

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)

CONTINUATION SHEET

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE at on February 13, 2002 in Room 245-N of the Capitol.

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

CONTINUATION SHEET

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE at on February 13, 2002 in Room 245-N of the Capitol.

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.

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.

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE GUEST LIST

DATE: February 13, 2002

NAME	REPRESENTING
FRANK A. MOUSSA	KDEM - Adjutant General's Dept
MIKE SELVES	KEMA - (KS EMERG. MET ASSN)
Janice Harper	Adjutant General's Dept.
J.P. SMALL	" " "
DAVID LAKE	Bo. of EMS
Alan Hestrop	—
Ethan Erickson	—
Elizabeth Schickner	Federico Consulting
MICHAEL MOSER	Ks Dept of Health + Environment
Rosella Weber	Air Office
MARY FEIGEN	"

ol's Dept
)

Major General Greg Gardner
Testimony on Senate Bill 541
Before the Senate Federal & State Affairs Committee
February 13, 2002

Madam Chair, thank you for the opportunity to testify on behalf of Senate Bill 541. The bill proposes to amend KSA 48-928 and supplement 65-5722.

Sec. 1 of the proposed legislation tasks the Division of Emergency Management to:

- *develop and administer a program to provide financial assistance to cities, counties or inter-jurisdictional disaster agencies for the development and implementation of a terrorism preparedness program.*

- *develop, implement, and administer, with the assistance and advice of the Commission on Emergency Planning and Response, a plan for regional emergency medical response teams.*

Sec. 2 of the proposed legislation tasks the Commission on Emergency Planning and Response to *provide assistance and advice to the division of emergency management and the adjutant general in developing and implementing a plan for regional emergency medical response teams.*

The Governor's Terrorism Threat & Vulnerability Assessment, completed last month, recommended these programs and Governor Graves included them in his State of the State address as examples of Homeland Security Measures he supports should revenue become available. As Adjutant General and Director of Kansas Emergency Management, I wholeheartedly concur with these recommendations.

Presently, Kansas Emergency Management trains 3500 people per year to improve the operational readiness at city, county, and state level for confronting natural and/or technological hazards including terrorism incidents. Last year we trained 413 people in terrorism preparedness in 14 classes. We propose to train an additional 1,000 people per year in 35 additional classes (approximately 30 students per class).

The total target population for terrorism preparedness training in Kansas is approximately 38,500 (law enforcement, fire, EMS, public works, volunteer agencies, emergency managers, school and elected officials). Since law enforcement (11,000) and firefighters (16,000) have their own training academies, the primary customers of Kansas Emergency Management sponsored terrorism preparedness training are the remaining 12,500 of which about 10,500 are EMS personnel.

Kansas Emergency Management maximizes training dollars by using our staff and a cadre of volunteers as instructors. The volunteer instructors are comprised primarily of our state's most highly qualified emergency managers. When the staff or volunteer instructors teach a class, the only cost is for travel, lodging, and meals (volunteer salaries are paid by the counties in which they serve as emergency managers). Occasionally we supplement our classes with contract instructors. We find this training delivery method ensures the most accredited training completions per dollar spent.

Sn Fed St
Attach 1
02/13/02

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OFFICE OF THE GOVERNOR

TESTIMONY ON SB 541 SENATE FEDERAL & STATE AFFAIRS COMMITTEE FEBRUARY 13, 2002

Madam Chair and members of the committee, my name is Helen Pedigo. I am Deputy Counsel to the Governor. I appreciate the opportunity to testify before you today. I am here to ask for your favorable consideration of SB 541.

SB 541 authorizes the Commission on Emergency Planning and Response to provide assistance and advice in coordinating, advising or planning tasks relating to 1) a program to provide financial assistance to cities, counties or interjurisdictional disaster agencies for emergency planning and preparedness for all types of hazards, including terrorism and 2) a plan for regional emergency medical response teams. In the bill, the Division of Emergency Management under the control of the Adjutant General is responsible for actual development and implementation of the financial assistance program and the teams.

The purpose of this legislation is to add assistance in areas of the state that otherwise do not have adequate resources to be ready for natural and man-made disasters, including acts of terrorism. It has been noted in security committee meetings that while many of the larger populated areas have made great strides in emergency preparedness planning, other small jurisdictions do not have the resources to do so. Further, all parts of the state have areas that they continue to work on in light of the September 11 experience, especially in the areas of bioterrorism and agriterrorism. Passage of this bill would assist in meeting that need.

A specially trained cadre of emergency medical response people would assist communities to identify particular diseases or emergency situations and mitigate the potential for damage in a timely fashion. We anticipate money for this initiative would be used for specialized training, equipment and compensation for actual duty. The teams would not be full-time state employees who are strictly employed to serve this function, but that they would be other types of professionals who avail themselves for emergency disaster duty. At that time, a team would be mobilized by the Division of Emergency Management and be sent wherever the need exists within the state.

