

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 March 7, 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

Others attending: Please see attached

Chairperson Harrington opened the meeting by asking Senator Brungardt to present the subcommittee report on:

SB 541-Relating to emergency management; terrorism preparedness

SB 629-Adjutant General and emergency management; regional emergency management

Senator Brungardt presented the subcommittee report. (Attachment 1) He stated that there had been questions of interest regarding first responders from committee members.

Senator Vratil asked if the subcommittee recommended combining the bills into one, then which one would they make them.

Senator Brungardt stated that the subcommittee had ended up deciding that there were reasons not to incorporate the bills into one, including some funding issues. Senator Vratil responded that he was just curious.

Theresa Kiernan, Office of the Revisor, stated that since they will not be together, they would include definitions in **SB 541**, so that they would also be in **SB 629**. She presented the committee with a copy of the amended version of **SB 541**. (Attachment 2) She then presented the committee with a copy of the amended version of **SB 629**. (Attachment 3)

Senator Brungardt made a motion to amend the bills. Senator Barnett seconded the motion. The bills were amended.

Senator Brungardt made a motion to pass the bills favorably as amended. Senator Barnett seconded the motion. The motion was passed.

The committee meeting adjourned at 10:45 a.m. The next meeting will be at 10:30 a.m. on March 13, 2002 in Room 245-N.

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE GUEST LIST

DATE: March 7, 2002

NAME	REPRESENTING
Megan Ballard	Greenwood County - Student
Andrea Luthi	Student - GW County
Jacy Kile	Student - GW County
Josh Koch	Student - GW Co.
Pora Ray	Student - GW County
Tyler Ornar	Student - LY Co.
Robert Smith	Student - GW County
Josh McIlvain	Student - GW County
Karen Engle	GW Co sponsor
Warren Jones	GW CO. BUS DRIVER
Helen Pedigo	Governor's Office
Col ADAM KING	ADJUTANT General Dept
Maj Gen Greg Gardner	THE ADJUTANT General
MARK Schreiber	Westar Energy
Rebecca Stueve	student - Lyon County
Nicole Schmitt	student - Lyon County
Breanna Krueger	student - Lyon County
Francis Hancock	student - Lyon County
Janice Horst	LY Co Sponsor

March 7, 2002

To: Senate Federal and State Affairs
From: Senator Brungardt, Senator Barnett, and Senator Gooch
Re: Subcommittee Report on SB 541 and SB 629

The Subcommittee heard testimony from Major General Greg Gardner, Adjutant General's Office; Dr. Michael Moser, Kansas Department of Health and Environment; Randy Duncan, Sedgwick Emergency Management Association; Helen Pedigo, Governor's Office; and David Lake, Board of Emergency Medical Services.

All conferees testified as proponents.

SB 541 would require the Division of the Emergency Management of the Adjutant General's Department to develop and administer a program to provide financial assistance for the development and implementation of terrorism preparedness programs to cities, counties, or interjurisdictional disaster agencies. The Division would also be required, with the assistance and advice of the Commission on Emergency Planning and Response, to develop, implement, and administer a plan for regional emergency medical response teams.

SB 629 would add terroristic activity to the definition of a disaster. The bill would allow the Adjutant General to appoint regional emergency management coordinators and to coordinate the training and preparation of state, local, and interjurisdictional disaster agencies for emergency and disaster situations. The Division of Emergency Management of the Adjutant General's Department would be required under SB 629 to implement an Incident Management System (IMS) for use during emergency and disaster situations.

Part of the Subcommittee discussions centered on workers compensation, liability, and disability concerns of emergency management personnel. The Subcommittee decided to bring these concerns to the full Committee for further discussion.

Major General Gardner offered a clarifying amendment to SB 629 which the Subcommittee adopted.

The Subcommittee recommended that SB 541 and SB 629 (as amended) be combined into one bill and reported favorably for the Committee's consideration.

3/7/02
3:25 PM
Page 1

SENATE BILL No. 541

By Committee on Federal and State Affairs

2-7

9 AN ACT relating to the division of emergency management; developing
10 a program for terrorism preparedness; establishing a plan for emer-
11 gency medical response teams; amending K.S.A. 48-928 and K.S.A.
12 2001 Supp. 65-5722 and repealing the existing sections.

