permits
VI.	Liability
VII.	Supplementary Agreements
VIII.	Compensation
IX.	Reimbursement
X.	Evacuation
XI.	Implementation
XII.	Validity
XIII.	Additional Provisions

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EMAC Article I Purpose & Authorities

- ◆ Provides mutual assistance during emergency/disaster
 - Natural or Manmade
- ◆ Provides interstate cooperation for planning, training, & exercising

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EMAC Article II General Implementation

- ◆ Emergencies transcend state boundaries
- ◆ No state has all resources needed for every disaster
- ◆ Prompt out-of-state resources protect lives & property
- ◆ Governor's emergency management designee responsible for interstate mutual aid plans

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EMAC Article III Party State Responsibilities

- ◆ Review potential hazards
- ◆ Review other State Emergency Plans
- ◆ Develop interstate procedures to fill gaps
- ◆ Set procedures for reimbursement

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EMAC Article III State Party Responsibilities

◆ Receiving State must identify needs

- ▶ Type/amount of personnel & equipment *Who?*
- ▶ Estimated duration of need *How Long?*
- ▶ Specific place/time of staging *Where & When?*

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EMAC Article IV Limitations

◆ Providing state

- ▶ May withhold resources for our own protection
- ▶ Has "Command & Control" of Kansas workers

◆ Receiving state

- ▶ Has "Operational Control" of out-of-state workers
- ▶ Affords out-of-state workers same powers as in state
 - ▶ Except "arrest" (unless specifically authorized)

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EMAC Article V Licenses & Permits

◆ Receiving state

- ▶ Must accept licenses or professional qualifications of out-of-state workers as if they were our own
- ▶ Subject to limitations & conditions prescribed by the Governor

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EMAC Article VI Liability

◆ Receiving state

- ▶ Accepts tort liability for out-of-state workers who act in good faith
 - ▶ Does NOT include willful misconduct, gross negligence, or recklessness

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EMAC Article VII Supplemental Agreements

- ◆ Does NOT preclude supplemental agreements with other states

EMAC Article VIII Compensation

- ◆ Receiving state compensates injury or death of out-of-state workers as if they were in their own state

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EMAC Article IX Reimbursement



◆ Receiving State

- ▶ Reimburses the providing state for any loss, damage, or expense incurred

◆ Providing state

- ▶ May donate services without charge
 - ▶ Example: when it provides good training

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EMAC Article X Evacuation

- ◆ Plans worked out with party states
- ◆ Request must include:
 - Estimated number of evacuees
 - Pickup location & destination
 - Manner of providing:
 - » Transportation, food, clothing, shelter, medical care, registration, notification of family/friends
- ◆ Return is requesting state responsibility

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EMAC Article XI Implementation

- ◆ Effective upon enactment of SB 475
 - Copies to EMAC states, FEMA, etc
- ◆ Withdraw from EMAC requires
 - Governor's 30 day notice to EMAC states
 - Repeal of statute

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EMAC Article XII Validity

- ◆ If any provision declared unconstitutional
 - Constitutionality of remainder not effected

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EMAC Article XIII Additional Provisions

- ◆ NOTHING authorizes the use of military force by the National Guard outside own state



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EMAC Advantages

- ◆ Does not negatively impact request for Federal disaster assistance
- ◆ Speeds process & reduces paperwork
- ◆ May be more readily available
- ◆ May be cheaper

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Please Support

Senate Bill 475
**Emergency Management
Assistance Compact (EMAC)**

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KANSAS EMERGENCY

MANAGEMENT ASSOCIATION

AN ASSOCIATION OF LOCAL EMERGENCY PREPAREDNESS ORGANIZATIONS

**Testimony of the Kansas Emergency Management Association (KEMA)
(Regarding Approval of the Emergency Management Assistance Compact – SB 475)**

Madam Chair, Members of the Committee:

Thank you very much for the opportunity to express the support of the Kansas Emergency Management Association for passage of SB 475. KEMA is the only organization in Kansas representing the Local Emergency Managers of the state and we believe that approval of the Emergency Management Assistance Compact by our State is long overdue. EMAC is a concept which originated among the several states to improve their ability to work together during times of extreme crisis. The fact that this compact is a state initiative is certainly refreshing and provides one of the strongest arguments for its approval. The compact provides the potential to greatly improve and expedite the giving and receiving of assistance during major emergencies from one state to another. While no state is required to give or receive assistance to/from any other state in the compact, the ability to do so is unquestionably desirable. EMAC was authorized by Congress in 1996 and currently 29 states and 1 territory have taken advantage of this compact.

With more and more of the costs of disasters being borne by state and local governments, the sharing of resources among these governmental entities makes eminent sense. In recent years, changes to statutes in Kansas and border states have made it easier for local governments to assist one another both within and outside the borders of Kansas, and we are grateful for that ability. The only missing link in this system of mutual assistance is with state resources. SB 475 will make this integrated system of Emergency Management complete.

In the Kansas City Metro Area, for example, we can and do share emergency resources, but in a major disaster situation, the ability of Kansas and Missouri to efficiently and effectively provide urgently need state resources across state lines will be critical to our emergency response and recovery efforts and to the well-being of our citizens. KEMA has endorsed the EMAC concept since 1997. We have studied the principals of the proposed compact and believe that there are many positives and no drawbacks to its approval. On behalf of the KEMA Board of Directors and Emergency Managers throughout Kansas, I urge this committee and the legislature to give your emergency services and emergency managers this additional tool to serve our citizens during the critical and trying times of disaster.

Michael D. Selves, CEM, CPM
Johnson County, Emergency Management Director
KEMA Secretary

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