Funding for anti-terrorism initiatives in the total amount of \$2 million SGF is in the Governor's restoration and enhancement plan presented in his State of the State address. The proposal supports programs to enhance, increase and improve the security of Kansas and Kansans. In the Governor's message, in addition to these two initiatives, the \$2 million proposed would create an additional level 3 laboratory and support other recommendations of the Special Committee on Kansas Security. ~~Another possible funding stream is part of the \$12.1 million Kansas will receive from the US Department of Health and Human Services for bioterrorism initiatives. FEMA, the Federal Emergency Management Agency could be a funding source as well.~~

I thank you for your consideration of this bill. I would be happy to stand for questions.

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Attach # 2
02/13/02

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David Lake
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Dennis Allin, M.D.
Chair

Bill Graves
Governor



M E M O R A N D U M

DATE: February 13, 2002

TO: Senator Nancy Harrington, Chair
Senate Federal and State Affairs Committee

FROM: David Lake, Director
Board of Emergency Medical Services

RE: SB 541

Please accept this written testimony in support of SB541. The Board of Emergency Medical Services will assist the division of emergency management in the planning and development of emergency medical response teams. In the event of a disaster, whether natural or man-made, local resources will most likely be greatly overwhelmed. To adequately reduce the risk of increased morbidity and mortality as a result of the event, rapid availability and response by additional trained personnel will be necessary. A plan which includes the development and training of these personnel in teams with pre-planned response capability should greatly enhance mitigation of an event.

It is my understanding that full funding for this project to include planning, implementation and training will be provided through the division of emergency management. This is important as current agency funding does not allow for any financial support at either the State or Regional level.

If you have any questions of me regarding this testimony or our role in the process, please do not hesitate to contact me.

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Attach #3
02/13/02



KANSAS
DEPARTMENT OF HEALTH & ENVIRONMENT
BILL GRAVES, GOVERNOR
Clyde D. Graeber, Secretary

Testimony on Senate Bill No. 541

to

Committee on Federal and State Affairs

Presented by

Michael Moser, MD, MPH, Director, Division of Health

February 13, 2002

I am Dr. Michael Moser, Director of the Division of Health for the Kansas Department of Health and Environment. In addition, I serve as the Department's representative on the Kansas Commission for Emergency Planning and Response. KDHE was consulted during preparation of SB 541 and supports passage of the bill in its current form.

Disasters, whether bioterrorism related or not, demand effective and coordinated action by both state and local agencies. A key to actions that are effective and coordinated is advance planning. The bill before you is an effort to improve Kansas ability to carry out the advance planning that is needed to respond appropriately with disasters of all kinds.

Thank you for your attention. If you have questions for me, I will do my best to respond.

Major General Greg Gardner
Testimony on Senate Bill 511
Before the Senate Federal & State Affairs Committee
February 13, 2002

Madam Chair, thank you for the opportunity to testify on behalf of Senate Bill 511. The bill proposes to amend KSA 75-2935, related to persons in unclassified service: adding a *deputy to the adjutant general* in paragraph (1)(g) that authorizes unclassified state personnel who serve in the Adjutant General's Department.

This will reestablish the deputy position eliminated in 1991 by a former Adjutant General as a means to remove the incumbent deputy from his job. While the position may have been unnecessary a decade ago, it is very much needed today. Today I serve Kansas in three roles: as the commander of the Kansas Army and Air National Guard, as the Director of Kansas Emergency Management, and as the Homeland Security Coordinator for Kansas - a post September 11th growth in responsibility.

In my three years as Adjutant General we saw a dramatic growth in the emergency management business. Governor Graves declared a state of disaster emergency 10 times and the President also declared 4 of those disasters. Today we are still managing over \$67 million from 6 Presidential Disasters. That does not include the \$48 million estimate for the Ice Storm that President Bush declared for 35 Kansas counties last week. By the way, the ice storm became our most expensive disaster in Kansas history when it exceeded the \$47 million cost of the 1993 Flood. Per the Federal-State Agreements for each of these 6 Presidential Disasters, I also serve as the Governor's Authorized Representative to work with FEMA on recovery and mitigation - a long term, complex, bureaucratic process.

The military side of the Adjutant General job has two components. First, in the state mission, I am responsible for calling-up the Kansas National Guard per the Governor's authority to respond to disasters and provide security during increased threat conditions (for example at Kansas airports and at Wolf Creek). Second, in the federal mission, our operations tempo has increased dramatically with multiple mobilizations and deployments of both Kansas Army and Air National Guard units for service in the continental United States and overseas.

I actually added more to my plate as Adjutant General by choice, starting 2.5 years ago, when I began preparing the state for terrorism. We focused on and prepared the state for bio-terrorism and foreign animal disease -- both adding to the workload but in areas I believe critically important to the protection of lives and property in Kansas.

It seems to me, the Adjutant General is the only cabinet level position without a deputy. Both Divisions of the Adjutant General's Department (military and emergency management) operate 24 hours a day 7 days a week. There are few other state agencies with that level of responsibility. With over 8,500 people (military, federal, and state) the Adjutant General's Department is one of the largest in state. The Department is also one of the few state agencies with state, national, and international responsibilities. Finally, the events of 9-11 brought on even more responsibilities in the new role of Homeland Security Coordinator for Kansas.

If you pass this bill it authorizes an unclassified deputy Adjutant General. It does not obligate the state to fund the position now, but provides the opportunity to move ahead when the fiscal environment allows. Please approve this amendment to authorize a deputy Adjutant General.

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Attach #5
02/13/02