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

15 Section 1. K.S.A. 48-928 is hereby amended to read as follows: 48-
16 928. In addition to other duties imposed under this act, the division of
17 emergency management shall:

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

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

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

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

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

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

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

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

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

Insert K.S.A. 48-904
Attached

Sin Fed St
03/07/02
ATTACH #2

- 1 (j) prepare drafts of orders or proclamations for the governor as nec-
2 essary or appropriate in coping with disasters;
- 3 (k) serve, for all those agencies which regulate any matter affecting
4 the transportation of hazardous materials:
- 5 (1) As the coordinating and supervising state agency; and
6 (2) to provide continuing liaison between such state agencies;
- 7 (l) establish an informational system under which state agencies shall
8 notify the division of emergency management; ~~and~~
- 9 (m) cooperate with the federal government and any public or private
10 agency or entity in achieving any purpose of this act and in implementing
11 programs for disaster prevention, preparation response and recovery-;
- 12 (n) *develop and administer a program to provide financial assistance*
13 *to cities, counties or interjurisdictional disaster agencies for the develop-*
14 *ment and implementation of a terrorism preparedness program. Such pro-*
15 *gram shall provide criteria for receiving such financial assistance and such*
16 *other conditions as the division may deem necessary; and*
- 17 (o) *develop, implement and administer, with the assistance and advice*
18 *of the commission on emergency planning and response, a plan for re-*
19 *gional emergency medical response teams.*
- 20 Sec. 2. K.S.A. 2001 Supp. 65-5722 is hereby amended to read as
21 follows: 65-5722. The commission on emergency planning and response
22 shall have the following functions, powers and duties:
- 23 (a) Carry out all requirements of the federal emergency planning and
24 community right-to-know act of 1986, 42 U.S.C. 11001-11005, and
25 amendments thereto, hereinafter called the "federal act";
- 26 (b) provide assistance and advice in establishing policy for the coor-
27 dination of state agency activities relating to emergency training, prepar-
28 edness, planning, and response;
- 29 (c) provide assistance and advice in establishing policy and proce-
30 dures for chemical release reporting and prevention, transportation, man-
31 ufacture, storage, handling, and use;
- 32 (d) facilitate and advise the division of emergency management, the
33 adjutant general, and others in the preparation and implementation of all
34 emergency plans prepared by state agencies;
- 35 (e) facilitate and advise the division of emergency management, the
36 adjutant general, and others in the preparation and implementation of
37 statewide, interjurisdictional, and local emergency plans prepared in ac-
38 cordance with state and federal law;
- 39 (f) designate, and revise as necessary, the boundaries of emergency
40 planning districts in accordance with the federal act;
- 41 (g) approve the local emergency planning committee for each emer-
42 gency planning district;
- 43 (h) review reports about responses to disaster emergencies and make

2-2

1 recommendations to the appropriate parties involved in the response con-
2 cerning improved prevention, mitigation, and preparedness;

3 (i) provide assistance and advice to the division of emergency man-
4 agement and the adjutant general in coordinating, advising, or planning
5 tasks related to community right-to-know reporting, toxic chemical re-
6 lease reporting, management of hazardous substances, emergency plan-
7 ning and preparedness for all types of hazards, ~~including terrorism~~ and
8 emergency planning and preparedness for all types of disasters, as defined
9 in K.S.A. ~~48-925~~, *and amendments thereto*;

48-904

10 (j) recommend procedures to integrate, as appropriate, hazardous
11 substance response planning under 42 U.S.C. 11001-11005, federal con-
12 tingency planning under 33 U.S.C. 1321 and other federal laws as appli-
13 cable to hazardous substance discharges, and state, regional, and local
14 planning;

15 (k) provide recommendations and advice to the adjutant general and
16 the secretary of health and environment regarding the adoption of reg-
17 ulations as authorized to carry out the purposes of all state hazard pre-
18 paredness and planning laws and the federal act, 42 U.S.C. 11001-11005;
19 ~~and~~

20 (l) approve the fees established by rules and regulations of the ad-
21 jutant general to cover all or part of the total operational costs of imple-
22 menting the provisions of the federal act; *and*

23 (m) *provide assistance and advice to the division of emergency man-*
24 *agement and the adjutant general in developing and implementing a plan*
25 *for regional emergency medical response teams.*

26 Sec. 3. K.S.A. 48-928 and K.S.A. 2001 Supp. 65-5722 are hereby
27 repealed.

28 Sec. 4. This act shall take effect and be in force from and after its
29 publication in the statute book.

Section 1. K.S.A. 2001 Supp. 48-904 is hereby amended to read as follows: 48-904. As used in this act:

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

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

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

(d) "disaster" means the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from any natural or manmade cause, including, but not limited to, fire, flood, earthquake, wind, storm, epidemics, contagious or infectious disease, air contamination, blight, drought, infestation, explosion, riot, ~~terroristic activity~~ or hostile military or paramilitary action;

terrorism

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

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

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

(h) "hazardous material" means any substance or material in a quantity or form which may be harmful or injurious to the health and safety of humans, animals, crops or property when released into the environment. Hazardous material includes, but is not limited to, explosives, radioactive materials, disease-causing agents, flammable liquids, solids or gases, combustible liquids, poisons, poisonous gases, oxidizing materials, corrosive materials, irritants, nonflammable gases, cryogenics and blasting agents.

SENATE BILL No. 629

By Committee on Federal and State Affairs

2-20

Sn Fed St
08/07/02
Attach #3

9 AN ACT concerning the adjutant general and the division of emergency
10 management; relating to the powers and duties thereof; amending
11 K.S.A. 48-907 and 48-928 and K.S.A. 2001 Supp. 48-904 and repealing
12 the existing sections.

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

15 Section 1. K.S.A. 2001 Supp. 48-904 is hereby amended to read as
16 follows: 48-904. As used in this act:

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

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

23 (c) "division of emergency management" means the division of emer-
24 gency management created in the office of the adjutant general by K.S.A.
25 48-905, and amendments thereto;

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

terrorism

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

34 (f) "state disaster emergency plan" means the plan prepared and
35 maintained by the division of emergency management pursuant to K.S.A.
36 48-926, and amendments thereto;

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

41 (h) "hazardous material" means any substance or material in a quan-
42 tity or form which may be harmful or injurious to the health and safety
43 of humans, animals, crops or property when released into the environ-

1 ment. Hazardous material includes, but is not limited to, explosives, ra-
2 dioactive materials, disease-causing agents, flammable liquids, solids or
3 gases, combustible liquids, poisons, poisonous gases, oxidizing materials,
4 corrosive materials, irritants, nonflammable gases, cryogenics and blasting
5 agents.

6 Sec. 2. K.S.A. 48-907 is hereby amended to read as follows: 48-907.
7 For the purposes of administering the division of emergency management
8 and the powers, duties and functions thereof, the adjutant general shall
9 have the following powers and duties:

10 (a) To adopt, amend and repeal rules and regulations;

11 (b) to cooperate with the advisory commission to the council of na-
12 tional defense through its division of state and local cooperation, or with
13 any similar federal agencies hereafter created, and with any departments
14 or other federal agencies engaged in defense or emergency management
15 activities;

16 (c) to cooperate with emergency management agencies or councils
17 and similar organizations of other states;

18 (d) to cooperate with county, city and interjurisdictional disaster
19 agencies;

20 (e) to supervise and direct investigations, and report to the governor
21 with recommendations for legislation or other appropriate action as the
22 adjutant general deems necessary, with respect to any type of activity or
23 matter of public concern or welfare insofar as the same is or may be
24 related to emergency management;

25 (f) to appoint committees to aid the adjutant general in the discharge
26 of the powers and duties conferred by this act;

27 (g) to require and direct the cooperation and assistance of state and
28 local governmental agencies and officials;

29 (h) to serve as the chief administrative officer of the division of emer-
30 gency management and the state resources administrator; ~~and~~

31 (i) *to appoint regional emergency management coordinators and to*
32 *coordinate the training and preparation of state, county, city and inter-*
33 *jurisdictional disaster agencies for emergency management and the pre-*
34 *vention, response to, mitigation of and recovery from emergency and dis-*
35 *aster situations;*

36 (j) *to implement an incident management system for use during emer-*
37 *gency and disaster situations; and*

38 (†) (k) to do all acts and things, not inconsistent with law, for the
39 furtherance of emergency management activities.

40 Sec. 3. K.S.A. 48-928 is hereby amended to read as follows: 48-928.
41 In addition to other duties imposed under this act, the division of emer-
42 gency management shall:

43 (a) Determine the requirements of the state and the counties and

1 cities thereof for food, clothing and other necessities in event of a disaster;

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

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

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

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

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

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

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

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

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

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

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

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

32 (l) establish an informational system under which state agencies shall
33 notify the division of emergency management; and

34 (m) cooperate with the federal government and any public or private
35 agency or entity in achieving any purpose of this act and in implementing
36 programs for disaster prevention, preparation response and recovery;

37 ~~(n) assist, under the direction of the adjutant general, regional emer-~~
38 ~~gency management coordinators; and~~

39 ~~(o) implement, under the direction of the adjutant general, an incident~~
40 ~~management system for use during emergency and disaster situations.~~

41 Sec. 4. K.S.A. 48-907 and 48-928 and K.S.A. 2001 Supp. 48-904 are
42 hereby repealed.

43

(n) Under the direction of the adjutant general, develop a regional emergency management system which includes the use of regional coordinators that provide training and preparation of state, county, city and interjurisdictional disaster agencies to prevent, respond to, mitigate and recover from emergency and disaster situations; and

(o) Under the direction of the adjutant general, implement the use of an incident management system during emergency and disaster situations by all state, county, city and interjurisdictional disaster agencies which respond to such emergency or disaster situations.